



Queensland

Racing Integrity Amendment Act 2022

Act No. 24 of 2022

An Act to amend the Racing Integrity Act 2016 for particular purposes

[Assented to 31 October 2022]



Queensland

Racing Integrity Amendment Act 2022

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Racing Integrity Amendment Act 2022*.

2 Commencement

Part 3 and schedule 1, part 2 commence on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Racing Integrity Act 2016*.

Part 2 Amendments commencing on assent

4 Amendment of s 39 (Offences by witnesses)

(1) Section 39, heading, ‘by witnesses’—

omit, insert—

relating to audits and investigations

(2) Section 39, after subsection (1)—

insert—

(1A) A person who is given a notice under section 37 to attend an audit or investigation must not improperly influence, or attempt to improperly influence, someone else who the person knows

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has been given a notice under section 37 to attend the same audit or investigation.

Maximum penalty—100 penalty units.

- (3) Section 39(2) and (3), ‘the audit’—

omit, insert—

an audit

- (4) Section 39(5), ‘Subsection (3) or (4)’—

omit, insert—

Subsection (4) or (5)

- (5) Section 39(1A) to (5)—

renumber as section 39(2) to (6).

5 Amendment of s 65 (Standards for a licensing scheme—mandatory matters)

- (1) Section 65(1)(i)—

omit, insert—

(i) the grounds for taking disciplinary action relating to a licence—

(i) for matters dealt with in the rules of racing for the code of racing for which the licence is issued; or

(ii) in the circumstance mentioned in subsection (2) for the licence;

- (2) Section 65(1)(k)(ii) and (iii), before ‘action’—

insert—

disciplinary

6 Amendment of s 79 (Requirements about applications)

- (1) Section 79(2)(b), ‘the following’—

omit, insert—

each of the following

- (2) Section 79(2)(b)(i) and (c)(i)—
omit.
- (3) Section 79(2)(b)(ii) and (iii)—
renumber as section 79(2)(b)(i) and (ii).
- (4) Section 79(2)(c)(ii) and (iii)—
renumber as section 79(2)(c)(i) and (ii).

7 Omission of s 84 (Taking fingerprints)

Section 84—

omit.

8 Omission of s 112 (Destruction of fingerprints)

Section 112—

omit.

9 Insertion of new ch 4, pt 3, div 1A

Chapter 4, part 3—

insert—

Division 1A Amendments of offcourse approvals

123A Application for amendment of offcourse approval

- (1) A racing bookmaker who holds an offcourse approval may apply to the Minister for an amendment of the approval, other than an amendment of a mandatory condition.
- (2) The application for the amendment must—

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- (a) be made in the approved form; and
- (b) be accompanied by the fee prescribed by regulation; and
- (c) state—
 - (i) the proposed amendment; and
 - (ii) the reasons for the proposed amendment.

123B Further information or documents to support amendment application

- (1) The Minister may, by notice given to the applicant, require the applicant—
 - (a) to give the Minister further information or a document the Minister reasonably requires to decide the application for the amendment; or
 - (b) to give the Minister a revised undertaking for the offcourse approval, taking into account the impact of the proposed amendment on the accepted undertaking for the approval.
- (2) The notice must state a reasonable period of at least 28 days within which the information, document or undertaking must be given.
- (3) The applicant is taken to have withdrawn the application if, within the period stated in the notice, the applicant does not comply with the requirement.
- (4) A notice under subsection (1) must be given to the applicant—
 - (a) before the Minister decides the application; and
 - (b) within 30 days after the Minister receives the application.

- (5) The Minister may, but need not, refund all or part of any fee paid for the application if the application is withdrawn.

123C Decision on amendment application

- (1) The Minister must consider the application for the amendment of the offcourse approval and decide to—
- (a) grant the application; or
 - (b) refuse to grant the application; or
 - (c) if the applicant agrees in writing to another amendment—grant the agreed amendment.
- (2) If subsection (1)(a) or (c) applies, the Minister must—
- (a) amend the offcourse approval in the way decided; and
 - (b) if the applicant gave the Minister the revised undertaking mentioned in section 123B(1)(b)—vary the accepted undertaking in the way revised.

123D Notice of decision to refuse amendment application

If the Minister refuses to grant the application for the amendment, the Minister must give the applicant an information notice about the decision to refuse to grant the application.

10 Amendment of s 135 (When a racing bookmaker may make a bet with a person who is not present at a licensed venue)

- (1) Section 135(1)(a), from ‘a telecommunications’—
omit, insert—

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an approved telecommunications system for bookmaking; and

(2) Section 135(2), (3) and (4)—

omit.

