

Queensland



RACING AND BETTING AMENDMENT ACT 1994

Act No. 17 of 1994

Queensland



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MINOR AND CONSEQUENTIAL AMENDMENTS

Queensland



Racing and Betting Amendment Act 1994

Act No. 17 of 1994

An Act to amend the *Racing and Betting Act 1980*

[Assented to 10 May 1994]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Racing and Betting Amendment Act 1994*.

Commencement

2. Sections 6 and 15 commence on a day to be fixed by proclamation.

Act amended

3. This Act amends the *Racing and Betting Act 1980*.

Amendment of s 5 (Interpretation)

4.(1) Section 5, definition “**meeting**”—

omit.

(2) Section 5—

insert—

‘ “**betting meeting**” means a meeting held at a racing venue by a registered club but at which no race is held;

“**local rules of racing**” means rules made under section 11B(2)(a);

“**meeting**” means—

- (a) a race, trotting or greyhound meeting; or
- (b) a betting meeting;’.

Amendment of s 11B (Powers of Queensland Principal Club)

5. Section 11B(2)(a)—

omit, insert—

- ‘(a) make or amend the local rules of racing in accordance with the Australian Rules of Racing; and’.

Replacement of ss 11F and 11G

6. Sections 11F and 11G—

omit, insert—

‘Composition of Queensland Principal Club

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

- (a) 1 person nominated by the Brisbane Amateur Turf Club;
- (b) 1 person nominated by the Gold Coast Turf Club;
- (c) 1 person nominated by the Ipswich Turf Club;
- (d) 1 person nominated by the Queensland Turf Club;
- (e) 1 person nominated by the Sunshine Coast Turf Club;
- (f) 1 person nominated by the Toowoomba Turf Club;
- (g) 1 person nominated by the Capricornia Racing Association;
- (h) 1 person nominated by the Central-Western Queensland Racing Association;
- (i) 1 person nominated by the Downs and South-West Queensland Racing Association;
- (j) 1 person nominated by the North Queensland Racing Association;
- (k) 1 person appointed by the Governor in Council.

‘(2) When an appointment to the Queensland Principal Club under subsection (1)(k) is required, the Club must propose to the Minister—

- (a) 1 person elected by the jockeys licensed by the Club; and
- (b) 1 person elected by the trainers licensed by the Club.

‘(3) The Minister must consider the suitability of each person proposed under subsection (2) for membership of the Club.

‘(4) The Club must, for each group of jockeys and trainers, only propose

a person who was elected by the group by secret ballot conducted in a way approved by the chief executive.

‘(5) For the purposes of approving a secret ballot, the chief executive may consult with the Electoral Commissioner.

‘Disqualification from nomination or appointment

‘11G.(1) The following persons are ineligible to be members of the Queensland Principal Club—

- (a) an undischarged bankrupt or a person taking advantage of the laws about bankruptcy;
- (b) a person who has been or is convicted of an indictable offence;
- (c) a patient within the meaning of the *Mental Health Act 1974*;
- (d) a person who is warned off or is disqualified, or whose name is on the forfeit list, under the Rules of Racing;
- (e) a person who is licensed by the Queensland Principal Club, including, for example, as a licensed bookmaker, jockey, owner-trainer, strapper and trainer.

‘(2) The nomination or appointment of a person who is ineligible to be a member—

- (a) if the person is ineligible when nominated or appointed—is invalid from the start; or
- (b) in any other case—becomes invalid on the day the person becomes ineligible.

‘(3) In this section—

“**appointment**” includes a purported appointment;

“**nomination**” includes a purported nomination.’.

Amendment of s 20A (Composition of racing associations)

7. Section 20A(3)—

omit, insert—

‘(3) The election of members of the racing associations is to be by secret

ballot conducted in a way approved by the chief executive.

‘(4) For the purposes of approving a secret ballot, the chief executive may consult with the Electoral Commissioner.

‘(5) A person who is ineligible to be a member of the Queensland Principal Club under section 11G is ineligible to be a member of a racing association.

‘(6) The appointment of a person who is ineligible to be a member of a racing association—

- (a) if the person is ineligible when appointed—is invalid from the start; or
- (b) in any other case—becomes invalid on the day the person becomes ineligible.

‘(7) In this section—

“**appointment**” includes a purported appointment.’.

Replacement of s 22 (Racing on unallotted day unlawful)

8. 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 for a race meeting under this Act.

‘Betting meeting at race club on unallotted day unlawful

‘23. A race club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.’.

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

9. Section 28(1), ‘the committee’—

omit, insert—

‘the Queensland Principal Club’.

Replacement of s 62 (Trotting on unallotted day unlawful)

10. 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 for a trotting race meeting under this Act.

‘Betting meeting at trotting club on unallotted day unlawful

‘**63.** A trotting club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.’.

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

11. Section 68(1), ‘the committee’—

omit, insert—

‘the Harness Racing Board’.

Replacement of s 103 (Greyhound racing on unallotted day unlawful)

12. 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 for a greyhound meeting under this Act.

