

Queensland



# **RACING AND BETTING AMENDMENT ACT (No. 2) 2001**

**Act No. 90 of 2001**



# Queensland



## RACING AND BETTING AMENDMENT ACT (No. 2) 2001

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Queensland



**Racing and Betting Amendment Act (No. 2)  
2001**

**Act No. 90 of 2001**

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

***[Assented to 6 December 2001]***

The Parliament of Queensland enacts—

## PART 1—PRELIMINARY

### 1 Short title

This Act may be cited as the *Racing and Betting Amendment Act (No. 2) 2001*.

### 2 Commencement

(1) Except as provided by subsection (2), this Act commences on the date of assent.

(2) Part 3 and schedule 2 commence on a day to be fixed by proclamation.

### 3 Act amended

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

## PART 2—AMENDMENTS COMMENCING ON ASSENT

### 3A Amendment of s 5 (Definitions)

(1) Section 5, definition “Queensland Principal Club”—  
*omit.*

(2) Section 5—  
*insert—*

- ‘ **“Interim Thoroughbred Racing Board”** means the Queensland Principal Club previously established under this Act that, under section 11(1), is continued in existence under the name ‘Interim Thoroughbred Racing Board’.’.

(3) Section 5, definitions “control body”, “registered” and “rules of racing”, ‘Queensland Principal Club’—

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

(4) Section 5, definition “rules of racing”, ‘club’—

*omit, insert—*

‘board’.

### **3B Amendment of s 11 (Establishment of Queensland Principal Club)**

(1) Section 11, heading—

*omit, insert—*

#### **‘11 Continuation of Queensland Principal Club under the name Interim Thoroughbred Racing Board’.**

(2) Section 11(1)—

*omit, insert—*

‘(1) The Queensland Principal Club previously established under this Act is continued in existence under the name ‘Interim Thoroughbred Racing Board’.’.

(3) Section 11(2) and (3), ‘Queensland Principal Club’—

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

### **4 Amendment of s 11B (Powers of Queensland Principal Club)**

Section 11B(4)(c)—

*omit.*

### **5 Insertion of new s 11BA**

After section 11B—

*insert—*

**‘11BA Interim Thoroughbred Racing Board may take action against clubs that do not comply with a direction under s 11B(2)(r)**

‘(1) This section applies if a race club does not comply with a direction given to the club by the Interim Thoroughbred Racing Board.

‘(2) To the extent necessary to ensure compliance with the direction, the Interim Thoroughbred Racing Board may do 1 or more of the following—

- (a) dissolve the club’s committee, and make necessary provision for the election of a new committee, under section 19;
- (b) take action relating to the club’s registration under part 3, division 4;<sup>1</sup>
- (c) prosecute the club for an offence under section 236.<sup>2</sup>

‘(3) In this section—

“**direction**” means a direction, whether given before or after the commencement of this subsection, under section 11B(2)(r), including a direction mentioned in section 11B(3).’.

**5A Replacement of s 11F (Composition of Queensland Principal Club)**

Section 11F—

*omit, insert—*

**‘11F Membership of Interim Thoroughbred Racing Board**

‘(1) The Interim Thoroughbred Racing Board is to consist of the following 6 persons—

- (a) the chairperson of the South-East Queensland Racing Association or the chairperson’s nominee under subsection (3);
- (b) the chairperson of the Downs and South-West Queensland Racing Association or the chairperson’s nominee under subsection (3);
- (c) the chairperson of the North Queensland Racing Association or the chairperson’s nominee under subsection (3);

---

1 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

2 Section 236 (Offences generally and penalty)

- (d) the chairperson of the Capricornia Racing Association or the chairperson's nominee under subsection (3);
- (e) the chairperson of the Central Western Queensland Racing Association or the chairperson's nominee under subsection (3);
- (f) another person appointed in writing by the Minister.

‘(2) The person appointed by the Minister, as mentioned in subsection (1)(f), is the chairperson of the board.

