



Racing Act 2002

Racing Regulation 2013

Current as at 1 July 2015



Queensland

Racing Regulation 2013

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Racing Regulation 2013

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Racing Regulation 2013*.

2 Commencement

This regulation commences on 1 September 2013.

Part 2 Use of Queensland race information

3 Application for race information authority

- (1) For section 113AE(2)(a) of the Act, the application must be in a control body form.
- (2) For section 113AE(2)(b)(ii) of the Act, the documents are the documents identified in the control body form.

4 Matters to be taken into account in deciding race information application

- (1) This section applies to an applicant for a race information authority for a code of racing if the applicant is a licensed wagering operator who holds a licence or authority—
 - (a) under a law of a foreign country, other than New Zealand, authorising the wagering operator to conduct a wagering business; or

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- (b) issued by a principal racing authority of a foreign country, other than New Zealand, authorising the wagering operator to conduct a wagering business.
- (2) Each of the following is a type of matter for section 113AE(5)(a) of the Act—
- (a) whether the applicant is suitable to hold a race information authority, having regard to each of the following—
 - (i) the applicant's character or business reputation;
 - (ii) the applicant's current financial position and financial background;
 - (iii) if the applicant has a business association with another entity—
 - (A) the other entity's character or business reputation; and
 - (B) the other entity's current financial position and financial background;
 - (iv) if the applicant is a corporation—
 - (A) the character or business reputation of the corporation's executive officers; and
 - (B) the current financial position and financial background of the corporation's executive officers;
 - (b) whether issuing a race information authority to the applicant will undermine the integrity of the conduct of the code of racing in Queensland.

5 Matters not to be taken into account in deciding race information application

Each of the following is a type of matter for section 113AE(5)(b) of the Act—

- (a) for an applicant who is an individual whose principal place of residence is in another State—that the

applicant's principal place of residence is in another State;

- (b) for an applicant who is an individual who conducts a wagering business in another State—that the applicant conducts a wagering business in another State;
- (c) for an applicant that is a corporation that has its registered office under the Corporations Act, or principal place of business, in another State—that the applicant has its registered office under the Corporations Act, or principal place of business, in another State;
- (d) for an applicant that is a licensed wagering operator that holds a licence or other authority under a law of another State authorising it to conduct a wagering business—that the licence or other authority is held under the law of another State;
- (e) for an applicant that is a licensed wagering operator that holds a licence or other authority issued by a principal racing authority of another State authorising it to conduct a wagering business—that the licence or other authority is issued by a principal racing authority of another State.

6 Conditions that may be imposed

For section 113AF(3)(b) of the Act, the types of conditions are the following—

- (a) conditions about the duration of the authority;
- (b) conditions about the holder of the authority giving the control body information the control body requires to calculate any fees payable by the holder of the authority under section 113AF(3)(a) of the Act;
- (c) conditions about when the holder of the authority must pay any fees payable by the holder of the authority under section 113AF(3)(a) of the Act.

7 Matters not to be taken into account in imposing conditions

Each of the following is a type of matter for section 113AF(4) of the Act—

- (a) for an applicant who is an individual whose principal place of residence is in another State—that the applicant’s principal place of residence is in another State;
- (b) for an applicant who is an individual who conducts a wagering business in another State—that the applicant conducts a wagering business in another State;
- (c) for an applicant that is a corporation that has its registered office under the Corporations Act, or principal place of business, in another State—that the applicant has its registered office under the Corporations Act, or principal place of business, in another State;
- (d) for an applicant that is a licensed wagering operator that holds a licence or other authority under a law of another State authorising it to conduct a wagering business—that the licence or other authority is held under the law of another State;
- (e) for an applicant that is a licensed wagering operator that holds a licence or other authority issued by a principal racing authority of another State authorising it to conduct a wagering business—that the licence or other authority is issued by a principal racing authority of another State.

