

Queensland



RACING AND BETTING AMENDMENT ACT (No. 2) 1991

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Queensland



**Racing and Betting Amendment Act
(No. 2) 1991**

Act No. 81 of 1991

An Act to amend the *Racing and Betting Act 1980*, and for other purposes

[Assented to 9 December 1991]

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 1—PRELIMINARY

Short title

1. This Act may be cited as the *Racing and Betting Amendment Act (No.2) 1991*.

Commencement

2.(1) Section 28 commences on the date of assent.

(2) The remaining provisions of this Act commence on 1 March 1992.

PART 2— AMENDMENT OF RACING AND BETTING ACT 1980

Amended Act

3. The *Racing and Betting Act 1980* is amended as set out in this Act.

Amendment of s. 5 (Interpretation)

4.(1) Section 5 (definitions “area of jurisdiction”, “financial year”, “Minister”, “permanent head”, “principal club” and “Treasurer”—

omit.

(2) Section 5—

insert—

“**chief executive**” means the chief executive of the department;

“**Queensland Principal Club**” means the club established under section 11;

“**racing association**” means an association established under section 20;’.

Replacement of s.11 (Principal clubs)

5. Section 11—

omit, insert—

‘Establishment of Queensland Principal Club

‘**11.(1).** A body called the Queensland Principal Club is established.

‘**(2)** The Queensland Principal Club—

- (a) is a body corporate; and
- (b) has a common seal: and
- (c) may sue and be sued in its corporate name.

‘**(3)** All courts and persons acting judicially are to take judicial notice of the imprint of the seal of the Queensland Principal Club appearing on a document and, until the contrary is proved, are to presume the seal was duly affixed.

‘Functions of Queensland Principal Club

‘**11A.(1)** The functions of the Queensland Principal Club are—

- (a) to control, supervise, regulate and promote racing; and
- (b) to initiate, develop and implement policies it considers conducive to the development and welfare of the racing industry and the protection of the public interest, in relation to the racing industry.

‘**(2)** The Rules of Racing, to the extent necessary to give operation and effect to this section, are to be read subject to this section.

‘Powers of Queensland Principal Club

‘**11B.(1)** The Queensland Principal Club has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

‘**(2)** Without limiting subsection (1), the Queensland Principal Club has

the powers conferred on it under this Act and may—

- (a) make or amend the Rules of Racing; and
- (b) in respect of racecourses—
 - (i) investigate and report on proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses; and
 - (ii) supervise the construction of new racecourses or alterations or renovations to existing racecourses; and
- (c) register or license, or refuse to register or license, or cancel or suspend the registration or licence of, a race club, or an owner, trainer, jockey, bookmaker, bookmaker's clerk or another person associated with racing, or disqualify or suspend any of those persons permanently or for a specified period; and
- (d) supervise the activities of race clubs, persons licensed by the Queensland Principal Club and all other persons engaged in or associated with racing; and
- (e) direct and supervise the dissolution of a race club that ceases to be or is not registered by the Queensland Principal Club; and
- (f) appoint an administrator to conduct the affairs of a race club; and
- (g) register and identify galloping horses; and
- (h) disqualify a horse from participating in a race; and
- (i) exclude from participating in a race, a horse not registered under the Rules of Racing; and
- (j) prohibit a person from attending at or taking part in a race meeting; and
- (k) impose a penalty on a person licensed by it, or an owner of a horse for a contravention of the Rules of Racing; and
- (l) impose fees for registration of, a race club, person or horse;
- (m) require registered race clubs to pay to it such fees and charges as are in its opinion required for the proper performance of its functions; and
- (n) 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; and

(o) enter into contracts; and

(p) acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee; and

(q) borrow moneys; and

(r) 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 the racecourse; and

(s) order an audit of the books and accounts of a race club by an auditor who is a registered company auditor; and

(t) scrutinise the constitutions of race clubs to ensure 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; and

(u) publish material, including periodical publications, to inform and keep informed the public concerning matters relating to racing, whether in Queensland or elsewhere; and

(v) when so directed by the Minister, or of its own motion, give to the Minister reports and recommendations with respect to any matter relating to racing; and

(w) undertake research and investigation into all aspects of the breeding of horses and of racing generally; and

(x) 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.

‘Custody and affixing of seal

‘11C.(1) The seal of the Queensland Principal Club must be kept in the custody of the chairperson or such other person as may be authorised by resolution of the club.

‘(2) The seal is to be affixed to documents only in pursuance of a resolution of the Queensland Principal Club and by the person having custody of the seal under subsection (1).

‘Authentication of documents

‘11D. A document purporting to be made by the Queensland Principal Club, other than a document that requires the seal of the club to be affixed, is duly made if it bears the signature of the chairperson or a person authorised by resolution of the club to sign the document.

‘Queensland Principal Club not agent of the Crown

‘11E. The Queensland Principal Club—

- (a) does not represent the Crown; and
- (b) is not entitled to any immunities or privileges of the Crown.

‘Composition of Queensland Principal Club

‘11F.(1) The Queensland Principal Club consists of the following members—

- (a) 6 nominated by the South-East Queensland Racing Association; and
- (b) 1 nominated by the Downs and South-West Queensland Racing Association; and
- (c) 1 nominated by the North Queensland Racing Association; and
- (d) 1 nominated by the Capricornia Racing Association; and
- (e) 1 nominated by the Central-Western Queensland Racing Association; and
- (f) 2 appointed by the Governor in Council; and
- (g) 1 nominated by the jockeys licensed by the Queensland Principal Club; and
- (h) 1 nominated by the trainers licensed by the Queensland Principal Club; and
- (i) 1 nominated by the bookmakers licensed by the Queensland Principal Club; and
- (j) 1 nominated by the Queensland Bloodhorse Breeders’ Association Inc.