‘(3) A chairperson of a racing association must, by written notice given to the Minister, nominate another person who is a member of the racing association to be a board member instead of the chairperson if—

- (a) the chairperson is ineligible to be a member under section 11G;  
or
- (b) the chairperson has notified the Minister, in writing, that the chairperson does not wish to be a member of the board.

‘(4) A person who, under subsection (3), is nominated by a chairperson of a racing association to be a board member remains a board member only while the person continues to hold the nomination of the chairperson.

‘(5) As soon as the name of the 6 persons constituting the board are known to the Minister, or after the Minister knows about a change in the persons constituting the board, the Minister must, by gazette notice, publish the names of the persons currently constituting the board.’

## **5B Omission of ss 11H–11K**

Sections 11H, 11I, 11J and 11K—

*omit.*

## **5C Replacement of ss 11M–11O**

Sections 11M, 11N and 11O—

*omit, insert—*

### **‘11M Acting members**

‘(1) A member of the Interim Thoroughbred Racing Board, other than the appointee member, may appoint someone to act as the member during any period, or during all periods, when the member is absent from duty or

from the State or is, for another reason, unable to perform the duties of the office.

‘(2) The Minister may appoint someone to act as the appointee member—

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

‘(3) When a person is acting as the appointee member, the person is also acting as the chairperson of the board.

‘(4) In this section—

“**appointee member**” the person who is appointed by the Minister under section 11F(1)(f).

### **‘11N Interim Thoroughbred Racing Board may regulate its proceedings**

‘Subject to section 11O, the Interim Thoroughbred Racing Board may regulate its proceedings as it considers appropriate.

### **‘11O Conduct of meetings**

‘(1) Meetings of the Interim Thoroughbred Racing Board must be held at the times and places the chairperson of the board decides.

‘(2) A quorum for a meeting of the board is 3 members but must include the chairperson or the person who is acting as the chairperson.

‘(3) A question at a meeting of the board is to be decided by a majority of the votes of the members present.

‘(4) Each member present at a meeting of the board has a vote on each question to be decided and, if the votes are equal, the chairperson or person acting as the chairperson also has a casting vote.’.

## **6 Amendment of s 17 (Registration of race clubs)**

Section 17(3)—

*omit.*

**6A Amendment of s 20C (Functions of racing associations)**

(1) Section 20C(1)(a)—

*omit.*

(2) Section 20C(1)(c), from ‘to the Queensland’ to ‘Club delegates’—

*omit, insert—*

‘to the Interim Thoroughbred Racing Board as requested and to perform other functions as the board delegates’.

**7 Amendment of s 52 (Functions, powers and duties of Harness Racing Board)**

Section 52(3B)(c)—

*omit.*

**8 Insertion of new s 52A**

After section 52—

*insert—*

**‘52A Harness Racing Board may take action against trotting clubs that do not comply with a direction under s 52(3)(t)**

‘(1) This section applies if a trotting club does not comply with a direction given to the club by the Harness Racing Board.

‘(2) To the extent necessary to ensure compliance with the direction, the board may do 1 or more of the following—

- (a) dissolve the club’s committee, and make necessary provision for the election of a new committee, under section 59;
- (b) take action relating to the club’s registration under part 3, division 4;<sup>3</sup>
- (c) prosecute the club for an offence under section 236.<sup>4</sup>

‘(3) In this section—

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3 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

4 Section 236 (Offences generally and penalty)

“**direction**” means a direction, whether given before or after the commencement of this subsection, under section 52(3)(t), including a direction mentioned in section 52(3A).’.

## **9 Amendment of s 57 (Registration of trotting clubs)**

Section 57(3)—

*omit.*

## **10 Amendment of s 84 (Vacation of office)**

Section 84(2A) and (3)—

*omit.*

## **11 Amendment of s 93 (Functions, powers and duties of Greyhound Authority)**

Section 93(3B)(c)—

*omit.*

## **12 Insertion of new s 93A**

After section 93—

*insert—*

### **‘93A Greyhound Authority may take action against greyhound clubs that do not comply with a direction under s 93(3)(t)**

‘(1) This section applies if a greyhound club does not comply with a direction given to the club by the Greyhound Authority.

