

Queensland



ANNO VICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

---

No. 43 of 1980

**An Act to consolidate and amend the law relating to the regulation of racing, trotting and greyhound racing, totalisators, betting by and with bookmakers and the suppression of unlawful betting and to provide for matters incidental thereto or consequential thereon and for other purposes**

[ASSENTED TO 6TH JUNE, 1980]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Racing and Betting Act 1980*.

2. **Commencement.** The Governor, by Proclamation—

- (a) may appoint a date on which this Act shall commence;
- (b) may appoint dates on which the provisions of this Act specified in the Proclamation shall commence.

Such dates may be appointed in one Proclamation or in different Proclamations.

This Act or a provision thereof specified in the Proclamation shall commence on the date appointed by Proclamation made under this section for the commencement of this Act or, as the case may be, that provision.

3. **Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—ADMINISTRATION;

PART III—REGULATION OF RACING CODES;

*Division I—Racing;*

*Division II—Trotting;*

*Division III—Greyhound Racing;*

*Division IV—Racing Development Fund;*

*Division V—General Provisions;*

PART IV—BOOKMAKERS;

*Division I—General Provisions;*

*Division II—Betting Tax, Bookmaker's Turnover Tax and Club Levy;*

PART V—REGULATION OF TOTALISATORS;

*Division I—The Totalisator Board;*

*Division II—Operation of Totalisators;*

*Division III—Taxes, Levies and Commission;*

PART VI—UNLAWFUL BETTING;

PART VII—MISCELLANEOUS.

SCHEDULES

4. **Repeals and savings.** (1) The Acts set forth in the First Schedule (in this section referred to as the "repealed Acts") are repealed to the extent therein specified.

(2) (a) Every licence, certificate or permit and every delegation, determination, direction, notification, order, warrant or other act of authority granted, issued, made and published, given or done under the repealed Acts and in force immediately prior to the commencement of this Act shall continue in force as if it were granted, issued, made and published, given or done under this Act until it expires by effluxion of the time limited for its operation at the time it was granted, issued, made and published, given or done or is revoked, cancelled or surrendered under this Act.

(b) Every person who at the commencement of this Act holds an office or position to which he was appointed under and for the purposes of the repealed Acts shall continue to hold that office or position or the corresponding office or position under and for the purposes of this Act until he vacates or is lawfully removed from that office or position and where such office or position has been held immediately prior to the commencement of this Act under, subject to and in accordance with the *Public Service Act 1922-1978* the same or the corresponding office or position shall be and continue to be held under, subject to and in accordance with such lastmentioned Act.

(c) All fees, taxes and other moneys prescribed by or under the repealed Acts to be paid shall be deemed to have been prescribed by or, as the case may be, under this Act and shall be payable as prescribed from time to time.

**5. Interpretation.** In this Act save where the contrary intention appears—

“ area of jurisdiction ”, when used in relation to a principal club, means the part of the State in respect of which the principal club has jurisdiction as a principal club;

“ athletic club ” means any body or association of persons corporate or unincorporate that promotes, holds or controls or is formed to promote, hold or control an athletic meeting;

“ athletic ground ” means a place used at a material time for the purpose of holding an athletic meeting;

“ athletic meeting ” means a meeting concerned wholly or principally with foot running, bicycle racing or any similar contest but does not include a meeting concerned with the playing of football, cricket or any similar game;

“ bet ” includes the action, behaviour, conduct or performance of a person who whether on one or more than one occasion—

(a) makes or receives a bet or wager;

(b) pays, receives, negotiates or settles a bet or wager;

(c) offers, or agrees or otherwise negotiates to bet or wager or to pay, receive or settle a bet or wager,

for himself or on behalf of another or of a person who co-operates with another person in connexion with the doing of any of those acts;

- 
- “bookmaker” means a person who carries on the business of bookmaking or who acts as a bookmaker or turf commission agent or who gains or endeavours to gain his livelihood wholly or partly by betting;
- “bookmaker’s agent” means a person authorized by a control body pursuant to this Act to conduct the business of a bookmaker in the absence of that bookmaker;
- “bookmaker’s clerk” means a person licensed by a control body to be employed by a bookmaker as a clerk in the conduct of his business on or at a racing venue;
- “bookmaking” means the business of receiving or negotiating bets and includes the settlement of bets;
- “club” means a race club, trotting club or greyhound club and for the purposes of Part VI includes an association of persons that has for its objects the conduct of any sport, fight, game, exercise or pastime;
- “combined sports meeting” means a meeting for the conduct of foot races, bicycle races, or any other games, sports pastimes, contests, events or contingencies that include one or more than one horse race, trotting race or greyhound race;
- “Commissioner” means the Commissioner of Stamp Duties appointed under the *Stamp Act* 1894–1979 and includes the Assistant Commissioner of Stamp Duties and a Deputy Commissioner of Stamp Duties appointed under that Act;
- “committee”, when used in relation to any club or athletic club means the committee or other governing body of that club for the time being;
- “control body” means a principal club, the Trotting Board or Greyhound Board;
- “credit bet” means a bet made with a bookmaker where the amount wagered by the bettor is not paid to the bookmaker when the bet is made;
- “financial year” means a period of 12 months ending on 30 June;
- “Greyhound Board” means the Greyhound Racing Control Board of Queensland constituted under this Act;
- “greyhound club” means any body or association of persons corporate or unincorporate that promotes, holds or controls or is formed to promote, hold or control a greyhound meeting: the term includes such a body or an association that is not registered;
- “greyhound course” means a place for the holding of lawful greyhound meetings;
- “greyhound meeting” means a meeting for the purpose of conducting greyhound races;
- “greyhound race” means a race for greyhounds;
- “greyhound racing” includes greyhound race or greyhound meeting;

- “ have in possession ” includes, in relation to a thing—
- (a) having it in one’s custody;
  - (b) having it under one’s control in any place, whether or not another has custody of it;
  - (c) having an ability to obtain custody of it at will;
  - (d) having a claim to custody of it where the claimant has committed it to the custody of another, notwithstanding that it is temporarily not in the control of the person having such claim;
- “ holder ”, when used in relation to any certificate, licence, permit or other authority under this Act, means the person who at the material time holds that certificate, licence, permit or other authority;
- “ horse race ” means a race for galloping horses;
- “ horse racing ” means the racing of galloping horses;
- “ instrument of betting ” includes—
- (a) any book, card, coin, document, list, money, paper, record, sheet, table, ticket or other writing;
  - (b) any mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device or any access to any such equipment or device;
  - (c) any film, microfilm or other photographic or holographic record;
  - (d) any tape, cassette, disc or other audio or visual recording or replaying device or equipment;
  - (e) any board, chart or screen; or
  - (f) any other form or means of recording information or data, used, apparently used or capable of being used in carrying on or in connexion with betting;
- “ investment ”, when used in relation to a totalisator, means the amount of money invested on a totalisator the disposal of which is directed or authorized by this Act;
- “ keep ”, when used in relation to a place, includes the action, behaviour, conduct or performance of a person who, at any material time, acts or behaves or appears to act or behave as the person having the care, control or management of that place at that time;
- “ Local Authority ” means a Local Authority constituted under the *Local Government Act 1936–1979* and includes Brisbane City Council constituted under the *City of Brisbane Act 1924–1977*;
- “ Local Authority Area ” means the area in which, for the purposes of exercising its powers and authorities and performing its functions and duties a Local Authority has jurisdiction;
- “ meeting ” means a race meeting, trotting meeting or greyhound meeting;
- “ member of the police force ” means a member of the Police Force of the State of Queensland: the term does not include a special constable appointed under the *Police Act 1937–1980*;

- 
- “metropolitan area” means the area of the City of Brisbane constituted under the *City of Brisbane Act 1924–1977*;
- “Minister” means the Minister of the Crown who at the material time is charged with the administration of this Act and includes a Minister of the Crown who is temporarily performing the duties of the Minister;
- “money” includes bank notes, coins, bank drafts, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or any acknowledgement, note or other thing purporting or intended to entitle the bearer or any other person to money or money’s worth;
- “net pool”, when used in relation to a totalisator, means that part of moneys invested on a totalisator that is available to be paid out by way of dividend;
- “newspaper” includes any journal, review, magazine or other writing published periodically;
- “night time” means the period of time between the hour of 6 o’clock in the evening of one day and the hour of 6 o’clock in the morning of the day next following;
- “non-proprietary club” means a club the constitution of which—
- (a) provides for the application of profits and other income thereof to the promotion of its objects;
  - (b) prohibits the payment of dividends to the members thereof;
- “novelty event” means—
- (a) an event other than a horse race, trotting race or greyhound race;
  - (b) any competition, display, demonstration, performance or other lawful activity the principal objects of which are the entertainment of the public and the promotion of racing, trotting or greyhound racing,  
for which there is no prize money, reward or trophy of more than a nominal value and that is conducted in such a manner as not to provide a contingency on which bets may be made;
- “occupier”, when used in relation to a place, includes the owner or keeper at a material time of the place, a person having at a material time the care, management, supervision or control of the place or in any manner conducting the business, if any, of the place and a person procured or employed by or acting for or on behalf of any such person;
- “officer” means a person appointed under this Act as an officer or who continues to hold office under this Act or a person deemed to be an officer;
- “operating week” means the period of seven consecutive days used by the Totalisator Board at any material time as its week for accounting purposes;

- 
- “operator”, when used in relation to a totalisator, means the Totalisator Board, a club, the agent of a club or other authorized person that operates a totalisator;
- “paceway” means a place for the holding of lawful trotting meetings;
- “person” includes any club or athletic club and any body or association of persons corporate or-unincorporate;
- “phantom meeting” means a meeting authorized to be held under this Act at which no race is actually conducted or is required to be conducted;
- “place” includes—
- (a) any land;
  - (b) any building, structure or erection of any kind whether wholly or partly constructed or erected or in the course of erection;
  - (c) a room in any building, structure or erection;
  - (d) a road, street, thoroughfare, alley or right of way;
  - (e) any racecourse, paceway, greyhound course, athletic ground or other ground;
  - (f) a vehicle or vessel;
- “primary totalisator” means a totalisator designated by the Minister as a primary totalisator and to which details of investments on any other totalisator or totalisators are transmitted or at which the net pools of more than one totalisator are amalgamated;
- “principal club” means a club prescribed by this Act as a principal club for the purposes of this Act and the Rules of Racing;
- “property” includes real and personal property whether situated in Queensland or elsewhere or any right thereto or estate or interest therein and a debt, thing in action or any other right or interest;
- “public place” includes—
- (a) every road, street, thoroughfare, alley or right of way;
  - (b) a place—
    - (i) of public resort open to or used by the public as of right;
    - (ii) for the time being used for a public purpose or for the time being open to access by the public whether on payment or otherwise or by the express or tacit consent or sufferance of the owner or occupier;
    - (iii) declared by Order in Council to be a public place for the purposes of this Act;
- “race” means a contest, event or contingency in which two or more runners compete one against the other or others, in a test of speed over a designated distance or period of time or for the purpose of providing a contingency on which bets may be made: the term does not include a contest, event or contingency in which skills other than speed alone are tested or a trial;

- 
- “ race club ” means any body or association of persons corporate or unincorporate that promotes, holds or controls, or is formed to promote, hold or control, a race meeting: the term includes such a body or an association that is not registered;
- “ racecourse ” means a place for the holding of lawful race meetings;
- “ race meeting ” means a meeting for the purpose of conducting horse races;
- “ racing ” includes horse race or race meeting;
- “ racing venue ” means a racecourse, paceway or greyhound course, whether in Queensland or elsewhere at which a meeting may lawfully be held;
- “ refund ” means an investment made on a totalisator or a bet made with a bookmaker that is required for any reason to be refunded;
- “ registered ”, when used in relation to a club, means registered—
- (a) by a principal club, as a race club;
  - (b) by the Trotting Board, as a trotting club;
  - (c) by the Greyhound Board, as a greyhound club;
- “ Rules of Greyhound Racing ” means the rules for the time being governing and relating to the control of greyhound racing made or adopted by the Greyhound Board and approved by the Minister under this Act;
- “ Rules of Racing ” means the rules for the time being governing and relating to horse racing under the control of principal clubs, being with respect to each principal club an amalgamation of the Australian Rules of Racing as adopted by that club and the local rules of racing of that club together with the regulations made thereunder;
- “ Rules of the Totalisator Board ” means the Rules of The Totalisator Administration Board of Queensland for the time being made by the Totalisator Board and approved by the Minister;
- “ Rules of Trotting ” means the rules for the time being governing and relating to the control of trotting made or adopted by the Trotting Board and approved by the Minister under this Act;
- “ runner ” means a horse or greyhound that is a final acceptor in a race;
- “ sporting contingency ” includes any event or contingency of or relating to a horse race, trotting race or greyhound race or an athletic contest, other race or contest of or relating to any sport, fight, game, exercise or pastime;
- “ surplus moneys ” means moneys paid into a totalisator that are not included as investments;
- “ totalisator ” means a scheme or system by means of which investments are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent upon the result of any race or series of races in accordance

- with prescribed formulae: the term includes any device, instrument, machine, computer or other thing used to effect the aggregation and distribution of investments and the place where such a scheme is operated;
- “ Totalisator Board ” means The Totalisator Administration Board of Queensland constituted under this Act;
- “ totalisator pool ” means the amount calculated by subtracting from the aggregate of investments on a class of totalisator, investments that are required to be refunded;
- “ transmit ”, when used in relation to the operation of totalisators, means transfer details of investments on a particular class of totalisator being operated on a race or series of races to another totalisator of the same class operating on the same race or series of races;
- “ Treasurer ” means the Treasurer of Queensland and includes a Minister of the Crown who is temporarily performing the duties of the Treasurer;
- “ trial ” means an event held for the purpose of testing or training horses or greyhounds for which no prizemoney, trophy or other reward, gratuity or privilege of more than a nominal value is offered;
- “ trotting ” includes trotting race or trotting meeting;
- “ Trotting Board ” means The Queensland Trotting Board constituted under this Act;
- “ trotting club ” means any body or association of persons, corporate or unincorporate, that promotes, holds or controls or is formed to promote, hold or control a trotting meeting: the term includes such a body or an association that is not registered;
- “ trotting meeting ” means a meeting for the purpose of conducting trotting races;
- “trotting race ” means a race for trotting horses;
- “ Under Treasurer ” means the Under Treasurer and Under Secretary of the Treasury Department: the term includes a person for the time being carrying out the duties of those offices and a person who at any material time is authorized in writing by the Under Treasurer to exercise the power conferred or to perform the function or duty imposed by or under this Act on the Under Treasurer;
- “ unit of investment ”, when used in relation to a totalisator, means the prescribed basic monetary unit that may be invested on a totalisator and on which a dividend is declared and paid;
- “ vehicle ” means a conveyance of any kind, whether or not at the material time capable of being operated or moved in any manner, and includes any aircraft, caravan or trailer;
- “ vessel ” includes a ship, boat, hovercraft and a vehicle that is capable of use in or on water, whether floating or submersible and whether or not self-propelled.

## PART II—ADMINISTRATION

**6. Duty of Commissioner to collect imposts and make payments.**

Save where it is otherwise expressly provided and in addition to the powers and authorities conferred upon him by or under this Act, the Commissioner by himself and his officers shall have the care and management of all taxes, levies, fees, charges and other payments imposed by this Act and all refunds, unpaid dividends, unpaid fractions and surplus moneys and with respect to the collection, recovery, management and payment thereof shall have the same powers and authorities as he has under the *Stamp Act 1894–1979* and that Act with all necessary adaptations shall apply and extend accordingly.

**7. Power of delegation.** (1) The Minister or, with the prior approval of the Minister, the Commissioner, from time to time in relation to a matter or class of matters or to a particular part of the State and either generally or otherwise as provided by the instrument of delegation, may, by writing signed by him, delegate—

(a) to any person; or

(b) to the holder of an office specifying its title but not the name of the holder for the time being,

all or any of his powers or functions under this Act except this power of delegation.

(2) A power or function so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms, conditions or limitations as the Minister or, as the case may be, Commissioner thinks fit including a requirement that the delegate shall report to him upon the exercise or performance of the delegated power or function.

(4) The Minister or Commissioner may make such and so many delegations of the same power or function and to such number of persons or holders of office as he considers necessary or desirable.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Minister or, as the case may be, Commissioner.

(6) A delegation under this section does not prevent or prejudice the exercise or performance of a power or function by the Minister or, as the case may be, Commissioner.

(7) A delegation is revocable at the will of the Minister or Commissioner and shall be revoked by the Commissioner if the Minister so directs.

**8. Officers.** (1) The Commissioner of Stamp Duties, the Assistant Commissioner of Stamp Duties, Deputy Commissioners of Stamp Duties and all other officers appointed under and for the purposes of the *Stamp Act 1894-1979* shall, by virtue of their respective appointments and without further or other appointment under this Act, be deemed to be officers appointed under and for the purposes of this Act and the Commissioner of Stamp Duties shall, in addition and without further or other appointment, be deemed to be an inspector of totalisators and a betting inspector under and for the purposes of this Act.

The Governor in Council may appoint such and so many officers as he considers necessary for the effectual administration of this Act.

(2) An appointment pursuant to subsection (1) may be made under the *Public Service Act 1922-1978* and where so made the appointee shall hold his office under, subject to and in accordance with that Act.

An appointment pursuant to subsection (1) made otherwise than under the *Public Service Act 1922-1978* shall be for such term, with such salary and subject to such conditions as the Governor in Council determines.

(3) The powers, functions and duties of officers appointed under this Act shall be such as are prescribed.

(4) Notwithstanding subsections (1), (2) and (3), the Commissioner may employ or engage for a specified period or on a casual basis from time to time such number of persons as he considers necessary or desirable and on such terms and conditions as he determines for the effectual administration of this Act.

Persons employed or engaged pursuant to this subsection shall perform such duties as are allotted to them by the Commissioner and for the purposes of this Act shall be deemed to be officers.

**9. General powers, functions and duties of members of the police force.** Every member of the police force shall at all times take such steps as are necessary to ensure that the provisions of this Act are duly observed and make such enquiries, inspections and examinations and conduct such investigations as in his opinion are necessary to establish whether or not a breach of this Act has been, is being or is likely to be committed.

**10. Secrecy.** (1) Every person appointed, employed or engaged under or for the purposes of this Act or deemed so to be shall preserve and assist in preserving secrecy with regard to all matters that come to his knowledge in his official capacity or during his employment or engagement while exercising the powers or performing the functions and duties conferred or imposed upon him for the purposes of this Act.

Such person shall not communicate any such matter to any other person except—

(a) in the performance of his duties under this Act; or

- (b) to the Auditor-General or an officer of his department or other person authorized by the Auditor-General for the purposes of audit under the laws in force relating to the audit of the public accounts.

For the purposes of this section, a person specified in subparagraph (b) shall be deemed to be a person appointed, employed or engaged under this Act.

(2) The Commissioner and every officer appointed, employed or engaged under or for the purposes of this Act shall take and subscribe the prescribed oath of fidelity and secrecy.

(3) A person who contravenes the oath of secrecy and fidelity without lawful excuse by revealing any matter or thing to which the oath applies commits an offence against this Act.

Penalty: \$2 000 or imprisonment for 12 months.

(4) Notwithstanding this section, the Commissioner may disclose to the Commissioner of Taxation or his deputy in Queensland information in his possession with respect to the administration of this Act.

(5) The Commissioner or an officer duly authorized by him or a witness on his behalf shall not be compelled—

- (a) to produce in a court any return, declaration, statement, record, account, notice or other writing; or
- (b) to disclose to a court the fact that he has received any information or the nature thereof or the name of a person who furnished such information or any matter or thing that has come to his knowledge in the performance of his duties under this Act,

save where it is necessary to do so for the purpose of carrying this Act into effect.

### PART III—REGULATION OF RACING CODES

#### *Division I—Racing*

**11. Principal clubs.** (1) Subject to subsection (2), each of the following associations of persons shall be a principal club for the purposes of this Act and the Rules of Racing—

- (a) the Q.T.C. Principal Club Committee;
- (b) the Downs and South-Western Queensland Racing Association;
- (c) the R.J.C. Principal Club Committee;
- (d) the Central Queensland Racing Association;
- (e) the North Queensland Racing Association;
- (f) every other association of persons appointed by the Governor in Council to be a principal club.

(2) The Governor in Council, when and so often as he considers it necessary or expedient so to do, by Order in Council—

- (a) may appoint an association of persons to be a principal club;

- (b) may declare that an association of persons shall cease to be a principal club;
- (c) may specify the race clubs over which each principal club shall exercise jurisdiction for the purposes of this Act and the Rules of Racing;
- (d) may amend by addition, deletion or substitution any list or lists of clubs specified in paragraph (c) of this subsection;
- (e) may change the name of a principal club;
- (f) may specify that constitutions of the Downs and South-Western Queensland Racing Association, Central Queensland Racing Association and North Queensland Racing Association shall contain specified provisions named in the Order in Council;
- (g) may specify the composition of the membership of the Q.T.C. Principal Club Committee and the R.J.C. Principal Club Committee.

**12. Functions, powers and duties of principal clubs.** (1) A principal club shall have control and general supervision throughout the area of its jurisdiction of racing, and the Rules of Racing shall, to the extent necessary to give operation and effect to this section, be read subject to this section.

(2) The functions of a principal club are—

- (a) to control, supervise, regulate and promote racing;
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the racing industry and the protection of the public interest;
- (c) to take all such steps and do all such acts and things as are necessary or desirable to be done for or in connexion with the performance of its functions.

(3) Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section and subject to this Act, a principal club has and may exercise and shall perform the following powers and duties:—

- (a) to make, amend or repeal the Rules of Racing;
- (b) to allocate to race clubs the dates and times on and at which they may hold race meetings;
- (c) to investigate and report upon proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses; to supervise the construction of new racecourses or alterations or renovations to existing racecourses and to make recommendations relating to the licensing of racecourses or to racecourses generally;
- (d) to register or license or refuse to register or license, or to cancel or suspend the registration or licence of a race club or any owner, trainer, jockey, bookmaker, bookmaker's clerk or other person associated with racing or to disqualify or suspend any of those persons permanently or for a specified period;

- 
- (e) to supervise the activities of race clubs, persons licensed by that principal club and all other persons engaged in or associated with racing;
  - (f) to direct and supervise the lawful dissolution of a race club in its area of jurisdiction that ceases to be or is not registered by that principal club;
  - (g) subject to the approval of the Minister to appoint an administrator to conduct the affairs of a race club;
  - (h) to register and identify galloping horses;
  - (i) to disqualify a horse from participating in a race;
  - (j) to exclude from participating in a race a horse not registered under the Rules of Racing;
  - (k) to prohibit a person from attending at or taking part in a race meeting;
  - (l) to impose a penalty on a person licensed by it or an owner of a horse for breaches of the Rules of Racing;
  - (m) to impose fees for registration of a race club, person or horse;
  - (n) to require registered race clubs to pay to it such fees as are in its opinion required for the proper performance of its functions and duties;
  - (o) to consult, join, affiliate and maintain liaison with other associations or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds;
  - (p) to enter into contracts;
  - (q) to acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee;
  - (r) to employ such persons as it considers necessary for the effectual performance of its functions and duties;
  - (s) to borrow moneys;
  - (t) to give such directions to a race club with respect to its racecourse and its affairs as it considers necessary or desirable for the advancement of racing whether in Queensland as a whole or in the locality of that racecourse;
  - (u) whenever and so often as it is of the opinion that such action is necessary, to order an audit of the books and accounts of a race club to be conducted by an auditor, being a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*, nominated by that principal club;
  - (v) to scrutinize the constitutions of race clubs to ensure that they conform to this Act and the Rules of Racing and that they clearly and concisely express the needs and desires of the clubs concerned and of racing generally;
  - (w) to publish material including a periodical publication to inform and keep informed the public concerning matters pertaining to racing whether in Queensland or elsewhere;

- (x) when so directed by the Minister, or of its own motion, to furnish to the Minister a report and recommendation with respect to any matter relating to racing;
- (y) to undertake research and investigation into all aspects of the breeding of horses and of racing generally;
- (z) to take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions and duties.

(4) A race club that holds race meetings shall take such steps and do such acts and things as are necessary to give operation and effect to subsections (1), (2) and (3) and, without limit to the generality of this subsection, shall not by act or omission refuse or fail to recognize its principal club as the authority having the control and general supervision of race meetings and racing in its area or prevent, hinder or prejudice howsoever the exercise or performance by that principal club of any power, authority, function or duty conferred or imposed upon it by this Act or the Rules of Racing.

(5) (a) A principal club may, by the Rules of Racing or by resolution, delegate in such manner and upon such terms and conditions as it determines to a member or an employee the exercise of such of its functions and duties (other than this power of delegation) as are specified in the Rules of Racing or by the resolution.

(b) An act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if the act or thing had been done or suffered by that principal club and shall be deemed to have been done or suffered by that principal club.

(6) Each principal club shall prepare and forward to the Minister a comprehensive report of its activities during each financial year.

(7) Each principal club shall cause to be kept proper books of account and records in relation to its operations as a principal club and shall in respect of each financial year, prepare and forward to the Minister a statement of accounts and balance sheet audited by a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*.

**13. Officers.** (1) A principal club shall appoint and employ a secretary and may appoint and employ such stewards and other officers and employees as it thinks fit.

(2) Subject to any applicable award, a principal club may pay to its secretary, stewards, other officers and employees respectively such salaries and wages or other remuneration as it determines from time to time.

(3) (a) A person who immediately prior to the commencement of this Part held office as an officer or occupied a position as an employee of a principal club appointed under the *Racing and Betting Act 1954-1978* or of a district association of a principal club, in this subsection referred

to as the "old principal club", shall continue to hold that office or occupy that position until he vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee respectively of the principal club appointed under this Act, in this subsection referred to as the "new principal club".

(b) The period of service that each officer or employee referred to in subsection (1) has had with an old principal club shall be deemed to be service with the new principal club for the purpose of calculating his entitlements to annual leave, sick leave, long service leave and superannuation respectively and the new principal club may take whatever action is necessary to give effect to this subsection:

Provided that a period of service with an old principal club in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the new principal club in calculating his entitlement to the leave in question.

**14. Finance.** (1) A principal club may require race clubs registered by it to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the principal club with respect to its role as a principal club and each race club shall pay to that principal club the amount of any payment required by it to be paid, within the time so specified.

(2) (a) Any charge, fee, penalty or other money due and owing to a principal club and remaining unpaid may be recovered by the principal club by action as for a debt in a court of competent jurisdiction brought in the name of its secretary for the time being as representative of that club.

(b) In an action brought under paragraph (a), a certificate signed by the chairman or other person authorized by a principal club that the sum specified therein is due and owing to that principal club by the person or race club named therein and remains unpaid shall, upon its production in that action, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and owing to it by a race club, a principal club may suspend the registration of a race club that is indebted to it until payment is made in full.

(4) A principal club where it considers that, for the purpose of more effectually performing its functions and duties, it requires special financial accommodation of a capital nature, may apply as prescribed for an advance from the Racing Development Fund.

**15. Amendment of Rules of Racing.** (1) In this section the term "modify" means repeal, amend, alter, substitute for, add to, revise, adopt or otherwise vary.

(2) Subject to this section, a principal club may modify the Rules of Racing and may consent to rules that modify the Australian Rules of Racing.

---

**16. Proprietary or unregistered racing unlawful.** A person other than a non-proprietary registered race club shall not conduct a horse race or hold a race meeting.

**17. Registration of race clubs.** (1) A principal club shall not—

- (a) register a newly formed race club without the prior approval of the Minister;
- (b) register a race club that is not a non-proprietary club; or
- (c) renew the registration of a race club that subsequent to its registration by the principal club has ceased to be a non-proprietary club.

(2) The principal club shall revoke the registration of a race club registered by it that ceases to be a non-proprietary club.

(3) If a race club that is registered by a principal club contravenes in any respect section 134, that principal club shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence against this Act in respect of that contravention.

**18. Dissolution of race club.** (1) Subject to this section, a race club that has ceased to be registered by a principal club shall forthwith take such steps and do such acts and things as are provided by the race club's constitution, the Rules of Racing and this Act with a view to the dissolution of that race club.

Where there is a conflict between the race club's constitution, the Rules of Racing or this Act, the Rules of Racing shall prevail over the club's constitution and this Act shall prevail over the Rules of Racing and the club's constitution.

(2) Where for valid reasons accepted by the principal club and the Commissioner, it seems inappropriate to proceed to dissolution of a race club forthwith, the principal club, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the race club and the security of the club's assets, may grant to the club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which the race club ceased to be registered by the principal club.

The principal club, with the approval of the Commissioner first had and obtained, may grant to the race club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

(3) A race club that has failed to complete dissolution within a period of 6 months from the date upon which that club ceased to be registered by a principal club or within any longer period or periods approved by that principal club pursuant to subsection (2), shall be deemed to be dissolved immediately upon the expiration of such period or, as the case may be, periods and, notwithstanding section 134, the assets of that club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5):

Provided that where the Commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the club has contributed to the delay in completing the dissolution of that club, the Commissioner may grant such extension of time as he, in his discretion, considers appropriate.

(4) A race club that, at the date of commencement of this Act, is not registered by a principal club exercising jurisdiction in that race club's locality shall be deemed to have been dissolved on that date and all members of the committee and officers of that club shall forthwith proceed to complete the dissolution of the club.

Notwithstanding this subsection if the Minister forms the opinion that a club to which this subsection applies has done or omitted any act that has or could have the effect of avoiding or attempting to avoid or prejudicing this subsection or subsection (5), he may recommend to the Governor in Council that this subsection shall have retrospective operation and the Governor in Council by Order in Council may declare that this subsection has retrospective operation from a date specified in the Order and thereupon this subsection shall have retrospective operation accordingly.

The Minister may also direct the rescission of any contract, agreement or arrangement of any kind entered into by a club to which this subsection applies with any person or persons that, in his opinion, is contrary to or has the effect of avoiding or prejudicing these provisions.

(5) Subject to subsection (6), the assets of a race club to which subsection (3) or (4) applies shall, immediately upon the deemed dissolution of that club, devolve upon and vest in the Minister who may direct that such assets after realization to the extent approved by the Minister and after the payment of all lawful debts and liabilities, if any, of that club, shall be paid or delivered or transferred to him to be held in trust for distribution at some later date to one or more of the following in such proportions as he, in his discretion, thinks fit:—

- (a) the principal club exercising jurisdiction in the locality of the dissolved club, for the general purposes or any special purpose thereof;
- (b) a race club that holds or commences to hold race meetings in the same locality as that in which the dissolved race club operated; or
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a race club pursuant to subsection (1), (2), (3) or (4), the principal club exercising jurisdiction in that club's locality shall be responsible to the Minister for the lawful and effective conclusion of that dissolution and the principal club may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

Where a principal club incurs reasonable expenses in the performance of the duty imposed by this subsection, the principal club, with the prior approval of the Minister, may recover the full amount of those expenses or such less amount as it is possible to recover, from the net amount remaining after the realization of all the assets of the race club concerned and the payment of all lawful debts and liabilities, if any, of that club:

Provided that if a principal club in any case is unable to recover the whole of the expenses approved in respect of the dissolution of a particular club, it may recover the sum not then recovered from the net amount realized upon the subsequent dissolutions of any other race clubs in such amounts as are approved from time to time by the Minister.

(7) A principal club shall notify the Commissioner in writing upon a cessation of registration by that principal club of a race club.

**19. Principal club may appoint administrator of race club.** (1) Notwithstanding any Act, law or practice, a principal club, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing—

- (a) dissolve the committee of a race club;
- (b) appoint a person to be the administrator of that club for such period as it fixes from time to time; or
- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

(2) A principal club may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by that principal club by order issued pursuant to subsection (1).

(3) Upon the making of an order pursuant to subsection (1), the members of the committee of the race club concerned shall cease to hold office and every reference in a provision of the constitution and rules of that club, the Rules of Racing and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the principal club or, as the case may be, committee elected pursuant to subsection (1) (c).