11 **Amendment of s 142 (Racing bookmaker's agent during particular periods)**

Section 142(2)(a)(i)—

omit, insert—

- (i) is temporarily incapacitated through illness or accident for a period that, together with any previous period in which the racing bookmaker was temporarily incapacitated through illness or accident, does not exceed 12 weeks in any year; or

12 **Insertion of new s 142A**

After section 142—

insert—

142A Approving telecommunications system for bookmaking

- (1) The commission may approve a telecommunications system for bookmaking if—
 - (a) the commission has the system assessed by a suitably qualified entity, other than the commission; and
 - (b) the entity assessing the system gives the commission a report stating the system is of a standard—
 - (i) to ensure the integrity of bets made; and

- (ii) to protect the money and privacy of any person placing a bet.
- (2) A telecommunications system approved by the commission under subsection (1) is an ***approved telecommunications system*** for bookmaking.
- (3) The Minister may, if reasonably satisfied it is in the best interests of the Queensland racing industry, give the commission a written direction—
 - (a) to have an approved telecommunications system for bookmaking audited by a suitably qualified entity, other than the commission; and
 - (b) to give the Minister the results of the audit.
- (4) The commission must comply with a direction given under subsection (3).

13 Amendment of s 177 (Offence to contravene help requirement)

- (1) Section 177(2), ‘not to’—

omit, insert—

to fail to

- (2) Section 177(2)—

insert—

Note—

See also section 210.

- (3) Section 177(3)—

omit.

14 Amendment of s 200 (Offence to contravene document production requirement)

- (1) Section 200(2), ‘not’—

[s 15]

omit.

- (2) Section 200(2), note—

omit, insert—

Note—

See also section 210.

- (3) Section 200(3) to (5)—

omit.

15 Amendment of s 201 (Offence to contravene document certification requirement)

- (1) Section 201(2), ‘not’—

omit.

- (2) Section 201(2), note—

omit, insert—

Note—

See also section 210.

- (3) Section 201(3) and (4)—

omit.

16 Amendment of s 210 (Evidential immunity for individuals complying with particular requirements)

Section 210(3)—

omit.

17 Amendment of s 211 (Definitions for division)

- (1) Section 211, definition *background document*, paragraph (c)—

omit.

- (2) Section 211, definition *background document*, paragraph (d)—

renumber as paragraph (c).

18 Amendment of s 231 (Other evidentiary provisions)

(1) Section 231(3)—

omit.

(2) Section 231(4)—

renumber as section 231(3).

19 Amendment of s 258 (Delegations)

Section 258(1), after ‘executive’—

insert—

, the commissioner

20 Insertion of new ch 9, pt 3

Chapter 9—

insert—

Part 3

**Transitional provisions
for Racing Integrity
Amendment Act 2022**

298 Definitions for part

In this part—

amending Act means the *Racing Integrity Amendment Act 2022*.

former, for a provision of this Act, means the provision as in force immediately before the commencement of the provision in which the term is used.

299 Existing application to act as racing bookmaker's agent

- (1) This section applies if—
 - (a) before the commencement, a racing bookmaker applied to authorise a person to act as the racing bookmaker's agent for a reason mentioned in former section 142(2)(a)(i); and
 - (b) immediately before the commencement, the application had not been decided.
- (2) The commission may authorise the person under former section 142(2) as if the amending Act, section 11 had not been enacted.

300 Existing matters relating to telecommunications systems

- (1) Subsection (2) applies to a telecommunications system that was, before the commencement, approved for bookmaking under the Act by the commission.
- (2) The telecommunications system is taken to be approved under section 142A(1).
- (3) Subsection (4) applies if, immediately before the commencement, the commission was considering whether to approve a telecommunications system under former section 135(2).
- (4) The commission may decide whether to approve the telecommunications system under section 142A(1).
- (5) Subsection (6) applies to a written direction for a telecommunications system if—
 - (a) the direction was given, before the commencement, under former section 135(3), to the commission by the Minister; and

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(ii) a decision of the Racing Appeals Panel.

(2) Section 240—

insert—

(3) In this section—

exclusion action, relating to a person, see the Racing Act, schedule 1.

24 Insertion of new ch 6, pts 4 and 5

Chapter 6—

insert—

Part 4 Reviews and appeals of stewards' racing decisions

Division 1 Preliminary

252AA Definitions for part

In this part—

appeal tribunal see the QCAT Act, schedule 3.

disqualification action, against a person, means action that—

- (a) is disciplinary action relating to the person's approval or licence or exclusion action against the person; and
- (b) prevents the person from doing any of the following for a period of 3 months or longer—
 - (i) attending a race meeting;
 - (ii) betting;

- (iii) bookmaking;
- (iv) racing an animal.

