

Racing Amendment Bill 2005

Explanatory notes for Amendments to be moved during consideration in detail by The Honourable Robert Swarten MP

Title of the Bill

Racing Amendment Bill 2005.

Objective of the Amendment

The objective of the amendment is to simplify the process of agreement on the number of days on which non-TABQ races would be held. The development of a formulae as envisaged by the proposed section 67B, while considered to be theoretically possible, may be impractical in operation.

The 'scheme' of the amendment and the Bill are:

- (1) to provide that the control body and the Committee must attempt to agree on the number of race days for non-TABQ races. In default of agreement then the number of race days that was allocated for the previous 'racing' year will apply;

[New section 67(1)(ca) and new section 68DA]

- (2) When the number of days have been agreed (or in default, the previous year's number) then the Committee makes recommendation on dates etc in accordance with section 38(1)(a)(b)(c);

[New section 67(1)(c)(i)]

- (3) When the Committee has made recommendations on dates etc. in accordance with section 38(1)(a)(b)(c), then sections 68E to section 68I apply to relevant subsequent activities of the control body and the Committee.

Consistency with Fundamental Legislative Principles

The Bill is consistent with fundamental principles as outlined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Chair of the Queensland Thoroughbred Racing Board was consulted.

Notes on Provisions

Amendment 1

Clause 13 is amended by omitting section 68(1)(c) and replacing it with a new section 68(1)(c) which provides that it is a function of the Queensland Country Racing Committee (the Committee) to make recommendations to the thoroughbred control body about racing calendars for non-TABQ races but not about the number of days on which races will be held.

The Committee is given a new function to attempt to reach agreement with the thoroughbred control body on the number of days on which non-TABQ races are held in a year.

Amendment 2

Clause 14 is amended by omitting section 67B which gave the Committee a special responsibility to develop a formula for the allocation of non-TABQ race dates, in consultation with the thoroughbred control body.

Amendment 3

Clause 16 is amended by inserting a new section 68DA which provides that before preparing a 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.

This new section outlines the matters that the thoroughbred control body and the Committee must have regard to when attempting to reach agreement. If the thoroughbred control body and the Committee are unable to agree, the number of days on which non-TABQ races are to be held must not be less than the number allocated for the previous year.

The new section provides that the thoroughbred control body must not act unreasonable and must give written reasons for any refusal of a request by the committee.