



# Racing Act 2002

Reprinted as in force on 1 July 2010

Reprint No. 2G

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

# Racing Act 2002

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# Racing Act 2002

[as amended by all amendments that commenced on or before 1 July 2010]

**An Act to provide for the racing industry in Queensland, including betting on races and sporting contingencies, and for other purposes**

## Chapter 1 Introduction

### 1 Short title

This Act may be cited as the *Racing Act 2002*.

### 2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by proclamation.
- (2) Section 398(1) and schedule 2, part 1, in relation to the amendment of the *Racing and Betting Amendment Act (No. 2) 2001*, are taken to have commenced on 4 April 2002.

### 3 Act binds all persons

- (1) This Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

### 4 Main purposes of Act and how they generally are achieved

- (1) The main purposes of this Act are—

- (a) to maintain public confidence in the racing of animals in Queensland for which betting is lawful; and
  - (b) to ensure the integrity of all persons involved with racing or betting under this Act; and
  - (c) to safeguard the welfare of all animals involved in racing under this Act.
- (2) Generally, the main purposes are achieved by providing for the following—
- (a) the process for approving an applicant as a control body;
  - (b) the approval of a suitable applicant as the control body to manage a code of racing;
  - (c) the performance by each control body of its function under this Act of managing its code of racing;
  - (d) controls relating to the welfare of animals involved in racing, including the control of drugs;
  - (e) the establishment of the Racing Animal Welfare and Integrity Board and the accreditation of entities in relation to drug testing and related matters;
  - (f) the persons who may carry on bookmaking, including a process for obtaining an eligibility certificate from the gaming executive before a person may be licensed by a control body as a racing bookmaker who may carry on bookmaking at a licensed venue when it is under the control of that control body;
  - (g) the investigation of matters under, and enforcement of compliance with, this Act by authorised officers;
  - (h) offences and legal proceedings generally;
  - (i) miscellaneous and transitional matters, especially how matters under the repealed Act may continue or otherwise be dealt with under this Act.

## **5 Definitions**

The dictionary in schedule 3 defines particular words used in this Act.

**6 Betting under this Act is lawful**

- (1) If betting on the outcome of a race or sporting contingency is conducted under this Act, the betting is lawful.
- (2) Subsection (1) does not limit the *Wagering Act 1998*.

## **Chapter 2 Control bodies to manage codes of racing**

### **Part 1 Main purposes of chapter**

**7 Main purposes of ch 2 and how they generally are achieved**

- (1) The main purposes of this chapter are—
  - (a) to establish a process by which an eligible corporation may be approved as the control body for a code of racing with responsibility for managing the code, including the involvement of animals, clubs, participants and venues in the code; and
  - (b) to provide for the relationships among the Minister, the chief executive and the control body in relation to the approval of the control body and the code of racing.
- (2) Generally, the main purposes of this chapter are achieved by providing for the following—
  - (a) criteria defining eligible corporations and eligible individuals to establish which corporations may apply for approval as a control body;
  - (b) requirements for each approval applicant for a code of racing or proposed code of racing;
  - (c) assessment procedures relating to an approval application, requirements to investigate business associates and executive associates of the approval

- applicant, including, for example, obtaining their fingerprints and criminal histories;
- (d) powers and obligations of a control body for its code of racing, including obligations to implement plans forming part of the approval application;
  - (e) reporting requirements that apply to a control body and mechanisms for the Minister to monitor and discipline a control body, including by giving directions to or auditing a control body or taking disciplinary action relating to the approval of a control body.
- (3) This chapter also provides for offences relevant to matters dealt with in the chapter.

## **Part 2                      Control bodies generally**

### **Division 1                      Meaning of eligible corporation and eligible individual**

#### **8                      Meaning of *eligible corporation***

A corporation is an *eligible corporation* if it—

- (a) is registered under the Corporations Act; and
- (b) has a constitution under the Corporations Act that, at all times, requires—
  - (i) at least 3 directors; and
  - (ii) the persons appointed or employed as executive officers of the corporation to be eligible individuals.

#### **9                      Meaning of *eligible individual***

An *eligible individual* is an individual who—

- (a) is not affected by bankruptcy action; and

- (b) does not have a disqualifying conviction; and
- (c) is not subject to an exclusion action under any control body's rules of racing; and
- (d) is not licensed by, or is not an executive officer of a corporation that is licensed by, a control body; and
- (e) is not a member of a committee, or employee, of—
  - (i) a licensed club; or
  - (ii) an association formed to promote the interests of 1 or more participants in a code of racing, whether or not formed under this Act; and
- (f) is not disqualified from managing corporations, under the Corporations Act, part 2D.6.

## **Division 2                      Applying for approval as control body for a code of racing**

### **10            An eligible corporation may apply for approval as a control body**

- (1) An eligible corporation may apply to the Minister for approval as the control body for—
  - (a) a code of racing; or
  - (b) a proposed code of racing.
- (2) The eligible corporation may apply for approval as the control body for the application code even if the corporation is, or has applied to be, the control body for another code of racing or proposed code of racing.
- (3) The approval applicant may—
  - (a) withdraw the approval application; or
  - (b) amend the approval application subject to the matters prescribed under a regulation about the way in which an approval application may proceed after it is amended.
- (4) The application mentioned in subsection (1) must be in the approved form.

**11 Approval application to be accompanied by specific matters**

- (1) An approval application must be accompanied by the following—
  - (a) the application fee prescribed under a regulation;
  - (b) the approval applicant's written agreement to pay an amount that is the cost of any mediation under section 17 divided equally among the number of approval applicants who are given a notice about the mediation under that section;
  - (c) a copy of the approval applicant's constitution under the Corporations Act;
  - (d) a consent signed by each person who the approval applicant considers is a business associate or executive associate of the approval applicant for the following—
    - (i) if the associate is an individual—the individual's fingerprints being taken for the chief executive;
    - (ii) for information about the associate to be obtained for the chief executive;
    - (iii) for the associate's background to be investigated for the chief executive;
  - (e) the approval applicant's written agreement to obtain a consent of the type mentioned in paragraph (d) for a person whom the chief executive believes is a business associate or executive associate of the approval applicant but whose consent does not accompany the approval application;
  - (f) the approval applicant's plans for developing, operating and managing the application code and a timetable for implementing the plans.
- (2) The plans mentioned in subsection (1)(f) must include the approval applicant's proposals for policies for the following—
  - (a) selling a product to persons lawfully conducting wagering under the *Wagering Act 1998*;



- (b) controlling lawful betting on races at race meetings, held under its control as a control body, by persons carrying on bookmaking under chapter 6;
  - (c) licensing animals, clubs, participants and venues involved in the application code to ensure—
    - (i) the integrity of racing activities to be held under the approval; and
    - (ii) the safety of persons involved in racing or training licensed animals; and
    - (iii) the welfare of licensed animals and animals that may be licensed for the application code;
  - (d) safeguarding the public interest in the application code;
  - (e) providing or participating in an appropriate education and training system for persons who are likely to—
    - (i) engage in activities requiring a licence from it as a control body; or
    - (ii) participate in the application code but are not required to be licensed;
  - (f) a website, and the information to be accessible through the website including policies and rules required to be published on the website under sections 84 and 94;
  - (g) veterinary services to be provided at race meetings and trials held under its control as a control body;
  - (h) if, as a control body, it proposes to have a policy allowing a licence holder to appeal against a decision made by a steward of the control body to an appeal committee established by it—appeals to an appeal committee.
- (3) Also, the plans mentioned in subsection (1)(f) must include the approval applicant's proposals for procedures for the following—
- (a) allocating sufficient resources to ensure—
    - (i) the welfare of animals that may be licensed; and

- (ii) the prevention and management of other practices that may impact adversely on the integrity of any code of racing;
  - (b) identifying the approval applicant's way of separating its commercial operations for the application code from its regulatory operations for the code.
- (4) The proposals for the policies and the procedures must be well developed and, based on the assumption that the application is approved, capable of implementation by the approval applicant within 18 months after the Minister's approval of the application.
- (5) The written agreement mentioned in subsection (1)(b), and the consent mentioned in subsection (1)(d), must be in the approved form.

## **12 Evidence of matters to be included in an approval application**

An approval application must include evidence establishing each of the following—

- (a) the approval applicant is an eligible corporation;
- (b) each of its executive officers is an eligible individual;
- (c) each of its executive officers has experience in the application code, business and financial management, law, leadership or marketing.

## **Division 3 Referral of approval application to chief executive for processing**

### **13 Minister to refer an approval application to the chief executive for assessment and other action**

- (1) After receiving an approval application, the Minister must refer it to the chief executive for assessment.
- (2) The chief executive must—

- (a) require the approval applicant, by notice (an *advertising notice*) given to the applicant, to advertise information about the approval application; and
- (b) assess whether the approval applicant is suitable to be approved as the control body for the application code.

#### **14 Advertising notice about an approval application**

- (1) The advertising notice must state—
  - (a) the form of, and the information to be included in, the advertisement; and
  - (b) the newspapers or other publications in which the advertisement must appear; and
  - (c) the days on which the advertisement must appear in the stated newspapers or other publications.
- (2) Without limiting subsection (1)(a), the chief executive must require each advertisement to state that a person may object to the approval application, by giving a written submission to the chief executive in a way and by a date stated in the advertisement (the *closure date*).
- (3) The closure date must be at least 28 days after the advertisement first appears in a newspaper or other publication as required under subsection (1).
- (4) The approval applicant is liable for all expenses relating to the advertisement.

#### **15 Objection to approval application**

- (1) A person (an *objector*) may object to an approval application by written submission given to the chief executive by the closure date stated in the advertisement.
- (2) The submission must state the objector's reasons for objecting and, if applicable, may include conditions to which the objector believes an approval relating to the approval application should be subject.

## **Division 4                      When there is more than 1 approval application relating to a particular type of animal racing**

### **16            Application of div 4**

This division applies if—

- (a) both of the following apply—
  - (i) an objector's reasons for objecting to an approval application states the objector is the appropriate eligible corporation to be approved as the control body for the application code;
  - (ii) the objector makes an approval application for the application code within 28 days after the closure date; or
- (b) before the closure date for an approval application, another eligible corporation, other than an objector, makes an approval application for the application code.

### **17            Chief executive must call meeting of all approval applicants**

- (1) The chief executive must, by notice given to each of the approval applicants, call a meeting of them to explore the possibility of all of the approval applicants reaching a mediated agreement about the eligible corporation that should be approved as the control body for the application code.

*Example of a mediated agreement—*

The approval applicants may agree to form an eligible corporation in which they each have equal rights to appoint that corporation's executive officers, to withdraw each of their approval applications and to support an application by the formed eligible corporation to be the control body for the application code.

- (2) The chief executive may arrange for a suitably qualified person to be the mediator at the meeting.
- (3) If a mediated agreement can not be reached at the meeting, the chief executive must include information about the mediation

in the chief executive's report to the Minister under section 19.

## **Division 5                      Assessment actions by chief executive for approval applications**

### **18            Assessment of an approval application if only 1 application**

- (1) The chief executive must assess an approval application referred to the chief executive under section 13(1).
- (2) The chief executive must prepare and give to the Minister a report relating to the approval application (the *assessed application*) covering the following to the extent that is applicable—
  - (a) the assessed application;
  - (b) submissions given to the chief executive under section 15 about the assessed application;
  - (c) reports about the criminal histories of individuals who are business associates and executive associates of the approval applicant, given to the chief executive under section 23(2);
  - (d) the chief executive's assessment, as mentioned in section 13(2)(b), about whether the approval applicant is suitable to be approved as the control body for the application code.
- (3) This section is subject to section 19.

### **19            Assessment of an approval application if more than 1 application**

- (1) This section applies if the chief executive calls a meeting of approval applicants under section 17(1) and there is no mediated agreement supported by all of the approval applicants.
- (2) The chief executive must assess each of the approval applications.

- (3) The chief executive must prepare and give to the Minister a single report relating to each of the approval applications (the *assessed applications*) covering the following to the extent that is applicable—
- (a) the assessed applications;
  - (b) submissions given to the chief executive under section 15 about the assessed applications;
  - (c) reports about the criminal histories of individuals who are business associates and executive associates of the approval applicants, given to the chief executive under section 23(2);
  - (d) the chief executive's assessment, as mentioned in section 13(2)(b), about whether each approval applicant is suitable to be approved as the control body for the application code;
  - (e) an assessment about the merits of each approval application compared to the other approval applications;
  - (f) the chief executive's recommendation about which approval applicant is best qualified and most suitable to be the control body for the code.

## **20 Assessing approval applicant or approval applicants**

- (1) This section applies to the chief executive in assessing an approval application as mentioned in section 18 or 19.
- (2) The chief executive must decide whether the approval applicant is suitable to be approved as the control body for the application code.
- (3) For subsection (2), the chief executive must have regard to, and if necessary, investigate each of the following—
- (a) the approval application, matters accompanying or included in the approval application as mentioned in section 11, and evidence given by the approval applicant in support of the application about the matters mentioned in section 12;
  - (b) the approval applicant's business reputation, current financial position and financial background;

- (c) the suitability of every business associate and executive associate of the approval applicant to be associated with the approval applicant as a control body;
  - (d) if the approval applicant has a business association with another entity—
    - (i) the entity's character or business reputation; and
    - (ii) the entity's current financial position and financial background.
- (4) In deciding about the suitability of a business associate or executive associate of the approval applicant, the chief executive must have regard to, and if necessary investigate, each of the following—
- (a) the associate's character or business reputation;
  - (b) the associate's current financial position and financial background;
  - (c) if the associate has a business association with another entity—
    - (i) the entity's character or business reputation; and
    - (ii) the entity's current financial position and financial background.

**21 Chief executive may require further information or documents to support approval application as part of investigations under s 20**

- (1) For an investigation under section 20 relating to an approval applicant, the chief executive may, by notice given to the approval applicant, require the applicant to give the chief executive further information or a document relating to any of the following within a reasonable time stated in the notice—
- (a) the approval application;
  - (b) the approval applicant;
  - (c) a business associate or executive associate of the approval applicant;
  - (d) an entity with which the approval applicant has a business association.

- (2) For an investigation under section 20 relating to a business associate or executive associate of an approval applicant, the chief executive may, by notice given to the associate and a copy of the notice to the approval applicant, require the associate to give the chief executive information or a document relating to the following within a reasonable time stated in the notice—
  - (a) the association with the approval applicant;
  - (b) an entity with which the associate has a business association.
- (3) When making the requirement, the chief executive must warn the approval applicant and associate that the approval application will not be considered further until the requirement is complied with.

## **22 Chief executive must request fingerprints of business associates and executive associates of the approval applicant**

The chief executive must, by notice given to an approval applicant, ask the applicant to make arrangements with the chief executive for the fingerprints of each of the approval applicant's business associates and executive associates, who is an individual, to be taken for the chief executive.

## **23 Obtaining the criminal history of an individual**

- (1) After obtaining an individual's fingerprints, the chief executive may, by notice given to the commissioner of the police service, ask the commissioner for a written report on the individual's criminal history.
- (2) After receiving the request, the commissioner must give the report on the individual's criminal history to the chief executive.
- (3) The report is to contain—
  - (a) relevant information in the commissioner's possession;
  - and



- (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
- (c) other relevant information to which the commissioner has access.

## **Division 6                    Ministerial decision about approval applications**

### **24            Minister to consider and decide approval application**

- (1) This section applies after the Minister is given an assessment report.
- (2) Before making a decision about an approval application, the Minister must consider the following—
  - (a) the assessment report;
  - (b) the approval application or approval applications dealt with in the report;
  - (c) further documents given to the chief executive by the approval applicant in support of the application or an amendment of the application;
  - (d) submissions given to the chief executive under section 15(1) and, to the extent applicable, any other approval applications and any mediated agreement as mentioned in section 17(1), relating to the application code;
  - (e) conditions the Minister believes should apply if the application is approved.
- (3) The Minister must not grant the application unless the Minister is satisfied—
  - (a) the approval application is accompanied by, and includes, all matters mentioned in section 11 and otherwise complies with that section; and
  - (b) the approval applicant has provided evidence satisfactory to the Minister about the matters mentioned in section 12; and

- (c) either of the following—
  - (a) if the approval application relates to an existing code of racing, the approval applicant is suitable to be approved as the control body for the existing code of racing;
  - (b) if the approval application relates to a proposed code of racing, the proposed code of racing is suitable to be a code of racing and the approval applicant is suitable to be approved as the control body for the proposed code of racing.
- (4) Without limiting subsection (3), if the Minister is considering more than 1 approval application, the Minister must decide which approval applicant is best qualified and most suitable to be the control body for the application code.

## **25 Information notice about Minister's decision**

- (1) After the Minister makes a decision about an approval application, the Minister must give the approval applicant an information notice about the decision.
- (2) If the Minister grants the application, the information notice must state the conditions imposed by the Minister to which the approval is to be subject.
- (3) If the Minister's decision is that, should the approval applicant rectify a matter within a period, the Minister would give the approval applicant an approval under section 26, the information notice must state the matter to be rectified, the way it may be rectified and a reasonable period for the matter to be rectified.

*Example for subsection (3)—*

The approval application may be approved on the condition that the approval applicant's constitution is changed in a stated way within a stated period.

## **26 When Minister must give an approval to approval applicant**

- (1) This section applies if the Minister decides an approval applicant is suitable to be approved as the control body for the

application code.

- (2) After all of the following have happened, the Minister must give the approval applicant an approval as the control body for the code of racing signed by the Minister—
  - (a) the Minister has given the approval applicant an information notice about the decision under section 25;
  - (b) the approval applicant has given the chief executive a notice stating—
    - (i) there have been no changes to the information in the approval application, or the other documents or information given to the Minister or chief executive, that are likely to affect the Minister's decision; and
    - (ii) if applicable—a matter to be rectified, as stated in the information notice as mentioned in section 25(3), has been rectified and the way it has been rectified;
  - (c) the approval applicant has paid the fee under section 29 in relation to the first year of the approval.
- (3) After giving an approval under subsection (2), the Minister must publish in the gazette a notice that—
  - (a) if the approval application related to a proposed code of racing—the type of animal racing stated in the notice is a code of racing; and
  - (b) the Minister has approved the approval applicant as the control body for the code of racing stated in the notice.
- (4) The notice mentioned in subsection (2)(b) must be in the approved form.

## **27 Form of approval**

The approval of the control body must state each of the following—

- (a) the name of the control body, its Australian Company Number and its business address;

- (b) the date of the approval and the date on which the approval takes effect;
- (c) the code of racing for which the approval is given;
- (d) conditions imposed by the Minister to which the approval is subject.

## **Division 7                      Other matters relating to approvals and approval applications**

### **28      Approval continues in force unless cancelled or suspended**

- (1) A control body's approval continues in force until the approval is cancelled.
- (2) However, if a control body's approval is suspended, the approval does not have effect for the period of the suspension.

### **29      Yearly fee payable by each control body**

- (1) A control body must pay a fee to the chief executive in relation to each year for which its approval has effect.
- (2) A regulation may prescribe—
  - (a) the amount of the fee payable under this section relating to each year; and
  - (b) the date (the *due date*) by which the fee relating to each year is payable.
- (3) If a fee is not paid by the due date—
  - (a) the amount of the fee is a debt owing to the State; and
  - (b) the failure to pay is a ground for taking, as mentioned in section 52(1)(d), disciplinary action relating to the approval of the control body.

**30 Regulation may prescribe a condition applying to an approval**

- (1) A regulation may prescribe a condition (a *regulation condition*) to which the approval of each control body is subject.
- (2) A regulation condition applies to a control body even if the control body was approved as a control body before the regulation commenced.
- (3) If there is an inconsistency between an express condition stated in an approval and a regulation condition, the regulation condition applies to the extent of the inconsistency.

**31 Variation of approval of control body**

- (1) A control body may apply to the Minister for a variation of its approval as a control body.
- (2) The application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) The Minister must consider the application and either grant or refuse to grant the application.
- (4) After the Minister makes a decision about the application, the Minister must give the applicant an information notice about the decision.
- (5) If the Minister grants the application, the information notice must—
  - (a) state the conditions imposed by the Minister to which the approval is to be subject; and
  - (b) include a direction to the control body to return the approval to the Minister, within 14 days after the date of the information notice, for relevant action by the Minister.

**32 Destruction of fingerprints**

- (1) After the Minister refuses to grant an approval application or an approval is cancelled, the chief executive must destroy the fingerprints of any individual who is a business associate or

executive associate of the approval applicant or the control body.

- (2) Also, if the chief executive is satisfied an individual who was a business associate or executive associate of a control body is no longer a business associate or executive associate of the control body, the chief executive must destroy the individual's fingerprints.

## **Part 3                      Control bodies for codes of racing**

### **Division 1                Function and powers of control bodies**

#### **33            Function of control body**

- (1) The function under this Act of a control body is to manage its code of racing.
- (2) A control body has—
  - (a) the powers necessary for performing its function; and
  - (b) all other powers necessary for discharging the obligations imposed on the control body under this Act.

#### **34            Powers of control body for its code of racing**

- (1) A control body may do any of the following for its code of racing—
  - (a) license animals, clubs, participants and venues that are suitable to be licensed for the code;
  - (b) assess the performance of licensed animals, clubs, participants and venues to ensure the animals, clubs, participants and venues continue to be suitable to be licensed;

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- (c) prepare and implement plans and strategies for developing, promoting and marketing the commercial operations of the code;
- (d) encourage and facilitate the development of ancillary racing activities for the code, including, for example, the breeding and training of animals;
- (e) establish, manage and fund a facility or process for the education and training of persons who wish to be licensed by the control body or who otherwise participate in the code;
- (f) distribute an amount—
  - (i) as prize money for races; or
  - (ii) to a licensed club, on conditions the control body considers appropriate, for a purpose relating to the operations of the club; or
  - (iii) for undertaking research and analysis for the code.
- (g) make decisions about, and, on conditions the control body considers appropriate, allocate funding for, venue development and other infrastructure relevant to the code;
- (h) enter into reciprocal arrangements with entities in other States, or in countries other than Australia, that have similar powers to the control body for recognising—
  - (i) the licensing, however described, of animals, clubs, participants and venues for animal racing; and
  - (ii) the activities conducted by, or under the control of, the entities in the other States or the countries; and
  - (iii) the cancellation or suspension of a licence, however described; and
  - (iv) the disqualification of a person who held a licence, however described; and
  - (v) another matter or thing relating to managing the control body's code of racing;
- (i) issue race information authorities under section 113E(1);

- (j) establish committees or other entities responsible for providing advice to, and carrying out administrative functions for, the control body in relation to non-TABQ races.
- (2) To the extent a control body believes necessary or desirable for performing the control body's function, the control body may, by notice given to a licensed club, give a direction to the club (a ***control body direction***) relating to—
  - (a) the operations of the club, including, for example, matters in relation to the licensed club's assets; or
  - (b) a licensed venue for which the club is the licence holder.
- (3) A control body direction may require a licensed club to do something or to refrain from doing something.
- (4) As mentioned in section 101(1)(a), if the licensed club is not complying, or has not complied with the control body direction, the control body may suspend or cancel the club's licence.
- (5) In this section—  
***non-TABQ races*** means races on which the TABQ does not, or is unlikely to, offer wagering.

### **34A Control body approved for more than one code of racing**

- (1) This section applies to a control body that has approval as the control body for more than 1 code of racing.
- (2) In making a decision under this Act, the control body must make a decision that is in the best interests of all the codes of racing for which the control body holds an approval while having regard to the interests of each individual code.

### **35 Control body may charge fees for its services**

- (1) A control body may charge fees for services it provides as part of managing its code of racing.
- (2) A fee charged by the control body for a service, including matters relating to licensing, must reflect the reasonable cost to the control body of providing the service.



- (3) Despite subsection (1), a control body may not charge a fee for a service provided to the Minister or the chief executive under this Act.

## **Division 2                      Obligations of control bodies other than for policies**

### **36            Obligation to implement plans as stated in approval application**

- (1) This section applies to the following that, under section 11(1)(f), accompanied a control body's approval application—
- (a) its plans for developing, operating and managing its code of racing; and
  - (b) the timetable for implementing the plans.
- (2) Subject to the regulation conditions and stated conditions in the control body's approval, the control body must implement the plans as stated in the timetable.

### **37            Obligation to have internal controls**

A control body must have internal controls to effectively perform its function of managing its code of racing, including, for example, information systems that—

- (a) separate the control body's commercial operations for the code of racing from its regulatory operations for the code; and
- (b) record all of the control body's actions under its licensing scheme relating to animals, clubs, participants and venues.

### **38            Obligation to have racing calendar for code of racing**

- (1) A control body must prepare a program (the *racing calendar*) that includes the following matters for the period in relation to which the racing calendar is published (the *calendar period*)—

- (a) the dates on which, and places at which, race meetings are to be held for the code of racing during the calendar period;
  - (b) information about the races to be held at each race meeting, including, for example, the length of the race, the types of animals eligible for the race and the prize;
  - (c) information about dates relevant for each race, including, for example, deadlines for nominating and paying nomination fees;
  - (d) a change to the control body's rules of racing that take effect during the calendar period;
  - (e) a change to a previous racing calendar;
  - (f) a declaration of a sporting contingency under section 255.
- (2) The control body must make the racing calendar for a calendar period available at least 7 days before the start of, and during, the calendar period.
  - (3) The control body may comply with subsection (2) by making the racing calendar available on its website for at least 7 days before the start of, and during, the calendar period.
  - (4) The control body may publish the racing calendar in, or as part of, another publication of the control body that includes other information, including, for example, advertising.

**39      Obligation to have program to audit licensed animals, clubs, participants and venues**

- (1) By 31 December each year, a control body must give to the chief executive a copy of its program, for the following year, to audit periodically the suitability of every licensed animal, club, participant and venue to continue to be licensed.
- (2) The control body must implement the program during the relevant year.

**40 Obligation to enter into agreement about scientific and professional services**

A control body must enter into an agreement with an accredited facility, independent of the control body, for the provision of integrated scientific and professional services—

- (a) for analysing things relating to licensed animals for the presence of drugs and other substances; and
- (b) for related matters.

**Division 3 Annual reporting by control bodies and related issues****41 Annual reporting by control body**

- (1) Within 14 days after each anniversary day of the commencement of this section, a control body must give to the chief executive a plan for managing its code of racing for a period of at least 1 year starting on that anniversary day.
- (2) Within 14 days after each anniversary day of a control body's approval effect day, the control body must give to the chief executive a notice about whether the control body has been an eligible corporation for the year before the anniversary day and is, on that anniversary day, an eligible corporation.
- (3) A notice under subsection (1) or (2) must be in the approved form.

**42 Notice about change of executive officers**

- (1) If an executive officer of a control body resigns, or the executive officer's appointment or employment otherwise ends, the control body must give notice about the resignation, or the end of the appointment or employment, to the chief executive under subsection (2).
- (2) The notice mentioned in subsection (1) must—
  - (a) be in the approved form; and

- (b) be given within 14 days after the resignation, or the end of the appointment or employment, of a person as an executive officer; and
  - (c) if, at the time of the resignation or end of the appointment or employment, the executive officer was no longer an eligible individual, include the reason why the executive officer was no longer an eligible individual.
- (3) If a person is appointed or employed as an executive officer of a control body after the control body's approval, the control body must give notice about the appointment or employment to the chief executive under subsection (4).
- (4) The notice mentioned in subsection (3) must—
- (a) be in the approved form; and
  - (b) be given within 14 days after the appointment or employment of the person as an executive officer; and
  - (c) state that the person is an eligible individual; and
  - (d) be accompanied by a consent signed by the person for the following—
    - (i) the person's fingerprints being taken for the chief executive;
    - (ii) for personal information about the person to be obtained for the chief executive;
    - (iii) for the person's background to be investigated for the chief executive.

**43 Notice of event resulting in a control body not being an eligible corporation**

- (1) Within 14 days after an event happening relating to a control body that makes the control body no longer an eligible corporation, the control body must give notice about the event to the chief executive under subsection (2).
- (2) The notice must—
- (a) be in the approved form; and

- (b) include the control body's plan and timetable for making the corporation an eligible corporation.
- (3) The giving of a notice under subsection (1) does not limit the chief executive's power under section 53 to give the control body a show cause notice.

**44 Notice of event resulting in executive officer no longer being an eligible individual**

- (1) Within 14 days after an event happening that results in an executive officer of a control body being no longer an eligible individual, the executive officer must give notice about the event to the chief executive.
- (2) The notice must be in the approved form.

**Part 4 Actions relating to control bodies and codes of racing**

**Division 1 Ministerial directions to control bodies**

**45 Minister may give a direction to control body about its policies or rules**

- (1) This section applies if the Minister believes that, for 1 or more of the following reasons, it is necessary to give a control body a direction under this section—
  - (a) to ensure public confidence in the integrity of the Queensland racing industry;
  - (b) to ensure the control body is managing its code of racing in the interests of the code;
  - (c) to ensure the welfare of the control body's licensed animals;

- (d) to ensure the control body's actions are accountable and its decision-making processes are transparent;
  - (e) to ensure the control body's rules of racing have sufficient regard to the rights and liberties of individuals as mentioned in the *Legislative Standards Act 1992*, section 4(3).
- (2) The Minister may, by notice given to the control body, direct the control body to do 1 or more of the following and take into account matters stated in the direction—
- (a) make a new policy about a matter;
  - (b) review an existing policy;
  - (c) make rules of racing about a matter;
  - (d) review existing rules of racing.
- (3) The notice must state a date by which the direction must be complied with.
- (4) The date stated must be reasonable having regard to the nature of the matters to be done under the direction.

## **Division 2                      Audit regime and other investigations**

### **46            Program for auditing suitability of control bodies**

- (1) Each year, the chief executive must prepare and give to the Minister a program for assessing the suitability of control bodies to manage the relevant codes of racing.
- (2) The program may focus on a particular control body or on a particular criterion relating to all control bodies.
- (3) The Minister may approve the program for the year, with or without changes.

### **47            Investigations into suitability of a control body**

- (1) The chief executive may investigate a control body to find out whether it is suitable to continue to manage its code of racing.

- (2) However, the chief executive may investigate a control body under this section only if—
  - (a) the chief executive suspects the control body is no longer suitable to continue to manage the code of racing; or
  - (b) the investigation is undertaken as part of a program approved by the Minister under section 46(3).

#### **48 Investigation into suitability of associate of control body**

- (1) The chief executive may investigate a control body associate to decide whether the associate is a suitable person to be, or to continue to be, associated with the control body's operations.
- (2) However, the chief executive may investigate the control body associate only if—
  - (a) the chief executive suspects the associate is not, or is no longer, a suitable person to be associated with a control body's operations; or
  - (b) the investigation is part of an investigation of the control body, undertaken as part of a program approved by the Minister under section 46(3); or
  - (c) the person became a control body associate of the control body after its approval effect day.

#### **49 Requirement to give information or document for investigation**

- (1) In investigating a control body or a control body associate, the chief executive may, by notice given to the control body or the associate, require the control body or associate to give the chief executive information or a document the chief executive believes relevant to the investigation.
- (2) The notice must include—
  - (a) a time, that is reasonable in the circumstances, by which the control body or control body associate must comply with the requirement; and

- (b) a warning that it is an offence to fail to comply with the requirement, unless the control body or associate has a reasonable excuse.
- (3) If the requirement is made to a control body associate, the chief executive must give a copy of the notice to the control body.

## **50 Failure to give information or document for investigation**

- (1) A person to whom a notice is given under section 49(1) must comply with the requirement in the notice within the time stated in the notice, unless the person has a reasonable excuse.  
Maximum penalty—200 penalty units.
- (2) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (3) The person does not commit an offence against this section if the information or document sought by the chief executive is not in fact relevant to the investigation.

