

Queensland



RACING AND BETTING ACT 1980

**Reprinted as in force on 28 February 2002
(includes amendments up to Act No. 90 of 2001)**

Warning—see last endnote for uncommenced amendments

Reprint No. 3F

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Information about this reprint

This Act is reprinted as at 28 February 2002. 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 28 February 2002]

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

1 Short title

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

5 Definitions

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—

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager;

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- (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 Interim Thoroughbred Racing Board, 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.

“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

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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.

“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;

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- (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 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).

“Interim Thoroughbred Racing Board” means the Queensland Principal Club previously established under this Act that, under section 11(1), is continued in existence under the name ‘Interim Thoroughbred Racing Board’.

“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

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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 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

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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 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.

“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

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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.

“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 Interim Thoroughbred Racing Board, 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—

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- (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 Corporations Act.

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

“related body corporate” see the Corporations Act, 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 to horse racing under the control of the Interim Thoroughbred Racing Board, being with respect to the Interim Thoroughbred Racing Board an amalgamation of the Australian rules of racing as adopted by the board and the local rules of racing of the board 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).

1 Corporations Act, section 9—

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.

Corporations Act, section 50—

50 Related bodies corporate

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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“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.

“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.

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

8 Meaning of “totalisator”

(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.

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

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

6 Act binds all persons

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.

PART 2—ADMINISTRATION

7 Delegation by Minister

(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.

10 Secrecy

(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

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.

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.

10A Racing Codes Advisory Board

(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;

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- (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 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

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

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

11 Continuation of Queensland Principal Club under the name Interim Thoroughbred Racing Board

(1) The Queensland Principal Club previously established under this Act is continued in existence under the name 'Interim Thoroughbred Racing Board'.

(2) The Interim Thoroughbred Racing Board—

- (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 Interim Thoroughbred Racing Board appearing on a document and, until the contrary is proved, are to presume the seal was duly affixed.

11A Functions of Interim Thoroughbred Racing Board

(1) The functions of the Interim Thoroughbred Racing Board 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.

(2) An exercise of a power under section 11B(2) for, or in connection with, the Interim Thoroughbred Racing Board'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).

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

11B Powers of Interim Thoroughbred Racing Board

(1) The Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board 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

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- (d) supervise the activities of race clubs, persons licensed by the Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board; and
- (f) appoint an administrator to conduct the affairs of a race club; and
- (g) register and identify galloping horses; and
- (h) disqualify a horse from participating in a race; and
- (i) exclude from participating in a race, a horse not registered under the rules of racing; and
- (j) prohibit a person from attending at or taking part in a race meeting; and
- (k) impose a penalty on a person licensed by it, or an owner of a horse for a contravention of the rules of racing; and
- (l) impose fees for 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 Interim Thoroughbred Racing Board considers necessary or desirable for performing the board'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

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- (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
 - (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 Interim Thoroughbred Racing Board'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 Interim Thoroughbred Racing Board 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).

11BA Interim Thoroughbred Racing Board may take action against clubs that do not comply with a direction under s 11B(2)(r)

(1) This section applies if a race club does not comply with a direction given to the club by the Interim Thoroughbred Racing Board.

(2) To the extent necessary to ensure compliance with the direction, the Interim Thoroughbred Racing Board may do 1 or more of the following—

- (a) dissolve the club's committee, and make necessary provision for the election of a new committee, under section 19;
- (b) take action relating to the club's registration under part 3, division 4;⁶
- (c) prosecute the club for an offence under section 236.⁷

(3) In this section—

“**direction**” means a direction, whether given before or after the commencement of this subsection, under section 11B(2)(r), including a direction mentioned in section 11B(3).

11C Custody and affixing of seal

(1) The seal of the Interim Thoroughbred Racing Board must be kept in the custody of the chairperson or such other person as may be authorised by resolution of the board.

(2) The seal is to be affixed to documents only in pursuance of a resolution of the Interim Thoroughbred Racing Board and by the person having custody of the seal under subsection (1).

6 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

7 Section 236 (Offences generally and penalty)

11D Authentication of documents

A document purporting to be made by the Interim Thoroughbred Racing Board, other than a document that requires the seal of the board to be affixed, is duly made if it bears the signature of the chairperson or a person authorised by resolution of the board to sign the document.

11E Interim Thoroughbred Racing Board not agent of the Crown

The Interim Thoroughbred Racing Board—

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

11F Membership of Interim Thoroughbred Racing Board

(1) The Interim Thoroughbred Racing Board is to consist of the following 6 persons—

- (a) the chairperson of the South-East Queensland Racing Association or the chairperson's nominee under subsection (3);
- (b) the chairperson of the Downs and South-West Queensland Racing Association or the chairperson's nominee under subsection (3);
- (c) the chairperson of the North Queensland Racing Association or the chairperson's nominee under subsection (3);
- (d) the chairperson of the Capricornia Racing Association or the chairperson's nominee under subsection (3);
- (e) the chairperson of the Central Western Queensland Racing Association or the chairperson's nominee under subsection (3);
- (f) another person appointed in writing by the Minister.

(2) The person appointed by the Minister, as mentioned in subsection (1)(f), is the chairperson of the board.

(3) A chairperson of a racing association must, by written notice given to the Minister, nominate another person who is a member of the racing association to be a board member instead of the chairperson if—

- (a) the chairperson is ineligible to be a member under section 11G;
or

- (b) the chairperson has notified the Minister, in writing, that the chairperson does not wish to be a member of the board.

(4) A person who, under subsection (3), is nominated by a chairperson of a racing association to be a board member remains a board member only while the person continues to hold the nomination of the chairperson.

(5) As soon as the name of the 6 persons constituting the board are known to the Minister, or after the Minister knows about a change in the persons constituting the board, the Minister must, by gazette notice, publish the names of the persons currently constituting the board.

11G Ineligibility for membership of Interim Thoroughbred Racing Board

(1) The following persons are ineligible to be members of the Interim Thoroughbred Racing Board—

- (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;
- (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 Interim Thoroughbred Racing Board, 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.

11L Members to be honorary members

The members of the Interim Thoroughbred Racing Board are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

11M Acting members

(1) A member of the Interim Thoroughbred Racing Board, other than the appointee member, may appoint someone to act as the member during any period, or during all periods, when the member is absent from duty or from the State or is, for another reason, unable to perform the duties of the office.

(2) The Minister may appoint someone to act as the appointee member—

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

(3) When a person is acting as the appointee member, the person is also acting as the chairperson of the board.

(4) In this section—

“**appointee member**” the person who is appointed by the Minister under section 11F(1)(f).

11N Interim Thoroughbred Racing Board may regulate its proceedings

Subject to section 11O, the Interim Thoroughbred Racing Board may regulate its proceedings as it considers appropriate.

11O Conduct of meetings

(1) Meetings of the Interim Thoroughbred Racing Board must be held at the times and places the chairperson of the board decides.

(2) A quorum for a meeting of the board is 3 members but must include the chairperson or the person who is acting as the chairperson.

(3) A question at a meeting of the board is to be decided by a majority of the votes of the members present.

(4) Each member present at a meeting of the board has a vote on each question to be decided and, if the votes are equal, the chairperson or person acting as the chairperson also has a casting vote.

13 Employees

(1) The Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board determines.

14 Finance

(1) The Interim Thoroughbred Racing Board 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 board with respect to its role as the Interim Thoroughbred Racing Board and each race club shall pay to the Interim Thoroughbred 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 Interim Thoroughbred Racing Board and remaining unpaid may be recovered by the board by action as for a debt in a court of competent jurisdiction brought in the name of its chairperson for the time being as representative of the board.

(2A) In an action brought under subsection (2), a certificate signed by the chairperson or other person authorised by the Interim Thoroughbred Racing Board that the sum specified therein is due and owing to the Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board may suspend the

registration of a race club that is indebted to it until payment is made in full.

15 Interim Thoroughbred Racing Board is a statutory body under the Statutory Bodies Financial Arrangements Act 1982

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

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

16 Proprietary or unregistered racing unlawful

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

17 Registration of race clubs

(1) The Interim Thoroughbred Racing Board must not—

- (a) register a race club that is not a non-proprietary club; or
- (b) renew the registration of a race club that, after it was registered, stopped being a non-proprietary club.

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

18 Dissolution of race club

(1) Subject to this section, a race club that has ceased to be registered by the Interim Thoroughbred Racing Board 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 board, it seems inappropriate to proceed to dissolution of a race club forthwith, the board, 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 board.

(2A) The board 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 Interim Thoroughbred Racing Board or within any longer period or periods approved by the Interim Thoroughbred Racing Board 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).

(5) Subject to subsections (6) and (7), the assets of a race club to which subsection (3) applies shall, immediately upon the deemed dissolution of the club, devolve upon and vest in the Interim Thoroughbred 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 Interim Thoroughbred 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 Interim Thoroughbred Racing Board, in its discretion, thinks fit—

- (a) the board, 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) or (3), the board shall be responsible for the lawful and effective conclusion of that dissolution and the 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 Interim Thoroughbred Racing Board incurs reasonable expenses in the performance of the duty imposed by subsection (6), the

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 race club concerned and the payment of all lawful debts and liabilities, if any, of the club.

(8) If the Interim Thoroughbred Racing Board 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.

19 Interim Thoroughbred Racing Board may dissolve race club's committee or take other related action

(1) Notwithstanding any Act, law or practice, the Interim Thoroughbred Racing Board, whenever it appears to it to be necessary, shall by order in writing—

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

(2) The Interim Thoroughbred Racing Board may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by the Interim Thoroughbred Racing 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 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 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 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 Interim Thoroughbred Racing Board or, as the case may be, committee elected pursuant to subsection (1)(c), conducts the business of the club.

20 Racing associations

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.

20A Composition of racing associations

(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 Interim Thoroughbred Racing Board under section 11G⁸ 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—

8 Section 11G (Ineligibility for membership of Interim Thoroughbred Racing Board)

- (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.

20B Members to be honorary members

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.

20C Functions of racing associations

(1) The functions of each racing association are—

- (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 Interim Thoroughbred Racing Board as requested and to perform other functions as the board delegates to it.

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

20D Powers of racing associations

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.

20E Racing associations not to employ

Racing associations are not to employ staff.

22 Racing on unallotted day unlawful

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.

23 Betting meeting at race club on unallotted day unlawful

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

24 Time race meeting taken to commence

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.

25 Postponement of whole or part of race meeting

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

26 Abandonment of whole or part of race meeting

(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 Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board 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.

27 Betting to continue at postponed or abandoned meeting

(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 141⁹ 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.

⁹ Section 141 (Restrictions on betting by racing bookmakers)

28 Phantom meeting may be held in certain circumstances

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

(1A) The race club may, with the approval of the Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board considers is a normal allocation of days upon which it may hold race meetings, the 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 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 Interim Thoroughbred Racing Board 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.

30 The Interim Thoroughbred Racing Board to review periodically race meetings

(1) The Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board 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 Interim Thoroughbred Racing Board 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 board shall cancel the then subsisting allotment of days for the holding of race meetings in respect of the race club concerned.

31 Racing on unlicensed racecourse unlawful

(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.

32 Occupier not to permit racing to be conducted unlawfully

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

33 Presence at unlawful racing prohibited

(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.

34 Advertising unlawful racing prohibited

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

(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.

36 Composition of Harness Racing Board

(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.

41 Tenure of office

(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.

42 Disqualification from membership

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;

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

43 Vacation of office

The office of a member of the Harness Racing Board shall become vacant if the member—

- (a) dies;

- (b) resigns office by writing signed by the member furnished to the Minister;
- (c) ceases to be qualified as a member;
- (d) is removed from office as a member by the Governor in Council.

44 Casual vacancies

(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.

45 Appointment of substitute member

(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.

46 Expenses, fees or allowances to members

(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.

47 Procedure at meetings

(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 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.

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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 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 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.

47A Disclosure of interests

(1) This section applies to a member of the Harness Racing Board (the “interested member”) if—

- (a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the Harness Racing Board; and
- (b) the interest could conflict with the proper performance of the member’s duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the interested member’s knowledge, the member must disclose the nature of the interest to a meeting of the Harness Racing Board.

(3) Unless the Harness Racing Board otherwise directs, the interested member must not—

- (a) be present when the Harness Racing Board considers the issue; or
- (b) take part in a decision of the Harness Racing Board about the issue.

(4) The interested member must not be present when the Harness Racing Board is considering whether to give a direction under subsection (3).

(5) If there is another member of the Harness Racing Board who must, under subsection (2), also disclose an interest in the issue, the other member must not—

- (a) be present when the Harness Racing Board is considering whether to give a direction under subsection (3) about the interested member; or
- (b) take part in making the decision about giving the direction.

(6) If—

- (a) because of this section, a member of the Harness Racing Board is not present at a meeting of the Harness Racing Board for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and

(b) there would be a quorum if the member were present;

the remaining members of the Harness Racing Board present are a quorum of the Harness Racing Board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the minute book.

48 Custody and affixing of seal

(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.

50 Authentication of documents

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.

52 Functions, powers and duties of Harness Racing Board

(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

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- (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 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;

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- (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;
- (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

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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
 - (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).

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

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

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

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

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

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

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

52A Harness Racing Board may take action against trotting clubs that do not comply with a direction under s 52(3)(t)

(1) This section applies if a trotting club does not comply with a direction given to the club by the Harness Racing Board.

(2) To the extent necessary to ensure compliance with the direction, the board may do 1 or more of the following—

- (a) dissolve the club's committee, and make necessary provision for the election of a new committee, under section 59;
- (b) take action relating to the club's registration under part 3, division 4;¹⁰
- (c) prosecute the club for an offence under section 236.¹¹

(3) In this section—

“direction” means a direction, whether given before or after the commencement of this subsection, under section 52(3)(t), including a direction mentioned in section 52(3A).

53 Officers

(1) The Harness Racing Board shall appoint and employ a secretary and may appoint and employ such stewards and other officers and employees as it thinks fit.

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

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

10 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

11 Section 236 (Offences generally and penalty)

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(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.

54 Finance

(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.

54A Harness Racing Board is statutory body

(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*.

55 Amendment of rules of trotting

(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.

56 Proprietary or unregistered trotting unlawful

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

57 Registration of trotting clubs

(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.

58 Dissolution of trotting club

(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 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.

59 Harness Racing Board may appoint administrator of trotting club

(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.

62 Trotting on unallotted day unlawful

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.

63 Betting meeting at trotting club on unallotted day unlawful

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

64 Time trotting meeting taken to commence

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.

65 Postponement of whole or part of a trotting meeting

(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.

66 Abandonment of whole or part of a trotting meeting

(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.