Examples—

- disciplinary action to suspend the licence of a licence holder for an animal for 3 months
- disciplinary action to cancel the licence of a licence holder
- exclusion action to warn off a person from entering, or remaining at, a racecourse for 6 months

exclusion action, against a person, means action taken by a steward—

- (a) to name the person on a list kept under the rules of racing that identifies persons whose entitlements under the rules are forfeited; or
- (b) to warn off the person from entering, or remaining at, a place being used for a race meeting.

racing decision, of a steward, means a decision of the steward under the rules of racing for a code of racing.

remote conferencing means a form of communication that allows a person to hear and take part in discussions as they happen.

Examples—

teleconferencing, videoconferencing

Division 2 Application for review by panel

252AB Applying for review

- (1) A person may apply to the panel for a review, under this part, of a racing decision of a steward to—

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- (a) take disciplinary action relating to the person's approval or licence; or
 - (b) take exclusion action against the person; or
 - (c) otherwise impose a penalty, whether monetary or non-monetary, on the person.
- (2) The application must—
- (a) be made to the panel within 3 business days after the day the person is given notice of the racing decision; and
 - (b) be in the approved form; and
 - (c) be accompanied by the fee prescribed by regulation.
- (3) The chairperson may decide to accept the application after the period mentioned in subsection (2)(a) has ended if, in the opinion of the chairperson, it would be unjust to refuse to accept the application.
- (4) The making of the application does not affect the operation of the racing decision or prevent the decision being implemented.
- (5) However, subsection (4) does not apply to the extent the operation of the racing decision is stayed under section 252AT.
- (6) An application made under this section is a *panel review application*.

252AC Parties to application

The parties to the panel review application are the applicant and the commission.

Division 3 Constitution of panel

252AD Constituting panel for application

- (1) The panel for deciding a panel review application is to be constituted by—
 - (a) the chairperson; and
 - (b) 2 other members, chosen by the chairperson.
- (2) However, the panel may be constituted in the way decided by the chairperson, including by the chairperson alone, if the panel review application relates to a racing decision of a steward—
 - (a) to impose a monetary penalty for an amount no greater than \$200; or
 - (b) to take disciplinary action relating to a person's approval or licence that has effect for no longer than 8 days; or
 - (c) to take exclusion action against a person that has effect for no longer than 8 days.
- (3) When choosing a member for the panel, the chairperson may consider—
 - (a) the nature, importance and complexity of the panel review application to be heard and decided by the panel; and
 - (b) the need for any special knowledge, expertise or experience relating to the application; and
 - (c) any other matter the chairperson considers relevant.

252AE Disclosure of conflicting interest

- (1) This section applies if a member of the panel for a panel review application has or acquires a conflicting interest in relation to the application.
- (2) The member must—

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- (a) declare the conflicting interest to the chairperson as soon as practicable after the member becomes aware of the interest; and
 - (b) withdraw from the panel for the panel review application.
- (3) As soon as practicable after becoming aware of the member's conflicting interest, the chairperson must choose a different member for the panel.
- (4) However, subsections (2)(b) and (3) do not apply if—
 - (a) the member discloses the conflicting interest to the parties to the panel review application; and
 - (b) the parties agree to the member continuing on the panel to decide the application.
- (5) The chairperson must make a record of the matters mentioned in subsections (3) and (4).
- (6) If the member who has or acquires the conflicting interest is the chairperson, a reference to the chairperson in subsections (2), (3) and (5) and section 252AD(1)(a) is taken to be a reference to a deputy chairperson.
- (7) In this section—

conflicting interest, of a member in relation to a panel review application, means an interest, whether financial or otherwise, held or acquired by the member that may conflict with the proper performance of the member's functions in relation to deciding the application.

Division 4 Deciding applications

Subdivision 1 Making decisions

252AF Way application decided

- (1) The panel for a panel review application may decide the application in the way it considers appropriate, including, for example—
 - (a) by holding a hearing in person; or
 - (b) by holding a hearing using remote conferencing; or
 - (c) by deciding the application on the basis of documents without a hearing.
- (2) If the panel decides to hold a hearing, it must be conducted in accordance with subdivision 2.
- (3) If the panel decides not to hold a hearing, the panel must ensure the information considered by the panel is made publicly available to the same extent as if the panel review application were heard in public.
- (4) Subsection (3) does not apply in relation to any information the panel decides is not to be made publicly available based on a non-disclosure ground.

252AG When application must be decided

The panel for the panel review application must decide the application—

- (a) if the application relates to a racing decision of a steward to take disqualification action against a person—within 20 business days after the application is made; or
- (b) otherwise—within 7 business days after the application is made.