(4) Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the race club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1) (c) to all assets, records and other property of the club and shall provide all information, advice and assistance lawfully requested by the administrator or committee.

(5) A provision contained in the constitution or in any rules of the race club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative

during such period as the administrator, duly appointed by a principal club or, as the case may be, committee elected pursuant to subsection (1) (c), conducts the business of that club.

**20. Days when race meetings may be held.** Subject to this Act, a race meeting may be held on—

- (a) a Tuesday, Wednesday, Thursday or Saturday;
- (b) a holiday, a public holiday or part public holiday appointed under *The Holidays Acts* 1912 to 1961 for the locality in which the meeting is to be held; or
- (c) a Monday or Friday not being a holiday, public holiday or part public holiday in the locality in which the meeting is to be held if the Minister has first given his written approval for that meeting.

**21. Allotment of days for race meetings.** (1) Each principal club shall, at the time and in the form prescribed, submit to the Minister an application for a total number of days on which race meetings may lawfully be held by race clubs controlled by that principal club during each period of 12 months determined by him.

(2) The Minister shall approve in writing such total number of days as he, in his discretion, considers both prudent and adequate for the holding of race meetings by race clubs controlled by each principal club in each period of 12 months determined by him in accordance with subsection (1).

(3) Each principal club shall allot the total number of days approved by the Minister among the race clubs registered with that principal club identifying each allotment by the date, day of the week and time of day.

(4) Each principal club shall furnish to the Minister, on or before the date prescribed, details of the allotments of race days made pursuant to subsection (3) to race clubs. The Minister may make any enquiry and may issue any direction in relation to an allotment proposed by a principal club.

**22. Racing on unallotted day unlawful.** A race club shall not conduct a horse race or hold a race meeting on a day not allotted to that club by a principal club pursuant to this Act.

**23. Restriction on time at which a horse race may be started.** (1) Subject to subsection (2), a race shall not be started at a race meeting held at night time after 11 o'clock except for valid reasons arising in the course of the meeting that, in the opinion of the steward or stewards in charge of that meeting, justify the start of any race or races later than that time.

(2) Where at a race meeting held at night time, upon the direction or authority of any steward or stewards, one or more than one race is started after 11 o'clock—

- (a) no race shall be permitted to start after 30 minutes past 11 o'clock; and
- (b) the steward or stewards in charge of that meeting, within 7 days after the holding thereof, shall furnish a report to the Minister as to the times at which races were started after 11 o'clock and advising fully as to the reasons why it was considered necessary to permit any race or races to start after 11 o'clock.

(3) Notwithstanding subsection (2), the Minister may direct a principal club or a race club not to permit a race to start at a racecourse after 11 o'clock in the evening.

**24. Time at which a race meeting is deemed to commence.** A race meeting shall be deemed to commence at the time at which betting with bookmakers under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**25. Postponement of whole or part of race meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances, a race club, after consultation with the steward or stewards then in charge of a race meeting, considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to that club or if, for any reason that the principal club considers to be sufficient, a race club does not desire to hold a race meeting on that day, the race club may postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the principal club approves pursuant to this Act.

(2) A race club shall be taken to have postponed a race meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club at the racecourse at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that racecourse, a race club shall be taken to have postponed a race meeting at the time at which a public announcement to that effect is published in a newspaper printed, or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If a race club, with the approval of its principal club, postpones intact part of a meeting comprising three or more races until another day, it may, with the approval of the principal club, stage any other race or races on that day sufficient to complete what the principal club considers is a race meeting normal for that club.

**26. Abandonment of whole or part of race meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances, a race club considers it impossible or impracticable to hold a race meeting or a part thereof on the day allotted to that club or on any other day or if, for any reason that the principal club considers to be sufficient, a race club does not desire to hold a race meeting on that allotted day or other day, that club, with the prior approval of the principal club or, as the case may be, the steward or stewards then in charge of the meeting, may abandon that meeting or part.

(2) A race club shall be taken to have abandoned a race meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club on the racecourse at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that racecourse, a race club shall be taken to have abandoned a race meeting at the time at which a public announcement to that effect is published in a newspaper printed or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If there has been no prior public announcement of the decision by a race club to postpone or abandon a race meeting pursuant to subsection (2) or section 25 (2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a race meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, a principal club exercising jurisdiction with respect to the locality in which that meeting was to be held may allot another day to the same or another race club and that club may hold a race meeting on that other day.

**27. Betting to continue at postponed or abandoned meeting.** (1) Notwithstanding this Act or any other Act, if, after a race meeting has commenced or is deemed to have commenced, the race club holding that meeting postpones or abandons the whole or a part thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced shall be lawful.

(2) If, at a racecourse, the whole or any part of a race meeting is postponed or abandoned at any time after that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of that club, continue at that racecourse during the time that betting or investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

**28. Phantom meeting may be held in certain circumstances.** (1)

Where a race club postpones or abandons a race meeting scheduled to be held on a day allotted to it by a principal club prior to the commencement or deemed commencement of that meeting, the club, with the prior approval of the principal club, may hold a phantom meeting.

(2) Where a race club, because of track re-construction or other major works, is not allotted what its principal club considers is a normal allocation of days upon which it may hold race meetings, the principal club may permit that club to hold one or more than one phantom meeting sufficient only to permit that club to maintain its normal frequency of activity during the period those works are in progress.

(3) With respect to events to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the racecourse at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the Rules of Racing.

(4) Principal clubs may make rules with respect to phantom meetings and the holding of those meetings by race clubs shall be in strict compliance with those rules and this Act.

(5) The Minister may direct a principal club or race club not to permit or hold a phantom meeting in any locality or on a day or at a time of day where and when it would otherwise be lawful to hold a phantom meeting.

**29. Trials.** (1) A registered race club may, with the prior written approval of its principal club and shall, when directed in writing so to do by that principal club, conduct a trial on a licensed racecourse.

(2) Nothing in this section shall prevent the conduct of a trial by a registered race club during or in conjunction with a lawfully held race meeting provided the prior written approval of the principal club thereto is sought and obtained.

(3) Principal clubs may make rules with respect to trials and the conduct of trials by race clubs shall be in strict compliance with those rules and this Act.

(4) All trials shall be conducted under the control and supervision of the principal club exercising jurisdiction within each locality concerned.

(5) A person shall not conduct a trial—

(a) on Christmas Day or Good Friday;

(b) at night time except on a racecourse that is licensed for the holding of race meetings at night time; or

(c) at night time after 11 o'clock.

(6) Betting with respect to the outcome of a trial shall be unlawful and every provision of this Act or any other Act or law relating to betting shall be read subject to this subsection.

**30. Principal clubs to review periodically race meetings.** (1) Each principal club shall review periodically and so that not more than 12 months shall intervene between any one and the next following review, the holding of race meetings by each race club under its control.

(2) If upon a review in accordance with subsection (1), a principal club is satisfied that, having regard to the number of races and the number of starters in each race at race meetings held during the period reviewed, the locality in question and such other factors as that principal club considers relevant, those meetings were not held in good faith in that the principal object of holding them was not horse racing or they were held in a manner contrary to this Act or the Rules of Racing or the public interest, the principal club shall cancel the then subsisting allotment of days for the holding of race meetings made by it pursuant to section 21 in respect of the race club concerned and shall refrain from allotting further days until it is satisfied that the race meetings authorized by it to be held will be held in a lawful and proper manner.

**31. Racing on unlicensed racecourse unlawful.** (1) A person shall not hold a race meeting or conduct a horse race on a racecourse that is not licensed under this Act.

(2) A person who—

- (a) unlawfully holds a race meeting or conducts a horse race; or
- (b) assists in holding or conducting or promotes or assists in promoting a race meeting or horse race that is unlawful,

commits an offence against this Act.

**32. Occupier not to permit racing to be conducted unlawfully.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a horse race.

**33. Presence at unlawful racing prohibited.** (1) A person shall not be present at or in a place where a horse race is being or is about to be conducted unlawfully.

Penalty: \$500.

(2) This section does not apply with respect to a member of the police force or an officer acting in the course of his duties.

**34. Advertising unlawful racing prohibited.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended race meeting or horse race that is unlawful.

*Division II—Trotting*

**35. Constitution of The Queensland Trotting Board.** (1) The Queensland Trotting Board constituted under the *Racing and Betting Act 1954–1978* is preserved, continued in existence and constituted under this Act.

(2) The Queensland Trotting Board by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Trotting Board and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

(4) The Trotting Board shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

(5) The Trotting Board does not represent the Crown.

**36. Composition of Trotting Board.** (1) The Trotting Board shall consist of 9 members appointed by the Governor in Council by notification published in the Gazette of whom—

(a) 5 shall be persons nominated by the Minister;

(b) 1 shall be a person nominated by the Minister from a panel of at least 3 names of eligible persons submitted to him by those trotting clubs that for the time being comprise the group referred to in section 51 as Group 1;

(c) 1 shall be a person nominated by the Minister from a panel of at least 3 names of eligible persons submitted to him by those trotting clubs that for the time being comprise the group referred to in section 51 as Group 2;

(d) 2 shall be persons nominated by the Minister from a panel of at least 6 names of eligible persons submitted to him by those trotting clubs that for the time being comprise the group referred to in section 51 as Group 3.

The Governor in Council shall appoint a chairman and a deputy chairman of the Trotting Board who shall, in each case, be a person nominated by the Minister.

(2) The fact that there is no provision in this Act for representation on the Trotting Board of sectional groups within the trotting industry shall not be taken as indicating that nominees from those groups will be excluded from consideration for appointment to the Trotting Board because of their association with them.

**37. Continuation in office of members constituting Trotting Board.** Members of The Queensland Trotting Board appointed under the *Racing and Betting Act 1954-1978* and holding office as members immediately before the commencement of this Part shall continue to hold their respective offices until an appointment of members is made under this Act and, until then, the chairman and other members appointed under the *Racing and Betting Act 1954-1978* shall constitute the Trotting Board.

**38. First constitution of Trotting Board.** The Governor in Council, by notification published in the Gazette, may appoint a day on or before which the Trotting Board is to be first constituted under this Act.

The Trotting Board shall be first constituted as prescribed on or before the date so appointed.

Upon the appointment of the total number of members of the Trotting Board, it shall be duly constituted on and from the date notification of that appointment is published in the Gazette.

**39. Request by Minister for panels of names of eligible persons.** The Minister, in respect of an appointment of the total number of the members of the Trotting Board shall cause a request in writing to be forwarded to the trotting clubs comprising the different groups specified in section 51 that he requires the clubs comprising groups 1 and 2 respectively to submit to him a panel of at least 3 names and the clubs comprising group 3 a panel of at least 6 names of persons eligible for appointment to the Trotting Board and shall specify a date on or before which those panels shall be so submitted.

The Minister, in respect of an appointment of a person to fill a casual vacancy shall cause a request in writing to be forwarded to the trotting clubs comprising the group in respect of which the casual vacancy has arisen, that he requires those clubs to submit to him a panel of at least 3 names of persons eligible for appointment to the Trotting Board and shall specify a date on or before which that panel shall be submitted.

**40. Failure to submit panel of names.** If a group of trotting clubs entitled under this Act to submit a panel of names fails within the time specified in the request in writing by the Minister to do so, the Minister may without that panel nominate a person who in the opinion of the Minister is a suitable nominee for that group and the person so nominated shall be deemed to be duly nominated in accordance with this Act.

**41. Tenure of office.** (1) A member of the Trotting Board shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council determines, specified in the notification of his appointment published in the Gazette but if by the expiration of that term his successor has not been duly appointed he shall, subject to this Act, hold office until his successor is appointed.

A member of the Board shall, if he is otherwise qualified, be eligible for re-appointment as a member.

(2) The Governor in Council may at any time remove a member of the Trotting Board from office as a member by notification published in the Gazette.

**42. Disqualification from membership.** A person who—

- (a) is a body corporate;
- (b) is an officer of the Trotting Board;
- (c) is the holder of a licence issued by the Trotting Board;
- (d) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (e) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission that if done or made by him in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;
- (f) is a patient within the meaning of the *Mental Health Act* 1974–1978,

shall not be capable of being or continuing to be a member of the Trotting Board.

**43. Vacation of office.** (1) The office of a member of the Trotting Board shall become vacant if the member—

- (a) dies;
- (b) attains the age of 70 years;
- (c) resigns his office by writing signed by him furnished to the Minister;
- (d) is absent without prior leave granted by the Trotting Board from 3 consecutive meetings thereof of which due notice has been given to him;
- (e) ceases to be qualified as a member;
- (f) accepts or holds an office of profit under the Trotting Board or is directly or indirectly concerned in any contract with the Trotting Board or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the Trotting Board;
- (g) is removed from office as a member by the Governor in Council.

(2) (a) Notwithstanding subsection (1) (b), the Governor in Council may continue the membership of a member who has attained the age of 70 years for such periods, not exceeding 12 months at any one time, as he determines.

(b) Notwithstanding subsection (1) (f), the office of a member of the Trotting Board shall not become vacant by reason only that the member or a firm in which he is a partner is appointed to or acts in a professional capacity for or on behalf of that Board or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the Trotting Board.

(3) Attendance of a member of the Trotting Board at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that

a quorum is not present no meeting is then and there actually held, and the secretary shall enter in the minute book the names of all members who so attend.

**44. Casual vacancies.** (1) When a vacancy occurs in the office of a member of the Trotting Board during the term of office of members then constituting that Board, the Governor in Council shall appoint in accordance with this Act another qualified person as a member to hold office for the balance of his predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the Trotting Board shall be appointed and hold office for the balance of his predecessor's term of office as a member or until he sooner vacates that office and shall, if otherwise qualified, be eligible for re-appointment as a member.

**45. Appointment of substitute member.** (1) If a member of the Trotting Board other than the chairman or deputy chairman is likely to be absent from meetings thereof for any period, the Governor in Council may, by notification published in the Gazette, appoint a person who is not a member of that Board to act as a member during the absence of that member and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairman or deputy chairman.

(2) A person appointed under this section to act in the stead of a member need not be nominated as prescribed.

(3) A person appointed under this section to act in the stead of a member shall be entitled during the period of his appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of his absence.

**46. Expenses, fees or allowances to members.** The Trotting Board may pay to the members thereof such expenses, fees or allowances as are approved by the Governor in Council.

Expenses, fees or allowances may vary between different classes of members.

**47. Procedure at meetings.** (1) The chairman of the Trotting Board shall preside at all meetings thereof at which he is present and in his absence from any cause the deputy chairman shall preside.

Whilst so presiding the deputy chairman shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(2) If both the chairman and deputy chairman are absent from a meeting of the Trotting Board, a member thereof elected from amongst the members present at that meeting shall preside and whilst so presiding the member so elected shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(3) A member shall not represent a particular club or group of clubs or a sectional interest at a meeting of the Trotting Board to the exclusion of the best interests of trotting generally.

(4) A quorum at a meeting of the Trotting Board shall consist of not less than 5 members.

(5) The Trotting Board shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question.

A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The Trotting Board shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairman of his own motion may, and, if so requested in writing at any time by two or more members of the Trotting Board, shall forthwith convene a special meeting of the Trotting Board.

(8) The secretary shall cause to be given to each member of the Trotting Board in writing, delivered personally or by post or sent by telegraphic message addressed to the member at his usual residential address, notice of every ordinary and special meeting of the Trotting Board at least 48 hours before the time appointed for the commencement of the meeting, but a shorter period of notice of a special meeting may be given where the chairman by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at that meeting, or so much of that business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the Trotting Board, whether ordinary or special, and if at that next meeting a quorum is not present, those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted thereat.

(11) Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the Trotting Board.

(12) A resolution of the Trotting Board shall not be revoked or altered unless—

(a) notice of intention to move the revocation or alteration thereof is given in writing to each member of the Trotting Board personally or by post or sent by telegraphic message addressed to the member at his usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or

(b) the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours' notice to each member gives, at a meeting of the Trotting Board, notice in writing of his intention to move the revocation or alteration at the next following meeting of the Trotting Board, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

(13) The Trotting Board shall cause minutes of all proceedings at a meeting of the Trotting Board—

- (a) to be entered in a book kept for the purpose;
- (b) to be signed by the chairman of the meeting or by the chairman of the next following meeting; and
- (c) to be thereupon sent to the Minister.

(14) Subject to this Act, the Trotting Board shall conduct its business generally and procedure at meetings in such manner as it determines from time to time.

**48. Custody and affixing of seal.** The common seal of the Trotting Board shall be kept in the custody of the secretary thereto or, where there is a temporary vacancy in that position, of the chairman.

The common seal shall be affixed to a document only in pursuance of a resolution of the Trotting Board and by the person having the custody of the seal in accordance with this Act.

Where that person is the secretary, the common seal shall be affixed in the presence of the chairman but otherwise it shall be affixed in the presence of at least two members of the Trotting Board.

**49. Validity of acts.** Any act, proceeding, decision or determination of the Trotting Board is not invalid or unlawful by reason only of a defect in the qualification, membership or appointment of a member thereof or a vacancy in the membership of the Board at the time of that act, proceeding, decision or determination.

**50. Authentication of documents.** Save where it is otherwise expressly provided, a document made or issued by the Trotting Board in the exercise of its powers or the performance of its functions and duties shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairman or the secretary thereof at the chairman's direction.

**51. Groups of trotting clubs.** (1) The trotting clubs set forth below under the headings Group 1, Group 2 and Group 3 shall, subject to subsection (2), be the trotting clubs comprised in those groups respectively:—

GROUP 1

Albion Park Trotting Club  
Metropolitan Trotting Club, Rocklea  
Redcliffe Trotting Club

GROUP 2

Downs Trotting Club  
Gold Coast Trotting Club  
Ipswich Harness Racing Club

GROUP 3

Cairns Trotting Club  
Charters Towers Trotting Club  
Innisfail and District Trotting Club  
Mackay Trotting Club  
Rockhampton Trotting Club  
Townsville Trotting Club.

(2) The Governor in Council, by Order in Council, may amend from time to time any group of trotting clubs listed in subsection (1) by deleting from or adding to the list the name of a trotting club, and the list as so amended shall become and be the list of trotting clubs comprised for the time being in the group concerned.

**52. Functions, powers and duties of Trotting Board.** (1) The Trotting Board shall have the control and general supervision throughout Queensland of trotting and the Rules of Trotting shall, to the extent necessary to give operation and effect to this section, be read subject to this section.

(2) The functions of the Trotting Board are—

- (a) to control, supervise, regulate and promote trotting;
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the trotting industry and the protection of the public interest;
- (c) to take all such steps and do all such acts and things as are necessary or desirable to be done for or in connexion with the performance of its functions.

(3) Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section, the Trotting Board has and may exercise and shall perform the following powers and duties:—

- (a) to make, amend or repeal the Rules of Trotting;
- (b) to allocate to trotting clubs the dates and times on and at which they may hold trotting meetings;
- (c) to investigate and report upon proposals for the construction of new paceways or for the alteration or renovation of existing paceways; to supervise the construction of new paceways

- 
- or alterations or renovations to existing paceways and to make recommendations relating to the licensing of paceways or to paceways generally;
- (d) to register or licence or refuse to register or license or to cancel or suspend the registration or license of a trotting club or any owner, trainer, driver of a trotting horse, bookmaker, bookmaker's clerk or other person associated with trotting or to disqualify or suspend any of those persons permanently or for a specified period;
  - (e) to supervise the activities of trotting clubs, persons licensed by the Trotting Board and all other persons engaged in or associated with trotting;
  - (f) to direct and supervise the lawful dissolution of a trotting club that ceases to be or is not registered by the Trotting Board;
  - (g) subject to the approval of the Minister, to appoint an administrator to conduct the affairs of a trotting club;
  - (h) to register and identify trotting horses;
  - (i) to disqualify a horse from participating in a trotting race;
  - (j) to exclude from participating in a trotting race a horse not registered under the Rules of Trotting;
  - (k) to prohibit a person from attending at or taking part in a trotting meeting;
  - (l) to impose a penalty on a person licensed by it or on an owner of a trotting horse for breaches of the Rules of Trotting;
  - (m) to impose fees for registration of a trotting club, person or horse;
  - (n) to require registered trotting clubs to pay to it such fees as are, in its opinion, required for the proper performance of its functions and duties;
  - (o) to consult, join, affiliate and maintain liaison with other associations or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds;
  - (p) to enter into contracts;
  - (q) to acquire, hold, take on lease and dispose of real and personal property as trustee;
  - (r) to employ such persons as it considers necessary for the effectual performance of its functions and duties;
  - (s) to borrow or invest moneys;
  - (t) to give such directions to a trotting club with respect to its paceway and its affairs as it considers necessary or desirable for the advancement of trotting whether in Queensland as a whole or in the locality of the paceway;

- (u) whenever and so often as it is of the opinion that such action is necessary, to order that an audit of the books and accounts of a trotting club be conducted by an auditor, being a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*, nominated by the Trotting Board;
- (v) to scrutinize the constitutions of trotting clubs to ensure that they conform to this Act and the Rules of Trotting and that they clearly and concisely express the needs and desires of the clubs concerned and of trotting generally;
- (w) to publish material including a periodical publication to inform and keep informed the public concerning matters pertaining to trotting whether in Queensland or elsewhere;
- (x) when so directed by the Minister, or of its own motion, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting;
- (y) to undertake research and make investigations into all aspects of the breeding of trotting horses and of trotting generally;
- (z) to take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions and duties.

(4) A trotting club that holds trotting meetings shall take such steps and do such acts and things as are necessary to give operation and effect to subsections (1), (2) and (3) and, without limit to the generality of this subsection, shall not by act or omission refuse or fail to recognize the Trotting Board as the authority having the control and general supervision throughout Queensland of trotting, or prevent, hinder or prejudice howsoever the exercise or performance by the Trotting Board of any power, function or duty, conferred or imposed upon it by this Act or the Rules of Trotting.

(5) (a) The Trotting Board may, by the Rules of Trotting or by resolution, delegate in such manner and upon such terms and conditions as it determines to a member or an employee the exercise of such of its functions and duties (other than this power of delegation) as are specified in the Rules of Trotting or by the resolution.

(b) Any act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if the act or thing had been done or suffered by the Trotting Board and shall be deemed to have been done or suffered by that Board.

(6) The Trotting Board shall prepare and forward to the Minister a comprehensive report of its activities during each financial year.

(7) The Trotting Board shall cause to be kept proper books of account and records in relation to all its operations and shall, in respect of each financial year, prepare and forward to the Minister a statement of accounts and balance sheet audited by a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*.

**53. Officers.** (1) The Trotting Board shall appoint and employ a secretary and may appoint and employ such stewards and other officers and employees as it thinks fit.

(2) Subject to any applicable award, the Trotting Board may pay to its secretary, stewards, other officers and employees respectively such salaries and wages or other remuneration as it determines from time to time.

(3) (a) A person who, immediately prior to the commencement of this Part, held office as an officer or occupied a position as an employee of The Queensland Trotting Board constituted under the *Racing and Betting Act 1954-1978*, in this subsection referred to as the "old Board", shall continue to hold that office or occupy that position until he vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee respectively of the Trotting Board constituted under this Act, in this subsection referred to as the "new Board".

(b) The period of service that a person referred to in subsection (1) has had with the old Board shall be deemed to be service with the new Board for the purpose of calculating his entitlements to annual leave, sick leave, long service leave and superannuation respectively and the new Board may take whatever action is necessary to give effect to this provision:

Provided that a period of service with the old Board in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the new Board in calculating his entitlement to the leave in question.

**54. Finance.** (1) The Trotting Board may require trotting clubs to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the Trotting Board and each trotting club shall pay to the Trotting Board the amount of any payment required by it to be paid within the time so specified.

(2) (a) Any charge, fee, penalty or other money due and owing to the Trotting Board and remaining unpaid may be recovered by the Trotting Board by action as for a debt in a court of competent jurisdiction.

(b) In an action brought under paragraph (a), a certificate signed by the chairman or other person authorized by the Trotting Board, that the sum specified therein is due and owing to the Trotting Board by the person or trotting club named therein and remains unpaid shall upon its production in that action be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and owing to it by a trotting club, the Trotting Board may suspend the registration of that club until payment is made in full.

(4) The Trotting Board, where it considers that, for the purpose of more effectually performing its functions and duties, it requires special financial accommodation of a capital nature, may apply for an advance from the Racing Development Fund.

**55. Amendment of Rules of Trotting and saving.** (1) In this section the term "modify" means repeal, amend, alter, substitute for, add to, revise, adopt or otherwise vary.

(2) Subject to this section the Trotting Board may modify the Rules of Trotting and may consent to rules that modify the Australian Rules of Trotting.

(3) No rule made or consented to by the Trotting Board pursuant to this section shall have any force or effect in Queensland until it is approved by the Minister (who may in his discretion approve or refuse to approve that rule).

(4) The Minister shall cause to be published in the Gazette notification of every approval by him of a rule specified in subsection (3) and that notification shall be judicially noticed.

(5) The Rules of Trotting in force and subsisting immediately before the commencement of this Part shall become and be for the time being the Rules of Trotting for the purposes of this Act.

**56. Proprietary or unregistered trotting unlawful.** A person other than a non-proprietary registered trotting club shall not conduct a trotting race or hold a trotting meeting.

**57. Registration of trotting clubs.** (1) The Trotting Board shall not—

- (a) register a newly formed trotting club without the prior approval of the Minister;
- (b) register a trotting club that is not a non-proprietary club; or
- (c) renew the registration of a trotting club that subsequent to its registration by the Board has ceased to be a non-proprietary club.

(2) The Trotting Board shall revoke the registration of a trotting club registered by it that ceases to be a non-proprietary club.

(3) If a trotting club that is registered by the Trotting Board contravenes section 134, the Trotting Board shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.

**58. Dissolution of trotting club.** (1) Subject to this section, a trotting club that has ceased to be registered by the Trotting Board shall forthwith take such steps and do such acts and things as are provided by that club's constitution, the Rules of Trotting and this Act with a view to the dissolution of that club.

Where there is a conflict between the trotting club's constitution, the Rules of Trotting or this Act, the Rules of Trotting shall prevail over the club's constitution and this Act shall prevail over the Rules of Trotting and the club's constitution.

(2) Where for valid reasons accepted by the Trotting Board and the Commissioner, it seems inappropriate to proceed to dissolution of a trotting club forthwith, the Trotting Board, upon being satisfied as to the adequacy and accuracy of books and accounts kept by that club and the security of that club's assets, may grant to that club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which that club ceased to be registered by the Trotting Board.

The Trotting Board, with the approval of the Commissioner first had and obtained, may grant to the trotting club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

(3) A trotting club that has failed to complete dissolution within a period of 6 months from the date on which that club ceased to be registered by the Trotting Board, or within any longer period or periods approved by that Board pursuant to subsection (2), shall be deemed to be dissolved immediately upon the expiration of that period or, as the case may be, periods and, notwithstanding section 134, the assets of that club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5):

Provided that where the Commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the trotting club has contributed to the delay in completing the dissolution of that club, the Commissioner may grant such extension of time as he, in his discretion, considers appropriate.

(4) A trotting club that, at the date of commencement of this Act, is not registered by the Trotting Board shall be deemed to have been dissolved on that date and all members of the committee and officers of that club shall forthwith proceed to complete the dissolution of the club.

Notwithstanding this subsection, if the Minister forms the opinion that a trotting club to which this subsection applies has done or omitted any act that has or could have the effect of avoiding or attempting to avoid or prejudicing this subsection or subsection (5), he may recommend to the Governor in Council that this subsection shall have retrospective operation and the Governor in Council by Order in Council may declare that this subsection has retrospective operation from a date specified in the Order and thereupon this subsection shall have retrospective operation accordingly.

The Minister may also direct the rescission of any contract, agreement or arrangement of any kind entered into by a trotting club to which this subsection applies with any person or persons that, in his opinion, is contrary to or has the effect of avoiding or prejudicing these provisions.

(5) Subject to subsection (6), the assets of a trotting club to which subsection (3) or (4) applies shall, immediately upon the deeming of that club to be dissolved, devolve upon and vest in the Minister who may direct that such assets after realization to the extent approved by the Minister and after the payment of all lawful debts and liabilities, if any,

of that club, shall be paid or delivered or transferred to him to be held in trust for distribution at some later date to one or more of the following in such proportions as he, in his discretion, thinks fit—

- (a) the Trotting Board, for the general purposes or any special purpose thereof;
- (b) a trotting club that holds or commences to hold trotting meetings in the same locality as that in which the dissolved trotting club operated; or
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a trotting club pursuant to subsections (1), (2), (3) or (4), the Trotting Board shall be responsible to the Minister for the lawful and effective conclusion of that dissolution and the Trotting Board may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

Where the Trotting Board incurs reasonable expenses in the performance of the duty imposed by this subsection, the Trotting Board, with the prior approval of the Minister, may recover the full amount of those expenses, or such less amount as it is possible to recover, from the net amount remaining after the realization of all the assets of the trotting club concerned and the payment of all lawful debts and liabilities, if any, of that club:

Provided that if the Trotting Board in any case is unable to recover the whole of the expenses approved in respect of the dissolution of a particular trotting club, it may recover the sum not then recovered from the net amount realized upon the subsequent dissolutions of any other trotting clubs in such amounts as are approved from time to time by the Minister.

(7) The Trotting Board shall notify the Commissioner in writing upon a cessation of registration by the Trotting Board of a trotting club.

**59. Trotting Board may appoint administrator of trotting club.**

(1) Notwithstanding any Act, law or practice, the Trotting Board, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing—

- (a) dissolve the committee of a trotting club;
- (b) appoint a person to be the administrator of that club for such period as it fixes from time to time; or
- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

(2) The Trotting Board may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by that Board by order issued pursuant to subsection (1).

(3) Upon the making of an order pursuant to subsection (1), the members of the committee of the trotting club concerned shall cease to hold office and every reference in a provision of the constitution and rules of that club, the Rules of Trotting and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the Trotting Board or, as the case may be, committee elected pursuant to subsection (1) (c).

(4) Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the trotting club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1) (c) to all assets, records and other property of the club and shall provide all information, advice and assistance as is lawfully requested by the administrator or committee.

(5) A provision contained in the constitution or in any rules of the trotting club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator, duly appointed by the Trotting Board or, as the case may be, committee elected pursuant to subsection (1) (c), conducts the business of that club.

**60. Days when trotting meetings may be held.** Subject to this Act, a trotting meeting may be held on—

- (a) a Monday, Wednesday, Friday or Saturday;
- (b) a holiday, public holiday or part public holiday appointed under *The Holidays Acts, 1912 to 1961* for the locality in which the meeting is to be held; or
- (c) a Tuesday or Thursday not being a holiday, public holiday or part public holiday in the locality in which the meeting is to be held, if the Minister has first given his written approval for that meeting.

**61. Allotment of days for trotting meetings.** (1) The Trotting Board shall, at the time and in the form prescribed, submit to the Minister an application for a total number of days on which trotting meetings may lawfully be held by trotting clubs under the control of the Trotting Board during each period of 12 months determined by him.

(2) The Minister shall approve in writing such total number of days as he, in his discretion, considers both prudent and adequate for the holding of trotting meetings in each period of 12 months determined by him in accordance with subsection (1).

(3) The Trotting Board shall allot the total number of days approved by the Minister among the trotting clubs registered with that Board identifying each allotment by the date, day of the week and time of day.

(4) The Trotting Board shall furnish to the Minister, on or before the date prescribed, details of the allotments of days made pursuant to subsection (3) to trotting clubs. The Minister may make any enquiry and may issue any direction in relation to an allotment proposed by the Trotting Board.

**62. Trotting on unallotted day unlawful.** A trotting club shall not conduct a trotting race or hold a trotting meeting on a day not allotted to that club by the Trotting Board pursuant to this Act.