‘(2) To the extent necessary to ensure compliance with the direction, the Greyhound Authority may do 1 or more of the following—

- (a) dissolve the club’s committee, and make necessary provision for the election of a new committee, under section 100;
- (b) take action relating to the club’s registration under part 3, division 4;<sup>5</sup>

---

5 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)



(c) prosecute the club for an offence under section 236.<sup>6</sup>

‘(3) In this section—

“**direction**” means a direction, whether given before or after the commencement of this subsection, under section 93(3)(t), including a direction mentioned in section 93(3A).’.

### **13 Amendment of s 98 (Registration of greyhound clubs)**

Section 98(3)—

*omit.*

### **14 Amendment of s 115A (Definitions)**

Section 115A—

*insert—*

‘**“revoke a licence”** includes suspend and cancel a licence.’.

### **15 Amendment of s 115AN (Prohibition on the admission of the public to enquiries)**

Section 115AN—

*renumber* as section 115R.

### **16 Insertion of new pt 3, div 4**

After section 115R, as renumbered—

*insert—*

*‘Division 4—Disciplinary action relating to clubs*

#### **‘115S Definitions for div 4**

‘In this division—

“**accepted representations**” see section 115V(2).

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6      Section 236 (Offences generally and penalty)

**“direction provision”** means—

- (a) if the club is a race club—section 11B(2)(r) or (3);<sup>7</sup> or
- (b) if the club is a trotting club—section 52(3)(t) or (3A);<sup>8</sup> or
- (c) if the club is a greyhound club—section 93(3)(t) or (3A).<sup>9</sup>

**“show cause notice”** see section 115U(1).

**“show cause period”** see section 115U(1)(d).

### **‘115T Grounds for suspension or cancellation**

**‘(1)** Each of the following is a ground for suspending or cancelling the registration of a club—

- (a) the club is not complying, or has not complied, with a direction given to the club under a direction provision;
- (b) the club contravened section 134;<sup>10</sup>
- (c) a ground that another provision of this Act states is a ground for suspending or cancelling the registration of a club.<sup>11</sup>

**‘(2)** Subsection (1) applies whether—

- (a) for a direction—the direction was given before or after the commencement of this section; or
- (b) for a contravention of section 134—
  - (i) the contravention happened before or after the commencement of this section; or
  - (ii) there is or was a prosecution relating to the contravention.

### **‘115U Show cause notice**

**‘(1)** If a control body that registered a club reasonably believes a ground exists to cancel or suspend the club’s registration, the control body must give the club a notice (a **“show cause notice”**) that states—

7 Section 11B (Interim Thoroughbred Racing Board)

8 Section 52 (Functions, powers and duties of Harness Racing Board)

9 Section 93 (Functions, powers and duties of Greyhound Authority)

10 Section 134 (Application of revenues and the like of club)

11 See sections 14(3), 54(3), 95(3) and 279D.

- (a) the action the control body proposes taking under this division (the **“proposed action”**) and, if the proposed action is to suspend the registration, the proposed suspension period; and
- (b) the ground for the proposed action; and
- (c) an outline of the facts and circumstances forming the basis for the ground; and
- (d) an invitation to the club to show within a stated period (the **“show cause period”**) why the proposed action should not be taken.

‘(2) The show cause period must be a period ending at least 30 days after the show cause notice is given to the club.

#### **‘115V Representations about show cause notice**

‘(1) The club may make written representations about the show cause notice to the control body within the show cause period.

‘(2) The control body must consider all written representations (the **“accepted representations”**) made under subsection (1).

#### **‘115W Immediate suspension**

‘(1) The control body may suspend the club’s registration immediately if the control body reasonably believes—

- (a) a ground exists to suspend or cancel the registration; and
- (b) the circumstances are so extraordinary that it is imperative to suspend the registration immediately to ensure—
  - (i) the public interest is not affected in an adverse and material way; or
  - (ii) the conduct of racing by the club is not jeopardised in a material way.

