



*Racing Act 2002*

# Racing Regulation 2023

**Current as at 1 September 2023**

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Queensland

# Racing Regulation 2023

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# Racing Regulation 2023

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Racing Regulation 2023*.

### 2 Commencement

This regulation commences on 1 September 2023.

## Part 2 Funding of country thoroughbred race meetings

### 3 Prescribed amount—Act, s 12

For section 12(4) of the Act, definition *prescribed amount*, the amount is—

- (a) for the financial year starting on 1 July 2023—\$20.4m;  
or
- (b) for any later financial year—the amount for the previous financial year, increased by the prescribed percentage and rounded to the nearest cent (rounding one-half upwards).

### 4 Prescribed percentage—Act, s 12

For section 12(4) of the Act, definition *prescribed percentage*, the percentage is 2%.

## **Part 3** **Operational plans and policies**

### **5 Requirements for operational plan—Act, s 98**

- (1) For section 98 of the Act, a control body’s operational plan for a code of racing for a financial year must include a program to audit the suitability of licence holders for the code of racing to continue to be licensed for the financial year.

*Note—*

See also section 87(3) of the Act.

- (2) A program mentioned in subsection (1) must include the following—
- (a) the categories of licence holders being audited under the program;
  - (b) the focus of the audits for each category of licence holder;
  - (c) the number of audits planned for each category of licence holder.
- (3) Subsection (4) applies if, as a result of auditing licence holders, the control body identifies an issue about the suitability of licence holders to continue to be licensed that is not within the focus of the audits.
- (4) The program for the next financial year must include a summary of the issue and state whether the issue is addressed by the program.

### **6 Matters for policy for code of racing—Act, s 102**

For section 102(3) of the Act, a control body must make a policy for the following matters—

- (a) the management of licensed clubs;
- (b) the allocation of race days to licensed clubs to hold race meetings;

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- (c) the provision of funding by the control body to licensed clubs;
  - (d) the standard required of licensed venues, including criteria for different categories of venues;
  - (e) the way in which races are to be held for the control body's code of racing, including, for example, classes of races, nominations and prize money;
  - (f) handicapping, including handicapping licensed animals for the control body's code of racing and the appropriate qualifications for handicappers;
  - (g) the fees the control body will charge;
  - (h) the disposal of assets for section 129(1)(c)(i) of the Act.

## **Part 4**    **Matters relating to race information authority**

### **7**    **Application for race information authority**

- (1) For section 134(2)(a) of the Act, the application must be in a control body form.
- (2) For section 134(2)(b)(ii) of the Act, the documents are the documents identified in the control body form.

### **8**    **Matters to be taken into account in deciding application for race information authority**

- (1) This section applies to an applicant for a race information authority for a code of racing if the applicant is a relevant wagering operator.
- (2) Each of the following is a type of matter that must be taken into account for section 134(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.
- (3) 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.

## 9 Matters not to be taken into account in deciding application for race information authority

Each of the following is a type of matter for section 134(5)(b) of the Act—



- (a) for an applicant who is an individual and 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 and 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 and 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 and 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 and 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.

## **10 Conditions that may be imposed on race information authority**

Each of the following is a type of condition for section 135(3)(b) of the Act—

- (a) a condition about the duration of the authority;
- (b) a condition about the holder of the authority giving the control body information the control body requires to calculate a fee payable by the holder of the authority under section 135(3)(a) of the Act;

[s 11]

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- (c) a condition about when the holder of the authority must pay a fee payable by the holder of the authority under section 135(3)(a) of the Act;
- (d) a condition about the amount up to which the holder of the authority must accept a wager.

## **11 Matters not to be taken into account in imposing conditions on race information authority**

Each of the following is a type of matter for section 135(4) of the Act—

- (a) for an applicant who is an individual and 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 and 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 and 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 and 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 and 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.

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## 12 Grounds for cancelling race information authority

- (1) For section 139 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 application for the authority was granted 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 8(2)(a)(i) to (iv).
- (2) In this section—  
*relevant wagering operator* see section 8(3).

## Part 5 State laws about racing, betting or animal welfare

### 13 Prescribed laws about racing or betting

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

### 14 Prescribed laws about animal welfare—Act, s 108

For section 108(3)(b)(iii) of the Act, each law of another State that is stated in schedule 2 is a law about animal welfare.

