



Queensland

# **Racing Amendment Act 2005**

**Act No. 7 of 2005**





## Queensland

# Racing Amendment Act 2005

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Queensland

## **Racing Amendment Act 2005**

### **Act No. 7 of 2005**

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**An Act to amend the *Racing Act 2002***

**[Assented to 18 March 2005]**

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

This Act may be cited as the *Racing Amendment Act 2005*.

**2 Commencement**

This Act commences on a day to be fixed by proclamation.

**3 Act amended**

This Act amends the *Racing Act 2002*.

**4 Replacement of ch 2, pt 5, div 1, hdg**

Chapter 2, part 5, division 1, heading—  
*omit, insert—*

**‘Division 1 Country racing associations’.****5 Replacement of s 61 (Racing associations)**

Section 61—  
*omit, insert—*

**‘61 Country racing associations**

‘The following country racing associations are established—

- (a) the Capricornia Country Racing Association;
- (b) the Central West Country Racing Association;
- (c) the Downs Country Racing Association;
- (d) the Eastern Downs Country Racing Association;
- (e) the Far North Country Racing Association;
- (f) the Leichardt Country Racing Association;

- (g) the North West Country Racing Association;
- (h) the South East Country Racing Association.’.

**6 Amendment of s 62 (Composition of each racing association)**

- (1) Section 62, ‘racing association’—  
*omit, insert—*  
‘country racing association’.
- (2) Section 62(5)—  
*omit, insert—*
- ‘(5) A person is ineligible to be a member of a country racing association if the person—
  - (a) is affected by bankruptcy action; or
  - (b) has a disqualifying conviction; or
  - (c) is subject to an exclusion action under any control body’s rules of racing; or
  - (d) is employed by the thoroughbred control body or, within 2 years of the person’s appointment, was employed by the control body; or
  - (e) is a member or employee of the Harness Racing Board or Greyhound Authority; or
  - (f) is disqualified from managing corporations, under the Corporations Act, part 2D.6.<sup>1</sup>’.

**7 Amendment of s 63 (Functions of each racing association)**

- (1) Section 63(a), (c) and heading, ‘racing association’—  
*omit, insert—*  
‘country racing association’.

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

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- (2) Section 63, ‘racing association’s’—  
*omit, insert—*  
 ‘country racing association’s’.
- (3) Section 63(a), ‘thoroughbred control body’—  
*omit, insert—*  
 ‘committee’.
- (4) Section 63(b)—  
*omit, insert—*  
 ‘(b) to nominate, to the chairperson of the thoroughbred control body, a person to be a member of the committee; and’.
- (5) Section 63(c), ‘council’—  
*omit, insert—*  
 ‘committee’.

## **8 Amendment of s 64 (Powers of racing association)**

Section 64, ‘racing association’—  
*omit, insert—*  
 ‘country racing association’.

## **9 Insertion of ss 64A and 64B**

Chapter 2, part 5, division 1, after section 64—  
*insert—*

### **‘64A Nomination of committee member by country racing association**

- ‘(1) Each country racing association must, from time to time, form a selection panel to choose a person for nomination as a member of the committee.
- ‘(2) The selection panel must consist of 3 persons being—
- (a) 2 persons, each of whom is a member of a different member club of the country racing association; and



- (b) 1 person who is a licensed trainer, racing bookmaker or licensed jockey who must not be a member of a club from which the persons under (2)(a) are selected.
- ‘(3) The selection panel’s choice of a person for nomination as a member of the committee must be unanimous.
- ‘(4) The person chosen by the selection panel must be nominated by the country racing association as a member of the committee.
- ‘(5) In this section—
- licensed jockey* means a person licensed as a jockey by the thoroughbred control body.
- licensed trainer* means a person licensed as a trainer by the thoroughbred control body.

#### **‘64B Revocation of nomination**

‘A country racing association may revoke its nomination of a person as a member of the committee only if at least three-quarters of the association’s members or, if three-quarters is not a whole number, the next highest whole number of its members, agree to revoke the nomination.’

#### **10 Replacement of ch 2, pt 5, div 2, hdg**

Chapter 2, part 5, division 2, heading—

*omit, insert—*

#### **‘Division 2 Queensland Country Racing Committee’.**

#### **11 Omission of s 65 (Definitions for div 2)**

Section 65—

*omit.*

**12 Replacement of s 66 (Establishment of Queensland Regional Racing Council)**

Section 66—

*omit, insert—*

**‘66 Establishment of Queensland Country Racing Committee**

‘The Queensland Country Racing Committee is established.’.