‘(2) The suspension—

- (a) must be effected by written notice (a **“suspension notice”**) given to the club with a show cause notice; and
- (b) operates immediately the suspension notice is given; and

- (c) continues to operate until the show cause notice is finally dealt with.

### **‘115X Censuring club**

‘(1) This section applies if the control body—

- (a) believes a ground exists to suspend or cancel the registration of a club but does not believe the giving of a show cause notice to the club is warranted; or
- (b) after considering the accepted representations for a show cause notice, the control body still believes a ground exists to suspend or cancel the registration of a club but does not believe suspension or cancellation of the registration is warranted.

‘(2) The control body may, by written notice given to the club, censure the club for a matter relating to the ground for suspension or cancellation.

### **‘115Y Direction to rectify**

‘(1) This section applies if—

- (a) the control body believes a ground exists to suspend or cancel the registration of a club but it is appropriate to give the club an opportunity to rectify the matter without giving a show cause notice; and
- (b) the club has been given written notice that the control body proposes to give a direction under this section and a reasonable opportunity to make representations about the proposed direction.

‘(2) Also, this section applies if, after considering the accepted representations for a show cause notice, the control body—

- (a) still believes a ground exists to suspend or cancel the registration of a club; and
- (b) believes it is appropriate to give the club an opportunity to rectify the matter.

‘(3) The control body may, by written notice given to the club (a **“rectification notice”**), direct the club to rectify the matter within the period stated in the notice.

‘(4) The notice must state the reasons for the decision to give the direction.

‘(5) The period stated in the notice must be reasonable having regard to the nature of the matter to be rectified.

‘(6) A club must comply with a direction under this section unless it has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(7) The club can not be prosecuted, or have its registration suspended or cancelled, for the ground giving rise to the rectification notice unless the club—

- (a) fails to comply with the notice within the stated period; and
- (b) does not have a reasonable excuse for failing to comply with the notice.

‘(8) A control body’s power to give a direction to a club under another provision of this Act is not limited by the control body’s power to give a direction under this section.

### **‘115Z Suspension or cancellation**

‘(1) Subject to section 115Y(7), this section applies if the control body still believes the ground exists to take the action after the show cause period, including after the control body considers any accepted representations for the show cause notice.

‘(2) The control body may—

- (a) if the show cause notice stated the action proposed was to suspend the licence for a stated period—suspend the licence for a period not longer than the stated period; or
- (b) if the show cause notice stated the action proposed was to cancel the licence—
  - (i) cancel the licence; or
  - (ii) suspend the licence for a period.

‘(3) The control body must immediately give a notice about the decision to the club that states—

- (a) the reasons for the decision; and

(b) the club may appeal against the decision to the Racing Appeals Authority under section 115K<sup>12</sup> within 14 days after the decision.

‘(4) The decision takes effect on the later of the following—

- (a) the day on which the notice is given to the club;
- (b) the day stated in the notice.’.

### **17 Amendment of s 131 (Audit of books and accounts of club)**

(1) Section 131(5), at the end of paragraphs (a), (b) and (c)—

*insert—*

‘and’.

(2) Section 131(5)(c) and (d)—

*renumber* as section 131(5)(d) and (e).

(3) Section 131(5)—

*insert—*

‘(c) particulars of other payments or expenditure made by it of the type mentioned in section 134(4);<sup>13</sup> and’.

### **18 Amendment of s 134 (Application of receipts and the like of club)**

(1) Section 134, heading ‘**receipts**’—

*omit, insert—*

‘**revenues**’.

(2) Section 134(1), from ‘shall’ to ‘receipts’—

*omit, insert—*

‘must not divide directly or indirectly amounts comprising revenues’.

(3) Section 134(2), ‘its receipts’—

*omit, insert—*

‘amounts comprising its revenues’.