## **Part 6**                      **Fees**

### **15**      **Due date for yearly fee payable by control body**

- (1) This section prescribes for section 65(2)(b) of the Act the due date by which the fee relating to each year for which an approved control body's approval has effect is payable.
- (2) The due date is each anniversary of the approval effect day for the control body.

### **16**      **Fees**

The fees payable under the Act are stated in schedule 3.

## **Part 7**                      **Repeal**

### **17**      **Repeal**

The Racing Regulation 2013, SL No. 160 is repealed.

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# Schedule 1 Prescribed laws about racing or betting

section 13

## Australian Capital Territory

- *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 Regulation 2010 (ACT)*
- *Totalisator Act 2014 (ACT)*
- *Unlawful Gambling Act 2009 (ACT)*

## New South Wales

- *Australian Jockey and Sydney Turf Clubs Merger Act 2010 (NSW)*
- *Betting and Racing Act 1998 (NSW)*
- *Betting and Racing Regulation 2022 (NSW)*
- *Greyhound Racing Act 2017 (NSW)*

- *Greyhound Racing Regulation 2019* (NSW)
- *Harness Racing Act 2009* (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)

## **Northern Territory**

- *Greyhound Racing Rules 1981* (NT)
- *Racing and Betting Act 1983* (NT)
- *Racing and Betting Regulations 1984* (NT)
- *Totalisator Licensing and Regulation Act 2000* (NT)
- *Totalisator Licensing and Regulation (Arbitration) Regulations 2000* (NT)
- *Totalisator Licensing and Regulation Regulations 2000* (NT)
- *Totalizator Rules 1979* (NT)
- *Unlawful Betting Act 1989* (NT)

## **South Australia**

- *Authorised Betting Operations Act 2000* (SA)
- *Gaming Offences Act 1936* (SA)

## **Tasmania**

- *Gaming Control Act 1993* (Tas)

- *Racing (Bookmaker Betting) Regulations 2015 (Tas)*
- *Racing (Miscellaneous) Regulations 2015 (Tas)*
- *Racing Regulation Act 2004 (Tas)*

## **Victoria**

- *Gambling Regulation Act 2003 (Vic)*
- *Gambling Regulations 2015 (Vic)*
- *Racing Act 1958 (Vic)*

## **Western Australia**

- *Betting Control Act 1954 (WA)*
- *Betting Control Regulations 1978 (WA)*
- *Gaming and Wagering Commission Act 1987 (WA)*
- *Gaming and Wagering Commission Regulations 1988 (WA)*
- *Racing and Wagering Western Australia Act 2003 (WA)*
- *Racing and Wagering Western Australia Regulations 2003 (WA)*
- *Racing Penalties (Appeals) Act 1990 (WA)*
- *Racing Restriction Act 2003 (WA)*
- *The Western Australian Turf Club Act 1892 (WA)*
- *Western Australian Greyhound Racing Association Act 1981 (WA)*
- *Western Australian Trotting Association Act 1946 (WA)*

## **Schedule 2      Prescribed laws about animal welfare**

section 14

### **Australian Capital Territory**

- *Animal Welfare Act 1992 (ACT)*
- *Animal Welfare Regulation 2001 (ACT)*

### **New South Wales**

- *Prevention of Cruelty to Animals Act 1979 (NSW)*
- *Prevention of Cruelty to Animals Regulation 2012 (NSW)*

### **Northern Territory**

- *Animal Protection Act 2018 (NT)*

### **South Australia**

- *Animal Welfare Act 1985 (SA)*
- *Animal Welfare Regulations 2012 (SA)*

### **Tasmania**

- *Animal Welfare Act 1993 (Tas)*



## **Victoria**

- *Prevention of Cruelty to Animals Act 1986 (Vic)*
- *Prevention of Cruelty to Animals Regulations 2019 (Vic)*

## **Western Australia**

- *Animal Welfare Act 2002 (WA)*
- *Animal Welfare (General) Regulations 2003 (WA)*

## **Schedule 3      Fees**

section 16

|   | <b>Fee units</b> |
|---|------------------|
| 1    Application fee for approval as a control body (Act, s 46(1)(a))         | 7,671.25         |
| 2    Fee for each year a control body's approval has effect (Act, s 65(2)(a)) | 3,834.10         |