## **51 Criminal history report for investigation**

- (1) If the chief executive, in investigating a person under section 47 or 48, asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the chief executive.
- (2) The report is to contain—
  - (a) relevant information in the commissioner's possession; and
  - (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
  - (c) other relevant information to which the commissioner has access.



## **Division 3                      Disciplinary action against control bodies**

### **52                      Grounds for disciplinary action relating to the approval of a control body for its code of racing**

- (1) Each of the following is a ground to take disciplinary action relating to an approval of a control body for its code of racing—
  - (a) the control body is not an eligible corporation;
  - (b) an executive officer of the control body is not an eligible individual;
  - (c) the control body is no longer suitable to manage the code;
  - (d) the control body contravenes a provision of this Act, whether or not a penalty is provided for the contravention;
  - (e) the control body fails to comply with a condition relating to its approval;
  - (f) the control body contravenes a direction given to the control body by the Minister under section 45;
  - (g) the control body fails to take disciplinary action under chapter 3 relating to a licence holder when the control body is required to do so under the chapter;
  - (h) in its approval application, or a notice or other document that the control body is required under this Act to give to the Minister or chief executive, the control body stated something it knew was false or misleading in a material particular.
- (2) For forming a belief that the ground mentioned in subsection (1)(c) exists, the Minister may have regard to the same issues to which the Minister may have regard in deciding whether an approval applicant for approval as a control body is suitable to be approved as a control body.
- (3) There are no other grounds for taking disciplinary action against a control body other than the grounds mentioned in subsection (1).

**53 Show cause notice**

- (1) If the Minister believes a ground exists to take disciplinary action relating to the approval of a control body for its code of racing, the Minister must, subject to section 56(1)(a), give the control body a notice (a *show cause notice*).
- (2) The show cause notice must state the following—
  - (a) the disciplinary action the Minister proposes taking under this division (the *proposed action*);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action includes suspension—the proposed suspension period;
  - (e) if the proposed action includes varying the approval—the change that it is proposed to make to a condition stated in the approval or the new condition to which it is proposed to make the approval subject;
  - (f) if the proposed action includes censuring the control body—the proposed censure;
  - (g) an invitation to the control body to show, within a stated period (the *show cause period*), why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the control body.

**54 Consideration of representations**

- (1) The control body may make written representations about the show cause notice to the Minister in the show cause period.
- (2) The Minister must consider all written representations (the *accepted representations*) made under subsection (1).

**55 Immediate suspension of an approval**

- (1) The Minister may suspend the approval of a control body immediately if the Minister believes—

- (a) a ground exists to take disciplinary action relating to the approval of the control body for its code of racing; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the approval immediately to ensure—
    - (i) the safety of persons, or the welfare of animals, at a race meeting to be held under the control of the control body; or
    - (ii) the public interest in the code of racing is not adversely affected.
- (2) The suspension—
- (a) can be effected only by the Minister giving the control body an information notice about the decision to suspend it, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the control body; and
  - (c) continues to operate until the show cause notice is finally dealt with.

## **56 Censuring control body**

- (1) The Minister may censure a control body if the Minister—
- (a) believes a ground exists to take disciplinary action relating to the approval of the control body but does not believe that giving a show cause notice to the control body is warranted; or
  - (b) after considering the accepted representations for a show cause notice, still believes a ground exists to take disciplinary action relating to the approval of a control body but does not believe disciplinary action is warranted.
- (2) The censure may be effected only by the Minister giving the control body an information notice about the decision to censure it.

**57 Direction to control body to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the Minister—
  - (a) still believes a ground exists to take disciplinary action relating to the approval of a control body; and
  - (b) believes a matter relating to the ground to take disciplinary action is capable of being rectified and it is appropriate to give the control body an opportunity to rectify the matter.
- (2) The Minister may direct the control body to rectify the matter.
- (3) The direction can be effected only by the Minister giving the control body an information notice about the decision to give the direction, including the period for rectifying the matter.
- (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
- (5) A control body must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless it has a reasonable excuse.

Maximum penalty—400 penalty units.
- (6) The control body can not be prosecuted, or have disciplinary action relating to its approval taken against it, for the ground giving rise to the information notice unless the control body—
  - (a) fails to comply with the notice within the stated period; and
  - (b) does not have a reasonable excuse for failing to comply with the notice.
- (7) The Minister's power to give a direction to a control body under another provision of this Act is not limited by the Minister's power to give a direction under this section.

**58 Action by Minister**

- (1) Subject to section 57(6), this section applies if—
  - (a) there are no accepted representations for a show cause notice; or

- (b) after considering the accepted representations for a show cause notice, the Minister still believes a ground for disciplinary action exists relating to the approval.
- (2) The Minister may—
  - (a) if the proposed action was to suspend the approval—suspend the approval for not longer than the proposed suspension period; or
  - (b) if the proposed action was to vary the approval—vary the approval in the proposed way; or
  - (c) if the proposed action was to cancel the approval—cancel the approval or take another form of disciplinary action.
- (3) More than 1 type of disciplinary action relating to the approval of a control body may be taken under this section.
- (4) If the Minister decides to take action under subsection (2), the Minister must immediately give the control body an information notice about the decision.
- (5) The information notice must include a direction to the control body to return the approval to the Minister, within 14 days after receiving the information notice, for relevant action by the Minister.
- (6) The decision takes effect on the later of the following—
  - (a) the day the information notice is given to the control body;
  - (b) the day of effect stated in the information notice.

## **Division 4                    Other provisions about control bodies**

### **59            Control body is unit of public administration**

On and after the approval effect day for a control body, the control body is a unit of public administration under the *Crime and Misconduct Act 2001*, to the extent of the control body's operations for the purposes of performing its function under this Act.

**60 Audit by auditor-general**

- (1) At the request of the Minister, the auditor-general may audit a control body.
- (2) For subsection (1)—
  - (a) the auditor-general is taken to be auditing an entity under the *Auditor-General Act 2009*; and
  - (b) the control body is taken to have consented to the audit.
- (3) However, despite that Act and subsection (2)(b), the control body can not revoke or otherwise withdraw the consent mentioned in subsection (2)(b).
- (4) A control body audited under this section is liable for the fees charged by the auditor-general for the audit, as mentioned in the *Auditor-General Act 2009*.

**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.

### **60B Payment of share of net UNiTAB product fee as prize money**

- (1) A control body must pay 5.32% of its net UNiTAB product fee for a year as prize money for non-TABQ thoroughbred races conducted by non-TABQ thoroughbred clubs in the year.
- (2) If, at the end of a year, a control body has not paid 5.32% of its net UNiTAB product fee for the year as prize money as required under subsection (1), the control body must use the remaining amount of the 5.32% for supporting non-TABQ thoroughbred racing.

*Example of use of remaining amount of the 5.32% for supporting non-TABQ thoroughbred racing—*

carrying out maintenance at a non-TABQ thoroughbred club

## **Chapter 3 Control bodies managing their codes of racing**

### **Part 1 Introduction**

#### **78 Purposes of ch 3**

- (1) The main purposes of this chapter are to provide for—

- (a) the way each control body may perform its function of managing its code of racing when it becomes responsible for managing the code; and
  - (b) particular provisions applying to licensed clubs.
- (2) Generally, the control body performs its function by—
- (a) making policies about the management of its code of racing, especially about its licensing scheme for controlling activities relating to the animals, clubs, participants and venues and about the way in which races are to be held for its code of racing; and
  - (b) making rules of racing; and
  - (c) giving directions to licensed clubs and ensuring compliance by taking disciplinary action relating to the licence of a club that does not comply with a direction.
- (3) A control body's policies ensure there is guidance for persons involved in the code of racing and transparent decision-making relating to matters dealt with by the policies.
- (4) This chapter also provides for offences relevant to matters dealt with in the chapter.

## **79 Policies and rules of racing are statutory instruments**

The policies and rules of racing made by a control body for its code of racing are statutory instruments within the meaning of the *Statutory Instruments Act 1992*.

## **Part 2 Policies**

### **Division 1 General provisions about policies**

#### **80 Policy may be made because of this Act or a Ministerial direction, or for good management**

- (1) A control body may make a policy for its code of racing



because—

- (a) the policy is required by this Act or by a Ministerial direction; or
  - (b) the control body believes it is good management to have the policy.
- (2) A regulation may prescribe that a policy for a matter mentioned in section 81 must include provisions, or provisions of a type, stated in the regulation for that policy.

## **81 Matters for which a control body must have a policy**

A control body must have a policy for its code of racing about each of the following—

- (a) the way the control body must develop policies, including the consultation it must undertake as part of the development of a policy;
- (b) safeguarding the public interest in the code;
- (c) its licensing scheme as mentioned in division 2;
- (d) providing or participating in an appropriate education and training system for persons who—
  - (i) engage, or wish to engage, in activities requiring a licence from the control body; or
  - (ii) participate in the code but are not required to be licensed;
- (e) providing or participating in an appropriate program for testing or training licensed animals, including holding trials;
- (f) lawful betting on races held under the control of the control body, including selling a product to a person lawfully conducting wagering under the *Wagering Act 1998*;
- (g) a website, and the information to be accessible through the website including its policies and rules required to be published on the website under sections 84 and 94;
- (h) if the control body has rules of racing allowing a licence holder to appeal against a decision made by a steward of

- the control body to an appeal committee established by it—appeals to an appeal committee;
- (i) the formation and management of clubs eligible to be licensed by the control body to hold race meetings;
  - (j) the allocation of race days, and the provision of funding, to licensed clubs;
  - (k) the standard required of licensed venues, including criteria for different categories of venues;
  - (l) the employment by the control body of the following persons who will not be required to be licensed—
    - (i) its officials and other staff;
    - (ii) other persons who perform services for the control body;
  - (m) the way in which races are to be held for its code of racing, including, for example, classes of races, nominations, prize money, dead heats, gear and equipment and colours that may be worn by riders;
  - (n) decisions that may be made by stewards, for the control body, in relation to the way in which races may be held and, generally, decision-making by the control body;
  - (o) record keeping, including keeping records about decisions;
  - (p) making its officials and other staff, and licence holders, aware of their duties under laws, including, for example, the *Anti-Discrimination Act 1991*;
  - (q) ensuring that its licence holders who have access to a licensed animal at a licensed venue, or its officials at a licensed venue for the control body, are not, or are not likely to be, affected by liquor or another substance;
  - (r) handicapping, including handicapping licensed animals for the code and the appropriate qualifications for handicappers;
  - (s) the welfare of licensed animals;
  - (t) the types of spending that, in the control body's opinion, are or are not for the purposes of part 5, division 4;

- (u) the disposal of assets under section 113;
- (v) fees the control body will charge, including fees that are part of the control body's licensing scheme;
- (w) forms to be approved by the control body for its code of racing.

## **82 Further provisions about particular policies**

- (1) A control body's policy about providing or participating in an appropriate education and training system for persons may provide for the control body, by itself or together with another entity, to establish, manage or fund a facility or process for providing the appropriate system.
- (2) A control body's policy about the welfare of licensed animals must provide for the control body to enter into an agreement with an accredited facility independent of the control body for the provision of services relating to the matters stated in the policy.
- (3) This section does not limit section 81 in relation to—
  - (a) the control body's policy about providing or participating in an appropriate education and training system; and
  - (b) the control body's policies about the welfare of licensed animals.

## **83 Form of each policy**

- (1) A policy must state the following—
  - (a) its name;
  - (b) the date it is made by the control body;
  - (c) the day it takes effect;
  - (d) its purpose;
  - (e) who will be affected by it;
  - (f) how the control body will make decisions about matters provided for by the policy;

- (g) whether or not rules of racing are to be made for the policy.
- (2) A control body makes a policy when the policy is entered into the control body's minutes as having been made by it.
- (3) A policy can not take effect on a day that is earlier than the date the policy is made by the control body.
- (4) If a control body wishes to amend a policy, it must make a new policy.

#### **84 Availability of policies**

- (1) A control body must ensure that its policies are publicly available.
- (2) Without limiting subsection (1), for each of its policies, the control body must—
  - (a) give a copy of the policy to the chief executive within 14 days after it makes the policy; and
  - (b) make the policy available for inspection, free of charge, at its business address during its ordinary office hours and on its website; and
  - (c) give a copy of the policy to a person if the person asks for a copy.
- (3) If a control body charges for copies of its policies, the control body is not required under subsection (2)(c) to give a person a copy of the policy without charging the person.

#### **85 Application of policy**

To remove any doubt, it is declared that a policy may apply to an animal, club, participant or venue even though it was not licensed when the policy was made.

## **Division 2                      Policy about licensing scheme**

### **86                      Purposes of control body's licensing scheme**

The purposes of a control body's licensing scheme for its code of racing are to ensure—

- (a) the integrity of racing activities conducted as part of the code; and
- (b) the safety of persons involved in racing or training licensed animals; and
- (c) the welfare of licensed animals while involved in racing or training, or activities associated with racing or training.

### **87                      Control body's policy for a licensing scheme**

- (1) In developing the control body's policy for its licensing scheme, the control body must consider the privileges and duties that are to attach to a licence it issues and other matters relevant to an effective licensing scheme.
- (2) The control body's policy for its licensing scheme must provide for all of the following matters—
  - (a) the licences the control body may issue for its code of racing, including identifying the activities for which a licence is required;
  - (b) the way a licence may be applied for, having regard to section 88;
  - (c) the criteria for each type of licence including appropriate qualifications for, and disqualifications from, obtaining the licence;
  - (d) the way the control body will deal with an application for a licence, including the applicant's right to make further representations relating to the application;
  - (e) the grant, issue and form of a licence, including, for example, whether the licence is to include a photograph of the licensee;

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- (f) giving an information notice for a decision relating to an application;
- (g) the duration of a licence, its renewal and the procedure for surrendering it;
- (h) how and when the suitability of licensed animals, clubs, participants and venues will be audited to decide if a licensed animal, club, participant or venue continues to be suitable to be licensed;
- (i) the grounds for taking disciplinary action relating to a licence in relation to matters dealt with in the control body's rules of racing or as mentioned in subsection (5);
- (j) when and how a licence may be immediately suspended in order to protect the safety of persons or welfare of animals;
- (k) how disciplinary action relating to a licence, other than immediate suspension, must be taken including the following—
  - (i) the procedure for giving a licence holder notice of the grounds for taking the disciplinary action;
  - (ii) the proposed action;
  - (iii) the way the licence holder may make representations about the proposed action;
- (l) keeping a register of licences and correcting the register;
- (m) exhibiting and producing a licence;
- (n) replacing a lost licence;
- (o) requiring a licence holder to give the control body notice of—
  - (i) a change of address; or
  - (ii) a change to the place for the keeping of a licensed animal; or
  - (iii) if the licence holder is a corporation—a change to the corporation's executive officers;
- (p) appointing the control body's officials, their functions and powers and issuing identity cards to them;

- (q) serving notices on licence holders.
- (3) Without limiting subsection (1), the control body's policy for its licensing scheme may provide for the following matters—
  - (a) whether an applicant for a licence should be required to give notice about the application by advertisement in a newspaper, in another publication or by a sign placed on land, because of the particular nature of the licence;
  - (b) whether there should be provision for provisional or temporary licences;
  - (c) attaching conditions to the grant of a licence, including, for example, that the licence may allow access to the licence holder's place of business or where a licensed animal is kept.
- (4) A control body's policy for its licensing scheme about licensed clubs must provide that when auditing a licensed club, the control body must have regard to the following for a period stated in the policy—
  - (a) the number of race meetings allotted to the licensed club;
  - (b) the number of races held at each race meeting;
  - (c) the number of licensed animals in each race.
- (5) The control body's policy for its licensing scheme relating to licensed animals, clubs, participants and venues must provide that, after auditing a licensed animal, club, participant or venue, if the control body is not satisfied it is suitable to continue to be licensed, the control body must take disciplinary action relating to the licence.
- (6) This section does not limit section 81.

## **88 Application for licence**

- (1) A control body's policy for its licensing scheme must require a person who wishes to obtain a licence for an animal, club, participant or venue (the *proposed licensee*) to apply for the licence in a control body form.
- (2) To the extent it is relevant to the application for the licence, the application must include all of the following—

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- (a) the type of licence applied for;
  - (b) the type of work or activity to be performed by the proposed licensee;
  - (c) particulars of the proposed licensee;
  - (d) if the proposed licensee is an individual, appropriate training courses completed, or appropriate experience obtained, by the proposed licensee.
- (3) A control body's policy for its licensing scheme relating to the licensing of a club must provide for all of the following—
- (a) for the club's application to be accompanied by a copy of a national police certificate for each executive officer of the applicant;
  - (b) the application can not be granted if an executive officer of the applicant has a conviction for any of the following, other than a spent conviction—
    - (i) an offence under this Act or the repealed Act;
    - (ii) an indictable offence, or a summary offence that involved dishonesty, fraud, stealing or unlawful betting, under any other Act;
    - (iii) an offence under a law of another State, that is prescribed under a regulation as a law about racing or betting;
  - (c) the extent to which the control body must have regard to another conviction stated on the national police certificate other than a conviction mentioned in paragraph (b).
- (4) A control body's policy for its licensing scheme may require an application for a licence, other than a licence for a club, to be accompanied by a copy of a national police certificate for—
- (a) if the applicant is an individual—the individual; or
  - (b) if the applicant is a corporation—each executive officer of the corporation.
- (5) If a national police certificate is required under subsection (4), the control body may consider all convictions stated in the



national police certificate as relevant to the application for the licence.

### **89 Licences may not be transferred**

A control body's policy for a licensing scheme must not allow a person licensed by the control body to transfer the licence to another person.

## **Division 3 Other matters about policies**

### **90 Same animal, participant or venue may be licensed by control bodies**

- (1) This Act does not prevent an animal, participant or venue licensed by a control body for its code of racing being licensed by another control body for its code of racing.
- (2) A control body must not prevent an animal, participant or venue licensed by it for its code of racing being licensed by another control body.

## **Part 3 Rules of racing**

### **Division 1 General provisions about rules of racing**

#### **91 Obligation to have rules of racing for code of racing**

- (1) A control body must make rules of racing for its code of racing, including matters that it believes necessary for the good management of racing under the code.
- (2) In making its rules of racing, a control body must have regard to whether the rules have sufficient regard to the rights and liberties of individuals as mentioned in the *Legislative Standards Act 1992*, section 4(3).

*Example for subsection (2)—*

In making its rules of racing, the control body for thoroughbred racing must consider whether its proposed system for deciding a protest has sufficient regard to natural justice for the jockeys in the race.

- (3) Failure to comply with subsection (2) does not affect the validity of the rules.
- (4) A control body's rules of racing must be consistent with this Act and, for a rule about a matter for which the control body has a policy, the control body's policy.
- (5) To the extent of an inconsistency between a provision of this Act and the rules, the provision prevails over the rules.

**94 Availability of rules of racing**

- (1) A control body must ensure that its rules of racing are publicly available.
- (2) Without limiting subsection (1), the control body must—
  - (a) give a copy of the rules to the chief executive within 14 days after a control body makes the rules; and
  - (b) make its rules available for inspection, free of charge, at its business address during its ordinary office hours and on its website; and
  - (c) give a copy of its rules to a person if the person asks for a copy.
- (3) If a control body charges for copies of its rules, the control body is not required under subsection (2)(c) to give a person a copy without charging the person.

**Division 2 Appeals under rules of racing****95 Appeal against some decisions of steward under rules of racing**

- (1) A control body's rules of racing for its code of racing may allow a person aggrieved by a reviewable decision to appeal against the decision to an appeal committee established by the control body.

(2) In this section—

*reviewable decisions* means either or both of the following decisions—

- (a) a decision by a steward, for the control body, suspending a licence held by a person for a period of not more than 3 months;
- (b) a decision by a steward, for the control body, imposing a penalty of at least \$100 but not more than \$2000.

## **96 Establishment of appeal committee**

A control body's rules of racing may provide for the following in relation to an appeal committee—

- (a) the establishment of an appeal committee, including establishment from time to time or for a period of time;
- (b) remuneration, if any, to be paid by the control body to the members of the committee;
- (c) how an appeal is started;
- (d) time limits that apply for an appeal;
- (e) how a member of the appeal committee must disclose to the other committee members and the parties to the appeal any conflict of interest, financial or otherwise, relating to the proceeding that could conflict with the proper performance of the member's functions for the proceeding.

## **97 Matters relating to establishment of appeal committee**

- (1) An appeal committee established by a control body must be constituted by 3 individuals, consisting of—
  - (a) 1 individual who is a lawyer of at least 5 years standing; and
  - (b) 1 individual who has a thorough knowledge of the rules; and
  - (c) 1 other individual of the type mentioned in paragraph (a) or (b).

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- (2) Before a control body appoints an individual to an appeal committee, the control body must obtain a national police certificate relating to the individual.
- (3) A member of an appeal committee must not be any of the following—
  - (a) an executive officer of the control body or 1 of its officials or other members of staff;
  - (b) a licence holder of the control body or an executive officer of a licence holder;
  - (c) a member of a committee, or an employee, of an association formed to promote the interests of 1 or more participants in a code of racing, other than a country racing association;
  - (d) an individual who has any of the following convictions other than a spent conviction—
    - (i) a conviction under this Act;
    - (ii) a conviction under the repealed Act;
    - (iii) a conviction under a law of another State, that is prescribed under a regulation as a law about racing or betting;
    - (iv) a conviction for an offence that involved dishonesty, fraud, stealing or unlawful betting.
- (4) Despite subsection (3)(b) and (c), a member of a committee of a licensed club may be a member of an appeal committee.
- (5) An individual who is a member of an appeal committee (the *committee member*) must excuse himself or herself from the committee and the control body must appoint another individual to the committee if—
  - (a) for a code of racing in which the control body does not require owners of its licensed animals to be licensed—the committee member owns a licensed animal that was involved in the race that is the subject of the appeal; or
  - (b) the committee member is a relative of, or has a business relationship with, a person involved in the appeal.

**98 How appeal committee may consider an application for appeal**

- (1) To the extent a matter relating to the procedure of an appeal committee is not provided for under this Act or the relevant control body's rules of racing, the appeal committee may decide its own procedure.
- (2) In making a decision relating to an appeal, the appeal committee—
  - (a) must observe natural justice; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself of anything in the way it considers appropriate.
- (3) An appeal is by way of rehearing, unaffected by the original decision, on the material before the steward who made the decision appealed against and any further evidence allowed by the appeal committee.

**99 Powers of appeal committee on appeal**

- (1) On an appeal, an appeal committee may make any decision that the steward who made the decision appealed against could have made.
- (2) Without limiting subsection (1), the appeal committee may—
  - (a) confirm the decision appealed against; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute its own decision.

**100 Form of decisions of appeal committee**

- (1) After an appeal committee gives its decision on an appeal, the appeal committee must give each of the following an information notice about the decision—
  - (a) the person who appealed against the decision;
  - (b) the steward who made the decision;
  - (c) the control body for which the steward made the decision.

- (2) As soon as practicable after receiving the information notice, the control body must publish details of the decision on its website.

## **Part 4**

# **Control bodies may take certain action against licensed clubs**

### **101 Grounds for suspension or cancellation**

- (1) Each of the following is a ground for suspending or cancelling a licensed club's licence—
  - (a) the club is not complying, or has not complied, with a control body direction given to the club;
  - (b) a ground that another provision of this Act states is a ground for suspending or cancelling a licensed club's licence;<sup>1</sup>
  - (c) for a non-proprietary club—the club contravened section 112 or 113.
- (2) Subsection (1)(c) applies whether there is or was a prosecution relating to the contravention of section 112.
- (3) Subsection (1) does not limit the grounds that, under the control body's rules of racing about disciplinary action, may be grounds for taking disciplinary action relating to a licensed club's licence.

### **102 Show cause notice**

- (1) If a control body believes a ground exists to cancel or suspend a licensed club's licence as mentioned in section 101(1), the control body must, subject to section 105(1)(a), give the club a notice (a *show cause notice*).

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<sup>1</sup> See section 108 (Contravention by licensed club constitutes a ground for disciplinary action).

- (2) The show cause notice must state the following—
  - (a) the action the control body proposes taking under this part (the *proposed action*);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is to suspend the licence, the proposed suspension period;
  - (e) an invitation to the club to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the club.

### **103 Representations about show cause notice**

- (1) The licensed club may make written representations about the show cause notice to the control body in the show cause period.
- (2) The control body must consider all written representations (the *accepted representations*) made under subsection (1).

### **104 Immediate suspension of licensed club's licence**

- (1) The control body may suspend the licensed club's licence immediately if the control body believes—
  - (a) a ground exists to suspend or cancel the licence; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the licence immediately to ensure—
    - (i) the public interest is not affected in an adverse and material way; or
    - (ii) the conduct of racing by the club is not jeopardised in a material way.
- (2) The suspension—

- (a) can be effected only by the control body giving the club an information notice, together with a show cause notice; and
- (b) operates immediately the notice is given to the club; and
- (c) continues to operate until the show cause notice is finally dealt with.

### **105 Censuring licensed club**

- (1) The control body may censure a licensed club if the control body—
  - (a) believes a ground exists to suspend or cancel the club's licence but does not believe that giving a show cause notice to the club is warranted; or
  - (b) after considering the accepted representations for a show cause notice, still believes a ground exists to suspend or cancel the licensed club's licence but does not believe its suspension or cancellation is warranted.
- (2) The censure can be effected only by the control body giving the club an information notice about the control body's decision to censure it.

### **106 Direction to licensed club to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the control body—
  - (a) still believes a ground exists to suspend or cancel the licensed club's licence; and
  - (b) believes a matter relating to the ground to suspend or cancel the licence is capable of being rectified and it is appropriate to give the club an opportunity to rectify the matter.
- (2) The control body may direct the club to rectify the matter.
- (3) The direction can be effected only by the control body giving the club an information notice about the control body's decision to give the direction to it, including the period for rectifying the matter.



- (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
- (5) A licensed club must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless it has a reasonable excuse.  
Maximum penalty—400 penalty units.
- (6) The licensed club can not be prosecuted, or have its licence suspended or cancelled, for the ground giving rise to the information notice unless the club—
  - (a) fails to comply with the notice within the period stated in the notice as the period for rectifying the matter; and
  - (b) does not have a reasonable excuse for failing to comply with the notice.
- (7) A control body's power to give a direction to a licensed club under another provision of this Act is not limited by the control body's power to give a direction under this section.

## **107 Suspension or cancellation**

- (1) Subject to section 106(6), this section applies if—
  - (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for the show cause notice, the control body still believes the ground exists to cancel or suspend the licensed club's licence.
- (2) The control body may—
  - (a) if the proposed action was to suspend the licence—suspend the licence for a period not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period.

- (3) If the control body decides to take action under subsection (2), the control body must immediately give the licensed club an information notice about the decision.
- (4) If the control body's decision is that the licence is cancelled or suspended, the information notice must include a direction to the club to return the licence to the control body, within 14 days of receiving the notice, for relevant action by the control body.
- (5) The decision takes effect on the later of the following—
  - (a) the day the information notice is given to the licensed club;
  - (b) the day of effect stated in the information notice.

## **Part 5                      Provisions applying to licensed clubs**

### **Division 1                Contravention of this part constitutes a ground for suspending or cancelling a licensed club's licence**

#### **108      Contravention by licensed club constitutes a ground for disciplinary action**

- (1) If a licensed club contravenes a provision of this part, the contravention constitutes a ground for suspending or cancelling the licensed club's licence.
- (2) For subsection (1), it is immaterial whether the licensed club is prosecuted for an offence constituted by the contravention.
- (3) This part does not limit the matters that a control body's policy about its licensing scheme may provide is a ground for disciplinary action relating to the licence of a club.

## **Division 2                      Race meetings**

### **109      Licensed club to hold race and betting meeting at licensed venue when under control of control body that licensed club and venue**

- (1) A licensed club must not hold a contest, contingency or event in which 2 or more animals compete against each other for the purpose of providing a contest, contingency or event on which bets may be made, unless it is held—
  - (a) at a licensed venue of the licensed club; and
  - (b) under the control of the control body that licensed the club and venue.

Maximum penalty—200 penalty units.

- (2) A licensed club must not hold a meeting at which betting is carried on and at which a race is not held, unless the meeting is held—
  - (a) at a licensed venue of the licensed club; and
  - (b) under the control of the control body that licensed the club and venue.

Maximum penalty—200 penalty units.

## **Division 3                      Audited accounts of licensed clubs and related matters**

### **110      Licensed club to give audited accounts to control body**

- (1) Within 3 months after the end of each financial year, the responsible entity for a licensed club for the financial year must give to the control body that licensed the club statements signed by the club's auditor.
- (2) The statements must be in the control body form.
- (3) If the club was a non-proprietary club during the financial year, the control body form must provide for statements about the following—

- (a) the club's income and expenditure, on an accrual basis;
  - (b) particulars of each amount paid by the club for a charitable, benevolent, patriotic or special purpose approved by the control body;
  - (c) particulars of other payments or expenditure made by the club of the type mentioned in section 112(3);
  - (d) its assets and liabilities as at the end of the financial year.
- (4) If the club was other than a non-proprietary club during the financial year, the control body form must provide for statements about the following—
- (a) the club's income and expenditure, on an accrual basis;
  - (b) its assets and liabilities as at the end of the financial year.
- (5) In this section—
- responsible entity*, for a licensed club for a financial year, means—
- (a) if the corporation that was a licensed club during the financial year continues to be a licensed club—the licensed club; or
  - (b) if the corporation that was a licensed club during the financial year is no longer licensed as a licensed club but the corporation continues to exist—the corporation; or
  - (c) if the corporation that was a licensed club during the financial year is no longer licensed as a licensed club and the corporation no longer exists—each of the persons who was an executive officer of the corporation immediately before the licence ended.

## **Division 4                      Provisions for licensed clubs that are non-proprietary entities**

### **111      Definitions for div 4**

In this division—

***deal with***, an asset, includes grant a right in relation to the asset, mortgage, lend, lease or register a charge over the asset, but does not include dispose of the asset.

***dispose***, of an asset, includes distribute, forfeit, relinquish possession of, sell or otherwise give up, the asset.

***non-proprietary entity*** means—

- (a) a licensed club that is a non-proprietary club; or
- (b) a corporation that was a licensed club and, when it was licensed, was a non-proprietary club.

***relevant control body*** relating to a non-proprietary entity, means the control body that licensed the entity.

## **112 Application of revenues, profits etc. of licensed club that is or was a non-proprietary entity**

- (1) A non-proprietary entity must not divide, directly or indirectly, money comprising the entity's revenues, profits or other assets, however derived, among the individual members of the entity or any of them.
- (2) The non-proprietary entity may apply amounts comprising its revenues and profits—
  - (a) for encouraging the relevant control body's code of racing in Queensland if the application is under 1 of the control body's policies for that purpose; and
  - (b) for a charitable, benevolent, patriotic or special purpose, if the application is under the relevant control body's written approval obtained before the entity applies the amounts.
- (3) This section does not prevent—
  - (a) a payment to a member of a non-proprietary entity as—
    - (i) principal and interest payable for amounts lent to the entity by that member, calculated at a rate not exceeding the rate for the time being approved by the Reserve Bank of Australia as the maximum rate of interest chargeable by banks for overdraft accommodation; or

- (ii) rent for a lease of a licensed venue that is the property of the member, if the lease was approved by the Minister before its execution; or
  - (iii) reimbursement for reasonable expenses incurred by the member under 1 of the relevant control body's policies that provides the expenses may be incurred; or
- (b) an expenditure by the non-proprietary entity for—
- (i) providing reasonable entertainment for the entity's members in common with other persons; and
  - (ii) defraying a member's expenses for attending, with the approval of the entity before attending—
    - (A) a conference or meeting of persons interested or concerned in racing or in the control, holding or supervision of race meetings; or
    - (B) a conference or meeting with the relevant control body or with the Minister; or
    - (C) a place to promote the entity's interests; or
- (c) a payment to 1 of the entity's members of prize money, or for the award of a trophy, won by a licensed animal at a race meeting held by the entity; or
- (d) a payment by the entity of a reasonable amount to a person, whether or not a member of the entity, for legal, accounting, secretarial or other professional services requested by or given to the entity.