**13 Amendment of s 67 (Functions of council)**

(1) Section 67(2) and heading, ‘council’—

*omit, insert—*

‘committee’.

(2) Section 67(1) and (2)(a), ‘council’s’—

*omit, insert—*

‘committee’s’.

(3) Section 67(1), ‘racing associations’—

*omit, insert—*

‘country racing associations’.

(3A) Section 67(1)(c)—

*omit, insert—*

‘(c) to make recommendations to the thoroughbred control body about racing calendars for non-TABQ races—

(i) including about matters mentioned in section 38(1)(a), (b) and (c); but

(ii) not including about the number of days on which non-TABQ races are to be held; and

(ca) to attempt to reach agreement under section 68DA with the thoroughbred control body on the number of days on which non-TABQ races are to be held in a year; and’.

(4) Section 67—

*insert—*

‘(1A) The recommendations made under subsection (1)(b) or (c) must be accompanied by a document stating the reasons for the recommendations.’

(5) Section 67(2)—

*insert—*

‘(c) written notice—

- (i) about the persons who are members of the committee and of each country racing association; and
- (ii) if a person stops being a member of the committee or a country racing association, that the person is no longer a member of the committee or association; and
- (iii) if a person becomes a member of the committee or a country racing association, that the person is a member of the committee or association.’

(6) Section 67—

*insert—*

‘(3) The notice under subsection (3)(c)(i) must include the following details for each person who is a member of the committee or country racing association—

- (a) the person’s name;
- (b) the person’s contact details;
- (c) for a member of the committee—the name of the country racing association that nominated the person;
- (d) for a member of a country racing association nominated by a club—the name of the club;
- (e) for a person nominated by persons licensed by the thoroughbred control body to participate in thoroughbred racing—the class of licensed participants who nominated the person.’

(7) Section 67(1A) to (3)—

*renumber* as section 67(2) to (4).

**14 Insertion of new s 67A**

After section 67—

*insert—*

**‘67A Committee to review membership of country racing association**

- ‘(1) The committee must, from time to time—
- (a) review the composition of the country racing associations; and
  - (b) develop recommendations about—
    - (i) the effectiveness of the structure of the country racing associations; and
    - (ii) whether the interests of a club, a number of clubs or a region would be better served by moving a club or clubs from 1 country racing association to another country racing association
- ‘(2) As soon as practicable after completing a review, the committee must give the thoroughbred control body a written report about the review, stating its recommendations and the reasons for them.
- ‘(3) A review must be conducted, and a report about the review given to the thoroughbred control body—
- (a) within the period starting on the day this section commences and ending on the day 1 year after that commencement; and
  - (b) after the period mentioned in subsection (1)(a), as often as the committee considers necessary but at least once in every 2 year period.’.

**15 Replacement of s 68 (Composition of council)**

Section 68—

*omit, insert—*

**‘68 Composition of committee**

- ‘(1) The committee consists of 9 members being—
- (a) 8 persons nominated to the chairperson of the thoroughbred control body by the country racing associations; and
  - (b) 1 person nominated by the thoroughbred control body.
- ‘(2) For subsection (1)(a), each country racing association must, under section 64A(4), nominate 1 person as a member of the committee.
- ‘(3) The person nominated by the thoroughbred control body must be a member or director of the control body, other than its chairperson.
- ‘(4) The person nominated by the thoroughbred control body is the chairperson of the committee.
- ‘(5) A person is ineligible to be a member of the committee if the person—
- (a) is affected by bankruptcy action; or
  - (b) has a disqualifying conviction; or
  - (c) is subject to an exclusion action under any control body’s rules of racing; or
  - (d) is employed by the thoroughbred control body or, within 2 years of the person’s nomination, was employed by the control body; or
  - (e) is a member or employee of the Harness Racing Board or Greyhound Authority; or
  - (f) is disqualified from managing corporations, under the Corporations Act, part 2D.6;<sup>2</sup> or
  - (g) is a member of a committee of a TABQ club.
- ‘(6) In this section—
- TABQ club***, in relation to a person, means a club for which the TABQ offered wagering on the majority of the club’s races of thoroughbred horses in the financial year immediately

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

preceding the financial year in which the person was nominated to be a committee member.

**‘68A Appointment of member to committee**

‘A person nominated under section 68 is, on nomination, appointed a member of the committee.

**‘68B Term of office**

‘A member of the committee holds office for 2 years from the day the member is appointed.