67 Betting to continue at postponed or abandoned meeting

(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 141¹² 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.

68 Phantom meeting may be held in certain circumstances

(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.

12 Section 141 (Restrictions on betting by racing bookmakers)

(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.

70 Harness Racing Board to review periodically trotting meetings

(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.

71 Trotting on unlicensed paceway unlawful

(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.

72 Occupier not to permit trotting to be conducted unlawfully

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

73 Presence at unlawful trotting prohibited

(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.

74 Advertising unlawful trotting prohibited

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.

75 When trotting on showgrounds allowed

(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

76 Establishment of Greyhound Racing Authority

(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.

77 Composition of Greyhound Authority

(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.

82 Tenure of office

(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.

83 Disqualification from membership

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;

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

84 Vacation of office

The office of a member of the Greyhound Authority shall become vacant if the member—

- (a) dies;
- (b) resigns office by writing signed by the member furnished to the Minister;
- (c) ceases to be qualified as a member;
- (d) is removed from office as a member by the Governor in Council.

85 Casual vacancies

(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.

86 Appointment of substitute member

(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.

87 Expenses, fees or allowances to members

(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.

88 Procedure at meetings

(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

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and voting on the business in question and if the votes are equally divided the chairperson shall have a second or casting vote.

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

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

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

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

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

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

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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.

88A Disclosure of interests

(1) This section applies to a member of the Greyhound Authority (the “**interested member**”) if—

- (a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the authority; and
- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the interested member's knowledge, the member must disclose the nature of the interest to a meeting of the Greyhound Authority.

(3) Unless the Greyhound Authority otherwise directs, the interested member must not—

- (a) be present when the authority considers the issue; or
- (b) take part in a decision of the authority about the issue.

(4) The interested member must not be present when the Greyhound Authority is considering whether to give a direction under subsection (3).

(5) If there is another member of the Greyhound Authority who must, under subsection (2), also disclose an interest in the issue, the other member must not—

- (a) be present when the authority is considering whether to give a direction under subsection (3) about the interested member; or
- (b) take part in making the decision about giving the direction.

(6) If—

- (a) because of this section, a member of the Greyhound Authority is not present at a meeting of the authority for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
- (b) there would be a quorum if the member were present;

the remaining members of the authority present are a quorum of the authority for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the minute book.

89 Custody of and affixing of seal

(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.

91 Authentication of documents

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.

93 Functions, powers and duties of Greyhound Authority

(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
- (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

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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;
- (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;

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- (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;
- (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;

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- (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.

(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).

(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.

93A Greyhound Authority may take action against greyhound clubs that do not comply with a direction under s 93(3)(t)

(1) This section applies if a greyhound club does not comply with a direction given to the club by the Greyhound Authority.

(2) To the extent necessary to ensure compliance with the direction, the Greyhound Authority may do 1 or more of the following—

- (a) dissolve the club's committee, and make necessary provision for the election of a new committee, under section 100;
- (b) take action relating to the club's registration under part 3, division 4;¹³
- (c) prosecute the club for an offence under section 236.¹⁴

(3) In this section—

13 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

14 Section 236 (Offences generally and penalty)

“**direction**” means a direction, whether given before or after the commencement of this subsection, under section 93(3)(t), including a direction mentioned in section 93(3A).

94 Officers

(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.

95 Finance

(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.

95A Greyhound Authority is statutory body

(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*.

96 Amendment of rules of greyhound racing

(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.

97 Proprietary or unregistered greyhound racing unlawful

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

98 Registration of greyhound clubs

(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.

99 Dissolution of greyhound club

(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 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.

100 Greyhound Authority may appoint administrator of greyhound club

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

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

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

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

(4) Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the greyhound club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to

subsection (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance as is lawfully requested by the administrator or committee.

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

103 Greyhound racing on unallotted day unlawful

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.

104 Betting meeting at greyhound club on unallotted day unlawful

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

105 Time greyhound meeting taken to commence

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.

106 Postponement of whole or part of a greyhound meeting

(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.

107 Abandonment of whole or part of a greyhound meeting

(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.

108 Betting to continue at postponed or abandoned meeting

(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 141¹⁵ that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

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

109 Phantom meeting may be held in certain circumstances

(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.

15 Section 141 (Restrictions on betting by racing bookmakers)

111 Greyhound Authority to review periodically greyhound meetings

(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.

112 Greyhound racing on unlicensed greyhound course unlawful

(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.

113 Presence at unlawful greyhound racing prohibited

(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.

114 Occupier not to permit greyhound racing to be conducted unlawfully

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

115 Advertising unlawful greyhound racing prohibited

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 Authority**115A Definitions**

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.

“revoke a licence” includes suspend and cancel a licence.

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

115B Racing Appeals Authority

- (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.

115C Qualification for appointment of members

- (1) A member must—
 - (a) have been, but must not presently be a Supreme Court judge or a District Court judge; or
 - (b) be a lawyer 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.

115D Disqualification for appointment

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

115E Tenure of office

- (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.

115F Vacation of office

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).

115G Casual vacancy

(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.

115H Remuneration to members

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

115I Officers of authority

(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.

115J Expert consultants

(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.

115K Appeals to authority

(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.

115L Institution of appeal

(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.

115M Suspension or variation of decision pending determination of appeal

(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.

115N Authority to hear appeal

(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).

115O Hearing of appeals

(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.

(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.

115P Powers of authority on appeal

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.

115Q Parties to comply with authority's determination

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

115R Prohibition on the admission of the public to enquiries

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

Division 4—Disciplinary action relating to clubs

115S Definitions for div 4

In this division—

“accepted representations” see section 115V(2).

“direction provision” means—

- (a) if the club is a race club—section 11B(2)(r) or (3);¹⁶ or
- (b) if the club is a trotting club—section 52(3)(t) or (3A);¹⁷ or
- (c) if the club is a greyhound club—section 93(3)(t) or (3A).¹⁸

“**show cause notice**” see section 115U(1).

“**show cause period**” see section 115U(1)(d).

115T Grounds for suspension or cancellation

(1) Each of the following is a ground for suspending or cancelling the registration of a club—

- (a) the club is not complying, or has not complied, with a direction given to the club under a direction provision;
- (b) the club contravened section 134;¹⁹
- (c) a ground that another provision of this Act states is a ground for suspending or cancelling the registration of a club.²⁰

(2) Subsection (1) applies whether—

- (a) for a direction—the direction was given before or after the commencement of this section; or
- (b) for a contravention of section 134—
 - (i) the contravention happened before or after the commencement of this section; or
 - (ii) there is or was a prosecution relating to the contravention.

115U Show cause notice

(1) If a control body that registered a club reasonably believes a ground exists to cancel or suspend the club’s registration, the control body must give the club a notice (a “**show cause notice**”) that states—

16 Section 11B (Powers of Interim Thoroughbred Racing Board)

17 Section 52 (Functions, powers and duties of Harness Racing Board)

18 Section 93 (Functions, powers and duties of Greyhound Authority)

19 Section 134 (Application of revenues and the like of club)

20 See sections 14(3), 54(3), 95(3) and 279D.

- (a) the action the control body proposes taking under this division (the “**proposed action**”) and, if the proposed action is to suspend the registration, the proposed suspension period; and
- (b) the ground for the proposed action; and
- (c) an outline of the facts and circumstances forming the basis for the ground; and
- (d) an invitation to the club to show within a stated period (the “**show cause period**”) why the proposed action should not be taken.

(2) The show cause period must be a period ending at least 30 days after the show cause notice is given to the club.

115V Representations about show cause notice

(1) The club may make written representations about the show cause notice to the control body within the show cause period.

(2) The control body must consider all written representations (the “**accepted representations**”) made under subsection (1).

115W Immediate suspension

(1) The control body may suspend the club’s registration immediately if the control body reasonably believes—

- (a) a ground exists to suspend or cancel the registration; and
- (b) the circumstances are so extraordinary that it is imperative to suspend the registration immediately to ensure—
 - (i) the public interest is not affected in an adverse and material way; or
 - (ii) the conduct of racing by the club is not jeopardised in a material way.

(2) The suspension—

- (a) must be effected by written notice (a “**suspension notice**”) given to the club with a show cause notice; and
- (b) operates immediately the suspension notice is given; and

- (c) continues to operate until the show cause notice is finally dealt with.

115X Censuring club

(1) This section applies if the control body—

- (a) believes a ground exists to suspend or cancel the registration of a club but does not believe the giving of a show cause notice to the club is warranted; or
- (b) after considering the accepted representations for a show cause notice, the control body still believes a ground exists to suspend or cancel the registration of a club but does not believe suspension or cancellation of the registration is warranted.

(2) The control body may, by written notice given to the club, censure the club for a matter relating to the ground for suspension or cancellation.

115Y Direction to rectify

(1) This section applies if—

- (a) the control body believes a ground exists to suspend or cancel the registration of a club but it is appropriate to give the club an opportunity to rectify the matter without giving a show cause notice; and
- (b) the club has been given written notice that the control body proposes to give a direction under this section and a reasonable opportunity to make representations about the proposed direction.

(2) Also, this section applies if, after considering the accepted representations for a show cause notice, the control body—

- (a) still believes a ground exists to suspend or cancel the registration of a club; and
- (b) believes it is appropriate to give the club an opportunity to rectify the matter.

(3) The control body may, by written notice given to the club (a “**rectification notice**”), direct the club to rectify the matter within the period stated in the notice.

(4) The notice must state the reasons for the decision to give the direction.

(5) The period stated in the notice must be reasonable having regard to the nature of the matter to be rectified.

(6) A club must comply with a direction under this section unless it has a reasonable excuse.

Maximum penalty—40 penalty units.

(7) The club can not be prosecuted, or have its registration suspended or cancelled, for the ground giving rise to the rectification notice unless the club—

- (a) fails to comply with the notice within the stated period; and
- (b) does not have a reasonable excuse for failing to comply with the notice.

(8) A control body's power to give a direction to a club under another provision of this Act is not limited by the control body's power to give a direction under this section.

115Z Suspension or cancellation

(1) Subject to section 115Y(7), this section applies if the control body still believes the ground exists to take the action after the show cause period, including after the control body considers any accepted representations for the show cause notice.

(2) The control body may—

- (a) if the show cause notice stated the action proposed was to suspend the licence for a stated period—suspend the licence for a period not longer than the stated period; or
- (b) if the show cause notice stated the action proposed was to cancel the licence—
 - (i) cancel the licence; or
 - (ii) suspend the licence for a period.

(3) The control body must immediately give a notice about the decision to the club that states—

- (a) the reasons for the decision; and

- (b) the club may appeal against the decision to the Racing Appeals Authority under section 115K²¹ within 14 days after the decision.
- (4) The decision takes effect on the later of the following—
- (a) the day on which the notice is given to the club;
 - (b) the day stated in the notice.

Division 5—General provisions

127 Days when meetings prohibited

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

128 Restrictions as to meetings on Anzac Day

(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.

129A No betting on trials and novelty events

(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).

130 Duty of club committees to comply with Act

(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.

21 Section 115K (Appeals to authority)

(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.

131 Audit of books and accounts of club

(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.

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(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 manner prescribed statements duly certified by its auditor setting forth—

- (a) its income and expenditure (on an accrual basis); and
- (b) particulars of each amount paid by it for an approved charitable, benevolent, patriotic or special purpose; and
- (c) particulars of other payments or expenditure made by it of the type mentioned in section 134(4);²² and
- (d) its assets and liabilities as at the end of that financial year; and
- (e) 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.

22 Section 134 (Application of revenues and the like of club)

132 Control body to furnish an annual report to Minister and to clubs

(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.

134 Application of revenues and the like of club

(1) A club must not divide directly or indirectly amounts comprising revenues 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 amounts comprising its revenues 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.

(2A) Also, a club may apply amounts comprising part of its revenues and profits for a charitable, benevolent, patriotic or special purpose if it obtains the approval, in writing, of the club's control body before applying the amounts.

(2B) For subsection (2A), an approval must be given for each particular application and can not relate to different applications even if they are of the same type or are for the same purpose.

(3) For subsection (2), encouraging racing, trotting or greyhound racing includes—

- (a) the purchase or lease or other lawful right to occupy or use a club's racecourse, paceway or greyhound course;
- (b) the maintenance of and improvements to a club's racecourse, paceway or greyhound course;

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- (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 greyhound racing;
 - (d) payments by a club to its control body for the promotion or advancement of racing, trotting or greyhound racing.
- (4) This section does not operate so as to prevent—
- (a) payment by a club to a member of a club of—
 - (i) principal and interest calculated at a rate not exceeding the rate for the time being approved by the Reserve Bank of Australia as the maximum rate of interest chargeable by banks for overdraft accommodation payable in respect of moneys lent to the club by that member;
 - (ii) rent in respect of a lease by a club of a racing venue the property of the member, approved by the Minister prior to the execution of the lease;
 - (b) expenditure by a club of amounts for the purposes of—
 - (i) providing reasonable entertainment for members of the club in common with other persons;
 - (ii) defraying the expenses of a member for or in connection with attendance by the member with the prior approval of the club at—
 - (A) a conference or meeting of persons interested or concerned in racing or in the control, holding or supervision of meetings; or
 - (B) a conference or meeting with the Interim Thoroughbred Racing Board, Harness Racing Board or 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 may not dispose of an asset unless—

- (a) if the asset is an amount comprising its revenues and profits, the amount is applied under subsection (2) or (2A); or
- (b) if the asset is an interest in real property, the asset is disposed of under subsection (6); or
- (c) if the asset is not an amount mentioned in paragraph (a) or an interest in real property, the asset is disposed of—
 - (i) under a particular approval of the control body obtained, in writing, before the disposal; or
 - (ii) under the guidelines issued under section 134A by the control body that registered the club.

(6) Notwithstanding this Act or any other Act or any law, custom or practice, a club must not 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, under subsection (6), approve the disposal of an asset that is an interest in real property only if, before the club sought the Minister's approval under that subsection—

- (a) the majority of the club's members approved of the disposal; and
- (b) the control body's approval was obtained.

(9) 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.

(10) In this section—

“**dispose**”, of an asset, includes distribute, forfeit, relinquish possession of, sell or otherwise give up, the asset.

134A Guidelines about spending

(1) A control body may issue guidelines to clubs registered by it about—

- (a) the types of spending that, in the control body's opinion, are or are not for the purposes of section 134(2); and

(b) the control body's policies relating to the disposal of assets under section 134.

(2) Before a club incurs a liability under section 134(2), it must have regard to guidelines issued by its control body under subsection (1).

135 Combined sports meetings

(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;
- (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.

136 Disclosure of criminal history

(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.