252AH Decision of panel

- (1) The panel must review the racing decision the

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subject of the panel review application and decide to—

- (a) confirm the racing decision; or
 - (b) vary the racing decision; or
 - (c) set aside the racing decision and substitute the panel's own decision.
- (2) If the panel confirms the racing decision, it is taken to be the decision of the panel.
- (3) If the panel's decision includes the taking of disqualification action against the applicant, the panel must decide whether the action is taken because of a serious risk caused to—
- (a) the welfare or health of an animal; or
 - (b) the safety of any person; or
 - (c) the integrity of the Queensland racing industry.

Note—

See also section 252AV(2) preventing a stay of particular decisions.

- (4) The panel must give the parties to the panel review application a notice stating—
- (a) the panel's decision, including, if applicable, the matters mentioned in subsection (3); and
 - (b) the reasons for the panel's decision.
- (5) The panel's decision takes effect—
- (a) on the day the notice is given to the parties; or
 - (b) if a later day is stated in the notice—on the later day.

Subdivision 2 Hearings

252AI Notice of hearing

- (1) The registrar must give the parties to a panel review application notice of the time and place of a hearing of the application.
- (2) The notice must be given as soon as practicable, and at least a reasonable period, before the day of the hearing.

252AJ Public hearing

- (1) The hearing of a panel review application must be held in public.
- (2) However, the panel may, on application by a party or on the panel's own initiative, decide that the hearing, or part of the hearing, is to be held in private.
- (3) A decision under subsection (2) may be made only if the panel considers information proposed to be disclosed at the hearing should not be made publicly available based on a non-disclosure ground.
- (4) To the extent the hearing is heard in private under subsection (2), the panel may limit who may be present at the hearing.
- (5) The hearing may be held at any place in Queensland or by remote conferencing.
- (6) The panel may adjourn the hearing.

252AK Requiring witness to attend or produce document or thing

- (1) On the application of a party or on the panel's own initiative, the panel may give a person a notice requiring the person—
 - (a) to attend the hearing of a panel review application to give evidence; or

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- (b) to produce a stated document or other thing to the panel for the hearing.

Note—

See section 252AL for the consequences of failing to comply with the notice.

- (2) However, the notice may be given only if the panel reasonably believes the person has information, or the document or thing contains information, required for consideration of the panel review application.
- (3) A notice under subsection (1) must be given as soon as practicable, and at least a reasonable period, before the day of the hearing.
- (4) A person given a notice under subsection (1) is entitled to be paid the fees and allowances decided by the panel.
- (5) The fees and allowances must be paid—
 - (a) if the notice was given on the application of a party—by the party; or
 - (b) otherwise—by the parties in the proportions decided by the panel.

252AL Offences for witness

- (1) A person given a notice under section 252AK(1) must not fail, without a reasonable excuse, to comply with the notice.

Maximum penalty—100 penalty units.

- (2) A person appearing as a witness at a hearing of a panel review application must not—
 - (a) fail to take an oath or affirmation when required by the panel; or
 - (b) fail, without a reasonable excuse, to answer a question the person is required to answer by the panel.

Maximum penalty—100 penalty units.

- (3) It is a reasonable excuse for an individual to refuse to answer a question, or produce a document or other thing, if the answer, or the production of the document or thing, might tend to incriminate the individual or expose the individual to a penalty.

252AM Hearing in absence of parties or others

- (1) The panel may hear a panel review application in the absence of a party to the application if—
 - (a) the panel is satisfied the party has been given notice of the hearing under section 252AI; and
 - (b) the panel is satisfied the party did not have a reasonable excuse for failing to attend.
- (2) Also, the panel may hear a panel review application in the absence of any other person who has been given reasonable notice of the hearing.

252AN Contempt of panel at hearing

A person must not—

- (a) insult a member while the member is—
 - (i) participating in a hearing of a panel review application; or
 - (ii) entering or leaving the place where the panel is hearing a panel review application; or
- (b) unreasonably or deliberately interrupt a hearing of a panel review application; or
- (c) create or continue, or join in creating or continuing, a disturbance in or near a place

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where the panel is hearing a panel review application.

Maximum penalty—30 penalty units.

Subdivision 3 Other procedural matters

252AO Conducting review generally

- (1) In deciding a panel review application, the panel—
 - (a) must act with impartiality; and
 - (b) must observe the rules of natural justice; and
 - (c) is not bound by the rules of evidence; and
 - (d) may inform itself in any way it considers appropriate.
- (2) Subject to this part, the procedure for deciding a panel review application is at the discretion of the panel.