**63. Restriction on time at which a trotting race may be started.**

(1) Subject to subsection (2), a race shall not be started at a trotting meeting held at night time after 11 o'clock except for valid reasons arising in the course of the meeting that, in the opinion of the steward or stewards in charge of that meeting, justify the start of any race or races later than that time.

(2) Where at a trotting meeting held at night time, upon the direction or authority of any steward or stewards, one or more than one race is started after 11 o'clock—

(a) no race shall be permitted to start after 30 minutes past 11 o'clock; and

(b) the steward or stewards in charge of that meeting shall, within 7 days after the holding thereof, furnish a report to the Minister as to the times at which races were started after 11 o'clock and advising fully as to the reasons why it was considered necessary to permit any race or races to start after 11 o'clock.

(3) Notwithstanding subsection (1), the Minister may direct the Trotting Board or a trotting club not to permit a race to start at a paceway after 11 o'clock in the evening.

**64. Time at which a trotting meeting is deemed to commence.** A trotting meeting shall be deemed to commence at the time at which betting with bookmakers commences at that meeting under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**65. Postponement of whole or part of a trotting meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances, a trotting club, after consultation with the steward or stewards then in charge of a trotting meeting, considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to that club, or if, for any reason that the Trotting Board considers to be sufficient, a trotting club does not desire to hold a trotting meeting on that day the club may postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the Trotting Board approves pursuant to this Act.

(2) A trotting club shall be taken to have postponed a trotting meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club at the paceway at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that paceway, a trotting club shall be taken to have postponed a trotting meeting at the time at which a public announcement to that effect is published in a newspaper printed or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If a trotting club, with the approval of the Trotting Board, postpones intact part of a trotting meeting comprising three or more races until another day, it may, with the approval of the Trotting Board, stage any other race or races on that day sufficient to complete what the Board considers is a trotting meeting normal for that club.

**66. Abandonment of whole or part of a trotting meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances, a trotting club considers it impossible or impracticable to hold a trotting meeting or a part thereof on the day allotted to that club or on any other day or if, for any reason that the Trotting Board considers to be sufficient, a trotting club does not desire to hold a trotting meeting on that allotted day or other day, that club, with the prior approval of the Trotting Board or, as the case may be, the steward or stewards then in charge of the meeting, may abandon that meeting or part.

(2) A trotting club shall be taken to have abandoned a trotting meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club on the paceway at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that paceway, a trotting club shall be taken to have abandoned a trotting meeting at the time at which a public announcement to that effect is published in a newspaper printed or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If there has been no prior public announcement of the decision by a trotting club to postpone or abandon a trotting meeting pursuant to subsection (2) or section 65 (2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a trotting meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, the Trotting Board may allot another day to the same or another trotting club and that club may hold a trotting meeting on that other day.

**67. Betting to continue at postponed or abandoned meeting.** (1) Notwithstanding this Act or any other Act, if, after a trotting meeting has commenced or is deemed to have commenced, the trotting club holding that meeting postpones or abandons the whole or any part

thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

(2) If, at a paceway, the whole or any part of a trotting meeting is postponed or abandoned by a trotting club at any time after that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of that club, continue at that paceway during the time that betting or investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

**68. Phantom meeting may be held in certain circumstances.** (1) Where a trotting club postpones or abandons a trotting meeting scheduled to be held on a day allotted to it by the Trotting Board prior to the commencement or deemed commencement of that meeting, the club may, with the prior approval of the Trotting Board, hold a phantom meeting.

(2) Where a trotting club, because of track re-construction or other major works, is not allotted what the Trotting Board considers is a normal allocation of days on which it may hold trotting meetings, the Trotting Board may permit that club to hold one or more than one phantom meeting sufficient only to permit that club to maintain its normal frequency of activity during the period those works are in progress.

(3) With respect to races to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the paceway at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the Rules of Trotting.

(4) The Trotting Board may make rules with respect to phantom meetings and the holding of those meetings by trotting clubs shall be in strict compliance with those rules and this Act.

(5) The Minister may direct the Trotting Board or a trotting club not to permit or hold a phantom meeting in any locality or on a day or at a time of day where and when it would otherwise be lawful to hold a phantom meeting.

**69. Trials.** (1) A registered trotting club may, with the prior written approval of the Trotting Board and shall, when directed in writing by the Trotting Board, conduct a trial on a licensed paceway.

(2) Nothing in this section shall prevent the conduct of a trial by a registered trotting club during or in conjunction with a lawfully held trotting meeting provided the prior written approval of the Trotting Board thereto is sought and obtained.

(3) The Trotting Board may make rules with respect to trials and the conduct of trials by trotting clubs shall be in strict compliance with those rules and this Act.

(4) All trials shall be conducted under the control and supervision of the Trotting Board.

(5) A person shall not conduct any trial or trials—

(a) on Christmas Day or Good Friday;

(b) at night time except on a paceway that is licensed to hold trotting meetings at night time; or

(c) at night time after 11 o'clock.

(6) Betting with respect to the outcome of a trial shall be unlawful and every provision of this Act or any other Act or law relating to betting shall be read subject to this subsection.

**70. Trotting Board to review periodically trotting meetings.** (1) The Trotting Board shall review periodically and so that not more than 12 months shall intervene between any one and the next following review, the holding of trotting meetings by each trotting club.

(2) If upon a review in accordance with subsection (1), the Trotting Board is satisfied that, having regard to the number of races and the number of starters in each race at trotting meetings during the period reviewed, the locality in question and such other factors as the Trotting Board considers relevant, those meetings were not held in good faith in that the principal object of holding them was not the conduct of races for trotting horses or they were held in a manner contrary to this Act or the Rules of Trotting or to the public interest, the Trotting Board shall cancel the then subsisting allotment of days for the holding of trotting meetings made by it pursuant to section 61 in respect of the trotting club concerned and shall refrain from allotting further days until it is satisfied that the trotting meetings authorized by it to be held will be held in a lawful and proper manner.

**71. Trotting on unlicensed paceway unlawful.** (1) A person shall not conduct trotting on a paceway that is not licensed under this Act.

(2) A person who—

(a) unlawfully holds a trotting meeting or conducts a trotting race; or

(b) assists in holding or conducting or promotes or assists in promoting a trotting meeting or trotting race that is unlawful commits an offence against this Act.

**72. Occupier not to permit trotting to be conducted unlawfully.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a trotting race.

**73. Presence at unlawful trotting prohibited.** (1) A person shall not be present at or in a place where a trotting race is being or is about to be conducted unlawfully.

Penalty: \$500.

(2) This section does not apply with respect to a member of the police force or an officer acting in the course of his duties.

**74. Advertising unlawful trotting prohibited.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended trotting meeting or trotting race that is unlawful.

**75. When trotting on showgrounds allowed.** (1) Notwithstanding this Act, it shall be lawful to conduct any trotting race or trotting races but only with the approval and under the control and supervision of the Trotting Board, during or in conjunction with any agricultural, horticultural, pastoral or industrial show and so conducted—

- (a) by a society or other association of persons having for its object the holding of that show;
- (b) on the ground upon which that show is held; and
- (c) on a day on which that show is held.

(2) Betting on a ground and day where and when any race or contest for trotting horses specified in subsection (1) is conducted or proposed to be conducted shall be unlawful and accordingly, to the extent necessary to give effect to this subsection, this Act or any other Act or law relating to betting shall be read subject to this subsection.

*Division III—Greyhound Racing*

**76. Constitution of Greyhound Racing Control Board of Queensland.**

(1) The Greyhound Racing Control Board of Queensland constituted under the *Racing and Betting Act 1954–1978* is preserved, continued in existence and constituted under this Act.

(2) The Greyhound Racing Control Board of Queensland by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Greyhound Board and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

(4) The Greyhound Board shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

(5) The Greyhound Board does not represent the Crown.

**77. Composition of Greyhound Board.** (1) The Greyhound Board shall consist of 7 members appointed by the Governor in Council by notification published in the Gazette of whom—

(a) 4 shall be persons nominated by the Minister;

(b) 1 shall be a person nominated by the Minister from a panel of at least 3 names of eligible persons submitted to him by those greyhound clubs that for the time being comprise the group referred to in section 92 as Group 1;

(c) 1 shall be a person nominated by the Minister from a panel of at least 3 names of eligible persons submitted to him by those greyhound clubs that for the time being comprise the group referred to in section 92 as Group 2;

(d) 1 shall be a person nominated by the Minister from a panel of at least 3 names of eligible persons submitted to him by those greyhound clubs that for the time being comprise the group referred to in section 92 as Group 3.

The Governor in Council shall appoint a chairman and a deputy chairman of the Greyhound Board who shall, in each case, be a person nominated by the Minister.

(2) The fact that there is no provision in this Act for representation on the Greyhound Board of sectional groups within the greyhound industry shall not be taken as indicating that nominees from those groups will be excluded from consideration for appointment to the Greyhound Board because of their association with them.

**78. Continuation in office of members constituting Greyhound Board.** Members of the Greyhound Racing Control Board of Queensland appointed under the *Racing and Betting Act 1954–1978* and holding office as members immediately before the commencement of this Part shall continue to hold their respective offices until an appointment of members is made under this Act and, until then, the chairman, deputy chairman and other members appointed under the *Racing and Betting Act 1954–1978* shall constitute the Greyhound Board.

**79. First constitution of Greyhound Board.** The Governor in Council, by notification published in the Gazette, may appoint a day on or before which the Greyhound Board is to be first constituted under this Act.

The Greyhound Board shall be first constituted as prescribed on or before the date so appointed.

Upon the appointment of the total number of members of the Greyhound Board, it shall be duly constituted on and from the date notification of that appointment is published in the Gazette.

**80. Request by Minister for panels of names of eligible persons.** The Minister, in respect of an appointment of the total number of the members of the Greyhound Board or the appointment of a person to fill a casual vacancy, shall cause a request in writing to be forwarded to the greyhound clubs comprising the different groups specified in section 92 that he requires the clubs comprising each such group respectively to submit to him a panel of at least 3 names of persons eligible for appointment to the Greyhound Board and specifying a date on or before which those panels shall be so submitted.

Where an appointment to fill a casual vacancy is involved, the request shall be sent to the group in respect of which the casual vacancy has arisen.

**81. Failure to submit panel of names.** If a group of greyhound clubs entitled under this Act to submit a panel of names fails within the time specified in the request in writing by the Minister to do so, the Minister may without that panel nominate a person who in the opinion of the Minister is a suitable nominee for that group, and the person so nominated shall be deemed to be duly nominated in accordance with this Act.

**82. Tenure of office.** (1) A member of the Greyhound Board shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council determines, specified in the notification of his appointment published in the Gazette but if by the expiration of that term his successor has not been duly appointed he shall, subject to this Act, hold office until his successor is appointed.

A member of the Board shall, if he is otherwise qualified, be eligible for re-appointment as a member.

(2) The Governor in Council may at any time remove a member of the Greyhound Board from office as a member by notification published in the Gazette.

**83. Disqualification from membership.** A person who—

- (a) is a body corporate;
- (b) is an officer of the Greyhound Board;
- (c) is the holder of a licence, permit or registration certificate issued by the Greyhound Board other than an owner's registration certificate;
- (d) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (e) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily)

or elsewhere than in Queensland in respect of an act or omission that if done or made by him in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;

- (f) is a patient within the meaning of the *Mental Health Act 1974-1978*,

shall not be capable of being or continuing to be a member of the Greyhound Board.

**84. Vacation of office.** (1) The office of a member of the Greyhound Board shall become vacant if the member—

- (a) dies;
- (b) attains the age of 70 years;
- (c) resigns his office by writing signed by him furnished to the Minister;
- (d) is absent without prior leave granted by the Greyhound Board from 3 consecutive meetings thereof of which due notice has been given to him;
- (e) ceases to be qualified as a member;
- (f) accepts or holds an office of profit under the Greyhound Board or is directly or indirectly concerned in any contract with the Greyhound Board or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the Greyhound Board;
- (g) is removed from office as a member by the Governor in Council.

(2) (a) Notwithstanding subsection (1) (b), the Governor in Council may continue the membership of a member who has attained the age of 70 years for such periods, not exceeding 12 months at any one time, as he determines.

(b) Notwithstanding subsection (1) (f), the office of a member of the Greyhound Board shall not become vacant by reason only that the member or a firm in which he is a partner is appointed to or acts in a professional capacity for or on behalf of that Board or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the Greyhound Board.

(3) Attendance of a member of the Greyhound Board at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held and the secretary shall enter in the minute book the names of all members who so attend.

**85. Casual vacancies.** (1) When a vacancy occurs in the office of a member of the Greyhound Board during the term of office of members then constituting that Board, the Governor in Council shall appoint in accordance with this Act another qualified person as a member to hold office for the balance of his predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the Greyhound Board shall be appointed and hold office for the balance of his predecessor's term of office as a member or until he sooner vacates that office and shall, if otherwise qualified, be eligible for re-appointment as a member.

**86. Appointment of substitute member.** (1) If a member of the Greyhound Board other than the chairman or deputy chairman is likely to be absent from meetings thereof for any period, the Governor in Council may by notification published in the Gazette appoint a person who is not a member of that Board to act as a member during the absence of that member, and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairman or deputy chairman.

(2) A person appointed under this section to act in the stead of a member need not be nominated as prescribed.

(3) A person appointed under this section to act in the stead of a member shall be entitled during the period of his appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of his absence.

**87. Expenses, fees or allowances to members.** The Greyhound Board may pay to the members such expenses, fees or allowances, as are approved by the Governor in Council.

Expenses, fees or allowances may vary between different classes of members.

**88. Procedure at meetings.** (1) The chairman of the Greyhound Board shall preside at all meetings thereof at which he is present and in his absence from any cause the deputy chairman shall preside.

Whilst so presiding the deputy chairman shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(2) If both the chairman and deputy chairman are absent from a meeting of the Greyhound Board, a member thereof elected from amongst the members present at that meeting shall preside and whilst so presiding the member so elected shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(3) A member shall not represent a particular club or group of clubs or a sectional interest at a meeting of the Greyhound Board to the exclusion of the best interests of greyhound racing generally.

(4) A quorum at a meeting of the Greyhound Board shall consist of not less than 4 members.

(5) The Greyhound Board shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question.

A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The Greyhound Board shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairman of his own motion may, and, if so requested in writing at any time by two or more members of the Greyhound Board, shall forthwith convene a special meeting of the Greyhound Board.

(8) The secretary shall cause to be given to each member of the Greyhound Board in writing, delivered personally or by post or sent by telegraphic message addressed to the member at his usual residential address, notice of every ordinary and special meeting of the Greyhound Board at least 48 hours before the time appointed for the commencement of the meeting, but a shorter period of notice of a special meeting may be given where the chairman by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at that meeting, or so much of that business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the Greyhound Board, whether ordinary or special, and if at that next meeting a quorum is not present those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted thereat.

(11) Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the Greyhound Board.

(12) A resolution of the Greyhound Board shall not be revoked or altered unless—

- (a) notice of intention to move the revocation or alteration thereof is given in writing to each member of the Greyhound Board personally or by post or sent by telegraphic message addressed to the member at his usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or
- (b) the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours' notice to each member gives, at a meeting of the Greyhound Board, notice in writing of his intention to move the revocation or alteration at the next following meeting of the Greyhound Board, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

(13) The Greyhound Board shall cause minutes of all proceedings at a meeting of the Greyhound Board—

- (a) to be entered in a book kept for the purpose;
- (b) to be signed by the chairman of the meeting or by the chairman of the next following meeting; and
- (c) to be thereupon sent to the Minister.

(14) Subject to this Act, the Greyhound Board shall conduct its business generally and procedure at meetings in such manner as it determines from time to time.

**89. Custody of and affixing of seal.** The common seal of the Greyhound Board shall be kept in the custody of the secretary thereto or, where there is a temporary vacancy in that position, of the chairman.

The common seal shall be affixed to a document only in pursuance of a resolution of the Greyhound Board and by the person having the custody of the seal in accordance with this Act.

Where that person is the secretary, the common seal shall be affixed in the presence of the chairman but otherwise it shall be affixed in the presence of at least two members of the Greyhound Board.

**90. Validity of acts.** Any act, proceeding, decision or determination of the Greyhound Board is not invalid or unlawful by reason only of a defect in the qualification, membership or appointment of a member thereof or a vacancy in the membership of the Board at the time of that act, proceeding, decision or determination.

**91. Authentication of documents.** Save where it is otherwise expressly provided, a document made or issued by the Greyhound Board in the exercise of its powers or the performance of its functions shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairman or the secretary thereof at the chairman's direction.

**92. Groups of greyhound clubs.** (1) The greyhound clubs set forth below under the headings Group 1, Group 2 and Group 3 shall, subject to subsection (2), be the greyhound clubs comprised in those groups respectively:—

GROUP 1

Gabba Greyhound Racing Club

GROUP 2

Beenleigh Greyhound Race Club  
Capalaba Greyhound Racing Club  
Gold Coast Greyhound Racing Club  
Metropolitan Greyhound Racing Club

GROUP 3

Bundaberg Greyhound Racing Club  
Cairns Greyhound Racing Club  
Mackay and District Greyhound Racing Club  
Mount Isa Greyhound Racing Club  
Townsville Greyhound Racing Club.

(2) The Governor in Council, by Order in Council, may amend from time to time any group of greyhound clubs listed in subsection (1) by deleting from or adding to the list the name of any greyhound club, and the list as so amended shall become and be the list of greyhound clubs comprised for the time being in the group concerned.

**93. Functions, powers and duties of Greyhound Board.** (1) The Greyhound Board shall have the control and general supervision throughout Queensland of greyhound racing and the Rules of Greyhound Racing shall, to the extent necessary to give operation and effect to this section, be read subject to this section.

(2) The functions of the Greyhound Board are—

- (a) to control, supervise, regulate and promote greyhound racing;
- (b) to initiate, develop and implement such policies as it considers conducive to the development and welfare of the greyhound racing industry and the protection of the public interest;
- (c) to take all such steps and do all such acts and things as are necessary or desirable to be done for or in connexion with the performance of its functions.

(3) Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section, the Greyhound Board has and may exercise and shall perform the following powers and duties:—

- (a) to make, amend or repeal the Rules of Greyhound Racing;
- (b) to allocate to greyhound clubs the dates and times on and at which they may hold greyhound meetings;
- (c) to investigate and report upon proposals for the construction of new greyhound courses or for the alteration or renovation of existing greyhound courses; to supervise the construction of new greyhound courses or alterations or renovations to existing greyhound courses and to make recommendations relating to the licensing of greyhound courses or to greyhound courses generally;
- (d) to register or license or refuse to register or license or to cancel or suspend the registration or licence of a greyhound club or any owner, trainer, bookmaker, bookmaker's clerk or other person associated with greyhound racing or to disqualify or suspend any of those persons permanently or for a specified period;
- (e) to supervise the activities of greyhound racing clubs, persons licensed by the Greyhound Board and all other persons engaged in or associated with greyhound racing;
- (f) to direct and supervise the lawful dissolution of a greyhound club that ceases to be or is not registered by the Greyhound Board;
- (g) subject to the approval of the Minister to appoint an administrator to conduct the affairs of a greyhound club;
- (h) to register and identify greyhounds;

- 
- (i) to disqualify a greyhound from participating in a race;
  - (j) to exclude from participating in a race a greyhound not registered under the Rules of Greyhound Racing;
  - (k) to prohibit a person from attending at or taking part in a greyhound meeting;
  - (l) to impose a penalty on a person licensed by it or on an owner of a greyhound for breaches of the Rules of Greyhound Racing;
  - (m) to impose fees for registration of a greyhound club, person or greyhound;
  - (n) to require registered greyhound clubs to pay to it such fees as are in its opinion required for the proper performance of its functions and duties;
  - (o) to consult, join, affiliate and maintain liaison with other associations or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds;
  - (p) to enter into contracts;
  - (q) to acquire, hold, take on lease and dispose of real and personal property as trustee;
  - (r) to employ such persons as it considers necessary for the effectual performance of its functions and duties;
  - (s) to borrow or invest money;
  - (t) to give such directions to a greyhound club with respect to its greyhound course and its affairs as it considers necessary or desirable for the advancement of greyhound racing whether in Queensland as a whole or in the locality of the greyhound course;
  - (u) whenever and so often as it is of the opinion that such action is necessary, to order that an audit of the books and accounts of a greyhound club be conducted by an auditor, being a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*, nominated by the Greyhound Board;
  - (v) to scrutinize the constitutions of greyhound clubs to ensure that they conform to this Act and the Rules of Greyhound Racing and that they clearly and concisely express the needs and desires of the clubs concerned and of greyhound racing generally;
  - (w) to publish material including a periodical publication to inform and keep informed the public concerning matters pertaining to greyhound racing whether in Queensland or elsewhere;
  - (x) when so directed by the Minister or of its own motion, to furnish to the Minister a report and recommendation with respect to any matter relating to greyhound racing;
  - (y) to undertake research and make investigations into all aspects of the breeding of greyhounds and of greyhound racing generally;

(z) to take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions and duties.

(4) A greyhound club that holds greyhound meetings shall take such steps and do such acts and things as are necessary to give operation and effect to subsections (1), (2) and (3) and, without limit to the generality of this subsection, shall not by act or omission refuse or fail to recognize the Greyhound Board as the authority having the control and general supervision throughout Queensland of greyhound racing, or prevent, hinder or prejudice howsoever the exercise by the Greyhound Board of any power, function or duty, conferred or imposed upon it by this Act or the Rules of Greyhound Racing.

(5) (a) The Greyhound Board may, by the Rules of Greyhound Racing or by resolution, delegate in such manner and upon such terms and conditions as it determines to a member or an employee the exercise of such of its functions and duties (other than this power of delegation) as are specified by the Rules of Greyhound Racing or by the resolution.

(b) Any Act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if the act or thing had been done or suffered by the Greyhound Board and shall be deemed to have been done or suffered by the Greyhound Board.

(6) The Greyhound Board shall prepare and forward to the Minister a comprehensive report of its activities during each financial year.

(7) The Greyhound Board shall cause to be kept proper books of account and records in relation to all its operations and shall in respect of each financial year prepare and forward to the Minister a statement of accounts and balance sheet audited by a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*.

**94. Officers.** (1) The Greyhound Board shall appoint and employ a secretary and may appoint and employ such stewards and other officers and employees as it thinks fit.

(2) Subject to any applicable award, the Greyhound Board may pay to its secretary, stewards, other officers and employees respectively such salaries and wages or other remuneration as it determines from time to time.

(3) (a) A person who, immediately before the commencement of this Part, held an office as an officer or occupied a position as an employee of the Greyhound Racing Control Board of Queensland constituted under the *Racing and Betting Act 1954-1978*, in this subsection referred to as the "old Board", shall continue to hold that office or occupy that position until he vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee respectively of the Board constituted by this Act, in this subsection referred to as the "new Board".

(b) The period of service that a person referred to in subsection (1) has had with the old Board shall be deemed to be service with the new Board for the purpose of calculating his entitlements to annual leave,

sick leave, long service leave and superannuation respectively and the new Board may take whatever action is necessary to give effect to this provision:

Provided that a period of service with the old Board in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the new Board in calculating his entitlement to the leave in question.

**95. Finance.** (1) The Greyhound Board may require greyhound clubs to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the Greyhound Board and each greyhound club shall pay to the Greyhound Board the amount of any payment required by it to be paid within the time so specified.

(2) (a) Any charge, fee, penalty or other money due and owing to the Greyhound Board and remaining unpaid may be recovered by the Greyhound Board by action as for a debt in a court of competent jurisdiction.

(b) In an action brought under paragraph (a), a certificate signed by the chairman or other person authorized by the Greyhound Board that the sum specified therein is due and owing to the Greyhound Board by the person or greyhound club named therein and remains unpaid shall upon its production in that action be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and owing to it by a greyhound club, the Greyhound Board may suspend the registration of that club until payment is made in full.

(4) The Greyhound Board, where it considers that, for the purpose of more effectually performing its functions and duties, it requires special financial accommodation of a capital nature, may apply for an advance from the Racing Development Fund.

**96. Amendment of Rules of Greyhound Racing and saving.** (1) In this section the term "modify" means repeal, amend, alter, substitute for, add to, revise, adopt or otherwise vary.

(2) Subject to this section, the Greyhound Board may modify the Rules of Greyhound Racing.

(3) No rule made by the Greyhound Board pursuant to this section shall have any force or effect in Queensland until it is approved by the Minister (who may in his discretion approve or refuse to approve that rule).

(4) The Minister shall cause to be published in the Gazette notification of every approval by him of a rule specified in subsection (3) and that notification shall be judicially noticed.

(5) The Rules of Greyhound Racing in force and subsisting immediately before the commencement of this Part shall become and be for the time being the Rules of Greyhound Racing for the purposes of this Act.

**97. Proprietary or unregistered greyhound racing unlawful.** A person other than a non-proprietary registered greyhound club shall not conduct a greyhound race or hold a greyhound meeting.

**98. Registration of greyhound clubs.** (1) The Greyhound Board shall not—

- (a) register a newly formed greyhound club without the prior approval of the Minister;
- (b) register a greyhound club that is not a non-proprietary club; or
- (c) renew the registration of a greyhound club that subsequent to its registration by the Board has ceased to be a non-proprietary club.

(2) The Greyhound Board shall revoke the registration of a greyhound club registered by it that ceases to be a non-proprietary club.

(3) If a greyhound club that is registered by the Greyhound Board contravenes in any respect section 134, the Greyhound Board shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.

**99. Dissolution of greyhound club.** (1) A greyhound club that has ceased to be registered by the Greyhound Board shall forthwith take such steps and do such acts and things as are provided by that club's constitution, the Rules of Greyhound Racing and this Act with a view to the dissolution of that club.

Where there is a conflict between the greyhound club's constitution, the Rules of Greyhound Racing or this Act, the Rules of Greyhound Racing shall prevail over the club's constitution and this Act shall prevail over the Rules of Greyhound Racing and the club's constitution.

(2) Where for valid reasons accepted by the Greyhound Board and the Commissioner, it seems inappropriate to proceed to dissolution of a greyhound club forthwith, the Greyhound Board, upon being satisfied as to the adequacy and accuracy of books and accounts kept by that club and the security of that club's assets, may grant to that club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which the greyhound club ceased to be registered by the Greyhound Board.

The Greyhound Board, with the approval of the Commissioner first had and obtained, may grant to the greyhound club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

(3) A greyhound club that has failed to complete dissolution within a period of 6 months from the date on which that club ceased to be registered by the Greyhound Board, or within any longer period or periods approved by the Greyhound Board pursuant to subsection (2), shall be deemed to be dissolved immediately upon the expiration of that period or, as the case may be, periods and,

notwithstanding section 134, the assets of that club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5):

Provided that where the Commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the greyhound club has contributed to the delay in completing the dissolution of that club, the Commissioner may grant such extension of time as he, in his discretion, considers appropriate.

(4) A greyhound club that, at the date of commencement of this Act, is not registered by the Greyhound Board shall be deemed to have been dissolved on that date and all members of the committee and officers of that club shall forthwith proceed to complete the dissolution of the club.

Notwithstanding this subsection, if the Minister forms the opinion that a greyhound club to which this subsection applies has done or omitted any act that has or could have the effect of avoiding or attempting to avoid or prejudicing the effect of this subsection or of subsection (5), he may recommend to the Governor in Council that this subsection shall have retrospective operation and the Governor in Council by Order in Council may declare that this subsection has retrospective operation from a date specified in the Order and thereupon this subsection shall have retrospective operation accordingly.

The Minister may also direct the rescission of any contract, agreement or arrangement of any kind entered into by a greyhound club to which this subsection applies with any person or persons that, in his opinion, is contrary to or has the effect of avoiding or prejudicing these provisions.

(5) Subject to subsection (6), the assets of a greyhound club to which subsection (3) or (4) applies shall, immediately upon the deeming of that club to be dissolved, devolve upon and vest in the Minister who may direct that such assets after realization to the extent approved by the Minister and after the payment of all lawful debts and liabilities, if any, of that club, shall be paid or delivered or transferred to him to be held in trust for distribution at some later date to one or more of the following in such proportions as he, in his discretion, thinks fit—

- (a) the Greyhound Board, for the general purposes or any special purpose thereof;
- (b) a greyhound club that holds or commences to hold greyhound meetings in the same locality as the dissolved greyhound club; or
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a greyhound club pursuant to subsection (1), (2), (3) or (4) the Greyhound Board shall be responsible to the Minister for the lawful and effective conclusion of that dissolution and the Greyhound Board may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

Where the Greyhound Board incurs reasonable expenses in the performance of the duty imposed by this subsection, the Greyhound Board, with the prior approval of the Minister, may recover the full amount of those expenses, or such less amount as it is possible to recover, from the net amount remaining after the realization of all the assets of the greyhound club concerned and the payment of all lawful debts and liabilities, if any, of that club:

Provided that if the Greyhound Board in any case is unable to recover the whole of the expenses approved in respect of the dissolution of a particular greyhound club, it may recover the sum not then recovered from the net amount realized upon the subsequent dissolutions of any other greyhound clubs in such amounts as are approved from time to time by the Minister.

(7) The Greyhound Board shall notify the Commissioner in writing upon a cessation of registration by the Greyhound Board of a greyhound club.

**100. Greyhound Board may appoint administrator of greyhound club.** (1) Notwithstanding any Act, law or practice, the Greyhound Board, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing—

- (a) dissolve the committee of a greyhound club;
- (b) appoint a person to be the administrator of that club for such period as it fixes from time to time; or
- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

(2) The Greyhound Board may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by that Board by order issued pursuant to subsection (1).

(3) Upon the making of an order pursuant to subsection (1), the members of the committee of the greyhound club concerned shall cease to hold office and every reference in a provision of the constitution and rules of that club, the Rules of Greyhound Racing and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the Greyhound Board or, as the case may be, committee elected pursuant to subsection (1) (c).

(4) Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the greyhound club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1) (c) to all assets, records and other property of the club and shall provide all information, advice and assistance as is lawfully requested by the administrator or committee.

(5) A provision contained in the constitution or in any rules of the greyhound club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator, duly appointed by the Greyhound Board, or, as the case may be, committee elected pursuant to subsection (1) (c), conducts the business of that club.

**101. Days when greyhound meetings may be held.** Subject to this Act, a greyhound meeting may be held on—

- (a) a Monday, Tuesday, Thursday, Friday or Saturday;
- (b) a holiday, public holiday or part public holiday appointed under *The Holidays Acts, 1912 to 1961* for the locality in which the meeting is to be held; or
- (c) a Wednesday not being a holiday, public holiday or part public holiday in the locality in which the meeting is to be held, if the Minister has first given his written approval for that meeting.

**102. Allotment of days for greyhound meetings.** (1) The Greyhound Board shall, at the time and in the form prescribed, submit to the Minister an application for a total number of days on which greyhound meetings may lawfully be held by greyhound clubs under the control of the Greyhound Board during each period of 12 months determined by him.

(2) The Minister shall approve in writing such total number of days as he, in his discretion, considers both prudent and adequate for the holding of greyhound meetings in each period of 12 months determined by him in accordance with subsection (1).

(3) The Greyhound Board shall allot the total number of days approved by the Minister among the greyhound clubs registered with that Board identifying each allotment by the date, day of the week and time of day.

(4) The Greyhound Board shall furnish to the Minister, on or before the date prescribed, details of the allotments of days made pursuant to subsection (3) to greyhound clubs. The Minister may make any enquiry and may issue any direction in relation to an allotment proposed by the Greyhound Board.

**103. Greyhound racing on unallotted day unlawful.** A greyhound club shall not conduct a greyhound race or hold a greyhound meeting on a day not allotted to that club by the Greyhound Board pursuant to this Act.

**104. Restriction on time at which a greyhound race may be started.** (1) Subject to subsection (2), a race shall not be started at a greyhound meeting held at night time after 11 o'clock except for valid reasons arising in the course of the meeting that, in the opinion of the steward or stewards in charge of that meeting, justify the start of any race or races later than that time.

