

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE



No. 26 of 1987

**An Act to amend the Racing and Betting Act 1980-1985 in
certain particulars**

[ASSENTED TO 23RD APRIL, 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Racing and Betting Act Amendment Act 1987*.

2. Principal Act and amended citation. (1) In this Act the *Racing and Betting Act 1980-1985* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Racing and Betting Act 1980-1987*.

3. Commencement. (1) Sections 1 and 2 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act or such of them as are specified in the Proclamation shall commence on a day or days to be appointed by Proclamation for the commencement of those provisions.

4. Amendment of s. 3. Arrangement. Section 3 of the Principal Act is amended by omitting the words "*Division III C—Branding of Registered Horses*";.

5. Amendment of s. 5. Interpretation. Section 5 of the Principal Act is amended by inserting in the definition "instrument of betting" after the word "betting" where it lastly occurs the words "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 of the Commonwealth".

6. Amendment of s. 12. Functions, powers and duties of principal clubs. Section 12 of the Principal Act is amended by omitting subsection (6).

7. Amendment of s. 15. Amendment of Rules of Racing. Section 15 of the Principal Act is amended by omitting from subsection (2) the word "section" and substituting the word "Act".

8. Repeal of s. 20. Days when race meetings may be held. The Principal Act is amended by repealing section 20.

9. Amendment of s. 21. Allotment of days for race meetings. Section 21 of the Principal Act is amended by—

(a) omitting from subsection (2) the word "The" and substituting the words "Without limiting his power under subsection (5), the";

(b) omitting subsection (5) and substituting the following subsection:—

"(5) The Minister may at any time upon application by a race club registered by a principal club after consultation with

that principal club direct that principal club to allot a day to that race club notwithstanding that the principal club has allotted the total number of days which the Minister has approved it may allocate.”.

10. Repeal of and new s. 36. Composition of Harness Racing Board. The Principal Act is amended by repealing section 36 and substituting the following section:—

“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 chairman and a deputy chairman of the Harness Racing Board.”.

11. Repeal of s. 37. Continuation of membership. The Principal Act is amended by repealing section 37.

12. Repeal of s. 39. Request by Minister for panels of names of eligible persons. The Principal Act is amended by repealing section 39.

13. Repeal of s. 40. Failure to submit panel of names. The Principal Act is amended by repealing section 40.

14. Amendment of s. 44. Casual vacancies. Section 44 of the Principal Act is amended by inserting in subsection (1) after the words “qualified person” the words “nominated by the Minister”.

15. Amendment of s. 45. Appointment of substitute member. Section 45 of the Principal Act is amended by—

(a) inserting in subsection (1) after the words “appoint a person” the words “nominated by the Minister”;

(b) omitting subsection (2).

16. Amendment of s. 47. Procedure at meetings. Section 47 of the Principal Act is amended by—

(a) omitting subsection (2);

(b) omitting from subsection (4) the expression “4” and substituting the expression “3”;

(c) inserting in subsection (5) after the words “business in question” the words “and if the votes are equally divided the chairman shall have a second or casting vote”.

17. Repeal of s. 51. Groups of Harness Racing clubs. The Principal Act is amended by repealing section 51.

18. Amendment of s. 52. Functions, powers and duties of Harness Racing Board. Section 52 of the Principal Act is amended by omitting subsection (6).

19. Repeal of s. 60. Days when trotting meetings may be held. The Principal Act is amended by repealing section 60.

20. Amendment of s. 61. Allotment of days for trotting meetings. Section 61 of the Principal Act is amended by—

(a) omitting from subsection (2) the word “The” and substituting the words “Without limiting his power under subsection (5), the”;

(b) omitting subsection (5) and substituting the following subsection:—

“(5) The Minister may at any time upon application by a trotting club registered by the Harness Racing Board after consultation with that Board direct that Board to allot a day to that trotting club notwithstanding that the Harness Racing Board has allotted the total number of days which the Minister has approved it may allocate.”.

21. Amendment of s. 77. Composition of Greyhound Board. The Principal Act is amended by repealing section 77 and substituting the following section:—

“77. **Composition of Greyhound Board.** (1) The Greyhound 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 chairman and a deputy chairman of the Greyhound Board.”.

22. Repeal of s. 78. Continuation in office of members constituting Greyhound Board. The Principal Act is amended by repealing section 78.

23. Repeal of s. 79. First constitution of Greyhound Board. The Principal Act is amended by repealing section 79.

24. Repeal of s. 80. Request by Minister for panels of names of eligible persons. The Principal Act is amended by repealing section 80.