‘(2) A person appointed under subsection (1)(f) must have proven thoroughbred racing experience and knowledge.

‘(3) All ballots for nominations to the Queensland Principal Club are to be—

- (a) by secret ballot; and
- (b) conducted in a way approved by the State Electoral Commissioner.

‘Disqualification from nomination or appointment

‘11G.(1) A person nominated under section 11F(1)(g), (h) or (i) must not be a current licensee.

‘(2) A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;
- (d) has attained or attains the age of 70 years;

is not capable of being or continuing to be a member.

‘Constitution of the Queensland Principal Club

‘11H.(1) When all nominations and appointments have been made under section 11F, notification of the members of the Queensland Principal Club is to be published in the Gazette.

‘(2) The Queensland Principal Club is taken to be constituted on the day of publication under subsection (1).

‘Tenure of office

‘11I.(1) A member of the Queensland Principal Club holds office for 3 years from the day of publication under section 11H(1).

‘(2) Subject to subsection (3), a person who was previously a member of the Queensland Principal Club is eligible for re-nomination or re-appointment as a member.

‘(3) A person must not be nominated or appointed to more than 2 successive terms as a member of the Queensland Principal Club.

‘Vacation of office

‘11J. The office of a member becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) is absent, without reasonable excuse and prior leave of absence granted by the Queensland Principal Club, from 3 consecutive meetings of the club of which due notice has been given to the member; or
- (d) resigns, by signed notice given to the club; or
- (e) ceases to be qualified as a member.

‘Casual vacancy

‘11K.(1) If a casual vacancy happens in the office of a member, another person is to be nominated or appointed in the same way as the person whose office has become vacant was nominated or appointed.

‘(2) A person appointed to fill a casual vacancy as a member—

- (a) is to be appointed and hold office for the balance of the term of office of the person’s predecessor or until the person sooner vacates the office; and
- (b) if otherwise qualified—is eligible for re-nomination or re-appointment as a member.

‘Members to be honorary members

‘11L. The members of the Queensland Principal Club are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

‘Chairperson of Queensland Principal Club

‘11M.(1) The members of the Queensland Principal Club are to elect a chairperson from one of the members of the club.

‘(2) The chairperson of the Queensland Principal Club may resign as chairperson, by notice given to the club, and remain a member of the club.

‘Acting chairperson

‘11N. The members of the Queensland Principal Club may appoint one of the members to act as chairperson—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson is absent from duty or from the State or is, for any other reason, unable to perform the duties of the office.

‘Queensland Principal Club may regulate its proceedings

‘11O. The Queensland Principal Club may regulate its proceedings as it considers appropriate.’.

Replacement of s.13 (Officers)

6. Section 13—

omit, insert—

‘Employees

‘13.(1) The Queensland Principal Club may appoint and employ on salary or wages, or engage and employ under contract, such persons as are necessary for the performance of its functions.

‘(2) Subject to any applicable decision within the meaning of the *Industrial Relations Act 1990*, persons employed under subsection (1) (other than on contract) are to be paid salaries, wages and allowances at such rates, and are to be employed under such conditions of employment (including conditions as to occupational superannuation and leave entitlements), as the Queensland Principal Club determines.’.

Amendment of s.17 (Registration of race clubs)

7. Section 17(1)(a)—

omit.

Amendment of s.18 (Dissolution of race club)

8.(1) Section 18(4)—

omit, insert—

‘(4) A race club that, at the commencement of this section, is not registered by the Queensland Principal Club is taken to be dissolved, and all members of the committee and officers of the club are immediately to complete the dissolution of the club.’.

(2) Section 18(5)—

omit, ‘the Minister who may direct that such assets after realization to the extent approved by the Minister and’,

insert, ‘the Queensland Principal Club, which may direct that the assets, after realisation and’.

Amendment of s.19 (Principal club may appoint administrator of race club)

9. Section 19(1)—

omit, ‘and the Minister so approves’.

Insertion of new s.20

10. After section 19—

insert—

‘Racing Associations

‘20. The following racing associations are established—

- (a) the South-East Queensland Racing Association; and
- (b) the Downs and South-West Queensland Racing Association; and
- (c) the North Queensland Racing Association; and
- (d) Capricornia Racing Association; and
- (e) Central Western Queensland Racing Association.

‘Composition of racing associations

‘20A.(1). The racing associations are comprised of members as prescribed.

‘(2) The members of the racing associations are to be appointed in the prescribed way.

‘(3) All ballots for nominations to the racing associations are to be—

- (a) by secret ballot; and
- (b) conducted in a way approved by the State Electoral Commissioner.

‘Members to be honorary members

‘20B. The members of the racing associations are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

‘Functions of racing associations

‘20C.(1) The functions of each racing association are—

- (a) to nominate members to the Queensland Principal Club; and

(b) to appoint a committee to hear, in accordance with the relevant Rules of Racing, first level appeals from decisions of stewards; and

(c) to provide advice to the Queensland Principal Club as requested and to carry out such functions as the Queensland Principal Club delegates to it.