(2) Where at a greyhound meeting held at night time, upon the direction or authority of any steward or stewards, one or more than one race is started after 11 o'clock:—

- (a) no race shall be permitted to start after 30 minutes past 11 o'clock; and
- (b) the steward or stewards in charge of that meeting shall, within 7 days after the holding thereof, furnish a report to the Minister as to the times at which races were conducted after 11 o'clock and advising fully as to the reasons why it was considered necessary to permit any race or races to start after 11 o'clock.

(3) Notwithstanding subsection (1), the Minister may direct the Greyhound Board or a greyhound club not to permit a race to start at a greyhound course after 11 o'clock in the evening.

**105. Time at which a greyhound meeting is deemed to commence.** A greyhound meeting shall be deemed to commence at the time at which betting with bookmakers under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**106. Postponement of whole or part of a greyhound meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances a greyhound club, after consultation with the steward or stewards then in charge of a greyhound meeting, considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to that club or if, for any reason that the Greyhound Board considers to be sufficient, a greyhound club does not desire to hold a greyhound meeting on that day, that club may postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the Greyhound Board approves pursuant to this Act.

(2) A greyhound club shall be taken to have postponed a greyhound meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club at the greyhound course at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that greyhound course, a greyhound club shall be taken to have postponed a greyhound meeting at the time at which a public announcement to that effect is published in a newspaper printed or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If a greyhound club, with the approval of the Greyhound Board, postpones intact part of a greyhound meeting comprising four or more races until another day, it may, with the approval of the Greyhound Board, stage any other race or races on that day sufficient to complete what the Board considers is a greyhound meeting normal for that club.

**107. Abandonment of whole or part of a greyhound meeting.** (1) If, owing to adverse weather conditions or other emergent circumstances, a greyhound club considers it impossible or impracticable to hold a greyhound meeting or a part thereof on the day allotted to that club or on any other day or if, for any reason that the Greyhound Board considers to be sufficient, a greyhound club does not desire to hold a greyhound meeting on that allotted day or other day, that club, with the prior approval of the Greyhound Board or, as the case may be, the steward or stewards then in charge of the meeting, may abandon that meeting or part.

(2) A greyhound club shall be taken to have abandoned a greyhound meeting or part thereof at the time at which a public announcement to that effect is made by or on behalf of that club on the greyhound course at which that meeting was to be or was being held.

Where it is impossible or impracticable to make a public announcement at that greyhound course, a greyhound club shall be taken to have abandoned a greyhound meeting at the time at which a public announcement to that effect is published in a newspaper printed or widely distributed in the club's locality or is transmitted by radio or television by a broadcasting or television station serving that locality, whichever is the earliest.

(3) If there has been no prior public announcement of the decision by a greyhound club to postpone or abandon a greyhound meeting pursuant to subsection (2) or section 106 (2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a greyhound meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, the Greyhound Board may allot another day to the same or another greyhound club and that club may hold a greyhound meeting on that other day.

**108. Betting to continue at postponed or abandoned meeting.** (1) Notwithstanding this Act or any other Act, if, after a greyhound meeting has commenced or is deemed to have commenced, the greyhound club holding that meeting postpones or abandons the whole or any part thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

(2) If, at a greyhound course, the whole or any part of a greyhound meeting is postponed or abandoned by a greyhound club at any time after that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of that club, continue at that greyhound course during the time that betting or

investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

**109. Phantom meeting may be held in certain circumstances.** (1)

Where a greyhound club postpones or abandons a greyhound meeting scheduled to be held on a day allotted to it by the Greyhound Board prior to the commencement or deemed commencement of that meeting, the club may, with the prior approval of the Greyhound Board, hold a phantom meeting.

(2) Where a greyhound club, because of track re-construction or other major works, is not allotted what the Greyhound Board considers is a normal allocation of days upon which it may hold greyhound meetings, the Greyhound Board may permit that club to hold one or more than one phantom meeting sufficient only to permit that club to maintain its normal frequency of activity during the period those works are in progress.

(3) With respect to events to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the greyhound course at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the Rules of Greyhound Racing.

(4) The Greyhound Board may make rules with respect to phantom meetings and the holding of those meetings by greyhound clubs shall be in strict compliance with those rules and this Act.

(5) The Minister may direct the Greyhound Board or a greyhound club not to permit or hold a phantom meeting in any locality or on a day or at a time of day where and when it would otherwise be lawful to hold a phantom meeting.

**110. Trials.** (1) A registered greyhound club may, with the prior written approval of the Greyhound Board, conduct a trial on a registered greyhound trial course, and shall, when directed in writing by the Greyhound Board, conduct a trial on a licensed greyhound course.

(2) Nothing in this section shall prevent the conduct of a trial by a registered greyhound club during or in conjunction with a lawfully held greyhound meeting provided the prior written approval of the Greyhound Board thereto is sought and obtained.

(3) A person approved by the Greyhound Board may conduct a trial on a greyhound trial course registered by the Greyhound Board.

(4) The Greyhound Board may make rules with respect to trials and the conduct of trials by greyhound clubs and other persons shall be in strict compliance with those rules.

(5) All trials shall be conducted under the control and supervision of the Greyhound Board. However, nothing in this subsection shall limit the right of the Greyhound Board to appoint such persons as it thinks fit to perform such functions of control and supervision of trials as it thinks fit.

(6) A person shall not conduct any trial or trials—

(a) on Christmas Day or Good Friday;

(b) at night time except on a greyhound course that is licensed for the holding of greyhound meetings at night time or on any other licensed greyhound course or any registered greyhound trial course that, in the opinion of the Greyhound Board, is of sufficient standard and is sufficiently illuminated to permit the conduct of trials at night time; or

(c) at night time after the hour of 11 o'clock.

(7) Betting with respect to the outcome of a trial shall be unlawful and every provision of this Act or any other Act or law relating to betting shall be read subject to this subsection.

**111. Greyhound Board to review periodically greyhound meetings.**

(1) The Greyhound Board shall review periodically and so that not more than 12 months shall intervene between any one and the next following review, the holding of greyhound meetings by each greyhound club.

(2) If upon a review in accordance with subsection (1), the Greyhound Board is satisfied that, having regard to the number of races and the number of starters in each race at greyhound meetings held during the period reviewed, the locality in question and such other factors as the Greyhound Board considers relevant, those meetings were not held in good faith in that the principal object of holding them was not the conduct of races for greyhounds or they were held in a manner contrary to this Act or the Rules of Greyhound Racing or to the public interest, the Greyhound Board shall cancel the then subsisting allotment of days for the holding of greyhound meetings made by it pursuant to section 102 in respect of the greyhound club concerned and shall refrain from allotting further days until it is satisfied that the greyhound meetings authorized by it to be held will be held in a lawful and proper manner.

**112. Greyhound racing on unlicensed greyhound course unlawful.**

(1) A person shall not conduct a greyhound race on a greyhound course that is not licensed under this Act.

(2) A person who—

(a) unlawfully holds a greyhound meeting or conducts a greyhound race; or

(b) assists in holding or conducting, or promotes or assists in promoting, a greyhound meeting or a greyhound race that is unlawful,

commits an offence against this Act.

**113. Presence at unlawful greyhound racing prohibited.** (1) A person shall not be present at or in a place where a greyhound race is being or is about to be conducted unlawfully.

Penalty: \$500.

(2) This section does not apply with respect to a member of the police force or an officer acting in the course of his duties.

**114. Occupier not to permit greyhound racing to be conducted unlawfully.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a greyhound race.

**115. Advertising unlawful greyhound racing prohibited.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended greyhound meeting or greyhound race that is unlawful.

*Division IV—Racing Development Fund*

**116. Establishment of Fund.** (1) There shall be established and thereafter maintained at the Treasury a fund to be called the "Racing Development Fund" (in this Act referred to as the "Fund").

(2) The Fund shall be administered by the Under Treasurer.

(3) There shall be paid into the Fund on and from the commencement of this Act at the times and in the manner prescribed—

- (a) one-half per centum of the amount of all investments included for the calculation of dividends on totalisators operated by or on behalf of clubs or by the Totalisator Board;
- (b) the net amount of—
  - (i) all unpaid fractions;
  - (ii) all unpaid dividends and refunds, derived from totalisators;
- (c) all moneys—
  - (i) made by way of grant, bequest or donation to the Fund;
  - (ii) directed by the Minister to be paid to the Fund upon the dissolution of a club;
  - (iii) prescribed to be payable to the Fund;
  - (iv) received from the Treasurer by way of interest on the balance standing at credit in the Fund from time to time;

- (v) appropriated by Parliament to the Fund;
- (vi) received by way of repayments of principal and interest on advances made from the Fund;
- (d) all other moneys payable to the Fund under this Act.

(4) (a) There shall be paid into the Fund all moneys standing at credit in the Racecourse Development and Assistance Fund established and maintained under the *Racing and Betting Act 1954-1978* immediately prior to the commencement of this Act.

(b) Upon the payment of moneys in accordance with paragraph (a) the Racecourse Development and Assistance Fund shall be discontinued and closed.

(5) There shall be paid out of the Fund moneys—

- (a) by way of—
  - (i) special payments approved by the Governor in Council on such terms and conditions as are recommended by the Minister;
  - (ii) advances for purposes authorized by or under this Act;
- (b) necessary to defray the costs and expenses incurred in administering the Fund.

**117. Purposes for which moneys may be advanced out of Fund.** Moneys may be paid from time to time out of the Fund by way of advance—

- (a) for or with respect to racing venues or proposed racing venues to develop—
  - (i) public facilities;
  - (ii) totalisator facilities;
  - (iii) facilities for bookmakers;
  - (iv) training, stabling or kennelling facilities at racing venues;
  - (v) other facilities;
- (b) to acquire land or any interest in land—
  - (i) that is required—
    - (A) to develop fixed improvements at racing venues;
    - (B) to establish or extend racing venues;
  - (ii) as a proposed racing venue;
- (c) to discharge or reduce an existing advance obtained by a club;
- (d) to meet the capital requirements of control bodies and the Totalisator Board approved from time to time by the Minister.

For the purposes of this section, the term “develop” includes erect, construct, reconstruct, improve, repair, replace or substitute.

**118. Application for advance from Fund.** (1) A club, control body or the Totalisator Board or a club or other person having or seeking

control of a racing venue or land that may become a racing venue or of other property for use in connexion with a racing venue may make application for an advance from the Fund.

(2) An application pursuant to subsection (1) shall be in the prescribed form and made to the Under Treasurer.

(3) The Under Treasurer, upon receipt of an application made pursuant to subsection (2)—

- (a) shall make or cause to be made all such enquiries, inspections and investigations in respect thereof as he considers necessary;
- (b) shall furnish to the Minister such particulars of or relating to the application as the Minister requires generally or in a particular case;
- (c) shall make to the Minister with respect to each application such recommendations as he thinks fit, including, where he recommends the making of an advance, the amount of that advance and the terms and conditions upon which the advance should be made.

In making a recommendation, the Under Treasurer shall have regard to the accounting, budgetary and taxation practices of a club or other person seeking the advance and where he considers that such practices are not satisfactory, he shall recommend against the making of the advance.

(4) Upon receipt by him of a recommendation from the Under Treasurer, the Minister may recommend to the Governor in Council that an advance be made and thereupon the Governor in Council may approve the making of the advance.

**119. Interest on and nature of advance.** (1) An advance pursuant to this Division shall be by way of loan upon which interest may be charged.

(2) The Minister—

- (a) may charge, in respect of an advance, interest at a rate less than the maximum rate prescribed;
- (b) may direct, where there are special circumstances or where the advance is made for special purposes, that interest shall not be charged on the whole or a specified part of the advance.

In exercising his discretion under this subsection, the Minister shall have regard to but shall not be bound by prescribed guidelines made under section 125.

**120. Maximum rate of interest on advances.** The maximum rate of interest on an advance shall be the rate per centum determined by the Governor in Council and until so determined 5·25 per centum per annum.

**121. Under Treasurer constituted a corporation sole.** (1) For the purposes of this Division the Under Treasurer and his successors in office shall be a corporation sole by the name or style "Corporation of the Under Treasurer" (in this Division referred to as the "Corporation").

(2) The Corporation by the name assigned to it by subsection (1) shall have perpetual succession and an official seal and shall be capable in law of suing and being sued, of compounding or proving in a court of competent jurisdiction all debts and sums of money due to it and of acquiring, holding, demising and alienating property and of doing all such other acts and things as bodies corporate may in law do and suffer.

All courts and persons acting judicially shall take judicial notice of the official seal and, until the contrary is proved, shall assume that it was duly affixed to any document on which it appears.

(3) The Corporation as constituted under this section represents the Crown and shall have and may exercise all the powers, privileges, rights and remedies of the Crown.

**122. Security for advances from Fund.** (1) Before moneys are advanced by way of loan from the Fund, the Corporation shall require the applicant therefor to provide such security for the repayment of the moneys to be advanced and interest (if any) thereon as the Corporation determines.

(2) In addition to the security required by subsection (1), the Corporation may require such further or collateral security as it considers necessary either generally or in a particular case.

**123. Manner of dealing with moneys advanced from Fund.** (1) All moneys paid out of the Fund for the purposes of this Act shall be paid in the first instance to the Corporation and those moneys shall be dealt with according to the purpose for which they were so paid.

(2) All moneys advanced from the Fund together with interest (if any) thereon shall be repaid to the Corporation in the manner prescribed.

(3) The Corporation shall account to the Treasurer for and shall pay into the Fund in the manner and at the times prescribed all moneys received by it by way of repayment of advances from the Fund whether as principal or interest.

(4) If a borrower defaults in the payment of principal moneys or interest under the terms of the advance, the Corporation shall not incur any liability for the amount in default until such amount has been recovered by it.

**124. Transfer of property to Corporation.** On and from the commencement of this Act—

- (a) all the interest of The Totalisator Administration Board of Queensland established and constituted under the *Racing and Betting Act 1954-1978*, in this section referred to as the

“ Authority”, in securities given to the Authority by clubs or other persons for the repayment of advances made by the Authority out of the Racecourse Development and Assistance Fund established under the *Racing and Betting Act 1954-1978* and interest thereon and all other assets vested in the Authority for the purposes of the administration of the Racecourse Development and Assistance Fund shall divest from the Authority and vest in the Corporation;

- (b) a person charged with keeping a register required or authorized by law to be kept in which is recorded a registration of the Authority in respect of any property shall, upon being satisfied that the property in question has vested in the Corporation pursuant to paragraph (a) and without requiring payment of a fee, amend that registration by inserting therein reference to the Corporation in the stead of reference to the Authority and any other notation he considers proper to explain any amendment so made.

All securities, instruments, agreements or undertakings entered into by or made with or addressed to the Authority, with respect to advances made by the Authority out of the Racecourse Development and Assistance Fund and in force immediately before the date of the commencement of this Act shall, on and from that date to the extent that they were immediately before that date binding on and enforceable by and against the Authority, be binding on and of full force and effect in every respect in favour of or against the Corporation as fully and effectively as if, instead of the Authority, the Corporation had been a party thereto and bound thereby or entitled to the benefit thereof.

**125. Guidelines and priority order of needs for advances from Fund.**

The regulations may prescribe guidelines and a priority order of needs for the allocation of moneys by way of advances from the Fund for development of racing venues or proposed racing venues.

A prescription in accordance with this section shall have regard to, but shall not be restricted to, classes of development, localities, the making of advances and the charging of interest on advances and benefits likely to accrue to the racing, trotting and greyhound racing industries.

In making a recommendation in respect of an application for an advance from the Fund, the Minister shall have regard to but shall not be bound by such a prescription.

**126. Allowance of special rebates.** The Corporation may allow a special rebate of interest in the manner and at the rate prescribed in a case where moneys advanced from the Fund or a part thereof and interest thereon are repaid in full at a time earlier than the time at which the principal sum advanced and interest thereon were required to be repaid under the terms and conditions upon which the advance was made.

*Division V—General Provisions*

**127. Days when meetings prohibited.** Notwithstanding this Act, a meeting shall not be held on a Sunday, Christmas Day or Good Friday.

**128. Restrictions as to meetings on Anzac Day.** (1) A meeting shall not be held on Anzac Day to commence before 30 minutes after midday or at which a race is to start before 1 o'clock in the afternoon.

(2) For the purposes of this section, a meeting shall be deemed to commence before 30 minutes after midday if betting with a bookmaker or investment on a totalisator occurs before that time at the racing venue at which the meeting is or is to be held on that day.

**129. Governor in Council may prohibit meetings.** Notwithstanding this Act, the Governor in Council, by Order in Council, may declare that a meeting shall not be held in any locality on any day on which or at any time of day when it would otherwise be lawful to hold a meeting.

**130. Duty of club committees to comply with Act.** (1) Every member of the committee of a club shall comply with the provisions of this Act that relate to the club, a racing venue under its care, management, supervision or control or to persons in attendance at that racing venue.

(2) The Rules of Racing, Rules of Trotting and Rules of Greyhound Racing shall apply subject to this Act and clubs shall make all necessary adaptations to those rules for the purpose of the application of this Act.

A club shall not make, permit or suffer any exemption or waiver of any of those rules that might prejudice or otherwise affect the operation of this Act.

**131. Audit of books and accounts of club and control body.** (1) Each club and control body shall cause its books to be audited after 30 June in each year by a person registered as a public accountant under the *Public Accountants Registration Act 1946–1975*.

(2) In respect of a club, where the Commissioner is satisfied that—

(a) a person registered in accordance with subsection (1) is not readily available; and

(b) a competent person not so registered is available,

he may in writing authorize the latter person to perform the audit:

An authority pursuant to this subsection may be limited to the audit required for the financial year specified in the authority or may be granted without limit of time.

The Commissioner may at any time cancel an authority granted without limit of time.

(3) The public accountant or other person authorized shall complete his audit in respect of a financial year on or before 30 September next following the end of that financial year.

(4) The Minister, when and so often as he thinks it proper to do so, may direct in writing that the books and accounts of a club or control body be examined by the Auditor-General to the extent specified in the direction.

Upon receipt of a direction made pursuant to this subsection the Auditor-General or an authorized person directed by him shall carry out the examination in respect of which the direction was given.

The Auditor-General or authorized officer shall have and may exercise with respect to that examination, all the powers and authorities and shall perform all the functions and duties conferred or imposed on him by the *Financial Administration and Audit Act 1977-1978*.

The club or control body in question shall pay the fees in respect of an examination carried out in accordance with this subsection and any amount of such fees remaining unpaid shall be a debt due to the Crown and may be recovered by action in a court of competent jurisdiction.

(5) Each club and control body shall with respect to the financial year in question furnish to the Commissioner at the time and in the manner prescribed statements duly certified by its auditor setting forth—

- (a) its income and expenditure;
- (b) particulars of each amount paid by it for an approved charitable, benevolent, patriotic or special purpose;
- (c) its assets and liabilities as at the end of that financial year.

(6) The Commissioner shall examine financial statements furnished to him in accordance with subsection (5) and, having regard to this Act, any other Act or law, the Rules of Racing, Rules of Trotting or, as the case may be, Rules of Greyhound Racing, may make such enquiry into and take such action with regard to a statement so furnished or any item or matter contained in or arising out of that statement as he thinks fit.

(7) Where the person having the ownership or control of a racing venue is a person other than a club or control body, the Commissioner may by direction in writing require that person to submit to him audited financial statements and do all other acts and things required of a club or control body under this section.

In order to give effect to this subsection, that person shall be deemed to be a club during the period such direction is in force.

(8) A club, control body or other person that refuses, fails or omits to satisfy fully any requisition made by the Commissioner following his enquiry in accordance with subsection (6) commits an offence against this Act.

**132. Control body to furnish an annual report to Minister and to clubs.** (1) Each control body as soon as practicable after 30 June each year and no later than 31 October shall furnish to the Minister and to each club under its control a comprehensive annual report that shall include details contained in the statements required in section 131 (5)

and the amounts paid to it by each club under its control by way of levy or similar payment during that year and a summary of the control body's activities during that year.

(2) The Minister shall cause the annual report furnished in compliance with subsection (1) to be laid before the Legislative Assembly as soon as practicable thereafter.

**133. Commissioner may make enquiries, investigations and the like for statistical or research purposes.** (1) The Commissioner may make any request, enquiry or investigation of any kind for the purpose of compiling statistics or for research in relation to racing, trotting or greyhound racing or matters concerned with or in relation thereto.

(2) Upon receipt of any request, enquiry or requisition of any kind from the Commissioner, a person, club, control body or the Totalisator Board shall comply fully therewith.

**134. Application of receipts and the like of club.** (1) A club shall not divide directly or indirectly moneys comprising receipts or profits or other assets of the club, however derived, amongst the individual members of that club or any of them.

(2) A club shall apply its receipts and profits, however derived; in any manner following—

- (a) where the club is a race club, for the promotion or advancement of racing in Queensland;
- (b) where the club is a trotting club, for the promotion or advancement of trotting in Queensland;
- (c) where the club is a greyhound club, for the promotion or advancement of greyhound racing in Queensland;
- (d) for payment to the credit of the Racing Development Fund; or
- (e) with the approval of the Minister, for a charitable, benevolent, patriotic or special purpose.

(3) For the purposes of the operation of subsection (2), the promotion of racing, trotting or greyhound racing shall include—

- (a) the purchase or lease or other lawful right to occupy or use a club's racecourse, paceway or, as the case may be, greyhound course;
- (b) the maintenance of and improvements to a club's racecourse, paceway or, as the case may be, greyhound course;
- (c) the improvement of property of a club where the revenue obtained from that property is applied solely for the promotion of racing, trotting or, as the case may be, greyhound racing;
- (d) payments by a club to its control body for the promotion or advancement of racing, trotting or, as the case may be, greyhound racing.

- (4) This section does not operate so as to prevent—
- (a) payment by a club to a member of a club of—
    - (i) principal and interest calculated at a rate not exceeding the rate for the time being approved by the Reserve Bank of Australia as the maximum rate of interest chargeable by banks for overdraft accommodation payable in respect of moneys lent to the club by that member;
    - (ii) rent in respect of a lease by a club of a racing venue the property of the member, approved by the Minister prior to the execution of the lease;
  - (b) expenditure by a club of amounts for the purposes of—
    - (i) providing reasonable entertainment for members of the club in common with other persons;
    - (ii) defraying the expenses of a member for or in connexion with attendance by him with the prior approval of the club at—
      - (A) a conference or meeting of persons interested or concerned in racing or in the control, holding or supervision of meetings;
      - (B) a conference or meeting with a principal club, the Trotting Board or, as the case may be, Greyhound Board or with the Minister or Commissioner; or
      - (C) any place to promote the interests of the club;
  - (c) payment to a member of a club of prize money or for the award of a trophy won by a horse or greyhound in a race at a meeting held by the club;
  - (d) payment by a club of reasonable amounts to a person (whether or not a member of the club) for legal, accounting, secretarial or other professional services requested by or provided for the club.

(5) A club shall not dispose of or in any way relinquish possession of an asset otherwise than in a manner specified in subsection (2) without the approval in writing of the Minister first had and obtained.

(6) Notwithstanding this Act or any other Act or any law, custom or practice, a club shall not sell, forfeit or relinquish or otherwise dispose of any interest in real property that is used as a racing venue or for exercising, conditioning or training horses or greyhounds without the approval of the Minister first had and obtained.

An approval of the Minister given for the purposes of this subsection shall be published in the Gazette.

The Minister may direct that any contract, agreement or arrangement of any kind entered into by a club with a person that in his opinion is contrary to or has the effect of avoiding the provisions of this subsection be rescinded.

The Governor in Council, upon the recommendation of the Minister made where the Minister is of the opinion that circumstances render it necessary, by Order in Council, may declare that this subsection have

retrospective operation and effect from a date specified therein and thereupon this subsection shall, on and from the date so specified, have retrospective operation and effect accordingly.

**135. Combined sports meetings.** (1) For the purposes of this section and the definition "combined sports meeting", "horse race" includes hurdle race or steeple chase but does not include flag race or jumping or a like event in which a skill other than speed alone is tested.

(2) (a) A person who desires to hold a combined sports meeting may make application as prescribed for a permit under this section.

(b) An application for a permit under this section—

(i) shall be made to the Commissioner;

(ii) shall be in writing in the prescribed form;

(iii) shall contain the prescribed particulars.

(c) The Commissioner shall consider each application and may grant or, without giving a reason therefor, refuse it.

(d) Where an application is granted the Commissioner shall issue in respect thereof a permit.

(3) A permit under this section—

(a) shall be in writing in the prescribed form;

(b) shall be subject to this Act and such terms, conditions or restrictions as the Commissioner either generally or in a particular case imposes, endorsed or attached to the permit;

(c) shall authorize the holder thereof to conduct a combined sports meeting and do such other acts and things as are prescribed with respect thereto;

(d) may be cancelled by the Commissioner at any time after its issue without giving a reason therefor;

(e) may be amended, altered, varied or otherwise modified by the Commissioner during the currency thereof.

**136. Novelty events.** (1) With the approval of its control body first had and obtained, a club may conduct a novelty event during the progress of or in conjunction with a lawfully held meeting.

(2) It is the duty of the control body concerned, prior to granting its approval for the conduct of a novelty event, to satisfy itself that the proposed novelty event is an event authorized by this Act.

(3) The control body concerned shall supervise the conduct of every novelty event approved by it and shall take such steps and do such acts and things as are necessary to ensure compliance by the club concerned with this Act and every other Act and law.

(4) A person shall not engage in betting on the outcome of a novelty event and this Act and any other Act or law shall be read and construed subject to this section.

**137. Licensing of racing venues.** (1) The Minister shall be the person charged with the licensing of a racing venue and he shall have, subject to this Act, an absolute discretion to grant or refuse to grant or to suspend or cancel a licence without, in any case, assigning a reason therefor.

(2) An application for a licence pursuant to this section—

- (a) shall be made by a club;
- (b) shall be in writing;
- (c) shall be made to the control body that has control over that club;
- (d) shall specify the racing venue and the time of day when the club proposes to hold meetings;
- (e) shall contain such other information and particulars as are prescribed and as the control body concerned specifies.

(3) The control body shall consider each application made pursuant to subsection (2) and shall make a recommendation to the Minister thereon setting forth its reasons therefor.

(4) The Minister may grant a licence in a case where the control body has recommended that a licence be granted.

(5) Where a control body considers that it should not make a recommendation for the grant of a licence in respect of an application pursuant to this section, it may recommend the grant of a provisional licence and for that purpose section 138 applies.

(6) Where a licence is granted pursuant to subsection (4), the Commissioner shall issue to the applicant a licence in the prescribed form.

(7) A licence under this section—

- (a) shall be in writing in the prescribed form;
- (b) shall contain the prescribed particulars;
- (c) shall authorize the club concerned to hold meetings subject to the control of the control body concerned;
- (d) shall specify the time of day at which meetings are required to be held.

(8) Notwithstanding subsection 7 (d), the Minister, on the application of the club concerned and the recommendation of its control body, may grant to that club approval for the holding of a meeting or series of meetings by the club at any specified time of day.

(9) The Minister, at any time during which a licence under this section remains in force, may by writing require the club that holds the licence or the control body of that club to prepare and submit to him a report on such matters as the Minister specifies with respect to the racing venue the subject of the licence.

A requisition by the Minister under this subsection may include a requirement to submit recommendations on the matters specified by him.

(10) A control body may recommend to the Minister that a licence granted by him in respect of a club under its control—

- (a) be suspended or cancelled; or
- (b) be transferred from the holder to a club specified in the recommendation.

Where the recommendation is for the suspension or cancellation of a licence, the control body shall set forth in the recommendation its reasons therefor.

(11) Where the Minister—

- (a) after consideration of a recommendation submitted in accordance with subsection (9) considers that the licence in question should be suspended or cancelled; or
- (b) approves a recommendation made to him pursuant to subsection (10),

he shall direct the Commissioner—

- (c) to suspend for a specified term or, as the case requires, cancel the licence; or
- (d) to transfer the licence in accordance with the recommendation.

Where the licence is cancelled, suspended or transferred pursuant to this section, the club concerned shall surrender the licence to the Commissioner.

In the case of a transfer, the Commissioner shall issue a new licence to the club recommended as transferee.

In the case of a suspension, the Commissioner shall retain the licence for the term of the suspension and during that term the licence shall be of no force or effect.

**138. Provisional licences in respect of proposed racing venues.** (1) Applications may be made for provisional licences in respect of proposed racing venues.

(2) An application pursuant to this section—

- (a) shall be made by a club;
- (b) shall be in writing;
- (c) shall be made to the control body that has control over that club;
- (d) shall specify the proposed racing venue and the time of day when the club proposes to hold meetings;
- (e) shall contain such other information and particulars as are prescribed and as the control body concerned specifies.

(3) The control body shall consider each application made pursuant to subsection (2) and may make a recommendation (including reasons therefor) to the Minister that it be granted or may refuse the application.

(4) Upon receipt of a recommendation made pursuant to subsection (3), the Minister may grant to the applicant a provisional licence and the Commissioner shall thereupon issue a licence.

(5) A provisional licence under this section—

(a) shall be in writing in the prescribed form;

(b) shall contain the prescribed particulars;

(c) shall specify a period within which the club concerned is required to satisfy the requirements of the control body necessary to obtain its recommendation to the Minister for the grant of a licence to that club;

(d) shall stipulate that a race, trial or meeting of any kind shall not be held at the proposed racing venue during the period specified in the licence in accordance with subparagraph (c) unless a licence pursuant to section 137 has been sooner granted.

(6) The Commissioner, with the approval of the Minister, may extend from time to time a period specified in subsection (5) (c).

(7) If during a period specified in subsection (5) (c) or any extension thereof approved under subsection (6), a control body is satisfied that all of its requirements have been met, it shall make a recommendation to the Minister in accordance with section 137 and thereupon that section shall apply and extend accordingly.

#### PART IV—BOOKMAKERS

##### *Division 1—General Provisions*

**139. Control by clubs and control bodies over bookmakers.** (1) Nothing in this Act shall authorize a person to carry on bookmaking at a racing venue without the permission of the club holding a meeting at that venue, or affect the right of that club to impose conditions in respect of the carrying on of bookmaking by a person at that venue, or affect the right of a person lawfully entitled so to do to exclude a bookmaker from that venue.

(2) Notwithstanding subsection (1), a control body, where the circumstances in its opinion justify it, may nominate and appoint any bookmaker to field at a meeting held by a club under its jurisdiction.

The control body may direct a bookmaker so nominated and appointed to field in a particular place at that venue and may stipulate the betting service he may offer to the persons attending any meeting held at that venue. The control body may impose such conditions and restrictions with respect to that bookmaker as it thinks fit.

(3) Where there is conflict between a club and a control body in the exercise by them of the powers vested in them by subsections (1) and (2) the powers of the control body shall prevail over those of the club and those subsections shall be read and construed accordingly.

**140. Licensing of bookmakers and bookmakers' clerks.** (1) A person shall not at any time carry on bookmaking or be employed or engaged by a bookmaker at a racing venue unless that person is the holder of a current bookmaker's licence or, as the case may be, bookmaker's clerk's licence issued by the control body exercising control at that racing venue at that time.

(2) Every club shall ensure that a person is not permitted to carry on bookmaking or to be employed or engaged by a bookmaker at a meeting held by that club at a racing venue at any time unless that person has in his possession at that racing venue and at that time a current appropriate licence.

(3) It is the function and duty of a control body to issue, review and at its discretion renew every licence permitting a person to carry on bookmaking or to be employed or engaged by a bookmaker at a racing venue or time over or at which that control body exercises control.

(4) Notwithstanding subsection (3), a control body may refuse to issue or renew or may revoke a bookmaker's licence or a bookmaker's clerk's licence.

(5) A person who is or appears to be carrying on bookmaking or who is or appears to be employed or engaged by a bookmaker at a meeting shall, upon demand made by any betting inspector or other officer, produce and deliver to that inspector or officer the bookmaker's licence or, as the case may be, bookmaker's clerk's licence issued to that person.