136A Exceptions to non-disclosure

(1) In this section—

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

“person to whom this section applies” means a person who is or has been—

- (a) the chairperson of a control body; or
- (b) an officer or employee of a control body.

“produce” includes access to.

“protected document” means the criminal history of an applicant obtained under section 136.

(2) A person to whom this section applies must not—

- (a) make a record of a protected document; or
- (b) directly or indirectly, divulge or communicate to a person the contents of, or information contained in, a protected document concerning another person;

unless the record is made, or the information divulged or communicated—

- (c) under or for the purposes of the administration of this Act; or
- (d) in the performance of duties, as a person to whom this section applies, under or in relation to the administration of this Act; or
- (e) otherwise required by operation of law; or
- (f) with the prior consent of the person, who is not a minor, to whom it relates: or
- (g) to the person to whom it relates regarding a possible breach of this Act by the person.

Maximum penalty—100 penalty units.

(3) A person to whom this Act applies is not required—

- (a) to divulge or communicate the contents of, or information contained in, a protected document to a court; or
- (b) to produce a protected document in court;

unless it is necessary to do so for the purposes of carrying this Act into effect.

137 Racing venues to be licensed

(1) A race club must not conduct a meeting at a venue that is not licensed.

(2) An application for a licence for a racing venue must—

- (a) be in writing; and
- (b) be made to the control body that has control over the type of racing to be conducted at the venue; and
- (c) specify the location of the racing venue; and
- (d) contain such other information and particulars as are prescribed and as the control body concerned requires.

(3) The control body may—

- (a) grant the application, subject to such conditions (if any) as it considers appropriate; or
- (b) refuse the application.

(4) The control body may, at any time while a licence for a racing venue is in force, by written notice given to the holder of the licence, require the holder of the licence to prepare and submit a report on such matters as the control body specifies with respect to the venue.

(5) A request under subsection (4) may include a requirement to submit recommendations on the matters specified by the control body.

(6) A control body may suspend or cancel a licence for a racing venue granted by it.

(7) A control body must give written reasons for any action it takes under subsection (6).

(8) If a licence is suspended or cancelled, the holder must surrender the licence to the control body.

PART 4—RACING BOOKMAKERS

Division 1—Preliminary

139 Definitions for pt 4

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.

“**certificate holder**” 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.

“eligibility certificate” 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

140 Licensing of racing bookmakers and racing bookmakers’ clerks

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

141 Restrictions on betting by racing bookmakers

(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 161.²³

(4) Subject to subsection (5), a racing bookmaker at a meeting shall not make a bet with a person who is not at the material time present at the racing venue where that meeting is being held.

(5) A 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.

23 Section 161 (Bookmaking on certain declared sporting contingencies)

Division 3—Racing bookmakers to be holders of eligibility certificates**142 Applicant for racing bookmaker's licence to hold eligibility certificate**

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

143 Suitability of applicants for eligibility certificate

(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.

144 Suitability of associates

(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.

145 Other matters about suitability

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**146 Application for eligibility certificate**

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

147 Requirements about applications

(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.

148 Further information or documents to support application

(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.

149 Consideration of application

(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 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.

150 Conditions for granting application for eligibility certificate

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.

151 Investigation of suitability of persons

(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.

152 Criminal history reports for investigations

(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.

153 Decision on application

(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.

154 Requirement to give information or document for investigation

(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.

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

(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**156 Audit program**

(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.

157 Investigations into suitability of certificate holders

(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.

157A Investigation of suitability of associates of certificate holders

(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.

157B Requirement to give information or document for investigation

(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.

157C Failure to give information or document for investigation

(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.

157D Criminal history report for investigation

(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.

157E Gaming executive may ask control body for information about racing bookmakers

(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 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

158 Grounds for cancellation

(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 Act.

(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.

(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 Act if the holder—

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

158A Show cause notice

(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.

158B Involvement of interested persons in show cause process

(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.

158C Consideration of representations

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.

158D Ending show cause process without further action

(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.

158E Censuring certificate holder

(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.

158F Cancellation of eligibility certificates

(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.

158G Automatic cancellation of all licences issued to racing bookmakers

(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.

158H Notice to interested persons of decisions

(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**158I Appeals**

(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.

158J Starting appeal

(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.

158K Stay of operation of decisions

(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.

158L Hearing procedures

(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.

158M Power to gather evidence

(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.

158N Powers of Gaming Commission on appeal

(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.

158O Appeals to District Court

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

158P Racing bookmakers to maintain policy of insurance or bond to indemnify bettors against default

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.

158Q Control bodies to ensure racing bookmakers have policies of insurance or bond

(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.

159 Prohibition of betting by racing bookmaker with infants

(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 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

160 Control by clubs and control bodies over racing bookmakers

(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).

161 Bookmaking on certain declared sporting contingencies

(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), 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

162 Racing bookmaker's agent during certain periods

(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.

162A Control body to give notice of certain actions about racing bookmakers to gaming executive

(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.

162B Gaming executive may give information to control bodies about racing bookmakers or applicants for eligibility certificates

(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.

162C Surrender of eligibility certificate

(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.

162D Destruction of fingerprints

(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.

162E Delegation by gaming executive

(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.

162F Approval of forms for pt 4

The gaming executive may approve forms for this part.

PART 6—UNLAWFUL BETTING

213 Application of this part and saving

(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),²⁴ pleads any plea other than a plea of guilty, the Criminal Code, section 604²⁵ shall not apply.

214 Unlawful bookmaking by persons other than racing bookmakers etc.

(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.

214A Unlawful bookmaking by racing bookmakers

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

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

25 Criminal Code, section 604 (Trial by jury)

Racing and Betting Act 1980

- (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.

215 Common betting house

(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.

216 Prohibition of opening, keeping or using a common betting house

- (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.

217 Possession of instrument of betting

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.

218 Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house

(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

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- (b) a maximum penalty of 600 penalty units or imprisonment for 18 months.

(1D) For a third or subsequent offence, the person is liable to—

- (a) a minimum penalty of 601 penalty units; and
- (b) a maximum penalty of 1 000 penalty units or imprisonment for 5 years.

(1E) Despite any other Act, if a court fines the person, the court must order that the person be imprisoned if the fine is not paid.

(1F) The term of imprisonment that the court must order under subsection (1E) must be such that, in the court's opinion, will satisfy the justice of the case, but must be—

- (a) if the person was liable to a fine under subsection (1B)—a term of not less than 3 months and not more than 6 months; and
- (b) if the person was liable to a fine under subsection (1C)—a term of not less than 12 months and not more than 18 months; and
- (c) if the person was liable to a fine under subsection (1D)—a term of not less than 3 years and not more than 5 years.

(2) Notwithstanding any other provision of law or any rule of law or practice a person who, having been arraigned before a court of competent jurisdiction (whether consequent upon committal for trial or otherwise), has pleaded not guilty shall be tried by a judge of that court sitting alone.

(3) If—

- (a) a person is convicted of an offence mentioned in subsection (1) and it is the person's first offence against any provision of any of the sections mentioned in subsection (1); and
- (b) the court before whom the person is convicted considers that in the particular case there are special circumstances that make it just to do so;

the court may impose a penalty less than the minimum penalty mentioned in subsection (1B) but not, in any case, less than 50 penalty units.

(4) A person charged with an offence against any provision of section 214, 216 or 217 may upon the person's trial be convicted of any offence against any other provision of the section that the person is alleged by the charge to have contravened that is established by the evidence in lieu of the offence with which the person is charged.

(5) A person is liable for the penalty under this section—

- (a) for a second offence—if the person has been convicted of a single offence against any provision of any of the sections mentioned in subsection (1); or
- (b) for a third or subsequent offence—if the person has been convicted of 2 or more offences against any provisions of any of the sections mentioned in subsection (1).

218AA Orders under s 218 not original orders

(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).

218AB No alternatives to imprisonment

(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.

218A Recovery of penalties imposed under s 218

(1) This section applies to an order for the payment of a penalty or costs that is made, before the commencement of the *Racing and Betting Amendment Act 1993*, in relation to an offence against any of the sections mentioned in section 218(1).

(2) Where an order referred to in subsection (1) is made the judge making the order or the Chief Judge of District Courts shall, if the penalty is not paid within the time allowed by the judge for payment of the penalty or costs on the expiration of that time or, if no time is allowed for payment, then immediately, furnish to the Attorney-General a certificate in the form approved by the chief executive, setting forth—

- (a) the amount of the penalty or costs;
- (b) the full name and place of residence or business of the person on whom the penalty or costs has or have been imposed;
- (c) the reason for the penalty or costs.

(3) Upon receipt of the certificate specified in subsection (2), the Attorney-General shall cause final judgment in the form approved by the chief executive to be entered in a court of competent jurisdiction for the amount of the penalty or costs and costs of entering judgment.

(3A) A judgment entered pursuant to subsection (3) is for all purposes a judgment of the court in which it has been entered.

(4) An appeal does not lie in respect of a judgment entered pursuant to subsection (3) or (3A).

(5) The registrar of a court to whom a certificate referred to in subsection (2) is duly produced for registration shall, upon payment of the appropriate fee, register the certificate in the court and, upon such registration, the certificate shall be a record of the court in which it is registered and the order to which it refers shall be deemed to be a judgment of that court obtained by the Crown as plaintiff against the offender as defendant for the payment to the Crown of money comprising—

- (a) the amount of the penalty or costs;
- (b) costs of registration of such certificate in such court;

to the intent that like proceedings (including proceedings in bankruptcy) may be taken to recover the amount of the judgment as if the judgment had been made by such court in favour of the Crown.

219 Resorting to common betting house prohibited

(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.

220 Prohibition of advertising of common betting house

(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;

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.

221 Betting on licensed premises

(1) A person who holds a licence of any description under and within the meaning of the *Liquor Act 1992* shall not permit or suffer the place in respect of which that licence is in force to be used for the purpose of betting.

Maximum penalty—

- (a) for a first offence—100 penalty units or 6 months imprisonment; and
- (b) for a second offence—200 penalty units or 1 year'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—

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- (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 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 24²⁶ 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.

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

222 Prohibition of betting in public place

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.

222A Offences about totalisators

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.

PART 7—MISCELLANEOUS**223 Prohibition of giving warning of presence or approach**

(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.

224 Prohibition of prevention of detection

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.

225 Batteries, drugs and the like at racing venues and other places

(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
- (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

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- (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.

226 Attempt to commit offence

(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 4²⁷ applies with respect to an attempt to commit an offence against this Act.

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

(2) A person may be convicted of attempting to commit an offence upon a complaint charging the person with that offence.

227 Interference with person, horse, greyhound or property

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 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.

228 Use of drugs and the like on horse or greyhound

(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.

228A Inspection, removal, sampling, analysis

(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 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.

229 Offences relating to officers and records

(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

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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.

230 Forgery and like offences

(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.

233 Power to require name, address

(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
- (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.

236 Offences generally and penalty

(1) A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

(2) A person who—

- (a) fails to do that which the person is directed or required to do;
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this Act commits an offence against this Act.

(3) Save where a specific penalty is otherwise prescribed, a person who commits an offence against this Act is liable—

- (a) for a first offence—20 penalty units or imprisonment for 6 months; and
- (b) for a second or subsequent offence—40 penalty units or imprisonment for 1 year.

(5) Notwithstanding this Act or any other Act, where a person is convicted of an offence against this Act, the penalty to which the person is liable is in addition to a forfeiture under this Act.

237 Proceedings for offences

(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.

238 Time limits for payment of penalties

(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.

239 Increased penalties

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.

240 Liability for offence by club, body corporate or other association of persons

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.

241 Liability of racing bookmaker for offence by agent or employee

(1) Notwithstanding the Criminal Code, sections 7 and 23²⁸ or any 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.

242 Forfeiture and disposal of instruments of betting

(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.

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

(2) Where the court before whom a person is charged for an offence against this Act dismisses the complaint, it—

- (a) may order to be forfeited to Her Majesty the instruments of gaming within the meaning of the *Vagrants, Gaming, and Other Offences Act 1931*, instruments of betting, documents and other things (save money) that were found in the possession or under the control of that person;
- (b) may make such other order with respect to all or any of the things specified in paragraph (a) and money found in the possession or under the control of that person and seized under this Act as the court thinks fit.

(3) An order made by a court under this section for the delivery of a thing seized to the person appearing to the court to be the owner thereof shall not prejudice or in any way affect the right of a person to recover by action in a court of competent jurisdiction that thing from the person to whom it was delivered by virtue of the order provided that such action is commenced within the 6 months next following the date of the order.

(4) All instruments, documents and other things (save money) forfeited to Her Majesty pursuant to this section shall be destroyed or otherwise disposed of in such manner as the Minister directs.

(4A) Money forfeited to Her Majesty pursuant to this section shall be paid into the consolidated fund.

(5) A forfeiture, destruction or disposal of a thing in accordance with this section does not confer upon any person a right to compensation.

244 Protection of and payment to informants

(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 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.

245 Source of information or reports

(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.

247 Personal appearance before court of offenders against certain sections

Where a person charged with or arrested for an offence against section 214, 216, 217 or 219²⁹ 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.

²⁹ Section 214 (Unlawful bookmaking by persons other than racing bookmakers etc.), 216 (Prohibition of opening, keeping or using a common betting house) or 217 (Possession of instrument of betting)

248 Avoidance of wagering or gaming contracts

(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.

249 Circumstances in which racing bookmaker may sue or be sued

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.

250 Disposal of penalties and the like

(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.

251 Cost of administration

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.

252 Fees, taxes and the like are debts due to the Crown

(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.

253 Immunity of police officers and other persons

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.

254A Superannuation schemes

The Harness Racing Board, Greyhound Authority, totalisator board or Interim Thoroughbred Racing Board may—

- (a) establish or amend superannuation schemes; or

- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

255 Mode of service of documents

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.

256 Evidentiary provisions

In a proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of the chief executive, commissioner of stamp duties or an officer or a police officer or, in any case, his or her authority to do an act, take a proceeding or give any order or direction;
- (b) a signature purporting to be that of—
 - (i) the chief executive;
 - (iii) an officer;

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- (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—
 - (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;

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- (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;
 - (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;

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- (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
- (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;

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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 215³⁰ 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;
 - (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.

257 Regulations

- (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

30 Section 215 (Common betting house)

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- (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
- (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

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- (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 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

257A References to previous principal clubs

(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 3.³¹

Division 2—Racing Development Corporation

258 Definition

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.

31 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.

259 Dissolution of the Racing Development Corporation

The corporation is dissolved.

260 State is successor in law of corporation

- (1) The State is the successor in law of the corporation.
- (2) The following provisions of this division do not limit subsection (1).