‘(2) A member of a committee appointed under subsection (1)(b) must not be a current licensee.

‘Powers of racing associations

‘20D. Each racing association has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

‘Racing associations not to employ

‘20E. Racing associations are not to employ staff.’.

Omission of s.21 (Allotment of days for race meetings)

11. Section 21—

omit.

Replacement of s.22 (Racing on unallotted day unlawful)

12. Section 22—

omit, insert—

‘Racing on unallotted day unlawful

‘22. A race club must not conduct a horse race, or hold a race meeting, on a day not allotted to the club under this Act.’.

Omission of s.23 (Restriction on time at which a horse race may be started)

13. Section 23—

omit.

Amendment of s.28 (Phantom meeting may be held in certain circumstances)

14. Section 28(5)—

omit.

Amendment of s.57 (Registration of trotting clubs)

15. Section 57(1)(a)—

omit.

Amendment of s.58 (Dissolution of race club)

16. Section 58(5)—

omit, ‘the Minister who may direct that such assets after realization to the extent approved by the Minister and’,

insert, ‘the Harness Racing Board, which may direct that the assets, after realisation and’.

Omission of s.61 (Allotment of days for trotting meetings)

17. Section 61—

omit.

Replacement of s.62 (Trotting on unallotted day unlawful)

18. Section 62—

omit, insert—

‘Trotting on unallotted day unlawful

‘62. A trotting club must not conduct a trotting race, or hold a trotting meeting, on a day not allotted to the club under this Act.’.

Omission of s.63 (Restriction on time at which a trotting race may be started)

19. Section 63—

omit.

Amendment of s.68 (Phantom meeting may be held in certain circumstances)

20. Section 68(5)—

omit.

Amendment of s.98 (Registration of greyhound clubs)

21. Section 98(1)(a)—

omit.

Amendment of s.99 (Dissolution of greyhound club)

22. Section 99(5)—

omit, ‘the Minister who may direct that such assets after realization to the extent approved by the Minister and’,

insert, ‘the Greyhound Board, which may direct that the assets, after realisation and’.

Omission of s.102 (Allotment of days for greyhound meetings)

23. Section 102—

omit.

Replacement of s.103 (Greyhound racing on unallotted day unlawful)**24.** Section 103—*omit, insert—***‘Greyhound racing on unallotted day unlawful**

‘103. A greyhound club must not conduct a greyhound race, or hold a greyhound meeting, on a day not allotted to the club under this Act.’.

Omission of s.104 (Restriction on time at which a greyhound race may be started)**25.** Section 104—*omit.***Amendment of s.109 (Phantom meeting may be held in certain circumstances)****26.** Section 109(5)—*omit.***Replacement of Division 3A of Part 3****27.** Division 3A of Part 3—*omit, insert—****‘Division 3A—Racing Appeals Authority*****‘Definitions****‘115A.** In this Division—

“Authority” means the Racing Appeals Authority established under section 115B;

“licence” means a licence or permit issued by a control body to, or the registration by a control body of—

(a) a race, trotting or greyhound club, or another body associated with racing; or

(b) a bookmaker, bookmaker's clerk, jockey, owner, stableforeman, stablehand, trainer or another person associated with racing;

“member” means a member of the Authority;

“steward” means a person appointed as a steward by a control body, and includes a person appointed as a deputy steward.

‘Racing Appeals Authority

‘115B.(1) An appeal body called the Racing Appeals Authority is established.

‘(2) The Authority consists of 3 members appointed by the Governor in Council.

‘(3) The Governor in Council is to appoint one member as chairperson and another member as deputy chairperson.

‘(4) The Authority is established on appointment of the first 3 members.

‘(5) Despite subsection (2), a single member may constitute the Authority for the purposes of hearing and determining an appeal, and may do so even though another member is, or 2 other members are, at the same time, constituting the Authority for the purposes of hearing and determining an appeal.

‘(6) When more than one Authority is sitting at the same time, each may exercise the jurisdiction and powers of the Authority.

‘Qualification for appointment of members

‘115C.(1) A member must—

(a) have been, but must not presently be a Judge of the Supreme Court or District Court; or

(b) be a legal practitioner of at least 5 years standing.

‘(2) An officer of the public service may be appointed a member of the Authority and may hold the appointment in conjunction with any other appointment the person holds in the public service.

‘Disqualification for appointment

‘115D. A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;

is not capable of being or continuing to be a member.

‘Tenure of office

‘115E.(1) A member holds office for 3 years from appointment.

‘(2) A member is eligible (if otherwise qualified) for re-appointment.

‘(3) A member may at any time—

- (a) by signed notice given to the Minister, resign his or her appointment as a member; or
- (b) be removed as a member by the Governor in Council.

‘Vacation of office

‘115F. The office of a member becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) resigns under section 115E(3)(a).

‘Casual vacancy

‘115G.(1) If a casual vacancy happens in the office of a member, another person is to be appointed in the same way as the person whose office has become vacant was appointed.

‘(2) A person appointed to fill a casual vacancy as a member—

(a) is to be appointed and holds office for the balance of the term of office of the person's predecessor or until the person sooner vacates the office; and

(b) if otherwise qualified—is eligible for re-appointment as a member.

‘Remuneration to members

‘115H. The members are entitled to such fees and expenses for attendance at meetings of the Authority as are approved by the Governor in Council by order in council.