(6) Applications for and the grant and renewal of bookmakers' licences and bookmakers' clerks' licences shall be subject to such terms and conditions as are prescribed.

**141. Restrictions on betting by bookmakers.** (1) A bookmaker shall not, at a meeting, make a bet on any event or contingency other than—

(a) a race to be decided at that meeting; or

(b) a race to be decided at any other meeting.

(2) The Governor in Council, by Order in Council, may prohibit, either generally or in a particular case, betting at racing venues specified in the Order on races to be decided on the same day and at the same time of day at another racing venue.

(3) A bookmaker at a meeting shall not make a bet on a race to be decided at a meeting held at another racing venue on the same day and at the same time of day while an Order in Council made pursuant to subsection (2) remains in force.

(4) Subject to subsection (5), a bookmaker at a meeting shall not make a bet with a person who is not at the material time present at the racing venue where that meeting is being held.

(5) A bookmaker at a meeting may make a bet with a person who is not present at the racing venue where that meeting is being held provided that—

- (a) the bet is made with a person who is lawfully bookmaking at another racing venue where a meeting is being lawfully held on the same day and at the same time of day and it is lawful for that person to make a bet there and then;
- (b) the bet is made for the purpose of laying off a bet lawfully made by him at that meeting;
- (c) the bet to be laid off is made on a race to be decided on that day and at that time of day;
- (d) he has made prior application to the committee of the club holding that meeting or to a person acting under its authority and has satisfied it or that authorized person that he desires to make a bet in compliance with the requirements of paragraphs (a), (b) and (c); and
- (e) he makes the bet with the permission of, in the presence of and under the control of that committee or authorized person.

**142. Bookmakers may advertise.** (1) Subject to such terms and conditions as are prescribed, a bookmaker may advertise his calling as a bookmaker and the racing venue or venues where he lawfully carries on bookmaking.

(2) Nothing in this Act shall indemnify or protect a bookmaker against any claim or action brought against him in a court of competent jurisdiction arising out of or resulting from an advertisement promulgated or authorized by him or on his behalf and authorized by or under this Act.

(3) For the purposes of this section, the term bookmaker includes any group or association of bookmakers.

**143. Bookmakers to indemnify bettors against default.** (1) A control body shall not issue, renew or permit to continue in force a bookmaker's licence unless the holder thereof obtains and maintains in full force and effect one or more than one policy of insurance or bond indemnifying bettors, in respect of winning bets and refunds payable to them against loss suffered by them by virtue of his carrying on bookmaking.

(2) A policy of insurance or bond obtained by a person in compliance with subsection (1) shall comply with all terms and conditions prescribed with respect thereto.

(3) Where a person fails to maintain in full force and effect adequate insurance or security in compliance with subsection (1), the control body shall immediately suspend that person's bookmaker's licence until it is satisfied that such insurance or security is being maintained.

(4) All control bodies and the Commissioner may make all enquiries and do all such acts and things as they consider necessary to establish that the indemnities intended to be provided under subsection (1) are obtained and maintained.

**144. Commissioner may enter into an indemnity arrangement with bookmakers.** (1) Notwithstanding section 143, the Commissioner may enter into an arrangement with a bookmaker or group of bookmakers whereby the indemnities intended to be provided under subsection (1) of that section are provided other than by or through policies of insurance or bonds obtained by individual bookmakers.

(2) An arrangement entered into by the Commissioner pursuant to subsection (1) shall be subject to such terms and conditions as he imposes from time to time either generally or in particular cases.

(3) The Commissioner is not bound under this section to enter into an arrangement with a bookmaker or group of bookmakers.

(4) Where the Commissioner enters into an arrangement with a bookmaker or group of bookmakers, he shall notify all relevant control bodies accordingly and those control bodies shall accept his notification as evidence that the indemnities intended to be provided under section 143 have been provided.

(5) The Commissioner may terminate an arrangement entered into by him under subsection (1) and may at any time review, modify, qualify or rescind a term or condition imposed by him under subsection (2).

**145. Bookmakers may nominate agents during certain periods.** (1) Upon application in writing made by a bookmaker to the control body by which he has been licensed, that control body may, in writing, authorize a person who is then licensed by that control body as a bookmaker's clerk and who is nominated by that bookmaker, to act as a bookmaker's agent for the purpose of conducting the bookmaking of that bookmaker for a period during which that bookmaker—

- (a) is temporarily incapacitated through illness or accident;
- (b) is on vacation for a period not exceeding 4 weeks in any year;  
or
- (c) is temporarily unable, for reasons acceptable to the control body, to conduct bookmaking for a period not exceeding 4 weeks:

Provided that when a bookmaker is unable to conduct bookmaking for a period due to incapacity caused by illness or accident, a control

body may waive the requirement of a written application signed by the bookmaker personally if it is satisfied that the person who signed and lodged the application is acting for and on behalf of that bookmaker.

(2) A bookmaker's agent, for the purposes of this Act, shall be deemed to be the bookmaker during the period covered by an authority pursuant to subsection (1) and shall be subject to this Act and the regulations to the same extent as he would be subject if he were himself the holder of a bookmaker's licence.

(3) (a) Notwithstanding this Act, any other Act or any law or practice but subject to paragraph (b), a bookmaker who applies for and secures the grant of an authority pursuant to subsection (1) shall be liable for the payment of all taxes, levies, fees and other charges relating to or arising out of the conduct of his bookmaking by his agent and he shall make all arrangements and shall issue all instructions necessary to ensure that his agent is fully instructed, authorized and enabled to pay all such taxes, levies, fees and charges at the time and place and in the manner prescribed by or under this Act or any other Act, or any law or practice throughout and in respect of the period during which the authority is in force.

(b) Where an amount of bookmaker's turnover tax, club levy, penalty or additional penalty payable in respect of bets made by a bookmaker's agent at any time during a period an authority pursuant to subsection (1) is in force remains unpaid after the due date for payment thereof, the Commissioner may recover the amount of such unpaid tax, levy, penalty or additional penalty from the bookmaker's agent concerned.

(4) A control body, immediately after the issue by it of an authority under subsection (1), shall furnish to the Commissioner in writing and in the manner and form prescribed full details with respect to the authorization of the person to act as a bookmaker's agent.

(5) Where a bookmaker's licence is suspended or cancelled under this Act, an authority issued under this section to that bookmaker's agent shall lapse and be of no further force or effect.

#### **146. Bookmakers may nominate remote clerks in certain circumstances.**

(1) Upon application in writing made by a bookmaker to the control body by which he has been licensed, that control body, with the prior approval of the Commissioner, may authorize a person who is then licensed by that control body as a bookmaker's clerk, and who is nominated by that bookmaker, to act as a bookmaker's remote clerk for the purpose of conducting a part of that bookmaker's bookmaking at a place remote from the place where that bookmaker is permitted by his licence to carry on bookmaking at a racing venue.

(2) A control body shall not authorize a bookmaker's remote clerk to conduct part of a bookmaker's bookmaking in a place where or at a time when a bookmaker is normally permitted or could reasonably be permitted to conduct his business.

(3) A bookmaker shall not nominate or have authorized more than one bookmaker's remote clerk at any time in respect of a racing venue.

(4) A bookmaker's remote clerk shall not conduct part of a bookmaker's bookmaking at a meeting in the exercise of an authority granted by a control body unless—

- (a) the bookmaker concerned conducts his bookmaking at that meeting;
- (b) all bets made by or on behalf of that bookmaker's remote clerk are made on behalf of the bookmaker concerned and are aggregated for all purposes of this Act with all other bets made by or on behalf of that bookmaker; and
- (c) the means of communication established between the bookmaker concerned and his remote clerk are approved by the control body and the Commissioner.

(5) A bookmaker's remote clerk shall, for the purposes of this Act, be deemed to be the bookmaker during the period covered by an authority granted by a control body and shall be subject to this Act and the regulations to the same extent as he would be subject if he were himself the holder of a bookmaker's licence.

(6) The Commissioner may refuse to grant an authority sought under subsection (1) and may revoke an authority granted by him without assigning a reason therefor.

**147. Bookmaking at athletic meetings.** (1) The Commissioner, upon application in writing made by an athletic club in respect of a particular athletic meeting and where in his opinion the circumstances so warrant, may grant a permit in writing to that club to allow bookmaking at that athletic meeting.

The Commissioner shall not grant a permit pursuant to this subsection in respect of an athletic meeting to be held on a Sunday, Christmas Day or Good Friday.

(2) The Commissioner may refuse to grant a permit pursuant to this section and, when he grants or refuses to grant the permit, is not obliged to assign a reason therefor.

(3) An athletic club shall not permit a person to carry on bookmaking at an athletic meeting unless that club is the holder of a permit issued pursuant to this section.

(4) A person shall not carry on bookmaking at an athletic meeting at which bookmaking is permitted—

- (a) unless he is the holder of a current bookmaker's licence;
- (b) on a part of the athletic ground on which that meeting is held that is not set apart for the purpose of bookmaking by the athletic club holding that athletic meeting; or
- (c) unless he has the prior permission in writing of that athletic club.

(5) An athletic club holding an athletic meeting at which bookmaking is permitted shall not permit or suffer a person other than a licensed bookmaker to carry on bookmaking at that meeting.

(6) A person shall not in the course of carrying on bookmaking at an athletic meeting make a bet on any event or contingency other than a sporting contingency to be decided at that athletic meeting.

(7) The provisions of this Part imposing taxes and other charges other than bookmaker's turnover tax and club levy, and regulating and supervising the conduct of bookmakers at meetings held at racing venues shall, with all necessary adaptations, apply to bookmakers permitted to field at athletic meetings.

**148. Supply and control of betting tickets.** (1) Subject to subsection (3)—

(a) all betting tickets used by bookmakers shall be printed by or at the direction of the Government Printer in the form and bearing such betting tax endorsement as the Commissioner determines from time to time;

(b) all betting tickets issued by every bookmaker shall be purchased from the Commissioner or his agent or licensee in the manner prescribed.

(2) The Commissioner may appoint agents and may license certain other persons for the purpose of selling betting tickets to bookmakers subject to the prescribed terms and conditions.

(3) Where a bookmaker, with the written approval of the Commissioner, uses any equipment, device or service for the recording of bets and that equipment, device or service issues or causes to be issued a form of betting ticket other than the form determined from time to time by the Commissioner, the Commissioner, after entering into such arrangements with that bookmaker as are, in his opinion, adequate to secure the full and proper payment of all betting tax that that bookmaker is liable or may become liable to pay, may grant his approval in writing for that bookmaker to use a form of betting ticket other than the form determined by the Commissioner.

Notwithstanding this subsection, the Commissioner may refuse to grant an approval sought and may review, modify, qualify or revoke an approval granted without assigning a reason therefor.

(4) A person—

(a) shall not purchase or otherwise acquire a betting ticket in the form determined unless that person is a bookmaker and that betting ticket is purchased from the Commissioner or his agent or licensee for use by that bookmaker in his bookmaking;

(b) other than the Commissioner or his agent or licensee, shall not sell, supply or cause or permit to be sold or supplied to any person a betting ticket in the form determined; or

- (c) shall not issue or deliver or cause or permit to be issued or delivered to a bettor a betting ticket in a form other than the form determined by the Commissioner, unless the Commissioner has approved, in writing, the use of that form of betting ticket by that bookmaker.

Penalty: \$2 000.

**149. Bookmakers to issue betting tickets for each bet.** (1) A bookmaker, upon making a bet with a person, shall forthwith issue or cause to be issued to that person in respect of that bet a betting ticket clearly showing thereon in the manner prescribed such particulars of that bet as are prescribed.

(2) A bookmaker shall issue or cause to be issued a separate betting ticket in respect of each bet made by him.

(3) A bookmaker, save where the bet is a credit bet, shall deliver or cause to be delivered to the bettor forthwith upon the making of a bet a betting ticket issued by or on his behalf in respect of that bet.

(4) A bookmaker shall not destroy a betting ticket presented to him by a bettor for payment of a winning bet claimed by that bettor to be payable to him before that bettor has satisfied himself as to the correctness or otherwise of his claim or of the amount paid or payable to him.

Where the bettor is not so satisfied, the bookmaker shall return the ticket intact to the bettor.

For the purposes of this subsection, the bettor shall be deemed to have been satisfied if he leaves the immediate area where the bookmaker normally effects payment of winning bets without that ticket unless prior thereto he has disputed an adjudication given by or on behalf of that bookmaker and that bookmaker has refused or failed to return the ticket to him intact.

(5) Where the Commissioner has granted written approval for a bookmaker to use any equipment, device or service for the recording of bets and for that bookmaker to use a form of betting ticket other than the prescribed form, that other form of betting ticket shall at all material times and for all material purposes be deemed to be a betting ticket purchased by that bookmaker from the Commissioner or his agent or licensee.

(6) A person who commits an offence against a provision of this section is liable to a penalty of \$2 000.

**150. Supply and control of betting sheets.** (1) Subject to subsection (3)—

- (a) all betting sheets used by bookmakers shall be printed by or at the direction of the Government Printer in the prescribed form;

(b) all betting sheets used by bookmakers shall be purchased from the Commissioner or his agent in the manner prescribed.

(2) The Commissioner may appoint agents for the purpose of selling betting sheets to bookmakers subject to the prescribed terms and conditions.

(3) Where a bookmaker, with the written approval of the Commissioner, uses any equipment, device or service for the recording of bets and that equipment, device or service prints or records, or causes to be printed or recorded a form of betting record other than the prescribed form, the Commissioner, after entering into such arrangements with that bookmaker as are, in his opinion, adequate to secure the full and proper payment of all bookmaker's turnover tax and club levy that that bookmaker is liable or may become liable to pay, may grant his written approval for that bookmaker to use a form of betting record other than the prescribed form.

Notwithstanding this subsection, the Commissioner may refuse to grant an approval sought and may review, modify, qualify or revoke an approval granted without assigning a reason therefor.

(4) A person—

- (a) shall not purchase or otherwise acquire a betting sheet in the prescribed form unless that person is a bookmaker and that betting sheet is purchased from the Commissioner or an agent appointed by him for use by that bookmaker in his bookmaking;
- (b) other than the Commissioner or an agent appointed by him shall not sell, supply, or cause or permit to be sold or supplied to a person a betting sheet in the prescribed form;
- (c) shall not use or cause or permit to be used a betting record that is not in the prescribed form and that is not purchased from the Commissioner or his agent unless the Commissioner has approved, in writing, the use of that form of betting record by that person.

Penalty: \$2 000.

**151. Bookmaker to account for every betting sheet or other approved record.** (1) A bookmaker, save to the extent to which an exemption applies consequent upon the granting by the Commissioner of an approval under section 150 (3), shall furnish to the Commissioner at the time and in the manner prescribed the original of every betting sheet used by that bookmaker and shall, upon demand made by the Commissioner, account to the satisfaction of the Commissioner for every betting sheet, whether used or unused, supplied to him by the Commissioner or his agent.

(2) A bookmaker to whom the Commissioner has granted an approval under section 150 (3) shall furnish to the Commissioner at the time and in the manner prescribed a true copy of each approved form of betting record upon which is recorded the particulars of all bets made by him or on his behalf.

(3) Notwithstanding that a person has ceased to carry on bookmaking, subsection (1) or, as the case may be, (2) and section 153 (4) shall, in respect of such bookmaking, continue to apply to him and he shall be liable accordingly.

**152. Commissioner may approve the use of certain electronic and like recording devices.** (1) The Commissioner, upon application in writing in that behalf made by a bookmaker, may grant to that bookmaker approval in writing for the use by him for recording details of betting transactions in the stead of the prescribed form of betting sheet any mechanical, electrical, electronic or like equipment or device or any service provided by or with the aid of such equipment or device specified in the approval.

(2) The use by a bookmaker of an approved item of equipment or device or approved service shall be subject to the prescribed terms and conditions and to such additional terms and conditions as the Commissioner generally or in a particular case imposes.

(3) Notwithstanding this Act, where the Commissioner has granted an approval under subsection (1) and an approved equipment, device or service is used by a bookmaker at a meeting, it shall not be necessary for that bookmaker to enter or cause to be entered particulars of a bet made by him on the prescribed form if complete, accurate and legible particulars of that bet are recorded forthwith upon the making of that bet and are kept so recorded in, on or through and are retrievable at all material times from such approved equipment, device or service:

Provided that the Commissioner either generally or in a particular case, may direct a bookmaker to whom he has granted an approval under subsection (1) to enter and keep entered on the prescribed form, full and accurate particulars of all bets made by or on behalf of that bookmaker in accordance with this Act.

(4) Where a bookmaker uses any equipment, device or service approved by the Commissioner under subsection (1), the provisions of this Act relating to the recording of complete, accurate and legible particulars of all bets made by or on behalf of a bookmaker on the prescribed form and in the manner prescribed shall be read and construed with all necessary adaptations to the intent that those provisions shall apply to every bet recorded or that should be recorded in, on or through any approved equipment, device or service as if such equipment, device or service were the form of record prescribed by or under this Act.

(5) A bookmaker shall not, at a meeting, use or permit to be used any mechanical, electrical, electronic or similar equipment or device or any service provided by or with the aid of any such equipment or device for the purpose of recording details of bets made by or on behalf of that bookmaker in the course of carrying on bookmaking unless he is there and then in possession of a written approval granted by the Commissioner under subsection (1).

Penalty: \$2 000.

(6) The Commissioner—

- (a) may refuse to grant an approval sought under subsection (1) without assigning a reason therefor;
- (b) may review, modify, qualify or revoke an approval granted pursuant to subsection (1) or a term or condition imposed by him under subsection (2) without in any case assigning a reason therefor.

**153. Bookmakers to record all bets on prescribed or approved betting sheets.** (1) Subject to section 150 (3), a bookmaker for the purpose of recording complete, accurate and legible particulars of all bets made by him or on his behalf shall use only those betting sheets contained in books purchased from the Commissioner or his agent in the manner prescribed.

(2) A bookmaker, in respect of each bet made by him or on his behalf, shall enter or cause to be entered on all copies of the prescribed form or in, on or through such other form approved by the Commissioner under section 150 (3), forthwith upon the making of that bet and prior to the making of any other record or note of that bet whether in writing or in any other manner complete, accurate and legible particulars of that bet in the manner prescribed and shall keep so entered all such particulars of that bet.

(3) Where a bet made by or on behalf of a bookmaker is a credit bet, the bookmaker shall enter or cause to be entered and kept entered on all copies of the prescribed form or in, on or through any other approved form of record, in addition to the particulars required to be recorded pursuant to subsection (2), the correct name of the bettor.

(4) A bookmaker, in respect of each bet made by him or on his behalf shall retain all relevant records for a period of at least 2 years or, if a longer period than 2 years is prescribed, that longer period.

(5) A bookmaker, when required to do so by the control body by which he is licensed as a bookmaker, shall furnish to that body a duplicate copy of any betting sheet used by him or, where a form of betting record other than a betting sheet in the prescribed form is used with the approval of the Commissioner, a true copy of such approved form of betting record.

(6) A bookmaker, upon demand made orally or in writing by the Commissioner, a betting inspector, an officer or a member of the police force, shall produce and deliver for inspection all such records and any item of recording equipment or any other equipment, device or thing as are demanded and shall allow such records, recording equipment, other equipment, device or thing to be inspected or investigated in any manner by the Commissioner or other person specified in this subsection.

(7) A bookmaker shall comply with such further requirements with respect to the recording of bets made by him or on his behalf as are prescribed.

(8) A person who commits an offence against a provision of this section is liable to a penalty of—

for a first offence, \$2 000;

for a second offence, \$4 000;

for a third or subsequent offence, \$6 000;

(9) The increased penalties prescribed by subsection (8) shall be impossible and may be imposed notwithstanding that the offence punishable is created by a provision of this section different from that creating a prior offence.

**154. Supervision of bookmakers.** (1) Any betting inspector or other officer authorized in writing by the Commissioner, either generally or in a particular case, may, at any racing venue or other place, demand from a person the production and delivery of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind that he has reasonable grounds for believing is being or has been used in any way for the purpose of making records concerning betting transactions and may, if a breach of this Act or the regulations appears to him to have been committed, take possession of the item or items demanded.

A person to whom a demand is made under this subsection shall thereupon comply fully therewith.

(2) Any betting inspector or other officer authorized in writing by the Commissioner, either generally or in a particular case, may enter a racing venue or other place and may demand from the occupier thereof or an employee or agent of the occupier or from a bookmaker or bookmaker's clerk or from an employee or agent of a bookmaker or from an employee or agent of a control body exercising control over that racing venue or place or from a member of the police force any assistance that that betting inspector or officer considers necessary for the purpose of ascertaining whether this Act and the regulations are being observed and whether a breach of this Act or a regulation has been committed.

A person to whom a demand is made under this subsection shall comply fully therewith upon such demand being made.

## (3) A person who—

- (a) fails, neglects or refuses to produce and deliver forthwith for examination a book, document, card, paper, ticket, record or any equipment, device or thing required to be produced and delivered upon demand made under subsection (1);
- (b) by an act done or omitted by him, causes, assists in or permits the concealment, damage, defacement, destruction, disposal or loss of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind required to be produced and delivered to any betting inspector or other authorized officer upon demand made under subsection (1), or of any particulars or information recorded on, in or through any such item as demanded;
- (c) fails, neglects or refuses to give all assistance forthwith when and as demanded by any betting inspector or other authorized officer under subsection (2); or
- (d) assaults, delays, hinders, obstructs or resists or aids or incites any other person to assault, delay, hinder, obstruct or resist any betting inspector or other authorized officer in the performance of his duties,

commits an offence against this Act.

Penalty: For a first offence, \$2 000;  
 for a second offence, \$4 000;  
 for a third or subsequent offence, \$6 000.

(4) The increased penalties prescribed by subsection (3) shall be impossible and may be imposed notwithstanding that the offence punishable is created by a provision of this section different from that creating a prior offence.

**155. Other offences by bookmakers.** A bookmaker shall not—

- (a) procure a person to make on his behalf or on behalf of another bookmaker a bet that, if made by the bookmaker himself, would be contrary in any respect to this Act;
- (b) issue or deliver to a person in respect of a bet a betting ticket previously used in respect of some other bet;
- (c) issue or deliver to a person a betting ticket that has not been purchased from the Commissioner or his agent or licensee;
- (d) issue or deliver to a person a betting ticket in respect of which betting tax of a less amount than is prescribed has been paid;
- (e) issue or deliver to a person a betting ticket upon which the name of another bookmaker is printed;
- (f) sell or transfer a betting ticket to another person;
- (g) make a record or note of a bet, whether in writing or in any other manner, unless prior thereto he has entered or caused to

---

be entered complete, accurate and legible particulars of that bet on all copies of the prescribed form or, as the case may be, an approved form of betting record;

- (h) make a bet in respect of a race whereby he agrees to pay to the bettor, if the latter should win the bet, a sum of money the amount of which is dependent upon or related to any dividend declared and paid by a totalisator;
- (i) enter or keep recorded any account under or for the purposes of this Act that is false or misleading in a material particular;
- (j) fail to include in a return furnished under or for the purposes of this Act any information required by or under this Act to be contained therein; or
- (k) advertise his calling as a bookmaker at the racing venue or racing venues where he lawfully carries on bookmaking in a manner other than the prescribed manner.

Penalty: \$2 000.

**156. Commissioner may direct suspension of bookmaker's licence.**

(1) Where a bookmaker—

- (a) in respect of a meeting—
  - (i) fails to furnish to the Commissioner in compliance with section 168 a return with respect to bets and the betting sheets required to be furnished with that return;
  - (ii) fails to pay the amount of bookmaker's turnover tax or club levy specified in section 163, 164 or 169 due and payable by him; or
  - (iii) furnishes in purported compliance with section 168 a return of all bets made by him that, in the opinion of the Commissioner, is false or misleading in a material particular or that is based on any record that, in the opinion of the Commissioner, is false or misleading in a material particular;
- (b) upon demand made by the Commissioner under section 151 (1), fails to account to the satisfaction of the Commissioner for every betting sheet supplied to him;
- (c) fails to enter or cause to be entered on all copies of the prescribed form or in, on or through any other form of betting record approved by the Commissioner, forthwith upon the making of a bet, complete, accurate and legible particulars thereof; or
- (d) makes a record or note of a bet, whether in writing or other manner, before he has entered or caused to be entered complete,

accurate and legible particulars of that bet on all copies of the prescribed form or in, on or through any other form of betting record approved by the Commissioner,

the Commissioner, whether or not the bookmaker is prosecuted for an offence constituted by his act or omission, may direct a control body to suspend the licence granted by it to that bookmaker.

(2) A direction issued under this section shall have operation and effect—

- (a) from the time at which it is issued by the Commissioner; and
- (b) for the period specified therein; or
- (c) if a period is not specified therein, until the Commissioner revokes it in writing.

(3) The Commissioner may notify a bookmaker, control body or club of a direction issued by him under this section by the most convenient or expeditious means he considers available at the time at which the direction is issued and he shall confirm it in writing as soon as possible after it has been issued.

(4) Upon the issue of a direction under this section, a control body is authorized and directed to and shall suspend the licence granted by it to the bookmaker to whom the direction relates.

(5) Where a direction under this section is issued to the committee of a control body the direction shall be deemed to be given to every club registered by that control body and shall be binding on every such club accordingly.

(6) A direction issued under this section shall be binding on a club to which the direction is given or is deemed to have been given on and from the date when and the time at which the direction is given or deemed to have been given to the committee of that club and that club shall not permit or suffer a bookmaker to carry on bookmaking at a meeting held by that club at any time during which the direction is in force.

(7) A bookmaker, at any time during which a direction issued under this section in relation to him is in force, shall not carry on bookmaking at a meeting notwithstanding that he may not, at any material time, have received a written notification of that direction from the Commissioner.

(8) A licence, permit or other authority issued by a control body shall not authorize, justify or excuse a contravention of this section.

(9) In a proceeding under this section, a certificate signed by the Commissioner and stating that a direction proved in that proceeding to have been given by him under this section has not been revoked shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact.

---

**157. Commissioner may direct suspension of bookmaker's clerk's licence.** (1) Where a bookmaker's clerk employed or otherwise engaged by a bookmaker—

- (a) fails to enter or cause to be entered on all copies of the prescribed form or in, on or through any other form of betting record used by that bookmaker with the approval of the Commissioner, forthwith upon the making of a bet, complete, accurate and legible particulars of that bet; or
- (b) makes a record or note of a bet made by that bookmaker whether in writing or other manner, before he has entered or caused to be entered complete, accurate and legible particulars of that bet on all copies of the prescribed form or in, on or through any other form of betting record used by that bookmaker with the approval of the Commissioner,

the Commissioner, whether or not that bookmaker's clerk is prosecuted for an offence constituted by his act or omission, may by writing direct a control body to suspend the licence granted by it to that bookmaker's clerk.

(2) A direction issued under this section shall have operation and effect—

- (a) from the time at which it is issued by the Commissioner; and
- (b) for the period specified therein; or
- (c) if a period is not specified therein, until the Commissioner revokes it in writing.

(3) The Commissioner may notify a bookmaker's clerk, control body or club of a direction issued by him under this section by the most convenient or expeditious means he considers available at the time at which the direction is issued and he shall confirm it in writing as soon as possible after it has been issued.

(4) Upon the issue of a direction under this section, a control body is authorized and directed to and shall suspend the licence granted by it to the bookmaker's clerk to whom the direction relates.

(5) Where a direction under this section is issued to the committee of a control body the direction shall be deemed to be given to every club registered by that control body and shall be binding on every such club accordingly.

(6) A direction issued under this section shall be binding on a club to which the direction is given or is deemed to have been given on and from the date when and the time at which the direction is given or deemed to have been given to the committee of that club and that club shall not permit or suffer a bookmaker's clerk to perform the duties of a bookmaker's clerk for a bookmaker bookmaking at a meeting held by that club at any time during which the direction is in force.

(7) A bookmaker's clerk, at any time during which a direction issued under this section in relation to him is in force, shall not perform the duties of a bookmaker's clerk for a bookmaker bookmaking at a meeting notwithstanding that he may not, at any material time, have received a written notification of that direction from the Commissioner.

(8) A licence, permit or other authority issued by a control body shall not authorize, justify or excuse a contravention of this section.

(9) In a proceeding under this section, a certificate signed by the Commissioner and stating that a direction proved in that proceeding to have been given by him under this section has not been revoked shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact.

**158. Penalty for unlawful bookmaking.** A person who carries on bookmaking contrary to this Part commits an offence against this Act and is liable, notwithstanding any action taken by the Commissioner in accordance with the powers vested in him by this Part to a penalty of—

- (a) for a first offence, \$500;
- (b) for a second offence, \$1 000;
- (c) for a third or subsequent offence, \$2 000.

The increased punishments prescribed by this section shall be impossible and may be imposed notwithstanding that a second or subsequent offence is different from any prior offence under this Part.

**159. Prohibition of betting by bookmaker with infants.** (1) A bookmaker or an agent or employee of a bookmaker shall not—

- (a) bet with a person who is under or apparently under the age of 18 years;
- (b) bet with a person who he knows is betting on behalf of a person who is under the age of 18 years.

Penalty: \$500.

It is a defence to a charge for an offence against this subsection for the defendant to prove that at the time of the offence he honestly and reasonably believed that the person whose age is material to the offence was of or above the age of 18 years.

(2) (a) A person who is under the age of 18 years shall not bet with a bookmaker or an agent or employee of a bookmaker.

Penalty: \$500.

(b) A person shall not bet, on behalf of a person who is under the age of 18 years, with a bookmaker or an agent or employee of a bookmaker.

Penalty: \$500.

**160. Removal of suspected person.** (1) Where the committee of a club having the control of a racing venue where a meeting is being or is about to be held has reasonable grounds for believing that a person found in, on or about that venue—

- (a) is carrying on bookmaking;
- (b) is or when so found has been engaged in betting at that meeting;
- (c) makes a practice of betting,

in any case in contravention of this Act, the committee may direct any agent or employee of the club or request a member of the police force to remove that person from that venue and the person so directed or requested shall remove that person from that venue accordingly.

(2) A direction or request given in accordance with subsection (1) shall be sufficient authority to the agent, employee or member of the police force to remove that person accordingly.

(3) (a) A person who is removed from a racing venue pursuant to this section shall not re-enter that venue at any time on the day of his removal therefrom.

(b) A person who has been warned pursuant to section 161 (1) not to attend or be present at a racing venue shall not enter or be present in, on or about that venue at any time on the day to which the warning applies.

(4) A person who contravenes subsection (3) may be arrested without warrant by a member of the police force.

**161. Power of club to prohibit the attendance of certain persons at a racing venue.** (1) A club, by a notice in writing signed by the secretary thereof and given to that person may prohibit a person who the committee of the club believes on reasonable grounds—

- (a) carries on the business of or acts as a bookmaker;
- (b) makes a practice of betting,

in either case in contravention of this Act, from attending or being present in, on or about a racing venue whereon a meeting is about to be or may at any time thereafter be held by that club.

(2) A person to whom a notice pursuant to subsection (1) is given shall not attend or be present in, on or about a racing venue to which the prohibition applies at any time during which the prohibition remains in force.

(3) A notice pursuant to subsection (1) shall be given by serving it personally on the person to whom it is directed.

(4) A club may rescind a notice given pursuant to subsection (1) at any time upon its being satisfied for any reason that it ought not to remain in force.

*Division II—Betting Tax, Bookmaker's Turnover Tax and Club Levy*

**162. Betting tax.** (1) There shall be levied and charged to the use of Her Majesty in right of the State and paid by every bookmaker a tax called "betting tax" on every betting ticket issued by him or on his behalf, of the amounts following—

- (a) where the betting ticket is issued at a racing venue situated in the metropolitan area, 2 cents:

Provided that where the betting ticket is issued in that part of a racecourse commonly known as the leger enclosure at each of the racecourses situated in the metropolitan area that are presently under the control of The Queensland Turf Club or The Brisbane Amateur Turf Club or at the paceway presently under the control of the Metropolitan Trotting Club, Rocklea, 1 cent;

- (b) where the ticket is issued on a Saturday on a racecourse under the control of the Ipswich Amateur Turf Club, 2 cents;

- (c) in all other cases, 1 cent.