261 Corporation's assets and liabilities

- (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.

262 Pending legal proceedings by or against corporation

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.

263 Instruments

(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.

264 State's power to vary the lease

(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.

265 Effect of things done under this division

(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

266 Definitions

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.

267 Abolition of fund

The fund is abolished.

268 Approved payments

(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**269 Definitions**

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.

270 Dissolution of committee

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

271 Allocated meetings

(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**272 Agreements under s 195**

A contractual relationship approved by the Minister under section 195³² of this Act before the commencement of this section is not affected merely

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

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

273 Definition for division

In this division—

“**repeal**” means the omission of the *Racing and Betting Act 1980*, part 4, division 2.³³

274 Purpose of division

(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 6.³⁴

275 References to bookmakers and bookmakers’ clerks

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

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

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

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

276 Licensing of bookmakers and bookmakers' clerks

(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 lapse under section 155.³⁵

(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.

277 Continuation of bookmaker's agent

(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.

278 Continuing application for bets before repeal

(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

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

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 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 7A³⁶ 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).

279 Continuing application about auditing clubs and providing certain information

(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*.

36 Section 7A (Delegation by commissioner)

Division 7—Transitional and related provisions for provisions of Racing and Betting Amendment Act (No. 2) 2001 commencing on assent

279A Definitions for div 7

In this division—

“commencement” means the commencement of this section.

“continuing body” means the Queensland Principal Club previously established under this Act that, under section 11(1), is continued in existence under the name ‘Interim Thoroughbred Racing Board’.

279AA Purposes of div 7

The purposes of this division are—

- (a) to provide for some matters of a transitional nature; and
- (b) to remove any doubt about the consequences of changing the name of the Queensland Principal Club to Interim Thoroughbred Racing Board; and
- (c) to provide that the persons who, immediately before the commencement, constitute the Queensland Principal Club go out of office on the commencement.

279B Provision relating to powers of control bodies under ss 17, 57 and 98

(1) A control body has not failed to perform its functions under this Act merely because the control body has not revoked the registration of a club as mentioned in section 17(3), 57(3) or 98(3), as each of the sections was in force before the commencement.

(2) On and after the commencement, no action may be taken against a control body because the control body did not revoke a registration as mentioned in subsection (1).

279C Actions by control bodies relating to clubs to be under this Act after commencement

(1) This section applies if—

- (a) before the commencement—

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- (i) a club contravened this Act or a direction given under this Act by a control body to the club; and
 - (ii) the club's control body had power in relation to the contravention to cancel, suspend or take another action relating to the club's registration under a disqualifying provision; and
- (b) after the commencement—the control body continues to have power in relation to the contravention to cancel, suspend or take another action relating to the registration of the club.

(2) If, before the commencement, the control body started to take an action under a disqualifying provision against the club in relation to the contravention but had not completed the action, the control body must elect to do 1 of the following—

- (a) continue taking the action and comply with this Act, to the extent practicable, for completing the action;
- (b) discontinue taking the action and take no further action against the club in relation to that contravention;
- (c) discontinue taking the action and start again under this Act to take action against the club in relation to that contravention.

(3) The control body must give written notice to the club about its election under subsection (2) within 1 month of the commencement.

(4) If—

- (a) before the commencement, the control body had not started to take action under a disqualifying provision against the club in relation to the contravention; and
- (b) after the commencement, the control body decides to take action under this Act against the club in relation to the contravention;

this Act applies to the control body in relation to it taking action in relation to the contravention.

(5) In this section—

“disqualifying provision” means each of the following provisions as in force immediately before the commencement—

- (a) for a race club—sections 11B(2)(c) and (4)(c) and 17(3);
- (b) for a trotting club—sections 52(3)(d) and (3B)(c) and 57(3);
- (c) for a greyhound club—sections 93(3)(d) and (3B)(c) and 98(3).

279D Clubs must be incorporated before the end of 1 year after commencement

(1) After 1 year after the commencement, it is a ground for suspending or cancelling the registration of a club if the club is an unincorporated club.

(2) The control body responsible for registering the club may take action to suspend or cancel the club's registration under part 3, division 4³⁷ any time after 1 year after the commencement but within 2 years after that commencement.

(3) To remove doubt, it is declared that subsection (2) applies even if the club was registered before the commencement.

279DA Change of name does not affect legal personality etc.

(1) The change of name of the continuing body does not—

- (a) affect the continuing body's legal personality or identity; or
- (b) affect a right, entitlement or liability of the continuing body or anyone else; or
- (c) make legal proceedings by or against the continuing body defective.

(2) Without limiting subsection (1), the change of name of the continuing body does not affect any right, entitlement, liability or benefit the continuing body would have had or enjoyed apart from the change of name.

(3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the continuing body under its former name, it may be continued or started by or against it under its new name.

279DB Change of name does not affect existing legal relationships

Without limiting section 279DA(1), the change of name of the continuing body—

- (a) does not place the continuing body in breach of contract or otherwise make it guilty of a civil wrong; and

37 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

- (b) does not make the continuing body in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
 - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
 - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, in whole or part, from an obligation.

279DC Change of name does not affect certain things done under the Act before commencement and related matters

(1) If, before the commencement, the Queensland Principal Club has given a document to a race club, the document is taken to have been given to the race club by the Interim Thoroughbred Racing Board.

Example of subsection (1)—

A direction given to a race club under section 11B(2)(r) by the Queensland Principal Club is taken to have been given by the Interim Thoroughbred Racing Board.

(2) Without limiting subsection (1), in an Act or document, a reference to the Queensland Principal Club may, if the context permits, be taken as a reference to the Interim Thoroughbred Racing Board.

(3) Also, a reference in a provision of this Act after the commencement to the Interim Thoroughbred Racing Board includes, if the context permits, a reference to the Queensland Principal Club.

Example of provision—

Section 11G(1)(e).

279DD Members of Queensland Principal Club go out of office

The persons who are members of the Queensland Principal Club immediately before the commencement go out of office on the commencement.

PART 9—VALIDATION PROVISION

280 Validation of certain actions

(1) This section applies if, apart from this section, because of the existence of a relevant circumstance at the relevant time and the operation of section 43(1)(f) of the Act as in force before the commencement, John Crowley's office as member or chairperson of the Harness Racing Board became vacant.

(2) It is declared that section 43(1)(f) of the Act as in force before the commencement did not at the relevant time operate, because of the relevant circumstance, to vacate John Crowley's office as member or chairperson of the Harness Racing Board.

(3) In this section—

“commencement” means the commencement of this section.

“company” means Bryan Byrt Ford Pty Ltd (ACN 010 100 517).

“relevant circumstance” means—

- (a) the entering into a contract for or on behalf of the Harness Racing Board for the purchase by the Harness Racing Board from the company of a motor vehicle; or
- (b) the purchase by the Harness Racing Board from the company of a motor vehicle.

“relevant time” means any time from 19 May 1995 to 23 August 2000.

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 28 February 2002. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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
3B	to Act No. 21 of 2000	14 July 2000
3C	to Act No. 41 of 2001	21 June 2001
3D	to Act No. 45 of 2001	17 August 2001
3E	to Act No. 90 of 2001	18 December 2001

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)

amending legislation—

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 amds 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

commenced on date of assent

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 commenced 28 February 2002 (2002 SL No. 27) (provisions were to commence 8 June 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 46 s 2)))

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))

Racing and Betting Amendment Act 2001 No. 41

date of assent 7 June 2001

commenced on date of assent

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Taxation Administration Act 2001 No. 72 ss 1–2, 164 sch 1

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commence 1 March 2002 (2002 SL No. 12)**Racing and Betting Amendment Act (No. 2) 2001 No. 90**

date of assent 6 December 2001

pt 3 sch 2 not yet proclaimed into force (see s 2(2))

remaining provisions commenced on date of assent (see s 2(1))

7 List of annotations

Title amd 1998 No. 18 s 4**Commencement****s 2** om R2 (see RA s 37)**Arrangement****s 3** amd 1984 No. 63 s 2; 1985 No. 47 s 4; 1987 No. 26 s 4; 1988 No. 101 s 3; 1991 No. 4 s 4
om 1991 No. 81 s 3 sch**Repeals and savings****s 4** om 1991 No. 81 s 3 sch**Definitions****prov hdg** sub 1998 No. 18 s 5(1)**s 5** def “**accepted representations**” ins 2000 No. 21 s 4(2)def “**analyst**” ins 1985 No. 47 s 5(a)

sub 1988 No. 101 s 4

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)def “**athletic meeting**” om 2000 No. 21 s 4(1)def “**authorised officer**” ins 1985 No. 47 s 5(b)def “**betting meeting**” ins 1994 No. 17 s 4(2)def “**board**” ins 1985 No. 47 s 5(c)def “**bookmaker**” om 2000 No. 21 s 4(1)def “**bookmaker’s agent**” om 2000 No. 21 s 4(1)def “**bookmaker’s clerk**” om 2000 No. 21 s 4(1)def “**business associate**” ins 2000 No. 21 s 4(2)

- def “**certificate holder**” ins 2000 No. 21 s 4(2)
- def “**chief executive**” ins 1991 No. 81 s 4(2)
om 1994 No. 17 s 3 sch 2
- def “**chief executive (liquor licensing)**” ins 1994 No. 17 s 3 sch 2
- def “**commissioner**” amd 1981 No. 19 s 5(a)
om 2000 No. 21 s 4(1)
- def “**commissioner of state revenue**” ins 2001 No. 72 s 164 sch 1
- def “**control body**” amd 1984 No. 63 s 24; 1995 No. 35 s 3(2); 2001 No. 90 ss 3A(3), 21(3)
- def “**credit bet**” amd 2000 No. 21 s 4(3)
- def “**criminal history**” ins 2000 No. 21 s 4(2)
sub 2001 No. 90 s 21(1)–(2)
- def “**drug**” ins 1981 No. 19 s 5(b)
sub 1985 No. 47 s 5(d)
amd 1994 No. 17 s 3 sch 2
- def “**eligibility certificate**” ins 2000 No. 21 s 4(2)
- def “**executive associate**” ins 2000 No. 21 s 4(2)
- def “**executive officer**” ins 2000 No. 21 s 4(2)
- def “**financial year**” om 1991 No. 81 s 4(1)
- def “**gaming Act**” ins 2000 No. 21 s 4(2)
- def “**Gaming Commission**” ins 2000 No. 21 s 4(2)
- def “**gaming executive**” ins 2000 No. 21 s 4(2)
- def “**Greyhound Authority**” ins 1995 No. 35 s 3(1)
- def “**Greyhound Board**” om 1995 No. 35 s 3(1)
- def “**Harness Racing Board**” ins 1984 No. 63 s 24
- def “**instrument of betting**” amd 1987 No. 26 s 5
- def “**interested person**” ins 2000 No. 21 s 4(2)
- def “**Interim Thoroughbred Racing Board**” ins 2001 No. 90 s 3A(2)
om 2001 No. 90 s 21(1)
- def “**investment**” om 1998 No. 18 s 5(2)
- def “**local authority**” om 1994 No. 17 s 3 sch 2
- def “**local authority area**” om 1994 No. 17 s 3 sch 2
- def “**local rules of racing**” ins 1994 No. 17 s 4(2)
- def “**meeting**” sub 1994 No. 17 s 4
- def “**Minister**” om 1991 No. 81 s 4(1)
- def “**net pool**” om 1998 No. 18 s 5(2)
- def “**operating week**” om 1998 No. 18 s 5(2)
- def “**operator**” om 1998 No. 18 s 5(2)
- def “**person**” amd 2000 No. 21 s 4(4)
- def “**permanent head**” ins 1981 No. 19 s 5(c)
om 1991 No. 81 s 4(1)
- def “**police officer**” om 1994 No. 17 s 3 sch 2
- def “**primary totalisator**” om 1998 No. 18 s 5(2)
- def “**principal club**” om 1991 No. 81 s 4(1)
- def “**property**” om 1994 No. 71 s 3 sch 2
- def “**public place**” amd 1994 No. 17 s 3 sch 2
- def “**Queensland Principal Club**” ins 1991 No. 81 s 4(2)
om 2001 No. 90 s 3A(1)
- def “**race**” amd 1981 No. 19 s 5(d)
- def “**racing association**” ins 1991 No. 81 s 4(2)

- def “**racing bookmaker**” ins 2000 No. 21 s 4(2)
 def “**racing bookmaker’s agent**” ins 2000 No. 21 s 4(2)
 def “**racing bookmaker’s clerk**” ins 2000 No. 21 s 4(2)
 def “**refund**” sub 1998 No. 18 s 5(2)–(3)
 amd 2000 No. 21 s 4(5)
 def “**Regional Racing Council**” ins 2001 No. 90 s 21(2)
 def “**registered**” sub 1981 No. 19 s 5(e)
 amd 1984 No. 63 s 24; 1995 No. 35 s 3(2); 2001 No. 90 ss 3A(3), 21(3)
 def “**registered company auditor**” ins 1990 No. 85 s 5 sch 2
 amd 2001 No. 45 s 29 sch 3
 def “**registrar**” ins 2000 No. 21 s 4(2)
 def “**related body corporate**” ins 1998 No. 18 s 5(3)
 amd 2001 No. 45 s 29 sch 3
 def “**rules of greyhound racing**” amd 1995 No. 35 s 3(2)
 def “**rule of racing**” amd 2001 No. 90 ss 3A(3)–(4), 21(3)
 def “**rules of the totalisator board**” om 1998 No. 18 s 5(2)
 def “**rules of trotting**” amd 1984 No. 63 s 24
 def “**selection panel**” ins 2001 No. 90 s 21(2)
 def “**show cause notice**” ins 2000 No. 21 s 4(2)
 def “**show cause period**” ins 2000 No. 21 s 4(2)
 def “**sports totalisator**” ins 1990 No. 31 s 4(a)
 def “**surplus moneys**” om 1998 No. 18 s 5(2)
 def “**tabanza totalisator**” ins 1990 No. 31 s 4(b)
 om 1998 No. 18 s 5(2)
 def “**TABQ**” ins 2001 No. 90 s 21(2)
 def “**Thoroughbred Racing Board**” ins 2001 No. 90 s 21(2)
 def “**totalisator**” amd 1990 No. 31 s 4(c)
 sub 1998 No. 18 s 5(2)–(3)
 def “**totalisator board**” om 1998 No. 18 s 5(2)
 def “**totalisator pool**” om 1998 No. 18 s 5(2)
 def “**transmit**” om 1998 No. 18 s 5(2)
 def “**Treasurer**” om 1991 No. 81 s 4(1)
 def “**Trotting Board**” om 1984 No. 63 s 24
 def “**Under Treasurer**” om 1981 No. 19 s 5(f)
 def “**unit of investment**” om 1998 No. 18 s 5(2)
 def “**unpaid moneys from sports totalisators**” ins 1990 No. 31 s 4(d)
 om 1998 No. 18 s 5(2)
 def “**wagering**” ins 1998 No. 18 s 5(3)
 def “**wagering licensee**” ins 1998 No. 18 s 5(3)