25. Repeal of s. 81. Failure to submit panel of names. The Principal Act is amended by repealing section 81.

26. Amendment of s. 85. Casual vacancies. Section 85 of the Principal Act is amended by inserting in subsection (1) after the words “qualified person” the words “nominated by the Minister”.

27. Amendment of s. 86. Appointment of substitute member. Section 86 of the Principal Act is amended by—

(a) inserting in subsection (1) after the words “appoint a person” the words “nominated by the Minister”;

(b) omitting subsection (2).

28. Amendment of s. 88. Procedure at meetings. Section 88 of the Principal Act is amended by—

(a) omitting subsection (2);

(b) omitting from subsection (4) the expression “4” and substituting the expression “3”;

(c) inserting in subsection (5) after the words “business in question” the words “and if the votes are equally divided the chairman shall have a second or casting vote”.

29. Repeal of s. 92. Groups of greyhound clubs. The Principal Act is amended by repealing section 92.

30. Amendment of s. 93. Functions, powers and duties of Greyhound Board. Section 93 of the Principal Act is amended by omitting subsection (6).

31. Repeal of s. 101. Days when greyhound meetings may be held. The Principal Act is amended by repealing section 101.

32. Amendment of s. 102. Allotment of days for greyhound meetings. Section 102 of the Principal Act is amended by—

(a) omitting from subsection (2) the word “The” and substituting the words “Without limiting his power under subsection (5), the”;

(b) omitting subsection (5) and substituting the following subsection:—

“(5) The Minister may at any time upon application by a greyhound club registered by the Greyhound Board after consultation with that Board direct that Board to allot a day to that greyhound club notwithstanding that the Greyhound Board has allotted the total number of days which the Minister has approved it may allocate.”.

33. Repeal of s. 1150. Branding of Registered Horses. The Principal Act is amended by repealing section 1150 and omitting the divisional heading immediately preceding section 1150.

34. Amendment of s. 118. Application for advance from Fund. Section 118 of the Principal Act is amended by repealing subsection (1) and substituting the following subsection:—

“(1) Trustees appointed under the *Racing Venues Development Act 1982*, the Totalisator Board, a control body, a club or other

person may make an application for an advance from the Fund for a purpose specified in section 117.”.

35. Amendment of s. 126C. Appointment of consultants, etc. by Corporation. Section 126C of the Principal Act is amended by inserting in subsection (1) after the words “Fund has been” the words “or may be”.

36. Amendment of s. 127. Days when meetings prohibited. Section 127 of the Principal Act is amended by omitting the words “Notwithstanding section 20, 60 or 101, a” and substituting the word “A”.

37. Amendment of s. 131. Audit of books and accounts of club and control body. Section 131 of the Principal Act is amended by inserting in subsection (1) after the words “control body” the words “, other than the Greyhound Board and the Harness Racing Board,”.

38. Amendment of s. 137. Licensing of racing venues. Section 137 of the Principal Act is amended by—

(a) omitting from subsection (6) the word “Commissioner” and substituting the word “Minister”;

(b) in subsection (11)—

(i) omitting the words “direct the Commissioner”;

(ii) omitting from paragraph (c) the word “to” ;

(iii) omitting from paragraph (d) the word “to”;

(iv) omitting the word “Commissioner” wherever it occurs after paragraph (d) and substituting the word “Minister”.

39. Amendment of s. 138. Provisional licences in respect of proposed racing venues. Section 138 of the Principal Act is amended by—

(a) omitting from subsection (4) the words “and the Commissioner shall thereupon issue a licence”;

(b) omitting from subsection (6) the words “Commissioner, with the approval of the”.

40. Amendment of s. 146. Bookmakers may nominate remote clerks in certain circumstances. Section 146 of the Principal Act is amended by repealing subsection (3) and substituting the following subsection:—

“(3) A bookmaker shall not permit more than one bookmaker’s remote clerk to conduct, at the same time, part of that bookmaker’s bookmaking at a meeting.”.

41. Amendment of s. 149. Bookmakers to issue betting tickets. Section 149 of the Principal Act is amended by inserting after subsection (3) the following subsection:—

“(3A) Where a bet is a credit bet, a bookmaker shall upon the request of the bettor, deliver or cause to be delivered to the

better the betting ticket issued by or on his behalf in respect of that credit bet.”.

42. Amendment of s. 156. Commissioner may direct suspension of bookmaker’s licence. Section 156 of the Principal Act is amended by omitting from subparagraph (ii) of paragraph (a) of subsection (1) the words “specified in sections 163, 164 or 169”.

43. Amendment of s. 189. Functions, powers and duties of Totalisator Board. Section 189 of the Principal Act is amended by—

(a) omitting from paragraph (c) of subsection (2) the words “to clubs”;

(b) omitting from subsection (11) the words “to such clubs”.