‘Officers of Authority

‘115I.(1) The Governor in Council may appoint a secretary to the Authority and such other officers as the Governor in Council considers appropriate for the performance of the Authority's functions.

‘(2) An officer of the public service may be appointed, or may be assigned to perform duties, for the Authority, and may hold the appointment or perform the duties in conjunction with any other appointment held in the public service.

‘Expert consultants

‘115J.(1) The Authority may, in hearing appeals under this Act, employ such expert consultants who have appropriate knowledge of, and experience in, the racing industry as it considers appropriate.

‘(2) An officer of the public service may be employed under subsection (1).

‘(3) An expert consultant to the Authority is entitled to such fees and expenses for attendance at meetings of the Authority as are approved by the Governor in Council.

‘Appeals to Authority

‘115K.(1) Subject to subsections (4) and (5), a person may appeal to the Authority—

- (a) against a decision of a control body to refuse to grant, fail to renew or revoke a licence;
- (b) against a decision of a racing association appeals committee made in relation to an appeal against a penalty imposed by, or any other decision or order made by, a steward; or
- (c) against the imposition of a penalty or other decision or order made by a steward of the Harness Racing Board or the Greyhound Board.

‘(2) A steward of a racing association may appeal to the Authority against a decision of a racing association appeals committee.

‘(3) Subject to section 115L(4), if—

- (a) a racing association appeals committee refuses to hear an appeal from a penalty imposed by, or any other decision or order made by, a steward; or
- (b) within 6 weeks from the lodging of such an appeal, no determination has been made by the racing association appeals committee;

it is taken to have been dismissed.

‘(4) Despite subsection (1), an appeal does not lie to the Authority against—

- (a) a decision concerning the eligibility of an animal to race or the conditions on which an animal can race; or
- (b) a disqualification or suspension of an animal from racing, unless the disqualification or suspension is in addition to a penalty of more than \$100 imposed on a person; or
- (c) a disqualification, suspension or warning off of a person from participating in racing as an owner, trainer, jockey or driver, or in another capacity, for a period that would, in the normal course of the person’s racing activities, deprive the person of the right to participate at less than 4 meetings; or
- (d) the imposition of a penalty of not more than \$100.

‘(5) Despite the Rules of Trotting and Greyhound Racing, an appeal in respect of trotting and greyhound racing does not lie to the relevant control body if the penalty imposed on a person is—

- (a) a disqualification, suspension or warning off of the person from participating in racing as an owner, trainer, jockey or driver, or in another capacity, for a period that would, in the normal course of the person's racing activities, deprive the person of the right to participate at a meeting; or
- (b) a fine.

'Institution of appeal

'115L.(1) An appeal under section 115K must be instituted within 14 days of the imposition of the penalty or the making of the decision or order—

- (a) by lodging with the secretary to the Authority written notice of appeal and the prescribed fee; and
- (b) by serving a copy of the notice on—
 - (i) if section 115K(1)(a) applies—the control body that made the decision; or
 - (ii) if section 115K(1)(b) applies—the racing association appeals committee that made the decision and the steward; or
 - (iii) if section 115K(1)(c) applies—the steward that made the decision; or
 - (iv) if section 115K(2) applies—the racing association appeals committee that made the decision.

'(2) A notice of appeal must—

- (a) specify the grounds of appeal; and
- (b) comply with any applicable regulations.

'(3) The time within which an appeal may be instituted may be extended at any time by the Authority.

'(4) If an appeal is taken to have been dismissed under section 115K(3), the Authority may, on written application made by the racing association appeals committee and lodged with the secretary, order that the time for consideration of the appeal by the racing association appeals committee be extended and make such further order with respect to the adjournment or otherwise of the appeal to the Authority as it considers appropriate.

‘Suspension or variation of decision pending determination of appeal

‘115M.(1) The Authority may, on written application made by an appellant and lodged with the secretary, order that the decision appealed against—

- (a) must not be carried into effect; or
- (b) must be carried into effect only to the extent specified in the order pending the determination of the appeal.

‘(2) The Authority may impose conditions in an order made under subsection (1), and any such order is taken not to be in force for any period during which a condition is not complied with.

‘(3) Subject to subsection (2), an order made under subsection (1) continues in force until the appeal to which it relates is dismissed, determined or withdrawn, whichever happens first.

‘Authority to hear appeal

‘115N.(1) Subject to subsection (2), the Authority must start the hearing of an appeal as soon as practicable, but, in any event, not later than 28 days after the lodging of the notice of appeal.

‘(2) The Authority may, if in its opinion the special circumstances of a case so require, extend by order the period of time mentioned in subsection (1).

‘Hearing of appeals

‘115O.(1) The Authority—

- (a) may regulate its own proceedings; and
- (b) is not bound by formal rules and practices of evidence, but may inform itself on a matter in any way that it considers appropriate.

‘(2) At any time when the Authority consists of 2 members, the chairperson, or, in the absence of the chairperson, the deputy chairperson has a second or casting vote.

‘(3) An appeal before the Authority must—

- (a) be held in public at such place and time as the Authority determines; and

(b) be by way of rehearing unless the Authority otherwise directs.

‘(4) The Authority—

(a) may, of its own motion or on the application of a party to a proceeding before it, direct the secretary to the Authority to issue and to serve on a person a summons to appear before the Authority to give evidence or to produce such documents as are specified in the summons; and

(b) may make an order for the way in which the summons is to be served.