Act binds all persons

- s 6 amd 1981 No. 19 s 6; 1998 No. 18 s 6
 sub 2000 No. 21 s 5

PART 2—ADMINISTRATION

- pt hdg sub 2000 No. 21 s 5

Delegation by Minister

- s 7 sub 1994 No. 17 s 3 sch 2; 2000 No. 21 s 5

Delegation by commissioner

s 7A ins 1994 No. 17 s 3 sch 2
om 2000 No. 21 s 5

Officers

s 8 amd 1981 No. 19 s 7; 1996 No. 37 s 147 sch 2; 1998 No. 18 s 7
om 2000 No. 21 s 5

General powers, functions and duties of police officers

s 9 om 2000 No. 5 s 373 sch 2

Secrecy

s 10 amd 1981 No. 19 s 8; 1993 No. 19 s 2 sch 1; 1999 No. 29 s 50 sch; 2000 No. 21 s 6

Racing Codes Advisory Board

s 10A ins 1985 No. 47 s 6
amd 1988 No. 52 s 44 sch 3; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2

Continuation of Queensland Principal Club under the name Interim Thoroughbred Racing Board

prov hdg sub 2001 No. 90 ss 3B(1), 22(1)
s 11 amd 1990 No. 88 s 3 sch
sub 1991 No. 81 s 5
amd 2001 No. 90 ss 3B(2)–(3), 22(2)–(3)

Functions of Interim Thoroughbred Racing Board

prov hdg amd 2001 No. 90 ss 3 sch 1, 23(1)
s 11A ins 1991 No. 81 s 5
amd 1998 No. 18 s 8; 1999 No. 38 s 68; 2001 No. 90 ss 3 sch 1, 23

Special responsibility of Thoroughbred Racing Board

s 11AA ins 2001 No. 90 s 24

Powers of Interim Thoroughbred Racing Board

prov hdg amd 2001 No. 90 s 3 sch 1, sch 2
s 11B ins 1991 No. 81 s 5
amd 1994 No. 17 s 5; 1996 No. 54 s 9 sch; 1998 No. 18 s 9; 1999 No. 38 s 69;
2000 No. 21 s 7; 2001 No. 90 ss 4, 3 sch 1, sch 2

Interim Thoroughbred Racing Board may take action against clubs that do not comply with a direction under s 11B(2)(r)

prov hdg amd 2001 No. 90 s 3 sch 2
s 11BA ins 2001 No. 90 s 5
amd 2001 No. 90 s 3 sch 2

Custody and affixing of seal

s 11C ins 1991 No. 81 s 5
amd 2001 No. 90 s 3 sch 1, sch 2

Authentication of documents

s 11D ins 1991 No. 81 s 5
amd 2001 No. 90 s 3 sch 1, sch 2

Interim Thoroughbred Racing Board not agent of the Crown**prov hdg** amd 2001 No. 90 s 3 sch 1, sch 2**s 11E** ins 1991 No. 81 s 5
amd 2001 No. 90 s 3 sch 1, sch 2**Membership of Interim Thoroughbred Racing Board****s 11F** ins 1991 No. 81 s 5
sub 1994 No. 17 s 6; 2001 No. 90 ss 5A, 25**Chief executive to make enquiries****s 11FA** ins 2001 No. 90 s 25**Obtaining the criminal history of a person****s 11FB** ins 2001 No. 90 s 25**Protection for persons about whom criminal histories or financial background documents obtained****s 11FC** ins 2001 No. 90 s 25**Destruction of fingerprints, forms, criminal histories etc.****s 11FD** ins 2001 No. 90 s 25**Ineligibility for membership of Interim Thoroughbred Racing Board****prov hdg** sub 2001 No. 90 s 3 sch 1
amd 2001 No. 90 s 26(1)**s 11G** ins 1991 No. 81 s 5
sub 1994 No. 17 s 6
amd 2000 No. 16 s 590 sch 1 pt 2; 2000 No. 21 s 8; 2001 No. 90 ss 3 sch 1, 26**Constitution of the Queensland Principal Club****s 11H** ins 1991 No. 81 s 5
om 2001 No. 90 s 5B**Tenure of office****s 11I** ins 1991 No. 81 s 5
om 2001 No. 90 s 5B
ins 2001 No. 90 s 27**Vacation of, and removal from, office****s 11J** ins 1991 No. 81 s 5
om 2001 No. 90 s 5B
ins 2001 No. 90 s 27**Casual vacancy****s 11K** ins 1991 No. 81 s 5
om 2001 No. 90 s 5B
ins 2001 No. 90 s 28**Members to be honorary members****s 11L** ins 1991 No. 81 s 5
amd 2001 No. 90 s 3 sch 1
om 2001 No. 90 s 28

Acting members

s 11M ins 1991 No. 81 s 5
 sub 2001 No. 90 s 5C
 om 2001 No. 90 s 28

Interim Thoroughbred Racing Board may regulate its proceedings

s 11N ins 1991 No. 81 s 5
 sub 2001 No. 90 s 5C
 om 2001 No. 90 s 28

Conduct of meetings

s 11O ins 1991 No. 81 s 5
 sub 2001 No. 90 s 5C
 om 2001 No. 90 s 28

Remuneration of member of Thoroughbred Racing Board

s 12 prev s 12 amd 1981 No. 19 s 9; 1987 No. 26 s 6; 1990 No. 85 s 5 sch 2
 om 1991 No. 81 s 3 sch
 pres s 12 ins 2001 No. 90 s 28

Chairperson and deputy chairperson of Thoroughbred Racing Board

s 12A ins 2001 No. 90 s 28

Function of deputy chairperson

s 12B ins 2001 No. 90 s 28

Thoroughbred Racing Board responsible for conduct its business

s 12C ins 2001 No. 90 s 28

Times and places of meetings

s 12D ins 2001 No. 90 s 28

Annual meeting of the Thoroughbred Racing Board

s 12E ins 2001 No. 90 s 28

Presiding at meetings

s 12F ins 2001 No. 90 s 28

Conduct of meetings

s 12G ins 2001 No. 90 s 28

Minutes

s 12H ins 2001 No. 90 s 28

Disclosure of interests

s 12I ins 2001 No. 90 s 28

Employees

s 13 sub 1991 No. 81 s 6
 amd 1999 No. 33 s 747 sch 3; 2001 No. 90 s 3 sch 1, sch 2

Finance

s 14 amd 1981 No. 19 s 10; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1998
 No. 18 s 10; 2001 No. 90 s 3 sch 1, sch 2

**Interim Thoroughbred Racing Board is a statutory body under the Statutory Bodies
Financial Arrangements Act 1982**

- prov hdg** sub 2001 No. 90 s 3 sch 1
amd 2001 No. 90 s 3 sch 2
- s 15** prev s 15 amd 1987 No. 26 s 7; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3
sch 2)
om 1994 No. 17 s 3 sch 2
pres s 15 ins 1996 No. 54 s 9 sch
amd 2001 No. 90 s 3 sch 1, sch 2

**Thoroughbred Racing Board is a statutory body under the Financial Administration
and Audit Act 1977**

- s 15A** ins 2001 No. 90 s 29

Registration of race clubs

- s 17** amd 1991 No. 81 ss 7, 51 (as amd 1993 No. 76 s 3 sch 2); 2001 No. 90 ss 6,
3 sch 1, sch 2

Dissolution of race club

- s 18** amd 1991 No. 81 ss 8, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1998 No. 18
s 11; 2000 No. 21 ss 9, 3 sch 1, sch 2

**Interim Thoroughbred Racing Board may dissolve race club's committee or take
other related action**

- prov hdg** sub 2001 No. 90 s 3 sch 1, sch 2
- s 19** amd 1991 No. 81 ss 9, 51 (as amd 1993 No. 76 s 3 sch 2); 2001 No. 90 s 3
sch 1, sch 2

Racing associations

- s 20** prev s 20 om 1987 No. 26 s 8
pres s 20 ins 1991 No. 81 s 10

Composition of racing associations

- s 20A** ins 1991 No. 81 s 10
amd 1994 No. 17 s 7; 2001 No. 90 s 3 sch 1, sch 2

Members to be honorary members

- s 20B** ins 1991 No. 81 s 10

Functions of racing associations

- s 20C** ins 1991 No. 81 s 10
amd 2001 No. 90 s 6A
sub 2001 No. 90 s 30

Powers of racing associations

- s 20D** ins 1991 No. 81 s 10

Racing associations not to employ

- s 20E** ins 1991 No. 81 s 10

Racing association responsible for conduct of its business

- s 21** prev s 21 amd 1984 No. 63 s 3; 1987 No. 26 s 9
om 1991 No. 81 s 11
pres s 21 ins 2001 No. 90 s 31

Chairperson of racing associations 21A ins 2001 No. 90 s 31**Times and places of meetings**s 21B ins 2001 No. 90 s 31**Conduct of meetings**s 21C ins 2001 No. 90 s 31**Racing on unallotted day unlawful**s 22 amd 1984 No. 63 s 4
sub 1991 No. 81 s 12; 1994 No. 17 s 8**Betting meeting at race club on unallotted day unlawful**s 23 prev s 23 amd 1983 No. 11 s 2
om 1991 No. 81 s 13
pres s 23 ins 1994 No. 17 s 8**Time race meeting taken to commence**s 24 sub 1998 No. 18 s 12
amd 2000 No. 21 s 10**Postponement of whole or part of race meeting**s 25 amd 1981 No. 19 s 11; 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3
sch; 1994 No. 17 s 3 sch 1; 1998 No. 18 s 13; 2001 No. 90 s 3 sch 1, sch 2**Abandonment of whole or part of race meeting**s 26 amd 1981 No. 19 s 12; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 2001 No. 90 s 3 sch 1, sch 2**Betting to continue at postponed or abandoned meeting**s 27 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1998 No. 18 s 14; 2000
No. 21 s 11**Phantom meeting may be held in certain circumstances**s 28 amd 1991 No. 81 ss 14, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17
ss 9, 3 sch 1; 1998 No. 18 s 15; 2000 No. 21 s 12; 2001 No. 90 s 3 sch 1**Trials**s 29 amd 1981 No. 19 s 13
om 1991 No. 81 s 3 sch**The Interim Thoroughbred Racing Board to review periodically race meetings**prov hdg amd 2001 No. 90 s 3 sch 1, sch 2s 30 amd 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 2001 No. 90 s 3
sch 1, sch 2**Presence at unlawful racing prohibited**

s 33 amd 1993 No. 19 s 2 sch 1

Division 1A—Queensland Regional Racing Councildiv hdg prev div 1A hdg ins 1988 No. 101 s 5
om 1991 No. 81 s 3 sch
pres div 1A hdg ins 2001 No. 90 s 32

Definitions for div 1A

- s 34A prev s 34A ins 1988 No. 101 s 5
om 1991 No. 81 s 3 sch
pres s 34A ins 2001 No. 90 s 32

Establishment of council

- s 34B prev s 34B ins 1988 No. 101 s 5
om 1991 No. 81 s 3 sch
pres s 34B ins 2001 No. 90 s 32

Functions of council

- s 34C prev s 34C ins 1988 No. 101 s 5
om 1991 No. 81 s 3 sch
pres s 34C ins 2001 No. 90 s 32

Composition of Regional Racing Council

- s 34D prev s 34D ins 1988 No. 101 s 6
om 1991 No. 81 s 3 sch
pres s 34D ins 2001 No. 90 s 32

Council members to be honorary members

- s 34E prev s 34E ins 1988 No. 101 s 6
om 1991 No. 81 s 3 sch
pres s 34E ins 2001 No. 90 s 32

Council responsible for conduct of its business

- s 34F prev s 34F ins 1988 No. 101 s 6
om 1991 No. 81 s 3 sch
pres s 34F ins 2001 No. 90 s 32

Times and places of meetings

- s 34G prev s 34G ins 1988 No. 101 s 7
om 1991 No. 81 s 3 sch
pres s 34G ins 2001 No. 90 s 32

Quorum

- s 34H prev s 34H ins 1988 No. 101 s 7
om 1991 No. 81 s 3 sch
pres s 34H ins 2001 No. 90 s 32

Presiding at meetings

- s 34I prev s 34I ins 1988 No. 101 s 7
om 1991 No. 81 s 3 sch
pres s 34I ins 2001 No. 90 s 32

Attendance by proxy

- s 34J prev s 34J ins 1988 No. 101 s 8
om 1991 No. 81 s 3 sch
pres s 34J ins 2001 No. 90 s 32

Conduct of meetings

- s 34K prev s 34K ins 1988 No. 101 s 8
om 1991 No. 81 s 3 sch
pres s 34K ins 2001 No. 90 s 32

Minutes

s 34L prev s 34L ins 1988 No. 101 s 8
om 1991 No. 81 s 3 sch
pres s 34L ins 2001 No. 90 s 32

Constitution of the Queensland Harness Racing Board

prov hdg amd 1984 No. 63 s 5(a)
s 35 amd 1984 No. 63 s 5(b)–(g); 1994 No. 17 s 3 sch 2

Composition of Harness Racing Board

prov hdg amd 1984 No. 63 s 24
s 36 amd 1981 No. 19 s 14
sub 1987 No. 26 s 10
amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

Continuation of membership

s 37 sub 1984 No. 63 s 6
om 1987 No. 26 s 11

First constitution of Trotting Board

s 38 om 1984 No. 63 s 7

Request by Minister for panels of names of eligible persons

s 39 amd 1984 No. 63 s 24
om 1987 No. 26 s 12

Failure to submit panel of names

s 40 om 1987 No. 26 s 13

Tenure of office

s 41 amd 1984 No. 63 s 24

Disqualification from membership

s 42 amd 1984 No. 63 s 24; 2000 No. 16 s 590 sch 1 pt 2

Vacation of office

s 43 amd 1981 No. 19 s 15; 1984 No. 63 s 24; 1994 No. 17 s 3 sch 2; 2001 No. 41
s 3