252AP Evidence before panel

- (1) For deciding a panel review application, the panel may—
 - (a) require a person to give evidence on oath or affirmation; or
 - (b) take evidence from a person on oath or affirmation; or
 - (c) administer an oath or affirmation to a person.
- (2) The panel may permit a person to give evidence on oath or affirmation by tendering a written statement verified by oath or affirmation.

252AQ Applicant bears own costs

The applicant for a panel review application must bear the applicant's own costs.

252AR Withdrawal of application

The applicant for a panel review application may withdraw the application at any time.

252AS Record of review

- (1) The registrar must keep a record of any documents produced to the panel for deciding a panel review application.
- (2) Subject to subsection (3), a person may, on payment of the fee prescribed by regulation—
 - (a) inspect a record kept under subsection (1);
or
 - (b) obtain a copy of a record, or a part of a record, kept under subsection (1).
- (3) If the person is a party to the panel review application, the person may inspect the record without charge.
- (4) Subsections (2) and (3) do not apply in relation to any part of a record containing information the panel has decided is not to be made publicly available based on a non-disclosure ground.
- (5) This section does not affect the operation of another Act that provides for the recording or keeping of evidence.

Division 5 Stays of stewards' racing decisions

252AT Staying operation of racing decision

- (1) The applicant for a panel review application may apply to the panel for a stay of the operation of the racing decision to which the application relates.
- (2) The panel may stay the operation of the racing decision to secure the effectiveness of the review of the decision by the panel.
- (3) The panel may stay the operation of the racing decision on the conditions, and for the period, decided by the panel.
- (4) However, the period of the stay must not extend past the time when the panel decides the panel review application.

Division 6 Appeal of panel decisions

252AU Appealing disqualification action to appeal tribunal

- (1) This section applies if—
 - (a) the panel’s decision on a panel review application includes the taking of disqualification action against a person; and
 - (b) a person who is a party to the application is dissatisfied with the panel’s decision.
- (2) The person may appeal to the appeal tribunal against the panel’s decision only on a question of law relating to the extent of the disqualification action.
- (3) The notice of appeal must, unless the appeal tribunal orders otherwise—
 - (a) be filed in the tribunal’s registry within 28 days after the date of the panel’s decision; and

- (b) be served on the commission within 7 days after being filed.
- (4) The appeal tribunal has jurisdiction to hear and decide the appeal.
- (5) The starting of the appeal does not affect the operation of the panel's decision or prevent the decision being implemented.
- (6) However, subsection (5) does not apply to the extent the operation of the panel's decision is stayed under section 252AV.

252AV Staying operation of panel's decision

- (1) A person appealing a decision of the panel under section 252AU may apply to the appeal tribunal for a stay of the operation of the decision.
- (2) However, subsection (1) does not apply if the notice of the panel's decision states, under section 252AH(3), that the decision includes disqualification action taken against a person because of a serious risk mentioned in the section.
- (3) The appeal tribunal may stay the operation of the panel's decision on the conditions, and for the period, decided by the tribunal.
- (4) However, the period of the stay must not extend past the time when the appeal tribunal decides the appeal.

Part 5 Racing Appeals Panel

Division 1 Establishment, functions and powers

252AW Establishment of panel

The Racing Appeals Panel (the *panel*) is established.

252AX Finances of panel

The panel is part of the department for the *Financial Accountability Act 2009*.

252AY Functions of panel

The functions of the panel are—

- (a) to hear and decide each application for review of a racing decision of a steward; and
- (b) any other function given to the panel under this Act or another Act.

252AZ Powers

The panel has the power to do anything necessary or convenient to be done to perform its functions.

252BA Independence of panel and members

In performing functions or exercising powers, the panel and members—

- (a) must act independently, impartially and fairly; and
- (b) are not subject to direction or control by any entity, including any Minister.

Division 2 Members

Subdivision 1 Appointments

252BB Composition of panel

The panel consists of the following members appointed by the Governor in Council—

- (a) the chairperson;
- (b) at least 2 deputy chairpersons;
- (c) at least 3 other members.

252BC Appointment

- (1) The Governor in Council is to appoint each member of the panel, including the chairperson and deputy chairpersons, on the recommendation of the Minister.
- (2) The Minister must recommend persons for appointment to the panel who have experience in a sufficient range of areas mentioned in section 252BD(1)(b) to allow the panel to perform its functions.
- (3) The Minister may recommend a person for appointment only if the Minister is satisfied the person is eligible for appointment under section 252BD.