‘Betting meeting at greyhound club on unallotted day unlawful

‘**104.** A greyhound club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.’

Amendment of s 109 (Phantom meeting may be held in certain circumstances)

13. Section 109(1), ‘the committee’—

omit, insert—

‘the Greyhound Board’.

Replacement of s 115AB (Functions of Committee)

14. Section 115AB—

omit, insert—

‘Functions of Committee

‘**115AB.(1)** The functions of the Racing Industry Coordinating Committee are as follows—

- (a) to coordinate meetings, including, for example, by allocating to clubs the days and times when, the places where, and the conditions on which, they may hold meetings;
- (b) to investigate, and report to the Minister 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);
- (c) to consider, and advise the Minister on, issues the Minister has referred to the Committee.

‘**(2)** In performing its function under subsection (1)(a), the Committee must consider any relevant recommendations of the Totalisator Board and each of the control bodies.’

Replacement of s 115AD (Composition of Committee)

15. Section 115AD—

omit, insert—

‘Composition of Committee

‘115AD.(1) The Racing Industry Coordinating Committee consists of the following members—

- (a) 2 persons nominated by the Queensland Principal Club;
- (b) 1 person nominated by the Greyhound Board;
- (c) 1 person nominated by the Harness Racing Board;
- (d) 1 person nominated by the Totalisator Board.

‘(2) Only 1 member nominated by the Queensland Principal Club may be a member of the South-East Queensland Racing Association.

‘(3) The person nominated under subsection (1)(d) must have experience in the racing industry.’.

Amendment of s 141 (Restrictions on betting by bookmakers)

16. Section 141(5)—

omit, insert—

‘(5) A bookmaker at a meeting may make a bet with a person (the **“bettor”**) who is not present at the racing venue where the meeting is being held if—

- (a) the bet is made through an approved telephone bookmaking system; and
- (b) the bettor’s consent to recording the betting transaction is obtained before the transaction starts; and
- (c) the details of the bet are confirmed with the bettor before the betting transaction ends, including, for example, the betting ticket number, account number and amount of the bet; and
- (d) the amount of the bet is at least \$250 or the amount of the possible winnings from the bet is at least \$2 000.

‘(6) An **“approved telephone bookmaking system”** means a telephone system for bookmaking approved by the chief executive.

‘(7) The chief executive may approve a telephone system for

bookmaking only if the chief executive is satisfied that—

- (a) all telephone calls on the system will be recorded; and
- (b) the relevant control body has established procedures to ensure it adequately supervises the system and its use.’.

Amendment of s 210 (Totalisator tax)

17. Section 210(3)—

omit, insert—

‘**(3)** The rate of totalisator tax to be levied, charged and paid is as follows—

- (a) for a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—the rate per centum set out in the second column of Schedule 2, Part 1 opposite and for each class of totalisator set out in the first column of the Part;
- (b) for a class of totalisator operated by or on behalf of a club, or group of clubs, at a betting meeting or by the Totalisator Board—the rate per centum set out in the second column of Schedule 2, Part 2 opposite and for each class of totalisator set out in the first column of the Part.’.

Amendment of s 211 (Racing Development Fund levy)

18. Section 211(2)—

omit, insert—

‘**(2)** The rate of Racing Development Fund levy to be levied, charged and paid is as follows—

- (a) for a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—the rate per centum set out in the third column of Schedule 2, Part 1 opposite and for each class of totalisator set out in the first column of the Part;
- (b) for a class of totalisator operated by or on behalf of a club, or

group of clubs, at a betting meeting or by the Totalisator Board—the rate per centum set out in the third column of Schedule 2, Part 2 opposite and for each class of totalisator set out in the first column of the Part.’

Amendment of s 212 (Commission)

19. Section 212(c) and (d)—

omit, insert—

- ‘(c) for moneys paid into a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—at the rate per centum set out in the fourth column of Schedule 2, Part 1 opposite and for each class of totalisator set out in the first column of the Part; or
- (d) for the moneys paid into a class of totalisator operated by or on behalf of a club, or group of clubs, at a betting meeting or by the Totalisator Board—at the rate per centum set out in the fourth column of Schedule 2, Part 2 opposite and for each class of totalisator set out in the first column of the Part.’

Insertion of new Pt 8

20. After section 257—

insert—

‘PART 8—TRANSITIONAL PROVISIONS

‘Transitional provision because of reconstitution of Queensland Principal Club

‘**258.(1)** The Minister may, by Gazette notice, declare that the office of each member of the Queensland Principal Club is vacant.

‘**(2)** The Minister may only make the declaration before, or on the same day as, the commencement of section 6 of the *Racing and Betting Amendment Act 1994*.

‘**(3)** A person who is a member of the Club immediately before the

declaration—

- (a) ceases to hold office on the day of the declaration despite section 11I(1); but
- (b) is taken to have finished a term of office for the purposes of section 11I(3).

‘(4) This section expires at the end of the day the declaration takes effect.

‘Transitional provision for Racing Industry Coordinating Committee

‘**259.(1)** The Minister may, by Gazette notice, declare that the office of each member of the Racing Industry Coordinating Committee is vacant.