Casual vacancies

s 44 amd 1984 No. 63 s 24; 1987 No. 26 s 14

Appointment of substitute member

s 45 amd 1984 No. 63 s 24; 1987 No. 26 s 15

Expenses, fees or allowances to members

s 46 amd 1984 No. 63 s 24

Procedure at meetings

s 47 amd 1981 No. 19 s 16; 1984 No. 63 s 24; 1987 No. 26 s 16

Disclosure of interests

s 47A ins 2001 No. 41 s 4

Custody and affixing of seal

s 48 amd 1984 No. 63 s 24

Validity of acts

s 49 amd 1984 No. 63 s 24
 om 1994 No. 17 s 3 sch 2

Authentication of documents

s 50 amd 1984 No. 63 s 24

Groups of Harness Racing clubs

prov hdg amd 1984 No. 63 s 24
s 51 amd 1984 No. 63 s 8
 om 1987 No. 26 s 17

Functions, powers and duties of Harness Racing Board

prov hdg amd 1984 No. 63 s 24
s 52 amd 1981 No. 19 s 17; 1984 No. 63 s 9; 1987 No. 26 s 18; 1990 No. 85 s 5
 sch 2; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2; 1996 No. 54 s 9 sch;
 1998 No. 18 s 16; 1999 No. 38 s 70; 2000 No. 21 s 13; 2001 No. 90 s 7

Harness Racing Board may take action against trotting clubs that do not comply with a direction under s 52(3)(t)

s 52A ins 2001 No. 90 s 8

Officers

s 53 amd 1984 No. 63 ss 10, 24

Finance

s 54 amd 1981 No. 19 s 18; 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993
 No. 76 s 3 sch 2); 1998 No. 18 s 17

Harness Racing Board is statutory body

s 54A ins 1996 No. 54 s 9 sch

Amendment of rules of trotting

prov hdg amd R2 (see RA s 7(1)(k))
s 55 amd 1981 No. 19 s 19; 1984 No. 63 s 24; 1991 No. 81 s 3 sch

Registration of trotting clubs

s 57 amd 1984 No. 63 s 24; 1991 No. 81 s 15; 2001 No. 90 s 9

Dissolution of trotting club

s 58 amd 1984 No. 63 s 24; 1991 No. 81 s 16; 1991 No. 81 ss 51 (as amd 1993
 No. 76 s 3 sch 2), 3 sch; 1998 No. 18 s 18; 2000 No. 21 s 14

Harness Racing Board may appoint administrator of trotting club

prov hdg amd 1984 No. 63 s 24
s 59 amd 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

Days when trotting meetings may be held

s 60 om 1987 No. 26 s 19

Allotment of days for trotting meetings

s 61 amd 1984 No. 63 ss 11, 24; 1987 No. 26 s 20
 om 1991 No. 81 s 17

Trotting on unallotted day unlawful

- s 62** amd 1984 No. 63 ss 12, 24
 sub 1991 No. 81 s 18
 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)
 sub 1994 No. 17 s 10

Betting meeting at trotting club on unallotted day unlawful

- s 63** prev s 63 amd 1984 No. 63 s 24
 om 1991 No. 81 s 19
 pres s 63 ins 1994 No. 17 s 10

Time trotting meeting taken to commence

- s 64** sub 1998 No. 18 s 19
 amd 2000 No. 21 s 15

Postponement of whole or part of a trotting meeting

- s 65** amd 1981 No. 19 s 20; 1984 No. 63 s 24; 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17 s 3 sch 1; 1998 No. 18 s 20

Abandonment of whole or part of a trotting meeting

- s 66** amd 1981 No. 19 s 21; 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

Betting to continue at postponed or abandoned meeting

- s 67** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1998 No. 18 s 21; 2000 No. 21 s 16

Phantom meeting may be held in certain circumstances

- s 68** amd 1984 No. 63 s 24; 1989 No. 103 s 3 sch; 1991 No. 81 ss 20, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17 ss 11, 3 sch 1; 1998 No. 18 s 22; 2000 No. 21 s 17

Trials

- s 69** amd 1984 No. 63 s 24
 om 1991 No. 81 s 3 sch

Harness Racing Board to review periodically trotting meetings

- prov hdg** amd 1984 No. 63 s 24
s 70 amd 1984 No. 63 s 24; 1991 No. 81 s 3 sch

Presence at unlawful trotting prohibited

- s 73** amd 1993 No. 19 s 2 sch 1

When trotting on showgrounds allowed

- s 75** sub 1983 No. 11 s 3
 amd 1984 No. 63 s 24

Establishment of Greyhound Racing Authority

- prov hdg** sub 1995 No. 35 s 4(1)
s 76 amd 1995 No. 35 s 4(2)

Composition of Greyhound Authority

- prov hdg** amd 1995 No. 35 s 10
s 77 sub 1987 No. 26 s 21
 amd 1995 No. 35 s 10

Continuation in office of members constituting Greyhound Board

s 78 om 1987 No. 26 s 22

First constitution of Greyhound Board

s 79 om 1987 No. 26 s 23

Request by Minister for panels of names of eligible persons

s 80 om 1987 No. 26 s 24

Failure to submit panel of names

s 81 om 1987 No. 26 s 25

Tenure of office

s 82 amd 1995 No. 35 ss 10, 12

Disqualification from membership

s 83 amd 1995 No. 35 s 10; 2000 No. 16 s 590 sch 1 pt 2

Vacation of office

s 84 amd 1981 No. 19 s 22; 1994 No. 17 s 3 sch 2; 1995 No. 35 ss 10, 11; 2001 No. 41 s 5; 2001 No. 90 s 10

Casual vacancies

s 85 amd 1987 No. 26 s 26; 1995 No. 35 ss 10, 11

Appointment of substitute member

s 86 amd 1987 No. 26 s 27; 1995 No. 35 ss 10, 11

Expenses, fees or allowances to members

s 87 amd 1995 No. 35 s 10

Procedure at meetings

s 88 amd 1987 No. 26 s 28; 1995 No. 35 s 10

Disclosure of interests

s 88A ins 2001 No. 41 s 6

Custody of and affixing of seal

s 89 amd 1995 No. 35 s 10

Validity of acts

s 90 om 1994 No. 17 s 3 sch 2

Authentication of documents

s 91 amd 1995 No. 35 s 10

Groups of greyhound clubs

s 92 om 1987 No. 26 s 29

Functions, powers and duties of Greyhound Authority

prov hdg amd 1995 No. 35 s 10

s 93 amd 1981 No. 19 s 23; 1984 No. 63 s 13; 1987 No. 26 s 30; 1990 No. 85 s 5 sch 2; 1991 No. 81 s 3 sch; 1995 No. 35 s 10; 1996 No. 54 s 9 sch; 1998 No. 18 s 23; 1999 No. 38 s 71; 2000 No. 21 s 18; 2001 No. 90 s 11

Greyhound Authority may take action against greyhound clubs that do not comply with a direction under s 93(3)(t)

s 93A ins 2001 No. 90 s 12

Officers

s 94 amd 1995 No. 35 ss 5, 10

Finance

s 95 amd 1981 No. 19 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 s 10; 1998 No. 18 s 24

Greyhound Authority is statutory body

s 95A ins 1996 No. 54 s 9 sch

Amendment of rules of greyhound racing

prov hdg amd R2 (see RA s 7(1)(k))

s 96 amd 1981 No. 19 s 25; 1991 No. 81 s 3 sch; 1995 No. 35 s 10

Registration of greyhound clubs

s 98 amd 1991 No. 81 s 21; 1995 No. 35 ss 10, 12; 2001 No. 90 s 13

Dissolution of greyhound club

s 99 amd 1991 No. 81 ss 22, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1995 No. 35 s 10; 1998 No. 18 s 25; 2000 No. 21 s 19

Greyhound Authority may appoint administrator of greyhound club

prov hdg amd 1995 No. 35 s 10

s 100 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 ss 10, 11

Days when greyhound meetings may be held

s 101 om 1987 No. 26 s 31

Allotment of days for greyhound meetings

s 102 amd 1984 No. 63 s 14; 1987 No. 26 s 32
om 1991 No. 81 s 23

Greyhound racing on unallotted day unlawful

s 103 amd 1984 No. 63 s 15
sub 1991 No. 81 s 24; 1994 No. 17 s 12

Betting meeting at greyhound club on unallotted day unlawful

s 104 prev s 104 om 1991 No. 81 s 25
pres s 104 ins 1994 No. 17 s 12

Time greyhound meeting taken to commence

s 105 sub 1998 No. 18 s 26
amd 2000 No. 21 s 20

Postponement of whole or part of a greyhound meeting

s 106 amd 1981 No. 19 s 26; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 1; 1995 No. 35 ss 10, 12; 1998 No. 18 s 27

Abandonment of whole or part of a greyhound meeting

s 107 amd 1981 No. 19 s 27; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 s 10

Betting to continue at postponed or abandoned meeting

s 108 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1998 No. 18 s 28; 2000 No. 21 s 21

Phantom meeting may be held in certain circumstances

s 109 amd 1991 No. 81 ss 26, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17 ss 13, 3 sch 1; 1995 No. 35 s 10; 1998 No. 18 s 29; 2000 No. 21 s 22

Trials

s 110 om 1991 No. 81 s 3 sch

Greyhound Authority to review periodically greyhound meetings

prov hdg amd 1995 No. 35 s 10

s 111 amd 1991 No. 81 s 3 sch; 1995 No. 35 s 10

Presence at unlawful greyhound racing prohibited

s 113 amd 1993 No. 19 s 2 sch 1

Division 3A—Racing Appeals Authority

div hdg ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

amd 2001 No. 90 s 3 sch 1

Definitions

s 115A ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

def “**licence**” amd 2000 No. 21 s 23

def “**revoke a licence**” ins 2001 No. 90 s 14

Racing Appeals Authority

s 115B ins 1984 No. 63 s 16

amd 1989 No. 24 s 3

sub 1991 No. 81 s 27

Qualification for appointment of members

s 115C ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

amd 2001 No. 90 s 3 sch 1

Disqualification for appointment

s 115D ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

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; 2001 No. 90 s 3 sch 1

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 115R (prev s 15AN (orig s 115N)) ins 1985 No. 47 s 7
 renum 1991 No. 81 s 3 sch
 renum 2001 No. 90 s 15

Division 4—Disciplinary action relating to clubs

div hdg prev div 4 hdg om 1998 No. 18 s 30
 pres div 4 hdg ins 2001 No. 90 s 16

Definitions for div 4

s 115S ins 2001 No. 90 s 16

Grounds for suspension or cancellation

s 115T ins 2001 No. 90 s 16

Show cause notice

s 115U ins 2001 No. 90 s 16

Representations about show cause notice

s 115V ins 2001 No. 90 s 16

Immediate suspension

s 115W ins 2001 No. 90 s 16

Censuring club

s 115X ins 2001 No. 90 s 16

Direction to rectify

s 115Y ins 2001 No. 90 s 16

Suspension or cancellation

s 115Z ins 2001 No. 90 s 16

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; 2001 No. 90 s 17

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 revenues and the like of club

prov hdg amd 2001 No. 90 s 18(1)
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; 2001 No. 90 ss 18(2)–(12), 3 sch 1, sch 2

Guidelines about spending

s 134A ins 2001 No. 90 s 19

Combined sports meetings

s 135 amd 1991 No. 81 s 33; 1994 No. 17 s 3 sch 2

Disclosure of criminal history

s 136 sub 1991 No. 81 s 34
om 1991 No. 81 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

Definitions for pt 4

s 139 amd 1981 No. 19 s 39; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)
sub 2000 No. 21 s 29
def “**criminal history**” om 2001 No. 90 s 33

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
om 2000 No. 20 s 29 sch 3

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
sub 2000 No. 21 s 32

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

Requirements about applications

s 147 amd 1991 No. 4 s 5; 1991 No. 81 s 51
sub 2000 No. 21 s 32

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
sub 2000 No. 21 s 32

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)
sub 2000 No. 21 s 32

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
sub 2000 No. 21 s 32

Division 5—Investigations of certificate holders and their business and executive associates**div hdg** ins 2000 No. 21 s 32**Audit program****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**Investigations into suitability of certificate holders****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**Investigation of suitability of associates of certificate holders****s 157A** ins 2000 No. 21 s 32**Requirement to give information or document for investigation****s 157B** ins 2000 No. 21 s 32**Failure to give information or document for investigation****s 157C** ins 2000 No. 21 s 32**Criminal history report for investigation****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**Grounds for cancellation****s 158** amd 1993 No. 19 s 2 sch 1
sub 2000 No. 21 s 32
amd 2001 No. 45 s 29 sch 3**Show cause notice****s 158A** ins 2000 No. 21 s 32**Involvement of interested persons in show cause process****s 158B** ins 2000 No. 21 s 32**Consideration of representations****s 158C** ins 2000 No. 21 s 32**Ending show cause process without further action****s 158D** ins 2000 No. 21 s 32**Censuring certificate holder****s 158E** ins 2000 No. 21 s 32**Cancellation of eligibility certificates****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

Notice to interested persons of decisions

s 158H ins 2000 No. 21 s 32

Division 7—Appeals relating to eligibility certificates

div hdg ins 2000 No. 21 s 32

Appeals

s 158I ins 2000 No. 21 s 32

Starting appeal

s 158J ins 2000 No. 21 s 32

Stay of operation of decisions

s 158K ins 2000 No. 21 s 32

Hearing procedures

s 158L ins 2000 No. 21 s 32

Power to gather evidence

s 158M ins 2000 No. 21 s 32

Powers of Gaming Commission on appeal

s 158N ins 2000 No. 21 s 32

Appeals to District Court

s 158O ins 2000 No. 21 s 32

Division 8—Provisions about racing bookmakers

div hdg ins 2000 No. 21 s 32

**Racing bookmakers to maintain policy of insurance or bond to indemnify 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
contingencies**

div hdg ins 2000 No. 21 s 34

Control by clubs and control bodies over racing bookmakers

s 160 amd 2000 No. 5 s 461 sch 3 (om 2000 No. 21 s 45)

sub 2000 No. 21 s 34

Bookmaking on certain declared sporting contingencies

s 161 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

sub 2000 No. 21 s 34

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
 ins 2000 No. 21 s 34

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

Surrender of eligibility certificates

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 tax

s 163 amd 1981 No. 19 s 46; 1984 No. 93 s 2; 1987 No. 85 s 2; 1990 No. 31 s 8;
 1991 No. 4 s 12
 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 payable

s 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 bets

s 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
om 1998 No. 18 s 36

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

Orders under s 218 not original orders

s 218AA ins 1993 No. 19 s 4

No alternatives to imprisonment

s 218AB ins 1993 No. 19 s 4

Recovery of penalties imposed under s 218

s 218A ins 1981 No. 19 s 63

amd 1993 No. 19 s 5; 1993 No. 76 s 3 sch 1; 1994 No. 17 s 3 sch 2

Appeal from District Court orders

s 218B ins 1981 No. 19 s 63

om 1982 No. 12 s 6

Resorting to common betting house prohibited

s 219 amd 1993 No. 19 s 2 sch 1

Prohibition of advertising of common betting house

s 220 amd 1993 No. 19 s 2 sch 1

Betting on licensed premisess 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)

s 232A ins 1981 No. 19 s 69

amd 1982 No. 12 s 8(b)

om 2000 No. 5 s 373 sch 2

Power to require name, address

s 233 amd 2000 No. 5 s 461 sch 3

Power to search clothing and person of arrested person and to seize and detain things

s 234 om 2000 No. 5 s 373 sch 2

Further powers of police officers

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

Offences generally and penalty

s 236 amd 1993 No. 19 s 2 sch 1

Proceedings for offences

s 237 amd 1981 No. 19 s 70; 1982 No. 12 s 9; 1993 No. 19 s 2 sch 1

Time limits for payment of penalties

s 238 amd 1981 No. 19 s 71; 1982 No. 12 s 10

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; 2001 No. 72 s 164 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

