



Queensland

Racing Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 2

made under the

Racing Act 2002

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1 Short title

This regulation may be cited as the *Racing Amendment Regulation (No. 1) 2009*.

2 Commencement

This regulation commences on 30 January 2009.

3 Regulation amended

This regulation amends the *Racing Regulation 2003*.

4 Insertion of new pt 2

After section 2—

insert—

‘Part 2 Use of Queensland race information

‘3 Application for race information authority—Act, s 113D(2)

‘(1) For the Act, section 113D(2)(a), the application must be in a control body form.

‘(2) For the Act, section 113D(2)(b)(ii), the application must be accompanied by the documents identified in the control body form.

‘4 Matters to be taken into account in deciding application—Act, s 113D(5)(a)

‘(1) This section applies to an applicant for a race information authority who 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) For the Act, section 113D(5)(a), the control body for a code of racing must take into account the following matters—
- (a) whether the applicant is suitable to hold a race information authority, having regard to all 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 application—Act, s 113D(5)(b)

‘For the Act, section 113D(5)(b), the control body must not take into account the following matters—

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

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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—Act, s 113E(3)(b)

'For the Act, section 113E(3)(b), 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 113E(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 113E(3)(a) of the Act.

‘6A Matters not to be taken into account in imposing condition—Act, s 113E(4)

‘For the Act, section 113E(4), the control body must not take into account the following matters—

- (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.

‘6B Grounds for cancelling a race information authority—Act, s 113F(1)

‘(1) For the Act, section 113F(1), each of the following is a ground—

- (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;

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- (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.’.

ENDNOTES

- 1 Made by the Governor in Council on 29 January 2009.
- 2 Notified in the gazette on 30 January 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Treasury Department.

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