(2) Betting tax to be levied and charged pursuant to this section shall be denoted on each betting ticket by an endorsement printed thereon by the Government Printer or otherwise as prescribed.

(3) Betting tax shall be paid by the Commissioner into and form part of the Consolidated Revenue Fund.

**163. Bookmaker's turnover tax.** (1) There shall be levied and charged to the use of Her Majesty in right of the State and paid by every bookmaker a tax called "bookmaker's turnover tax" on every bet made by him or on his behalf in respect of a horse race, trotting race or greyhound race save a bet made by him that for any reason is required to be refunded.

(2) Bookmaker's turnover tax shall be the rate per centum prescribed calculated on the aggregate of the amounts of all bets made by a bookmaker.

**164. Club levy.** (1) In addition to bookmaker's turnover tax there shall be levied and charged and paid to the Commissioner by every bookmaker on every bet made by him or on his behalf on which bookmaker's turnover tax is levied and charged a levy called "club levy"

(2) The club levy shall be at a rate per centum prescribed calculated on the aggregate of the amounts of all bets made by a bookmaker on which bookmaker's turnover tax is levied and charged.

**165. Variation of club levy.** (1) A club may make application for a rate per centum of club levy different from that prescribed by section 164 (2).

- (2) An application pursuant to subsection (1)—
- (a) shall be in writing in the prescribed form;
  - (b) shall be made to the Minister;
  - (c) shall contain such information and particulars as are prescribed or, so far as not prescribed, as the Minister generally or in a particular case determines.

(3) The Minister shall consider each application and may refuse it or recommend to the Governor in Council that a different rate of club levy be applicable to the club concerned.

(4) Thereupon the Governor in Council, by notification published in the Gazette, may declare a rate per centum of club levy with respect to the applicant club different from the prescribed rate.

**166. When tax and levy payable.** (1) The amounts of bookmaker's turnover tax and the club levy shall be paid to the Commissioner within 7 days after the date of each meeting at which bets are made.

(2) The amounts of bookmaker's turnover tax and club levy fixed by the Commissioner under section 169 (1) or section 169 (2) shall be paid to the Commissioner on or before the date specified in a demand made by him under section 169 (3).

(3) In any action or proceeding for the recovery of bookmaker's turnover tax or club levy, a statement in writing signed by the Commissioner and stating that the person named therein is a bookmaker who has failed to pay the amount specified therein of bookmaker's turnover tax and club levy in respect of the meeting or meetings set out therein shall be evidence of those matters and, in the absence of evidence to the contrary, conclusive evidence thereof.

**167. Advice by bookmaker to club of total value of bets.** Forthwith upon the conclusion of a meeting at which he has made bets a bookmaker shall furnish to the secretary or other designated officer or employee of the club concerned, in writing, information as to the total value of all bets made by the bookmaker at that meeting.

**168. Return by bookmaker of all bets.** (1) A bookmaker, within 7 days after a meeting at which he has made bets, shall furnish to the Commissioner a return in the prescribed form with respect to all bets made by him at that meeting together with the original of every betting sheet or other approved form of betting record used by him at that meeting.

(2) A bookmaker who furnishes to the Commissioner in purported compliance with subsection (1), a return that is incomplete, false or misleading commits an offence against this Act.

Penalty: For a first offence, \$2 000;  
for a second offence, \$4 000;  
for a third or subsequent offence, \$6 000.

**169. Commissioner may fix bookmaker's turnover tax and club levy.**

(1) Where a bookmaker fails to furnish a return in compliance with section 168 or where the Commissioner considers that a return is incomplete, false or misleading and the amount of bookmaker's turnover tax and club levy cannot be correctly determined, the Commissioner may fix the amount of such tax and levy to be paid by the bookmaker in respect of a meeting at which he carried on bookmaking or, as the case may be, in respect of that return.

(2) Where for any reason the Commissioner at any time is satisfied that a return furnished by a bookmaker pursuant to section 168 is incomplete, false or misleading then, notwithstanding that the Commissioner has accepted the return, he may fix such amounts of bookmaker's turnover tax and club levy in respect of the meeting to which that return relates as he considers just.

(3) The Commissioner may issue a demand for the payment of any amounts of bookmaker's turnover tax and club levy fixed by him under subsection (1) or (2) and shall specify in that demand the date on which those amounts become due and payable.

**170. Penalties for late payment.** (1) Penalty at the rate of 5 per centum shall be charged and become due and payable forthwith—

- (a) on the amount of bookmaker's turnover tax and club levy remaining unpaid after the date on which they become due and payable;
- (b) on an amount fixed by the Commissioner in accordance with section 169 and remaining unpaid after the date on which that amount became due and payable.

(2) Additional penalty at the rate of 5 per centum shall be charged and become due and payable on a part of any amount specified in subsection (1) that remains unpaid—

- (a) upon the expiration of 1 month commencing on the date when that amount first became due and payable; and
- (b) upon the expiration of each month thereafter:

Provided that additional penalty on that amount shall not be charged after the expiration of a period of 3 months commencing on the date when that amount first became due and payable.

(3) Penalty or additional penalty determined by the Commissioner in accordance with subsection (1) or, as the case may be, (2) shall be deemed to be bookmaker's turnover tax payable in each case in respect of a meeting and shall be payable on demand in that behalf made by the Commissioner.

(4) The Commissioner, for any reason that he thinks is sufficient, may remit penalty or additional penalty charged in any case or a part thereof.

**171. Application of bookmaker's turnover tax, club levy and penalty.**

(1) Bookmaker's turnover tax shall be paid by the Commissioner into and form part of the Consolidated Revenue Fund.

(2) The club levy shall be dealt with in accordance with section 172 (2).

(3) Penalty and additional penalty imposed under this Act shall be paid by the Commissioner into and form part of the Consolidated Revenue Fund.

**172. Race clubs' bookmaker levy account.** (1) The Commissioner shall establish and at all times thereafter keep an account called the "race clubs' bookmaker levy account"

(2) There shall be paid into that account, all amounts received by the Commissioner as the club levy specified in sections 164 and 169.

(3) There shall be paid out of the account, the distributions of the club levy made in accordance with section 174.

**173. Club to submit a declaration of bookmakers' total bets.** Immediately upon the conclusion of a meeting, a club shall make and furnish to the Commissioner in the manner and form prescribed a declaration of bookmakers' total bets with respect to that meeting setting forth—

- (a) the name and address of each bookmaker who carried on bookmaking at that meeting;
- (b) the total value of all bets made by each bookmaker at that meeting;
- (c) the total value of all bets made by all bookmakers at that meeting; and
- (d) such other particulars as are prescribed.

**174. Payment of club levy.** (1) Upon receipt of the declaration pursuant to section 173 made and furnished by a club, the Commissioner shall pay to that club from the race clubs' bookmaker levy account the amount or the approximate amount indicated by that declaration as payable to that club as club levy in respect of that meeting:

Provided that the Commissioner may withhold or delay payment of all or part of the amount so indicated if he is of the opinion that—

- (a) the declaration is false or erroneous; or
- (b) further particulars are required to enable the amount of any payment to be ascertained.

(2) An amount paid to a club pursuant to subsection (1) shall be by way of advance only.

(3) When all returns prescribed have been received by, and bookmaker's turnover tax and club levy specified in sections 163, 164 and 169 are paid to the Commissioner in respect of bets made by bookmakers at a meeting, the Commissioner shall make all necessary adjustments at the times and in the manner prescribed in respect of the club that held that meeting so that the club shall receive by way of club levy only those amounts that are calculated, on the basis of particulars returned by bookmakers who carried on bookmaking at that meeting to the Commissioner and verified by him, as being payable to that club and that have been paid to him.

#### PART V—REGULATION OF TOTALISATORS

##### *Division I—The Totalisator Administration Board of Queensland*

##### **175. Constitution of Totalisator Administration Board of Queensland.**

(1) The Totalisator Administration Board of Queensland established and constituted under the *Racing and Betting Act 1954–1978* is preserved, continued in existence and constituted under this Act.

(2) The Totalisator Administration Board of Queensland by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Totalisator Board and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

(4) The Totalisator Board shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

(5) The Totalisator Board does not represent the Crown.

**176. Composition of Totalisator Board.** (1) The Totalisator Board shall consist of a number of persons not exceeding 9 appointed by the Governor in Council upon the nomination of the Minister, by notification published in the Gazette.

(2) The Governor in Council shall appoint a chairman and a deputy chairman of the Totalisator Board who shall, in each case, be a person nominated by the Minister.

**177. Continuation in office of members constituting Totalisator Board.** Members of The Totalisator Administration Board of Queensland appointed under the *Racing and Betting Act 1954-1978* and holding office as members immediately before the commencement of this Act shall continue to hold their respective offices until an appointment of members is made under this Act and, until then, the chairman, deputy chairman and other members appointed under the *Racing and Betting Act 1954-1978* shall constitute the Totalisator Board.

**178. First constitution of Totalisator Board.** The Governor in Council, by notification published in the Gazette, may appoint a day on or before which the Totalisator Board is to be first constituted under this Act.

The Totalisator Board shall be first constituted as prescribed on or before the date so appointed.

Upon the appointment of the total number of members of the Totalisator Board, it shall be duly constituted on and from the date notification of that appointment is published in the Gazette.

**179. Tenure of office.** (1) A member of the Totalisator Board shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council determines, specified in the notification of his appointment published in the Gazette, but if by the expiration of that term his successor has not been duly appointed he shall, subject to this Act, hold office until his successor is appointed.

A member of the Totalisator Board shall, if he is otherwise qualified, be eligible for re-appointment as a member.

(2) The Governor in Council may at any time remove a member of the Totalisator Board from office as a member by notification published in the Gazette.

**180. Disqualification from membership.** A person who—

- (a) is a body corporate;
- (b) is a bookmaker;
- (c) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (d) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission

that if done or made by him in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;

- (e) is a patient within the meaning of the *Mental Health Act 1974-1978*;
- (f) is a person who appears to the Governor in Council not to have proven business expertise or experience appropriate to the functions of the Totalisator Board,

shall not be capable of being or continuing to be a member of the Totalisator Board.

**181. Vacation of office.** (1) The office of a member of the Totalisator Board shall become vacant if the member—

- (a) dies;
- (b) attains the age of 70 years;
- (c) resigns his office by writing signed by him furnished to the Minister;
- (d) is absent without prior leave granted by the Totalisator Board from 3 consecutive meetings thereof of which due notice has been given to him;
- (e) ceases to be qualified as a member;
- (f) is directly or indirectly concerned in any contract with the Totalisator Board or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the Totalisator Board;
- (g) is removed from office as a member by the Governor in Council.

(2) (a) Notwithstanding subsection (1) (b), the Governor in Council may continue the membership of a member who has attained the age of 70 years for such periods, not exceeding 12 months at any one time, as he determines.

(b) Notwithstanding subsection (1) (f), the office of a member of the Totalisator Board shall not become vacant by reason only that the member or a firm in which he is a partner is appointed to or acts in a professional capacity for or on behalf of the Totalisator Board or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the Totalisator Board.

(3) Attendance of a member of the Totalisator Board at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held and the secretary shall enter in the minute book the names of all members who so attend.

**182. Casual vacancies.** (1) When a vacancy occurs in the office of a member of the Totalisator Board during the term of office of members then constituting the Totalisator Board, the Governor in Council shall appoint in accordance with this Act another qualified person as a member to hold office for the balance of his predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the Totalisator Board shall be appointed and hold office for the balance of his predecessor's term of office as a member or until he sooner vacates that office and shall, if otherwise qualified, be eligible for re-appointment as a member.

**183. Appointment of substitute member.** (1) If a member of the Totalisator Board other than the chairman or deputy chairman is likely to be absent from meetings thereof for any period, the Governor in Council may, upon the nomination of the Minister, by notification published in the Gazette, appoint a qualified person who is not a member of the Totalisator Board to act as a member during the absence of that member and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairman or deputy chairman.

(2) A person appointed under this section to act in the stead of a member shall be entitled during the period of his appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of his absence.

**184. Expenses, fees or allowances to members.** The Totalisator Board may pay to the members such expenses, fees or allowances as are approved by the Governor in Council.

Expenses, fees or allowances may vary between different classes of members.

**185. Procedure at meetings.** (1) The chairman of the Totalisator Board shall preside at all meetings thereof at which he is present and in his absence from any cause the deputy chairman shall preside.

Whilst so presiding the deputy chairman shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(2) If both the chairman and deputy chairman are absent from a meeting of the Totalisator Board, a member thereof elected from amongst the members present at that meeting shall preside and whilst so presiding the member so elected shall have and may exercise the powers and shall perform the functions and duties of the chairman.

(3) A member shall not represent a particular club or a particular section of the racing industry at a meeting of the Totalisator Board.

(4) A quorum at a meeting of the Totalisator Board shall consist of a simple majority of the number of members thereof for the time being.

(5) The Totalisator Board shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question.

A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The Totalisator Board shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairman of his own motion may, and, if so requested in writing at any time by two or more members of the Totalisator Board, shall forthwith convene a special meeting of the Totalisator Board.

(8) The secretary shall cause to be given to each member of the Totalisator Board in writing, delivered personally or by post or sent by telegraphic message addressed to the member at his usual residential address, notice of every ordinary and special meeting of the Totalisator Board at least 48 hours before the time appointed for the commencement of the meeting but a shorter period of notice of a special meeting may be given where the chairman by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at the meeting, or so much of that business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the Totalisator Board, whether ordinary or special, and if at that next meeting a quorum is not present those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted thereat.

(11) Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the Totalisator Board.

(12) A resolution of the Totalisator Board shall not be revoked or altered—

- (a) unless notice of intention to move the revocation or alteration thereof is given in writing to each member of the Totalisator Board personally or by post or sent by telegraphic message addressed to the member at his usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or

(b) unless the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours' notice to each member gives, at a meeting of the Totalisator Board, notice in writing of his intention to move the revocation or alteration at the next following meeting of the Totalisator Board, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

(13) The Totalisator Board shall cause minutes of all proceedings at a meeting of the Totalisator Board—

(a) to be entered in a book kept for the purpose;

(b) to be signed by the chairman of the meeting or by the chairman of the next following meeting;

(c) to be thereupon sent to the Minister.

(14) Subject to this Act, the Totalisator Board shall conduct its business generally and procedure at meetings in such manner as it determines from time to time.

**186. Custody and affixing of seal.** (1) The common seal of the Totalisator Board shall be kept in the custody of the secretary thereto, or where there is a temporary vacancy in that position, of the chairman.

(2) The common seal shall be affixed to a document only in pursuance of a resolution of the Totalisator Board and by the person having the custody of the seal in accordance with this Act.

Where that person is the secretary, the common seal shall be affixed in the presence of the chairman but otherwise it shall be affixed in the presence of at least two members of the Totalisator Board.

**187. Validity of acts.** Any act, proceeding, decision or determination of the Totalisator Board is not invalid or unlawful by reason only of a defect in the qualification, membership or appointment of a member thereof or a vacancy in the membership of the Totalisator Board at the time of that act, proceeding, decision or determination.

**188. Authentication of documents.** Save where it is otherwise expressly provided, a document made or issued by the Totalisator Board in the exercise of its powers or the performance of its functions shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairman or the secretary at the chairman's direction.

**189. Functions, powers and duties of Totalisator Board.** (1) The Totalisator Board shall have the control and general supervision throughout Queensland of investment on its totalisators and rules made by the Totalisator Board shall, to the extent necessary to give operation and effect to this section, be read subject hereto.

## (2) The functions of the Totalisator Board are—

- (a) to control, supervise, regulate and promote investment on its totalisators;
- (b) to initiate, develop and implement such policies as are considered conducive to the development and welfare of the Totalisator Board and the protection of the public interest;
- (c) to ensure that annual distributions to clubs are as high as prudent business accounting principles will allow;
- (d) to disseminate as much information of interest to the public as it is possible to provide commensurate with prudent business management principles;
- (e) to arrange for the payment of dividends to investors on totalisators operated by the Totalisator Board at the earliest practicable time after each race on which the Totalisator Board operates;
- (f) to do such acts and things as are necessary or desirable to be done for or in connexion with the performance of those functions.

## (3) Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section, the Totalisator Board has and may exercise and shall perform the following powers and duties—

- (a) to establish offices and agencies in such numbers and at such places as the Minister approves;
- (b) to erect any building on land acquired by it or to equip, fit and furnish any building or premises;
- (c) to enter into agency contracts or other contracts or arrangements of any kind for the purposes of the exercise and performance of its powers and duties;
- (d) to borrow money from such person or body as the Minister approves;
- (e) to publish or provide information or material including a periodical publication to inform and keep informed employees and agents of the Totalisator Board and the public generally concerning matters pertaining to the Totalisator Board;
- (f) when so directed by the Minister or of its own motion—
  - (i) to furnish to the Minister a report and if necessary a recommendation with respect to any matter relating to the Totalisator Board;
  - (ii) to undertake research and make investigations into any aspect relating to its operations;
- (g) to take such steps and do such acts and things as are incidental or conducive to the exercise or performance of any of its functions, powers and duties.

(4) (a) The Totalisator Board may, by its rules or by resolution, delegate upon such terms and conditions and in such manner as it determines to a member or an employee the exercise or performance of such of its functions, powers and duties (other than this power of delegation) as are specified by its rules or by the resolution.

(b) Any act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if that act or thing had been done or suffered by the Totalisator Board and shall be deemed to have been done or suffered by the Totalisator Board.

(5) The Totalisator Board, for the purpose of the performance of any contract, agreement or arrangement made by it, may make its computer and other equipment available for use by or on behalf of a person or club or government department, statutory corporation or authority or agency under such terms and conditions as the Minister approves.

(6) (a) The Totalisator Board may, from time to time, invest moneys standing to the credit of any account kept by it and not required for the time being for the purposes of the performance of its functions and duties in any investment authorized by the *Trusts Act 1973* or upon security with an approved dealer or upon such other security or investment as the Treasurer approves.

(b) Every security or safe custody acknowledgement or other document evidencing title issued in respect of any investment shall be held by the Totalisator Board.

(c) For the purposes of this section the expression "approved dealer" means a person who—

(i) is an authorized dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as lender of last resort; and

(ii) is approved by Order in Council.

(d) The powers conferred on the Totalisator Board by this subsection shall not be exercised by the Totalisator Board in relation to moneys standing to the credit of any trust account kept by it if in respect of those moneys—

(i) the instrument creating the trust directs expressly to the contrary; or

(ii) the exercise of the powers constitutes a breach of a condition under which those moneys were acquired.

(7) The Totalisator Board, as soon as practicable after 30 June in each year, shall prepare and forward to the Minister a comprehensive report on its operations and activities during the financial year that ended on that date and the Minister shall lay the report before the Legislative Assembly as soon as practicable thereafter.

(8) The Totalisator Board shall cause to be kept proper books of account and records in relation to all its transactions and, in respect of each financial year, shall prepare and forward to the Minister a

statement of accounts and balance sheet and the Minister shall lay such statement and balance sheet before the Legislative Assembly as soon as practicable thereafter.

(9) (a) The accounts of the Totalisator Board shall be audited at least once in each year by the Auditor-General or by an authorized officer or person directed by him, each of whom shall have, with respect to such audit and accounts all the powers and authorities conferred on him by the *Financial Administration and Audit Act 1977-1978*.

The costs and expenses of the Auditor-General or the authorized officer or person shall be fixed by the Auditor-General and paid by the Totalisator Board.

(b) The Auditor-General shall certify whether the statement of accounts and balance sheet prepared on behalf of the Totalisator Board—

- (i) are prepared in the proper form;
- (ii) are in agreement with the accounts;
- (iii) in his opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of that period.

(10) The Totalisator Board, where it considers that for the purpose of more effectually exercising its powers or performing its functions and duties it requires—

- (a) the withholding of a portion of its profits otherwise available for distribution to clubs;
  - (b) special financial accommodation of a capital nature,
- may—
- (c) in a case to which subparagraph (a) refers, apply to the Minister so to do;
  - (d) in a case to which subparagraph (b) refers, apply for an advance from the Racing Development Fund.

The Minister may approve or refuse an application made pursuant to subparagraph (c) and where he approves it may impose such terms and conditions with respect to the withholding of profits as he thinks fit.

An application made pursuant to subparagraph (d) shall be dealt with as prescribed.

(11) The Auditor-General, as part of his audit, shall review the reserves and provisions in the accounts of the Totalisator Board with a view to ensuring that the annual distributions to clubs are as high as prudent accounting principles will allow and thereupon he shall make a recommendation on those matters to the Minister who shall approve the actual amount of the reserves and provisions to be recorded in the accounts of the Totalisator Board and the actual amount of the annual distributions to be made to clubs.

Thereupon the net profit of the Totalisator Board available for distribution as shown in its accounts for each financial year shall be distributed to such clubs at such times and in such manner as are prescribed.

**190. Officers.** (1) The Totalisator Board shall appoint and employ a manager, secretary and such other officers and employees as it considers necessary for the effectual performance of its functions and duties.

An officer of the Totalisator Board so appointed and employed may be employed either permanently, temporarily or casually.

(2) Subject to any applicable award, the manager, secretary and any other officer of the Totalisator Board shall respectively hold his office upon such terms and subject to such conditions and shall receive such remuneration as the Totalisator Board determines and shall not in respect of his office be subject to the *Public Service Act* 1922-1978.

(3) (a) A person who, immediately prior to the commencement of this Part, held an office as an officer or occupied a position as an employee of The Totalisator Administration Board of Queensland established and constituted under the *Racing and Betting Act* 1954-1978 (in this subsection referred to as the "Authority") shall continue to hold that office or occupy that position until he vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee of the Totalisator Board.

(b) The period of service that each person referred to in paragraph (a) has had with the Authority shall be deemed to be service with the Totalisator Board for the purpose of calculating his entitlements to annual leave, sick leave, long service leave and superannuation and the Totalisator Board may take whatever action is necessary to give effect to this provision:

Provided that any period of service with the Authority in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the Totalisator Board in calculating his entitlement to the leave in question.

**191. Power of Totalisator Board to receive investment from persons outside Queensland.** The Totalisator Board may enter into an arrangement or agreement with a prescribed corresponding body in any State or Territory of the Commonwealth with respect to investments made on a totalisator operated by the Totalisator Board by persons in such State or Territory on such terms and conditions as are prescribed and so far as not prescribed as the Minister determines.

**192. Dissolution and winding up of Totalisator Board.** Upon the dissolution of the Totalisator Board, it shall be wound up and its assets shall be marshalled, sold and realized by a person appointed in that behalf by the Minister.

The proceeds shall be applied and distributed—

- (a) firstly, in payment of creditors of the Totalisator Board;
- (b) secondly, in payment of moneys due by way of distribution to clubs;
- (c) thirdly, as to any moneys then remaining, amongst the clubs in the proportion to which they would have been entitled if

those moneys had been profits of the Totalisator Board for the year that ended on 30 June prior to the date of distribution of those moneys.

**193. Rules.** (1) The Totalisator Board may make rules not inconsistent with this Act providing for or with respect to all matters and things in connexion with the operation of its totalisators and the conduct of its offices and agencies including, without limiting the generality of this provision, conditions upon which persons may invest on its totalisators and the respective rights and liabilities of the Totalisator Board and those investors.

A rule so made shall be of no force or effect until it has been passed by resolution of the Totalisator Board and approved by the Minister.

(2) The Rules of the Totalisator Board—

(a) shall be binding on the Totalisator Board and on every person investing or intending to invest on its totalisators;

(b) shall be made available for perusal by members of the public at any office or agency of the Totalisator Board.

(3) The Totalisator Board, with the approval of the Minister, may amend the rules made in accordance with subsection (1) by adding to, deleting from, altering or varying the provisions thereof and the rules as so amended shall be for the time being the Rules of the Totalisator Board.

(4) A rule made by the Totalisator Board that is inconsistent with a regulation made for a purpose relating to the Totalisator Board (save a rule so made with respect to investments on its totalisators) shall be to the extent of the inconsistency invalid and the regulation shall prevail.

#### *Division II—Operation of Totalisators*

**194. Totalisator licences.** (1) A club or person may apply to the Minister as prescribed for a totalisator licence.

(2) The Minister shall consider each application made pursuant to subsection (1) and may approve or, without giving a reason therefor, refuse the application.

Where the Minister approves an application he shall issue to the applicant a totalisator licence.

(3) A totalisator licence—

(a) shall be in the prescribed form;

(b) shall contain the prescribed particulars;

(c) shall remain in force until revoked or surrendered;

(d) shall be subject to such terms, conditions or restrictions as are prescribed either generally or in a particular case or so far as not prescribed as the Minister in a particular case thinks fit;

- (e) shall specify the class or classes of totalisator that may be operated;
- (f) shall authorize the holder thereof to do such acts and things as are prescribed with respect thereto;
- (g) may be revoked;
- (h) may be amended, altered, varied, reviewed, or otherwise modified from time to time.

(4) The Minister may revoke, amend, alter, vary, review or otherwise modify a totalisator licence granted pursuant to this section without giving a reason therefor.

A revocation or any amendment, alteration, variation, review or other modification of a totalisator licence shall be notified in writing to the holder of that licence.

(5) The Commissioner with the approval of the Minister may operate a totalisator on behalf of a club or group of clubs without being the holder of a totalisator licence.

**195. Restriction as to totalisator contracts.** A club shall not enter into a contractual relationship with a person or group of persons to supply, install or operate a totalisator, totalisator equipment or totalisator communications equipment without the approval of the Minister first had and obtained.

**196. Amalgamation of net pools.** (1) Where—

- (a) the Totalisator Board and one or more than one club; or
- (b) more than one club,

operate the same class of totalisator in respect of the same race or series of races, the respective net pools of that class of totalisator may, subject to subsection (2) or (3), be amalgamated for the purpose of declaring any common dividend or common dividends in respect of that class of totalisator on that race or series of races.

(2) The Totalisator Board may and, if requested by the Minister so to do, shall amalgamate the net pool of any class or classes of totalisator operated by it on a race or series of races with the net pool of that class or, as the case may be, those classes of totalisator operated on that race or series of races by or on behalf of a club or group of clubs.

(3) The Minister, by endorsement on the totalisator licence issued to a club or by notice in writing given to a club, may direct that the net pool of any class or classes of totalisator operated by or on behalf of that club on a race or series of races be amalgamated with the net pool of that class or, as the case may be, those classes of totalisator operated on that race or series of races by or on behalf of any other club or clubs.

(4) For the purpose of the amalgamation of certain net pools, the Minister may designate a totalisator operated by or on behalf of a club or group of clubs or the Totalisator Board to be a primary totalisator.

(5) With the approval of the Minister first had and obtained in respect of that place, the net pools of certain totalisators may be amalgamated at a place other than a racing venue and that place shall be deemed to be a primary totalisator.

**197. Restrictions on sale of tickets on totalisator.** (1) An operator of a totalisator shall not sell or permit or suffer to be sold a ticket on a totalisator on a race or series of races after the scheduled starting time for that race or the first of a series of races or, where the scheduled starting time has been officially extended, after such extended time but an operator shall not, in any case sell a ticket after the time of the actual start of the race.

(2) Notwithstanding subsection (1), an operator shall not sell a ticket on a totalisator or class of totalisator being operated on a particular race or series of races after a direction has been given by an inspector of totalisators that the selling of tickets on a particular race or series of races shall cease.

An inspector of totalisators may at any time rescind a direction given by him pursuant to this subsection and thereupon the direction shall be of no force or effect.

**198. Unit of investment.** The unit of investment for each class of totalisator shall be the amount prescribed from time to time with respect to that class.

**199. Method of dealing with moneys paid into a totalisator.** (1) Moneys paid into a particular class of totalisator in respect of a race or series of races shall be added together and thereupon shall become and be the totalisator pool for that class of totalisator for that race or series of races:

Provided that where more than 50 per centum of the moneys paid into a place totalisator in respect of any race have been placed on a runner in that race and that runner becomes a placegetter within the meaning of this Act, moneys invested on that runner shall not form part of the totalisator pool for that class of totalisator in respect of that race but shall be refunded.

(2) There shall be deducted from each totalisator pool for each class of totalisator in respect of each race or series of races the amounts respectively payable as totalisator tax and Racing Development Fund levy and retainable as commission.

(3) The balance of each totalisator pool after the deductions specified in subsection (2) have been made shall be available to be paid by way of dividends.

The calculation and payment of dividends shall be as prescribed.

(4) (a) Where net pools of the same class of totalisator in respect of the same race or series of races are amalgamated, the value of those net pools shall be added together and regarded as one net pool for the purpose of determining the dividend or dividends payable on that class of totalisator in respect of that race or series of races.

(b) An amalgamation to which this subsection refers shall take place at the primary totalisator designated as such by the Minister.

(c) Where net pools of a class of totalisator are amalgamated and in consequence thereof the amount payable by way of dividend or dividends or that would have been payable but for the operation of subsection (9) or, as the case may be, (10) or (11) is not equivalent to the net pool in that class of totalisator operated by any one of the operators, that operator shall effect all necessary monetary adjustments with other operators participating in that amalgamation through the Commissioner as prescribed.

(5) (a) Subject to paragraph (b), each dividend shall be calculated by dividing the number of units of investment representing all the winning tickets sold on each class of totalisator into the net pool for that totalisator determined as prescribed.

(b) In calculating the dividend on a unit of investment—

(i) a fraction of 10 cents less than 5 cents shall be disregarded; and

(ii) a fraction of 10 cents equal to or greater than 5 cents shall be taken to be 5 cents.

(6) (a) Moneys available to be paid by way of dividends and not so paid by reason of the operation of subsection (5) (b) are in this Act called "unpaid fractions".

(b) Unpaid fractions shall be paid to the Commissioner at the time and in the manner prescribed and shall be dealt with as prescribed.

(7) The amount payable to an investor by way of dividend shall be determined by multiplying the dividend calculated to be payable on a unit of investment by the number of those units represented on or by a winning ticket held by that investor.

(8) (a) A dividend shall be paid to an investor upon presentation of a ticket entitling the holder thereof to a dividend and not otherwise.

(b) A dividend may not be payable upon presentation of a ticket that is mutilated or defaced.

(9) An investor who holds a winning ticket on a win totalisator shall be paid a dividend of not less than \$1.05 for each unit of investment where that unit is \$1.00.

(10) (a) An investor who holds a winning ticket on a place totalisator shall be paid a dividend of not less than \$1.05 for each unit of investment where the unit is \$1.00 except where the investment is in relation to a race in respect of which investments of more than  $33\frac{1}{3}$  per centum of all investments made on that totalisator in relation to that race have been made on any one of the placegetters in respect of which a dividend is payable.

(b) Notwithstanding paragraph (a), an investor who holds a winning ticket on a place totalisator in relation to a race specified in that paragraph shall be paid a dividend of not less than \$1.00 for each \$1.00 unit of investment.

(11) An investor who holds a winning ticket on a class of totalisator other than a win totalisator or place totalisator shall be paid not less than 55 cents for each unit of investment where that unit is 50 cents and where the unit of investment is a multiple of 50 cents, 55 cents for each 50 cents of that unit.

(12) Subsections (10) and (11) do not apply in any circumstances in which—

(a) a 60-20-20 totalisator; or

(b) a stakes return totalisator,

is operated.

(13) Surplus moneys shall be paid to the Commissioner at the time and in the manner prescribed and shall be dealt with as prescribed.