Disposal of penalties and the like

s 250 amd 1983 No. 11 s 9

Protection against liability

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

om 1991 No. 81 s 37

Superannuation schemes

s 254A ins 1983 No. 11 s 10

amd 1984 No. 63 s 24; 1991 No. 81 s 38; 1995 No. 35 s 9

sub 1995 No. 36 s 9 sch 2

amd 2001 No. 90 s 3 sch 1, sch 2

Evidentiary provisions

s 256 amd 1981 No. 19 s 74; 1985 No. 47 s 11; 1991 No. 81 s 51 (as amd 1993

No. 76 s 3 sch 2); 2000 No. 21 s 41; 2001 No. 72 s 164 sch 1

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

**Regulation about selection panels and matters related to selection of members of the
Thoroughbred Racing Board**

s 257A ins 2001 No. 90 s 34

PART 8—TRANSITIONAL PROVISIONS

pt hdg prev pt 8 hdg ins 1993 No. 19 s 2 sch 2
om R1 (see RA s 39)
pres pt 8 hdg ins 1994 No. 17 s 20

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)
ins 1994 No. 17 s 20
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

**Division 7—Transitional and related provisions for provisions of Racing and Betting
Amendment Act (No. 2) 2001 commencing on assent**

div 7 (ss 279A–279DD) ins 2001 No. 90 s 20

**Division 8—Transitional provisions for provisions of Racing and Betting Amendment
Act (No. 2) 2001 commencing on a day to be fixed by proclamation**div 8 (ss 279E–279J) ins 2001 No. 90 s 35

PART 9—VALIDATION PROVISION**pt 9 (s 280)** ins 2001 No. 41 s 7**SCHEDULE 1**

om 1991 No. 81 s 3 sch

SCHEDULE 2amd 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)).

Taxation Administration Act 2001 No. 72 s 164 sch 1 reads as follows—

RACING AND BETTING ACT 1980**1 Section 5—***insert—*

‘**“commissioner of state revenue”** means the Commissioner of State Revenue appointed under the *Taxation Administration Act 2001*.’

2 Section 244(2), (3B) and (6), ‘commissioner of stamp duties’—*omit, insert—*

‘commissioner of state revenue’.

3 Section 256(a), ‘commissioner of stamp duties’—*omit, insert—*

‘commissioner of state revenue’.

Racing and Betting Amendment Act (No. 2) 2001 No. 90 pt 3 and sch 2 reads as follows—

PART 3—AMENDMENTS COMMENCING ON A DAY TO BE FIXED BY PROCLAMATION

21 Amendment of s 5 (Definitions)

(1) Section 5, definitions “criminal history” and “Interim Thoroughbred Racing Board”—

omit.

(2) Section 5—

insert—

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

- (a) despite section 6³⁸ of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5³⁹ of that Act, includes a charge made against the person for an offence.

“Regional Racing Council” means the Queensland Regional Racing Council established under section 34B.

“selection panel” means a selection panel established from time to time under a regulation for the purpose of selecting and appointing, in a way prescribed under this Act—

- (a) a person or persons as a member or members of the Thoroughbred Racing Board; or
- (b) a member as the chairperson, or the deputy chairperson, of the board.

“TABQ” means TAB Queensland Limited (ACN 085 691 738).

38 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6 (Non-disclosure of convictions upon expiration of rehabilitation period)

39 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 5 (Matter excluded from criminal history)

“Thoroughbred Racing Board” means the Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ that, under section 11(1), is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

(3) Section 5, definitions “control body”, “registered” and “rules of racing”, ‘Interim Thoroughbred Racing Board’—

omit, insert—

‘Thoroughbred Racing Board’.

22 Amendment of s 11 (Continuation of Queensland Principal Club under the name Interim Thoroughbred Racing Board)

(1) Section 11, heading—

omit, insert—

‘11 Continuation of Interim Thoroughbred Racing Board under the name Thoroughbred Racing Board’.

(2) Section 11(1)—

omit, insert—

‘(1) The Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

(3) Section 11(2) and (3), ‘Interim’—

omit.

23 Amendment of s 11A (Functions of Interim Thoroughbred Racing Board)

(1) Section 11A, ‘Interim’—

omit.

(2) Section 11A—

insert—

‘(4) As part of its functions, the Thoroughbred Racing Board must—

- (a) consider recommendations made to the board by the Regional Racing Council as mentioned in section 34C(1)(b) and (c),⁴⁰ and adopt the recommendations with or without changes as the board considers appropriate; and
- (b) consider reports made to the board by the council as mentioned in section 34C(1)(d) and (2).

‘(5) As soon as practicable after adopting recommendations of the Regional Racing Council as mentioned in subsection (4)(a), the board must give written notice of its adoption of the recommendations, whether with or without changes, to the council.’.

24 Insertion of new s 11AA

After section 11A—

insert—

‘11AA Special responsibility of Thoroughbred Racing Board

‘(1) During the special responsibility period, the Thoroughbred Racing Board must—

- (a) investigate establishing a company limited by guarantee as the control body for thoroughbred racing in Queensland; and
- (b) develop recommendations about establishing a company limited by guarantee.

‘(2) The recommendations must—

- (a) ensure the integrity of, and public confidence in, the thoroughbred racing industry is maintained; and
- (b) ensure the interests of country and regional racing are taken account of; and
- (c) state what is reasonably necessary to protect country and regional racing.

‘(3) Within the special responsibility period, the board must give the Minister a written report about its investigations, stating its recommendations and the reasons for them.

‘(4) In this section—

⁴⁰ Section 34C (Functions of council)

“**special responsibility period**” means the period of 18 months starting on the commencement of this section.’.

25 Replacement of s 11F (Membership of Interim Thoroughbred Racing Board)

Section 11F—

omit, insert—

‘11F Membership of Thoroughbred Racing Board

‘(1) The Thoroughbred Racing Board is to consist of 5 persons.

‘(2) The persons comprising the board are to be appointed, by gazette notice, by a selection panel.

‘(3) An appointment must be by unanimous resolution of the selection panel.

‘11FA Chief executive to make enquiries

‘(1) To help a selection panel in considering the suitability of a person for appointment to the Thoroughbred Racing Board as a member, the chief executive must, in writing, ask the person—

- (a) to give the person’s fingerprints to the chief executive or allow the person’s fingerprints to be taken; and
- (b) to complete a form approved by the chief executive relating to the person’s business reputation, character, criminal history, current financial position and financial background.

‘(2) The chief executive must give—

- (a) the approved form completed by the person to the selection panel that is considering the person’s suitability for appointment; and
- (b) a copy of the form to the Minister.

‘11FB Obtaining the criminal history of a person

‘(1) After obtaining a person’s fingerprints, the chief executive may, in writing, ask the commissioner of the police service to provide the criminal history of the person.

‘(2) As soon as practicable after receiving the request, the commissioner of the police service must give the person’s criminal history, as shown in the commissioner’s records, to the chief executive.

‘(3) The chief executive must give—

- (a) the criminal history to the selection panel that is considering the person’s suitability for appointment; and
- (b) a copy of the criminal history to the Minister.

‘11FC Protection for persons about whom criminal histories or financial background documents obtained

‘(1) A person who is or was a public service employee of the department or a member of a selection panel must not—

- (a) make a copy or a record of fingerprints given or taken under section 11FA or a background document; or
- (b) directly or indirectly, divulge or communicate to someone else the contents of, or information contained in, a document concerning the criminal history or background document of another person;

unless the record is made, or the information is divulged or communicated—

- (c) in the performance of duties under this Act; or
- (d) subject to subsection (2), otherwise as required by operation of law; or
- (e) to, or with the prior consent of, the person to whom the record or information relates.

Maximum penalty—100 penalty units.

‘(2) A person who is or was a public service employee of the department or a member of a selection panel is not required to do any of the following unless it is necessary to do so for the purposes of carrying this Act into effect—

- (a) to divulge or communicate the contents of, or information contained in, a criminal history or background document to a court;
- (b) to produce a criminal history or background document in a court.

‘(3) In this section—

“background document” means—

- (a) the approved form completed by a person about the person’s business reputation, character, criminal history, current financial position and financial background; or
- (b) other documents obtained by the chief executive relating to the person’s business reputation, character, current financial position and financial background.

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

‘11FD Destruction of fingerprints, forms, criminal histories etc.

‘(1) The chief executive must destroy the original and copies of the following when the chief executive considers they are no longer required—

- (a) fingerprints of persons obtained under section 11FA(1)(a);
- (b) approved forms obtained under section 11FA(1)(b) and other documents that relate to the business reputation, character, criminal history, current financial position and financial background of a person who completed an approved form;
- (c) criminal histories obtained under section 11FB.

‘(2) To ensure all documents of the type mentioned in subsection (1) are destroyed, the chief executive must arrange for a selection panel and the Minister to return all documents of that type given under this Act to the selection panel or the Minister.’.

26 Amendment of s 11G (Ineligibility for membership of Interim Thoroughbred Racing Board)

(1) Section 11G, ‘Interim’—

omit.

(2) Section 11G(1)(b), after ‘an’—

insert—

‘offence under this Act or of an’.

(3) Section 11G(1)—

insert—

- ‘(f) a member of a committee of, or employee of, any of the following—
- (i) a race club registered by a control body;
 - (ii) a racing association;
 - (iii) another association formed to promote the interests of 1 or more participants in the thoroughbred racing industry;
- (g) a person who—
- (i) is employed by the board; or
 - (ii) within 2 years of the person’s appointment, was employed by the board;
- (h) a member or employee of the Harness Racing Board or Greyhound Authority;
- (i) a person disqualified from managing corporations, under the Corporations Act, part 2D.6.⁴¹’.

(4) Section 11G(2), ‘nomination or’—

omit.

(5) Section 11G(2), ‘nominated or’—

omit.

(6) Section 11G(3), definition “nomination”—

omit.

27 Insertion of new ss 11I and 11J—

After section 11G—

insert—

‘11I Tenure of office

‘**(1)** A member of the Thoroughbred Racing Board holds office for 2 years starting on the day of the person’s appointment.’

41 Corporations Act, part 2D.6 (Disqualification from managing corporations)

‘(2) Subject to subsection (3), a person who was previously a member of the board is eligible for reappointment as a member.

‘(3) A person must not be appointed to more than 2 successive terms as a member of the board.

‘11J Vacation of, and removal from, office

‘(1) The office of a member of the Thoroughbred Racing Board becomes vacant if the member—

- (a) dies; or
- (b) resigns his or her office by signed notice of resignation given to the Minister; or
- (c) without reasonable excuse or prior leave of the board, is absent from 3 consecutive meetings of the board of which due notice has been given to the member; or
- (d) becomes ineligible to be member; or
- (e) is removed from office under subsection (2).

‘(2) The Governor in Council may, by gazette notice, remove a person from the office of member of the Thoroughbred Racing Board if the Governor in Council reasonably considers the person—

- (a) has becomes incapable of properly discharging the functions of a member; or
- (b) gave false or misleading information on an approved form the person was asked to complete under section 11FA(b);⁴² or
- (c) did not disclose an interest as required under section 12I.⁴³

‘(3) A notice of resignation mentioned in subsection (1)(b) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.’

28 Replacement of ss 11L–11O

Sections 11L, 11M, 11N and 11O—

42 Section 11FA (Chief executive to make enquiries)

43 Section 12I (Disclosure of interests)

omit, insert—

‘11K Casual vacancy

‘(1) If a casual vacancy happens in the office of a member, another person is to be appointed by a selection panel.

‘(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 eligible—is eligible for renomination or reappointment as a member.

‘12 Remuneration of member of Thoroughbred Racing Board

‘A member of the Thoroughbred Racing Board is entitled to be paid the remuneration decided by the Governor in Council.

‘12A Chairperson and deputy chairperson of Thoroughbred Racing Board

‘(1) A selection panel may, by gazette notice, appoint—

- (a) a member of the Thoroughbred Racing Board to be the chairperson of the board; and
- (b) another member of the Thoroughbred Racing Board to be the deputy chairperson of the board.

‘(2) In the same instrument, a person may be appointed as—

- (a) a member of the board; and
- (b) the chairperson or deputy chairperson.

‘(3) The chairperson or the deputy chairperson may resign the office, by signed notice of resignation given to the Minister, and remain a member of the board.

‘(4) However, if the office of member of the board held by the chairperson or deputy chairperson becomes vacant, the person’s appointment as chairperson or deputy chairperson ends.

‘(5) A notice of resignation under subsection (3) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

‘(6) The Governor in Council may, by gazette notice, remove a person from the office of chairperson or deputy chairperson if the Governor in Council reasonably considers the person has become incapable of properly discharging the functions of the office.

‘12B Function of deputy chairperson

‘The deputy chairperson of the Thoroughbred Racing Board must act as the chairperson of the board—

- (a) during a vacancy in the office of chairperson; and
- (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

‘12C Thoroughbred Racing Board responsible for conduct its business

‘Subject to sections 12D to 12I, the Thoroughbred Racing Board must conduct its business, including its meetings, in the way it considers appropriate.

‘12D Times and places of meetings

‘(1) Meetings of the Thoroughbred Racing Board must be held at the times and places the chairperson decides.

‘(2) However, the chairperson must call a meeting if asked, in writing, to do so by at least 3 members of the board.

‘(3) The board must meet as often as necessary for it to perform its functions.

‘(4) Without limiting subsection (3), the board must meet at least 4 times a year in addition to the annual meeting held under section 12E.

‘(5) A quorum for the board is 3 of its members.