‘(5) A person served, as prescribed, with a summons to appear as a witness before the Authority must not, without reasonable excuse—

(a) fail to attend as required by the summons; or

(b) fail to appear from time to time in the course of the proceeding as required by the presiding member.

Maximum penalty—335 penalty units.

‘(6) Evidence before the Authority—

(a) must be given orally unless the Authority gives leave to allow the evidence to be given wholly or partly in writing; and

(b) must be given on oath.

‘(7) The chairperson, or, in the absence of the chairperson, the deputy chairperson or the person constituting the Authority in a particular matter may—

(a) take evidence on oath or affirmation; or

(b) adjourn the proceeding from time to time; or

(c) require that any evidence in an appeal be heard before the Authority sitting with an expert consultant.

‘(8) All parties to an appeal must be present at the hearing of the appeal, but each may be represented by a duly qualified legal practitioner or, with the approval of the Authority, by any other person.

‘(9) Nothing in subsection (8) prevents the Authority from hearing an appeal or making a determination or order in the absence of a person who, after having been served with notice of the day and place of the hearing, fails to attend at a hearing.

‘(10) Each party to an appeal must pay his or her own costs.

‘(11) However, if the Authority is of the opinion that the application of subsection (10) would be unjust in a particular case, it may make such order as to costs as it considers appropriate.

‘(12) An order of the Authority for payment of an amount for costs is, on the filing of the prescribed documents in the registry of a court of competent jurisdiction, taken to be a judgment of the court for the payment of the amount in accordance with the order of the Authority.

‘(13) For the purposes of subsection (12), the prescribed documents are—

- (a) a copy of the order of the Authority certified by the secretary to the Authority to be a true copy; and
- (b) an affidavit by the person to whom the amount was ordered to be paid specifying the amount unpaid under the order.

‘(14) An appeal that has been duly lodged can not be withdrawn without the leave of the Authority.

‘(15) In granting leave under subsection (13), the Authority may make such orders (including orders for payment of costs) as the Authority considers appropriate.

‘Powers of Authority on appeal

‘115P. On appeal, the Authority may—

- (a) set aside the penalty, decision or order of the racing association appeals committee or steward or vary the penalty, decision or order in such a way as the Authority considers appropriate; or
- (b) dismiss the appeal.

‘Parties to comply with Authority’s determination

‘115Q. The parties to an appeal under this Division must comply with any decision, order (including an order as to a penalty or costs) or direction of the Authority made on the appeal.

‘Establishment of Racing Industry Advisory Committee

‘115AA. A committee called the Racing Industry Advisory Committee is established.

‘Functions of Committee

‘115AB. The functions of the Racing Industry Advisory Committee are—

- (a) to allocate to racing, trotting and greyhound clubs the days and times on, and the places at which, they may hold racing, trotting and greyhound meetings; and
- (b) to make recommendations to the Minister regarding the use of funds from the Racing Development Fund; and
- (c) to investigate and report on the effectiveness and appropriateness of the distribution of the net profit and other moneys of the Totalisator Board (after allowing for reserves and provisions); and
- (d) to consider and advise the Minister on such matters as the Minister may refer to it.

‘Powers of Committee

‘115AC. The Racing Industry Advisory Committee has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

‘Composition of Committee

‘115AD.(1). The Racing Industry Advisory Committee consists of—

- (a) the chairperson of the Harness Racing Board; and
- (b) the chairperson of the Greyhound Board; and
- (c) the chairperson of the Queensland Principal Club; and
- (d) a member (other than the chairperson) of the Queensland Principal Club nominated by the Queensland Principal Club; and
- (e) 2 members of the Totalisator Board nominated by the Totalisator Board.

‘(2) The person nominated under subsection (1)(d) is not to be a member of the South-East Queensland Racing Association.

‘(3) The persons nominated under subsection (1)(e) are to have proven thoroughbred racing experience and knowledge.

‘(4) One of the members nominated under subsection (1)(e) is to be a representative from outside the South-East Queensland area.

‘Disqualification from nomination

‘115AE. A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;

is not capable of being or continuing to be a member.

‘Constitution of Committee

‘115AF.(1) When all nominations have been made under section 115AD, notification of the members of the Racing Industry Advisory Committee is to be published in the Gazette.

‘(2) The Racing Industry Advisory Committee is taken to be constituted on publication under subsection (1).

‘Tenure of office

‘115AG.(1) A member of the Racing Industry Advisory Committee holds office for 3 years from the day of publication under section 115AF(2).

‘(2) A person previously nominated as a member of the Racing Industry Advisory Committee is eligible for re-nomination as a member.

‘Vacation of office

‘115AH. The office of a member nominated to the Racing Industry Advisory Committee becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) is absent, without reasonable excuse and prior leave of absence granted by the Racing Industry Advisory Committee, from 3 consecutive meetings of the Committee of which due notice has been given to the member; or
- (d) resigns, by signed notice given to the Committee; or
- (e) ceases to be qualified as a member.

‘Casual vacancy

‘115AL(1) If a casual vacancy happens in the office of a member nominated to the Racing Industry Advisory Committee, another person is to be nominated in the same way as the person whose office has become vacant was nominated.

‘(2) A person nominated under subsection (1) to fill a casual vacancy as a member—

- (a) holds office for the balance of the term of office of the person’s predecessor or until the person sooner vacates that office; and
- (b) if otherwise qualified—is eligible for re-nomination as a member.

