

RACING BILL 2002

EXPLANATORY NOTES FOR AMENDMENTS IN COMMITTEE

Short Title

Racing Bill 2002

Policy Objectives of the Amendments to the Bill

The amendments are of a minor nature and, apart from a minor drafting amendment for consistency and a consequential amendment to the *Liquor Act 1992*, relate to matters involving drug control, animal welfare and disease management of licensed animals.

The amendments clarify and better align some of the responsibilities of the Racing Animal Welfare and Integrity Board (Integrity Board) in relation to drug control in licensed animals and ensure that reporting requirements of accredited analysts at accredited facilities meet the agreed requirements of control bodies' policies and rules.

Estimated cost of government

The amendments in committee have no cost implications for government.

Consistency with Fundamental Principles

The amendments in committee do not raise any new fundamental legislative principle issues.

Consultation

The Office of Queensland Parliamentary Counsel has prepared the amendments to the Bill.

NOTES ON PROVISIONS

Amendment 1

Clause 52

Clause 52 is amended to clarify the intention of the provision and ensure consistency with similar provisions in the Bill.

Amendment 2

Clause 115

Clause 115 is amended to give the Integrity Board the function of developing and publishing procedures about the way things (including samples) are to be taken and dealt with for analysis. Previously this was to be prescribed by regulation. This amendment is necessary to allow the Integrity Board to fulfil its new responsibilities under Clause 143(2). As the members of the Integrity Board are required to have specialised skills and experience it is considered that the Integrity Board is best qualified to determine the most appropriate methods for taking and dealing with things (including samples).

The Integrity Board is to publish the procedures, including any amendments in the way prescribed under a regulation.

Amendment 3

Clause 117

Clause 117 is amended to remove the possibility of a conflict of interest by disqualifying persons who are employed by, or engaged in any activity relating to an accredited facility or secondary facility from being appointed as a member of the Integrity Board.

Amendment 4

Clause 143

Clause 143(2) is amended to allow a control body to take samples for research and survey purposes in the way the control body considers is consistent with the research or survey purposes, rather than the integrity

officer approving the way the samples are taken and dealt with. If a control body thought it prudent, it could consult with the Integrity Board in relation to the most appropriate method for taking and dealing with survey or research samples for its code's purposes.

Amendment 5

Clause 143

Clause 143(3) is amended to provide that if the results of analysis are to be used for a purpose, other than for research or survey purposes, the control body must take and deal with the thing for analysis under the Integrity Board's procedures rather than in the way prescribed under a Regulation. Amendment 2 above, gives the Integrity Board the powers and functions to develop and publish procedures about the way things (including samples) are to be taken and dealt with for analysis.

Amendment 6

Clause 144

Clause 144(a) is amended to provide that if an integrity officer takes a thing or arranges for a suitably qualified person to take a thing for analysis, the thing must be taken and dealt with under the procedures approved by the Integrity Board rather than in the way prescribed under a Regulation. Under the Integrity Board's scrutiny control bodies will be able to respond effectively to emerging needs of the racing industry to counter misuse of new drugs.

Amendment 7

Clause 147

Clause 147(3)(c) is amended to provide that if a drug is found in or on a thing, the certificate signed by an accredited analyst need only state the amount or concentration of the drug, if this information is requested by the control body or integrity officer who delivered the thing for analysis. This is more cost effective for a control body.

Clause 147(3)(d) is amended to provide that if a code substance is found in or on a thing, the certificate signed by an accredited analyst need only state the amount or concentration of the code substance where this

information is specifically requested by the control body and agreed by the accredited facility.

Amendment 8

Schedule 2

An amendment to section 152 of the *Liquor Act 1992* is a consequential amendment as a result of the requirements of the *Wagering Act 1998*.