### **113 Prohibition of disposal of assets etc. of non-proprietary entity**

- (1) A non-proprietary entity may not dispose of any of its asset unless—
- (a) if the asset is an amount comprising the entity's revenues and profits—the amount is applied under section 112(2) or (3); or

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- (b) if the asset is an interest in real property and is used for a purpose mentioned in subsection (2)—the asset is disposed of under that subsection; or
  - (c) if the asset is not an amount mentioned in paragraph (a) or an interest in real property used for a purpose mentioned in subsection (2), the asset is disposed of under—
    - (i) 1 of the relevant control body’s policies; or
    - (ii) a written approval of the relevant control body, obtained before the disposal and relating to that asset.
- (2) Despite this Act or another Act, or a law, custom or practice, the entity must not dispose of an interest in real property that is used for the following purposes without the approval of the Minister obtained before the disposal—
- (a) a licensed venue;
  - (b) a place for exercising, conditioning or training licensed animals.
- (3) An approval given for subsection (2) must be published in the gazette.
- (4) The Minister may, under subsection (2), approve the disposal of an asset that is an interest in real property used for a purpose mentioned in that subsection only if the following happened before the entity sought the Minister’s approval—
- (a) the majority of the entity’s members present at a meeting of it approved of the disposal;
  - (b) the relevant control body’s approval was obtained.
- (5) A relevant control body may grant an approval mentioned in subsection (4)(b) on conditions the control body considers appropriate including a condition requiring a stated portion of the proceeds of the disposal of the asset to be paid to the control body for use by the control body for the benefit of its code of racing.

**113AA Dealing with assets of non-proprietary entity**

A non-proprietary entity must not deal with an asset of the entity other than under—

- (a) a policy of the relevant control body; or
- (b) a written approval of the relevant control body, obtained before the dealing and relating to that asset.

**Part 6 Use of Queensland race information****113A Definitions for pt 6**

In this part—

*betting exchange* see section 113B.

*document or information request* see section 113EA.

*licensed wagering operator* means a wagering operator that holds a licence or other authority—

- (a) under a law of a State or foreign country; or
- (b) issued by a control body, or a principal racing authority of another State or a foreign country;

authorising it to conduct a wagering business.

*principal racing authority*, of another State or a foreign country, means an entity that manages a type of animal racing in the other State or foreign country.

*Queensland race information* means information that identifies, or is capable of identifying any of the following—

- (a) the name, number or time of an intended race to be held at a race meeting at a licensed venue in Queensland;
- (b) the name or number of a licensed animal that has been nominated for, or that will otherwise take part in, an intended race to be held at a race meeting at a licensed venue in Queensland;



- (c) the name or number of a licensed animal that has been scratched or withdrawn from an intended race to be held at a race meeting at a licensed venue in Queensland;
- (d) the name or number of a rider, or trainer, of a licensed animal that has been nominated for, or that will otherwise take part in, an intended race to be held at a race meeting at a licensed venue in Queensland;
- (e) the outcome of a race held at a race meeting at a licensed venue in Queensland.

***race information authority*** means a race information authority issued under section 113E(1).

***totalisator*** see the *Wagering Act 1998*, section 8.

***wagering monitoring system*** means a system for monitoring the wagering activity of a licensed wagering operator.

***wagering operator*** means—

- (a) a person who conducts bookmaking; or
- (b) a person who conducts a betting exchange; or
- (c) a person who conducts a totalisator; or
- (d) a person who otherwise conducts a wagering business.

### **113B Meaning of *betting exchange***

- (1) ***Betting exchange*** means a facility that enables persons—
  - (a) to place or accept, through the operator of the facility, wagers with other persons; or
  - (b) to place with the operator of the facility wagers that, on acceptance, are matched with opposing wagers placed with and accepted by the operator.
- (2) However, ***betting exchange*** does not include a facility that enables persons to place wagers only with a person who conducts bookmaking or a totalisator.

### **113C Use of Queensland race information**

A licensed wagering operator must not, whether in Queensland or elsewhere, use Queensland race information

for the conduct of the operator's wagering business, unless the operator is authorised to do so under a race information authority.

Maximum penalty—

- (a) for a first offence—600 penalty units or 12 months imprisonment; or
- (b) for a second or subsequent offence—4000 penalty units or 5 years imprisonment.

### **113D Application for race information authority**

- (1) A licensed wagering operator wishing to use Queensland race information for the conduct of the operator's wagering business for a code of racing may apply to the control body for the code of racing for a race information authority for the code of racing.
- (2) The application must—
  - (a) be made in the way prescribed under a regulation; and
  - (b) be accompanied by—
    - (i) any application fee decided by the control body; and
    - (ii) the documents prescribed under a regulation.
- (3) The control body must consider the application and either grant, or refuse to grant, the application.
- (4) In deciding the application, the control body must have regard to the criteria prescribed under a regulation.
- (5) Without limiting subsection (4), the criteria that are prescribed under a regulation for that subsection may state—
  - (a) the types of matters that may, or must, be taken into account by the control body in deciding the application; or
  - (b) the types of matters that must not be taken into account by the control body in deciding the application.

**113E Decision**

- (1) If the control body decides to grant the application, the control body must as soon as practicable issue a race information authority for the code of racing to the applicant.
- (2) If the control body decides to refuse to grant the application, the control body must as soon as practicable give the applicant a notice stating the decision and reasons for the decision.
- (3) If the control body decides to grant the application, the control body may impose any of the following conditions on the authority—
  - (a) a condition that the holder of the authority pay the control body a fee for the use of Queensland race information for the conduct of the holder's wagering business for the code of racing;
  - (b) a condition of a type prescribed under a regulation.
- (4) In deciding whether to impose a condition on the authority, or the type of condition, the control body must not take into account the matters prescribed under a regulation.
- (5) If the applicant has used Queensland race information for the conduct of the applicant's wagering business for the code of racing at any time during the period from 1 September 2008 to the day of issue of the authority to the applicant, a condition mentioned in subsection (3)(a) may be that the holder of the authority pay a fee for the use of the information during the period.
- (6) Without limiting subsection (4), in deciding whether to impose a condition mentioned in subsection (3)(a) on the authority, or the amount of the fee, the control body must take into account any other fees payable to it by the holder of the authority under any agreement between the control body and holder of the authority.
- (7) If the control body decides to impose a condition mentioned in subsection (3)(a) on the authority, section 35(2) does not apply to the amount of the fee charged.

**113EA Standard condition of race information authority**

It is a condition of every race information authority that the holder of the authority must, unless the holder has a reasonable excuse—

- (a) take part, as required by the control body that issued the authority, in a wagering monitoring system established or nominated by the control body; and
- (b) comply with all reasonable requests by the control body to give the control body, within the reasonable time stated in the request, information or documents about bets placed with the holder (a *document or information request*).

**113EB Use of documents or information by control body**

- (1) A control body may use documents or information gained from a wagering monitoring system or under a document or information request only for—
  - (a) monitoring wagering activity to detect possible breaches of this Act or the control body's rules of racing; and
  - (b) taking investigative or enforcement action about the possible breaches.
- (2) Subsection (1) does not prevent the control body from providing the documents or information to the chief executive or an authorised officer if required under another provision of this Act.

**113EC Effect of providing documents or information about wagering activity**

A person who is the holder of a race information authority or an employee of the holder is not liable civilly, criminally or under an administrative process for providing documents or information about wagering activity—

- (a) by taking part in a wagering monitoring system; or
- (b) in response to a document or information request.

**113F Cancellation of race information authority**

- (1) A control body that has issued a race information authority to a licensed wagering operator may, by notice given to the operator, cancel the authority on a ground prescribed under a regulation.
- (2) A notice given under subsection (1) must state the reasons for the cancellation.

**113G Authorisations for competition legislation**

- (1) The following things are specifically authorised for the competition legislation—
  - (a) an agreement entered into between—
    - (i) 2 or more control bodies in relation to the appointment of an agent (an *appointed agent*) to collect, or the collection by the agent or any of the bodies of, fees that are payable to the bodies under race information authorities issued by the bodies; or
    - (ii) 1 or more control bodies and any corresponding body of another State in relation to the appointment of an agent (also an *appointed agent*) to collect, or the collection by the agent or any of the bodies of, fees that are payable to the bodies for the use of Queensland race information and corresponding information relating to the corresponding body;
  - (b) the conduct of the bodies and an appointed agent in negotiating and entering into the agreement;
  - (c) the conduct of the bodies and an appointed agent in performing the agreement.
- (2) Anything authorised to be done by subsection (1) is authorised only to the extent to which it would otherwise contravene the *Trade Practices Act 1974* (Cwlth) or the Competition Code of Queensland.
- (3) In this section—

*agreement* includes a contract, arrangement or understanding.

*competition legislation* means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b) or the *Competition Code of Queensland*, section 51.

## **Chapter 4 Integrity control**

### **Part 1 Racing Animal Welfare and Integrity Board**

#### **Division 1 Establishment, functions and powers of integrity board**

##### **114 Establishment of Racing Animal Welfare and Integrity Board**

The Racing Animal Welfare and Integrity Board is established.

##### **115 Functions and powers of integrity board**

- (1) The integrity board's functions are to monitor all of the following and to advise and make recommendations to the chief executive about them—
  - (a) the policies of each control body about the welfare of licensed animals and other matters affecting the integrity of a control body's code of racing;
  - (b) the performance of functions and exercise of powers by integrity officers;
  - (c) the quality and range of services for drug control relating to licensed animals and associated services that accredited facilities or secondary facilities provide;
  - (d) the way things for analysis are taken or dealt with, and the way accredited facilities analyse things;

- (e) other matters the chief executive refers to the integrity board or the integrity board considers appropriate.
- (2) Also, the integrity board's function mentioned in subsection (1)(c) includes advising, and making recommendations to, the chief executive about each accreditation application and the quality and range of services for drug control relating to licensed animals and associated services to be provided by facilities mentioned in the accreditation application.
- (3) Further, the integrity board has the function of—
  - (a) developing or adopting procedures about the way things for analysis are to be taken and dealt with; and
  - (b) publishing the procedures, and amendments of the procedures, in a way prescribed under a regulation.
- (4) The integrity board has power to do all things necessary or convenient to be done for the performance of its functions.

## **Division 2                      Membership**

### **116      Membership of integrity board**

- (1) There are to be at least 3, and not more than 4, members of the integrity board.
- (2) The Minister must, by gazette notice, appoint individuals as board members who are, under section 117, qualified for appointment as board members.
- (3) A board member is to be appointed for a term of not more than 3 years.
- (4) The Minister must, by gazette notice, appoint 1 member as board chairperson.

### **117      Qualification for appointment as board member**

- (1) An individual is qualified for appointment as a board member only if the individual has—
  - (a) qualifications and technical skills in at least 1 of the following areas—

- (i) clinical veterinary practice at a venue at which animals race;
    - (ii) analytical chemistry;
    - (iii) veterinary epidemiology; or
  - (b) qualifications and experience in at least 1 of the following areas—
    - (i) law or judicial process;
    - (ii) biological science, for example, bacteriology, health, medicine or microbiology.
- (2) An individual is not qualified for appointment as, or to continue as, a board member if the individual—
- (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 a control body associate, or employee, of a control body; or
  - (e) is licensed by, or an executive officer of a corporation that is licensed by, a control body; or
  - (f) is a member of a committee, or an employee, of—
    - (i) a licensed club; or
    - (ii) an association formed to promote the interests of 1 or more participants in a code of racing, whether or not formed under this Act; or
  - (g) is named in an accreditation certificate in any capacity, or is a member of the staff of, or is otherwise engaged in any activity relating to, an accredited facility or a secondary facility for an accredited facility; or
  - (h) is disqualified from managing corporations, under the Corporations Act, part 2D.6.

## **118 Resignation**

A board member may resign his or her appointment as a board member by signed notice given to the Minister.



**119 Vacation of office**

- (1) A board member is taken to have vacated office if the member—
  - (a) dies; or
  - (b) is not qualified to continue as a board member under section 117(2); or
  - (c) resigns under section 118; or
  - (d) is absent from 3 consecutive board meetings of which due notice has been given, unless the member is on a leave of absence mentioned in section 120.
- (2) If the office of a member becomes vacant under subsection (1), the Minister may, subject to section 117, appoint another individual to be a board member.
- (3) In this section—

***board meeting*** means either of the following—

  - (a) if the member does not attend—a meeting with a quorum present;
  - (b) if the member attends—a meeting with or without a quorum present.

**120 Leave of absence for a board member and person acting as member**

- (1) The Minister may approve a leave of absence for a board member (the ***approved absent member***).
- (2) Subject to section 117, the Minister may appoint another individual qualified for appointment as a board member to act in the office of the approved absent member while the member is absent on the leave.
- (3) If the approved absent member is the board chairperson, the Minister may appoint another board member to act in the chairperson's office while the chairperson is absent on the approved leave.

**121 Effect of vacancy in membership of integrity board**

Despite section 116(1), the performance of a function, or exercise of a power, by the integrity board is not affected merely because of a vacancy in the membership of the integrity board.

**122 Remuneration of board members**

A board member is entitled to the remuneration and allowances decided by the Governor in Council.

**Division 3 Integrity board business****123 Conduct of business**

Subject to this division, the integrity board must conduct its business, including the board meetings, in the way it considers appropriate.

**124 Time and place of, and quorum for, board meetings**

- (1) Board meetings must be held at the times and places the board chairperson decides.
- (2) Subject to section 128(5), a quorum for a board meeting is 2 board members.

**125 Presiding at board meetings**

- (1) The board chairperson must preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, or the office is vacant, a board member elected by the other members present at the meeting must preside.

**126 Conduct of board meetings**

- (1) A question at a board meeting is decided by a majority of the votes of the board members present.

- (2) Each board member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
- (3) A board member present at the meeting who abstains from voting is taken to have voted for the negative.
- (4) The integrity board may hold its meetings, or allow board members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

*Example of use of technology—*

teleconferencing

- (5) A board member who takes part in a meeting under subsection (4) is taken to be present at the meeting.
- (6) A resolution is validly made by the integrity board, even if it is not passed at a board meeting, if—
  - (a) notice of the resolution is given under procedures approved by the integrity board; and
  - (b) a majority of the board members give written agreement to the resolution.

## **127 Minutes and records**

The integrity board must keep—

- (a) minutes of its meetings; and
- (b) a record of resolutions made under section 126(6).

## **128 Disclosure of interest**

- (1) If a board member becomes aware that the member has a conflict of interest about an issue being considered, or about to be considered, by the integrity board, the member must disclose the nature of the conflicting interest to a board meeting.
- (2) Unless the board otherwise directs, the member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board about the issue.

- (3) The member must not be present when the board is considering whether to give a direction under subsection (2).
- (4) If there is another board member who must, under subsection (1), also disclose an interest in the issue, the other member must not—
  - (a) be present when the board is considering whether to give a direction under subsection (2); or
  - (b) take part in making the decision about giving the direction.
- (5) If—
  - (a) because of this section, a board member is not present at a board meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (2); and
  - (b) there would be a quorum if the member were present;  
the remaining member present is a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (6) A board member has a conflict of interest about an issue if the member has an interest, financial or otherwise, that could conflict with the proper performance of the member's duties.
- (7) A disclosure under subsection (1) must be recorded in the board's minutes.

## **Part 2                      Accreditation of facilities**

### **129      Accreditation application**

- (1) A person responsible for a facility that the person believes has the capacity to analyse things relating to licensed animals may apply to the chief executive for accreditation of the facility as an accredited facility (an *accreditation application*).

- (2) The accreditation application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) Without limiting the matters that may be required in the approved form, the accreditation application must state the following—
  - (a) a person, other than an analyst, who is to be responsible for taking delivery, for the proposed facility, of things for analysis;
  - (b) an analyst who has the qualifications prescribed under a regulation to be an accredited analyst;
  - (c) a veterinary surgeon who has the qualifications prescribed under a regulation to be an accredited veterinary surgeon;
  - (d) another facility proposed as a secondary facility, to which things for analysis will be delivered, if the things can not be analysed at the proposed facility within a reasonable time;
  - (e) the following persons for the other facility that is proposed as a secondary facility—
    - (i) a person, other than an analyst, who is to be responsible for taking delivery, for the other facility, of things for analysis;
    - (ii) an analyst who has the qualifications prescribed under a regulation to be an accredited analyst.

### **130 Chief executive may ask for further information**

The chief executive may, by notice given to the applicant, ask the applicant to give the chief executive any further information or documents about the application within a reasonable period stated in the notice.

### **131 Chief executive may accredit facilities**

- (1) The chief executive may accredit a proposed facility as an accredited facility.

- (2) However, the chief executive may accredit the proposed facility only if the chief executive is satisfied—
- (a) the facility's procedures for analysis, including its security systems relating to analysing things relating to licensed animals, are of a standard to ensure the integrity of the analysis; and
  - (b) the facility's staff involved in analysing things relating to licensed animals have the necessary experience or expertise to perform the analysis; and
  - (c) persons engaged as veterinary surgeons for the facility have the necessary experience or expertise to provide advice about the nature and effect of drugs and code substances in relation to licensed animals; and
  - (d) the facility has entered into an arrangement for services, relating to analysing things that can not be analysed at the facility within a reasonable time, with a proposed secondary facility stated in the accreditation application; and
  - (e) the proposed secondary facility has—
    - (i) procedures for analysis that are of a standard to ensure the integrity of the analysis, including quality assurance procedures and security systems, relating to analysing things relating to licensed animals; and
    - (ii) staff involved in analysing things relating to licensed animals who have the necessary experience or expertise to perform the analysis; and
  - (f) the facility otherwise complies with requirements prescribed under a regulation, including requirements for quality assurance procedures to be complied with when analysing things relating to licensed animals.
- (3) In deciding whether to accredit a proposed facility, the chief executive may have regard to—
- (a) advice given, or recommendations made, by the integrity board to the chief executive about the accreditation application; and

- (b) any other matter that the chief executive believes is appropriate.
- (4) After the chief executive makes a decision about the accreditation application, the chief executive must give the applicant an information notice about the decision.
- (5) If the chief executive grants the application, the information notice must state the conditions imposed by the chief executive to which the accreditation is to be subject.

### **132 Accreditation certificate**

- (1) This section applies if the chief executive grants the accreditation application of a facility.
- (2) The chief executive must issue to the applicant a certificate accrediting the facility (the *accreditation certificate*).
- (3) The accreditation certificate must state all of the following—
  - (a) the name of the facility;
  - (b) the name of the person who holds the accreditation for the facility;
  - (c) the name of each person who, for the accredited facility, is—
    - (i) responsible for taking delivery of things for analysis; or
    - (ii) an accredited analyst; or
    - (iii) an accredited veterinary surgeon;
  - (d) the name of each secondary facility for the accredited facility and each person who, for each secondary facility, is—
    - (i) responsible for taking delivery of things for analysis; or
    - (ii) an accredited analyst;
  - (e) conditions imposed by the chief executive to which the accreditation is subject.

**133 Regulation may prescribe a condition applying to an accreditation**

- (1) A regulation may prescribe a condition to which the accreditation of an accredited facility is subject.
- (2) A condition prescribed under subsection (1) applies in relation to an accredited facility even if the facility was accredited as an accredited facility before the regulation commenced.
- (3) If there is an inconsistency between an express condition stated in an accreditation and a condition stated in a regulation, the condition in the regulation applies to the extent of the inconsistency.

**134 Variation of accreditation by application of accreditation holder**

- (1) The accreditation holder for an accredited facility may apply to the chief executive for a variation of the accreditation for the accredited facility.
- (2) The application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) The chief executive must consider the application and either grant or refuse to grant the application.
- (4) After the chief executive makes a decision about the application, the chief executive must give the applicant an information notice about the decision.
- (5) If the chief executive grants the application, the information notice must—
  - (a) state the conditions imposed by the chief executive to which the accreditation is to be subject; and
  - (b) include a direction to the accreditation holder to return the accreditation to the chief executive, within 14 days after the date of the information notice, for relevant action by the chief executive.



## Part 3 **Disciplinary proceedings relating to accredited facility**

### 135 **Grounds for disciplinary action relating to accredited facility**

- (1) Each of the following is a ground to take disciplinary action relating to the accreditation of an accredited facility—
  - (a) the accreditation holder or a person named<sup>2</sup> in the accreditation certificate contravened a provision of this Act, whether or not the provision is an offence;
  - (b) the accreditation holder or a person named in the accreditation certificate failed to comply with a condition stated in the accreditation;
  - (c) the chief executive is no longer satisfied about a matter mentioned in section 131(2) in relation to the accredited facility;
  - (d) in the accreditation application, or a notice or other document that the accreditation holder or a person named in the accreditation certificate is required under this Act to give to the chief executive or another person, the accreditation holder or named person stated something the holder or person knew was false or misleading in a material particular.
- (2) There are no other grounds for taking disciplinary action relating to the accreditation of an accredited facility other than the grounds mentioned in subsection (1).

### 136 **Show cause notice**

- (1) If the chief executive believes a ground exists to take disciplinary action relating to the accreditation of an accredited facility, the chief executive must, subject to section 139(1)(a), give the accreditation holder a notice (a ***show cause notice***).
- (2) The show cause notice must state the following—

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2 See section 132(3) for persons who must be named in an accreditation certificate.

- (a) the action the chief executive proposes to take (the *proposed action*);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action includes suspension of the accreditation—the proposed suspension period;
  - (e) if the proposed action includes varying the accreditation—the proposed change to a condition imposed on the accreditation or the proposed new condition to be imposed on the accreditation;
  - (f) an invitation to the accreditation holder to make, within a stated period (the *show cause period*), written representations to show why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the accreditation holder.

### **137 Representations about show cause notice**

- (1) The accreditation holder may make written representations about the show cause notice to the chief executive in the show cause period.
- (2) The chief executive must consider all written representations (the *accepted representations*) made under subsection (1).

### **138 Immediate suspension of an accreditation**

- (1) The chief executive may suspend an accreditation of an accredited facility immediately if the chief executive believes—
  - (a) a ground exists to take disciplinary action relating to the accreditation; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the accreditation immediately to ensure—

- (i) the safety of persons or the welfare of licensed animals; or
  - (ii) the public interest in a code of racing is not adversely affected.
- (2) The suspension—
  - (a) can be effected only by the chief executive giving the accreditation holder an information notice about the decision to suspend the accreditation of the accredited facility, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the accreditation holder; and
  - (c) continues to operate until the show cause notice is finally dealt with.

### **139 Censuring accreditation holder of an accredited facility**

- (1) The chief executive may censure the accreditation holder of an accredited facility if the chief executive—
  - (a) believes a ground exists to take disciplinary action relating to the accreditation but does not believe that giving a show cause notice to the accreditation holder is warranted; or
  - (b) after considering the accepted representations relating to a show cause notice, still believes a ground exists to take disciplinary action relating to the accreditation but does not believe disciplinary action is warranted.
- (2) The censure can be effected only by the chief executive giving the accreditation holder an information notice about the decision to censure it.

### **140 Direction to accreditation holder to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive—
  - (a) still believes a ground exists to take disciplinary action relating to the accreditation of an accredited facility; and

- (b) believes a matter relating to the ground to take disciplinary action is capable of being rectified and it is appropriate to give the accreditation holder an opportunity to rectify the matter.
- (2) The chief executive may direct the accreditation holder to rectify the matter.
- (3) The direction can be effected only by the chief executive giving the accreditation holder an information notice about the decision to give the direction, including the period for rectifying the matter.
- (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
- (5) An accreditation holder must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless the accreditation holder has a reasonable excuse.
- (6) Disciplinary action relating to the accreditation of the accredited facility can not be taken for the ground giving rise to the information notice unless the accreditation holder—
  - (a) fails to comply with the notice within the stated period; and
  - (b) does not have a reasonable excuse for failing to comply with the notice.

#### **141 Action by chief executive**

- (1) Subject to section 140(6), this section applies if—
  - (a) there are no accepted representation for a show cause notice; or
  - (b) after considering the accepted representations for a show cause notice, the chief executive still believes a ground for disciplinary action exists relating to the accreditation.
- (2) The chief executive may—
  - (a) if the proposed action was to suspend the accreditation—suspend the accreditation for not longer than the proposed suspension period; or

- (b) if the proposed action was to vary the accreditation—vary the accreditation in the proposed way; or
  - (c) if the proposed action was to cancel the accreditation—cancel the accreditation or take another form of disciplinary action.
- (3) More than 1 type of disciplinary action relating to the accreditation may be taken under this section.
  - (4) If the chief executive decides to take action under subsection (2), the chief executive must immediately give the accreditation holder an information notice about the decision.
  - (5) If the chief executive's decision is that the accreditation is cancelled, suspended or varied, the information notice must include a direction to the accreditation holder to return the accreditation certificate to the chief executive, within 14 days after receiving the information notice, for relevant action by the chief executive.
  - (6) The decision takes effect on the later of the following—
    - (a) the day the information notice is given to the accreditation holder;
    - (b) the day of effect stated in the information notice.

## **Part 4                      Dealing with, and analysis of, things**

### **Division 1                Definitions**

#### **142      Definitions for pt 4**

In this part—

**agreement**, between a control body and an accredited facility, means an agreement entered into under section 40.

**deal**, in relation to a thing for analysis, means mark, seal or deliver the thing for analysis.

**nominated person** means—

- (a) for an accredited facility—a person named in the accredited facility’s accreditation certificate as a person responsible for taking delivery, for the accredited facility, of things for analysis; or
- (b) for a secondary facility for an accredited facility—a person named in the accredited facility’s accreditation certificate as a person responsible for taking delivery, for the secondary facility, of things for analysis.

**substance** includes an artefact, isomer or metabolite, of a substance.

## **Division 2                      Taking and dealing with things for analysis**

### **143      Way control body may take or deal with a thing for analysis**

- (1) This section applies if a control body’s policy about drug control relating to licensed animals provides for the analysis of things.
- (2) If the results of the analysis are to be used by the control body only for research or survey purposes, the control body may take or deal with the thing in a way the control body considers is consistent with the research or survey purposes.
- (3) If the results of the analysis are to be used by the control body 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 mentioned in section 115(3) as in force at the relevant time.

*Note—*

See section 352A (Integrity of analysis of thing).

- (4) The control body must deliver the thing for analysis to—
- (a) if the thing is to be delivered under an agreement between the control body and an accredited facility—the accredited facility that is a party to the agreement; or
  - (b) otherwise—another facility that has the capacity to analyse things relating to licensed animals if the delivery is approved by an integrity officer.

**144 Way things taken for analysis by integrity officer or qualified person must be taken and dealt with**

If, under section 285, an integrity officer takes a thing for analysis or arranges for a qualified person to take it, the thing must be taken and dealt with—

- (a) under the integrity board's procedures mentioned in section 115(3) as in force at the relevant time; or
- (b) in another way that the integrity officer believes will ensure the integrity of the analysis.

**145 Person must not interfere with container in which things are placed**

- (1) This section applies to a thing dealt with under section 143 or 144.
- (2) A person must not interfere with a container in which the thing is placed by a control body under section 143, or an integrity officer or qualified person under section 144, unless the person has a reasonable excuse.

Maximum penalty—600 penalty units.

- (3) Subsection (2) does not apply to an integrity officer or an analyst if the integrity officer or analyst interferes with the container as part of the process of allowing the thing to be analysed.
- (4) In this section—

*analyst* means an analyst employed by an accredited facility or a secondary facility for an accredited facility.

*interfere with*, a container, means—

- (a) open, alter or break the container, or a seal placed on the container; or
- (b) remove or erase a mark or seal placed on the container.

### **Division 3                      Analysing things delivered for analysis**

#### **146      Analysis of thing**

- (1) If a thing for analysis has been delivered to an accredited facility, a nominated person for the accredited facility must—
  - (a) give a receipt for the thing in the way prescribed under a regulation; and
  - (b) give the thing to an analyst at the accredited facility.
- (2) However, if the thing can not be analysed at the accredited facility within a reasonable time, the nominated person may, instead of giving the thing to an analyst at the accredited facility, deliver the thing for analysis to a secondary facility for the accredited facility.
- (3) If a nominated person for an accredited facility decides to deliver the thing for analysis to a secondary facility, the nominated person must deliver a notice with the thing stating all of the following—
  - (a) the drugs and any code substances the analysis must cover;
  - (b) the information required to be included in the written results of the analysis;
  - (c) that if a drug or code substance mentioned in the notice is found in or on the thing, the results must include a certificate signed by an accredited analyst for the secondary facility;
  - (d) the information required to be included in the certificate mentioned in paragraph (c).
- (4) If a nominated person for an accredited facility has delivered a thing for analysis to a secondary facility for the accredited facility—



- (a) the nominated person for the secondary facility must give the thing to an analyst at the secondary facility; and
- (b) the analyst at the secondary facility must, after completing the analysis, give written results of the analysis to the nominated person for the accredited facility; and
- (c) the results must state the things mentioned in the notice delivered with the thing as mentioned in subsection (3).

### **147 Procedure after analysis**

- (1) This section applies if a thing for analysis is delivered to an accredited facility and either of the following applies—
  - (a) an analyst at the accredited facility has carried out an analysis relating to the thing;
  - (b) an analyst at a secondary facility for the accredited facility has carried out an analysis relating to the thing and given the results under section 146(4)(b) to the nominated person for the accredited facility.
- (2) An analyst at the accredited facility must, after the completion of the analysis or receiving the results mentioned in section 146(4)(b), give a notice stating the results of the analysis (the *notice of results*) to—
  - (a) if the thing was delivered to the accredited facility by a control body—the accredited veterinary surgeon for the accredited facility; or
  - (b) if the thing was delivered to the accredited facility by an integrity officer—the integrity officer.
- (3) The notice of results must include a certificate signed by an accredited analyst stating all of the following—
  - (a) information to identify the thing analysed;
  - (b) the date when, and the place at which, the thing was analysed;
  - (c) no drug was found in or on the thing or if a drug was found—
    - (i) the fact that a drug was found and its name; and

- (ii) if the control body or integrity officer who delivered the thing for analysis to the accredited facility asked for information about the amount or concentration of any drug found in the thing—the information requested;
- (d) for a thing delivered under an agreement between a control body and the accredited facility—no code substance was found in or on the thing or if a code substance was found—
  - (i) the fact that a code substance was found and its name; and
  - (ii) if the control body that delivered the thing for analysis to the accredited facility asked for information about the amount or concentration of any code substance found in the thing—the information requested.

#### **148 If analysis can not be completed**

- (1) This section applies if—
  - (a) a thing for analysis is delivered to an accredited facility; and
  - (b) an analyst at the accredited facility, or a secondary facility for the accredited facility, fails to complete an analysis relating to the thing.
- (2) The analyst must give a notice about the failure to complete the analysis to—
  - (a) if the thing was delivered to the accredited facility by a control body—the control body; or
  - (b) if the thing was delivered to the accredited facility by an integrity officer—the integrity officer.
- (3) The notice under subsection (2) must state—
  - (a) there was a failure to complete the analysis; and
  - (b) the reason for the failure.

*Examples for paragraph (b)—*

- 1 The amount of the thing delivered for analysis was insufficient.
- 2 The condition of the thing delivered for analysis has deteriorated.