**200. Declaration of totalisator transactions and payments to Commissioner.** (1) A club that is licensed to operate a totalisator at a meeting, whether or not a totalisator was in fact operated thereat, shall cause a declaration (in this Act called a “declaration of totalisator transactions”) in the prescribed form and containing the prescribed particulars with respect to the operation of all classes of totalisator at that meeting to be made by the secretary or a member of the club or an agent of the club engaged to operate the totalisator and lodged with the Commissioner within the prescribed time.

The declaration of totalisator transactions made and lodged pursuant to this subsection shall be accompanied by a payment consisting of the total amount of totalisator tax, Racing Development Fund levy, unpaid fractions and surplus moneys set forth in the declaration.

(2) The Totalisator Board, for and in respect of each operating week, shall cause to be made and lodged with the Commissioner, within the prescribed time, a declaration in the prescribed form and containing the prescribed particulars with respect to the operation of all classes of totalisator operated by it during that week.

The declaration made and lodged pursuant to this subsection shall be accompanied by a payment consisting of the total amount of totalisator tax, Racing Development Fund levy, unpaid fractions and surplus moneys set forth in the declaration.

(3) Where in respect of a placegetter in a race to which subsection (9), (10) or (11) of section 199 applies, the aggregate of all dividends payable to investors on that totalisator in that race exceeds the net pool less unpaid fractions of that totalisator, the club or, as the case may be, Totalisator Board may recoup the amount by which the net pool less unpaid fractions is deficient by deducting that amount from the total amount payable to the Commissioner under subsection (1) or (2).

The Commissioner shall thereupon recover the amount of that deficiency from the unpaid fractions account.

---

**201. Unpaid dividends and refunds from totalisator other than totalisator operated by Totalisator Board.** (1) The total amount of—

- (a) dividends payable; or
- (b) refunds,

that remains unpaid in respect of a meeting at the time at which a totalisator operated by or on behalf of the club that held that meeting closes for business on the day of that meeting shall be paid into a separate trust account, operated in accordance with prescribed terms and conditions, in the name of the club that held the meeting or of the agent of the club who operated its totalisator.

(2) Every club and every agent of a club that operates a totalisator at a meeting on behalf of a club shall, within the prescribed time, furnish to the Commissioner such details as are prescribed with respect to unpaid dividends and refunds.

(3) The holder of a ticket entitling him to be paid a dividend or refund in respect of an investment on a totalisator operated at a meeting shall be paid that dividend or refund if, within 28 days after the date of the meeting at which the ticket was sold, he presents that ticket to the club or its agent that operated a totalisator at that meeting at any other meeting held by that club or at which that agent operates a totalisator.

(4) Upon the expiration of the period of 28 days referred to in subsection (3), the club or its agent shall within the prescribed time furnish to the Commissioner a return, in the prescribed form and containing the prescribed particulars, of unpaid dividends and refunds in respect of a meeting that remain unpaid.

The return shall be accompanied by a payment of the total amount of the unpaid dividends and refunds set forth in the return.

(5) The Commissioner shall pay out of the unpaid dividends account to the holder of a ticket to whom subsection (3) applies, the dividend or refund to which he is entitled if, after the expiration of the period of 28 days referred to in that subsection, he presents the ticket to the Commissioner.

A payment made pursuant to this subsection may be subject to the deduction of the prescribed service charge from the dividend or refund otherwise payable.

**202. Unpaid dividends and refunds from totalisator operated by Totalisator Board.** (1) The Totalisator Board may retain out of the moneys invested on a totalisator operated by it during an operating week, for a period of 3 months commencing on the day following the end of that operating week, the total amount of unpaid dividends and refunds in respect of those moneys.

(2) Subject to subsection (1) and subsection (3) (a), the Totalisator Board shall pay to the Commissioner in the manner and at the time prescribed the total amount of unpaid dividends and refunds in respect of investments made on totalisators operated by it during each operating week.

(3) (a) Subject to paragraph (b), the holder of a ticket issued to him by the Totalisator Board and entitling him to be paid a dividend or refund shall, on presentation of that ticket to that Board, be paid that dividend or refund.

(b) Where a ticket referred to in paragraph (a) is presented to the Totalisator Board for payment after the expiration of 28 days from the date when the meeting on which the totalisator operated was held, payment of the dividend or refund may be subject to the deduction of the prescribed service charge.

(4) Notwithstanding subsection (3), the Totalisator Board may deduct from a payment of unpaid dividends and refunds that it is required to make to the Commissioner, the full value of any dividend or refund that it is required to pay to an investor, where the amount of that dividend or refund has already been paid to the Commissioner.

**203. Unpaid fractions account and unpaid dividends account.** (1) The Commissioner shall establish and at all times thereafter keep the following accounts—

- (a) an unpaid fractions account
- (b) an unpaid dividends account.

(2) (a) There shall be paid into the unpaid fractions account all amounts paid to him under this Act as unpaid fractions and surplus moneys.

(b) There shall be paid out of the unpaid fractions account all amounts authorized to be so paid from time to time by or under this Act.

(3) (a) There shall be paid into the unpaid dividends account all amounts paid to him under this Act as unpaid dividends and refunds.

(b) There shall be paid out of the unpaid dividends account all amounts authorized to be so paid from time to time by or under this Act.

(4) The Commissioner shall pay into the Racing Development Fund in the manner and at the times prescribed the net amount standing at the material time at credit in the—

- (a) unpaid fractions account;
- (b) unpaid dividends account,

save all moneys determined by him from time to time to be retained in those accounts for the purpose of meeting commitments prescribed by or under this Act.

**204. Supervision of totalisators.** The Commissioner and subject to him, inspectors of totalisators shall be responsible for the supervision of totalisators.

**205. Powers, functions and duties of inspector of totalisators generally.** (1) An inspector of totalisators—

- (a) shall supervise the operation of a totalisator at which he is in attendance;

- (b) may enter at any time a place in which a totalisator is located or operated;
- (c) may inspect a totalisator located at a place so entered or a part thereof and the operation thereof;
- (d) may require a person in a place so entered to produce and deliver to him money, books, tickets, vouchers and other writings or records in that place or in any place used in connexion with the totalisator;
- (e) may examine all things produced and delivered to him upon a requirement under paragraph (d) and make or take copies thereof or extracts therefrom or of or from entries therein;
- (f) may require a person in a place so entered to disclose to him information that he considers necessary for the purposes of the inspection;
- (g) may exercise such other powers and perform such other functions and duties as are conferred or imposed upon him by or under this Act.

(2) An inspector of totalisators following each inspection shall report to the Commissioner on the operation of totalisators under his supervision and on matters incidental thereto.

**206. Books and records.** Every operator of a totalisator shall cause to be entered in books or other recording media approved by the Commissioner and retained for a period of at least 2 years prescribed particulars of all transactions with respect to every class of totalisator operated by that operator.

**207. Offences with respect to totalisators.** (1) A person—

- (a) shall not operate or assist in operating a totalisator—
  - (i) at a place other than a racing venue or other place authorized by or under this Act;
  - (ii) on a day or at a time of day other than a day or time of day authorized by or under this Act;
- (b) shall not invest on a totalisator operating at a place other than a racing venue or other place authorized by or under this Act.

(2) A person—

- (a) shall not send or cause, permit or suffer to be sent to another person any advertisement, circular, letter, notice, telegram, other writing or communication of any kind requesting or inviting that other person to employ him as an agent or offering his services as an agent in purchasing a ticket, or investing money in connexion with the operation of a totalisator;
- (b) shall not act as an agent or employ another person to act for him as an agent in purchasing a ticket, or investing money in connexion with the operation of a totalisator in consideration

of any commission, fee, reward, share or interest of any kind or on an understanding or agreement, express or implied, in consideration of any commission, fee, reward, share or interest of any kind.

**208. Prohibition of investment by infants on totalisators.** (1) A person who is under the age of 18 years shall not invest on a totalisator either on his own behalf or on behalf of any other person.

Penalty: \$500.

(2) A person who is the operator of or who assists in operating a totalisator shall not—

(a) supply to a person—

(i) who is under or apparently under the age of 18 years;

(ii) who is acting on behalf of a person who is under the age of 18 years,

a ticket or other instrument evidencing an investment on that totalisator;

(b) pay to a person—

(i) who is under or apparently under the age of 18 years;

(ii) who is acting on behalf of a person who is under the age of 18 years,

a dividend payable by that totalisator.

(3) A person shall not—

(a) make an investment on a totalisator;

(b) collect a dividend payable by a totalisator,

for or on behalf of a person who is under or apparently under the age of 18 years.

(4) A person shall not operate or assist in operating a totalisator unless there is displayed in a prominent position in the vicinity of and so as to be visible to persons attending that totalisator a printed copy of subsections (1), (2) and (3).

(5) It is a defence to a charge of an offence against subsection (2) or (3) for the defendant to prove that at the time of the offence he honestly and reasonably believed that the person whose age is material to the offence was of or above the age of 18 years.

(6) A person who commits an offence against subsection (2), (3) or (4) is liable to a penalty of \$500.

(7) A person shall not send or cause to be sent to an office or agency of the Totalisator Board for the purpose of making an investment or receiving payment of a dividend a person who is under or apparently under the age of 18 years.

Penalty: \$500.

**209. Off-course investment on totalisator other than totalisator operated by Totalisator Board.** (1) Notwithstanding this Act or any other law or practice, an operator of a totalisator other than the Totalisator

Board, with the approval of the Minister, may accept, as prescribed, investments on a class of totalisator operated by it to which the approval of the Minister relates, from persons who are not and will not be in attendance at a meeting at which that class of totalisator is operated, at the time a race to which the investments relate is conducted.

(2) The Minister shall not approve acceptance of investments under subsection (1) if, in his opinion, an equal opportunity for accepting similar investments is offered by the Totalisator Board at the material time.

(3) The Minister may revoke an approval under subsection (1) without giving a reason therefor.

*Division III—Taxes, Levies and Commission*

**210. Totalisator tax.** (1) There shall be levied and charged to the use of Her Majesty in right of the State and paid by every club or person that operates a totalisator of any class and by the Totalisator Board a tax called "totalisator tax".

(2) Totalisator tax shall be levied, charged and paid on all moneys paid into a totalisator that are included for the calculation of dividends.

(3) The rate of totalisator tax to be levied, charged and paid shall be—

- (a) in respect of a class of totalisator operated by or on behalf of a club or group of clubs, the rate per centum set forth in the second column of Part I of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part;
- (b) in respect of a class of totalisator operated by the Totalisator Board, the rate per centum set forth in the second column of Part II of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part.

**211. Racing Development Fund levy.** (1) There shall be levied and charged and paid in respect of any class of totalisator by—

- (a) every club or person that operates a totalisator;
- (b) the Totalisator Board,

on all moneys paid into that class of totalisator that are included for the calculation of dividends, a levy called "Racing Development Fund levy".

(2) The rate of Racing Development Fund levy to be levied, charged and paid shall be—

- (a) in respect of a class of totalisator operated by or on behalf of a club or group of clubs, the rate per centum set forth in the third column of Part I of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part;

- (b) in respect of a class of totalisator operated by the Totalisator Board, the rate per centum set forth in the third column of Part II of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part.

**212. Commission.** There shall be deducted from and retained out of such amounts of all moneys paid into a class of totalisator as are included for the calculation of dividends, by—

- (a) a club; and  
 (b) the Totalisator Board,  
 commission—
- (c) in respect of such moneys paid into a class of totalisator operated by or on behalf of a club or group of clubs, at the rate per centum set forth in the fourth column of Part I of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part;
- (d) in respect of such moneys paid into a class of totalisator operated by the Totalisator Board, at the rate per centum set forth in the fourth column of Part II of the Second Schedule opposite and in relation to each class of totalisator set forth in the first column of that Part.

#### PART VI—UNLAWFUL BETTING

**213. Application of this Part and saving.** (1) Nothing in this Part shall apply with respect to—

- (a) a totalisator that is lawfully operated in accordance with Part V or a person operating or assisting in operating a totalisator or investing thereon;
- (b) the deposit, receipt, subscription, holding or payment of money or other property as entrance or nomination fees in respect of any lawful race, game, sport, pastime or exercise or as part of the prize or stakes therefor; or
- (c) betting by and with a bookmaker in the course of the lawful carrying on by him of bookmaking on any racecourse, paceway, greyhound course or athletic ground.
- (2) Nothing in this Part shall prejudice or affect in any way—
- (a) the *Art Unions and Amusements Act 1976*;
- (b) the *Vagrants, Gaming, and Other Offences Act 1931–1978*;
- (c) *The Gaming Act of 1850*;
- (d) the *Gaming Act 1972*;
- (e) *The Suppression of Gambling Acts, 1895 to 1964*; or
- (f) *The Criminal Code*.

**214. Unlawful bookmaking.** A person shall not carry on bookmaking or act as a bookmaker at a place other than—

- (a) a racing venue where, on a day when and at a time of day at which—
  - (i) a meeting is lawfully held or is deemed to be lawfully held under this Act;
  - (ii) betting with bookmakers is lawful or is deemed to be lawful under this Act; or
- (b) an athletic ground where, on a day when and at a time of day at which an athletic meeting at which bookmaking is permitted under this Act is lawfully held.

**215. Common betting house.** (1) A place shall not be opened, kept or used wholly or partly for, with respect to or in connexion with any of the following purposes—

- (a) betting by the occupier thereof with another person whether—
  - (i) in person;
  - (ii) by messenger or agent;
  - (iii) by post, telephone or telegraph;
  - (iv) by or through—
    - (A) any mechanical, electrical, electronic or any other equipment or device or any service provided by or with the aid of any such equipment or device;
    - (B) any form or means of data transmission;
    - (C) any form or means of telemetry;
    - (D) any form or frequency of radio transmission;
    - (E) any film, microfilm or any other photographic or holographic equipment, service or process;
    - (F) any tape, cassette, disc or other audio or visual recording or replaying device or equipment;
    - (G) any telex, facsimile or other telecommunication equipment or service;
    - (H) any form of television communication;
    - (I) any form or means of electromagnetic radiation; or
    - (J) any combination of any of the abovementioned means of communication; or
  - (v) in any other manner;
- (b) the receipt of money or other property by or on behalf of the occupier thereof as or for the consideration for—
  - (i) any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter;
  - (ii) securing the paying or giving by some other person of, money or other property in relation to or on a sporting contingency in Queensland or elsewhere; or
- (c) the payment or settlement of a bet made in relation to or on a sporting contingency in Queensland or elsewhere.

A place that is opened, kept or used wholly or partly for a purpose specified in this subsection is for the purposes of this Act a "common betting house".

(2) The Governor in Council, by Order in Council, may approve the payment and settlement, at the place specified in the Order, of a bet lawfully made by and with a bookmaker at any racing venue or athletic ground specified in the Order.

During the period such Order in Council continues in force, the place specified in the Order is not a common betting house with respect to the payment and settlement of a bet to which this subsection applies.

**216. Prohibition of opening, keeping or using a common betting house.** (1) A person shall not—

- (a) open, keep or use;
- (b) permit or suffer a place of which he is the occupier to be opened, kept or used as; or
- (c) in any way assist in conducting the business of,

a common betting house.

It is immaterial, in relation to an offence defined in subparagraph (b), whether the occupier was or was not present at the time the offence was committed.

(2) A person—

- (a) being the occupier;
- (b) acting for or on behalf of the occupier; or
- (c) in any way assisting in conducting the business,

of a common betting house, shall not receive directly or indirectly money or other property—

- (d) as a deposit on a bet on condition of paying or giving; or
- (e) as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter,

money or other property on the happening of a sporting contingency in Queensland or elsewhere.

(3) A person shall not give an acknowledgement on the receipt of money or other property, received in the manner and for a purpose specified in subsection (2), purporting or intended to entitle the bearer or any other person to receive money or other property on the happening of a sporting contingency in Queensland or elsewhere.

**217. Possession of instrument of betting.** (1) A person shall not have in his possession an instrument of betting not authorized by or under this Act, on a horse race, trotting race or greyhound race.

(2) A person who brings into Queensland an instrument of betting on any horse race, trotting race or greyhound race that he has had in possession at a place not in Queensland in circumstances where—

- (a) if he had had in possession that instrument in Queensland in respect of a transaction occurring in Queensland, he would have committed an offence against subsection (1); and

(b) the having in possession of that instrument constitutes an offence under the laws in force at the place where he had in possession that instrument,  
commits an offence against this Act.

**218. Penalty for unlawful bookmaking, opening, keeping or using common betting house.** (1) A person who contravenes section 214, 216 or 217 commits an offence against this Act and is liable, subject to subsection (3)—

- (a) for a first offence, to a penalty of \$10 000 or imprisonment for 12 months;
- (b) for a second offence, whether against the same or another provision of those sections, to a penalty of \$20 000 or imprisonment for 2 years;
- (c) for a third or subsequent offence, whether against the same or another provision of those sections, to a penalty of \$50 000 or imprisonment for 3 years or both that penalty and imprisonment.

(2) Where a person is charged, whether upon a complaint or otherwise, with an offence against a provision of section 214, 216 or 217 then if an offence against another provision of the section under which he is charged or against a provision of the other of those sections is established by the evidence, he may at the hearing and determination of such charge be convicted of that other offence.

(3) Where separate persons commit offences against any of the provisions of sections 214, 216 and 217 whether the same or different provisions, in respect of the same place within a period of time not longer than 12 months, the person secondly so offending is liable for that offence to the increased penalty prescribed by subsection (1) (b) and the person, if any, thirdly or subsequently so offending shall be liable for that offence to the increased penalty prescribed by subsection (1) (c).

For the purposes of this subsection offences committed in different rooms, units or other parts of a building or structure shall be deemed to have been committed in the same place.

(4) The increased penalties prescribed by subsections (1) and (3) shall be imposable and may be imposed notwithstanding that the offence punishable is created by a provision of the sections of this Act referred to in subsection (1) different from that creating—

- (a) a prior offence under those sections committed by the defendant in question; or
- (b) an offence under those sections committed by a person other than the defendant in question.

**219. Resorting to common betting house prohibited.** (1) A person shall not, without reasonable excuse the proof of which shall be upon him, resort to or be found in or entering or leaving a common betting house.

(2) In this section "resort to" includes apply whether by the agency of another person, letter, telegram, telephone or other means of correspondence or communication and whether directly or indirectly.

Penalty: For a first offence, \$500 or imprisonment for 1 month;  
 for a second offence, whether for the same or another offence against this section, \$1 000 or imprisonment for 6 months;  
 for a third or subsequent offence whether for the same or another offence against this section, \$2 000 or imprisonment for 12 months.

**220. Prohibition of advertising of common betting house.** (1) A person shall not—

- (a) send, exhibit, print or publish, or cause to be sent, exhibited, printed or published; or
- (b) permit to be exhibited or published in, on or about any place of which he is the occupier,

any placard, handbill, card, writing, sign, advertisement or other matter whereby it is made to appear that a place is opened, kept or used, wholly or partly for the purpose of exhibiting lists for betting that could induce a person to resort to a place wholly or partly for the purpose of betting.

(2) A person—

- (a) being the occupier of a common betting house;
- (b) for or on behalf of the occupier of, or other person concerned in the business of, a common betting house,

shall not invite a person to resort thereto wholly or partly for the purpose of betting.

In this subsection the term "resort to" has the meaning assigned to it by section 219.

Penalty: \$5 000 or imprisonment for 2 years or both that penalty and imprisonment.

(3) A person shall not send, exhibit, print or publish, or cause to be sent, exhibited, printed or published, any letter, circular, telegram, placard, handbill, card, writing, sign, advertisement or other matter—

- (a) whereby it is made to appear that a person in Queensland or elsewhere will, on application, give information or advice for the purpose of or with respect to a bet on a sporting contingency in Queensland or elsewhere or will make on behalf of any other person such bet;
- (b) whereby a person is induced to apply to or at a place, or to any person, with a view to obtaining information or advice for the purpose of a bet or with respect to a sporting contingency in Queensland or elsewhere;
- (c) inviting, expressly or by implication, a person to make or take a share in or in connexion with a bet; or
- (d) whereby a person is induced to apply to or at a place or to a person with a view to obtaining information or advice on any

system or other method or means by which he may make a selection of a runner for the purpose of a bet on a sporting contingency in Queensland or elsewhere.

Penalty: \$5 000 or imprisonment for 2 years or both that penalty and imprisonment.

**221. Betting on licensed premises.** (1) A person who holds a license of any description under and within the meaning of the *Liquor Act 1912-1979* shall not permit or suffer the place in respect of which that license is in force to be used for the purpose of betting.

Penalty: For a first offence, \$5 000 or imprisonment for 6 months; for a second offence, \$10 000 or imprisonment for 12 months; for a third or subsequent offence, \$20 000 or imprisonment for 2 years.

(2) It is a defence to a charge of an offence against this section brought against a person specified in subsection (1) if he proves that—

- (a) he has issued proper instructions and used all reasonable means to secure observance of this Act;
- (b) the offence in question was committed without his knowledge; and
- (c) he could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

(3) The Commissioner of Police shall report to the Minister in writing particulars of every conviction of a person in relation to a place in respect of which a license of any description issued under the *Liquor Act 1912-1979* is in force for a third or subsequent offence against—

- (a) subsection (1);
- (b) section 214, 216, 217 or 222; or
- (c) subparagraph (c) of paragraph (viii) of subsection (1) of section 4 of the *Vagrants, Gaming, and Other Offences Act 1931-1978*.

(4) The Minister, upon receipt of a report specified in subsection (3), may furnish to the Licensing Commission particulars of the convictions the subject of the report.

(5) The Licensing Commission shall thereupon call upon the person in respect of whom the report was made to show cause why the license specified in subsection (3) of which he is the holder should not be suspended.

(6) The Licensing Commission where—

- (a) the person so called upon fails to show sufficient cause; or
- (b) it is of the opinion for any other reason that the license should be suspended,

shall suspend the license of which he is the holder for a period not exceeding in any case 2 years.

A suspension pursuant to this subsection shall, during the period thereof, operate as a cancellation of the license the subject of the suspension for all purposes of the *Liquor Act* 1912-1979 and without right to compensation in the holder thereof or any other person.

(7) This section applies notwithstanding sections 7, 23 and 24 of *The Criminal Code* or any other Act, rule, law or practice.

**222. Prohibition of betting in public place.** A person shall not—

- (a) by himself or an agent bet in a public place;
- (b) frequent, loiter in, use or be present in a public place wholly or partly for the purpose of betting; or
- (c) placard, post up or exhibit, or assist in placarding, posting up or exhibiting in, on or about a public place any information, notice or list, directly or materially relating to betting.

#### PART VII—MISCELLANEOUS

**223. Prohibition of giving warning of presence or approach.** (1)

A person—

- (a) who is in, on or about a place shall not give a warning;
- (b) shall not be in, on or about a place wholly or partly for the purpose of giving a warning to another person,

of the presence or approach of any member of the police force or officer.

Penalty: \$1 000 or imprisonment for 6 months or both that penalty and imprisonment.

(2) The means and manner by which a warning specified in subsection (1) is given are immaterial for the purposes of this section.

**224. Prohibition of prevention of detection.** A person—

- (a) who is in, on or about a place shall not do or omit to do an act that has as an effect the prevention of;
- (b) shall not be in, on or about a place wholly or partly for the purpose of preventing or attempting to prevent,

the detection of an offence against this Act.

Penalty: \$1 000 or imprisonment for 6 months or both that penalty and imprisonment.

**225. Batteries, drugs and the like at racing venues and other places.** (1) A person who, without reasonable excuse the proof of which shall be upon him, has in his possession or is conveying at a racing venue on a day when a meeting is being or is to be held or at a place where and on a day when a trial is being or is to be conducted—

- (a) any battery, cell or other thing that provides or is designed, manufactured or assembled to provide a supply or source of electrical energy;
- (b) any capacitor, coil, wire or other thing that is capable of or is assembled, designed or manufactured to conduct, deliver,

discharge, intensify or store any electricity or electric charge, current or voltage;

- (c) any hypodermic syringe or other medical, surgical or veterinary appliance or instrument;
- (d) any applicator, atomizer, dispenser, sprayer, vaporizer, or other thing that is capable of or is assembled, designed or manufactured to apply, deposit, discharge, propel or spray any substance; or
- (e) any drug, irritant or noxious substance or thing,

commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.

(2) A member of the police force, without any authority other than this Act, may stop, detain and search a person at a racing venue or place where a trial is being conducted who he suspects on reasonable grounds has in his possession or is conveying any of the things specified in subsection (1).

(3) An article specified in subsection (1) seized pursuant to section 235 shall on conviction of the offender be forfeited to Her Majesty.

For the purposes of this section the term "drug" means any substance capable of affecting the performance or behaviour of a horse or greyhound by its action upon the central or peripheral nervous system, the cardiovascular system, the respiratory system, the alimentary digestive system, the musculo-skeletal system or the uro-genital system and includes any analgesic, anti-histamine, anti-inflammatory agent, blood coagulant, diuretic, hormone and any synthetic counterpart thereof, cortico-steroid, anabolic steroid, local anaesthetic, muscle relaxant and tranquilizer and any vitamin administered either by injection or orally.

**226. Attempt to commit offence.** (1) A person shall not attempt to commit an offence against this Act.

A person convicted of the offence of attempting to commit an offence against this Act is liable to the same penalty as an offender convicted of the offence itself, unless he proves that he desisted of his own motion from the further prosecution of his intention without its fulfilment being prevented by circumstances independent of his will, in which case he is liable to one half of the penalty to which he would otherwise be liable.

Section 4 of *The Criminal Code* applies with respect to an attempt to commit an offence against this Act.

(2) A person may be convicted of attempting to commit an offence upon a complaint charging him with that offence.

**227. Interference with horse or greyhound.** A person who, without reasonable excuse the proof of which shall be upon him, interferes with a horse or greyhound—

- (a) at a meeting or trial;

- (b) at a racing venue or place where a trial is conducted, at any time other than a time at which a meeting is held or trial is conducted; or
- (c) at a time when that horse or greyhound is proceeding, directly or indirectly, to or from a racing venue or place where a trial is conducted,

commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.

**228. Use of drugs and the like on horse or greyhound.** A person who, without reasonable excuse the proof of which shall be upon him, uses on or administers to a horse or greyhound any drug, irritant or noxious substance or thing—

- (a) at a meeting or trial;
- (b) at a racing venue or place where a trial is conducted at any time other than a time at which a meeting is held or trial is conducted; or
- (c) at a time when that horse or greyhound is proceeding, directly or indirectly, to or from a racing venue or place where a trial is conducted,

commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.

**229. Offences relating to members of the police force, officers and records.** (1) A person shall not—

- (a) prevent any member of the police force, officer or other person authorized by or under this Act to enter or re-enter a place, from entering or, as the case may be, re-entering that place or a part thereof;
- (b) delay or otherwise howsoever obstruct any member of the police force, officer or other person authorized by or under this Act to enter or re-enter a place, in entering or, as the case may be, re-entering that place or a part thereof;
- (c) assault, resist, obstruct, hinder, threaten, abuse, insult or intimidate a member of the police force, officer, or other person in the exercise of his powers or the discharge of his duties under this Act, or incite another person so to do;
- (d) fail to comply with any determination, order, notice, direction or request made or given under this Act by the Commissioner or any member of the police force or officer;
- (e) retake or attempt to retake possession of, remove or otherwise deal with anything seized under this Act.

(2) A person required by this Act to keep a book, voucher or document or to enter, record or keep recorded any account or

particulars therein (and when that person is a club or any other body or association of persons, the secretary thereof or a person having the possession or control of any book, voucher or document of the club or other body or association of persons), shall not refuse or otherwise fail, during such time as that book, voucher or document is required to be so kept—

- (a) to produce and deliver the book, voucher or document to; or
- (b) to permit any extracts to be taken therefrom or any copies thereof to be made by,

a person lawfully demanding the production and delivery thereof or to be permitted to take extracts therefrom or to make copies thereof.

(3) A person who commits an offence against this section is liable to a penalty of \$1 000 or to imprisonment for 6 months or to both that penalty and imprisonment.

**230. Forgery and like offences.** (1) A person shall not—

- (a) forge or counterfeit any certificate, licence, permit or other authority granted and issued under this Act or a betting ticket or totalisator ticket;
- (b) utter any certificate, licence, permit or other authority granted and issued under this Act or a betting ticket or totalisator ticket so forged or counterfeited;
- (c) personate any person named in any certificate, licence, permit or other authority granted under this Act;
- (d) falsely represent himself to be an officer or a member or an officer or employee of the Totalisator Board;
- (e) connive at any of the offences specified in subparagraphs (a), (b), (c) or (d); or
- (f) knowingly make a false statement in an application for a certificate, licence, permit or other authority under this Act.

(2) A person required by or under this Act to furnish a return or make a declaration shall not make a return or declaration that is false or misleading in any particular.

(3) A person who commits an offence against this section is liable to a penalty of \$5 000 or imprisonment for 2 years or to both that penalty and imprisonment.

**231. Warrant to enter and search places and arrest persons.**

(1) A justice who is satisfied upon the complaint in writing on oath of a member of the police force that there are reasonable grounds for suspecting that—

- (a) a place is opened, kept or used as a common betting house; or
- (b) a person has committed, is committing or is likely to commit in, on or at a place an offence against this Act,

may issue a warrant in the prescribed form directed to the member of the police force concerned or another member of the police force.

(2) A warrant issued pursuant to this section shall be, for the period of one month from and including the date of its issue, sufficient authority for the member of the police force—

- (a) to enter or re-enter by day or by night either alone or with the assistance of such members of the police force or other persons as he thinks fit, the place specified in the warrant;
- (b) to search the place so entered or re-entered and every person found in, on or about that place;
- (c) to use such force as is reasonably necessary (whether by breaking open doors or windows or otherwise) in making such entry or re-entry;
- (d) to pass through, from, over and along any other place for the purpose of entering or re-entering that place;
- (e) to break open, search and examine any bag, box, chest, cupboard, drawer, package, parcel, trunk or other thing whether or not a fixture found by him in, on or about that place where he has reasonable grounds for suspecting that there are in any of those things instruments of betting, money, documents or other things of any kind suspected on reasonable grounds of being used or designated for use in connexion with or in relation to an offence against this Act or that any of those things may reasonably be expected to afford evidence as to the commission of an offence against this Act;
- (f) to seize, detain and remove instruments of betting, money, documents or other things of any kind found by him in, on or about that place or on any person found by him in, on or about that place;
- (g) to make copies of or take extracts from any book, card, list, paper, ticket, voucher or other document found by him in, on or about that place without seizing it;
- (h) to arrest a person found by him in, on or about that place.

**232. General power of arrest without warrant.** (1) In addition to the powers of arrest otherwise conferred by or under this Act, a member of the police force may arrest without warrant a person—

- (a) found by him committing an offence against section 214, 216, 217, 222, 225, 227 or 228;
- (b) who, he believes on reasonable grounds, has recently been betting in a public place contrary to this Act;
- (c) who, when required under this Act to state his name and address or to produce evidence to prove that a name or address given is correct, fails to do so or states a name

or address or produces evidence that in the opinion of the member is false;

- (d) if he believes on reasonable grounds that proceedings against that person by complaint and summons for an offence against this Act would not be effective.

(2) The arrest of a person in the exercise of a power conferred by this Act does not prejudice or in any way affect the power and authority to proceed against that person by way of complaint and summons under the *Justices Act 1886-1979*.

**233. Power to require name, address.** (1) Any member of the police force or officer who—

- (a) finds a person committing or reasonably suspects a person of having committed an offence or being about to commit an offence against this Act;
- (b) is making enquiries or investigations with a view to establishing whether or not an offence against this Act has been committed or is about to be committed;
- (c) finds a person in the company of a person so committing or so suspected;
- (d) is of the opinion that the name and address of a person is required for the purposes of giving effect to this Act, or for the purpose of enabling him to carry out his functions or duties under this Act; or
- (e) arrests a person in the exercise of a power conferred by this Act,

may require that person to state his name and address, and, where he suspects on reasonable grounds that the name or address given is false, may require evidence as to the correctness thereof.