**‘68C Vacation of office**

‘The office of a member of the committee becomes vacant if—

- (a) the member dies; or
- (b) the member becomes incapable of continuing as a member; or
- (c) the member resigns by signed notice given to—
  - (i) for a member other than the chairperson of the committee—the chairperson of the committee; or
  - (ii) for a member who is the chairperson of the committee—the chairperson of the thoroughbred control body; or
- (d) the member is absent from 3 consecutive meetings of the committee and is not excused by it for the absences at any time before the end of the next meeting after the third absence; or
- (e) the member becomes ineligible to be a member of the committee under section 68(5); or
- (f) the chairperson of the country racing association that nominated the person gives the chairperson of the committee written notice that the member’s nomination has been revoked under section 64B; or

- (g) the member is the chairperson of the committee and the member—
  - (i) stops being a member or director of the thoroughbred control body; or
  - (ii) becomes the chairperson of the thoroughbred control body.

### **‘68D Casual vacancies**

- ‘(1) If a casual vacancy happens in the office of a member of the committee (the *previous member*), another person is to be nominated and appointed in the same way as the previous member was nominated and appointed.
- ‘(2) A person appointed to fill a casual vacancy as a member of the committee is appointed for the balance of the previous member’s term of office.’.

## **16 Insertion of new ch 2, pt 5, div 2A**

Chapter 2, part 5, before division 3—

*insert—*

### **‘Division 2A Provisions applying to thoroughbred control body**

#### **‘68DA Thoroughbred control body and committee to agree on number of non-TABQ race days**

- ‘(1) Before preparing a racing calendar for a year, the thoroughbred control body must attempt to obtain the committee’s agreement to the number of days on which non-TABQ races are to be held in the year.
- ‘(2) For subsection (1)—
  - (a) the thoroughbred control body and the committee must have regard to—
    - (i) any relevant policy about non-TABQ clubs or non-TABQ races made under section 81 by the control body; and

- (ii) the availability of funds for prize money for non-TABQ races; and
  - (b) the thoroughbred control body must not unreasonably refuse a request of the committee about the number of days on which non-TABQ races are to be held.
- ‘(3) If the thoroughbred control body and the committee are unable to agree under subsection (1), the control body must give the committee written notice of that fact together with written reasons for its refusal of the request mentioned in subsection (2)(b).
- ‘(4) Also, if the thoroughbred control body and the committee are unable to agree under subsection (1), the number of days on which non-TABQ races are to be held in the year under the control body’s racing calendar must not be less than the number of days on which non-TABQ races were held in the previous year under the control body’s racing calendar.
- ‘(5) In this section—
- year* means the period starting on 1 August and ending on 31 July.

**‘68E Thoroughbred control body must consider committee’s recommendations**

- ‘(1) This section applies if the thoroughbred control body receives a recommendation from the committee under—
- (a) section 67(1)(b) about a distribution strategy for prize money and other funding; or
  - (b) section 67(1)(c) about racing calendars for non-TABQ races.
- ‘(2) The thoroughbred control body must consider the recommendation and adopt the recommendation, with or without changes, as the control body considers appropriate.
- ‘(3) The thoroughbred control body must, within 14 days after adopting the recommendation, give written notice of the adoption to the committee together with details of any changes and the reasons for the changes.



**‘68F Committee may request review of thoroughbred control body’s adoption of recommendation with changes**

- ‘(1) This section applies if the thoroughbred control body adopts a recommendation from the committee under section 67(1)(b) or (c) with changes.
- ‘(2) The committee may, by written notice given to the thoroughbred control body within 14 days after receiving the notice under section 68E(3) detailing the changes, ask the control body to review its adoption of the recommendation with changes.
- ‘(3) The thoroughbred control body must, within 14 days after receiving the notice under subsection (2), review the changes and—
  - (a) confirm the adoption of the recommendation with the changes; or
  - (b) vary the adoption of the recommendation by—
    - (i) setting aside the changes; or
    - (ii) substituting other changes.
- ‘(4) The thoroughbred control body must, within 14 days after confirming or varying the adoption of the recommendation, give written notice of the confirmation or variation to the committee together with details of any changes and the reasons for the changes.

**‘68G Thoroughbred control body must give public notice of changes to committee’s recommendations**

- ‘(1) This section applies if the thoroughbred control body adopts a recommendation from the committee under section 67(1)(b) or (c) with changes, including changes made under section 68F(3)(b)(ii), and does not set the changes aside under section 68F(3)(b)(i).
- ‘(2) The thoroughbred control body must, at the same time and in the same way the racing calendar for the relevant calendar period is made available, make available a document that states—

- (a) the changes made by the thoroughbred control body to the committee's recommendation; and
- (b) the reasons for the changes.