**149 Certificate of accredited veterinary surgeon**

- (1) This section applies if—
  - (a) a control body delivers a thing for analysis to an accredited facility; and
  - (b) a drug or code substance is found in or on the thing; and
  - (c) a notice of results is given to an accredited veterinary surgeon as mentioned in section 147.
- (2) The accredited veterinary surgeon must give to the control body a certificate signed by the accredited veterinary surgeon stating—
  - (a) the pharmacology of the drug or code substance; and
  - (b) the effect of using the drug or code substance on the behaviour, performance or physical condition of a stated type of animal; and
  - (c) if a drug is found in or on the thing and the drug is mentioned in the Standard for the Uniform Scheduling of Drugs and Poisons published by the Commonwealth—the schedule in which the drug is mentioned.

## **Chapter 5      Review of decisions by tribunal**

**150 Decisions that may be reviewed by the tribunal**

- (1) Subject to subsection (3), a person aggrieved by any of the following decisions may apply, as provided under the QCAT Act, to the tribunal for a review of the decision—

- (a) a control body's decision to—
    - (i) refuse to grant or renew a licence; or
    - (ii) take disciplinary action relating to a licence; or
    - (iii) take an exclusion action against a person; or
    - (iv) impose a monetary penalty on a person;
  - (b) a decision of an appeal committee made in relation to an appeal against a monetary penalty imposed by, or other decision of, a steward;
  - (c) the imposition of a monetary penalty by, or other decision of, a steward of a control body if there is no right of appeal to an appeal committee against the decision;
  - (d) another decision of a control body prescribed under a regulation.
- (2) A steward of a control body may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an appeal committee made on an appeal against the steward's decision.
- (3) An application for a review under subsection (1) or (2) must be made within 14 days of the applicant receiving notice of the decision to be reviewed.

### **151 Decisions that may not be reviewed by the tribunal**

Despite section 150(1), a person aggrieved by any of the following decisions may not apply to the tribunal for a review of the decision—

- (a) a decision relating to the eligibility of an animal to race or the conditions under which an animal can race;

*Example for paragraph (a)—*

A steward's decision requiring an animal to pass a stated examination or test before being allowed to race.

- (b) a decision cancelling or suspending the licence for an animal, unless the cancellation or suspension relating to that licence relates to—

- (i) a decision to take disciplinary action relating to the licence of a licence holder; or
- (ii) a decision to take an exclusion action, under the control body's rules of racing, against a person;
- (c) a decision about a protest or objection against placed animals relating to an incident that happened during a race or trial;
- (d) a decision imposing a penalty of not more than \$250;
- (e) a decision relating to a dispute between a racing bookmaker licensed by a control body and a person who placed a bet with the bookmaker for a race at a race meeting held under the control of the control body;
- (f) a decision to stop, restart, rerun, postpone or abandon a race.

**152 What happens if appeal committee refuses to hear or fails to decide an appeal**

- (1) Subject to an order under subsection (3), an appeal committee is taken to have decided to dismiss an appeal if—
  - (a) the appeal committee refuses to hear the appeal from a decision of a steward of the control body that established the committee; or
  - (b) within 6 weeks after lodging the appeal mentioned in paragraph (a), the appeal has not been decided by the appeal committee.
- (2) Subsection (3) applies if an appeal committee is taken under subsection (1) to have decided to dismiss an appeal (the *dismissal decision*) and the appeal committee lodges a written application with the QCAT registrar for an order that the time for consideration of the appeal by the appeal committee be extended.
- (3) The tribunal may make the order.

**153 Tribunal to hear review within 28 days**

- (1) The tribunal must start the hearing of a review under this chapter within 28 days after the application for review is made under section 150.
- (2) However, the tribunal may, by order, extend the period mentioned in subsection (1) if it considers the special circumstances of the review require it to do so.

**154 Constitution of tribunal**

- (1) This section applies to a proceeding of the tribunal relating to a review under this Act.
- (2) The president must not choose a person to be a tribunal member if the person is a relevant person.
- (3) Also, a person must not continue to be a tribunal member if the person is a relevant person.
- (4) In this section—

*president* means the president under the QCAT Act.

*relevant person* means—

- (a) an executive officer, or an official or other member of staff, of a control body; or
- (b) a licence holder of a control body or an executive officer of a licence holder; or
- (c) a committee member; or
- (d) a member of a committee, or an employee, of an association formed to promote the interests of 1 or more participants in a code of racing; or
- (e) an individual who has any of the following convictions other than a spent conviction—
  - (i) a conviction under this Act;
  - (ii) a conviction under the repealed Act;
  - (iii) a conviction under a law of another State, that is prescribed under a regulation as a law about racing or betting;

- (iv) a conviction for an offence that involved dishonesty, fraud, stealing or unlawful betting.

*tribunal member* means a member of QCAT under the QCAT Act.

## Chapter 6 Racing bookmakers

### Part 1 Requirements for racing bookmakers' licences and for related matters

#### 194 Requirement to hold racing bookmaker's licence

- (1) A person must not carry on bookmaking at a licensed venue at any time unless the person is a racing bookmaker whose licence was granted by the control body exercising control at the licensed venue at that time.

Maximum penalty—600 penalty units.

- (2) A racing bookmaker who is an individual must have the person's licence with the person at all times the person is carrying on bookmaking at a licensed venue when it is under the control of the control body that granted the person's licence, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (3) A licensed executive officer of a corporation that is a racing bookmaker must have the corporation's licence, or a certified copy of the corporation's licence, with the person at all times the person is carrying on bookmaking for the corporation at a licensed venue when it is under the control of the control body that granted the corporation's licence, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

**195 Requirement for racing bookmaker to hire licensed clerk**

- (1) A racing bookmaker must not, at a licensed venue, employ someone else in the conduct of the racing bookmaker's business unless the other person is a racing bookmaker's clerk whose licence was granted by the control body exercising control at the licensed venue at the time.

Maximum penalty—200 penalty units.

- (2) A racing bookmaker that is a corporation does not commit an offence against subsection (1) merely because a licensed executive officer of the corporation carries on bookmaking for the corporation.

**196 Requirement to hold licence as a racing bookmaker's clerk**

- (1) A person must not be employed by a racing bookmaker at a licensed venue in the conduct of the racing bookmaker's business unless the person is—

- (a) a racing bookmaker's clerk whose licence was granted by the control body exercising control at the licensed venue at that time; or
- (b) if the racing bookmaker is a corporation—a licensed executive officer of the corporation and is carrying on bookmaking for the corporation.

Maximum penalty—200 penalty units.

- (2) A racing bookmaker's clerk at a licensed venue must have the person's licence with the person at all times the person is employed by a racing bookmaker in the conduct of the racing bookmaker's business at the licensed venue, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

**197 Requirement to produce licence**

- (1) A racing bookmaker who is an individual and who is, or appears to be, carrying on bookmaking at a licensed venue must produce the person's licence to an official of the control body that is exercising control at the licensed venue if asked to



do so by the official, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A licensed executive officer of a corporation that is a racing bookmaker and who is, or appears to be, carrying on bookmaking for the corporation at a licensed venue must produce the corporation's licence, or a certified copy of the corporation's licence, to an official of the control body that is exercising control at the licensed venue if asked to do so by the official, unless the officer has a reasonable excuse.

Maximum penalty—40 penalty units.

- (3) A racing bookmaker's clerk who is, or appears to be, employed in the conduct of a racing bookmaker's business at a licensed venue must produce the person's licence to an official of the control body that is exercising control at the licensed venue if asked to do so by the official, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

### **198 Requirement for control body to ensure certain persons have current licences**

A control body must ensure that a person is not permitted, at any time, to carry on bookmaking, or to be employed by a racing bookmaker in the conduct of a racing bookmaker's business, at a race meeting held at a licensed venue when it is under the control of the control body, unless the person has a current appropriate licence with the person at the time.

### **199 Unlawful bookmaking by racing bookmaker**

A racing bookmaker must not carry on bookmaking at a place unless—

- (a) when the racing bookmaker carries on the bookmaking, the place is a licensed venue under the control of the control body that licensed the racing bookmaker; and
- (b) at the place when the racing bookmaker is carrying on bookmaking—

- (i) a race meeting is being held under this Act; and
- (ii) betting with racing bookmakers may take place, under a direction given by the control body's steward who is in charge of the race meeting for the control body.

Maximum penalty—600 penalty units or 2 years imprisonment.

## **200 Requirements for betting by racing bookmakers**

- (1) This section applies to a racing bookmaker at a race meeting held at a licensed venue (the *first venue*) when it is under the control of a control body (the *first control body*).
- (2) The racing bookmaker must not make a bet on a contest, contingency or event other than—
  - (a) a race to be decided at the first venue; or
  - (b) a race to be decided at another race meeting at another licensed venue controlled by a control body; or
  - (c) a sporting contingency declared, under section 255, by the first control body as a declared sporting contingency; or
  - (d) a contest, contingency or event at a meeting for the racing of animals held outside Queensland that is under the control of an entity with which the first control body has entered into an arrangement as mentioned in section 34(1)(h).

Maximum penalty—400 penalty units.

- (3) Subject to section 249, the racing bookmaker must not make a bet with a person who is not present at the first venue at the time the bet is made.

Maximum penalty—400 penalty units.

## **Part 2                      Licensing of persons as racing bookmakers**

### **201      Applicant for racing bookmaker's licence to hold eligibility certificate**

An applicant to a control body for a racing bookmaker's licence must be a certificate holder.

### **202      What corporate licence must include**

- (1) This section applies to a racing bookmaker's licence for a corporation.
- (2) The licence must state the name of each executive officer of the corporation who may carry on bookmaking for the corporation under the licence.
- (3) A control body must not, under subsection (2), state an executive officer's name in the licence unless the executive officer—
  - (a) is identified under section 218(2) in the eligibility certificate for the corporation; and
  - (b) is a person whom the control body believes has the experience and knowledge necessary to properly carry on bookmaking for the corporation under the licence.

## **Part 3                      Eligibility certificates**

### **Division 1                      Suitability of applicants and business and executive associates**

#### **203      Suitability of applicants for eligibility certificate**

- (1) This section applies to the gaming executive in deciding whether an applicant for an eligibility certificate is a suitable

person to hold an eligibility certificate.

- (2) The gaming executive may have regard to all of the following matters—
  - (a) the applicant's character or business reputation;
  - (b) the applicant's current financial position and financial background;
  - (c) if the applicant has a business association with another entity—
    - (i) the other entity's character or business reputation; and
    - (ii) the other entity's current financial position and financial background;
  - (d) if the applicant is a corporation—the persons who have a substantial holding in the applicant, or in a corporation that is a holding company of the applicant.

## **204 Suitability of associates**

- (1) This section applies to the gaming executive in deciding whether a business associate or executive associate of an applicant for an eligibility certificate is a suitable person to be associated with the applicant.
- (2) The gaming executive may have regard to all of the following matters—
  - (a) the associate's character or business reputation;
  - (b) the associate's current financial position and financial background;
  - (c) if the associate has a business association with another entity—
    - (i) the other entity's character or business reputation; and
    - (ii) the other entity's current financial position and financial background;

- (d) if the associate is a corporation—the persons who have a substantial holding in the associate, or in a corporation that is a holding company of the associate.

## **205 Other matters about suitability**

Sections 203 and 204 do not limit the matters the gaming executive may have regard to in deciding matters to which the sections relate.

## **Division 2 Applications for, and issue of, eligibility certificates**

### **206 Application for eligibility certificate**

An application for an eligibility certificate may only be made by an adult or a corporation.

### **207 Requirements about applications**

- (1) An application for an eligibility certificate must—
  - (a) be made to the gaming executive; and
  - (b) be in a gaming executive form.
- (2) The application must be accompanied by—
  - (a) the application fee prescribed under a regulation; and
  - (b) if the applicant is an individual—a consent, in a gaming executive form, signed by the individual for the following—
    - (i) the individual's fingerprints to be taken for the gaming executive;
    - (ii) information about the individual to be obtained by the gaming executive;
    - (iii) the individual's background to be investigated by the gaming executive; and
  - (c) if the applicant is a corporation—a consent, in a gaming executive form, signed by each person the applicant

considers is a business associate or executive associate of the corporation for the following—

- (i) if the associate is an individual—the associate’s fingerprints to be taken for the gaming executive;
  - (ii) information about the associate to be obtained by the gaming executive;
  - (iii) the associate’s background to be investigated by the gaming executive; and
- (d) if the applicant is a corporation—the corporation’s agreement to obtain a consent of the type mentioned in paragraph (c) for a person whom the gaming executive believes to be a business associate or executive associate of the corporation but whose consent does not accompany the application.

## **208 Further information or documents to support application**

- (1) The gaming executive may, by notice given to an applicant for an eligibility certificate, require the applicant to give the gaming executive further information or a document about the application.
- (2) The requirement must relate to information or a document that is necessary and reasonable to help the gaming executive decide the application.
- (3) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (4) When making the requirement, the gaming executive must warn the applicant that the application for the eligibility certificate will not be considered further until the requirement is complied with unless the person has a reasonable excuse for the failure to comply.

## **209 Taking fingerprints**

- (1) On receipt of an application for an eligibility certificate, and compliance by the applicant with this part in relation to the application, the gaming executive must—

- (a) for an application by an individual—cause the fingerprints of the applicant to be taken; and
  - (b) for an application by a corporation—cause the fingerprints to be taken of each of the business associates and executive associates of the applicant, who is an individual.
- (2) The gaming executive may also cause the fingerprints to be taken of an individual who has consented, as mentioned in section 207(2)(d), to the individual's fingerprints being taken.
- (3) However, if the gaming executive is satisfied an individual's fingerprints are already held by the gaming executive, the gaming executive need not cause the individual's fingerprints to be taken under this section.

## **210 Consideration of application**

- (1) The gaming executive must consider the application for an eligibility certificate and either grant or refuse to grant the application.
- (2) However, the gaming executive is not required to decide an application for an eligibility certificate if—
- (a) the gaming executive has given a person a notice under section 208 or 214 relating to the application requiring the person to give the gaming executive information or a document as stated in the section; and
  - (b) the person has failed, without reasonable excuse, to comply with the requirement within the time stated in the notice.

## **211 Conditions for granting application for eligibility certificate**

The gaming executive may grant an application for an eligibility certificate only if the gaming executive is satisfied—

- (a) the applicant is a suitable person to hold an eligibility certificate; and

- (b) each business associate and executive associate of the applicant is a suitable person to be associated with the applicant.

## **212 Investigation of suitability of persons**

- (1) The gaming executive may investigate an applicant for an eligibility certificate to help the gaming executive decide whether the applicant is a suitable person to be a certificate holder.
- (2) The gaming executive may investigate a business associate or executive associate of an applicant for an eligibility certificate to help the gaming executive decide whether the associate is a suitable person to be associated with the applicant.
- (3) The gaming executive may investigate an executive officer of the holder of an eligibility certificate for the purpose of deciding whether to grant a request made under section 222.

## **213 Criminal history reports for investigations**

- (1) If the gaming executive, in investigating a person under section 212, asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the gaming executive.
- (2) The report is to contain—
  - (a) relevant information in the commissioner's possession; and
  - (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
  - (c) other relevant information to which the commissioner has access.

## **214 Requirement of associate to give information or document for investigation**

- (1) In investigating a business associate or executive associate of an applicant, the gaming executive may, by notice given to the associate, require the associate to give the gaming executive



information or a document the gaming executive believes is relevant to the investigation.

- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must—
  - (a) warn the associate that the application for the eligibility certificate will not be considered further until the requirement is complied with; and
  - (b) give a copy of the notice to the applicant.

### **215 Requirement of control body to give information or document for investigation**

- (1) In investigating an applicant, or a business associate or executive associate of an applicant, the gaming executive may, by notice given to a control body, require the control body to give the gaming executive information or a document the gaming executive believes is relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the control body it is an offence to fail to comply with the requirement, unless the control body has a reasonable excuse.

### **216 Failure by control body to give information or document for investigation**

- (1) A control body of which a requirement is made under section 215 must comply with the requirement, unless the control body has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) The control body does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

**217 Decision on application**

- (1) If the gaming executive grants an application for an eligibility certificate, the gaming executive must give the certificate to the applicant.
- (2) If the gaming executive refuses to grant an application for an eligibility certificate, the gaming executive must give the applicant an information notice for the decision.

**218 Form of eligibility certificate**

- (1) An eligibility certificate is to be in a gaming executive form.
- (2) An eligibility certificate for a corporation must identify the corporation's executive officers who have been investigated by the gaming executive and have been found suitable to be associated with the certificate holder.

**219 Period for which eligibility certificate has effect**

An eligibility certificate continues to have effect until the earliest of the following happens—

- (a) the certificate lapses under section 220(3);
- (b) the certificate is cancelled under section 236;
- (b) a surrender of the certificate takes effect under section 240.

**220 Date by which certificate holder must apply for racing bookmaker's licence**

- (1) An eligibility certificate must state the date by which the certificate holder stated in the certificate must apply for a licence as a racing bookmaker.
- (2) The date must be at least 2 months after the date the certificate is given to the certificate holder.
- (3) If the certificate holder does not apply to a control body for a racing bookmaker's licence before the date stated in the certificate, the certificate lapses at the end of the day stated in the certificate.

**221 Corporate certificate holder must advise gaming executive of change in executive officers or persons with substantial holdings**

- (1) This section applies to a certificate holder that is a corporation.
- (2) Within 14 days after any of the following changes, the certificate holder must give the gaming executive notice of the change—
  - (a) a change to the persons who are executive officers of the corporation;
  - (b) a change to the persons who have substantial holdings in the corporation, or a holding company of the corporation.

Maximum penalty for subsection (2)—100 penalty units.

**222 Gaming executive may amend eligibility certificate to show change in executive officers**

- (1) This section applies if a certificate holder has given the gaming executive notice under section 221(2)(a) and asks the gaming executive to amend the eligibility certificate to omit or include an executive officer as a person who has been investigated by the gaming executive and been found suitable to be associated with the certificate holder.
- (2) The gaming executive may comply with the request.
- (3) However, the gaming executive must not include the name of an executive officer in the certificate unless the gaming executive has investigated the executive officer and found the person to be suitable to be associated with the certificate holder.

### **Division 3                      Investigations of certificate holders and their business and executive associates**

#### **223      Audit program**

- (1) The gaming executive may approve an audit program for investigating certificate holders, and the business associates and executive associates of certificate holders.
- (2) The gaming executive is responsible for ensuring that investigations of certificate holders, and business associates and executive associates of certificate holders, are conducted under the audit program.
- (3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 3 years.

#### **224      Investigations into suitability of certificate holder**

- (1) The gaming executive may investigate a certificate holder to find out whether the certificate holder is a suitable person to hold, or to continue to hold, an eligibility certificate.
- (2) However, the gaming executive may investigate the certificate holder under this section only if—
  - (a) the gaming executive suspects the certificate holder is not, or is no longer, a suitable person to hold an eligibility certificate; or
  - (b) the investigation is made under an audit program approved by the gaming executive.

#### **225      Investigation into suitability of associate of certificate holder**

- (1) The gaming executive may investigate a business associate or executive associate of a certificate holder to decide whether the associate is a suitable person to be, or to continue to be, associated with the certificate holder's operations.

- (2) However, the gaming executive may investigate a business associate or executive associate of a certificate holder under this section only if—
- (a) the gaming executive suspects the associate is not, or is no longer, a suitable person to be associated with a certificate holder's operations; or
  - (b) the investigation is part of an investigation under this division of the certificate holder in relation to whom the associate is a business associate or executive associate; or
  - (c) the investigation is made under an audit program approved by the gaming executive; or
  - (d) the person—
    - (i) became a business associate or executive associate of the certificate holder after the issue of the eligibility certificate to the certificate holder; or
    - (ii) has not been investigated previously under an audit program mentioned in paragraph (c).

## **226 Requirement to give information or document for investigation**

- (1) In investigating a certificate holder, or a business associate or executive associate of a certificate holder, the gaming executive may, by notice given to the person, require the person to give the gaming executive information or a document the gaming executive believes relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

## **227 Criminal history report for investigation**

- (1) If the gaming executive in investigating a person under section 224 or 225 asks the commissioner of the police service for a

written report on the person's criminal history, the commissioner must give the report to the gaming executive.

- (2) The report is to contain—
  - (a) relevant information in the commissioner's possession; and
  - (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
  - (c) other relevant information to which the commissioner has access.

## **228 Gaming executive may require control body to give information or document for investigation**

- (1) As part of an investigation under this division, the gaming executive may, by notice given to a control body, require the control body to give the gaming executive information or a document the gaming executive believes is relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the control body it is an offence to fail to comply with the requirement, unless the control body has a reasonable excuse.

## **229 Failure to give information or document for investigation**

- (1) A person of whom a requirement is made under section 226 or 228 must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (3) The person does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

## **Division 4                      Cancellation of eligibility certificates**

### **230      Grounds for cancellation**

- (1) A ground for cancelling an eligibility certificate exists if the certificate holder—
  - (a) is not a suitable person to hold an eligibility certificate; or
  - (b) is convicted for an offence—
    - (i) under this Act; or
    - (ii) the repealed Act; or
    - (iii) a law of another State, that is prescribed under a regulation as a law about racing or betting; or
  - (c) is convicted of an indictable offence under another Act or law; or
  - (d) contravenes a provision of this Act, whether or not a penalty is provided for the provision; or
  - (e) is affected by bankruptcy action.
- (2) Also, a ground for cancelling an eligibility certificate exists if—
  - (a) a racing bookmaker's licence held by the certificate holder is cancelled by the control body for the licence concerned; or
  - (b) the eligibility certificate was granted because of a materially false or misleading representation or declaration; or
  - (c) a business associate or executive associate of the certificate holder is not a suitable person to be associated with a certificate holder.
- (3) There are no other grounds for cancelling an eligibility certificate other than the grounds mentioned in subsections (1) and (2).

**231 Show cause notice**

- (1) This section applies if the gaming executive believes—
  - (a) a ground exists to cancel an eligibility certificate; and
  - (b) the act, omission or other thing forming the ground is of a serious and fundamental nature; and
  - (c) the public interest may be affected in an adverse and material way.
- (2) The gaming executive must give the certificate holder a notice (a *show cause notice*) stating the following—
  - (a) the action (the *proposed action*) the gaming executive proposes taking under this division;
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) an invitation to the certificate holder to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the certificate holder.
- (4) The certificate holder may make written representations about the show cause notice to the gaming executive in the show cause period.

**232 Involvement of control bodies in show cause process**

- (1) The gaming executive must immediately give a copy of the show cause notice to each control body.
- (2) A control body may make written representations about the notice to the gaming executive in the show cause period.

**233 Consideration of representations**

The gaming executive must consider all written representations (the *accepted representations*) made in the show cause period by—



- (a) the certificate holder; or
- (b) a control body.

### **234 Ending show cause process without further action**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive believes no ground exists to cancel the eligibility certificate.
- (2) The gaming executive must not take any further action about the show cause notice.
- (3) Notice that no further action about the show cause notice is to be taken must be given by the gaming executive to—
  - (a) the certificate holder; and
  - (b) each control body.

### **235 Censuring certificate holder**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive—
  - (a) still believes a ground exists to cancel the eligibility certificate; and
  - (b) does not believe cancellation of the certificate is warranted.
- (2) This section also applies if the gaming executive has not given a show cause notice to the certificate holder but believes—
  - (a) a ground exists to cancel the certificate; and
  - (b) the giving of a show cause notice is not warranted.
- (3) The gaming executive may censure the holder for a matter relating to the ground for cancellation.
- (4) The censure may be effected only by the gaming executive giving the certificate holder an information notice about the decision to censure the holder.

**236 Cancellation of eligibility certificate**

- (1) The gaming executive may cancel the eligibility certificate if, after considering the accepted representations for the show cause notice, the gaming executive still believes—
  - (a) a ground exists to cancel the eligibility certificate; and
  - (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) the public interest may be affected in an adverse and material way.
- (2) Also, the gaming executive may cancel the eligibility certificate if there are no accepted representations for the show cause notice.
- (3) The gaming executive must immediately give an information notice about the decision to cancel to the certificate holder.
- (4) The information notice must include—
  - (a) a direction to the certificate holder to return the eligibility certificate to the gaming executive within 14 days after the cancellation; and
  - (b) a warning to the certificate holder that it is an offence to fail to comply with the direction, unless the certificate holder has a reasonable excuse.

**237 Return of cancelled eligibility certificate**

- (1) A person must comply with a direction to the person in an information notice, as mentioned in section 236(4)(b), to return an eligibility certificate within 14 days after the cancellation, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) If a person is unable to comply with subsection (1) because the person's eligibility certificate has been lost or destroyed, the person must, within 14 days after the cancellation, give the gaming executive a statutory declaration stating details of the loss or destruction.

Maximum penalty—40 penalty units.

**238 Automatic cancellation of all licences granted to racing bookmakers**

- (1) This section applies if a person's eligibility certificate is cancelled under section 236 and the person is the holder of a racing bookmaker's licence granted by a control body.
- (2) On the cancellation of the eligibility certificate, the licence granted by the control body is cancelled.
- (3) Subsection (2) has effect despite the control body's policies or rules of racing.

**239 Notice to control bodies of decisions**

- (1) This section applies if the gaming executive decides to—
  - (a) censure the certificate holder under section 235; or
  - (b) cancel an eligibility certificate under section 236.
- (2) After making the decision, the gaming executive must give notice about the decision to each control body.

**Division 5 Other matters relating to eligibility certificates****240 Surrender of eligibility certificate**

- (1) A certificate holder may surrender the holder's eligibility certificate by notice given to the gaming executive.
- (2) The surrender of an eligibility certificate takes effect—
  - (a) on the day the notice is given to the gaming executive; or
  - (b) if a later day of effect is stated in the notice—on the later day.
- (3) The gaming executive must give notice about the surrender to each control body.

**241 Destruction of fingerprints**

- (1) After the gaming executive refuses to grant an application for an eligibility certificate or an eligibility certificate is surrendered or cancelled, the gaming executive must destroy the fingerprints of any individual who is—
  - (a) the applicant or certificate holder; or
  - (b) a business associate or executive associate of the applicant or certificate holder.
- (2) Also, if the gaming executive is satisfied an individual who was a business associate or executive associate of an applicant or certificate holder is no longer a business associate or executive associate of the applicant or certificate holder, the gaming executive must destroy the individual's fingerprints.

**Division 6                      Review of decisions relating to eligibility certificates****242 Review by QCAT of decisions relating to eligibility certificates**

- (1) This section applies if the gaming executive makes a decision (a *gaming executive's decision*)—
  - (a) refusing an application for an eligibility certificate; or
  - (b) cancelling an eligibility certificate; or
  - (c) censuring a certificate holder.
- (2) The applicant or certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the gaming executive's decision.

## **Part 4**                      **Other provisions about racing bookmakers**

### **249**      **When a racing bookmaker may make a bet with a person who is not present at a licensed venue**

- (1) At a race meeting, a racing bookmaker may make a bet with a person (the *bettor*) who is not present at the licensed venue where the meeting is being held if—
  - (a) the bet is made through a system for bookmaking by telephone, approved by the control body exercising control of the venue at which the race meeting is held; and
  - (b) the bettor's consent to recording the betting transaction is obtained before the transaction starts; and
  - (c) the details of the bet are confirmed with the bettor before the betting transaction ends, including, for example, the name of the bettor and the amount and type of the bet.
- (2) A control body may approve a system for bookmaking by telephone if it is satisfied that—
  - (a) all telephone calls on the system will be recorded; and
  - (b) it can adequately supervise the system and its use.

### **250**      **Racing bookmakers to maintain policy of insurance or bond to indemnify bettors against default**

- (1) For each code of racing for which the racing bookmaker is licensed, the racing bookmaker must have an insurance policy or bond, acceptable to the control body responsible for managing the code.
- (2) Without limiting subsection (1), an insurance policy or bond must—
  - (a) indemnify persons who bet with the racing bookmaker for amounts payable under the control body's rules of racing to the persons by the racing bookmaker; and
  - (b) include conditions required by the control body.

**251 Control bodies to ensure racing bookmakers have policies of insurance or bond**

- (1) A control body must not license a person as a racing bookmaker, or renew a racing bookmaker's licence, unless the person or racing bookmaker has a policy of insurance or bond as mentioned in section 250.

Maximum penalty—100 penalty units.

- (2) If a racing bookmaker does not have a policy of insurance or bond as mentioned in section 250, the control body must immediately suspend the racing bookmaker's licence until it is satisfied the racing bookmaker has the policy or bond.
- (3) Each control body may make enquires, and do other acts, as it believes necessary to find out if a racing bookmaker has a policy of insurance or bond as mentioned in section 250.

**252 Prohibition of betting by racing bookmaker with minor**

- (1) A racing bookmaker, or an agent or employee of a racing bookmaker, must not—
  - (a) bet with a minor; or
  - (b) bet with a person who the racing bookmaker, agent or employee knows is betting for a minor.

Maximum penalty—400 penalty units.

- (2) It is a defence to a charge for an offence against subsection (1) for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that the person whose age is material to the offence was an adult.
- (3) A minor must not bet with a racing bookmaker or an agent or employee of a racing bookmaker.

Maximum penalty—400 penalty units.

- (4) A person must not, for a minor, bet with a racing bookmaker or an agent or employee of a racing bookmaker.

Maximum penalty—400 penalty units.

**253 Lawful bet by racing bookmaker is taken to be a valid contract**

- (1) This section applies if a racing bookmaker at a licensed venue makes a bet with another person as part of the lawful engagement of the racing bookmaker in bookmaking.
- (2) The racing bookmaker is taken to have entered into a valid contract with the other person relating to the bet and may sue or be sued on the contract.

**254 Payment and settlement of bets**

- (1) This section applies to the payment and settlement of a bet that was lawfully made by and with a racing bookmaker at a licensed venue.
- (2) A regulation may approve a place for the payment and settlement of the bet.
- (3) For the payment and settlement of the bet, that place is not an illegal betting place.

**Part 5 Miscellaneous****255 Bookmaking on certain declared sporting contingencies**

- (1) A control body may declare a sporting contingency to be a declared sporting contingency for which racing bookmakers licensed by the control body may carry on bookmaking at a licensed venue, at a time when a race meeting is being held at the venue under the control of the control body.
- (2) Before a control body declares a sporting contingency to be a declared sporting contingency, the control body must consider all of the following—
  - (a) whether declaring the sporting contingency brings, or has the potential to bring, its code of racing, or racing bookmakers licensed by it, into disrepute;
  - (b) whether declaring the sporting contingency will erode public confidence in the Queensland racing industry;

- (c) whether a decision about the result of the sporting contingency can be relied on by the control body, racing bookmakers and the public.
- (3) Notice about the declaration of a sporting contingency by a control body must be given by the control body—
- (a) by publication in the control body's racing calendar; or
  - (b) by making the notice available on its website; or
  - (c) by giving each racing bookmaker licensed by the control body a copy of the declaration.
- (4) A racing bookmaker must not carry on bookmaking on a sporting contingency, other than a race, unless—
- (a) the sporting contingency has been declared, under subsection (1), by the control body that licensed the racing bookmaker to be a declared sporting contingency; and
  - (b) the bookmaking is carried on—
    - (i) at a licensed venue licensed by that control body; and
    - (ii) at a time when a race meeting is being held at the venue, under the control of the control body.

Maximum penalty for subsection (4)—400 penalty units.