‘Members to be honorary members

‘**115AJ.(1)** The members of the Racing Industry Advisory Committee are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

‘**(2)** The members of the committee are entitled to be reimbursed such out-of-pocket expenses necessarily incurred by them in the performance of their duties.

‘Chairperson of Committee

‘**115AK.(1)** The members of the Racing Industry Advisory Committee are to elect a chairperson from one of the members of the committee.

‘**(2)** The chairperson of the committee may resign as chairperson and remain a member of the committee.

‘Acting chairperson

‘**115AL.** The members of the Racing Industry Advisory Committee may appoint one of the members to act as chairperson—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson is absent from duty or from the State or is, for any other reason, unable to perform the duties of the office.

‘Committee may regulate its proceedings

‘**115AM.** The Racing Industry Advisory Committee may regulate its proceedings as it considers appropriate.’.

Amendment of s.127 (Days when meetings prohibited)

28. Section 127—

omit ‘a Sunday.’.

Amendment of s.128 (Restrictions as to meetings on Anzac Day)

29.(1) Section 128(1)—

omit, insert—

‘(1) A meeting must not start before midday on Anzac Day.’.

(2) Section 128(2)—

omit ‘commence 30 minutes after’, insert ‘start’.

Omission of s.129 (Governor in Council may prohibit meetings)

30. Section 129—

omit.

Insertion of new s.129A

31. After section 129—

insert—

‘No betting on trials and novelty events

‘**129A.(1)** A person who bets with respect to the outcome of a trial or novelty event commits an offence against this Act.

‘(2) This Act and any other law relating to betting is to be read subject to subsection (1).’.

Amendment of s.131 (Audit of books and accounts of club and control body)

32. Section 131(1)—

omit ‘and control body, other than the Greyhound Board and the Harness Racing Board.’.

Amendment of s.135 (Combined sports meetings)

33. Section 135—

omit ‘Commissioner’ (wherever occurring), insert ‘chief executive’.

Replacement of s.136 (Novelty events)**34. Section 136—**

omit, insert—

‘Disclosure of criminal history

‘136.(1) On receipt of an application for a licence under this Act, the chairperson of the relevant control body must, in writing, request the Commissioner of Police to provide the criminal history of the applicant.

‘(2) The Commissioner of Police must, on receipt of a written request by the chairperson of the control body, provide in writing to the chairperson the criminal history (as shown in the Commissioner’s records) of the applicant for the licence.

‘(3) Subsections (1) and (2) do not apply to an application to renew a licence.

‘(4) In this section—

“criminal history” does not include a conviction that is part of the person’s criminal history in relation to which the rehabilitation period within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986* has ended.

‘Exceptions to non-disclosure

‘136A.(1) In this section—

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

“person to whom this section applies” means a person who is or has been—

- (a) the chairperson of a control body; or
- (b) an officer or employee of a control body;

“produce” includes access to;

“protected document” means the criminal history of an applicant obtained under section 136.

‘(2) A person to whom this section applies must not—

- (a) make a record of a protected document; or
- (b) directly or indirectly, divulge or communicate to a person the contents of, or information contained in, a protected document concerning another person;

unless the record is made, or the information divulged or communicated—

- (c) under or for the purposes of the administration of this Act; or
- (d) in the performance of duties, as a person to whom this section applies, under or in relation to the administration of this Act; or
- (e) otherwise required by operation of law; or
- (f) with the prior consent of the person, who is not a minor, to whom it relates: or
- (g) to the person to whom it relates regarding a possible breach of this Act by the person.

Penalty—100 penalty units.

‘(3) A person to whom this Act applies is not required—

- (a) to divulge or communicate the contents of, or information contained in, a protected document to a court; or
- (b) to produce a protected document in court;

unless it is necessary to do so for the purposes of carrying this Act into effect.’.

Replacement of s.137 (Licensing of racing venues)

35. Section 137—

omit, insert—

‘Racing venues to be licensed

‘137.(1) A race club must not conduct a meeting at a venue that is not licensed.

‘(2) An application for a licence for a racing venue must—

- (a) be in writing; and
- (b) be made to the control body that has control over the type of racing to be conducted at the venue; and
- (c) specify the location of the racing venue; and
- (d) contain such other information and particulars as are prescribed and as the control body concerned requires.

‘(3) The control body may—

- (a) grant the application, subject to such conditions (if any) as it considers appropriate; or
- (b) refuse the application.

‘(4) The control body may, at any time while a licence for a racing venue is in force, by written notice given to the holder of the licence, require the holder of the licence to prepare and submit a report on such matters as the control body specifies with respect to the venue.

‘(5) A request under subsection (4) may include a requirement to submit recommendations on the matters specified by the control body.

‘(6) A control body may suspend or cancel a licence for a racing venue granted by it.

‘(7) A control body must give written reasons for any action it takes under subsection (6).

‘(8) If a licence is suspended or cancelled, the holder must surrender the licence to the control body.’.

Omission of s.138 (Provisional licences in respect of proposed racing venues)

36. Section 138—

omit.

Omission of s.254 (Protection against liability)

37. Section 254—

omit.

Amendment of s.254A (Superannuation schemes)

38. At the end of section 254A—

insert—

‘(2) The Queensland Principal Club may, with the approval of the Governor in Council—

(a) establish, maintain, participate in and contribute to a scheme; and

(b) amend a scheme established or maintained under paragraph (a);

for the provision of superannuation benefits to officers or employees of the Queensland Principal Club.’.

