



Queensland

Racing Amendment Act 2008

Act No. 24 of 2008



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Contents

		Page
1	Short title	4
2	Commencement	4
3	Act amended	4
4	Amendment of s 28 (Approval has effect for 6 years unless it is cancelled or suspended)	4
5	Amendment of s 42 (Notice about change of executive officers)	4
6	Amendment of s 43 (Notice of event resulting in a control body not being an eligible corporation)	4
7	Amendment of s 44 (Notice of event resulting in executive officer no longer being an eligible individual)	5
8	Amendment of s 48 (Investigation into suitability of associate of control body)	5
9	Amendment of s 52 (Grounds for disciplinary action relating to the approval of a control body for its code of racing)	5
10	Amendment of s 55 (Immediate suspension of an approval)	5
11	Amendment of s 60 (Audit by auditor-general)	5
12	Insertion of new s 60A	6
	60A Disclosure of interest in licensed animal by executive officer of control body	6
13	Amendment of s 62 (Composition of each country racing association)	7
14	Amendment of s 68 (Composition of committee)	7
15	Amendment of s 249 (When a racing bookmaker may make a bet with a person who is not present at a licensed venue)	7
16	Amendment of s 310 (Definitions for div 1)	7
17	Amendment of s 354 (Delegations)	7
18	Amendment of s 358 (Effect of relocation)	8
19	Amendment of s 359 (Codes of racing for which continuing control bodies responsible)	8
20	Amendment of s 364 (Powers of continuing control body)	8

Contents

21	Omission of s 370 (Expiry of sch 1 (Relocated provisions))	9
22	Amendment of s 377 (Rules of continuing control bodies are rules of racing under this Act).	9
23	Amendment of s 379 (Registered clubs taken to be licensed) . . .	9
24	Insertion of new ch 10, pt 5	9
412	Definitions for pt 5.	10
413	Dissolution of former boards	10
414	New control bodies are legal successor of former boards	10
415	Assets and liabilities etc.	11
416	Employees of former boards	11
417	Proceedings	12
418	Things done by former board	12
419	Rights and obligations of former boards under this Act	13
420	Application of audit regime to new greyhound control body and new harness control body.	13
421	Appeals	13
422	Continuation of action started against licensed club under ch 3, pt 4	14
423	Continuing application of confidentiality obligation to members and employees of former continuing boards	14
424	Requirement for former board members to give annual report	15
425	Pt 5 does not affect existing legal relationships	15
426	References to former boards	16
25	Omission of sch 1 (Relocated provisions)	16
26	Amendment of sch 3 (Dictionary)	16



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Racing Amendment Act 2008

Act No. 24 of 2008

An Act to amend the *Racing Act 2002*

[Assented to 9 May 2008]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Racing Amendment Act 2008*.

2 Commencement

This Act commences on 1 July 2008.

3 Act amended

This Act amends the *Racing Act 2002*.

4 Amendment of s 28 (Approval has effect for 6 years unless it is cancelled or suspended)

Section 28(3)—

omit.

5 Amendment of s 42 (Notice about change of executive officers)

Section 42(5)—

omit.

6 Amendment of s 43 (Notice of event resulting in a control body not being an eligible corporation)

Section 43(4)—

omit.

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- 7 Amendment of s 44 (Notice of event resulting in executive officer no longer being an eligible individual)**
Section 44(3)—
omit.
- 8 Amendment of s 48 (Investigation into suitability of associate of control body)**
Section 48(2)(c), from ‘for’ to ‘body—’—
omit.
- 9 Amendment of s 52 (Grounds for disciplinary action relating to the approval of a control body for its code of racing)**
Section 52(4)—
omit.
- 10 Amendment of s 55 (Immediate suspension of an approval)**
(1) Section 55(1)—
omit.
(2) Section 55(2), after ‘may suspend the approval’—
insert—
‘of a control body’.
(3) Section 55(2) and (3)—
renumber as section 55(1) and (2).
- 11 Amendment of s 60 (Audit by auditor-general)**
Section 60(5) and (6)—
omit.