## **256 Racing bookmaker's agent during certain periods**

- (1) This section applies if a racing bookmaker applies to the control body that licensed the racing bookmaker, in a control body form, to authorise a person to act as the racing bookmaker's agent by carrying on bookmaking as the racing bookmaker for a period.
- (2) The control body may authorise the person to act as the racing bookmaker's agent and carry on bookmaking as the racing bookmaker for the period only if—
- (a) the racing bookmaker—
    - (i) is temporarily incapacitated through illness or accident; or



- (ii) is on vacation for a period that, together with any previous period in which the racing bookmaker was on vacation, does not exceed 12 weeks in any year; or
    - (iii) is temporarily unable, for reasons acceptable to the control body, to carry on bookmaking for a period not exceeding 12 weeks; and
  - (b) the person nominated in the application as the racing bookmaker's agent is a racing bookmaker's clerk.
- (3) The application must be signed by the racing bookmaker.
  - (4) However, if a racing bookmaker is unable to carry on bookmaking for a period due to incapacity caused by illness or accident, the control body may waive the requirement that the application be signed by the racing bookmaker if it is satisfied the person who signed and lodged the application is acting for the racing bookmaker.
  - (5) For this Act, the person authorised as the racing bookmaker's agent is taken to be the racing bookmaker during the period stated in the authority and this Act applies to the racing bookmaker's agent as if the agent were the racing bookmaker.
  - (6) The racing bookmaker's agent does not need to hold an eligibility certificate to be authorised as the racing bookmaker's agent.

## **257 Control body to give notice of certain actions about racing bookmakers to gaming executive**

- (1) If a control body licenses a certificate holder as a racing bookmaker, the control body must give notice about the licensing to the gaming executive within 14 days of the date of the licence.
- (2) If a control body refuses to license a certificate holder as a racing bookmaker, the control body must give notice about the refusal to the gaming executive within 14 days of the date of the refusal.
- (3) If a control body exercises disciplinary action relating to a racing bookmaker's licence, the control body must give notice

about the disciplinary action to the gaming executive and each other control body within 14 days of the date of the action.

- (4) The notice under subsection (2) or (3) must state the control body's reasons for the refusal or disciplinary action.

**258 Gaming executive may give information to control body about racing bookmaker or applicant for eligibility certificate**

- (1) This section applies if, after an investigation under part 3 or otherwise, the gaming executive has information about a racing bookmaker, or applicant for an eligibility certificate, that the gaming executive believes is appropriate to give to a control body that licenses the person in any capacity.
- (2) The gaming executive may give the information to the control body.

**259 Delegation by gaming executive**

The gaming executive may delegate the gaming executive's powers under this chapter to an appropriately qualified public service employee.

**260 Approval of forms for ch 6**

The gaming executive may approve forms for this chapter.

## **Chapter 7 Authorised officers**

### **Part 1 Appointment and functions**

**261 Appointment and qualifications**

- (1) The chief executive may appoint a person as either or both of the following—
- (a) a compliance officer;

- (b) an integrity officer.
- (2) A reference in this Act to an **authorised officer** is a reference to a compliance officer or an integrity officer.
- (3) However, the chief executive may appoint a person as an authorised officer only if—
  - (a) the person is—
    - (i) a public service employee; or
    - (ii) a person, or a member of a class of persons, prescribed under a regulation; and
  - (b) the chief executive is satisfied the person is appropriately qualified to exercise the powers of a compliance officer or an integrity officer.
- (4) Subsection (3) does not limit the matters the chief executive may consider when deciding whether to appoint a person as an authorised officer.

## **262 Functions of authorised officers**

- (1) The main function of an authorised officer is to investigate and enforce compliance with this Act.
- (2) A compliance officer's function to investigate compliance with this Act includes—
  - (a) monitoring each control body's activities for its code of racing about licensed clubs, participants and venues; and
  - (b) auditing each control body to assess whether the control body is complying with this Act, other than in relation to the welfare of licensed animals.
- (3) An integrity officer's function to investigate compliance with this Act includes—
  - (a) monitoring each control body's activities for its code of racing relating to the welfare of licensed animals; and
  - (b) auditing each control body to assess whether the control body is complying with this Act in relation to the welfare of licensed animals; and

- (c) auditing each accredited facility to assess whether it is complying with conditions that apply to it under this Act.

### **263 Appointment conditions and limit on powers**

- (1) An authorised officer holds office on any conditions stated in—
  - (a) the authorised officer's instrument of appointment; or
  - (b) a signed notice given to the authorised officer; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the officer's functions or powers under this Act.
- (3) In this section—

*signed notice* means a notice signed by the chief executive.

### **264 Issue of identity card to each authorised officer**

- (1) The chief executive must issue an identity card to each authorised officer.
- (2) The identity card must—
  - (a) contain a recent photo of the authorised officer; and
  - (b) contain a copy of the authorised officer's signature; and
  - (c) identify the type of authorised officer the person is appointed as under section 261(1); and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issuing of a single identity card to a person for this Act and other purposes.

### **265 Production or display of identity card**

- (1) In exercising a power under this Act in relation to another person, an authorised officer must—
  - (a) produce the authorised officer's identity card for the person's inspection before exercising the power; or

- (b) have the identity card displayed so that it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an authorised officer does not exercise a power in relation to a person only because the authorised officer has entered a place as mentioned in section 270(1)(b) or (2).

## 266 When authorised officer ceases to hold office

- (1) An authorised officer ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the authorised officer ceases to hold office;
  - (c) the authorised officer's resignation under section 267 takes effect.
- (2) Subsection (1) does not limit the ways an authorised officer may cease to hold office.
- (3) In this section—

***condition of office*** means a condition on which the authorised officer holds office.

## 267 Resignation

- (1) An authorised officer may resign by signed notice given to the chief executive.
- (2) However, if holding office as an authorised officer is a condition of the authorised officer holding another office, the authorised officer may not resign as an authorised officer without resigning from the other office.

**268 Return of identity card**

A person who ceases to be an authorised officer must return the person's identity card to the chief executive within 14 days after ceasing to be an authorised officer, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

**Part 2 Powers of authorised officers****Division 1 Entry to places other than vehicles****269 Application of div 1**

This division applies to a place, other than a vehicle.

**270 Power of entry**

- (1) An authorised officer may enter a place if—
  - (a) its occupier consents to the entry; or
  - (b) it is a public place and the entry is made when it is open to the public; or
  - (c) it is a place of business and the entry is made when the place is—
    - (i) open for carrying on activities for which the place is a place of business; or
    - (ii) otherwise open for entry; or
  - (d) the entry is authorised by a warrant.
- (2) For the purpose of asking the occupier of a place for consent to enter, an authorised officer may, without the occupier's consent or a warrant—
  - (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or

- (b) enter part of the place the authorised officer believes members of the public ordinarily are allowed to enter when they wish to contact the occupier.
- (3) In this section—
- place of business*** means any of the following places but does not include a part of a place where an individual resides—
- (a) a place used by a control body to conduct activities in relation to managing its code of racing;
  - (b) a place used by a licence holder to conduct activities for which the licence holder is licensed or otherwise holds the licence;
  - (c) a place that is an accredited facility or secondary facility.

## **271 Procedure for entry with consent**

- (1) This section applies if an authorised officer intends to ask an occupier of a place to consent to the authorised officer or another authorised officer entering the place under section 270(1)(a).
- (2) Before asking for the consent, the authorised officer must tell the occupier—
  - (a) the purpose of the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the authorised officer may ask the occupier to sign an acknowledgment of the consent.
- (4) The acknowledgment must state—
  - (a) the occupier has been told—
    - (i) the purpose of the entry; and
    - (ii) that the occupier is not required to consent; and
  - (b) the purpose of the entry; and
  - (c) the occupier gives the authorised officer consent to enter the place and exercise powers under this part; and
  - (d) the time and date the consent was given.

- (5) If the occupier signs the acknowledgment, the authorised officer must immediately give a copy to the occupier.
- (6) If—
  - (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
  - (b) an acknowledgment complying with subsection (4) for the entry is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

## **272 Other entries without warrant**

- (1) This section applies if—
  - (a) an authorised officer is intending to enter a place under section 270(1)(c); and
  - (b) the occupier of the place is present at the place.
- (2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following—
  - (a) comply with section 265(1);
  - (b) tell the occupier the purpose of the entry;
  - (c) tell the occupier the authorised officer is permitted under this Act to enter the place without the occupier's consent or a warrant.

## **273 Application for warrant**

- (1) An authorised officer may apply to a magistrate for a warrant for a place.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all of the information the magistrate requires about the application in the way the magistrate requires.



*Example for subsection (3)—*

The magistrate may require additional information supporting the application to be given by statutory declaration.

## **274 Issue of warrant**

- (1) A magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—
  - (a) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; or
  - (b) the evidence is at the place or, within the next 7 days, may be at the place.
- (2) The warrant must state—
  - (a) that a named authorised officer may, with necessary and reasonable help and force—
    - (i) enter the place and any other place necessary for entry; and
    - (ii) exercise the authorised officer's powers under this part; and
  - (b) the offence for which the warrant is sought; and
  - (c) the evidence that may be seized under the warrant; and
  - (d) the hours of the day or night when the place may be entered; and
  - (e) the date, within 14 days after the warrant's issue, the warrant ends.

## **275 Special warrants**

- (1) An authorised officer may apply for a warrant (a *special warrant*) by electronic communication, fax, phone, radio or another form of communication if the authorised officer believes it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances, including, for example, the authorised officer's remote location.

- (2) Before applying for the special warrant, the authorised officer must prepare an application stating the grounds on which the warrant is sought.
- (3) The authorised officer may apply for the warrant before the application is sworn.
- (4) After issuing the special warrant, the magistrate must immediately electronically communicate or fax a copy (a ***facsimile warrant***) to the authorised officer if it is reasonably practicable to do so.
- (5) If it is not reasonably practicable to electronically communicate or fax a copy to the authorised officer—
  - (a) the magistrate must tell the officer—
    - (i) what the terms of the special warrant are; and
    - (ii) the date and time the special warrant is issued; and
  - (b) the authorised officer must complete a form of warrant (a ***warrant form***) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the special warrant; and
    - (iii) the terms of the special warrant.
- (6) The facsimile warrant, or the warrant form properly completed by the authorised officer, authorises the entry and the exercise of the other powers stated in the special warrant issued.
- (7) The authorised officer must, at the first reasonable opportunity, send the magistrate—
  - (a) the sworn application; and
  - (b) if the authorised officer completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the special warrant.
- (9) If—

(a) an issue arises in a proceeding about whether an exercise of a power was authorised by a special warrant; and

(b) the warrant is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a special warrant authorised the exercise of the power.

## **276 Warrants—procedure before entry**

(1) This section applies if—

(a) an authorised officer named in a warrant issued under this division for a place is intending to enter the place under the warrant; and

(b) a person is present at the place.

(2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following things—

(a) comply with section 265(1);

(b) give the person a copy of—

(i) the warrant; or

(ii) if the entry is authorised by a facsimile warrant or warrant form mentioned in section 275(6)—the facsimile warrant or warrant form;

(c) tell the person the authorised officer is permitted by the warrant to enter the place;

(d) give the person an opportunity to allow the officer immediate entry to the place without using force.

(3) However, the authorised officer need not comply with subsection (2) if the authorised officer believes immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

## Division 2                      Entry to vehicles

### 277      Application of div 2

This division applies to vehicles at or about a place—

- (a) used by a control body to conduct activities in relation to managing its code of racing; or
- (b) used by a licence holder to conduct activities for which the licence holder is licensed.

### 278      Power of entry

(1) An integrity officer may enter a vehicle if the integrity officer suspects—

- (a) the vehicle is being, or has been, used in relation to the commission of an interference offence; or
- (b) the vehicle, or an animal or thing in the vehicle, may provide evidence of the commission of an interference offence.

(2) In this section—

*interference offence* means an offence against section 317, 318, 319 or 327.

### 279      Procedure before entry

(1) This section applies if an integrity officer intends to enter a vehicle under section 278.

(2) If a person is present at the vehicle, the integrity officer must, before entering the vehicle, do or make a reasonable attempt to do the following things—

- (a) comply with section 265(1);
- (b) tell the person the purpose of the entry;
- (c) ask for the person's consent to the entry;
- (d) tell the person the integrity officer is permitted under this Act to enter the vehicle without consent;

- (e) if the person is not the owner of the vehicle—advise the owner of the vehicle of the integrity officer’s intention to enter the vehicle.
- (3) If a person is not present at the vehicle, the integrity officer must, before entering the vehicle—
  - (a) take reasonable steps to find the owner of the vehicle; and
  - (b) comply with subsection (2)(a) to (d) for the owner.
- (4) Subsections (2)(e) and (3) do not require the integrity officer to take a step the integrity officer believes may frustrate or otherwise hinder an investigation under this Act or the purpose of the intended entry.
- (5) In this section—  
*owner*, of a vehicle, includes a person who appears to be in control of the vehicle.

## **280 Power to stop vehicle that may be entered**

If a vehicle that an integrity officer may enter under this division is moving or about to move, the integrity officer may signal the person in control of the vehicle to stop, or not to move, the vehicle.

## **281 Failure to obey signal**

- (1) A person must not disobey a signal given under section 280, unless the person has a reasonable excuse.  
Maximum penalty—200 penalty units.
- (2) It is a reasonable excuse for a person to disobey the signal if—
  - (a) to immediately obey the signal would endanger the person or someone else; and
  - (b) the person obeys the signal as soon as it is practicable to obey it.

**282 Other powers relating to vehicles that may be entered**

- (1) If an integrity officer may enter a vehicle under this division, the integrity officer may require the person in control of the vehicle—
  - (a) to give the integrity officer reasonable help to enter the vehicle; or
  - (b) to bring the vehicle to a stated place and remain in control of the vehicle for a reasonable period to allow the integrity officer to exercise a power under this part.
- (2) When making a requirement under subsection (1), the integrity officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.
- (3) A person must not fail to comply with a requirement under subsection (1), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—200 penalty units.

**Division 3 Powers for entry to all places****283 Application of div 3**

- (1) This division applies to an authorised officer who, under division 1 or 2, may enter or has entered a place.
- (2) However, if an authorised officer, under section 270(2) enters a place to ask the occupier's consent to enter premises, this division applies to the authorised officer only if the consent is given or the entry is otherwise authorised.

**284 General powers of compliance officer after entering places**

For performing a compliance officer's function under this Act, a compliance officer may do any of the following—

- (a) search any part of the place;

- (b) inspect, film, photograph, videotape or otherwise record an image of an animal, document or other thing at the place;
- (c) take an extract from, or copy, a document at the place;
- (d) take into the place the equipment, materials or persons the compliance officer reasonably requires for exercising a power under this part.

### **285 General powers of integrity officer after entering places**

- (1) For performing an integrity officer's function under this Act, an integrity officer may do any of the following—
  - (a) search any part of the place;
  - (b) open, using reasonable force, a stable, kennel or structure confining or containing an animal or other thing to examine the structure, animal or other thing;
  - (c) inspect, film, photograph, videotape or otherwise record an image of an animal, document or other thing at the place;
  - (d) take, or authorise another person to take, for analysis—
    - (i) a sample relating to a licensed animal at the place; or
    - (ii) a thing, or a sample of or from a thing, attached to or used on a licensed animal at the place; or

*Example for subparagraph (ii)—*

    - 1 a tongue tie from a horse
    - 2 medication on or under bandages on a greyhound  - (iii) another thing, or a sample of or from the thing, at the place;
- (e) mark, tag or otherwise identify a licensed animal at the place;
- (f) take an extract from, or copy, a document at the place;
- (g) take into the place the equipment, materials or persons the officer reasonably requires for exercising a power under this part;

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- (h) take a necessary step to allow a power under paragraphs (a) to (g) to be exercised.

*Example of a step for paragraph (h)—*

moving a licensed animal at the place to allow a sample to be taken from the animal

- (2) However, if the integrity officer does not believe that he or she is appropriately qualified to take a sample or thing for analysis under subsection (1)(d), the integrity officer must arrange for an appropriately qualified person (a *qualified person*) to take the sample or thing for the integrity officer.
- (3) If an integrity officer or qualified person takes a sample or thing for analysis under subsection (1)(d), the integrity officer—
- (a) must comply with section 144<sup>3</sup> or ensure that section is complied with by the qualified person; and
  - (b) give a receipt for the sample or thing to the person in charge of the animal or place from which it was taken; and
  - (c) for a sample or thing with an intrinsic value—at the end of 6 months after the sample or thing was taken, return it to the person who appears to be the owner of it or the person in charge of the animal or place from which it was taken.<sup>4</sup>
- (4) However, if for any reason it is not practicable to comply with subsection (3)(b), the integrity officer must leave the receipt at the place in a conspicuous position and in a reasonably secure way.
- (5) The receipt mentioned in subsection (3)(b) must be in the approved form.

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3 See section 144 (Way things taken for analysis by integrity officer or qualified person must be taken and dealt with).

4 See division 5 (Forfeiture) for what happens if the sample or thing can not be returned to its owner.



**286 Power to require reasonable help or information**

- (1) An authorised officer may require the occupier of the place, or a person at the place, to give the officer—
  - (a) reasonable help to exercise a power under this part; or
  - (b) information to help the authorised officer ascertain whether this Act is being complied with.
- (2) When making a requirement under subsection (1), the authorised officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.
- (3) A person required to give reasonable help under subsection (1)(a), or give information under subsection (1)(b), must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (4) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.

**Division 4 Seizure****287 Definition for div 4**

In this division—

*thing* includes a dead animal but does not include a live animal.

**288 Power to seize evidence—entry without consent or warrant**

An authorised officer who enters a place under this part without consent and without a warrant may seize a thing at the place only if the authorised officer believes—

- (a) the thing is evidence of an offence against this Act; and
- (b) the seizure is necessary to prevent the thing being—

- (i) destroyed, hidden or lost; or
- (ii) used to commit, continue or repeat, an offence against this Act.

### **289 Power to seize evidence—entry with consent or warrant**

- (1) This section applies if an authorised officer enters a place under this part with the necessary consent of a person or with a warrant.
- (2) If the authorised officer enters a place with the necessary consent, the authorised officer may seize a thing at the place if—
  - (a) the authorised officer believes the thing is evidence of an offence against this Act; and
  - (b) seizure of the thing is consistent with the purpose of entry as told to the person when asking for the person's consent.
- (3) If the authorised officer enters the place with a warrant, the authorised officer may seize a thing that is the evidence for which the warrant was issued.
- (4) The authorised officer may seize anything else at the place if the authorised officer believes—
  - (a) the thing is evidence of an offence against this Act; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) destroyed, hidden or lost; or
    - (ii) used to commit, continue or repeat an offence against this Act.

### **290 Securing seized things**

Having seized a thing, an authorised officer may—

- (a) move the thing from the place where it was seized (the *place of seizure*); or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it; or

*Examples of restricting access to a thing—*

- 1 marking, sealing, tagging or otherwise identifying the thing to show access to it is restricted
  - 2 sealing the entrance to a room where the thing is situated and marking the entrance to show access to the thing is restricted
- (c) for equipment—make it inoperable.

*Example of making equipment inoperable—*

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

**291 Offence to tamper with seized thing**

- (1) If an authorised officer restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an authorised officer's approval.

Maximum penalty—400 penalty units.

- (2) If an authorised officer makes seized equipment inoperable, a person must not tamper, or attempt to tamper, with the equipment, without an authorised officer's approval.

Maximum penalty—400 penalty units.

**292 Powers to support seizure**

- (1) To enable a thing to be seized, an authorised officer may require the person in control of it—

- (a) to take it to a stated reasonable place by a stated reasonable time; and
- (b) if necessary, to remain in control of it at the stated place for a stated reasonable period.

- (2) The requirement—

- (a) must be made by notice given to the person; or
- (b) if for any reason it is not practicable to give a notice to the person—may be made orally and confirmed by notice given to the person as soon as it is practicable.

- (3) A further requirement may be made under this section about the thing if it is necessary and reasonable to make the further requirement.
- (4) A person of whom a requirement is made under subsection (1) or (3) must comply with the requirement, unless the person has a reasonable excuse.  
Maximum penalty—300 penalty units.
- (5) The notices mentioned in subsection (2) must be in the approved form.

### **293 Receipt for seized thing**

- (1) After an authorised officer seizes a thing, the authorised officer must give a receipt for it to the person from whom the thing was seized.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised officer must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
- (3) The receipt must describe generally each thing seized and its condition.
- (4) This section does not apply to a thing if it would be impracticable or unreasonable to expect the authorised officer to account for the thing given its condition, nature and value.

### **294 Return of seized thing**

- (1) This section applies to a seized thing if—
  - (a) the thing has some intrinsic value; and
  - (b) the thing has not been forfeited under division 5.
- (2) The authorised officer must return the thing to its owner—
  - (a) at the end of 6 months after the seizure; or
  - (b) if a proceeding for an offence involving the thing is started within the 6 months—at the end of the proceeding and any appeal relating to the proceeding.

- (3) Despite subsection (2), the authorised officer must promptly return a thing seized as evidence if the authorised officer stops being satisfied—
  - (a) its continued retention as evidence is necessary; and
  - (b) its continued retention is necessary to prevent the thing being used to continue, or repeat, an offence.

## **295 Access to seized thing**

- (1) Until a seized thing is forfeited or returned, an authorised officer must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

## **Division 5 Forfeiture**

### **296 Forfeiture by authorised officer**

- (1) A sample or thing taken for analysis under section 285(1)(d), or a thing seized under division 4, is forfeited to the State if the authorised officer who took, or arranged the taking of, the sample or thing or seized the thing—
  - (a) after making reasonable efforts, can not return it to its owner; or
  - (b) after making reasonable inquiries, can not find its owner.
- (2) For subsection (1), the authorised officer is not required to—
  - (a) make efforts if it would be unreasonable to make efforts to return the sample or thing to its owner; or
  - (b) make inquiries if it would be unreasonable to make inquiries to find the owner.

*Example for paragraph (b)—*

The owner of the sample or thing has migrated to another country.

- (3) Regard must be had to the sample's or thing's condition, nature and value in deciding—
  - (a) whether it is reasonable to make efforts or inquiries; and
  - (b) if efforts or inquiries are made—what efforts or inquiries, including the period over which they are made, are reasonable.
- (4) In this section—

*owner*, for a sample or a thing taken for analysis, means the person in charge of the animal, thing or place from which the sample or thing was taken.

## **297 Forfeiture on conviction**

- (1) On conviction of a person for an offence against this Act, the court may order the forfeiture to the State of anything owned by the person and seized under division 4.
- (2) The court may make any order to enforce the forfeiture it considers appropriate.
- (3) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

## **298 Dealing with forfeited sample or thing**

- (1) On forfeiture of a sample or thing to the State, the sample or thing becomes the State's property and may be dealt with by the chief executive in a way the chief executive believes is appropriate.
- (2) Without limiting subsection (1), the chief executive may destroy or dispose of the sample or thing.

## **Division 6 Other powers**

### **299 Power to require name and address**

- (1) An authorised officer may require a person to state the person's name and residential or business address if the authorised officer—

- (a) finds the person committing an offence against this Act; or
  - (b) finds the person in circumstances that lead, or has information that leads, the authorised officer to suspect the person has just committed an offence against this Act.
- (2) When making the requirement, the authorised officer must warn the person it is an offence to fail to state the person's name or address unless the person has a reasonable excuse.
- (3) The authorised officer may also require the person to give evidence of the correctness of the stated name or required address if the authorised officer suspects the stated name or address is false.

### **300 Failure to give name or address**

- (1) A person of whom a requirement is made under section 299(1) or (3) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
- (a) the requirement was given because the authorised officer suspected the person had committed an offence against this Act; and
  - (b) the person is not proved to have committed the offence.

### **301 Power to require information about contravention**

- (1) This section applies if an authorised officer believes—
- (a) this Act has been contravened; and
  - (b) a person may be able to give information about the contravention.
- (2) The authorised officer may require the person to give information to the person's knowledge about the contravention in a stated reasonable time and in a stated reasonable way.

- (3) When making a requirement under subsection (2), the authorised officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.

### **302 Failure to give information about contravention**

- (1) A person of whom a requirement is made under section 301 must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) If the person is an individual, it is a reasonable excuse for the person if complying with the requirement might tend to incriminate the person.

### **303 Power to require production of documents**

- (1) An authorised officer may require a person to make available for inspection by an authorised officer, or produce to an authorised officer for inspection, at a stated reasonable time and place, a document required to be kept by the person under this Act.
- (2) The authorised officer may keep the document to copy it.
- (3) The authorised officer must return the document to the person after copying it.

### **304 Failure to produce document**

- (1) A person required to make available, or produce, for inspection a document under section 303 must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) It is not a reasonable excuse for a person that complying with the requirement might tend to incriminate the person.



## **Part 3                      Offences relating to authorised officers**

### **305      False or misleading statements**

- (1) A person must not state anything to an authorised officer that the person knows is false or misleading in a material particular.

Maximum penalty—300 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is enough to state the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

### **306      False or misleading documents**

- (1) A person must not give an authorised officer a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—300 penalty units.

- (2) Subsection (1) does not apply to a person if the person when giving the document—

- (a) tells the authorised officer to the best of the person’s ability, how it is false or misleading; and
- (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

- (3) In a proceeding for an offence against subsection (1), it is enough to state the document was ‘false or misleading’ to the person’s knowledge, without specifying which.

### **307      Obstruction of authorised officer**

- (1) A person must not obstruct an authorised officer in the exercise of a power under part 2, unless the person has a reasonable excuse.

Maximum penalty—300 penalty units.

- (2) If a person has obstructed an authorised officer and the authorised officer decides to proceed with the exercise of the power, the authorised officer must warn the person that—
- (a) it is an offence to obstruct the authorised officer unless the person has a reasonable excuse; and
  - (b) the authorised officer believes the person's conduct is an obstruction.
- (3) In this section—
- obstruct** includes assault, hinder, resist and attempt or threaten to obstruct.

## Part 4                      **Notice of damage and compensation**

### **308 Notice of damage**

- (1) This section applies if—
- (a) an authorised officer damages something when exercising, or purporting to exercise, a power under part 2; or
  - (b) a person acting under the direction or authority of an authorised officer damages something.
- (2) The authorised officer must give notice to the person who appears to the authorised officer to be the owner or person in possession of the thing.
- (3) If for any reason it is not practicable to comply with subsection (2), the authorised officer must leave the notice in a conspicuous position and in a reasonably secure way at the place where the damage happened.
- (4) The notice must state—
- (a) the particulars of the damage; and
  - (b) that the person who suffered the damage may claim compensation under section 309.

- (5) If the authorised officer believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised officer or person acting under the direction or authority of the authorised officer, the authorised officer may state the belief in the notice.
- (6) However, an authorised officer need not comply with this section if the authorised officer believes the damage is trivial.

### **309 Compensation**

- (1) This section applies if a person incurs loss or damage because of the exercise, or purported exercise, of a power under part 2, other than because of a forfeiture under section 296 or 297.
- (2) The person is entitled to be paid the reasonable compensation because of the loss or damage that is agreed between the chief executive and the person, or failing agreement, decided by a court.
- (3) Compensation may be claimed and ordered to be paid in a proceeding—
  - (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or
  - (b) for an offence against this Act brought against the person claiming compensation.
- (4) A court may order compensation to be paid only if satisfied it is just to make the order in the circumstances of the particular case.

## Chapter 8            Offences

### Part 1                Offences

#### Division 1            Offences relating to administration of Act

##### 310    Definitions for div 1

In this division—

*Act document* means—

- (a) an accreditation, approval, eligibility certificate, licence, identity card or other authority given under this Act; or
- (b) a document issued by or for a racing bookmaker evidencing a bet made with the racing bookmaker.

*background document* means—

- (a) an approved form, control body form, or gaming executive form, completed by a person about the person's business reputation, character, criminal history, current financial position or financial background; or
- (b) a document accompanying an accreditation application, application for a licence, approval application, approved form, control body form or gaming executive form; or
- (c) the fingerprints of a person obtained by the chief executive, gaming executive or a control body; or
- (d) another document obtained by the chief executive, gaming executive or a control body, relating to the person's business reputation, character, criminal history, current financial position or financial background.

*confidential information*, about someone, means information about—

- (a) the person's business reputation, character, criminal history, current financial position or financial background; or

(b) the person making an application under this Act.

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

***copy*** includes make a record.

***court*** includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

***forge*** includes counterfeit.

### **311 Protection for persons about whom confidential information or background documents obtained**

- (1) This section applies to a person, including a person who is or was a public service employee or control body officer, who, in the course of administering this Act or the repealed Act or because of an opportunity provided by involvement in administering this Act or the repealed Act—
  - (a) acquired confidential information about someone else; or
  - (b) gained access to a background document about someone else.
- (2) The person must not do any of the following unless the person has a reasonable excuse for doing so—
  - (a) disclose to anyone else the confidential information, or the contents of, or information contained in, a background document;
  - (b) copy a background document;
  - (c) give access to a background document to anyone else.

Maximum penalty—100 penalty units.
- (3) A person has a reasonable excuse for doing a thing mentioned in subsection (2) if—
  - (a) the person does the thing—
    - (i) in or for the performance of a function under this Act, including, for example, giving a document to the auditor-general if the information is relevant to an audit under section 60; or

- (ii) under the authority of this Act or another Act; or
  - (iii) with the consent of the person to whom the information or document relates; or
  - (iv) in compliance with lawful process requiring production of documents or giving evidence before a court; or
- (b) the disclosure was of a statistical nature that could not reasonably be expected to result in the identification of the person to whom it related.

### **312 Forgery and uttering Act documents**

(1) A person must not—

- (a) forge an Act document; or
- (b) knowingly utter an Act document that is forged.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person must not pretend to be a person named in an Act document, whether or not the person refers to the document.

*Example for subsection (2)—*

- 1 If a person steals an authorised officer's identity card, the person must not pretend to be the authorised officer identified in the card.
- 2 A person must not pretend to be an authorised officer by telling someone else that the person is an authorised officer.

Maximum penalty—200 penalty units or 2 years imprisonment.

### **313 Making a false statement in application or other document**

A person must not knowingly make a false statement—

- (a) in an accreditation application, application for a licence, application for an eligibility certificate or approval application; or
- (b) in a document the person is required to keep, or to give to the Minister, the chief executive, the gaming

executive, a control body or another person, under this Act.

Maximum penalty—200 penalty units or 2 years imprisonment.

## **Division 2                      Offences relating to racing contingencies**

### **314      Definitions for div 2**

In this division—

***conduct***, in relation to a racing contingency, includes—

- (a) to arrange for a place to be used for the racing contingency; and
- (b) to advertise or otherwise promote the racing contingency and seek nominations for animals to race; and
- (c) to arrange for persons to carry on bookmaking at the racing contingency; and
- (d) to participate in the racing contingency other than merely by being present at the place where the racing contingency is being, or is about to be, held; and
- (e) to help in any of the activities mentioned in paragraphs (a) to (d).

***racing contingency*** means a contest, contingency or event, other than a race meeting lawfully held under this Act, in which 2 or more animals compete against each other for the purpose of providing a contest, contingency or event on which bets are made.

### **315      Person must not conduct a racing contingency**

- (1) A person must not conduct a racing contingency.

Maximum penalty—200 penalty units.

- (2) The occupier of a place must not allow a person to conduct a racing contingency at the place.

Maximum penalty—200 penalty units.

### **Division 3                      Offences relating to prohibited things or interfering with licensed animals, persons or things**

#### **316      Definitions for div 3**

In this division—

*interfere with*, in relation to a licensed animal, a licence holder or an official of a control body, means—

- (a) inflict or cause injury to the licensed animal, licence holder or official; or
- (b) threaten to inflict or cause injury to the licensed animal, licence holder or official; or
- (c) otherwise affect in a detrimental way the behaviour, performance or physical condition of the licensed animal, licence holder or official.

*possess*, a thing, means—

- (a) have custody of the thing; or
- (b) have control of it at any place, whether or not someone else has custody of it.

*prohibited thing* means any of the following—

- (a) a drug;
- (b) a noxious or toxic thing that could be used to affect the behaviour, performance or physical condition of an animal or person;
- (c) a thing that does, or is designed to do, any of the following and may be used on a licensed animal in a detrimental way—
  - (i) supply electrical energy or another form of energy;



- (ii) conduct, discharge or store an electrical charge, current, voltage or another form of energy;
- (iii) apply, deposit, propel or spray a substance;
- (d) a hypodermic syringe or needle or other medical or veterinary instrument.

