

Queensland



RACING AND BETTING AMENDMENT ACT 2001

Act No. 41 of 2001

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**RACING AND BETTING AMENDMENT
ACT 2001**

TABLE OF PROVISIONS

Section		Page
1	Short title	4
2	Act amended	4
3	Amendment of s 43 (Vacation of office)	4
4	Insertion of new s 47A	4
	47A Disclosure of interests	4
5	Amendment of s 84 (Vacation of office)	5
6	Insertion of new s 88A	6
	88A Disclosure of interests	6
7	Insertion of new pt 9	7
	PART 9—VALIDATION PROVISION	
280	Validation of certain actions	7

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Racing and Betting Amendment Act 2001

Act No. 41 of 2001

An Act to amend the *Racing and Betting Act 1980*

[Assented to 7 June 2001]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Racing and Betting Amendment Act 2001*.

2 Act amended

This Act amends the *Racing and Betting Act 1980*.

3 Amendment of s 43 (Vacation of office)

(1) Section 43(1)(d) and (f)—

omit.

(2) Section 43(1)(c), (e) and (g)—

renumber as section 43(1)(b) to (d).

(3) Section 43(2A) and (3)—

omit.

4 Insertion of new s 47A

After section 47—

insert—

‘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.’.

5 Amendment of s 84 (Vacation of office)

(1) Section 84(1)(d) and (f)—

omit.

(2) Section 84(1)(c), (e) and (g)—

renumber as section 84(1)(b) to (d).

6 Insertion of new s 88A

After section 88—

insert—

‘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.’.

7 Insertion of new pt 9

After section 279—

insert—

‘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.’.