12 Insertion of new s 60A

Chapter 2, part 4, division 4—

insert—

‘60A Disclosure of interest in licensed animal by executive officer of control body

- ‘(1) This section applies if an executive officer of a control body becomes, or is on the commencement of this section, an owner of a licensed animal, whether or not the executive officer derives a financial benefit from the ownership interest.
- ‘(2) The executive officer must disclose the following information to a meeting of the directors of the control body—
- (a) the number of licensed animals in which the executive officer has an ownership interest and the name by which each animal is known;
 - (b) the code of racing for which each animal is licensed;
 - (c) the percentage of the executive officer’s ownership interest in each animal.

Maximum penalty—40 penalty units.

- ‘(3) The control body must make information disclosed under subsection (2) available to any person on request.
- ‘(4) However, subsection (3) does not apply if the person who disclosed the information is no longer an executive officer of the control body.
- ‘(5) The control body may charge a fee for making information available under subsection (3).
- ‘(6) A fee charged by the control body for making information available under subsection (3) must not be more than the reasonable cost to the control body of making the information available.
- ‘(7) Despite subsection (5), the control body may not charge a fee for making information available to the Minister or chief executive.’.

13 Amendment of s 62 (Composition of each country racing association)

Section 62(5)(e)—

omit, insert—

‘(e) is an executive officer or employee of a control body other than the thoroughbred control body; or’.

14 Amendment of s 68 (Composition of committee)

Section 68(5)(e)—

omit, insert—

‘(e) is an executive officer or employee of a control body other than the thoroughbred control body; or’.

15 Amendment of s 249 (When a racing bookmaker may make a bet with a person who is not present at a licensed venue)

Section 249(1)(c), from ‘the betting ticket’—

omit, insert—

‘the name of the bettor and the amount and type of the bet.’.

16 Amendment of s 310 (Definitions for div 1)

Section 310, definition *control body officer*—

omit, insert—

‘***control body officer*** means an executive officer or employee of a control body.’.

17 Amendment of s 354 (Delegations)

(1) Section 354(1), from ‘, including’ to ‘schedule 1,’—

omit.

(2) Section 354(2)(a), from ‘, including’ to ‘schedule 1’—

omit.

18 Amendment of s 358 (Effect of relocation)

Section 358—

insert—

‘Note—

Before the commencement of the *Racing Amendment Act 2008* on 1 July 2008, *relocated provision* was defined under schedule 3 to mean a provision in schedule 1 that was relocated to the schedule.’.

19 Amendment of s 359 (Codes of racing for which continuing control bodies responsible)

Section 359—

insert—

‘(6) On 1 July 2008—

- (a) subsections (2) and (3) stop applying; and
- (b) the Harness Racing Board and the Greyhound Authority stop being continuing control bodies as that term was defined under this Act before the commencement of the *Racing Amendment Act 2008*.

Note—

See also part 5 for provisions about the dissolution of the Harness Racing Board and the Greyhound Authority.’.

20 Amendment of s 364 (Powers of continuing control body)

(1) Section 364(3)(b)—

insert—

‘Note—

On 1 July 2008, the Harness Racing Board stopped being a continuing control body.’.

(2) Section 364(3)(c)—

insert—

‘Note—

On 1 July 2008, the Greyhound Authority stopped being a continuing control body.’.

21 Omission of s 370 (Expiry of sch 1 (Relocated provisions))

Section 370—

omit.

22 Amendment of s 377 (Rules of continuing control bodies are rules of racing under this Act)

(1) Section 377(2)—

insert—

‘Note—

On 1 July 2008, the Harness Racing Board stopped being a continuing control body. See also part 5.’.

(2) Section 377(3)—

insert—

‘Note—

On 1 July 2008, the Greyhound Authority stopped being a continuing control body. See also part 5.’.

23 Amendment of s 379 (Registered clubs taken to be licensed)

Section 379(3), note—

omit, insert—

‘Note—

The Thoroughbred Racing Board stopped being a continuing control body on 1 July 2006 (see also part 4). The Greyhound Authority and Harness Racing Board stopped being continuing control bodies on 1 July 2008 (see also part 5).’.