252BD Eligibility for appointment

- (1) A person is eligible for appointment to the panel if—
 - (a) for appointment as the chairperson or a deputy chairperson—the person is a lawyer of at least 5 years standing; or
 - (b) otherwise—the person has professional experience in 1 or more of the following areas—
 - (i) chemistry relating to animals;
 - (ii) law;

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- (iii) racing;
 - (iv) veterinary science.
- (2) However, a person is not eligible for appointment to the panel if the person—
- (a) is, or has in the 2 years before the proposed appointment, been a member or employee of a control body; or
 - (b) is registered or licensed by a control body; or
 - (c) has a financial or proprietary interest in a licensed animal; or
 - (d) is a member of a committee, or an employee, of—
 - (i) a licensed club; or
 - (ii) an association formed in Australia to promote the interests of 1 or more participants in a code of racing; or
 - (e) is affected by bankruptcy action; or
 - (f) has a conviction, other than a spent conviction, for—
 - (i) an offence against this Act or the Racing Act; or
 - (ii) an indictable offence against any Act; or
 - (iii) an indictable offence against a law of another State.
- (3) In this section—
- interstate rehabilitation law* means a law applying, or that applied, in another State that provides, or provided, for the same matter as the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

spent conviction—

- (a) for an offence against this Act or another Act—see the Racing Act, schedule 1; or
- (b) for an indictable offence against a law of another State—means a conviction for an offence committed by a person against a law of the other State that the person is not required to disclose under an interstate rehabilitation law.

252BE Term of appointment

- (1) A member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.
- (2) Subsection (1) does not prevent a person being reappointed as a member.

252BF Conditions of appointment

- (1) A member is appointed under this Act and not the *Public Service Act 2008*.
- (2) Each member—
 - (a) is entitled to be paid the remuneration and allowances decided by the Governor in Council; and
 - (b) holds office on the conditions stated in the member's instrument of appointment.

Subdivision 2 Functions

252BG Functions of members

- (1) The functions of the chairperson are—

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- (a) to choose members to constitute the panel to hear and decide a panel review application; and
 - (b) to manage the business and overall performance of the panel to ensure it operates efficiently; and
 - (c) to give directions about practices and procedures to promote the making of high quality and consistent decisions by the panel; and
 - (d) to ensure members are adequately trained to perform the functions and exercise the powers of the panel; and
 - (e) to ensure the report mentioned in section 252BP is prepared.
- (2) The function of a deputy chairperson is to act as, and perform the functions of, the chairperson when—
- (a) there is a vacancy in the office of the chairperson; or
 - (b) the chairperson has a conflicting interest under section 252AE in relation to a panel review application; or
 - (c) the chairperson is absent or otherwise cannot perform the functions of the office.
- (3) The function of all members is to participate in the panel to hear and decide, under part 4, matters for which the panel is constituted.

Subdivision 3 Ending appointments

252BH Resignation

- (1) A member may resign by signed notice given to

the Minister.

- (2) The resignation takes effect on—
 - (a) the day the notice is given; or
 - (b) if a later day is stated in the notice—the later day.

252BI Removal from office

- (1) The Governor in Council may, on the recommendation of the Minister at any time, remove a person from office as a member of the panel.
- (2) The Minister may recommend the person's removal if the Minister is satisfied the person—
 - (a) is no longer eligible for appointment for a reason mentioned in section 252BD(2); or
 - (b) is incapable of performing the functions or exercising the powers of the office; or
 - (c) has neglected the functions or powers of the office or performed the functions or exercised the powers incompetently; or
 - (d) has engaged in conduct that would warrant dismissal from the public service if the person were a public service officer.

252BJ Vacancy in office

The office of a member becomes vacant if the member—

- (a) completes a term of office and is not reappointed; or
- (b) resigns under section 252BH; or
- (c) is removed from office under section 252BI.

Division 3 Administration

Subdivision 1 Registry

252BK Registrar and other staff

- (1) The chief executive must appoint—
 - (a) an appropriately qualified person to be the registrar of the panel; and
 - (b) staff to assist the panel to perform its functions effectively.
- (2) A person appointed under subsection (1) is employed under the *Public Service Act 2008*.

252BL Functions of registrar

The functions of the registrar are—

- (a) the functions given to the registrar under this part and part 4; and
- (b) to do any other thing necessary or convenient for the effective and efficient performance of the panel's functions.

252BM Register of decisions

- (1) The registrar must keep a register that includes—
 - (a) a brief description of each panel review application that has been made; and
 - (b) the information in the notice of the panel's decision on the application, given under section 252AH(4).
- (2) The registrar must make a copy of the register available for inspection by the public on the panel's website.

- (3) However, the copy of the register must not include any information that the panel has decided is not to be made publicly available based on a non-disclosure ground.