‘12E Annual meeting of the Thoroughbred Racing Board

‘(1) The Thoroughbred Racing Board must hold an annual meeting not later than 2 months after its annual report has been tabled in the Legislative Assembly under section 132(2).⁴⁴

‘(2) The members of committees of registered race clubs, and persons registered or licensed by the board, may attend the annual meeting.

‘(3) The board must give at least 2 weeks notice of the time and place that it intends to hold its annual meeting by notice in a newspaper that circulates within the State and in other ways it considers appropriate.

‘12F Presiding at meetings

‘(1) The chairperson of the Thoroughbred Racing Board must preside at all board meetings at which the chairperson is present.

‘(2) If the chairperson is absent from a board meeting, but the deputy chairperson is present, the deputy chairperson must preside.

‘(3) If the chairperson and deputy chairperson are both absent from a board meeting or the offices are vacant, a member of the Thoroughbred Racing Board chosen by the members present must preside.

‘12G Conduct of meetings

‘(1) A question at a meeting of the Thoroughbred Racing Board is decided by a majority of the votes of the members of the board present.

‘(2) Each member present at a board meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A member present at a board meeting who abstains from voting is taken to have voted for the negative.

‘(4) The board may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A member who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

44 Section 132 (Control body to furnish an annual report to Minister and to clubs)

‘(6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—

- (a) notice of the resolution is given under procedures approved by the board; and
- (b) a majority of the members gives written agreement to the resolution.

‘12H Minutes

‘The Thoroughbred Racing Board must keep minutes of its meetings.

‘12I Disclosure of interests

‘(1) This section applies to a member of the Thoroughbred Racing Board (the “**interested member**”) if—

- (a) the interested member has a personal interest, or a direct or indirect financial interest, in an issue being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the member’s duties about the consideration of the issue.

‘(2) Also, this section applies to a member of the Thoroughbred Racing Board (also the “**interested member**”) if—

- (a) the interested member has been, within 3 years before the day of the meeting, a member of the committee of a race club; and
- (b) an issue concerning the race club is being considered, or about to be considered, by the board; and
- (c) the member’s present or past membership of the race club could conflict with the proper performance of the member’s duties about the consideration of the issue.

‘(3) As soon as practicable after the relevant facts come to the interested member’s knowledge, the member must disclose the nature of the interest to a meeting of the board.

‘(4) Unless the board otherwise directs, the interested member must not—

- (a) be present when the board considers the issue; or
- (b) take part in a decision of the board about the issue.

‘(5) The interested member must not be present when the board is considering whether to give a direction under subsection (4).

‘(6) If there is another member of the board who must, under subsection (3), also disclose an interest in the issue, the other member must not—

- (a) be present when the board is considering whether to give a direction under subsection (4) about the interested member; or
- (b) take part in making the decision about giving the direction.

‘(7) If—

- (a) because of this section, a member of the board is not present at a meeting of the board for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (4); and
- (b) there would be a quorum if the member were present;

the remaining members of the board present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

‘(8) A disclosure under subsection (3) must be recorded in the minutes of the meeting.’.

29 Insertion of new s 15A

After section 15—

insert—

‘15A Thoroughbred Racing Board is a statutory body under the Financial Administration and Audit Act 1977

‘The Thoroughbred Racing Board is a statutory body for the *Financial Administration and Audit Act 1977*.’.

30 Replacement of s 20C (Functions of racing associations)

Section 20C—

omit, insert—

‘20C Functions of each racing association

‘(1) Each racing association must—

- (a) provide advice to the Thoroughbred Racing Board about race meetings conducted by each member club of the racing association; and
- (b) if the racing association must, under section 34D(2), nominate a person to be a member of the Queensland Regional Racing Council—nominate a person as a member of the council; and
- (c) prepare submissions for the Queensland Regional Racing Council about the funding that each member club of the racing association requires to conduct races on which the TABQ does not, or is unlikely to, offer wagering; and
- (d) appoint a committee to hear, under the relevant rules of racing, first level appeals from decisions of stewards at race meetings held by each member club of the racing association.

‘(2) A member of a committee appointed under subsection (1)(d) must not be a licensee of the Thoroughbred Racing Board.

‘(3) In this section—

“**member club**”, of a racing association, means a club that is entitled, under a regulation, by itself or jointly with other clubs, to nominate a person to be a member of the racing association.’.

31 Insertion of new ss 21–21C

After section 20E—

insert—

‘21 Racing association responsible for conduct of its business

‘(1) Each racing association must conduct its business, including its meetings, in the way it considers appropriate.

‘(2) Subsection (1) is subject to sections 21A to 21C.

‘21A Chairperson of racing association

‘(1) Each racing association must elect a member of the racing association as the chairperson of the racing association.

‘(2) As soon as practicable after a member is elected as the chairperson, the member must notify the Thoroughbred Racing Board about the election.

‘(3) The chairperson must preside at all meetings at which the chairperson is present.

‘(4) If the chairperson is absent from a meeting or the office is vacant, a member chosen by the members present must preside.

‘21B Times and places of meetings

‘(1) Meetings of each racing association must be held at the times and places the chairperson of the racing association decides.

‘(2) However—

- (a) each racing association must meet as often as necessary for it to perform its functions and at least twice each year; and
- (b) the chairperson of each racing association must call a meeting if asked, in writing, to do so by at least 3 members of the association.

‘(3) A meeting required under subsection (2)(a) must take place within 1 month before each scheduled meeting of the Queensland Regional Racing Council as notified by the chairperson of the council to the chairperson of the racing association.

‘21C Conduct of meetings

‘(1) A question at a meeting of a racing association is decided by a majority of the votes of the members of the association who are present.

‘(2) Each member present at a meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A member present at a meeting who abstains from voting is taken to have voted for the negative.

‘(4) A racing association may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A member who takes part in a meeting under subsection (4) is taken to be present at the meeting.

‘(6) A resolution is validly made by a racing association, even if it is not passed at a meeting, if—

- (a) notice of the resolution is given under procedures approved by the racing association; and
- (b) a majority of the members gives written agreement to the resolution.’.

32 Insertion of new pt 3, div 1A

After section 34—

insert—

‘Division 1A—Queensland Regional Racing Council

‘34A Definitions for div 1A

‘In this division—

“**board**” means the Queensland Thoroughbred Racing Board.

“**chairperson**” means the person elected as the chairperson of the council.

“**council**” means the Queensland Regional Racing Council established under section 34B.

“**council member**” means a person who is a member of the council.

“**meeting**” means a meeting of the council.

“**non-TABQ clubs**” means race clubs for which the TABQ does not, or is unlikely to, offer wagering on the majority of the clubs’ races.

“**non-TABQ races**” means races on which the TABQ does not, or is unlikely to, offer wagering.

“**racing calendar**” means a program for a period that includes all of the following—

- (a) the dates on which, and places at which, race meetings are to take place during the period;
- (b) information about the races to be held at each race meeting during the period, including, for example, the length of each race and the prize money and the types of animals eligible for each race;
- (c) information about dates relevant to each race, including, for example, the deadlines for paying nomination fees and for nominating.

‘34B Establishment of council

The Queensland Regional Racing Council is established.

‘34C Functions of council

‘(1) The council’s functions are—

- (a) to consider submissions made by racing associations about the amount of funding that the clubs in each of the racing associations require to conduct non-TABQ races; and
- (b) to develop a distribution strategy for prize money and other funding that the clubs in each of the racing associations require for conducting non-TABQ races, and to make recommendations to the board about the distribution strategy; and
- (c) to develop racing calendars for non-TABQ races, and to make recommendations to the board about racing calendars; and
- (d) to monitor the performance of non-TABQ races and non-TABQ clubs and to report to the board about those races and clubs.

‘(2) In addition to the recommendations mentioned in subsection (1), the council must give the board—

- (a) a written report about matters relating to the council’s performance of its functions once each year; and
- (b) if the board asks the council to give it written reports on particular matters—additional reports as requested.

‘34D Composition of Regional Racing Council

‘(1) The council consists of the following members—

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

‘(2) If a chairperson of a racing association can not become a council member under subsection (3), the racing association must, by written notice to the board, nominate another person who is a member of the racing association to become the council member instead of the chairperson of the racing association.

‘(3) A person can not become a council member if the person—

- (a) holds office as a member of a racing association because of a nomination by a TABQ club, other than a nomination made jointly with other clubs; or
- (b) is a member of a committee of a TABQ club.

‘(4) A person who, under subsection (2), is nominated by a racing association to be a council member remains a council member only while the person continues to hold the nomination of the racing association.

‘(5) In this section—

“**TABQ club**”, in relation to a person, means a race club for which the TABQ offered wagering on the majority of the club’s races in the financial year immediately preceding the financial year in which the person became the racing association’s chairperson or was nominated to be a council member.

‘34E Council members to be honorary members

‘The council members are honorary members and are not to be paid fees or allowances for the duties they perform as council members.

‘34F Council responsible for conduct of its business

‘(1) Subject to this division, the council must conduct its business, including its meetings, in the way it considers appropriate.

‘(2) The council members must elect a council member to be the chairperson of the council.

‘34G Times and places of meetings

‘(1) Council meetings must be held at the times and places the chairperson decides.

‘(2) However—

- (a) the council must meet as often as is necessary for it to perform its functions and at least twice each year; and
- (b) the chairperson must call a meeting if asked, in writing, to do so by at least 3 council members.

‘34H Quorum

‘A quorum for the council is 3 council members.

‘34I Presiding at meetings

‘(1) The chairperson of the council must preside at all council meetings at which the chairperson is present.

‘(2) If the chairperson is absent from a council meeting or the office is vacant, a council member chosen by the members present must preside.

‘34J Attendance by proxy

‘(1) A council member may attend a council meeting by proxy.

‘(2) A council member is not entitled to preside at a meeting merely because the member is the proxy holder for another member who, if present, would be entitled to preside.

‘34K Conduct of meetings

‘(1) A question at a council meeting is decided by a majority of the votes of the council members present.

‘(2) Each council member present at a council meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A council member present at a council meeting who abstains from voting is taken to have voted for the negative.

‘(4) The council may hold meetings, or allow council members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A council member who takes part in a council meeting under subsection (4) is taken to be present at the meeting.

‘(6) A resolution is validly made by the council, even if it is not passed at a council meeting, if—

- (a) notice of the resolution is given under procedures approved by the council; and
- (b) at least 3 council members give written agreement to the resolution.

‘34L Minutes

‘The council must keep minutes of its meetings.’.

33 Section 139 (Definitions for pt 4)

Section 139, definition “criminal history”—
omit.

34 Insertion of new s 257A

Part 7, after section 257—
insert—

‘257A Regulation about selection panels and matters related to selection of members of the Thoroughbred Racing Board

‘(1) A regulation may provide for—

- (a) the way a selection panel is to be established for the purpose of selecting and appointing a person or persons as a member or members of the Thoroughbred Racing Board or a member as the chairperson or deputy chairperson of the board; and
- (b) persons who are ineligible to comprise a selection panel; and
- (c) the way a selection panel, when established, is to select and appoint—
 - (i) persons to be members of the board; and
 - (ii) members of the board to be the chairperson and the deputy chairperson of the board.

‘(2) Also, a regulation may provide for the chief executive to engage a person, who provides services in recruiting individuals for positions, to help a selection panel, that is or is to be established, by preparing a list of

persons who may be suitable for appointment by carrying out the following activities—

- (a) identifying the qualifications or experience required for positions on the board;
- (b) advertising the positions and the qualifications or experience required for the positions;
- (c) carrying out other activities to help the selection panel, including short-listing applicants for positions.’.

35 Insertion of new pt 8, div 8

After section 279D—

insert—

‘Division 8—Transitional provisions for provisions of Racing and Betting Amendment Act (No. 2) 2001 commencing on a day to be fixed by proclamation

‘279E Definitions for div 8

‘In this division—

“commencement” means the commencement of this section.

“continuing body” means the Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ that, under section 11(1), is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

‘279F Purposes of division

‘The purposes of this division are—

- (a) to remove any doubt about the consequences of changing the name of the Interim Thoroughbred Racing Board to Queensland Thoroughbred Racing Board; and
- (b) to provide that the persons who, immediately before the commencement, constitute the Interim Thoroughbred Racing Board go out of office on the commencement.

‘279G Change of name does not affect legal personality etc.

‘(1) The change of name of the continuing body does not—

- (a) affect the continuing body’s legal personality or identity; or
- (b) affect a right, entitlement or liability of the continuing body or anyone else; or
- (c) make legal proceedings by or against the continuing body defective.

‘(2) Without limiting subsection (1), the change of name of the continuing body does not affect any right, entitlement, liability or benefit the continuing body would have had or enjoyed apart from the change of name.

‘(3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the continuing body under its former name, it may be continued or started by or against it under its new name.

‘279H Change of name does not affect existing legal relationships

‘Without limiting section 279G(1), the change of name of the continuing body—

- (a) does not place the continuing body in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the continuing body in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
 - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
 - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, in whole or part, from an obligation.

‘279I Change of name does not affect certain things done under the Act before commencement and related matters

‘(1) If, before the commencement, the Interim Thoroughbred Racing Board has given a document to a race club, the document is taken to have been given to the race club by the Queensland Thoroughbred Racing Board.

Example of subsection (1)—

A direction given to a race club under section 11B(2)(r) by the Interim Thoroughbred Racing Board is taken to have been given by the Queensland Thoroughbred Racing Board.

‘(2) Without limiting subsection (1), in an Act or document, a reference to the Interim Thoroughbred Racing Board may, if the context permits, be taken as a reference to the Queensland Thoroughbred Racing Board.

‘(3) Also, a reference in a provision of this Act after the commencement to the Queensland Thoroughbred Racing Board includes, if the context permits, a reference to the Queensland Principal Club or the Interim Thoroughbred Racing Board.

Example of provisions —

1. Section 11G(1)(g).
2. Section 11I(3).

‘279J Members of Interim Thoroughbred Racing Board go out of office

‘The persons who are members of the Interim Thoroughbred Racing Board immediately before the commencement go out of office on the commencement.’

SCHEDULE 2**CONSEQUENTIAL AMENDMENTS COMMENCING ON
A DAY TO BE FIXED BY PROCLAMATION**

section 3

- 1 Sections 11B, 11BA, 11C, 11D, 11E, 13, 14, 15, 17, 18, 19 and 20A,
'Interim'—**

omit.

- 2 Section 20A(5), after '11G'—**

insert—

' , other than under section 11G(1)(f), '.

- 3 Sections 25, 26, 30, 134(4)(b)(ii)(B) and 254A, 'Interim'—**

omit.