*use*, a prohibited thing on a licensed animal, means—

- (a) to use it on, or administer it to, the animal; or
- (b) to cause it to be used on, or administered to, the animal.

### **317 Person must not possess prohibited thing at particular places**

A person must not possess a prohibited thing at any of the following places unless the person has a reasonable excuse—

- (a) a licensed venue;
- (b) a place where a trial is held or to be held;
- (c) a place used for the purpose of training a licensed animal;
- (d) a kennel, stable or other place used for sheltering a licensed animal;
- (e) in or about a vehicle being, or about to be, used to transport a licensed animal;
- (f) another place where a licensed animal is located.

Maximum penalty—400 penalty units or 2 years imprisonment.

### **318 Person must not use prohibited thing on, or interfere with, a licensed animal**

- (1) A person must not, unless the person has a reasonable excuse—
  - (a) use a prohibited thing on a licensed animal; or
  - (b) interfere with a licensed animal.

Maximum penalty—600 penalty units or 2 years imprisonment.

- (2) For a veterinary surgeon, it is a reasonable excuse to use a prohibited thing on, or interfere with, a licensed animal—
- (a) to treat a condition or injury of the animal; or
  - (b) to do something else that accords with normal veterinary practice.

**319 Person must not interfere with licence holder or official of a control body**

- (1) A person must not, unless the person has a reasonable excuse, interfere with a licence holder in relation to the licence holder's performance of an activity for which the licence holder is licensed.

Maximum penalty—400 penalty units or 2 years imprisonment.

- (2) A person must not, unless the person has a reasonable excuse, interfere with an official of a control body performing a function or exercising a power under the control body's rules of racing.

Maximum penalty—400 penalty units or 2 years imprisonment.

**Division 4 Unlawful bookmaking, places where betting done unlawfully and other provisions**

**320 Application of div 4**

- (1) This division does not apply in relation to—
- (a) wagering lawfully conducted under the *Wagering Act 1998*; or
  - (b) betting by and with any 1 of the following persons as part of the person lawfully carrying on bookmaking, or conducting a racing bookmaker's business, at a licensed venue—
    - (i) a racing bookmaker;

- (ii) if a racing bookmaker is a corporation—a licensed executive officer of the corporation;
  - (iii) a racing bookmaker's clerk.
- (2) This division does not affect in any way—
  - (a) the *Charitable and Non-Profit Gaming Act 1999*; or
  - (b) the Criminal Code; or
  - (c) the *Wagering Act 1998*.

### **321 Unlawful bookmaking other than by racing bookmakers etc.**

A person must not carry on bookmaking unless the person is 1 of the following and lawfully carrying on bookmaking under the relevant racing bookmaker's licence—

- (a) a racing bookmaker;
- (b) if a racing bookmaker is a corporation—a licensed executive officer of the corporation;
- (c) a racing bookmaker's clerk who carries on bookmaking as part of conducting the racing bookmaker's business.

### **322 Illegal betting place**

- (1) Subject to subsection (2), a place is an *illegal betting place* if the place is opened, kept or used, wholly or partly, for 1 or more of the following—
  - (a) bookmaking by the occupier of the place with someone else;
  - (b) receiving money or other property by or for the occupier of the place as or for consideration for—
    - (i) any assurance, undertaking, promise or agreement, express or implied, to pay or give money or other property in relation to a race or sporting contingency; or
    - (ii) securing the paying or giving by someone else of money or other property in relation to a race or sporting contingency;

- (c) the payment or settlement of a bet made in relation to a race or sporting contingency.
- (2) A place is not an illegal betting place for an activity mentioned in subsection (1) if—
  - (a) the place is a licensed venue and the activity takes place when the venue is under the control of a control body for a race meeting; or
  - (b) the place may be lawfully used under another Act for the activity.
- (3) Section 254(3) provides that other places are not illegal betting places for the payment and settlement of a bet.

### **323 Prohibition on opening, keeping, using or promoting an illegal betting place**

- (1) A person must not—
  - (a) open, keep or use an illegal betting place; or
  - (b) allow a place, of which the person is the occupier, to be opened, kept or used as an illegal betting place, whether the occupier is or is not present at the time the place is opened, kept or used as an illegal betting place; or
  - (c) help, in any way, in operating an illegal betting place; or

*Example for paragraph (c)—*

A person, or the occupier, may invite someone else to use a service or facility at the illegal betting place.

  - (d) advertise by any means, including electronically, that a place is opened, kept or used, wholly or partly for betting on a race or sporting contingency in Queensland or elsewhere, if that place is an illegal betting place.
- (2) Subsection (3) applies to each of the following—
  - (a) a person who is the occupier of an illegal betting place;
  - (b) a person who is acting for the occupier of an illegal betting place;
  - (c) a person who is in any way helping in operating an illegal betting place.

- (3) The person must not, directly or indirectly, receive money or other property—
  - (a) as a bet on a race or sporting contingency; or
  - (b) as a deposit on a bet on condition of paying or giving money or other property in relation to a race or sporting contingency; or
  - (c) as or for consideration for an assurance, undertaking, promise or agreement, express or implied, to pay or give money or other property in relation to a race or sporting contingency.
- (4) A person must not give an acknowledgment on the receipt of money or other property, received in a way and for a purpose specified in subsection (3), purporting or intended to entitle the bearer or another person to receive money or other property in relation to a race or sporting contingency.

### **324 Contravention of s 321 or 323**

- (1) This section applies to a person who contravenes section 321 or 323 (a *relevant section*).
- (2) The person is liable to—
  - (a) for a first offence—a maximum penalty of 600 penalty units or 1 year's imprisonment; or
  - (b) for a second offence—a maximum penalty of 1200 penalty units or 2 years imprisonment; or
  - (c) for a third or subsequent offence—a maximum penalty of 4000 penalty units or 5 years imprisonment.
- (3) A person is liable for the penalty under this section—
  - (a) for a second offence—if the person has been convicted of a single offence against a relevant section, or against the repealed Act, section 214, 216 or 217; or
  - (b) for a third or subsequent offence—if the person has been convicted of 2 or more offences against a relevant section, or against the repealed Act, section 214, 216 or 217.

**325 Using an illegal betting place**

A person must not in any way use a service or facility at an illegal betting place, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

**326 Prohibition of betting at public place**

A person must not bet at a public place unless the betting is lawfully conducted under this Act or another Act.

Maximum penalty—100 penalty units.

**Division 5 Other offences****327 Interfering with particular things at licensed venue or places for holding trials**

- (1) This section applies to all of the following—
  - (a) a lighting, power or control system, lure drive, or any other plant or equipment, used in connection with holding a race or trial at a licensed venue or holding a trial at another place;
  - (b) a course prepared or laid out for holding the race or trial.
- (2) A person must not interfere with a thing to which this section applies without permission from the responsible person for the licensed venue or place.

Maximum penalty—400 penalty units or 2 years imprisonment.

- (3) In this section—

*interfere with*, in relation to the operation of plant or equipment or to a course, includes altering, damaging, destroying or removing the plant, equipment or course, or a part of the plant, equipment or course.

*responsible person*, for a licensed venue or a place, means—

- (a) for a day on which a race meeting is to be held at the licensed venue or on which a trial is to be held at the place—the control body controlling the licensed venue or place; or
- (b) for another day—the licensed club responsible for the licensed venue or the owner of the place.

### **328 Attempt to commit offence**

- (1) A person who attempts to commit an offence against this Act commits an offence.

Maximum penalty for an attempt—the maximum penalty for the completed offence.

- (2) The Criminal Code, section 4 applies to subsection (1).
- (3) A person may be convicted of attempting to commit an offence against this Act on a complaint or indictment charging the person with the offence.

## **Part 2 Legal proceedings**

### **Division 1 Evidence**

#### **329 Application of div 1**

This division applies to a proceeding, under this Act, for an offence.

#### **330 Appointments and authority**

The following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of the Minister, the chief executive, the gaming executive or an authorised officer;

- (b) the authority of a person mentioned in paragraph (a) to do anything under this Act;
- (c) the approval of a corporation as a control body;
- (d) the accreditation of a facility as an accredited facility and the statement of a person as—
  - (i) an accredited analyst or accredited veterinary surgeon for the accredited facility; or
  - (ii) an accredited analyst for a secondary facility for the accredited facility.

### **331 Signatures**

A signature purporting to be that of any of the following persons is evidence of the signature that it purports to be—

- (a) the Minister;
- (b) the chief executive;
- (c) the gaming executive;
- (d) the presiding case manager;
- (e) an authorised officer;
- (f) the secretary or a steward of a control body;
- (g) the secretary of a licensed club;
- (h) an accredited analyst;
- (i) an accredited veterinary surgeon.

### **332 Evidentiary aids—documents**

- (1) A document purporting to be a copy of an accreditation, appointment, approval, direction, licence, notice, order or other document made or given under this Act is evidence of the accreditation, appointment, approval, direction, licence, notice, order or other document and of the matters contained in it.
- (2) A document purporting to be signed by a control body's steward who, for the control body, was in charge of a race



meeting held by a licensed club and stating any of the following matters is evidence of the matter—

- (a) on a stated day, or at a stated place, a race meeting was held or allotted to be held by the club;
  - (b) a stated animal competed in, or had been entered to compete in, a race at the race meeting;
  - (c) the times when, under a direction given by the steward, betting with racing bookmakers could take place at the race meeting.
- (3) A certificate purporting to be signed by an accredited analyst stating any of the following matters is evidence of the matter—
- (a) a stated drug or code substance was found in or on a stated thing;
  - (b) a stated amount or concentration of a stated drug or code substance was found in or on a stated thing.
- (4) A certificate purporting to be signed by an accredited veterinary surgeon and stating the pharmacology of a stated drug or code substance is evidence of the matters contained in it.

### **333 Other evidentiary provisions**

- (1) In support of an allegation in a complaint or indictment about either of the following relating to a place, until the contrary is proved, it is sufficient to prove a bet was made or settled with, or paid to, a person at that place—
  - (a) that the place stated in the complaint or indictment is an illegal betting place;
  - (b) that a person is conducting bookmaking at the place stated in the complaint or indictment.
- (2) A statement in a complaint or indictment of 1 or more of the following matters is evidence, for this Act, of the matter or matters—
  - (a) a place was a public place at a stated time;

- (b) a particular person was, at a stated time, the occupier of a stated place;
  - (c) a particular person was, at a stated time, a member of or holder of an office in the committee of a stated licensed club or other stated association;
  - (d) on a stated day a race meeting was held, or allotted to be held, at a stated place;
  - (e) an animal known by a stated name competed in, or had been entered to compete in, a race meeting on a stated day.
- (3) Proof that a place is opened, kept or used wholly or partly for a purpose specified in section 323 is evidence that the place in question is opened, kept or used with the permission of the occupier of the place.
- (4) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.

## **Division 2                    Matters about offence proceedings,     indictable and summary offences**

### **334    Types of offences**

- (1) Subject to subsection (2), an offence against this Act is a summary offence.
- (2) An offence against section 113C, 321 or 323 is an indictable offence that is a misdemeanour.

### **335    Proceedings for indictable offence**

- (1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—
  - (a) by way of summary proceeding under the *Justices Act 1886*; or
  - (b) on indictment.

- (2) A magistrate must not hear an indictable offence summarily if—
  - (a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or
  - (b) the magistrate believes the charge should be prosecuted on indictment.
- (3) If subsection (2) applies—
  - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
  - (b) a plea of the person charged at the start of the proceeding must be disregarded; and
  - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

### **336 Limitation on who may summarily hear indictable offence**

- (1) The proceeding must be before a magistrate if it is a proceeding—
  - (a) for the summary conviction of a person on a charge for an indictable offence; or
  - (b) for an examination of witnesses for a charge for an indictable offence.
- (2) However, if the proceeding is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

### **337 Limitation on time for starting summary proceeding**

A proceeding for a summary offence against this Act by way of summary proceeding under the *Justices Act 1886* must start—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

### **338 Increased penalties**

A conviction for an offence against this Act or the repealed Act is not, after 10 years from the date of the conviction, receivable in evidence against a person for the purpose of subjecting the person to an increased penalty or to a forfeiture under this Act.

### **339 Executive officers must ensure corporation complies with Act**

- (1) The executive officers of a corporation must ensure the corporation complies with this Act.
- (2) If a corporation commits an offence against a provision of this Act, each of its executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this Act is evidence that each of its executive officers committed the offence of failing to ensure that the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) It is also a defence in a proceeding against an executive officer for the officer to prove information that tended to incriminate the corporation was obtained under section 286.

## **Chapter 9      Miscellaneous provisions**

### **Part 1            Miscellaneous provisions relating to racing and betting**

#### **340      Time race meeting taken to commence**

A race meeting, under the control of a control body, is taken to commence at the time that, under the direction of the steward who is in charge of the race meeting for the control body, betting with racing bookmakers may commence.

#### **341      Void betting contracts etc.**

Subject to sections 253 and 342—

- (a) a contract relating to betting is void; and
- (b) a promise, whether express or implied, to do any of the following under or in relation to a contract relating to betting is void—
  - (i) to pay money to a person;
  - (ii) to pay money to a person by way of commission, fee, reward or otherwise;
  - (iii) to pay money to a person for services rendered; and
- (c) an action may not be brought in a court to recover money or other property—
  - (i) alleged to be won or lost on a bet; or
  - (ii) given to a person as a stakeholder for an event on which a bet has been made; or
  - (iii) lent or advanced for the purpose of betting.

#### **342      Betting and other activities to which s 341 does not apply**

Section 341 does not apply—

- (a) if the betting is conducted under any of the following Acts—
  - (i) the *Casino Control Act 1982*;
  - (ii) the *Charitable and Non-Profit Gaming Act 1999*;
  - (iii) the *Gaming Machine Act 1991*;
  - (iv) the *Interactive Gambling (Player Protection) Act 1998*;
  - (v) the *Keno Act 1996*;
  - (vi) the *Lotteries Act 1997*;
  - (vii) the *Wagering Act 1998*; or
- (b) to a subscription or contribution, or agreement to subscribe or contribute, for or to a prize, trophy or amount to be awarded to the winner of a lawful game, sport, pastime or exercise or to a person who receives or holds the subscription or contribution for that purpose.

## **Part 2**                      **Forms and use of e-mail addresses**

### **343**      **Approved forms**

The chief executive may approve forms for use under this Act.

### **344**      **Electronic applications**

- (1) This section applies if—
  - (a) this Act requires an application to be made in an approved form, gaming executive form or control body form; and
  - (b) the form provides that the application may be made by electronically communicating it to an e-mail address for service stated in the form.

- (2) The application may be made by electronically communicating the information required by the form in a format substantially similar to the relevant form.

### **345 Electronic notices about applications**

- (1) This section applies if an application under this Act has been made in an approved form, gaming executive form or control body form, whether or not it has been made under section 344.
- (2) A notice from the Minister, chief executive, gaming executive or control body to the applicant about the application may be given by electronically communicating it to an e-mail address for service, as stated by the applicant in the form.
- (3) A notice from the applicant to the Minister, chief executive, gaming executive or control body about the application may be given by electronically communicating it to an e-mail address for service for the Minister, chief executive, gaming executive or control body, as stated in the form.

### **346 E-mail address for service generally**

- (1) This section applies to each of the following persons (a *notice recipient*) if, under this Act, the Minister, chief executive, gaming executive or control body must or may give a notice to the notice recipient—
  - (a) an accreditation holder;
  - (b) a certificate holder;
  - (c) a control body;
  - (d) a licence holder.
- (2) The Minister, chief executive, gaming executive or control body may give the notice to the notice recipient by electronically communicating it to the notice recipient at the e-mail address for service as stated for the notice recipient in—
  - (a) the accreditation certificate, approval, eligibility certificate or licence relevant to the notice recipient; or
  - (b) in a notice, in an approved form, gaming executive form or control body form, given by the notice recipient to the

Minister, chief executive, gaming executive or control body about a change in the e-mail address for the notice recipient.

**347 Acts Interpretation Act 1954, s 39 not limited by ss 344–346**

Sections 344 to 346 do not limit the *Acts Interpretation Act 1954*, section 39.

## **Part 3 Administrative and other matters**

**348 Protection from liability**

- (1) This section applies to each of the following persons (a *relevant person*)—
  - (a) the Minister;
  - (b) the chief executive;
  - (c) the gaming executive;
  - (d) an authorised officer;
  - (e) if an authorised officer has asked someone else to help the officer to exercise a power under this Act and the other person is giving the help—the other person;
  - (f) a person who is or was a public service employee of the department, or another department administered by the gaming executive;
  - (g) a person who is required to comply, and is complying, with a requirement under section 282(1), 286(1), 292(1) or (3), 301(2) or 303(1).
- (2) A relevant person is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.



- (3) If subsection (2) prevents a civil liability attaching to a relevant person, the liability attaches instead to the State.
- (4) In this section—  
*civil liability* includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.

### **349 Things to be done as soon as practicable**

If no time is provided or allowed for doing something under this Act, the thing is to be done as soon as practicable, and as often as the relevant occasion happens.

### **350 Satisfaction, belief or suspicion must be on grounds that are reasonable in the circumstances**

- (1) This section applies if, under this Act—
  - (a) a person is required to be satisfied or not satisfied of, or have a belief or suspicion about, a particular matter before the person may do or refrain from doing an act, or make a decision; or
  - (b) if the person is satisfied or not satisfied of, or has a belief or suspicion about, a particular matter, a person is required to do or refrain from doing an act, or make a decision.
- (2) The person must be satisfied or not satisfied or have the belief or suspicion on grounds that are reasonable in the circumstances.

*Example of operation of subsection (2)—*

Section 276(3) provides an authorised officer need not comply with particular requirements if the authorised officer believes immediate entry to a place is required to ensure the effective execution of a warrant is not frustrated. The authorised officer must believe the immediate entry is required on grounds that are reasonable in the circumstances.

### **351 Matters must be considered appropriate on grounds that are reasonable in the circumstances**

- (1) This section applies if, under this Act, any of the following entities is required to consider that a particular matter is

appropriate before the entity may do or refrain from doing an act or make a decision—

- (a) a court;
  - (b) the integrity board;
  - (c) the tribunal.
- (2) The entity must not do or refrain from doing the act, or make the decision, unless it considers the particular matter is appropriate on grounds that are reasonable in the circumstances.

### **352 Records about drugs and veterinary surgeons**

- (1) The chief executive (health) may give to the chief executive information relating to the following in the possession of the chief executive (health) under the *Health Act 1937*—
- (a) controlled drugs, restricted drugs or poisons, obtained by a veterinary surgeon;
  - (b) records a veterinary surgeon is required to keep under that Act about controlled drugs or poisons.<sup>5</sup>
- (2) In this section—

**chief executive (health)** means the chief executive of the department in which the *Health Act 1937* is administered.

**controlled drug** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

**obtain** means acquire, buy, receive or otherwise obtain.

**poison** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

**restricted drug** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

### **352A Integrity of analysis of thing**

- (1) This section applies to any of the following decisions—

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<sup>5</sup> See the *Health (Drugs and Poisons) Regulation 1996*, sections 111(1) and 285(1) about records to be kept for controlled drugs and poisons respectively.

- (a) a decision of a control body about taking disciplinary action relating to a licence, which action is reliant on a relevant certificate about the results of the analysis of a thing;
  - (b) a decision of an appeal committee on an appeal against a decision of a control body's steward for which the steward relied on a relevant certificate about the results of the analysis of a thing;
  - (c) a decision of the tribunal on an appeal against a decision of an appeal committee mentioned in paragraph (b);
  - (d) a decision of the tribunal on an appeal against a decision of a control body's steward for which the steward relied on a relevant certificate about the results of the analysis of a thing.
- (2) In making the decision, it is enough for the decision maker to be satisfied that the method of taking and dealing with the thing for analysis was in compliance with the requirements of section 143(3) to the extent that the integrity of the analysis was not adversely affected (*substantial compliance*).
- (3) Evidence of an accredited analyst or accredited veterinary surgeon, for an accredited facility, that the method of taking and dealing with the thing for analysis was in substantial compliance with the requirements of section 143(3) is evidence of that fact and, in the absence of evidence to the contrary, conclusive evidence of that fact.
- (4) In this section—  
*relevant certificate* means a certificate mentioned in section 147(3).

### **353 Fees etc. that are owing to the State are debts**

All fees and other amounts due and payable by a person under this Act to the State may be recovered by action as a debt.

### **354 Delegations**

- (1) The Minister may delegate the Minister's powers under this Act to the chief executive or an appropriately qualified officer of the department.

- (2) The chief executive may delegate the following to an appropriately qualified person—
  - (a) the chief executive's powers under this Act;
  - (b) a power delegated to the chief executive under subsection (1).

## **Part 4                      Regulations**

### **355      Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may—
  - (a) prescribe the way a thing may be taken or dealt with for analysis; and
  - (b) prescribe a law of another State as a law about racing or betting; and
  - (c) prescribe requirements that must be met for a facility to be accredited under chapter 4, part 2; and
  - (d) prescribe the fees required under this Act, including the fees mentioned in sections 11, 29, 129 and 207.

## **Chapter 10      Repeal, transitional provisions and other provisions**

### **Part 1            Repeal**

#### **356      Repeal of Racing and Betting Act**

The Racing and Betting Act 1980 (1980 Act No. 43) is repealed.

### **Part 2            Transitional provisions for Racing Act 2002**

#### **Division 1        Definition for part 2**

#### **357      Definition for pt 2**

In this part—

*commencement* means the commencement of the provision in which the term is used.<sup>6</sup>

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<sup>6</sup> All provisions in part 2 commenced 1 July 2003 (see 2003 SL No. 141).

**Division 2                    Provisions relating to chapter 2****Subdivision 1                Matters about relocated provisions  
and control bodies under the  
repealed Act****358     Effect of relocation**

The relocated provisions continue to have effect as provisions of this Act.

*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.

**359     Codes of racing for which continuing control bodies  
responsible**

- (1) The Thoroughbred Racing Board continues as the control body for thoroughbred racing.
- (2) The Harness Racing Board continues as the control body for harness racing.
- (3) The Greyhound Authority continues as the control body for greyhound racing.
- (4) This section does not limit section 358.
- (5) On 1 July 2006—
  - (a) subsection (1) stops applying; and
  - (b) the Thoroughbred Racing Board stops being a continuing control body.

*Note—*

See also part 4 for provisions about the dissolution of the Thoroughbred Racing Board.

- (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.

### **360 Things done under relocated provisions continue to have effect**

A thing continues to have effect as if the thing had been done under this Act if the thing—

- (a) expressly or impliedly was authorised or required to be done under a relocated provision; and
- (b) was in force immediately before the relocation.

### **361 Relocation does not affect legal personality etc.**

- (1) The relocation of the relocated provisions does not—
  - (a) affect a continuing control body's legal personality or identity; or
  - (b) affect a right, entitlement or liability of a continuing control body or anyone else; or
  - (c) make legal proceedings by or against a continuing control body defective.
- (2) Without limiting subsection (1), the relocation of the relocated provisions does not affect any right, entitlement, liability or benefit a continuing body would have had or enjoyed.
- (3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against a continuing control body immediately before the commencement, it may be continued or started by or against it as a control body under this Act.

**362 Relocation does not affect existing legal relationships**

Without limiting section 361(1), the relocation of the relocated provisions—

- (a) does not place a continuing control body in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make a continuing control body in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
  - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
  - (ii) requiring an amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, in whole or in part, from an obligation.

**363 Function of continuing control body**

- (1) The function of each continuing control body is to manage its code of racing.
- (2) To remove doubt, it is declared that managing a continuing control body's code of racing includes all of the matters conferred on the control body as a function immediately before the commencement.

*Examples of matters conferred on a continuing control body before the commencement—*

matters stated in the repealed Act, sections 11A(1), 52(2) and 93(2)

**364 Powers of continuing control body**

- (1) The powers of each continuing control body are the powers of a control body under this Act.
- (2) However, if a continuing control body had power to do a thing under the repealed Act as in force immediately before the



commencement and the continuing control body does not have power as a control body to do the thing under this Act, the continuing control body has power to do the thing as if the repealed Act had not been repealed.

- (3) Without limiting subsection (2)—
- (a) the Thoroughbred Racing Board has power to do a thing mentioned in the repealed Act, sections 11B and 11BA, as in force immediately before the commencement; and
- Note—*
- On 1 July 2006, the Thoroughbred Racing Board stopped being a continuing control body.
- (b) the Harness Racing Board has power to do a thing mentioned in the repealed Act, sections 52(2A) to (10) and 52A, as in force immediately before the commencement; and
- Note—*
- On 1 July 2008, the Harness Racing Board stopped being a continuing control body.
- (c) the Greyhound Authority has power to do a thing mentioned in the repealed Act, sections 93(2A) to (10) and 93A, as in force immediately before the commencement; and
- Note—*
- On 1 July 2008, the Greyhound Authority stopped being a continuing control body.
- (d) each continuing body has power to do a thing mentioned in the repealed Act, section 254A, as in force immediately before the commencement.
- (4) If, under a power under the repealed Act as in force immediately before the commencement, a continuing control body started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

### **365 Minister to give each continuing control body an approval**

The Minister may give each continuing control body an approval for the control body's code of racing for this Act,

stating conditions the Minister believes are appropriate in the circumstances.

### **366 Membership of continuing control body and chairpersons**

- (1) Subject to subsection (3), a person who, immediately before the commencement, was a member of a continuing control body continues to be a member of the continuing control body on the same conditions applying to the member before the commencement.
- (2) Subject to subsection (3), a person who, immediately before the commencement, was the chairperson or deputy chairperson of a continuing control body continues to be the chairperson or deputy chairperson of the continuing control body on the same conditions applying to the person before the commencement.
- (3) Despite schedule 1, part 2, section 11I(1)—
  - (a) a member of the Thoroughbred Racing Board holds office until schedule 1 expires; and
  - (b) the chairperson and deputy chairperson of Thoroughbred Racing Board continue to be the chairperson and deputy chairperson of the Thoroughbred Racing Board until schedule 1 expires.
- (4) Subsection (3) stops applying on 1 July 2006.
- (5) A person's membership or office mentioned in this section may be vacated under this Act.

### **367 Delegations by continuing control bodies**

- (1) A continuing control body may delegate the body's powers under this Act, including the body's powers mentioned in schedule 1, to—
  - (a) a member of the control body; or
  - (b) an appropriately qualified officer or employee of the control body.
- (2) A delegation by a continuing control body to any person, made under the repealed Act, its rules of racing or by resolution, before the commencement and in force

immediately before the commencement, continues to have effect as if the delegation had been made under subsection (1).

### **368 Application of this Act to continuing control body**

- (1) If a provision of this Act is not capable of applying to a continuing control body, the provision does not apply.

*Example for subsection (1)—*

A provision may refer to the constitution of a control body, but a continuing control body does not have a constitution. To this extent, it is not practicable for the provision to apply to the continuing control body.

- (2) However, for the application of this Act to a continuing control body a reference to an executive officer of a control body includes a member of a continuing control body.

*Example for subsection (2)—*

sections 97(3)(a), 117(2)(d) and 154(a)

### **369 Racing calendar**

- (1) This section applies if, before the commencement, a continuing control body had a racing calendar for the period that included the day of the commencement.
- (2) The continuing control body is taken to have complied with section 38 during the period to which the racing calendar relates, starting on the commencement.
- (3) In this section—

*racing calendar* includes a document published by the continuing control body called a racing calendar, whether or not the control body was, under the repealed Act, required to have a racing calendar.

## **Subdivision 2      Transitional provisions for provisions about control bodies under chapter 2**

### **371      When corporation may apply for approval as control body for thoroughbred, harness or greyhound racing**

- (1) The purpose of this section is to allow an eligible corporation to apply to be approved as the control body for thoroughbred, harness or greyhound racing within a reasonable time before the expiry of schedule 1.
- (2) An eligible corporation may make an approval application under section 10(1) for any of the following codes of racing after 1 year after the commencement—
  - (a) thoroughbred racing;
  - (b) harness racing;
  - (c) greyhound racing.

## **Subdivision 3      Racing associations**

### **372      Membership of racing association and chairpersons**

- (1) A person who, immediately before the commencement, was a member of a racing association continues to be a member of the racing association on the same conditions applying to the member before the commencement.
- (2) A person who, immediately before the commencement, was the chairperson of a racing association continues to be the chairperson of the racing association on the same conditions applying to the person before the commencement.
- (3) If, under a power under the repealed Act as in force immediately before the commencement, a racing association started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

## **Subdivision 4      Queensland Regional Racing Council**

### **373      Continuation of council and its members and chairperson**

- (1) A person who, immediately before the commencement, was a member of the Queensland Regional Racing Council continues to be a member of the council on the same conditions applying to the person as a member immediately before the commencement.
- (2) A person who, immediately before the commencement, was the chairperson of the Queensland Regional Racing Council continues to be the chairperson of the council on the same conditions applying to the person before the commencement.
- (3) A recommendation or report of the Queensland Regional Racing Council under the repealed Act, section 34C is taken to be a recommendation or report of the council under section 67 of this Act.
- (4) If, under a power under the repealed Act as in force immediately before the commencement, the Queensland Regional Racing Council started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

## **Division 3                  Provisions relating to chapter 3**

### **374      Licences and other forms of authority continue to have effect**

- (1) This section applies to a licence and any other form of authority, however described, issued to a person by a continuing control body before the commencement, that was in force immediately before the commencement.
- (2) The licence or other form of authority continues to have effect under this Act subject to—
  - (a) the conditions stated in the licence or other authority;
  - and

- (b) this Act; and
  - (c) the continuing control body's policies and rules of racing.
- (3) To the extent of any inconsistency among provisions applying to a licence or other form of authority, this Act prevails.

### **375 Actions by control body continue to have effect**

- (1) This section applies to an action taken, however described, by a continuing control body in relation to a person before the commencement that was in force immediately before the commencement, other than an action resulting in a licence or other form of authority to which section 374 applies.

*Examples of actions taken by a control body before commencement—*

- 1 A person is named on a forfeit list, disqualified from being a licence holder or is warned off from entering a racing venue, under a continuing control body's rules of racing.
  - 2 A person's licence is suspended.
- (2) The action continues to have effect under this Act subject to—
- (a) any conditions stated in a document by which the action was taken against the person, or notice given to the person about the action; and
  - (b) this Act; and
  - (c) the continuing control body's policies and rules of racing.
- (3) To the extent of any inconsistency among provisions applying to the action, this Act prevails.

### **376 Consultation to be undertaken as part of development of policy**

- (1) This section applies to a continuing control body for the purpose of making policies until, as required under section 81(a), the control body makes a policy about the way the control body will develop its policies.
- (2) Before a continuing control body makes a policy, it must publish a notice of the preparation of a draft policy in a

newspaper likely to be read by people particularly affected by the draft policy.

- (3) The notice must state all of the following—
  - (a) the matters the policy will deal with;
  - (b) where copies of the draft policy may be obtained or inspected, including, for example, its availability on the control body's website;
  - (c) that a person may comment on the draft policy to the control body;
  - (d) the period during which comments may be made.
- (4) In addition, the draft policy must comply with section 83 to the extent practicable.
- (5) The period during which comments may be made must be at least 28 days after the day of the publication of the notice.
- (6) A copy of the draft policy must be available free, or on payment of a reasonable price, at the place, or each of the places, stated in the notice.

### **377 Rules of continuing control bodies are rules of racing under this Act**

- (1) The rules of racing under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Thoroughbred Racing Board.

*Note—*

On 1 July 2006, the Thoroughbred Racing Board stopped being a continuing control body. See also part 4.

- (2) The rules of trotting under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Harness Racing Board.