8 Grounds for cancelling race information authority

- (1) For section 113AJ(1) of the Act, each of the following is a ground for cancelling a licensed wagering operator’s race information authority—
 - (a) the licensed wagering operator contravenes any condition of the authority;

- (b) the authority was issued because of a materially false or misleading representation or declaration;
 - (c) if the licensed wagering operator is a relevant wagering operator—the licensed wagering operator is not suitable to hold the authority, having regard to the matters mentioned in section 4(2)(a).
- (2) In this section—
- relevant wagering operator*** means a licensed wagering operator who holds a licence or authority—
- (a) under a law of a foreign country, other than New Zealand, authorising the wagering operator to conduct a wagering business; or
 - (b) issued by a principal racing authority of a foreign country, other than New Zealand, authorising the wagering operator to conduct a wagering business.

Part 3 Integrity control

9 Publication by integrity board of analytical procedures

- (1) For section 115(3)(b) of the Act, the integrity board may publish analytical procedures and amendments of the procedures by—
- (a) making the procedures and amendments available for inspection, free of charge, at its business address during its ordinary office hours and on its website; and

Editor's note—

At the commencement of this section, the integrity board's website is <<http://www.nprsr.qld.gov.au/racing/welfare-integrity-board.html>>.

- (b) giving a copy of the procedures or amendments to a person if the person asks for a copy.

(2) In this section—

analytical procedures means the procedures developed or adopted by the integrity board under section 115(3)(a) of the Act about the way things for analysis are to be taken and dealt with.

10 Qualifications for an accredited analyst—Act, s 129

For section 129(3)(b) of the Act, the qualifications to be an accredited analyst are a qualification awarded by a tertiary institution in the field of analytical chemistry or a similar field.

Part 4 Payment and settlement of bets

11 Approved place for paying and settling particular bets

Tattersall's Club Rooms at 215 Queen Street, Brisbane is approved for section 254(2) of the Act.

Part 5 State laws about racing or betting

12 Prescribed laws about racing or betting

Each law of another State that is stated in schedule 1 is a law about racing or betting.

Part 6 Fees and expenses

13 Due date for yearly fee payable by control body

For section 29(2)(b) of the Act, the fee relating to each year for which an approved control body's approval has effect is payable by each anniversary of the approval effect day for the control body.

14 Witness fees and expenses for accepted appeals

- (1) For section 149ZN of the Act, the fees and expenses for a witness to appear at a hearing for an accepted appeal are each of the following—
 - (a) an attendance fee;
 - (b) a conduct fee;
 - (c) travelling expenses;
 - (d) if the witness is required to attend for more than 1 day and it is not reasonably practicable for the person to return to the person's place of residence—accommodation expenses.
- (2) For subsection (1)(a), the attendance fee for the witness is—
 - (a) if the witness is under 16 years of age—\$35.50 for each day or part day of attendance; or
 - (b) if the witness is 16 years of age or older—\$71 for each day or part day of attendance.
- (3) For subsection (1)(b), the conduct fee for the witness is the amount sufficient to meet the reasonable expenses of the witness complying with a notice given under section 149ZL of the Act.
- (4) For subsection (1)(c), the travel expenses for the witness are—
 - (a) if it is reasonable for the witness to travel to and from the place for the hearing by air—

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- (i) the cost of economy class air travel by the witness to and from the place for the hearing; and
 - (ii) the amount payable for return fares on public transport between the witness's place of accommodation and the place for the hearing; or
- (b) otherwise—the amount payable for return fares on public transport between the witness's place of employment or residence (whichever is the furthest from the place for the hearing) and the place for the hearing.
- (5) For subsection (1)(d), the amount of the accommodation expenses for the witness is to be decided by the board chairperson.

(6) In this section—

public transport means any form of passenger transport, other than a taxi, that is available for use by the public on payment of a fare.

15 Fees

The fees payable under the Act are stated in section 15A and schedule 2.

15A Fee for particular investigations

- (1) This section applies to any of the following persons for whom the gaming executive may undertake an investigation under the Act, section 212—
- (a) an applicant for an eligibility certificate;
 - (b) a business or executive associate of the applicant; and
 - (c) an executive officer of the holder of an eligibility certificate.
- (2) This section also applies to a person who is a business or executive associate of an eligibility certificate holder for

whom the gaming executive may undertake an investigation under the Act, section 225(1).