Amendment of s.257 (Regulations)

39. Section 257(1)(r) and (s)—

omit.

PART 3—SAVINGS, TRANSITIONAL AND REPEAL PROVISIONS**Meaning of “previous principal club”**

40. In this Part—

“**previous principal club**” means a club that was, immediately before the commencement of this section, a principal club.

Dissolution of previous principal clubs

41. On the commencement of this section—

- (a) each previous principal club ceases to exist ; and
- (b) the officers (by whatever named called) of each previous principal club cease to be officers.

References to previous principal clubs

42. Unless a contrary intention appears, a reference in any Act, document or writing to a previous principal club, is, after the commencement of this section, a reference to the Queensland Principal Club.

Employment of staff of previous principal clubs

43.(1) On the commencement of this section, each employee of a previous principal club becomes an employee of the Queensland Principal Club on such terms and conditions, subject to any applicable decision within the meaning of the *Industrial Relations Act 1990*, as the Queensland Principal Club determines.

(2) The terms and conditions mentioned in subsection (1) must be no less favourable than the terms and conditions on which the employee was employed by the previous principal club immediately before the commencement of this section.

(3) A person who becomes an employee of the Queensland Principal Club under subsection (1)—

- (a) retains all rights accrued or accruing as an employee of a previous principal club; and
- (b) is entitled to receive annual, sick and long service leave and any similar entitlement accrued or accruing to the employee as an employee of a previous principal club;

and the employee's employment with a previous principal club is taken to be employment with the Queensland Principal Club for the purposes of any law under which the rights accrued or were accruing or by which the entitlement is conferred.

(4) A person who becomes an employee of the Queensland Principal Club under subsection (1) is not entitled to claim, under both this Act and

another Act, benefits in respect of the same period of service.

Superannuation entitlements

44.(1) On the commencement of this section—

- (a) a superannuation scheme entered into by a previous principal club for the benefit of its employees (the “**superannuation scheme**”) is continued in existence; and
- (b) the previous principal club ceases to have responsibility for subsidising, contributing to or making payment to the fund held in connection with the superannuation scheme; and
- (c) the Queensland Principal Club assumes the responsibilities mentioned in paragraph (b); and
- (d) the superannuation scheme becomes a scheme mentioned in section 254A(2) of the *Racing and Betting Act 1980*.

(2) A person who, under section 43(1), becomes an employee of the Queensland Principal Club retains all entitlements accrued or accruing to the person as a contributor to, or member of, the superannuation scheme to which the person contributed, and was a member of immediately before the commencement of this section.

Transfer of assets and liabilities of previous principal clubs

45.(1) In this section—

“**assets**” includes property and securities.

(2) On the commencement of this section—

- (a) all the assets and liabilities of the previous principal clubs cease to be assets and liabilities of the previous principal clubs and become assets and liabilities of the Queensland Principal Club; and
- (b) the Queensland Principal Club is substituted for the previous principal clubs in all documents; and
- (c) the Queensland Principal Club is substituted as a party for the previous principal clubs in all proceedings pending or existing immediately prior to the commencement.

Duty to facilitate transition

46.(1) Between the date of assent and the commencement of this section, all principal clubs, and all persons connected with the operations of the principal clubs, are to do everything necessary to facilitate—

- (a) the transfer to the Queensland Principal Club of the assets and liabilities provided for by this Act; and
- (b) the delivery to the Queensland Principal Club or its nominee on the commencement of this section of—
 - (i) all contracts, agreements, guarantees, undertakings and securities entered into by, or given by or to, a principal club; and
 - (ii) all documents, writings and other records pertaining to the operations of a principal club; and.
- (c) the establishment, by elections or otherwise, of the Queensland Principal Club.

(2) The Registrar of Titles and all other persons charged with the keeping of registers with respect to dealings with assets vested in the Queensland Principal Club by section 45 are, on request made by or on behalf of the Queensland Principal Club, to make in the registers all endorsements necessary to record the vesting in the Queensland Principal Club of the property under that section.

Existing rules of racing

47.(1) Subject to subsection (2), Rules of Racing, and other rules and orders for regulating the procedure, practice and other matters relating to racing, in force under this Act immediately before the commencement of this section continue to have effect as if this Act had not been enacted.

(2) Rules and orders mentioned in subsection (1) do not have effect so far as they are inconsistent with this Act or the Rules of Racing made under this Act.

Dissolution of authorities

48.(1) On the commencement of this section, the Racing Appeals Tribunal and the Galloping Appeals Authority, as they existed immediately before the commencement of this section, cease to exist and the

appointments of the persons appointed to constitute the Racing Appeals Tribunal and the Galloping Appeals Authority are revoked.

(2) A proceeding pending before the Racing Appeals Tribunal or the Galloping Appeals Authority immediately before the commencement may be continued before the Racing Appeals Authority.

Transfer of licences for racing venues

49.(1) If the holder of a licence for a racing venue is not, at the commencement of this section, the owner of the land on which the venue is situated, the licence is transferred to the owner of the land.

(2) The person charged with the keeping of any register or other records with respect to licences for racing venues is to make in that register all notations necessary to record the transfer of the licence under this section.

(3) In this section—

“owner” means the person for the time being entitled to receive the rent for the land on which the racing is conducted or would be entitled to receive the rent if the land were let or leased for racing.

