

# Racing Regulation 2023

Explanatory notes for SL 2023 No. 93

made under the

*Racing Act 2002*

## General Outline

### Short title

*Racing Regulation 2023*

### Authorising law

Sections 12, 46, 65, 98, 102, 108, 134, 135, 139 and 169 of the *Racing Act 2002*.

### Policy objectives and the reasons for them

The *Racing Act 2002* (Racing Act) provides the legislative framework for the management, operation, development and promotion of the racing industry in Queensland. The Racing Act establishes the Racing Queensland Board as the control body for three racing codes: thoroughbred, harness and greyhound. It also provides a framework for eligible corporations to apply for approval as control bodies for proposed new codes of racing.

The *Racing Regulation 2013* (existing Regulation) supports the operation of the Racing Act by prescribing various matters. Under section 54 of the *Statutory Instruments Act 1992*, the existing Regulation will automatically expire on 1 September 2023.

The *Racing Regulation 2023* (new Regulation) has been prepared to replace the existing Regulation and maintain an effective legislative framework for the racing industry in Queensland on the existing Regulation's expiry.

The new Regulation supports the operation of the Racing Act by prescribing:

- the minimum amount the Racing Queensland Board must apply to fund country thoroughbred race meetings, and the percentage by which the prescribed amount is increased each financial year;
- requirements for operational plans and matters for policies of control bodies;
- matters relating to race information authority;
- a law of another State about racing or betting or animal welfare;
- fees payable under the Racing Act; and
- the due date for the yearly fee payable by a control body.

## **Achievement of policy objectives**

The new Regulation is largely consistent with the existing Regulation, with minor amendments to: reflect changes in other jurisdictions' legislation listed in the existing Regulation; and clarify that the matters prescribed in the existing Regulation as criteria for section 134(5) of the Racing Act are matters that must be taken into account by a control body when deciding an application for race information authority.

As the matters prescribed in the existing Regulation are designed to support the operation of the Racing Act, the existing Regulation must be replaced to ensure the legislative scheme can continue in effect.

Other editorial amendments have been made in the new Regulation to reflect current legislative drafting practices.

## **Consistency with policy objectives of authorising law**

The new Regulation is consistent with the policy objectives of the Racing Act.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Benefits and costs of implementation**

The new Regulation will ensure that the Racing Act can continue to function appropriately to provide a regulatory framework for the racing industry in Queensland. The new Regulation will continue to prescribe the minimum funding that the Board of Racing Queensland must provide to support country thoroughbred race meetings, supporting country racing programs that are important to local communities throughout Queensland. It will continue to prescribe the matters which must be included in a control body's operational plan and matters for which it must have a policy, ensuring integrity in control body operations.

The new Regulation will continue to provide for the use of Queensland race information allowing wagering service operators to provide Queensland race product for wagering purposes. It will prescribe the due date for the yearly fee payable by a control body and fee payable. The new Regulation will also continue to prescribe those state racing, betting and animal welfare laws which an offence against must be taken into consideration by a control body in deciding to license clubs, which supports the integrity of licensed clubs.

As the new Regulation retains the status quo, with only minor technical amendments, there are no substantive costs associated with implementation.

## **Consistency with fundamental legislative principles**

**Legislation should have sufficient regard to the institution of Parliament – *Legislative Standards Act 1992*, section 4(5)(e)**

It is a fundamental legislative principle (FLP) that legislation has sufficient regard to the institution of Parliament. Section 4(5)(e) of the *Legislative Standards Act 1992* provides that subordinate legislation should allow the sub-delegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act.

Under section 134 of the Racing Act, 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. Section 134(2)(a) of the Racing Act provides that the application must be made in a way prescribed by regulation, while section 134(b)(2) provides that the application must be accompanied by documents prescribed by regulation.

Section 7(1) and (2) of the new Regulation subdelegates to the control body the form of an application for a race information authority and the accompanying documents to the application which are identified in the control body form.

The potential breach of the FLP in section 7 is considered to be justified because the power to issue a race information authority is, under the Racing Act, delegated to the control body. The control body, as the decision-maker, is therefore best placed to determine the form of the application for race information authority made to the control body, and accompanying documents to the application.

## **Consultation**

A sunset review of the existing Regulation was undertaken in accordance with the Queensland Government Guide to Better Regulation.

The Office of Best Practice Regulation was consulted on the sunset review and advised that the requirements for a sunset review have been met and the proposal to remake the existing Regulation with minor technical amendments is unlikely to result in significant adverse impacts. No further regulatory impact analysis was required under the guidelines.

Consultation regarding the new Regulation has also been undertaken with Racing Queensland and the Queensland Racing Integrity Commission who supported the existing Regulation being remade with minor technical amendments.