

Racing (Conditions of Race Information Authorities) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 116

made under the

Racing Act 2002

General Outline

Short title

Racing (Conditions of Race Information Authorities) Amendment Regulation 2017

Authorising law

Sections 135 and 169 of the *Racing Act 2002*

Policy objectives and the reasons for them

The primary objective of the *Racing (Conditions of Race Information Authorities) Amendment Regulation 2017* is to amend the *Racing Regulation 2013* (the Racing Regulation) to allow a control body to impose additional conditions on race information authorities that it issues to licensed wagering operators for use of Queensland race information.

Currently, section 6 of the Racing Regulation only enables a control body to impose conditions on race information authorities relating to the payment of fees, the duration of the authorities and the provision of information for the calculation of fees.

The amendment to the Racing Regulation will allow a control body to impose conditions about the amount up to which the holder of a race information authority (the wagering operator) must accept a bet for, from a customer, meaning that the wagering operator cannot simply refuse to accept the bet.

Achievement of policy objectives

The primary policy objective is achieved by inserting a new subsection (d) into section 6 of the *Racing Regulation 2013*, to prescribe a new type of condition that may be imposed, as referred to in section 135(3)(b) of the *Racing Act 2002* (the Racing Act).

The amendment to the Racing Regulation, will not in itself impose the condition, rather it will allow the control body to impose conditions of the new prescribed type, on its race information authorities issued to licensed wagering operators.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the Racing Act that is to provide for control bodies to manage, operate, develop and promote codes of racing in a way that ensures public confidence in the racing industry in Queensland. The amendment regulation will enable a control body to impose additional conditions on licensed wagering operators who use Queensland race information for the conduct of the wagering operator's business.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the amendment regulation is that it will enable a control body to implement a policy position and impose additional conditions on the holders of race information authorities for the use of Queensland race information. Following the amendment, a control body may choose to impose conditions of the new prescribed type, in line with the control body's responsibility to manage its codes of racing in the best interests of the industry.

There are no costs to Government associated with the amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation has been undertaken with Racing Queensland (RQ), the Queensland Government statutory body established as the control body for the thoroughbred, harness and greyhound codes of racing in Queensland. RQ itself, had also undertaken stakeholder consultation about the proposal.

The Department of National Parks, Sport and Racing (NPSR) undertook direct industry stakeholder consultation, by emailing all holders of current race information authorities for whom email addresses were available (approximately 135), and inviting comment on the proposal to amend the Racing Regulation to allow a control body to impose conditions of the new prescribed type. The majority of submissions received by NPSR supported the proposal to amend the Racing Regulation. It was also noted that the majority of comments related to policy matters for decision by the control body. No changes needed to be made to the amendment regulation as a result of the consultation.

NPSR consulted with the Office of Best Practice Regulation, Queensland Productivity Commission, who advised that it considers the proposal to amend the regulation unlikely to result in significant adverse impacts and that further analysis was not required.