**'68H Thoroughbred control body must not make racing calendar available**

'If the thoroughbred control body receives a recommendation from the committee under section 67(1)(b) or (c), the thoroughbred control body must not make available the racing calendar for the period to which the recommendation relates until—

- (a) the day the control body adopts the recommendation without changes; or
- (b) if the control body adopts the recommendation with changes and the committee does not ask for a review of the adoption within the period mentioned in section 68F(2)—the day after that period ends; or
- (c) if the control body adopts the recommendation with changes and the committee asks for a review of the adoption under section 68F(2)—the day the control body gives the committee notice under section 68F(4) about the review.

**'68I Thoroughbred control body may change distribution strategy or racing calendar only in certain circumstances**

- '(1) During a calendar period, the thoroughbred control body may make a change to the distribution strategy for prize money or other funding or the racing calendar only if—
  - (a) the committee agrees to the change; or
  - (b) the change is the cancellation of a race or a race meeting—
    - (i) because the control body reasonably believes it is necessary to cancel the race or race meeting to prevent a person's death, injury or illness; or
    - (ii) because of unsuitable weather; or

- (iii) because of a war, act of terrorism, strike, natural disaster or another unexpected and disruptive event; or
  - (iv) because the race or race meeting is not being conducted in accordance with a relevant policy about non-TABQ clubs or non-TABQ races made under section 81 by the control body; or
  - (v) because funds available for prize money for non-TABQ races have been depleted.
- ‘(2) If the thoroughbred control body makes a change mentioned in subsection (1), it must—
- (a) give written notice of the change to the committee, including the reasons for the change, if the change is the cancellation of a race or a race meeting; and
  - (b) make available to members of the public a document that states the reasons for the change, including, for example, by making the document available on its website.

**‘68J Thoroughbred control body must consider committee’s reports**

‘The thoroughbred control body must consider each report it receives from the committee under—

- (a) section 67(1)(d) about the performance of a non-TABQ race or non-TABQ club; or
- (b) section 67(2)(a) about a matter relating to the committee’s performance of its functions; or
- (c) section 67(2)(b) as asked for by the control body; or
- (d) section 67A about the composition of country racing associations.

**‘68K Thoroughbred control body must develop policy about reimbursement of expenses**

‘The thoroughbred control body must develop and implement a policy for the reimbursement by the control body of expenses relating to home office facilities and other

out-of-pocket expenses incurred by members of the committee.

**‘68L Thoroughbred control body must provide secretariat services to committee**

‘The thoroughbred control body must provide secretariat services to the committee.

**‘68M Thoroughbred Racing Board must pay share of net UNiTAB product fee as prize money**

‘(1) The Thoroughbred Racing Board must pay 7% of its net UNiTAB product fee for a year as prize money for non-TABQ races conducted by non-TABQ clubs in the year.

‘(2) If, at the end of a year, the Thoroughbred Racing Board has not paid 7% of its net UNiTAB product fee for the year as prize money as required by subsection (1), the board must, as agreed with the committee, use the remaining amount of the 7% for supporting non-TABQ racing.

*Example of use of remaining amount of 7% of net UNiTAB product fee for supporting non-TABQ racing—*

carrying out maintenance at a non-TABQ club’.

**17 Replacement of ch 2, pt 5, div 3, hdg**

Chapter 2, part 5, division 3, heading—

*omit, insert—*

**‘Division 3 Provisions applying to country racing associations and the committee’.**

**18 Amendment of s 69 (Definition for div 3)**

Section 69, definition *thoroughbred entity*—

*omit, insert—*

*‘thoroughbred entity means—*

- (a) a country racing association; or
- (b) the committee.’.

**19 Replacement of s 71 (Chairperson of thoroughbred entity)**

Section 71—

*omit, insert—*

**‘71 Chairperson of country racing association**

- ‘(1) A country racing association must elect a member of the association as its chairperson.
- ‘(2) A member elected as the chairperson of a country racing association must give the thoroughbred control body and chairperson of the committee written notice about the election.
- ‘(3) The chairperson of a country racing association must give the committee written notice—
  - (a) about the persons who are members of the association; and
  - (b) if a person ceases to be a member of the association, that the person is no longer a member; and
  - (c) if a person becomes a member of the association, that the person is a member.
- ‘(4) The notice under subsection (3)(a) must include the following details for each person who is a member of the committee—
  - (a) the person’s name;
  - (b) the person’s contact details;
  - (c) for a member of the committee nominated by a club—the name of the club that nominated the person;

- (d) for a person nominated by persons licensed by the thoroughbred control body to participate in thoroughbred racing—the class of licensed participants who nominated the person.’.