- (3) The person must pay to the gaming executive the reasonable costs of conducting the investigation.

Examples of costs of conducting the investigation—

- costs of outsourcing professional services, for example, legal or accounting services
- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

15B How fee for investigation must be paid

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 15A for an investigation.
- (2) The gaming executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The gaming executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the gaming executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
 - (a) an amount not more than the gaming executive's estimate or latest estimate of the fee payable under section 15A; and
 - (b) reduced by the amount, if any, already paid by the relevant person to the gaming executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the gaming executive must—

- (a) give the relevant person a written itemised account of the costs comprising the fee; and
 - (b) either—
 - (i) refund any overpayment to the relevant person; or
 - (ii) require, in writing, the relevant person to pay to the gaming executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
- (a) both of the following apply—
 - (i) the gaming executive considers the relevant person has failed to comply with a requirement made by the gaming executive under the Act, section 214 in relation to the investigation;
 - (ii) the gaming executive considers the investigation is finished; or
 - (b) the gaming executive considers the investigation has been completed for the gaming executive's purposes under the Act, section 225(1).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the gaming executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

Part 7 **Repeal**

16 **Repeal**

The Racing Regulation 2003, SL No. 142 is repealed.

Schedule 1 Prescribed laws about racing or betting

section 12

Australian Capital Territory

- *Betting (ACTTAB Limited) Act 1964 (ACT)*
- *Casino Control Act 2006 (ACT)*
- *Gambling and Racing Control Act 1999 (ACT)*
- *Gambling and Racing Control (Code of Practice) Regulation 2002 (ACT)*
- *Gaming Machine Act 2004 (ACT)*
- *Interactive Gambling Act 1998 (ACT)*
- *Lotteries Act 1964 (ACT)*
- *Pool Betting Act 1964 (ACT)*
- *Race and Sports Bookmaking Act 2001 (ACT)*
- *Race and Sports Bookmaking Regulation 2001 (ACT)*
- *Racing Act 1999 (ACT)*
- *Racing (Race Field Information) Regulation 2010 (ACT)*
- *Unlawful Gambling Act 2009 (ACT)*

New South Wales

- *Australian Jockey and Sydney Turf Clubs Merger Act 2010 (NSW)*
- *Betting Tax Act 2001 (NSW)*
- *Greyhound Racing Act 2009 (NSW)*
- *Harness Racing Act 2009 (NSW)*

- *Hawkesbury Racecourse Act 1996 (NSW)*
- *Racing Administration Act 1998 (NSW)*
- *Racing Appeals Tribunal Act 1983 (NSW)*
- *Thoroughbred Racing Act 1996 (NSW)*
- *Totalizator Act 1997 (NSW)*
- *Totalizator Agency Board Privatisation Act 1997 (NSW)*
- *Unlawful Gambling Act 1998 (NSW)*
- *Wagga Wagga Racecourse Act 1993 (NSW)*

Northern Territory

- *Greyhound Racing Rules (NT)*
- *Racing and Betting Act (NT)*
- *Racing and Betting Regulations (NT)*
- *Totalisator Licensing and Regulation Act (NT)*
- *Totalisator Licensing and Regulation Regulations (NT)*
- *Totalisator Licensing and Regulation (Arbitration) Regulations (NT)*
- *Totalisator Licensing and Regulation (Hearings) Regulations (NT)*
- *Totalisator Licensing and Regulation (Wagering) Rules (NT)*
- *Totalizator Rules (NT)*
- *Unlawful Betting Act (NT)*

South Australia

- *Authorised Betting Operations Act 2000 (SA)*
- *Lottery and Gaming Act 1936 (SA)*
- *Racing (Proprietary Business Licensing) Act 2000 (SA)*

Tasmania

- *Gaming Control Act 1993 (Tas)*
- *Racing (Bookmaker Betting) Regulations 2004 (Tas)*
- *Racing (Miscellaneous) Regulations 2004 (Tas)*
- *Racing (Race Fields) Regulations 2009 (Tas)*
- *Racing Regulation Act 2004 (Tas)*
- *Racing (Tasracing Pty Ltd) Act 2009 (Tas)*