Subdivision 2 Criminal history

252BN Criminal history report

- (1) This section applies for considering whether a person—
 - (a) is eligible under section 252BD to be appointed as a member of the panel; or
 - (b) is to be recommended for removal from office as a member of the panel under section 252BI(2)(a).
- (2) The Minister may ask the police commissioner for a written report about the person's criminal history that includes a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) However, if subsection (1)(a) applies, the Minister may make the request only if the person has given the Minister written consent for the request.
- (4) The police commissioner must comply with the request.
- (5) The duty to comply applies only to information in the police commissioner's possession or to which the commissioner has access.
- (6) Before using information obtained under this section to make a decision, the Minister must—
 - (a) disclose the information to the person; and

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- (b) allow the person a reasonable opportunity to make representations to the Minister about the information.
- (7) The Minister must ensure a report given under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

252BO Changes in criminal history must be disclosed

- (1) This section applies if a member is charged with or convicted of an offence mentioned in section 252BD(2)(f).
- (2) The member must immediately give the Minister notice of the charge or conviction, unless the member has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
 - (a) the existence of the charge or conviction;
 - (b) details adequate to identify the offence committed or alleged to have been committed;
 - (c) when the offence was committed or alleged to have been committed;
 - (d) for a conviction—the sentence imposed on the member.

Subdivision 3 Miscellaneous

252BP Annual performance report

- (1) After the end of each financial year, the chairperson must ensure a written report is given

to the Minister about the panel's performance in relation to the following matters—

- (a) the operation of the panel for the year and any proposals to improve the operation of the panel;
 - (b) the number of panel review applications received by the panel in the year;
 - (c) the number of applications decided by the panel in the year and a brief description of the nature of the decisions made;
 - (d) any matters affecting the panel's ability to decide applications in the year.
- (2) The chairperson must give the report to the Minister no later than 3 months after the end of the financial year to which the report relates.
 - (3) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.

25 Insertion of new ch 7, pt 1A

Chapter 7—

insert—

Part 1A Miscellaneous provisions relating to stewards' reports

256A Publication of stewards' reports

- (1) This section applies if a race day steward gives the commission a report in relation to—
 - (a) the races conducted at a race meeting (a *race day report*); or

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- (b) an incident investigated at a race meeting (an *inquiry report*).
- (2) The commission may publish, on its website, any of the following information in the race day report—
- (a) the name of the race day steward;
 - (b) the code of racing conducted at the race meeting;
 - (c) the day of the meeting;
 - (d) the licensed venue at which the meeting was conducted;
 - (e) the details of the track conditions at the meeting;
 - (f) the outcome of each race at the meeting;
 - (g) any incident investigated by the steward at the meeting;
 - (h) the rules of racing applying to the incident investigated;
 - (i) any action taken by the steward in response to the incident investigated.
- (3) The commission may publish, on its website, any of the following information in the inquiry report—
- (a) the name of the person investigated;
 - (b) the rules of racing applying to the incident;
 - (c) the decision of the race day steward about the incident;
 - (d) the reasons for the decision.
- (4) The commission must remove from its website any information published under subsection (2) or (3) no later than—

- (a) if the information relates to disqualification action taken against a person by a race day steward—the day the effect of the action ends; or
 - (b) otherwise—6 months after the day the information is published.
- (5) This section applies subject to section 256B.
- (6) In this section—
disqualification action, against a person, see section 252AA.

256B Request for commission not to publish personal information contained in steward's report

- (1) A person identified in a report may ask the commission, in writing—
 - (a) not to publish any personal information about the person contained in the report; or
 - (b) if the information has been published—to remove the information from the commission's website.
- (2) Before giving a report to the commission, the race day steward who prepared the report must tell each person identified in the report—
 - (a) that the person may ask the commission not to publish personal information about the person contained in the report; and
 - (b) the requirements that apply, under this section, to the steward and commission in relation to the request.
- (3) If a person identified in a report tells the race day steward who prepared the report that the person intends to make a request under subsection (1)—

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- (a) the steward must tell the commission of that fact when giving the report to the commission; and
 - (b) the commission must not publish any personal information about the person contained in the report for at least 7 days after the day the report is given to the commission.
- (4) If the commission receives a request under subsection (1) after publishing the personal information to which the request relates, the commission must remove the information from its website while the commission considers the request.
- (5) For considering a request under subsection (1), the commission must not publish personal information if the commission is reasonably satisfied the information should not be made publicly available based on a non-disclosure ground.
- (6) In this section—
- publish* means publish on the commission’s website.
- report* means a race day report or inquiry report within the meaning of section 256A.