24 Insertion of new ch 10, pt 5

Chapter 10—

insert—

‘Part 5 **Transitional provisions for Racing Amendment Act 2008**

‘412 **Definitions for pt 5**

‘In this part—

commencement means 1 July 2008.

corresponding new control body, for a former board, means—

- (a) for the Greyhound Authority—the new greyhound control body; or
- (b) for the Harness Racing Board—the new harness control body.

former board means the Greyhound Authority or the Harness Racing Board.

new greyhound control body means Greyhounds Queensland Limited ACN 128 067 247 approved as the control body for greyhound racing.

new harness control body means Queensland Harness Racing Limited ACN 128 036 000 approved as the control body for harness racing.

‘413 **Dissolution of former boards**

‘Each former board is dissolved on the commencement.

‘414 **New control bodies are legal successor of former boards**

- ‘(1) The new greyhound control body is the successor in law of the Greyhound Authority.
- ‘(2) The new harness control body is the successor in law of the Harness Racing Board.
- ‘(3) The other provisions of this part do not limit subsections (1) and (2).

‘415 Assets and liabilities etc.

- ‘(1) On the commencement—
- (a) anything that was an asset or liability of a former board immediately before the commencement becomes an asset or liability of the corresponding new control body; and
 - (b) an agreement or arrangement in force immediately before the commencement between a former board and another entity is taken to be an agreement or arrangement between the corresponding new control body and the other entity; and
 - (c) any property that was, immediately before the commencement, held by a former board on trust or subject to conditions continues to be held by the corresponding new control body on the same trusts or subject to the same conditions.
- ‘(2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the new greyhound control body or new harness control body, record the vesting of property under this section in the control body.

‘416 Employees of former boards

- ‘(1) This section applies to a person who, immediately before the commencement, was an employee of a former board.
- ‘(2) On the commencement, the person becomes an employee of the corresponding new control body.
- ‘(3) The person—
- (a) must be employed on terms and conditions of employment at least equivalent to those applying to the person immediately before the commencement; and
 - (b) remains entitled to all rights of employment existing or accruing immediately before the commencement.

‘417 Proceedings

- ‘(1) A proceeding that could have been started by or against a former board before the commencement may be started by or against the corresponding new control body.
- ‘(2) From the commencement, an existing proceeding may be continued and finished by or against the corresponding new control body.
- ‘(3) In this section—
 - existing proceeding* means a proceeding that—
 - (a) was taken by or against a following person before the commencement—
 - (i) a former board;
 - (ii) a member of a former board in the capacity as a member of the former board; and
 - (b) has not been finished before the commencement.

‘418 Things done by former board

- ‘(1) Anything done by a former board under this Act—
 - (a) continues to have effect; and
 - (b) from the commencement, is taken to have been done by the corresponding new control body.
- ‘(2) Without limiting subsection (1), on the commencement—
 - (a) a policy of a former board that was in effect immediately before the commencement continues as if it were a policy of the corresponding new control body; and
 - (b) rules of racing made by a former board and in force immediately before the commencement continue as if they were rules of racing made by the corresponding new control body; and
 - (c) a licence issued or taken to be issued by a former board before the commencement that is in force immediately

before the commencement continues as if it had been issued by the corresponding new control body; and

- (d) a racing calendar prepared by a former board for a period ending after the commencement continues as if it had been prepared by the corresponding new control body.

‘419 Rights and obligations of former boards under this Act

‘Without limiting any other provision in this part, a right or obligation of a former board under this Act immediately before the commencement becomes a right or obligation of the corresponding new control body.

‘420 Application of audit regime to new greyhound control body and new harness control body

‘From the commencement, a program approved by the Minister under section 46(3) for 2008 applies to the corresponding new control body to the extent it is stated to apply to a former board.