(2) A person required under this section to state his name and address or name or address who—

- (a) refuses or otherwise fails to state his name and address or, as the case may be, name or address; or
- (b) states a false name or a false address,

commits an offence against this Act.

(3) A person required under this section to produce evidence to prove that the name or address given is correct who—

- (a) fails to produce that evidence;
- (b) produces false evidence with respect to his name or address,

commits an offence against this Act.

**234. Power to search clothing and person of arrested person and to seize and detain things.** A member of the police force at any time and in any place—

- (a) may search the clothing and person of a person arrested under this Act;

- (b) may seize, detain and remove instruments of betting, money, documents and other things of any kind found on that person or in his possession or under his control at the time of his arrest including, without limiting the generality of this provision, anything that in the opinion of that member will afford evidence as to the commission of an offence against this Act at the time of or immediately before his arrest.

This section is in addition to and not in substitution for or derogation of section 259 of *The Criminal Code*.

**235. Further powers of member of the police force.** In addition to the powers otherwise conferred upon him by or under this Act a member of the police force in any place may—

- (a) stop, detain and search—
- (i) a vehicle in or on which he suspects on reasonable grounds there is being carried an instrument of betting or an article specified in section 225, or anything used or apparently capable of being used in contravention of section 216, 217 or 228;
  - (ii) a person who he suspects on reasonable grounds has contravened section 214, 216, 217, 219, 222, 223, 224 225 or 230;
- (b) seize any instrument of betting, article or other thing found therein or thereon in contravention of this Act;
- (c) for the purposes of paragraphs (a) or (b), use such force as is reasonably necessary in effecting entry into a vehicle or conducting the search of a person.

**236. Offences generally and penalty.** (1) A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

(2) A person who—

- (a) fails to do that which he is directed or required to do;
- (b) does that which he is forbidden to do,

by a person acting under the authority of this Act commits an offence against this Act.

(3) Save where a specific penalty is otherwise prescribed, a person who commits an offence against this Act is liable—

- (a) in the case of a first offence, to a penalty of \$1 000 or imprisonment for 6 months or both that penalty and imprisonment;
- (b) in the case of a second or subsequent offence, to a penalty of \$2 000 or imprisonment for 12 months or both that penalty and imprisonment.

(4) A body corporate that commits an offence against this Act that is punishable by—

- (a) imprisonment only; or
- (b) a penalty or imprisonment or both,

is liable to a penalty of \$2 000 or, if the offence is punishable by an increased penalty, to a penalty of \$4 000.

(5) Notwithstanding this Act or any other Act, where a person is convicted of an offence against this Act, the penalty to which he is liable is in addition to a forfeiture under this Act.

**237. Proceedings for offences.** (1) A prosecution for an offence against this Act—

- (a) shall be brought within 12 months after the offence is committed or within 6 months after the offence comes to the knowledge of the complainant whichever is the later period;
- (b) may be by way of summary proceedings under the *Justices Act 1886–1979* or upon indictment.

(2) Notwithstanding this Act or any other Act, in a proceeding on a complaint the court may make an order on any matter within its jurisdiction though no application or complaint is made in respect thereof.

(3) In a proceeding for an offence against this Act, a member of the police force, though not the complainant, may appear before the court on behalf of and act for the complainant.

(4) Where a person appears before a court on a charge of an offence against this Act and subsequently appears before a court on a charge of a further offence against this Act, the court before which that person first appeared shall hear and determine all proceedings in respect of the first offence prior to the hearing and determination of proceedings for the second or subsequent offence.

(5) Where proceedings for an offence for which the maximum penalty is \$20 000 or more are brought in a court of summary jurisdiction and the defendant does not plead guilty, the court—

- (a) may commit the defendant for trial and may exercise in respect of the defendant all or any of the powers conferred by law as if it were a justice taking an examination of witnesses in relation to an indictable offence; or
- (b) with the consent of the defendant, determine the proceedings.

**238. Time limits for payment of penalties.** (1) Where a person is adjudged by a court to pay a penalty for an offence against section 214, 216, 217 or 222, the justices constituting that court shall not allow

time for the payment of that penalty or a part thereof or direct payment of that penalty or a part thereof to be made by instalments unless the justices are satisfied that—

- (a) that person is possessed of insufficient means to enable him to pay the sum forthwith and that he has a fixed abode; or
  - (b) there are special circumstances (whether by reason of his not having been previously convicted of an offence against this Act or having regard to his character or otherwise) for allowing time to pay or making the direction for payment by instalments.
- (2) In any case—
- (a) the time allowed by a court for the payment of a penalty or a part thereof shall not exceed 28 clear days;
  - (b) the time allowed for payment of a penalty by way of instalments shall be such as will finalize payment thereof within 3 months.

(3) Any justices or justice to whom application is made to issue a warrant of execution for a sum adjudged by a court to be paid by a person convicted of an offence against this Act or to issue a warrant of commitment for non-payment of that sum or for default of sufficient distress to satisfy that sum, shall not postpone the issue of such warrant unless the justices or justice are or is satisfied that—

- (a) the person adjudged to pay the sum is possessed of insufficient means to enable him to pay the sum forthwith and that he has a fixed abode; or
- (b) that there are special circumstances (whether by reason of his not having been previously convicted of an offence against this Act or having regard to his character or otherwise) for postponing the issue of such warrant.

In any case the period of the postponement of such warrant shall not exceed 7 days.

**239. Increased penalties.** A conviction for an offence against this Act shall not, after 10 years from the date of the conviction, be receivable in evidence against a person for the purpose of subjecting him to an increased penalty or to a forfeiture under this Act.

**240. Liability for offence by club, body corporate or other association of persons.** Where a club or other body or association of persons, corporate or unincorporate commits an offence against this Act, each of the following persons shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly—

- (a) in the case of a club or other body or association of persons other than a body corporate, the secretary and every member of the committee thereof by whatever name called;

(b) in the case of a body corporate—

- (i) the person who at the time the offence is committed was the chairman of directors, managing director, manager or other governing officer by whatever name called or other member of the governing body by whatever name called; and
- (ii) every person who at the time of the offence managed or took part in the management, administration or government of the business in Queensland thereof.

**241. Liability of bookmaker for offence by agent or employee.**

(1) Notwithstanding sections 7 and 23 of *The Criminal Code* or any other Act, law or practice, where a person commits an offence against this Act as an agent or employee of a bookmaker, that bookmaker shall be deemed to have taken part in committing the offence and to be guilty of the offence and may be charged with committing the offence.

(2) It is a defence to a charge of an offence against this Act brought against a person specified in subsection (1) if he proves that—

- (a) he has issued proper instructions and used all reasonable means to secure observance of this Act;
- (b) the offence in question was committed without his knowledge; and
- (c) he could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

(3) A person is not liable to be convicted of an offence committed by him as an employee of a bookmaker if he satisfies the court that the offence was committed while the business of his employer was being conducted under the personal superintendence of that employer or of a manager or other representative of that employer and that the offence was committed with the knowledge of that employer, manager or representative.

(4) Save as provided by subsection (3), this section applies so as not to prejudice liability imposed under this Act on a person by whom an offence against this Act is actually committed.

**242. Forfeiture and disposal of instruments of betting.** (1) The court that convicts a person of an offence against this Act—

- (a) may order to be forfeited to Her Majesty the instruments of betting, money, documents and other things seized under this Act that relate to or are connected with the commission of the offence of which the person has been convicted;
- (b) may make such other order with respect to all or any of the things specified in paragraph (a) as it thinks fit.

(2) Where the court before whom a person is charged for an offence against this Act dismisses the complaint, it—

- (a) may order to be forfeited to Her Majesty the instruments of gaming within the meaning of the *Vagrants, Gaming,*

*and Other Offences Act 1931-1978, instruments of betting, documents and other things (save money) that were found in the possession or under the control of that person;*

- (b) may make such other order with respect to all or any of the things specified in paragraph (a) and money found in the possession or under the control of that person and seized under this Act as the court thinks fit.

(3) An order made by a court under this section for the delivery of a thing seized to the person appearing to the court to be the owner thereof shall not prejudice or in any way affect the right of a person to recover by action in a court of competent jurisdiction that thing from the person to whom it was delivered by virtue of the order provided that such action is commenced within the 6 months next following the date of the order.

(4) All instruments, documents and other things (save money) forfeited to Her Majesty pursuant to this section shall be destroyed or otherwise disposed of in such manner as the Minister directs.

Money forfeited to Her Majesty pursuant to this section shall be paid into the Consolidated Revenue Fund.

(5) A forfeiture, destruction or disposal of a thing in accordance with this section does not confer upon any person a right to compensation.

**243. Removal of persons from racing venues and trials.** (1) A member of the police force may at any time enter any racing venue where a meeting is being held or place where a trial is being conducted and may—

- (a) order a known or reputed criminal who he suspects on reasonable grounds is in that place for an unlawful purpose;
- (b) order a person who is behaving in a disorderly manner or who he suspects on reasonable grounds is about to behave or continue to behave in a disorderly manner;
- (c) order a known or reputed pick pocket, urger, tout or tick tacker or a person who at the direction of the committee of the club conveyed to him should not be permitted to enter or remain at the racing venue where a meeting is being held or place where a trial is being conducted;
- (d) order a person found soliciting alms;
- (e) order an associate of any of the persons specified in paragraph (a), (b), (c) or (d),

to leave that racing venue or place.

(2) A person specified in subsection (1) who having been ordered to leave a racing venue or place—

- (a) remains at that racing venue or place after having been so ordered to leave; or

(b) on leaving that racing venue or place in accordance with an order given pursuant to this section, returns thereto on the same day,  
commits an offence against this Act.

(3) A member of the police force may arrest without warrant a person who, having been ordered by a member of the police force to leave a racing venue where a meeting is being held or place where a trial is being conducted, fails to do so or having left returns thereto on the same day.

(4) A member of the police force, using such force as is reasonably necessary, may remove a person who, by notice in writing given to him by the committee of a club, has been warned not to enter or remain on or at any racing venue or place where a trial is conducted.

**244. Protection of and payment to informants.** (1) Where a person is convicted of an offence against this Act as a result of information supplied by a person (not being a member of the police force) to a member of the police force or an officer and adjudged to pay a penalty, the court before which that person is convicted shall order one-half of the penalty to be paid to the person who supplied the information that resulted in the conviction of the offender and the other one-half to be paid into the Consolidated Revenue Fund.

(2) The amount awarded by the court to the informant shall be paid to the Commissioner of Police or Commissioner of Stamp Duties who shall cause that amount to be paid to the informant in the manner prescribed by subsection (3).

(3) (a) The Commissioner of Police shall cause the amount specified in subsection (2) to be forwarded—

- (i) in a case where the prosecution was brought by a member of the licensing branch of the police force at Brisbane, to the officer in charge of that branch;
- (ii) in a case where the prosecution was brought by another member of the police force, to the officer in charge of the Police District in which the complaint was heard and determined.

The member of the police force concerned shall in turn pay such amount to the informant.

(b) The Commissioner of Stamp Duties shall pay an amount paid to him by the court pursuant to subsection (2) to the informant.

(4) The name of an informant referred to in this section, or any other particular that may be likely to lead to his identification shall not be divulged to a person other than the person or persons specified in subsection (6).

(5) A person who, without lawful excuse the proof of which shall be upon him reveals, causes to be revealed or in any manner divulges the identity of an informant to whom this section refers commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.

(6) The informant's identity shall be at all times confidential information and no record of his identity shall be kept except by the member of the police force or officer to whom the informant supplied information or by the member of the police force of or above the rank of inspector immediately in charge of such member of the police force or, as the case may be, the Commissioner of Stamp Duties.

(7) A person who gives or offers monetary or other gain or reward to any person with a view to establishing or obtaining information leading to or that could lead to the identity of an informant to whom this section refers commits an offence against this Act.

Penalty: \$20 000 or imprisonment for 2 years or both that penalty and imprisonment.

It is immaterial whether such giving or offer of reward is made to a particular person, group of persons or is made orally or in writing or by any other means.

**245. Source of information or reports.** A prosecutor or witness on behalf of the prosecution in a proceeding under this Act shall not be compelled to disclose the fact that he received information or the nature of such information or the name of a person who gave such information. Any member of the police force or officer appearing as a prosecutor or witness shall not be compelled to produce a report or document made or received by him in his official capacity or containing confidential information or to make a statement in relation thereto.

**246. Finger prints and the like.** (1) Where a person has been arrested for an offence against this Act, the officer in charge of police at the police establishment to which he is taken after arrest or where he is in custody may take or cause to be taken all such particulars as he considers necessary for the identification of that person including his voice print, photograph, finger prints, palm prints, foot prints, toe prints or handwriting and in taking those particulars may use such force as is reasonably necessary for that purpose.

(2) A court that convicts a person, who appears personally before it, of any offence against this Act may in its discretion order that person into the custody of a member of the police force for the purpose of obtaining any particulars referred to in subsection (1) and that member and any member acting in aid of him shall take (using such force as is reasonably necessary for that purpose) that person to a place where those particulars can adequately be taken and take those particulars.

(3) Where a person is found not guilty of an offence against this Act or a complaint for an offence against this Act is dismissed, any voice print, photograph, finger prints, palm prints, foot prints, toe prints or handwriting previously taken under this Act in relation to the offence in respect of which he was found not guilty or in respect of which the complaint was dismissed shall, at the request of that person, be destroyed in his presence save where they are required as evidence in respect of any other offence that that person is alleged to have committed against this Act.

**247. Personal appearance before court of offenders against certain sections.** (1) Where a person charged with or arrested for an offence against section 214, 216, 217 or 219 does not appear personally before the court at a time and place when and where the complaint for that offence is to be heard or to which the hearing thereof has been adjourned, the justices constituting the court—

- (a) if that person has been released on bail, shall declare the undertaking as to bail to be forfeited;
- (b) in every case to which this section applies, shall require evidence on oath to be given before them of the matter of the complaint unless, in the case of an adjournment, the matter of the complaint is substantiated to their satisfaction by evidence on oath given prior to that adjournment;
- (c) if the evidence on oath required to be given in accordance with subparagraph (b) or, in the case of an adjournment, given prior to that adjournment substantiates the matter of the complaint to their satisfaction, shall issue their warrant to apprehend that person and bring him before justices.

(2) If upon the commencement of this section, the *Bail Act* 1980 has not commenced, section 126 (1) (i) of the *Racing and Betting Act* 1954—1978 applies, as if it had not been repealed, pending the commencement of the *Bail Act* 1980.

**248. Avoidance of wagering or gaming contracts.** (1) Subject to subsection (2) and section 249—

- (a) a contract or agreement whether by parol or in writing with respect to gaming or wagering is void;
- (b) a promise, express or implied—
  - (i) to pay to a person a sum of money;
  - (ii) to pay to a person by way of commission, fee, reward or otherwise a sum of money;
  - (iii) to pay to a person for services rendered a sum of money,
 in accordance with the terms of a contract or agreement or in relation thereto or in connexion therewith is void;

- (c) an action shall not be brought in a court to recover a sum of money or other property—
- (i) alleged to be won or lost on a bet;
  - (ii) deposited in the hands of a person to abide the event on which a bet has been made; or
  - (iii) lent or advanced for the purpose of gaming or wagering.

(2) Subsection (1) does not apply to any subscription or contribution or agreement to subscribe or contribute for or to a plate, prize or sum of money to be awarded to the winner of a lawful game, sport, pastime or exercise or to a person who receives or holds the subscription or contribution for that purpose.

**249. Circumstances in which bookmaker may sue or be sued.**

A person who, on any racing venue or athletic ground, while lawfully engaging in bookmaking, makes a bet with another person shall be deemed to have entered into a valid contract with that other person and he may sue or be sued on a contract so entered.

**250. Disposal of penalties and the like.** (1) Subject to subsection (2) and save where this Act otherwise expressly provides, all fees, forfeitures, penalties and other moneys recovered under this Act shall be paid into and become part of the Consolidated Revenue Fund.

(2) A penalty imposed by or under this Act upon a conviction in a proceeding in which a member of the police force is the complainant shall, upon its recovery, be paid and applied as follows—

- (a) one half to the Consolidated Revenue Fund;
- (b) one half to The Police Fund.

**251. Cost of administration.** The cost of the administration of this Act shall be paid out of the moneys from time to time appropriated by Parliament for the purpose.

**252. Fees, taxes and the like are debts due to the Crown.**

(1) All fees, taxes, levies and other moneys due and payable by a person under this Act and remaining unpaid are debts due to the Crown and may be recovered—

- (a) in a summary way under the *Justices Act* 1886–1979; or
- (b) by action as for a debt in a court of competent jurisdiction.

(2) Upon a conviction for an offence constituted by a failure by the defendant to pay fees, taxes, levies or other moneys due and payable by him under this Act, the court may, in addition to imposing a penalty, order the defendant to pay the amount of fees, taxes, levies or other moneys so due and payable.

**253. Immunity of members of the police force and other persons.**

A member of the police force or an officer acting in the discharge of his duties or a person acting under the instructions of a member of the police force or an officer shall be deemed not to be an offender or accomplice in the commission of an offence against this Act although that member, officer or person would but for this section have been such an offender or accomplice.

**254. Protection against liability.** No act, matter, thing, recommendation or decision done or made in good faith by—

- (a) the Minister;
- (b) the Under Treasurer;
- (c) the Commissioner of Stamp Duties;
- (d) an officer;
- (e) a member of the police force;
- (f) a person acting under the authority of the Minister, Under Treasurer, Commissioner of Stamp Duties, an officer or a member of the police force,

for the purpose of carrying out or giving effect to this Act shall subject them or any of them or the Crown to any action, liability, claim or demand.

**255. Mode of service of documents.** Any determination, direction, notification, order or other writing authorized or required by this Act to be given to or served on any person or to or on the committee of a club or any other body or association of persons shall, unless some other mode of giving or serving is expressly provided, be duly given or served if—

- (a) in the case of a person—
  - (i) it is served personally on the person to whom it is directed;
  - (ii) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;
  - (iii) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it;
- (b) in the case of the committee of a club or any other body or association of persons—
  - (i) it is served personally on the secretary of the club or other body or association of persons;
  - (ii) it is sent by post to the secretary of the club or other body or association at the place of residence or business of the secretary last known to the person who gives it.

**256. Evidentiary provisions.** In a proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of the Under Treasurer, Commissioner of Stamp Duties or an officer or a member of the police force or, in any case, his authority to do an act, take a proceeding or give any order or direction;
- (b) a signature purporting to be that of—
  - (i) the Under Treasurer;
  - (ii) the Commissioner of Stamp Duties;
  - (iii) an officer;
  - (iv) a member of the police force;
  - (v) the secretary or steward of a club or control body whether situated in Queensland or elsewhere, shall be taken to be the signature it purports to be until the contrary is proved;
- (c) it is not necessary to prove the limits of any area or locality or that a place is within or not within a prescribed area or locality or part thereof or within or not within a prescribed distance of a prescribed place, area or locality but this provision does not prejudice or affect in any way the right of a defendant to prove that a place is or is not within the prescribed area or locality or part thereof or is or is not within the prescribed distance of a prescribed place, area or locality;
- (d) where it is necessary to prove that a person was at any material time under the age of 18 years, the opinion of the court of its own view of that person or the opinion of a member of the police force who has seen that person that that person was at the material time under the age of 18 years shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact;
- (e) a document purporting to be a copy of any determination, direction, notice, notification or order made or given under this Act or of a certificate, licence, permit or other authority granted or issued under this Act shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of that determination, direction, notice, notification, order, certificate, licence, permit or other authority and of the matters contained therein;
- (f) a document purporting to be signed by the secretary of a club or the steward in charge of a meeting held by a club stating that—
  - (i) a meeting was held or appointed to be held by that club at the place (whether situated in Queensland

---

or elsewhere) and on the date specified in the document;  
and

- (ii) a horse or greyhound known by the name specified in the document competed in or had been entered to compete in any race or races at that meeting,

shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;

- (g) a document purporting to be signed by the Commissioner stating that at a specified time or during a specified period there was or was not in force a certificate, licence, permit or other authority under this Act as described in the document granted, issued or given to a specified person or in respect of a specified thing and that such certificate, licence, permit or authority was or was not subject to the terms, conditions or restrictions set out in the document shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;

- (h) a certificate purporting to be signed by the Commissioner certifying as to the receipt or otherwise of a notice, application or payment or that an amount of fees, taxes, charges, levies or other moneys is payable under this Act by a specified person and has not been paid shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that certificate;

- (i) where—

- (i) any member of the police force, officer or other person is wilfully prevented from or delayed or otherwise howsoever obstructed in entering or, as the case may be, re-entering a place that he is authorized by or under this Act to enter or re-enter;

- (ii) it is found that an external or internal door of, or means of access to, a place that any member of the police force, officer or other person is authorized by or under this Act to enter or re-enter is concealed or secured by any bolt, bar, chain or other means or contrivance;

- (iii) any means or contrivance is used for the purpose of preventing or obstructing or of giving an alarm in case of the entry or re-entry into a place or part thereof by a member of the police force, officer or other person authorized by or under this Act to enter or re-enter that place or part;

- (iv) it is found that a place is fitted or provided with any computer, machine, device, recorder, telephone, blackboard, instrument of betting or other means or contrivance used, apparently used or capable of being used in carrying on or in connexion with betting or capable of use for betting or for concealing, damaging, defacing, destroying, disposing of, erasing, obliterating or removing any instrument of betting,
- it shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place is a common betting house and that a person found therein is using it as a common betting house in contravention of this Act;
- (j) it shall be sufficient evidence, until the contrary is proved, in support of an allegation—
- (i) in a complaint that a place is a common betting house, to prove that a bet was made or settled with or paid to a person in or on that place;
- (ii) that a person is acting as a bookmaker at a place in contravention of this Act, to prove that any bet was made or settled with or paid to any person in or on that place;
- (k) an allegation or averment in a complaint that—
- (i) at any material time—
- (A) a place was a public place;
- (B) a particular person was the occupier of a place specified in the complaint; or
- (C) a particular person was the secretary, chairman or a member of the committee of a club or other association specified in the complaint; or
- (ii) on a specified day—
- (A) any race meeting, trotting meeting, greyhound meeting or athletic meeting was held or appointed to be held at a specified place; or
- (B) a horse or greyhound, known by a specified name, competed in or had been entered to compete in a race at a meeting,
- shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment;
- (l) proof that a place is opened, kept or used wholly or partly for a purpose specified in section 215 shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place in question is so opened, kept or used with the permission of the occupier thereof;
- (m) proof that there is installed in or on a place alleged to be opened, kept or used wholly or partly as a common betting house a telephone instrument the number of which does not

- appear in the telephone directory current at the material time shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place in question is opened, kept or used as a common betting house;
- (n) for the offence of the unlawful use of a totalisator, the onus of proving that the totalisator in question was used under the authority and in accordance with the terms and conditions of a licence granted and issued in respect of that totalisator shall be on the defendant;
  - (o) the onus of proving that—
    - (i) gaming or betting instruments, money, documents or other things seized under this Act;
    - (ii) copies of or extracts from books, tickets, vouchers, papers or other writings made or taken under this Act, and used as evidence in that proceeding do not relate to or are not connected with an act or omission that constitutes the offence in question shall be on the defendant.

**257. Regulations.** (1) The Governor in Council may make regulations not inconsistent with this Act for or with respect to—

- (a) the powers and duties of inspectors of totalisators, betting inspectors, other officers and, for the purposes of this Act, members of the police force;
- (b) applications for and the grant, issue and renewal of licences, certificates, permits and other authorities under this Act and duplicates thereof, the terms, conditions or restrictions subject to which such licences, certificates, permits and other authorities are granted;
- (c) the regulation, management and supervision of totalisators; amalgamation of net pools of totalisators;
- (d) all matters and things necessary for or with respect to totalisator tickets and dividends;
- (e) the settlement of disputes in connexion with totalisators;
- (f) the prohibition against specified persons or classes of persons investing on totalisators and naming those persons or classes;
- (g) the regulation and control of the manner of the approach to and departure from totalisators; regulation generally of the conduct of persons in the vicinity of totalisators;
- (h) the authorization of members of the police force to control, supervise and direct the conduct of persons in the vicinity of totalisators; compliance by such persons with the reasonable directions of members of the police force;
- (i) the prescription of standards for totalisators generally including their housing and mechanical construction, accuracy and reliability;

- (j) all matters and things with respect to licences or provisional licences in respect of racing venues, including without limiting the generality of this provision, applications for and the grant, issue and renewal of such licences; the refusal of applications for such licences or for the renewal, suspension or cancellation thereof in any case without giving reasons therefor;
- (k) all matters and things for or with respect to the regulation and control of The Queensland Trotting Board and without limiting the generality of this provision the following matters and things:—
  - (i) meetings and the business and procedure at meetings;
  - (ii) the investment of moneys of the Board;
  - (iii) the borrowing of moneys by the Board;
- (l) all matters and things for or with respect to the regulation and control of the Greyhound Racing Control Board of Queensland and without limiting the generality of this provision the following matters and things:—
  - (i) meetings and the business and procedure at meetings;
  - (ii) the investment of moneys of the Board;
  - (iii) the borrowing of moneys by the Board;
- (m) all matters and things for or with respect to The Totalisator Administration Board of Queensland and without limiting the generality of this provision the following matters and things:—
  - (i) meetings and the business and procedure at meetings;
  - (ii) the borrowing of moneys by the Board;
  - (iii) regulation and control of the manner of distribution of the profits of the Board;
- (n) the records to be kept and the returns to be furnished to the Minister, Under Treasurer or Commissioner; the information, statistics and data to be so furnished; the persons who are required to furnish such returns and the times at which and the manner in which such returns are to be made and furnished;
- (o) the regulation and control of racing venues; fixing of maximum prices of admission to racing venues or any specified part or parts thereof; prescribing the standards of accommodation and essential services to be provided at, in or on racing venues;
- (p) the regulation and control of the conveyance or communication by any means whatever directly or indirectly of information concerning investments or the display of approximate dividends on totalisators and the betting or betting odds on any event or contingency of or relating to a race;

- 
- (q) prescribing the amounts to be returned to bettors by bookmakers where a runner is withdrawn from a race;
  - (r) requiring all clubs or those clubs comprised in such class or classes of clubs as are prescribed to submit their rules to the Minister and empowering the Minister, in his discretion, to approve or disapprove of all or any rules of a club so submitted to him or to approve all or any of those rules subject to any amendment, alteration, substitution, addition or modification to, for or of those rules as he directs;
  - (s) the prescription of the matters and things to be done and the steps to be taken by clubs to ensure that their rules comply with all directions given by the Minister; prohibition against clubs from carrying into effect any rule disapproved by the Minister or from making without the prior approval of the Minister any new rule or amending or rescinding any rule or rules so approved;
  - (t) fees, charges, allowances, costs and expenses payable or to be paid under this Act and the fixing thereof; matters and things in respect of which they are payable or to be paid; methods of collection thereof; manner, time and place of payment thereof; persons by whom or to whom they are payable; all matters with respect to the recovery thereof; the prescription of different amounts thereof both in respect of different matters and, by reference to different persons, localities or other circumstances, the same matter;
  - (u) the prescription of penalties for contravention of or failure to comply with the regulations not exceeding in a particular case \$1 000 or imprisonment for 3 months;
  - (v) the forms to be used for the purposes of this Act and the particular purposes for which those forms shall respectively be used;
  - (w) all matters required or permitted by this Act to be prescribed where the manner of prescription is not specified;
  - (x) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

The power to regulate conferred by this subsection includes the power to prohibit.

(2) Regulations may be made—

- (a) to apply generally or to meet a particular case or class of case;
- (b) to apply throughout the State or within any part of the State.

(3) A regulation made with respect to the Totalisator Board under the powers conferred by subsection (1) (m) may confer powers or impose duties on the Totalisator Board or an officer, employee or agent thereof or may leave a matter to be determined by the Totalisator Board or such officer, employee or agent.

**258. Orders in Council.** Section 28A of the *Acts Interpretation Act 1954–1977* shall apply with respect to Orders in Council and Proclamations made for the purposes of this Act and, for the purposes of such application, that section shall be read as if references to “regulations” or a “regulation” were references to Orders in Council or Proclamations made for the purposes of this Act or, as the case may be, such an Order or a Proclamation.

## FIRST SCHEDULE

[s. 4]

Year and Number of Act	Short Title	Extent of Repeal
3 Eliz. II No. 54	<i>The Racing and Betting Act of 1954</i>	The Whole Act
6 Eliz. II No. 43	<i>The Racing and Betting Act Amendment Act of 1957</i>	The Whole Act
9 Eliz. II No. 12	<i>The Racing and Betting Acts Amendment Act of 1960</i>	The Whole Act
10 Eliz. II No. 54	<i>The Racing and Betting Acts Amendment Act of 1961</i>	The Whole Act
1962 No. 40 ..	<i>The Racing and Betting Acts and Another Act Amendment Act of 1962</i>	Part II comprising sections 3 to 21 both inclusive
1963 No. 32 ..	<i>The Racing and Betting Acts Amendment Act of 1963</i>	The Whole Act
1964 No. 63 ..	<i>The Racing and Betting Acts and Another Act Amendment Act of 1964</i>	Part II comprising sections 3 to 21 both inclusive
1966 No. 12 ..	<i>The Racing and Betting Acts Amendment Act of 1966</i>	The Whole Act
1967 No. 34 ..	<i>The Racing and Betting Acts Amendment Act of 1967</i>	The Whole Act
1969 No. 20 ..	<i>Racing and Betting Act Amendment Act 1969</i>	The Whole Act
1971 No. 9 ..	<i>Racing and Betting Act Amendment Act 1971</i>	The Whole Act
1971 No. 48 ..	<i>Racing and Betting Act Amendment Act 1971 (No. 2)</i>	The Whole Act

FIRST SCHEDULE—*continued*

Year and Number of Act	Short Title	Extent of Repeal
1972 No. 24 ..	<i>Racing and Betting Act Amendment Act 1972</i>	The Whole Act
1974 No. 70 ..	<i>Racing and Betting Act Amendment Act 1974</i>	The Whole Act
1975 No. 55 ..	<i>Racing and Betting Act Amendment Act 1975</i>	The Whole Act
1977 No. 21 ..	<i>Racing and Betting Act Amendment Act 1977</i>	The Whole Act
1977 No. 51 ..	<i>Racing and Betting Act Amendment Act 1977 (No. 2)</i>	The Whole Act
1978 No. 37 ..	<i>Racing and Betting Act Amendment Act 1978</i>	The Whole Act

SECOND SCHEDULE

[ss. 210, 211, 212]

PART I

Class of totalisator and rates per centum of totalisator tax, Racing Development Fund levy and commission applicable thereto and payable on such amounts of all moneys paid into a totalisator operated by or on behalf of a club or group of clubs as are included for the calculation of dividends and the total sums of those rates.

Class of Totalisator	Totalisator Tax %	Racing Development Fund Levy %	Commission %	Total Deduction %
Win .. ..	2.5	0.5	12	15
Place .. ..	2.5	0.5	12	15
Quinella .. ..	2.5	0.5	12	15
Forecast .. ..	2.5	0.5	12	15
Double .. ..	5.5	0.5	12	18
Trifecta .. ..	5.5	0.5	12	18
Treble .. ..	5.5	0.5	12	18

SECOND SCHEDULE—*continued*

## PART II

Class of totalisator and rates per centum of totalisator tax, Racing Development Fund levy and commission applicable thereto and payable on such amounts of all moneys paid into a totalisator operated by the Totalisator Board as are included for the calculation of dividends and the total sums of those rates.

Class of Totalisator	Totalisator Tax %	Racing Development Fund Levy %	Commission %	Total Deduction %
Win .. ..	5.0	0.5	9.5	15
Place .. ..	5.0	0.5	9.5	15
Quinella ..	5.0	0.5	9.5	15
Double .. ..	5.5	0.5	12.0	18
Trifecta ..	5.5	0.5	12.0	18
Treble .. ..	5.5	0.5	14.0	20