256C Publication of elevated readings for licensed horses

- (1) This section applies if a race day steward gives the commission any of the following information—
- (a) the name of a licensed horse that has an elevated reading within a 48-hour period before a race;
 - (b) the name of the licence holder for the horse;

-
- (c) the date the elevated reading is measured for the horse.
- (2) The commission may, on its website, publish a list that states the information.
- (3) In this section—
- elevated reading***, for a licensed horse, means either of the following levels of substance measured in a blood test carried out on the horse—
- (a) a level of carbon dioxide that is 35.1 millimoles per litre or higher;
- (b) any level of a prohibited substance.

licensed horse means a licensed animal that is a horse.

prohibited substance means a substance not allowed to be given to a licensed horse under the rules of racing.

26 Amendment of s 259 (Protection from civil liability)

- (1) Section 259(1)—

insert—

(ba) a member of the Racing Appeals Panel, including the chairperson or a deputy chairperson;

(bb) the registrar of the Racing Appeals Panel;

- (2) Section 259(2)(a), ‘or (c)’—

omit, insert—

or (e)

- (3) Section 259(2)(b), ‘(1)(d) or (e)’—

omit, insert—

(1)(f) or (g)

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- (4) Section 259(1)(ba) to (e)—
renumber as section 259(1)(c) to (g).

27 Insertion of new s 301

After section 300, as inserted by this Act—

insert—

301 Review of existing racing decisions

- (1) This section applies if—
- (a) before the commencement, a decision was made by a steward under the rules of racing for a code of racing; and
 - (b) immediately before the commencement, the decision was an original decision under former section 240; and
 - (c) immediately before the commencement, any of the following applied under former chapter 6, part 2, division 4 in relation to the decision—
 - (i) the period during which an appeal, or an application for internal review or external review, could be made had not ended;
 - (ii) an application for internal review or external review had not been decided;
 - (iii) an appeal had not been decided;
 - (iv) a stay had not been decided.
- (2) The appeal, application or stay may be decided, or made and decided, under former chapter 6, part 2, division 4 as if the amending Act, part 3 had not been enacted.

28 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *exclusion action* and *tribunal*—
omit.
- (2) Schedule 1—
insert—

appeal tribunal, for chapter 6, part 4, see section 252AA.

chairperson means the member appointed to be the chairperson of the panel.

deputy chairperson means a member appointed to be a deputy chairperson of the panel.

disqualification action, against a person, for chapter 6, part 4, see section 252AA.

exclusion action, against a person, for chapter 6, part 4, see section 252AA.

member means a person appointed to be a member of the panel under section 252BC.

non-disclosure ground, in relation to the disclosure or publication of information, means—

- (a) the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication; or
- (b) the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*; or
- (c) the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates; or
- (d) the disclosure or publication is not otherwise in the interests of justice.

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panel see section 252AW.

panel review application see section 252AB(6).

personal information see the *Information Privacy Act 2009*, section 12.

Racing Appeals Panel means the Racing Appeals Panel established under section 252AW.

racine decision, of a steward, see section 252AA.

registrar means the person appointed to be the registrar of the panel under section 252BK(1)(a).

remote conferencing, for chapter 6, part 4, see section 252AA.

Part 4 Other amendments

29 Provisions amended

Schedule 1 amends the provisions it mentions.

Schedule 1 Other amendments

section 29

Part 1 Amendments commencing on assent

1 Section 103(2)(a), ‘(the *proposed action*)’—

omit.

**2 Section 116(1) and (2)(a), ‘a telecommunications
system’—**

omit, insert—

an approved telecommunications system for
bookmaking

3 Section 122(2)(b), after ‘Minister’—

insert—

, or is required by the Minister,

4 Section 140(3), ‘a telecommunications system’—

omit, insert—

an approved telecommunications system for
bookmaking

5 Chapter 6, part 1, division 5, heading—

omit, insert—

Division 5 Attempts

6 Schedule 1, definitions, *proposed action*, *show cause notice* and *show cause period*—

omit.

7 Schedule 1—

insert—

approved telecommunications system, for bookmaking, see section 142A(2).

show cause notice—

(a) for chapter 4, part 2, division 5, see section 103(1); or

(b) for chapter 4, part 3, see section 125(1).

show cause period—

(a) for chapter 4, part 2, division 5, see section 103(2)(d); or

(b) for chapter 4, part 3, see section 125(2)(d).

Part 2 Amendments commencing by proclamation

1 Chapter 6, part 2, division 4, heading, ‘for original’—

omit, insert—

of particular

2 Chapter 6, part 2, division 4—

renumber as chapter 6, part 3.

3 Chapter 6, part 3, as renumbered by this Act, subdivisions 1 to 4—

renumber as chapter 6, part 3, divisions 1 to 4.

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