Victoria

- *Gambling Regulation Act 2003 (Vic)*
- *Racing Act 1958 (Vic)*

Western Australia

- *Betting Control Act 1954 (WA)*
- *Betting Control Regulations 1978 (WA)*
- *Bookmakers Betting Levy Act 1954 (WA)*
- *Gaming and Betting (Contracts and Securities) Act 1985 (WA)*
- *Gaming and Wagering Commission Act 1987 (WA)*
- *Gaming and Wagering Commission (Continuing Lotteries Levy) Act 2000 (WA)*
- *Gaming and Wagering Commission (Continuing Lotteries Levy) Regulations 2000 (WA)*
- *Gaming and Wagering Commission Regulations 1988 (WA)*
- *Racing and Wagering Western Australia Act 2003 (WA)*
- *Racing and Wagering Western Australia Tax Act 2003 (WA)*

- *Racing and Wagering Western Australia Regulations 2003 (WA)*
- *Racing Bets Levy Act 2009 (WA)*
- *Racing Bets Levy Regulations 2009 (WA)*
- *Racing Penalties (Appeals) Act 1990 (WA)*
- *Racing Penalties (Appeals) Regulations 1991 (WA)*
- *Racing Restriction Act 2003 (WA)*
- *Rules of Wagering 2005 (WA)*
- *The Western Australian Turf Club Act 1892 (WA)*
- *Western Australian Greyhound Racing Association Act 1981 (WA)*
- *Western Australian Trotting Association Act 1946 (WA)*
- *Western Australian Turf Club (Property) Act 1944 (WA)*

Schedule 2 Fees

section 15

	\$
1 Application fee for approval as a control body—Act, s 11(1)(a)	7042.00
2 Fee for each year a control body’s approval has effect—Act, s 29(2)(a)	3520.00
3 Application fee for accreditation of a facility as an accredited facility—Act, s 129(2)	3520.00
4 Application fee for variation of accreditation for an accredited facility—Act, s 134(2)	141.00
5 Giving a notice of appeal to the registrar—Act, s 149U(1)(a)	267.70
6 Application fee for an eligibility certificate—Act, s 207(2)(a)—	
(a) if the applicant is an individual	2383.00
(b) if the applicant is a corporation	6852.00

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 September 2013	none	
20 September 2013	2013 SL No. 183	

Current as at	Amendments included	Notes
1 November 2013	2013 SL No. 212	
1 July 2014	2014 SL No. 119	
18 July 2014	2014 SL No. 160	
1 July 2015	2015 SL No. 40	RA s 26(2)

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Racing Regulation 2013 SL No. 160

made by the Governor in Council on 15 August 2013
 notf gaz 16 August pp 1002–3
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2013 (see s 2)
exp 1 September 2023 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
 amending legislation—

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2013 SL No. 183 pts 1, 6

notfd gaz 20 September 2013 pp 101–3
 commenced on date of notification

Gaming Legislation Amendment Regulation (No. 2) 2013 SL No. 212 s 1, pt 7

notfd <www.legislation.qld.gov.au> 1 November 2013
 commenced on date of notification

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2014 SL No. 119 pts 1, 6

notfd <www.legislation.qld.gov.au> 20 June 2014
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2014 (see s 2)

Liquor and Gaming Amendment Regulation (No. 1) 2014 SL No. 160 s 1, pt 9

notfd <www.legislation.qld.gov.au> 18 July 2014
commenced on date of notification

Racing (Fees) Amendment Regulation (No. 1) 2015 SL No. 40

notfd <www.legislation.qld.gov.au> 19 June 2015
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2015 (see s 2)

5 List of annotations

Grounds for cancelling race information authority

s 8 amd RA s 26

Fees

s 15 amd 2013 SL No. 212 s 18

Fee for particular investigations

s 15A ins 2013 SL No. 212 s 19
amd 2014 SL No. 160 s 23

How fee for investigation must be paid

s 15B ins 2013 SL No. 212 s 19

SCHEDULE 2—FEES

sub 2013 SL No. 183 s 11; 2014 SL No. 119 s 12; 2015 SL No. 40 s 4