*Note—*

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

- (3) The rules of greyhound racing under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Greyhound Authority.

*Note—*

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

- (4) Subsections (1) to (3) have effect only to the extent that the rules of racing, trotting or greyhound racing are not inconsistent with this Act.
- (5) Also, a regulation may declare rules of racing, trotting or greyhound racing, that are rules of racing under subsections (1) to (3), to be invalid.

### **378 Amendment etc. of rules continued in force under s 377**

- (1) This section applies to a control body's rules of racing continued under section 377.
- (2) Despite section 92, a control body may—
  - (a) amend or omit a provision of the rules; or
  - (b) repeal the rules.

### **379 Registered clubs taken to be licensed**

- (1) This section applies to a greyhound club, race club and trotting club that, under the repealed Act as in force immediately before the commencement, is registered under that Act as a greyhound club, race club or trotting club by a continuing control body.
- (2) Each club is taken to be licensed by the continuing control body to conduct racing under this Act.
- (3) In an Act or document, a reference to a greyhound club, race club or trotting club under the *Racing and Betting Act 1980* may, if the context permits, be taken to be a licensed club licensed by the Greyhound Authority, Thoroughbred Racing Board or Harness Racing Board.

*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).



**380 Directions for s 101**

In section 101—

*control body direction* includes a direction given under the repealed Act, section 11B(2)(r), 52(3)(t) or 93(3)(t), as in force immediately before the commencement, including a direction mentioned in section 11B(3), 52A(2) and 93A(2) of that Act.

**Division 4 Provisions relating to chapter 4****381 Definitions for div 4**

In this division—

*advisory board* means the Racing Codes Advisory Board constituted under the repealed Act, section 10A as in force immediately before the commencement.

*racing science centre* means the unit of the department known, immediately before the commencement, as the racing science centre.

**382 Integrity board is continuation of advisory board**

The integrity board is a continuation of the advisory board.

**383 Members and chairperson of advisory board continue as board members and board chairperson**

- (1) A member of the advisory board immediately before the commencement continues as a board member for the balance of the term of the member's appointment as a member of the advisory body under the repealed Act.
- (2) The member of the advisory board who was the chairperson of the advisory board immediately before the commencement is the board chairperson while the person continues as a board member under subsection (1).
- (3) A person's membership or office mentioned in this section may be vacated under this Act.

**384 Racing science centre taken to be accredited facility**

- (1) The chief executive is taken to have accredited the racing science centre as an accredited facility under section 131 of this Act.
- (2) The chief executive must, immediately after the commencement, issue an accreditation certificate in relation to the racing science centre stating the information mentioned in section 132(3).
- (3) The accreditation expires 6 months after the commencement.

**Division 5 Provisions relating to chapter 5****385 Definitions for div 5**

In this division—

*authority* means the Racing Appeals Authority established under the repealed Act, section 115B.

*continuing member* means a person continuing as a tribunal member under section 387(1).

**386 Tribunal is continuation of Racing Appeals Authority**

- (1) The Racing Appeals Tribunal is a continuation of the authority.
- (2) The other provisions of this part do not limit subsection (1).

**387 Members of authority continue in office as tribunal members etc.**

- (1) A member of the authority immediately before the commencement continues as a tribunal member for the balance of the term of the person's appointment as a member of the authority under the repealed Act.
- (2) The continuing member who was chairperson or deputy chairperson of the authority immediately before the commencement is the tribunal chairperson or deputy tribunal

chairperson while the person continues as a tribunal member under subsection (1).

- (3) A continuing member's office may be vacated under this Act.

### **388 Appeals under repealed Act**

- (1) An appeal started under the repealed Act, part 3, division 3A, but not decided before the commencement may be dealt with, or continue to be dealt with, under this Act by the tribunal.
- (2) A decision that could have been appealed under the repealed Act, part 3, division 3A, after the commencement except for the repeal of that Act may be appealed under chapter 5 of this Act.
- (3) Subsection (4) applies to a decision of a racing association appeals committee.
- (4) A decision of the tribunal relating to an appeal against a decision mentioned in subsection (3) must be given effect by the Thoroughbred Racing Board.
- (5) For an appeal under this section, chapter 5 applies with any necessary changes.

### **389 Decisions of authority**

- (1) This section applies to the extent a decision of the authority is relevant for this Act.
- (2) The decision applies as a decision of the tribunal given under this Act.

## **Division 6 Provisions relating to chapter 6**

### **390 Racing bookmaker and racing bookmaker's clerk**

- (1) A person who is a racing bookmaker or racing bookmaker's clerk under the repealed Act as in force immediately before the commencement continues as a racing bookmaker or racing bookmaker's clerk under this Act for the period of the

person's licence as a racing bookmaker or racing bookmaker's clerk.

- (2) The person's licence is taken to have been granted by the control body that granted it under the repealed Act and to be for the code of racing for which it was granted under that Act.
- (3) Subsection (1) does not apply if the person's licence is cancelled.
- (4) Also, subsection (1) does not stop the person's licence being suspended.

### **391 Eligibility certificate**

- (1) An eligibility certificate given under the repealed Act, section 153, that has not lapsed under section 155 of that Act before the commencement, continues as an eligibility certificate under this Act.
- (2) An application for an eligibility certificate made under the repealed Act, part 4, division 4, and not decided by the gaming executive before the commencement must be dealt with, or continue to be dealt with, as an application for an eligibility certificate made under chapter 6, part 3, of this Act.

### **392 Audit program and investigation**

- (1) An audit program approved by the gaming executive under the repealed Act, section 156, and in force immediately before the commencement, continues as an audit program approved by the gaming executive under section 223 of this Act.
- (2) An investigation of a certificate holder, or of a business associate or executive associate of a certificate holder, being conducted under the repealed Act, part 4, division 5, happening immediately before the commencement may be continued under chapter 6, part 3, division 3 of this Act.

### **393 Cancellation of eligibility certificate**

If, under the repealed Act, part 4, division 6, the gaming executive started to deal with a matter and had not finalised it before the commencement, the matter may continue to be

dealt with and finalised under chapter 6, part 3, division 4 of this Act.

### **394 Appeal relating to eligibility certificate**

- (1) An appeal started under the repealed Act, part 4, division 7, but not decided before the commencement may be dealt with, or continue to be dealt with, under chapter 6, part 3, division 6 of this Act.
- (2) A decision that could have been appealed under the repealed Act, part 4, division 7, after the commencement except for the repeal of that Act may be appealed under chapter 6, part 3, division 6 of this Act
- (3) For an appeal under this section, chapter 6, part 3, division 6 applies with any necessary changes

### **395 Approved bookmaking system under repealed Act taken to be approved under s 141 by continuing control body**

- (1) This section applies if an approval of a telephone bookmaking system under the repealed Act, section 141, is in force immediately before the commencement.
- (2) Each continuing control body is taken to have approved the telephone bookmaking system under section 249 of this Act.
- (3) The approval under subsection (2) continues until the continuing control body approves another system under section 249 of this Act.

## **Division 7 Miscellaneous provisions**

### **396 References to repealed Act**

In an Act or document, a reference to the *Racing and Betting Act 1980* may, if the context permits, be taken to be a reference to this Act.

## 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.

## Part 4 Transitional provisions for Racing Amendment Act 2006

### 397 **Definitions for pt 4**

In this part—

*commencement* means 1 July 2006.

*former board* means the Thoroughbred Racing Board.

*new thoroughbred control body* means Queensland Racing Limited ACN 116 735 374, approved as the control body for thoroughbred racing.

### 398 **Dissolution of former board**

- (1) On the commencement—
  - (a) the former board is dissolved; and
  - (b) the members of the former board go out of office.
- (2) No compensation is payable to a member because of subsection (1).

**399 New thoroughbred control body is legal successor of former board**

- (1) The new thoroughbred control body is the successor in law of the former board.
- (2) The other provisions of this part do not limit subsection (1).

**400 Assets and liabilities etc.**

- (1) On the commencement—
  - (a) anything that was an asset or liability of the former board immediately before the commencement becomes an asset or liability of the new thoroughbred control body; and
  - (b) an agreement or arrangement in force immediately before the commencement between the former board and another entity is taken to be an agreement or arrangement between the new thoroughbred control body and the other entity; and
  - (c) any property that was, immediately before the commencement, held by the former board on trust or subject to conditions continues to be held by the new thoroughbred 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 thoroughbred control body, record the vesting of property under this section in the new thoroughbred control body.

**401 Employees of former board**

- (1) This section applies to a person who, immediately before the commencement, was an employee of the former board.
- (2) On the commencement, the person becomes an employee of the new thoroughbred 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.

## **402 Proceedings**

- (1) A proceeding that could have been started by or against the former board before the commencement may be started by or against the new thoroughbred control body.
- (2) From the commencement, an existing proceeding may be continued and finished by or against the new thoroughbred 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) the former board;
  - (ii) a member of the former board in the capacity as a member of the former board; and
- (b) has not been finished before the commencement.

## **403 Things done by former board**

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



- (c) a licence issued or taken to be issued by the former board before the commencement that is in force immediately before the commencement continues as if it had been issued by the new thoroughbred control body; and
- (d) a racing calendar prepared by the former board for a period ending after the commencement continues as if it had been prepared by the new thoroughbred control body.

#### **404 Rights and obligations of former board under this Act**

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

#### **405 Application of audit regime to new thoroughbred control body**

From the commencement, a program approved by the Minister under section 46(3) for 2006 applies to the new thoroughbred control body to the extent it is stated to apply to the former board.

#### **406 Provision for committee members**

- (1) This section applies to a person who—
  - (a) immediately before the commencement, was a member of the committee and a member of the former board; and
  - (b) on the commencement, is a member or director of the new thoroughbred control body.
- (2) Despite section 68C(g)(i), the person does not vacate office as a member of the committee.

#### **407 Provision for application of s 68M**

- (1) This section applies for section 68M in relation to the year in which the commencement falls.

- (2) An amount of the former board's net UNiTAB product fee paid under the section by the former board before the commencement is taken to have been paid by the new thoroughbred control body under the section.

#### **408 Appeals**

- (1) If an appeal committee was established by the 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 new thoroughbred control body under its rules of racing for thoroughbred 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 new thoroughbred control body's rules of racing for thoroughbred racing.
- (2) Subsection (3) applies in relation to an appeal—
  - (a) against a reviewable decision 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 new thoroughbred 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 new thoroughbred control body.
- (5) This section does not limit section 403(1).

#### **409 Continuation of action started against licensed club under ch 3, pt 4**

- (1) This section applies if, before the commencement, the 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 new thoroughbred control body.
- (3) This section does not limit section 403(1).

#### **410 Pt 4 does not affect existing legal relationships**

Nothing done under this part in relation to the former board—

- (a) places the new thoroughbred control body in breach of a contract, trust or confidence or otherwise makes the new thoroughbred control body guilty of a civil wrong; or
- (b) makes the new thoroughbred 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.

#### **411 References to former board**

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

## 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.

## Part 6 **Transitional provisions for the Racing and Other Legislation Amendment Act 2010**

### **427 Definitions for pt 6**

In this part—

*commencement* means 1 July 2010.

*former control body* means each of the following—

- (a) Queensland Racing Limited ACN 116 735 374;
- (b) Greyhounds Queensland Limited ACN 128 067 247;
- (c) Queensland Harness Racing Limited ACN 128 036 000.

*new control body* means Racing Queensland Limited ACN 142 786 874.

### **428 Cancellation of old approvals and issue of new approval**

- (1) The approvals held by the former control bodies are cancelled at midnight on 30 June 2010.
- (2) On 1 July 2010, the Minister must give an approval to the new control body to be the control body for the following codes of racing—
  - (a) thoroughbred racing;
  - (b) harness racing;
  - (c) greyhound racing.
- (3) An approval given under subsection (2)—
  - (a) is taken to have been given under section 26; and
  - (b) has effect from the beginning of the day it is given; and
  - (c) is subject to the conditions imposed by the Minister by notice given to the new control body.

### **429 Assets and liabilities etc.**

- (1) On the commencement—

- (a) anything that was an asset or liability of a former control body immediately before the commencement becomes an asset or liability of the new control body; and
  - (b) an agreement or arrangement in force immediately before the commencement between a former control body and another entity is taken to be an agreement or arrangement between the new control body and the other entity; and
  - (c) any property that was, immediately before the commencement, held by a former control body on trust or subject to conditions continues to be held by the 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 control body, record the vesting of property under this section in the new control body.

**430 Provision taken to be included in constitutions of former control bodies**

Each former control body's constitution is taken to include, and to have always included, a provision allowing a director of the former control body to give the former control body's agreement to the enactment of provisions having the effect of provisions set out in this part, in particular, provisions—

- (a) cancelling the former control body's approval and giving, to the new control body, an approval as the control body for all codes of racing; and
- (b) divesting the former control body of its assets and liabilities and vesting the assets and liabilities in the new control body; and
- (c) stating that no compensation is payable to the former control body or its members or directors for any action taken under this part.

**431 Displacement provisions for Corporations legislation**

Sections 429 and 430 are declared to be Corporations legislation displacement provisions for the Corporations Act, section 5G.

**432 Employees of former control bodies**

- (1) This section applies to a person who, immediately before the commencement, was an employee of a former control body.
- (2) On the commencement—
  - (a) the person becomes an employee of the new control body on the same terms and conditions of employment as applied to the person immediately before the commencement; and
  - (b) the person remains entitled to all rights of employment existing or accruing immediately before the commencement.
- (3) Subsection (4) applies if the person was, immediately before the commencement, entitled to a remuneration package of not more than \$100000 a year.
- (4) For 2 years from the commencement, the terms and conditions of the person's employment must be at least equivalent to the terms and conditions applying to the person immediately before the commencement.
- (5) In this section—

*remuneration package*, for a person, means the cost to the person's employer of employing the person, including the cost of making contributions to a superannuation scheme for the person and providing for the person's leave entitlements.

**433 Proceedings**

- (1) A proceeding that could have been started by or against a former control body before the commencement may be started by or against the new control body.
- (2) From the commencement, an existing proceeding may be continued and finished by or against the new control body.

(3) In this section—

*existing proceeding* means a proceeding that—

- (a) was taken by or against one of the following before the commencement—
  - (i) a former control body;
  - (ii) a person who was a member of a former control body, in the person's capacity as a member; and
- (b) has not been finished before the commencement.

#### **434 Things done by former control bodies**

(1) Anything done by a former control body under this Act—

- (a) continues to have effect; and
- (b) from the commencement, is taken to have been done by the new control body.

(2) Without limiting subsection (1), on the commencement—

- (a) a policy of a former control body in effect immediately before the commencement continues as if it were a policy of the new control body; and
- (b) rules of racing made by a former control body and in force immediately before the commencement continue as if they were rules of racing made by the new control body; and
- (c) a licence issued or taken to be issued by a former control body before the commencement and in force immediately before the commencement continues as if it had been issued by the new control body; and
- (d) a racing calendar prepared by a former control body for a period ending after the commencement continues as if it had been prepared by the new control body.

#### **435 Rights and obligations of former control bodies under this Act**

Without limiting any other provision in this part, a right or obligation of a former control body under this Act

immediately before the commencement becomes a right or obligation of the new control body.

#### **436 Application of audit regime to new control body**

From the commencement, a program approved by the Minister under section 46(3) for 2010 applies to the new control body to the extent it is stated to apply to a former control body.

#### **437 Net UNiTAB product fee paid before commencement**

- (1) This section applies to an amount of the former control body's net UNiTAB product fee paid, before the commencement, by the former control body under section 68M, in the year in which the commencement falls.
- (2) On the commencement, the amount is taken to have been paid by the new control body under section 60B.
- (3) In this section—

*former control body* means the former control body for thoroughbred racing.

#### **438 Appeals**

- (1) This section applies to an appeal committee established by a former control body (the *relevant former control body*) and in existence immediately before the commencement.
- (2) On the commencement, the appeal committee—
  - (a) continues in existence only for the purpose of dealing with an appeal under consideration immediately before the commencement; and
  - (b) must deal with the appeal under the relevant former control body's rules of racing in existence before the commencement.
- (3) Subsection (4) applies in relation to an appeal—
  - (a) against a reviewable decision, within the meaning of section 95, made before the commencement; and

- (b) started after the commencement.
- (4) The appeal may be dealt with by an appeal committee established by the new control body.
- (5) For subsection (4), the steward's decision appealed against is taken to be a decision made by the steward for the new control body.
- (6) This section does not limit section 434(1).

**439 Continuation of action started against licensed club under ch 3, pt 4**

- (1) This section applies if, before the commencement, a former control body—
  - (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 new control body.
- (3) This section does not limit section 434(1).

**440 Pt 6 does not affect existing legal relationships**

Nothing done under this part in relation to a former control body—

- (a) places the new control body in breach of a contract, trust or confidence or otherwise makes the new control body guilty of a civil wrong; or
- (b) makes the 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.

#### **441 Dissolution of Queensland Country Racing Committee and country racing associations**

- (1) On the commencement—
  - (a) the following entities are dissolved—
    - (i) the Queensland Country Racing Committee;
    - (ii) all country racing associations; and
  - (b) the members of the entities go out of office.
- (2) No compensation is payable to a member because of subsection (1).

#### **442 No compensation payable**

No compensation is payable to any person, including a former control body, or a member or director of a former control body, for—

- (a) the cancellation of an approval or the vesting or divesting of assets or liabilities or rights or obligations; or
- (b) anything else done under this part.

#### **443 References to former control bodies**

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



**444** **Amendment of regulation by *Racing and Other Legislation Amendment Act 2010***

The amendment of the *Racing Regulation 2003* by the *Racing and Other Legislation Amendment Act 2010* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

## Schedule 3      Dictionary

section 5

***accepted representations***—

- (a) for chapter 2, see section 54(2); or
- (b) for chapter 3, see section 103(2); or
- (b) for chapter 4, part 3, see section 137(2); or
- (d) for chapter 6, see section 233.

***accreditation application*** see 129(1).

***accreditation certificate*** see section 132(2).

***accreditation holder*** means the person named in an accreditation certificate as the holder of the accreditation for the facility named in the certificate.

***accredited analyst*** means—

- (a) for an accredited facility—a person named in the accredited facility’s accreditation certificate as an accredited analyst for the accredited facility; or
- (b) for a secondary facility for an accredited facility—a person named in the accredited facility’s accreditation certificate as an accredited analyst for the secondary facility.

***accredited facility*** means a facility named in an accreditation certificate as an accredited facility.

***accredited veterinary surgeon***, for an accredited facility, means a veterinary surgeon named in the accredited facility’s accreditation certificate as an accredited veterinary surgeon.

***Act document***, for chapter 8, part 1, division 1, see section 310.

***advertising notice*** see section 13(2)(a).

***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.

**agreement**, for chapter 4, part 4, see section 142.

**allotted**, by a control body, means allotted by the control body by publication in the control body's racing calendar.

**analyse** includes test.

**appeal committee** means an appeal committee established by a control body under its rules of racing to hear appeals against decisions of stewards made for the control body.

**application code**, in relation to an approval application, means a code of racing, or a proposed code of racing, stated in the approval application.

**application for a licence** means an application under a control body's policies for a licence that may be issued by the control body.

**appropriately qualified**, in relation to the exercise of a power, includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

The level at which a person is employed by an entity.

**approval** means—

- (a) in relation to an approval applicant, the Minister's approval of the approval applicant; or
- (b) in relation to a control body, the Minister's approval of the control body.

**approval applicant** means the applicant named in an approval application as the applicant.

**approval application** means an application, made under section 10(1), for approval of a corporation as a control body for an application code.

**approval effect day**, in relation to a control body, means the day stated in the Minister's approval as the day on which the approval takes effect.

**approved form** means a form approved under section 343.

**assessment report** means a report under section 18(2) or 19(3) about an approval application or approval applications.

**at**, a place, includes in and on the place.

## Schedule 3 (continued)

**authorised officer** see section 261(2).

**background document**, for chapter 8, part 1, division 1, see section 310.

**bet** includes the action, behaviour, conduct or performance of a person who, whether on 1 or more than 1 occasion, does any of the following acts for himself or herself or for another person, or who cooperates with another person for the doing of any of the acts—

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager;
- (c) offers, agrees or otherwise negotiates—
  - (i) to bet or wager; or
  - (ii) to pay, receive or settle a bet or wager.

**betting meeting** means a meeting held by a licensed club at a licensed venue under the control of a control body, but at which no race is held.

**board chairperson** means the chairperson of the integrity board.

**board meeting** means a meeting of the integrity board.

**board member** means a member of the integrity board.

**bookmaking** means the business of receiving or negotiating bets and includes the settlement of bets.

**business address**, of a control body, means the business address of the control body as stated in its approval.

**business associate**—

- (a) means—
  - (i) for an approval application, means a person whom the chief executive believes will, if the approval applicant is approved as a control body, be associated with the ownership or management of the operations of the control body; or

## Schedule 3 (continued)

- (ii) for a corporation approved as a control body, means a person whom the chief executive believes is associated with the ownership or management of the operations of the corporation as a control body; or
  - (iii) of an applicant for an eligibility certificate, means a person whom the gaming executive believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
  - (iv) of a certificate holder who is not licensed as a racing bookmaker, means a person whom the gaming executive believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
  - (v) of a certificate holder who is licensed as a racing bookmaker, means a person whom the gaming executive believes is associated with the ownership or management of the business conducted by the racing bookmaker; and
- (b) includes, for any corporation, an executive officer of the corporation.

**certificate holder** means the holder of an eligibility certificate that continues to have effect.

**certified copy**, in relation to a racing bookmaker's licence of a corporation, means a copy of the licence certified as a true copy by the control body that granted the licence.

**closure date** see section 14(2).

**club** means either of the following that has, as part of its objects, the object of promoting animal racing of a particular breed or type of animal—

- (a) a corporation registered under the Corporations Act;
- (b) an incorporated association under the *Associations Incorporation Act 1981*.

## Schedule 3 (continued)

**code of racing** means any of the following—

- (a) thoroughbred racing;
- (b) harness racing;
- (c) greyhound racing;
- (d) another type of animal racing stated in a Minister's approval as the code of racing for which the approval is given.

**code of racing**, in relation to a control body, means the code of racing stated in the approval of the control body as the code of racing for which the approval is given.

**code substance** means a substance, other than a drug, that—

- (a) is relevant to a control body's code of racing; and
- (b) is mentioned in an agreement between the control body and an accredited facility.

**commencement**—

- (a) for chapter 10, part 4—see section 397; or
- (b) for chapter 10, part 5—see section 412; or
- (c) for chapter 10, part 6—see section 427.

**compliance officer** means a person appointed as a compliance officer under section 261(1)(a).

**conduct**, for chapter 8, part 1, division 2, see section 314.

**confidential information**, for chapter 8, part 1, division 1, see section 310.

**container** includes a bag.

**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.

**control body direction** see section 34(2).

**control body form** means a form approved by a control body for its code of racing.

## Schedule 3 (continued)

**control body officer**, for chapter 8, part 1, division 1, see section 310.

**conviction**, of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.

**copy**, for chapter 8, part 1, division 1, see section 310.

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

**court**, for chapter 8, part 1, division 1, see section 310.

**criminal history**, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the person for an offence.

**deal**, in relation to a thing for analysis, see section 142.

**disciplinary action**, relating to an accreditation, approval or licence, means 1 or more of the following—

- (a) cancelling the accreditation, approval or licence;
- (b) suspending the accreditation, approval or licence for a stated period;
- (c) varying the accreditation, approval or licence in either of the following ways, except if the variation is made as the result of an application of the accreditation holder, control body or licence holder—
  - (i) changing a condition stated in the accreditation, approval or licence to which it is subject;
  - (ii) stating a new condition to which the accreditation, approval or licence is to be subject;
- (d) for a licence—
  - (i) imposing a monetary penalty; or

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Schedule 3 (continued)

- (ii) closing, for a stated period, premises or part of premises stated in the licence as premises at which an activity may be conducted under the licence.

**dispose**, for chapter 3, part 5, division 4, see section 111.

**disqualifying conviction** means either of the following—

- (a) a conviction, whether or not a spent conviction, for an offence under—
- (i) this Act; or
  - (ii) the repealed Act; or
  - (iii) a law of another State, that is prescribed under a regulation as a law about racing or betting;
- (b) a conviction for an indictable offence under another Act or law, other than an irrelevant spent conviction.

**drug** means—

- (a) a substance mentioned in the Standard for the Uniform Scheduling of Drugs and Poisons as in force from time to time, published by the Commonwealth;<sup>7</sup> or
- (b) another substance, likely to affect the performance of a licensed animal, prescribed under a regulation.

**drug control**, relating to animals or licensed animals, means the control of drugs and code substances in relation to animals or licensed animals.

**electoral commissioner** means the person who is the electoral commissioner under the *Electoral Act 1992*.

**eligibility certificate** means an eligibility certificate granted to a person by the gaming executive stating that, until a date stated in the certificate, the person is eligible to apply to a control body for a racing bookmaker's licence.

**eligible corporation** see section 8.

**eligible individual** see section 9.

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<sup>7</sup> A copy of the standard may be purchased at the Government Info Shop, Adelaide Street, Brisbane.



## Schedule 3 (continued)

**employ**, for chapter 6, includes—

- (a) engage; and
- (b) employ or engage whether or not for payment.

**exclusion action**, relating to a person, means an action taken by a control body against the person, by which the control body does any of the following under its rules of racing—

- (a) names the person on a list that—
  - (i) is kept under the control body's rules of racing and identifies persons whose entitlements under the rules are forfeited; and
  - (ii) is, from time to time, published in the control body's racing calendar;
- (b) disqualifies the person from becoming the holder of a licence issued by the control body;
- (c) warns off the person from entering, or remaining at, a licensed venue, or other place at which trials are or are to be conducted, when the licensed venue or place is under the control of the control body.

**executive associate**—

- (a) for an approval application, means an executive officer of a corporation, partner, trustee, or another person stated by the chief executive, whom the chief executive believes will, if the approval applicant is approved as a control body, be associated with the ownership or management of the operations of the control body; or
- (b) for a corporation approved as a control body, means an executive officer of a corporation, partner, trustee, or another person stated by the chief executive, whom the chief executive believes is associated with the ownership or management of the operations of the corporation as a control body; or
- (c) of an applicant for an eligibility certificate, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes will, if the applicant is

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Schedule 3 (continued)

licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or

- (d) of a certificate holder who is not licensed as a racing bookmaker, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
- (e) of a certificate holder who is licensed as a racing bookmaker, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes is associated with the ownership or management of the business conducted by the racing bookmaker.

***executive officer***, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

Note—

This definition also applies to references to an executive officer of a particular corporation, including, for example, a control body.

***facsimile warrant*** see section 275(4).

***forge***, for chapter 8, part 1, division 1, see section 310.

***former board***—

- (a) for chapter 10, part 4—see section 397; or
- (b) for chapter 10, part 5—see section 412.

***former control body*** see section 427.

***gaming executive*** means the chief executive of the department in which the *Wagering Act 1998* is administered.

***gaming executive form*** means a form approved by the gaming executive under section 260.

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Schedule 3 (continued)

***Greyhound Authority*** means the Greyhound Racing Authority established under the repealed Act and continued as the control body for greyhound racing until 30 June 2008 under section 359.

*Note—*

See chapter 10, part 5 for provisions about the dissolution of the Greyhound Authority.

***Harness Racing Board*** means the Queensland Harness Racing Board established under the repealed Act and continued as the control body for harness racing until 30 June 2008 under section 359.

*Note—*

See chapter 10, part 5 for provisions about the dissolution of the Harness Racing Board.

***holding company***, in relation to body corporate, see Corporations Act, section 9.

***illegal betting place*** see section 322.

***indictable offence*** includes an indictable offence dealt with summarily.

***information notice***, for a decision of the Minister, chief executive, gaming executive, a control body, an appeal committee or the tribunal, means a notice stating the following—

- (a) the decision;
- (b) the date of the decision;
- (c) the date the decision takes effect;
- (d) the reasons for the decision;
- (e) if, under this Act, a person may apply for a review of the decision—how the person applies for the review and the time within which the application must be made.

***integrity board*** means the Racing Animal Welfare and Integrity Board established under section 114.

***integrity officer*** means a person appointed as an integrity officer under section 261(1)(b).

## Schedule 3 (continued)

***interfere with***, in relation to a licensed animal, for chapter 8, part 1, division 3, see section 316.

***irrelevant spent conviction*** means a spent conviction relating to an offence that did not involve dishonesty, fraud, stealing, unlawful betting or unlawful bookmaking.

***keep***, in relation to a place, includes the action, behaviour, conduct or performance of a person who, at any material time, acts or behaves or appears to act or behave as the person having the care, control or management of that place at that time.

***licence*** means a licence issued by a control body to the licence holder for 1 of the following—

- (a) an animal suitable for racing in the control body's code of racing;
- (b) a club suitable to be associated with the control body's code of racing;
- (c) a person suitable to be a participant in the control body's code of racing, including, for example, as an owner of an animal, racing bookmaker, racing bookmaker's clerk, rider, stable supervisor, stablehand or trainer;
- (d) a venue suitable for race meetings for the control body's code of racing.

***licence holder*** means—

- (a) for an animal or place—the person stated in the licence as the holder of the licence; or
- (b) otherwise—the person who is licensed.

*Example of a licence holder for paragraph (a)—*

An animal called 'Rocket' may be licensed by a control body. Joan Rockettes may be the owner of the licensed animal. The licence will state that Joan Rockettes is the licence holder of the licence for the licensed animal 'Rocket'.

***licensed***—

- (a) in relation to a control body—means licensed by the control body; or

## Schedule 3 (continued)

(b) otherwise—means licensed by a control body.

**licensed animal** means—

- (a) an animal that is licensed by a control body for its code of racing; or
- (b) an animal that a person presents at a licensed venue, another place where a trial for licensed animals is or is to be held or any other place, as if the animal were a licensed animal.

**licensed club** means a club licensed by a control body to hold race meetings for the control body's code of racing.

**licensed executive officer**, of a corporation that is a racing bookmaker, means an executive officer of the corporation identified in the corporation's racing bookmaker's licence as an executive officer who may carry on bookmaking for the corporation under the licence.

**licensed venue** means a place licensed by a control body as a place at which a race meeting may be held by a licensed club for the control body's code of racing.

**liquor** has the meaning given in the *Liquor Act 1992*, section 4B.

**manage**, in relation to a code of racing or proposed code of racing, includes—

- (a) regulating activities associated with the code of racing or proposed code of racing; and
- (b) prohibiting some activities, or aspects of an activity, associated with the code of racing or proposed code of racing.

**Ministerial direction** means a direction given by the Minister to a control body under section 45.

**Minister's approval** means an approval as a control body given by the Minister to an approval applicant under section 26.

**money** includes—

## Schedule 3 (continued)

- (a) bank notes, coins, bank drafts, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money; and
- (b) an acknowledgment, note or other thing purporting or intended to entitle the bearer or another person to money or money's worth.

***national police certificate*** means a document known as a national police certificate and available from the commissioner of the police service.

***net UNiTAB product fee***, in relation to a control body, means the amount of the product fee paid to the control body less the following amounts—

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

***new control body*** see section 427.

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

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

***new thoroughbred control body***, for chapter 10, part 4, see section 397.

***nominated person***, for chapter 4, part 4, see section 142.

***non-proprietary club*** means a club with a constitution that does both of the following—

- (a) provides for the application of all of the club's profits and other income to the promotion of the club's objects;
- (b) prohibits the payment of dividends to the members of the club.

***non-proprietary entity***, for chapter 3, part 5, division 4, see section 111.

Schedule 3 (continued)

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

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

***notice*** means a written notice.

***notice of results*** see section 147(2).

***objector*** see section 15(1).

***occupier*** of a place—

- (a) means any of the following—
  - (i) the owner or person apparently in charge of the place;
  - (ii) the person who has the care, management or supervision of the place or who is conducting a business at the place; and
- (b) includes, for chapter 8, a person employed by, or acting for, a person mentioned in paragraph (a).