Provision for unexpected consequences

50. If, in any case in respect of the transition from the Racing and Betting Act 1980, as in force before the date of assent to the provisions of that Act as amended by this Act, it appears to the Governor in Council that no provision or insufficient provision is made to give effect to the transition, the Governor in Council may, by regulation made under that Act, as amended by this Act, make such provision as the Governor in Council considers appropriate to deal with the case.

Amendments re “principal club”

51. The words shown in the first column of the following Table are omitted and the words shown in the second column of the Table are inserted in their place wherever they occur in this Act.

TABLE

‘a principal club’

‘that principal club’

‘each principal club’

‘principal clubs’

‘that club’

‘its principal club’

‘the Queensland Principal Club’

‘ the Queensland Principal Club’

‘the Queensland Principal Club’

‘the Queensland Principal Club’

‘the club’

‘the Queensland Principal Club’

SCHEDULE

section 3

CONSEQUENTIAL AND MINOR AMENDMENTS**Section 3—***omit.***Section 4—***omit.***Sections 10A, 116(2), 117, 118, 228A and 257(1)(n)—***omit* ‘permanent head’, *insert* ‘chief executive’ (wherever occurring).**Section 12—***omit.***Section 18(5)—***omit* ‘to him’ and ‘as he, in his’, *insert* ‘to the Queensland Principal Club’ and ‘as the Queensland Principal Club, in its’ (respectively).**Section 18(5)(a)—***omit* ‘exercising jurisdiction in the locality of the dissolved club’.**Section 18(6)—***omit* ‘exercising jurisdiction in that club’s locality’, ‘to the Minister’ and ‘, with the prior approval of the Minister,’.

Section 18(6)(proviso)—

omit, insert—

‘(6A) If the Queensland Principal Club is unable to recover the whole of the expenses in respect of the dissolution of a race club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other race clubs.’.

Section 25—

omit ‘as the principal club’, *insert* ‘as the Racing Industry Advisory Committee’.

Section 28(1)—

omit ‘a principal club’ and ‘the principal club’, *insert* ‘the Racing Industry Advisory Committee’ and ‘the committee’ (respectively).

Section 29—

omit.

Section 30(1)—

omit ‘under its control’.

Section 30(2)—

omit ‘made by it pursuant to section 21’ and all words after ‘and shall refrain from allotting’.

Division 1A of Part 3—

omit.

Section 52(3)(b)—

omit

Section 52(3)(g)—

omit ‘Subject to the approval of the Minister.’.

Section 55(2)—

omit ‘subject to this section the’, *insert* ‘The’.

Section 55(3),(4) and(5)—

omit.

Section 58(4)—

omit.

Section 58(5)—

(1) *omit* ‘to him’ and ‘as he, in his’, *insert* ‘to the Harness Racing Board’ and ‘as the Harness Racing Board, in its’ (respectively).

(2) *omit* ‘or (4)’.

Section 58(6)—

omit ‘to the Minister’ and ‘, with the prior approval of the Minister.’.

Section 58(6)(proviso)—

omit, insert—

‘(6A) If the Harness Racing Board is unable to recover the whole of the expenses in respect of the dissolution of a trotting club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other trotting clubs.’.

Section 65—

omit ‘as the Harness Racing Board’, *insert* ‘as the Racing Industry Advisory Committee’.

Section 68(1)—

omit ‘by the Harness Racing Board’ and ‘of the Harness Racing Board’, *insert* ‘by the Racing Industry Advisory Committee’ and ‘of the committee’ (respectively).

Section 69—

omit.

Section 70(2)—

omit ‘made by it pursuant to section 61’ and all words after ‘and shall refrain from allotting’.

Section 93(3)(b)—

omit.

Section 93(3)(g)—

omit ‘subject to the approval of the Minister’.

Section 96(2)—

omit ‘subject to this section, the’, *insert* ‘The’.

Section 96(3),(4) and (5)—

omit.

Section 99(4)—

omit.

Section 99(5)—

(1) *omit* ‘to him’ and ‘as he, in his’, *insert* ‘to the Greyhound Board’ and ‘as the Greyhound Board, in its’ (respectively).

(2) *omit* ‘or (4)’.

Section 99(6)—

omit ‘to the Minister’ and ‘, with the prior approval of the Minister,’.

Section 99(6)(proviso)—

omit, insert—

‘(6A) If the Greyhound Board is unable to recover the whole of the expenses in respect of the dissolution of a greyhound club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other greyhound clubs.’.

Section 106(1)—

omit ‘as the Greyhound Board’, *insert* ‘as the Racing Industry Advisory Committee’.

Section 109(1)—

omit ‘by the Greyhound Board’ and ‘of the Greyhound Board’, *insert* ‘by the Racing Industry Advisory Committee’ and ‘of the committee’ (respectively).

Section 110—

omit.

Section 111(2)—

omit ‘made by it pursuant to section 102’ and all words after ‘and shall refrain from allotting’.

Section 115N (as numbered before the commencement of section 27)—

renumber as section 115AN.

Section 131 (Heading)—

omit ‘and control body’.

Section 131(4)—

omit ‘or control body’ (twice occurring).

Section 131(5)—

omit ‘and control body’.

Section 131(5)(a)—

omit, insert—

‘(a) its income and expenditure (on an accrual basis);’.

Section 131(7)—

omit ‘or control body’.

Section 131(8)—

omit ‘, control body’.

Section 136—

omit.

Schedule 1—

omit.