## 20 Amendment of s 72 (Presiding at meetings)

- (1) Section 72(2), ‘thoroughbred entity’—  
*omit, insert—*  
‘country racing association’.
- (2) Section 72(2), ‘the entity’—  
*omit, insert—*  
‘the association’.
- (3) Section 72—  
*insert—*
- ‘(3) If the chairperson of the committee is absent from a meeting of the committee or the office is vacant, another member of the thoroughbred control body nominated in writing by the chairperson of the control body is to preside.
- ‘(4) A person nominated under subsection (3) must not be the chairperson of the thoroughbred control body.
- ‘(5) A person nominated under subsection (3) to preside at a meeting is, for the purposes of the meeting, a member of the committee.’.

## 21 Amendment of s 73 (Times and places of meetings)

- (1) Section 73(2)(a)—  
*omit, insert—*
- ‘(a) a thoroughbred entity must meet as often as is necessary for it to perform its functions and—
- (i) for a country racing association—at least twice each year; and
- (ii) for the committee—at least 4 times each year; and’.

- (2) Section 73(3), ‘racing association’—  
*omit, insert—*  
‘country racing association’.
- (3) Section 73(3), ‘council’—  
*omit, insert—*  
‘committee’.
- (4) Section 73—  
*insert—*
- ‘(4) The chairperson of a thoroughbred entity must give each member of the entity notice of each meeting of the entity at least 14 days before the meeting.
- ‘(5) However, a meeting of the entity may be held without giving at least 14 days notice if at least three-quarters of the entity’s members or, if three-quarters is not a whole number, the next highest whole number of the entity’s members, has agreed to hold it because of the urgency of a matter to be considered at the meeting.’.

## **22 Replacement of s 74 (Quorum)**

Section 74—  
*omit, insert—*

### **‘74 Quorum**

‘A quorum for a thoroughbred entity is the number equal to one-third of the number of its members or, if one-third is not a whole number, the next highest whole number.’.

**23 Insertion of new ch 10, pt 3**

Chapter 10, after part 2—

*insert—*

## **‘Part 3 Transitional provision for Racing Amendment Act 2005**

### **‘396A First chairperson of country racing association not required to give notice under s 71(2) to committee**

- ‘(1) This section applies to the first chairperson of a country racing association elected after the commencement of this section.
- ‘(2) Despite section 71(2), the chairperson is not required to give notice of his or her election as chairperson to the chairperson of the committee.’.

**24 Amendment of sch 1 (Relocated provisions)**

- (1) Schedule 1, part 2, section 11A(4) and (5)—

*omit.*

- (2) Schedule 1, part 2, section 11G(1)(f)(ii)—

*omit, insert—*

‘(ii) a country racing association;’.

**25 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definitions *affected by bankruptcy action, council, non-TABQ clubs, non-TABQ races* and *racing association*—

*omit.*

- (2) Schedule 3—

*insert—*

**‘affected by bankruptcy action**, in relation to an individual, means the individual is insolvent under administration within the meaning of the Corporations Act, section 9.

**committee** means the Queensland Country Racing Committee established under section 66.



**country racing association** means a country racing association established under section 61.

**product fee** means the product fee under the Product and Program Agreement entered into by the Totalisator Administration Board of Queensland, Queensland Race Product Co Ltd (ACN 081 743 722), Queensland Principal Club, Queensland Harness Racing Board and Greyhound Racing Authority, dated 9 June 1999.

**Intercode Agreement** means the Queensland Racing Industry Intercode Agreement entered into by the Queensland Principal Club, Queensland Harness Racing Board and Greyhound Racing Authority, dated 30 June 1999.

**net UNiTAB product fee**, in relation to the Thoroughbred Racing Board, means the amount of the product fee paid to the board, as calculated under the Intercode Agreement, less the following amounts—

- (a) the amount paid by the board to Queensland Race Product Co Ltd (ACN 081 743 722) for administrative costs under the agreement; and
- (b) the amount paid by the board to an accredited facility under an agreement entered into under section 40 by the board with the accredited facility.

**non-TABQ clubs** means clubs for which the TABQ does not, or is unlikely to, offer wagering on the majority of the clubs' races of thoroughbred horses.

**non-TABQ races** means races of thoroughbred horses on which the TABQ does not, or is unlikely to, offer wagering.'

- (3) Schedule 3, definition *member club*, 'racing association'—

*omit, insert—*

'country racing association'.