‘(2) The Minister may only make the declaration before, or on the same day as, the commencement of section 15 of the *Racing and Betting Amendment Act 1994*.

‘(3) A person who is a member of the Committee immediately before the declaration ceases to hold office on the day of the declaration despite section 115AG(1).

‘(4) This section expires at the end of the day the declaration takes effect.

‘References to Racing Industry Advisory Committee

‘**260.** In an Act or document, a reference to the Racing Industry Advisory Committee is taken to be a reference to the Racing Industry Coordinating Committee.’.

SCHEDULE 1**AMENDMENTS OF REFERENCES TO ‘RACING
INDUSTRY ADVISORY COMMITTEE’**

section 3

1. Sections 25(1), 28(1), 65(1), 68(1), 106(1), 109(1), 115AA, 115AC, 115AF, 115AG, 115AH, 115AI(1), 115AJ(1), 115AK(1), 115AL and 115AM, ‘Advisory’—

omit, insert—

‘Coordinating’.

2. Part 3, Division 3AA, heading, ‘Advisory’—

omit, insert—

‘Coordinating’.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

section 3

1. Section 5, definitions “chief executive”, “local authority”, “local authority area”, “police officer” and “property”—

omit.

2. Section 5—

insert—

‘**“chief executive (liquor licensing)”** means the chief executive under the *Liquor Act 1992*;’.

3. Section 5, definition “drug”, paragraph (b)—

omit, insert—

‘(b) any substance prescribed by regulation as a drug for the purposes of this Act;’.

4. Section 5, definition “public place”, paragraph (b)(iii), ‘order in council’—

omit, insert—

‘regulation’.

5. Section 7—

omit, insert—

‘Delegation by Minister

‘7. The Minister may delegate the Minister’s powers under this Act to any person.

‘Delegation by Commissioner

‘7A. The Commissioner may delegate the Commissioner’s powers under this Act to any person.’.

6. Section 10A(4B)—

omit.

7. Section 10A(7), all words after ‘Council’—

omit.

8. Section 15—

omit.

9. Section 35(7)—

omit.

10. Section 43(1)(b)—

omit.

11. Section 43(2)—

omit.

12. Section 49—

omit.

13. Section 52(5) and (6)—

omit, insert—

‘(5) The Harness Racing Board may, by the Rules of Trotting or by resolution, delegate its powers to a member or employee.’.

14. Section 84(1)(b)—

omit.

15. Section 84(2)—

omit.

16. Section 90—

omit.

17. Section 115H, ‘by order in council’—

omit.

18. Section 117(1)(f), ‘specified by order in council made’—

omit, insert—

‘prescribed’.

19. Section 118(2)—

omit, insert—

‘(2) An application under subsection (1) must be made to the chief executive in the form approved by the chief executive.’.

20. Section 120(2), all words after ‘subsection (1)’ (2nd mention)—

omit.

21. Section 134(9), from ‘, upon’ to ‘council, may’—*omit, insert—*

‘may, by regulation.’

22. Section 135(2A)(b) and (3)(a), ‘prescribed form’—*omit, insert—*

‘form approved by the chief executive’.

23. Section 150(1)(a), (3) and (4), ‘prescribed form’—*omit, insert—*

‘form approved by the Commissioner’.

24. Section 152(1), (3), (3A) and (4), ‘prescribed’—*omit, insert—*

‘approved’.

25. Section 153(2) and (3), ‘prescribed’—*omit, insert—*

‘approved’.

26. Section 155(g), ‘prescribed form’—*omit, insert—*

‘form approved by the Commissioner’.

27. Section 156(1)(c) and (d), ‘prescribed form’—*omit, insert—*

‘form approved by the Commissioner’.

28. Section 157(1)(a) and (b), ‘prescribed form’—

omit, insert—

‘form approved by the Commissioner’.

29. Section 168(1), ‘prescribed form’—

omit, insert—

‘form approved by the Commissioner’.

30. Section 179(1A)—

omit.

31. Section 181(1)(b)—

omit.

32. Section 181(2)—

omit.

33. Section 187—

omit.

34. Section 189(6AB), ‘order in council’—

omit, insert—

‘regulation’.

35. Section 194(3)(a), 200(1) and (2) and 201(4), ‘prescribed form’—

omit, insert—

‘form approved by the Commissioner’.

36. Section 218A(2) and (3), ‘prescribed form’—

omit, insert—

‘form approved by the chief executive’.

37. Section 221(4), (5) and (6), ‘Licensing Commission’—

omit, insert—

‘chief executive (liquor licensing)’.

38. Section 231(1), ‘prescribed form’—

omit, insert—

‘form approved by the chief executive’.

39. Section 257(1), ‘The Governor in Council’ to ‘with respect to—’—

omit, insert—

‘**257.(1)** The Governor in Council may make regulations under this Act.

‘**(2)** A regulation may make provision with respect to—’.

40. Section 257(1)(y), (yc), (z) and (za)—

omit.

41. Section 257(1A) and (2)—

omit.