***official***, of a control body, means a person who holds a position in the control body that is stated, under the control body's rules of racing, as a position for which the holder is an official of the control body.

*Examples—*

A control body's rules of racing may state a holder of the position of handicapper, starter or steward is an official of the control body.

***owner***, for a thing seized under this Act by an authorised officer, includes a person who would be entitled to possession of the thing had it not been seized.

***participant*** means a person involved with a code of racing, other than—

- (a) a club; or
- (b) a person who participates merely by doing either or both of the following—

## Schedule 3 (continued)

- (i) attending a race meeting;
- (ii) placing a bet with a racing bookmaker at a race meeting.

**place** includes the following—

- (a) land;
- (b) premises;
- (c) a vehicle.

**place of seizure** see section 290(a).

**policy** means a policy made by a control body for its code of racing, under chapter 3, part 2.

**possess** a thing—

- (a) for chapter 8, part 1, division 3—see section 316; or
- (b) otherwise—includes—
  - (i) have custody of the thing; and
  - (ii) have control of it at any place, whether or not someone else has custody of it; and
  - (iii) have an ability to obtain its custody at will; and
  - (iv) have a claim to its custody if the claimant has committed it to the custody of someone, even though the thing is temporarily not in the control of the person having the claim.

**premises** includes—

- (a) a building or structure, or part of a building or structure, of any type; and
- (b) a group of buildings or structures, or part of a group of buildings or structures, of any type.

**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.



## Schedule 3 (continued)

**prohibited thing**, for chapter 8, part 1, division 3, see section 316.

**proposed action**—

- (a) for chapter 2, see section 53(2)(a); or
- (b) for chapter 3, see section 102(2)(a); or
- (c) for chapter 4, part 3, see section 136(2)(a); or
- (d) for chapter 6, see section 231(2)(a).

**proposed code of racing** means a type of animal racing, other than a code of racing, stated in an approval application as a proposed code of racing.

**proposed facility** means a facility the subject of an accreditation application.

**public place** means—

- (a) a place, or part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or
- (b) a place, or part of a place, the occupier of which allows, whether or not on payment of money, members of the public to enter.

**QCAT registrar** means the principal registrar under the QCAT Act.

**qualified person** see section 285.

**race** means a contest, contingency or event held under the control of a control body in which 2 or more licensed animals compete against each other for the purpose of providing a contest, contingency or event on which bets may be made.

**race meeting** means—

- (a) a meeting for conducting racing of licensed animals; or
- (b) a betting meeting.

**racing bookmaker** means the holder of a racing bookmaker's licence.

## Schedule 3 (continued)

***racing bookmaker's clerk*** means the licence holder of a racing bookmaker's clerk licence.

***racing bookmaker's clerk licence*** means a licence from a control body to be employed by a racing bookmaker as a clerk in the conduct of the racing bookmaker's business at a licensed venue.

***racing bookmaker's licence*** means a licence from a control body as a racing bookmaker for the code of racing that the control body is approved to manage.

***racing calendar*** see section 38(1).

***racing contingency***, for chapter 8, part 1, division 2, see section 314.

***regulation condition*** see section 30(1).

***relevant control body***, for chapter 3, part 5, division 4, see section 111.

***repealed Act*** means the *Racing and Betting Act 1980*.

***rider***, of an animal, includes—

- (a) the driver of the animal; and
- (b) the jockey for the animal.

***rules of racing*** means the rules of racing, as in force from time to time, of a control body for its code of racing, as required under section 91(1).

***sample***, relating to an animal, means biological or other material taken from or produced by the animal, and includes blood, faecal material, hair, saliva, sweat, tissue, urine and vomit.

***secondary facility***, for an accredited facility, means a facility named in the accredited facility's accreditation certificate as a secondary facility for the accredited facility.

***show cause notice***—

- (a) for chapter 2, see section 53(1); or
- (b) for chapter 3, see section 102(1); or

Schedule 3 (continued)

- (c) for chapter 4, part 3, see section 136(1); or
- (d) for chapter 6, see section 231(2).

***show cause period***—

- (a) for chapter 2, see section 53(2)(g); or
- (b) for chapter 3, see section 102(2)(e); or
- (c) for chapter 4, part 3, see section 136(2)(f); or
- (d) for chapter 6, see section 231(2)(d).

***spent conviction*** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed under section 11 of that Act.

***sporting contingency*** includes the following whether happening in Queensland or elsewhere—

- (a) a contest, contingency or event relating to animals, other than a race;
- (b) a contest, contingency or event relating to an athletic meeting, exercise, fight, game, pastime or sport.

***staff***, relating to a control body, means a person employed by the control body in any capacity.

***steward*** —

- (a) in relation to a control body—means a person appointed as a steward or deputy steward by the control body; or
- (b) otherwise—means a person appointed as a steward or deputy steward by a control body.

***substance***, for chapter 4, part 4, see section 142.

***substantial holding*** see Corporations Act, section 9.

***TABQ*** means TAB Queensland Limited ACN 085 691 738.

***take***, in relation to a sample or thing, includes separating the sample or thing and placing it in more than 1 container.

Schedule 3 (continued)

**thing**—

- (a) for chapter 4, parts 2 and 4—includes a sample; or
- (b) for chapter 7, part 2, division 4—see section 287.

**thoroughbred control body** means—

- (a) until schedule 1, part 2 expires or is omitted—the Thoroughbred Racing Board; or
- (b) after schedule 1, part 2 expires or is omitted—the corporation approved as the control body for the thoroughbred racing code of racing.

*Note*—

Schedule 1, part 2 was omitted on 1 July 2006.

**Thoroughbred Racing Board** means the Queensland Thoroughbred Racing Board established under the repealed Act and continued as the control body for thoroughbred racing until 30 June 2006 under section 359.

*Note*—

See chapter 10, part 4 for provisions about the dissolution of the Thoroughbred Racing Board.

**trial** means a contest, contingency or event held under the control of a control body for testing or training licensed animals, but is not a contest, contingency or event on which bets may be made.

**tribunal** means QCAT.

**use**, a prohibited thing on a licensed animal, for chapter 8, part 1, division 3, see section 316.

**vehicle** means anything used for carrying any animal, person or thing by land, water or air.

**venue** includes a track.

Schedule 3 (continued)

***veterinary surgeon*** see the *Veterinary Surgeons Act 1936*, the schedule.<sup>8</sup>

***warrant form*** see section 275(5)(b).

***welfare***, in relation to animals or licensed animals, means protecting the health, safety and wellbeing of animals or licensed animals, including, for example—

- (a) drug control relating to animals or licensed animals; and
- (b) the prevention and management of diseases that may affect animals or licensed animals.

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8 *Veterinary Surgeons Act 1936*, schedule—

***veterinary surgeon*** means a person registered as a veterinary surgeon under this Act and whose name remains upon the register of veterinary surgeons.

## **Endnotes**

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### **2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2010. Future amendments of the Racing Act 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

**Key to abbreviations in list of legislation and annotations**

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	2003 Act No. 30	1 July 2003	
1A	2003 Act No. 94	3 December 2003	
1B	—	2 July 2004	provs exp 1 July 2004
1C	2004 Act No. 53	29 November 2004	
1D	2005 Act No. 4	21 March 2005	
1E	2005 Act No. 14	22 April 2005	
1F	2005 Act No. 7	1 August 2005	
1G	2006 Act No. 18	2 May 2006	
1H	2006 Act No. 18	1 July 2006	R1H withdrawn, see R2
2	—	1 July 2006	
2A	2008 Act No. 24	1 July 2008	
2B	2008 Act No. 75	30 January 2009	
2C	2008 Act No. 75	23 February 2009	
2D	2009 Act No. 9	1 July 2009	
2E	2009 Act No. 41	15 October 2009	

Reprint No.	Amendments included	Effective	Notes
2F	2009 Act No. 24 (amd 2009 Act No. 48)	1 December 2009	
2G	2010 Act No. 22	1 July 2010	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2

## 6 List of legislation

### **Racing Act 2002 No. 58**

date of assent 14 November 2002

ss 1–2 commenced on date of assent

s 398(1) sch 2 pt 1 relating to the Racing and Betting Amendment Act (No. 2) 2001  
amdt commenced 4 April 2002 (see s 2(2))

remaining provisions commenced 1 July 2003 (2003 SL No. 141)

Notes—(1) This Act contains provisions that were relocated from the Racing and  
Betting Act 1980 (2002 No. 58 sch 2 pt 2 div 2).

(2) ss 5 (def “committee”, “officer” and “selection panel”), 11, 11A,  
11AA, 11C–11FB, 11G–15A, 35–50, 53–54A, 76–91, 94–95A, 132  
are relocated to the Racing Act 2002 into sch 1 pt 1 s 1, sch 1 pt 2, sch  
1 pt 3, sch 1 pt 4 and sch 1 pt 5 (2002 No. 58 sch 2 pt 2 div 2).

amending legislation—

### **Commercial and Consumer Tribunal Act 2003 No. 30 ss 1–2, 169 sch 1**

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (see s 2)

### **Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2003 No. 94 s 1, pt 14**

date of assent 3 December 2003

commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004

commenced on date of assent

### **Summary Offences Act 2005 No. 4 ss 1–2, 30 sch 1**

date of assent 3 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 21 March 2005 (2005 SL No. 34)



**Racing Amendment Act 2005 No. 7**

date of assent 18 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 2005 (2005 SL No. 171)

**Tourism, Fair Trading and Wine Industry Development (Miscellaneous Provisions) Act 2005 No. 14**

date of assent 22 April 2005

commenced on date of assent

**Racing Amendment Act 2006 No. 18**

date of assent 2 May 2006

ss 1–3, 9 commenced on date of assent

remaining provisions commenced 1 July 2006 (see s 2)

**Racing Amendment Act 2008 No. 24**

date of assent 9 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (see s 2)

**Revenue and Other Legislation Amendment Act (No. 2) 2008 No. 75 ss 1, 2(11)–(13), pt 13**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

s 90 (as far as it ins s 113C) commenced 23 February 2009 (see s 2(12) and 2009 SL No. 3)

remaining provisions commenced 30 January 2009 (2009 SL No. 3)

**Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1**

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 58 (this Act is amended, see amending legislation below)**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

amending legislation—

**State Penalties Enforcement and Other Legislation Amendment Act 2009 No. 48 ss 1, 100A–101 (amends 2009 No. 24 above)**

date of assent 19 November 2009

commenced on date of assent

**Gambling and Other Legislation Amendment Act 2009 No. 41 s 1, pt 9**

date of assent 15 October 2009

commenced on date of assent

**Racing and Other Legislation Amendment Act 2010 No. 22 pts 1–2**

date of assent 7 June 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (see s 2)

**7 List of annotations****Main purposes of Act and how they generally are achieved**

s 4 amd 2009 No. 24 s 723A (amd 2009 No. 48 s 100A)

**CHAPTER 2—CONTROL BODIES TO MANAGE CODES OF RACING****Main purposes of ch 2 and how they generally are achieved**

s 7 amd 2006 No. 18 s 3 sch; amd No. 22 s 4

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s 28 amd 2008 No. 24 s 4

sub 2010 No. 22 s 6

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s 33 amd 2010 No. 22 s 7

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s 48 amd 2008 No. 24 s 8

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s 55 amd 2008 No. 24 s 10

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om 2010 No. 22 s 12

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- s 68E** ins 2005 No. 7 s 16  
om 2010 No. 22 s 12

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- s 68F** ins 2005 No. 7 s 16  
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**Continuation of action started against licensed club under ch 3, pt 4**

s 409      ins 2006 No. 18 s 12

**Pt 4 does not affect existing legal relationships**

s 410      ins 2006 No. 18 s 12

**References to former board**

s 411      ins 2006 No. 18 s 12

**PART 5—TRANSITIONAL PROVISIONS FOR RACING AMENDMENT ACT 2008**

pt 5 (ss 412–426) ins 2008 No. 24 s 24

**PART 6—TRANSITIONAL PROVISIONS FOR THE RACING AND OTHER LEGISLATION AMENDMENT ACT 2010**

pt 6 (ss 427–444) ins 2010 No. 22 s 23

**CHAPTER 11—AMENDMENT OF OTHER ACTS**

ch hdg      om R1 (see RA s 7(1)(k))

**SCHEDULE 1—RELOCATED PROVISIONS**

sch 1      om 2008 No. 24 s 25

**PART 1—DEFINITIONS FOR THIS SCHEDULE****pt hdg** om 2008 No. 24 s 25**Definitions for sch 1**

- s 1** (prev 1980 No. 43 s 5, defs “**committee**”, “**officer**” and “**selection panel**”)  
om 2008 No. 24 s 25  
def “**committee**” amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
def “**officer**” amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
def “**selection panel**” ins 2001 No. 90 s 21(2)  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(1)

**PART 2—PROVISIONS ABOUT THE QUEENSLAND THOROUGHBRED RACING BOARD****pt hdg** om 2006 No. 18 s 13(2)**Continuation of Queensland Thoroughbred Racing Board**

- prov hdg** sub 2001 No. 90 ss 3B(1), 22(1); 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
**s 11** (prev 1980 No. 43 s 11) amd 1990 No. 88 s 3 sch  
sub 1991 No. 81 s 5  
amd 2001 No. 90 ss 3B(2)–(3), 22(2)–(3); 2002 No. 58 s 398(2) sch 2 pt 2 div  
1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Functions of Thoroughbred Racing Board**

- prov hdg** amd 2001 No. 90 ss 3 sch 1, 23(1)  
**s 11A** (prev 1980 No. 43 s 11A) ins 1991 No. 81 s 5  
amd 1998 No. 18 s 8; 1999 No. 38 s 68; 2001 No. 90 ss 3 sch 1, 23; 2002 No.  
58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
amd 2005 No. 7 s 24(1)  
om 2006 No. 18 s 13(2)

**Special responsibility of Thoroughbred Racing Board**

- s 11AA** (prev 1980 No. 43 s 11AA) ins 2001 No. 90 s 24  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Custody and affixing of seal**

- s 11C** (prev 1980 No. 43 s 11C) ins 1991 No. 81 s 5  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Authentication of documents**

**s 11D** (prev 1980 No. 43 s 11D) ins 1991 No. 81 s 5  
 amd 2001 No. 90 s 3 schs 1–2  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board not agent of the Crown**

**prov hdg** amd 2001 No. 90 s 3 schs 1–2  
**s 11E** (prev 1980 No. 43 s 11E) ins 1991 No. 81 s 5  
 amd 2001 No. 90 s 3 schs 1–2  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Membership of Thoroughbred Racing Board**

**s 11F** (prev 1980 No. 43 s 11F) ins 1991 No. 81 s 5  
 sub 1994 No. 17 s 6; 2001 No. 90 ss 5A, 25  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Chief executive to make enquiries**

**s 11FA** (prev 1980 No. 43 s 11FA) ins 2001 No. 90 s 25  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Obtaining the criminal history of a person**

**s 11FB** (prev 1980 No. 43 s 11FB) ins 2001 No. 90 s 25  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Ineligibility for membership of Thoroughbred Racing Board**

**prov hdg** sub 2001 No. 90 s 3 sch 1  
 amd 2001 No. 90 s 26(1)  
**s 11G** (prev 1980 No. 43 s 11G) ins 1991 No. 81 s 5  
 sub 1994 No. 17 s 6  
 amd 2000 No. 16 s 590 sch 1 pt 2; 2000 No. 21 s 8; 2001 No. 90 ss 3 sch 1, 26;  
 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 amd 2005 No. 7 s 24(2)  
 om 2006 No. 18 s 13(2)

**Tenure of office**

**s 11I** (prev 1980 No. 43 s 11I) ins 1991 No. 81 s 5  
 om 2001 No. 90 s 5B  
 ins 2001 No. 90 s 27  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Vacation of, and removal from, office**

**s 11J** (prev 1980 No. 43 s 11J) ins 1991 No. 81 s 5  
 om 2001 No. 90 s 5B  
 ins 2001 No. 90 s 27  
 amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2

amd 2004 No. 53 s 2 sch  
om 2006 No. 18 s 13(2)

**Casual vacancy**

**s 11K** (prev 1980 No. 43 s 11K) ins 1991 No. 81 s 5  
om 2001 No. 90 s 5B  
ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Remuneration of member of Thoroughbred Racing Board**

**s 12** (prev 1980 No. 43 s 12) amd 1981 No. 19 s 9; 1987 No. 26 s 6; 1990 No. 85 s  
5 sch 2  
om 1991 No. 81 s 3 sch  
ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Chairperson and deputy chairperson of Thoroughbred Racing Board**

**s 12A** (prev 1980 No. 43 s 12A) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Function of deputy chairperson**

**s 12B** (prev 1980 No. 43 s 12B) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board responsible for conduct of its business**

**prov hdg** amd 2004 No. 53 s 2 sch  
**s 12C** (prev 1980 No. 43 s 12C) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Times and places of meetings**

**s 12D** (prev 1980 No. 43 s 12D) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Annual meeting of the Thoroughbred Racing Board**

**s 12E** (prev 1980 No. 43 s 12E) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Presiding at meetings**

**s 12F** (prev 1980 No. 43 s 12F) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Conduct of meetings**

**s 12G** (prev 1980 No. 43 s 12G) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2

amd 2003 No. 94 s 79  
om 2006 No. 18 s 13(2)

**Minutes**

**s 12H** (prev 1980 No. 43 s 12H) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Disclosure of interests**

**s 12I** (prev 1980 No. 43 s 12I) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Employees**

**s 13** (prev 1980 No. 43 s 13) sub 1991 No. 81 s 6  
amd 1999 No. 33 s 747 sch 3; 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Finance**

**s 14** (prev 1980 No. 43 s 14) amd 1981 No. 19 s 10; 1991 No. 81 s 51 (amd 1993  
No. 76 s 3 sch 2); 1998 No. 18 s 10; 2001 No. 90 s 3 schs 1–2; 2002 No. 58  
s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board is a statutory body under the Statutory Bodies  
Financial Arrangements Act 1982**

**prov hdg** sub 2001 No. 90 s 3 sch 1  
amd 2001 No. 90 s 3 sch 2

**s 15** (prev 1980 No. 43 s 15) amd 1987 No. 26 s 7; 1991 No. 81 s 51 (amd 1993  
No. 76 s 3 sch 2)  
om 1994 No. 17 s 3 sch 2  
ins 1996 No. 54 s 9 sch  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board is a statutory body under the Financial Administration  
and Audit Act 1977**

**s 15A** (prev 1980 No. 43 s 15A) ins 2001 No. 90 s 29  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**PART 3—PROVISIONS ABOUT THE QUEENSLAND HARNESS RACING  
BOARD**

**pt hdg** om 2008 No. 24 s 25

**Constitution of the Queensland Harness Racing Board**

**prov hdg** amd 1984 No. 63 s 5(a)

**s 35** (prev 1980 No. 43 s 35) amd 1984 No. 63 s 5(b)–(g); 1994 No. 17 s 3 sch 2;



2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Composition of Harness Racing Board**

**prov hdg** amd 1984 No. 63 s 24  
**s 36** (prev 1980 No. 43 s 36) amd 1981 No. 19 s 14  
 sub 1987 No. 26 s 10  
 amd 1991 No. 81 s 51 (amd 1993 No. 76 s 3 sch 2); 2002 No. 58 s 398(2) sch  
 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Tenure of office**

**s 41** (prev 1980 No. 43 s 41) amd 1984 No. 63 s 24; 2002 No. 58 s 398(2) sch 2 pt  
 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Disqualification from membership**

**s 42** (prev 1980 No. 43 s 42) amd 1984 No. 63 s 24; 2000 No. 16 s 590 sch 1 pt 2;  
 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Vacation of office**

**s 43** (prev 1980 No. 43 s 43) amd 1981 No. 19 s 15; 1984 No. 63 s 24; 1994 No. 17  
 s 3 sch 2; 2001 No. 41 s 3  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Casual vacancies**

**s 44** (prev 1980 No. 43 s 44) amd 1984 No. 63 s 24; 1987 No. 26 s 14; 2002 No. 58  
 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Appointment of substitute member**

**s 45** (prev 1980 No. 43 s 45) amd 1984 No. 63 s 24; 1987 No. 26 s 15  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Expenses, fees or allowances to members**

**s 46** (prev 1980 No. 43 s 46) amd 1984 No. 63 s 24  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Procedure at meetings**

**s 47** (prev 1980 No. 43 s 47) amd 1981 No. 19 s 16; 1984 No. 63 s 24; 1987 No. 26  
 s 16; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Disclosure of interests**

**s 47A** (prev 1980 No. 43 s 47A) ins 2001 No. 41 s 4  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Custody and affixing of seal**

**s 48** (prev 1980 No. 43 s 48) amd 1984 No. 63 s 24  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Authentication of documents**

**s 50** (prev 1980 No. 43 s 50) amd 1984 No. 63 s 24; 2002 No. 58 s 398(2) sch 2 pt  
 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Officers**

**s 53** (prev 1980 No. 43 s 53) amd 1984 No. 63 ss 10, 24; 2002 No. 58 s 398(2) sch  
 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Finance**

**s 54** (prev 1980 No. 43 s 54) amd 1981 No. 19 s 18; 1984 No. 63 s 24; 1991 No. 81  
 s 51 (amd 1993 No. 76 s 3 sch 2); 1998 No. 18 s 17; 2002 No. 58 s 398(2)  
 sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Harness Racing Board is statutory body**

**s 54A** (prev 1980 No. 43 s 54A) ins 1996 No. 54 s 9 sch  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**PART 4—PROVISIONS ABOUT THE GREYHOUND RACING AUTHORITY**

**pt hdg** om 2008 No. 24 s 25

**Establishment of Greyhound Racing Authority**

**prov hdg** sub 1995 No. 35 s 4(1)

**s 76** (prev 1980 No. 43 s 76) amd 1995 No. 35 s 4(2); 2002 No. 58 s 398(2) sch 2  
 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Composition of Greyhound Authority**

**prov hdg** amd 1995 No. 35 s 10

**s 77** (prev 1980 No. 43 s 77) sub 1987 No. 26 s 21  
 amd 1995 No. 35 s 10; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2008 No. 24 s 25

**Tenure of office**

**s 82** (prev 1980 No. 43 s 82) amd 1995 No. 35 ss 10, 12; 2002 No. 58 s 398(2) sch  
 2 pt 2 div 1

reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Disqualification from membership**

**s 83** (prev 1980 No. 43 s 83) amd 1995 No. 35 s 10; 2000 No. 16 s 590 sch 1 pt 2;  
2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Vacation of office**

**s 84** (prev 1980 No. 43 s 84) amd 1981 No. 19 s 22; 1994 No. 17 s 3 sch 2; 1995  
No. 35 ss 10, 11; 2001 No. 41 s 5; 2001 No. 90 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Casual vacancies**

**s 85** (prev 1980 No. 43 s 85) amd 1987 No. 26 s 26; 1995 No. 35 ss 10, 11; 2002  
No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Appointment of substitute member**

**s 86** (prev 1980 No. 43 s 86) amd 1987 No. 26 s 27; 1995 No. 35 ss 10, 11  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Expenses, fees or allowances to members**

**s 87** (prev 1980 No. 43 s 87) amd 1995 No. 35 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Procedure at meetings**

**s 88** (prev 1980 No. 43 s 88) amd 1987 No. 26 s 28; 1995 No. 35 s 10; 2002 No. 58  
s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Disclosure of interests**

**s 88A** (prev 1980 No. 43 s 88A) ins 2001 No. 41 s 6  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Custody of and affixing of seal**

**s 89** (prev 1980 No. 43 s 89) amd 1995 No. 35 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Authentication of documents**

**s 91** (prev 1980 No. 43 s 91) amd 1995 No. 35 s 10; 2002 No. 58 s 398(2) sch 2 pt  
2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Officers**

**s 94** (prev 1980 No. 43 s 94) amd 1995 No. 35 ss 5, 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Finance**

**s 95** (prev 1980 No. 43 s 95) amd 1981 No. 19 s 24; 1991 No. 81 s 51 (amd 1993  
No. 76 s 3 sch 2); 1995 No. 35 s 10; 1998 No. 18 s 24; 2002 No. 58 s  
398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Greyhound Authority is statutory body**

**s 95A** (prev 1980 No. 43 s 95A) ins 1996 No. 54 s 9 sch  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**PART 5—PROVISIONS APPLYING TO ALL CONTINUING CONTROL BODIES**

**pt hdg** om 2008 No. 24 s 25

**Continuing control body to furnish an annual report to Minister and to clubs**

**prov hdg** amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
**s 132** (prev 1980 No. 43 s 132) amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**SCHEDULE 2—AMENDMENT OF ACTS**

om R1 (see RA s 40)

**SCHEDULE 3—DICTIONARY**

def “**affected by bankruptcy action**” sub 2005 No. 7 s 25(1)–(2)  
def “**approval**” amd 2008 No. 24 s 26(3)  
def “**chairperson**” ins 2006 No. 18 s 14(1)  
om 2010 No. 22 s 24(1)  
def “**commencement**” ins 2006 No. 18 s 14(1)  
sub 2008 No. 24 s 26(1)–(2)  
amd 2010 No. 22 s 24(3)  
def “**committee**” ins 2005 No. 7 s 25(2)  
om 2010 No. 22 s 24(1)  
def “**committee member**” ins 2006 No. 18 s 3 sch  
om 2010 No. 22 s 24(1)  
def “**continuing control body**” amd 2006 No. 18 s 14(2)–(3)  
om 2008 No. 24 s 26(1)  
def “**control body**” sub 2008 No. 24 s 26(1)–(2)  
def “**control body associate**” sub 2008 No. 24 s 26 (1)–(2)  
def “**corresponding new control body**” ins 2008 No. 24 s 26(2)  
def “**council**” om 2005 No. 7 s 25(1)  
def “**council member**” om 2006 No. 18 s 3 sch  
def “**country racing association**” ins 2005 No. 7 s 25(2)  
om 2010 No. 22 s 24(1)  
def “**deputy tribunal chairperson**” om 2009 No. 24 s 728(1)  
def “**director**” ins 2005 No. 14 s 2 sch  
om 2009 No. 24 s 728(1)

- def “**disqualifying conviction**” amd 2010 No. 22 s 24(4)–(5)  
 def “**executive officer**” amd 2008 No. 24 s 26(4)  
 def “**former board**” ins 2006 No. 18 s 14(1)  
     sub 2008 No. 24 s 26(1)–(2)  
 def “**former control body**” ins 2010 No. 22 s 24(2)  
 def “**gaming commission**” om 2009 No. 24 s 728(1)  
 def “**Greyhound Authority**” amd 2008 No. 24 s 26(5)–(6)  
 def “**Harness Racing Board**” amd 2008 No. 24 s 26(7)–(8)  
 def “**information notice**” amd 2009 No. 24 s 728(3)–(4); 2010 No. 22 s 24(6)  
 def “**Intercode Agreement**” ins 2005 No. 7 s 25(2)  
     om 2010 No. 22 s 24(1)  
 def “**member club**” amd 2005 No. 7 s 25(3)  
     om 2010 No. 22 s 24(1)  
 def “**net UNiTAB product fee**” ins 2005 No. 7 s 25(2)  
     amd 2006 No. 18 s 14(4)–(5)  
     sub 2010 No. 22 s 24(1)–(2)  
 def “**new control body**” ins 2010 No. 22 s 24(2)  
 def “**new greyhound control body**” ins 2008 No. 24 s 26(2)  
 def “**new harness control body**” ins 2008 No. 24 s 26(2)  
 def “**new thoroughbred control body**” ins 2006 No. 18 s 14(1)  
 def “**non-TABQ clubs**” sub 2005 No. 7 s 25(1)–(2)  
     om 2010 No. 22 s 24(1)  
 def “**non-TABQ races**” sub 2005 No. 7 s 25(1)–(2)  
     om 2010 No. 22 s 24(1)  
 def “**non-TABQ thoroughbred club**” ins 2010 No. 22 s 24(2)  
 def “**non-TABQ thoroughbred race**” ins 2010 No. 22 s 24(2)  
 def “**presiding case manager**” amd 2003 No. 30 s 169 sch 1  
     om 2009 No. 24 s 728(1)  
 def “**product fee**” ins 2005 No. 7 s 25(2)  
 def “**QCAT registrar**” ins 2009 No. 24 s 728(2)  
 def “**Queensland Regional Racing Council**” om 2006 No. 18 s 3 sch  
 def “**Racing Appeals Tribunal**” om 2009 No. 24 s 728(1)  
 def “**racing association**” om 2005 No. 7 s 25(1)  
 def “**registrar**” om 2009 No. 24 s 728(1)  
 def “**relocated provision**” om 2008 No. 24 s 26(1)  
 def “**secretary**” sub 2003 No. 30 s 169 sch 1  
     om 2005 No. 14 s 2 sch  
 def “**sporting contingency**” amd 2003 No. 94 s 80  
 def “**thoroughbred control body**” amd 2006 No. 18 s 14(6)  
 def “**thoroughbred entity**” om 2010 No. 22 s 24(1)  
 def “**Thoroughbred Racing Board**” amd 2006 No. 18 s 14(7)–(8)  
 def “**tribunal**” sub 2009 No. 24 s 728(1)–(2)  
 def “**tribunal chairperson**” om 2009 No. 24 s 728(1)  
 def “**tribunal member**” om 2009 No. 24 s 728(1)

## **8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette and is included for information purposes only. Because failure by a department to notify or publish a form in the gazette does not invalidate the form, you should check with the relevant government department for the latest information about forms (see Statutory Instruments Act, section 58(8)).)

**Form 1 Version February 2009—Application For Eligibility Certificate By An Individual**

pubd gaz 20 February 2009 p 851

**Form 2 Version February 2009—Application For Eligibility Certificate By A Corporation**

pubd gaz 20 February 2009 p 851

**Form 3 Version 3—Application for Approval as a Control Body**

pubd gaz 27 June 2008 p 1267

**Form 4 Version 3—Agreement to pay cost of mediation**

pubd gaz 27 June 2008 p 1267

**Form 5 Version 3—Consent and authority for information about associate to be obtained for chief executive**

pubd gaz 27 June 2008 p 1267

**Form 7 Version 3—Notice of any changes to information contained in Control Body Approval Application**

pubd gaz 27 June 2008 p 1267

**Form 8 Version 3—Application for a variation of a Control Body Approval**

pubd gaz 27 June 2008 p 1267

**Form 9 Version 1—Annual Audit Program**

pubd gaz 27 June 2003 p 729

**Form 10 Version 3—Annual management plan for a Control Body**

pubd gaz 27 June 2008 p 1267

**Form 11 Version 3—Notice of cessation of an executive officer of a Control Body**

pubd gaz 27 June 2008 p 1267

**Form 12 Version 3—Notice of appointment of executive officer of a Control Body**

pubd gaz 27 June 2008 p 1267

**Form 13 Version 3—Notice of event resulting in a Control Body not being an eligible corporation**

pubd gaz 27 June 2008 p 1267

**Form 14 Version 3—Notice of event resulting in an executive officer of a Control Body no longer being an eligible individual**

pubd gaz 27 June 2008 p 1267

**Form 15 Version 3—Application for Accreditation as an Accredited Facility**  
pubd gaz 27 June 2008 p 1267

**Form 16 Version 3—Application for a variation of accreditation**  
pubd gaz 27 June 2008 p 1267

**Form 17 Version 3—Receipt of a seized thing**  
pubd gaz 27 June 2008 p 1267

**Form 18 Version 3—Notice to person in control of a thing**  
pubd gaz 27 June 2008 p 1267

**Form 19 Version 1—Probity Form**  
pubd gaz 25 August 2004 p 1321