44. Amendment of s. 199. Method of dealing with moneys paid into a totalisator. Section 199 of the Principal Act is amended by omitting from subsection (1) the word “Moneys” and substituting the words “Subject to section 199A, moneys”.

45. New s. 199A. The Principal Act is amended by inserting after section 199 the following section:—

“**199A. All up investments.** (1) In this section—

“all up dividend” means the amount payable in respect of a successful all up investment being the product of the notional dividend invested on the runner in the final race of the series and the dividend declared for that runner;

“all up investment” means an investment whereby the investor nominates a runner in a series of two or more races and in respect of which the investment on the runner nominated in the second and each subsequent race is the notional dividend or refund payable in respect of the runner nominated in the previous race;

“notional dividend” means—

(a) in relation to the second race of a series the product of the investment on the runner in the first race and the dividend declared for that runner;

(b) in relation to a subsequent race the product of the notional dividend invested on the runner in the previous race and the dividend declared for that runner.

(2) An operator of a totalisator may accept an investment as an all up investment.

(3) For the purpose of calculating the totalisator pool for a race there shall be included in the pool a sum equal to the number of units of investment represented by the aggregate of all moneys, rounded down to the next lowest whole number of

units of investment to be invested on the same runner pursuant to any all up investments.

(4) The moneys not included in a totalisator pool pursuant to subsection (3) shall be surplus moneys.

(5) The all up dividend payable in respect of a successful all up investment shall be paid out of the net pool in respect of which the last investment was made and if there are insufficient funds in that pool the shortfall shall be paid out of surplus moneys and if there are insufficient surplus moneys out of the unpaid fractions.

(6) In calculating the all up dividend—

(a) a fraction of 10 cents less than 5 cents shall be disregarded;

and

(b) a fraction of 10 cents equal to or greater than 5 cents shall be taken to be 5 cents.

(7) Moneys available to be paid by way of dividends and not so paid by reason of the operation of subsection (6) shall be unpaid fractions.”.

46. Amendment of s. 201. Unpaid dividends and refunds from totalisator other than totalisator operated by Totalisator Board. Section 201 of the Principal Act is amended by—

(a) inserting in subsection (1) after the word “totalisator” where it firstly occurs the words “other than a totalisator operated by the Totalisator Board”;

(b) in subsection (2)—

(i) inserting after the words “Every club” the words “other than a club on whose behalf a totalisator is operated by the Totalisator Board”; and

(ii) inserting after the words “agent of a club” the words “other than the Totalisator Board”;

(c) inserting in subsection (5) after the words “in that subsection” the words “and within five years of the date of the meeting at which the ticket was sold”.

47. Amendment of s. 202. Unpaid dividends and refunds from totalisator operated by Totalisator Board. Section 202 of the Principal Act is amended by inserting in paragraph (a) of subsection (3) after the words “to that Board” the words “within five years of the date of the meeting in respect of which the ticket was issued”.

48. Amendment of s. 205. Powers, functions and duties of inspector of totalisators generally. Section 205 of the Principal Act is amended in subsection (1) by—

(a) omitting from the end of paragraph (g) the expression “.” and substituting the expression “.”;

(b) inserting after paragraph (g) the following paragraph:—

“(h) may by writing under his hand require the operator of a totalisator to produce and deliver to him money, books, tickets, vouchers and other writings or records.”.

49. Amendment of s. 217. Possession of instrument of betting. Section 217 of the Principal Act is amended by—

- (a) omitting the expression “(1)” where it firstly appears;
- (b) repealing subsection (2).

50. Amendment of s. 257. Regulations. Section 257 of the Principal Act is amended in subsection (1) by—

(a) omitting subparagraph (iii) from paragraph (m) and substituting the following subparagraphs:—

“(iii) regulation and control of the manner of distribution of the net profit and other moneys of the Board—

- (A) to clubs on the basis of a uniform percentage of the prizemoney distributed by such clubs;
- (B) to control bodies and other persons or bodies to defray the costs of administration of the racing industry; and
- (C) to other persons or bodies to further the interests of the racing industry;

(iv) the defining of and calculation of prizemoney for the purposes of a regulation made pursuant to this paragraph;”;

(b) inserting after paragraph (o) the following paragraph:—

“(oa) the conduct of barrier draws;”.

51. Amendment of Second Schedule. The Second Schedule to the Principal Act is amended by adding at the end of the first, second, third, fourth and fifth columns of the Table in Part II the particulars respectively set out in the following table:—

“ First Four		5.625		0.875		13.5		20”.
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