‘421 Appeals

- ‘(1) If an appeal committee was established by a former board and is in existence immediately before the commencement, on the commencement the appeal committee—
 - (a) continues as if it had been established by the corresponding new control body under its rules of racing; and
 - (b) may continue to deal with an appeal under consideration immediately before the commencement as if the appeal had been started under the corresponding new control body’s rules of racing.
- ‘(2) Subsection (3) applies to an appeal—
 - (a) against a reviewable decision within the meaning of section 95 made before the commencement; and

- (b) started after the commencement.
- ‘(3) The appeal may be dealt with by—
 - (a) an appeal committee mentioned in subsection (1); or
 - (b) if there is no appeal committee established by the former board and in existence immediately before the commencement—an appeal committee established by the corresponding new control body.
- ‘(4) For subsections (1)(b) and (3), the steward’s decision appealed against is taken to be a decision made by the steward for the corresponding new control body.
- ‘(5) This section does not limit section 418(1).

‘422 Continuation of action started against licensed club under ch 3, pt 4

- ‘(1) This section applies if, before the commencement, a former board—
 - (a) gave a licensed club a show cause notice under chapter 3, part 4; and
 - (b) has not decided whether to take action under the part in relation to the club.
- ‘(2) From the commencement, chapter 3, part 4 continues to apply in relation to the show cause notice as if the notice had been given by the corresponding new control body.
- ‘(3) This section does not limit section 418(1).

‘423 Continuing application of confidentiality obligation to members and employees of former continuing boards

‘A person who was a member or employee of a former board is taken to be a control body officer under section 310.

‘424 Requirement for former board members to give annual report

- ‘(1) Repealed schedule 1, section 132 continues to apply for the year ending 30 June 2008.
- ‘(2) For subsection (1)—
 - (a) a former board consisting of the persons who were members of the board immediately before the commencement is taken to be a continuing control body; and
 - (b) a club that was licensed by the former board immediately before the commencement is taken to be a club licensed by it.

‘425 Pt 5 does not affect existing legal relationships

‘Nothing done under this part in relation to a former board—

- (a) places the corresponding new control body in breach of a contract, trust or confidence or otherwise makes the corresponding new control body guilty of a civil wrong; or
- (b) makes the corresponding new control body in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, transfer or assumption of a right or liability; or
- (c) is taken to fulfil a condition or otherwise constitute an event—
 - (i) allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or modify the operation or effect of an instrument or obligation; or
 - (ii) requiring money to be paid, or anything else to be done, before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.

‘426 References to former boards

‘In an Act or document, a reference to a former board may, if the context permits, be taken as a reference to the corresponding new control body.’.

25 Omission of sch 1 (Relocated provisions)

Schedule 1—

omit.

26 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *commencement*, *continuing control body*, *control body*, *control body associate*, *former board* and *relocated provision*—

omit.

- (2) Schedule 3—

insert—

‘commencement—

(a) for chapter 10, part 4—see section 397; or

(b) for chapter 10, part 5—see section 412.

control body means a corporation given a Minister’s approval to be the control body for a code of racing.

control body associate, for a control body, means a business associate or executive associate of the control body.

corresponding new control body, for chapter 10, part 5, see section 412.

former board—

(a) for chapter 10, part 4—see section 397; or

(b) for chapter 10, part 5—see section 412.

new greyhound control body, for chapter 10, part 5, see section 412.

new harness control body, for chapter 10, part 5, see section 412.’.

- (3) Schedule 3, definition *approval*, paragraphs (b) and (c)—
omit, insert—
‘(b) in relation to a control body, the Minister’s approval of the control body.’.
- (4) Schedule 3, definition *executive officer—*
insert—
‘*Note—*
This definition also applies to references to an executive officer of a particular corporation, including, for example, a control body.’.
- (5) Schedule 3, definition *Greyhound Authority*, after ‘greyhound racing’—
insert—
‘until 30 June 2008’.
- (6) Schedule 3, definition *Greyhound Authority—*
insert—
‘*Note—*
See chapter 10, part 5 for provisions about the dissolution of the Greyhound Authority.’.
- (7) Schedule 3, definition *Harness Racing Board*, after ‘harness racing’—
insert—
‘until 30 June 2008’.
- (8) Schedule 3, definition *Harness Racing Board—*
insert—
‘*Note—*
See chapter 10, part 5 for provisions about the dissolution of the Harness Racing Board.’.

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