---

12 Section 115K (Appeals to authority)

13 Section 134 (Application of revenues and the like of club)

**(4)** Section 134(2)(d)—

*omit*

**(5)** Section 134—

*insert—*

**(2A)** Also, a club may apply amounts comprising part of its revenues and profits for a charitable, benevolent, patriotic or special purpose if it obtains the approval, in writing, of the club's control body before applying the amounts.

**(2B)** For subsection (2A), an approval must be given for each particular application and can not relate to different applications even if they are of the same type or are for the same purpose.'

**(6)** Section 134(3), from 'the purposes' to 'include'—

*omit, insert—*

'subsection (2), encouraging racing, trotting or greyhound racing includes'.

**(7)** Section 134(3), ', as the case may be,'—

*omit.*

**(8)** Section 134(5)—

*omit, insert—*

**(5)** A club may not dispose of an asset unless—

- (a) if the asset is an amount comprising its revenues and profits, the amount is applied under subsection (2) or (2A); or
- (b) if the asset is an interest in real property, the asset is disposed of under subsection (6); or
- (c) if the asset is not an amount mentioned in paragraph (a) or an interest in real property, the asset is disposed of—
  - (i) under a particular approval of the control body obtained, in writing, before the disposal; or
  - (ii) under the guidelines issued under section 134A by the control body that registered the club.'

**(9)** Section 134(6), from 'shall' to 'otherwise'—

*omit, insert—*

‘must not’.

(10) Section 134(9)—

*omit.*

(11) Section 134(8)—

*renumber* as section 134(9).

(12) Section 134—

*insert—*

‘(8) The Minister may, under subsection (6), approve the disposal of an asset that is an interest in real property only if, before the club sought the Minister’s approval under that subsection—

- (a) the majority of the club’s members approved of the disposal; and
- (b) the control body’s approval was obtained.

‘(10) In this section—

“**dispose**”, of an asset, includes distribute, forfeit, relinquish possession of, sell or otherwise give up, the asset.’.

## **19 Insertion of new s 134A**

After section 134—

*insert—*

### **‘134A Guidelines about spending**

‘(1) A control body may issue guidelines to clubs registered by it about—

- (a) the types of spending that, in the control body’s opinion, are or are not for the purposes of section 134(2); and
- (b) the control body’s policies relating to the disposal of assets under section 134.

‘(2) Before a club incurs a liability under section 134(2), it must have regard to guidelines issued by its control body under subsection (1).’.

## **20 Insertion of new pt 8, div 7**

After section 279—



*insert—*

***‘Division 7—Transitional and related provisions for provisions of Racing and Betting Amendment Act (No. 2) 2001 commencing on assent***

**‘279A Definitions for div 7**

‘In this division—

**“commencement”** means the commencement of this section.

**“continuing body”** means the Queensland Principal Club previously established under this Act that, under section 11(1), is continued in existence under the name ‘Interim Thoroughbred Racing Board’.

**‘279AA Purposes of div 7**

‘The purposes of this division are—

- (a) to provide for some matters of a transitional nature; and
- (b) to remove any doubt about the consequences of changing the name of the Queensland Principal Club to Interim Thoroughbred Racing Board; and
- (c) to provide that the persons who, immediately before the commencement, constitute the Queensland Principal Club go out of office on the commencement.

**‘279B Provision relating to powers of control bodies under ss 17, 57 and 98**

‘(1) A control body has not failed to perform its functions under this Act merely because the control body has not revoked the registration of a club as mentioned in section 17(3), 57(3) or 98(3), as each of the sections was in force before the commencement.

‘(2) On and after the commencement, no action may be taken against a control body because the control body did not revoke a registration as mentioned in subsection (1).

**‘279C Actions by control bodies relating to clubs to be under this Act after commencement**

‘(1) This section applies if—

- (a) before the commencement—
  - (i) a club contravened this Act or a direction given under this Act by a control body to the club; and
  - (ii) the club’s control body had power in relation to the contravention to cancel, suspend or take another action relating to the club’s registration under a disqualifying provision; and
- (b) after the commencement—the control body continues to have power in relation to the contravention to cancel, suspend or take another action relating to the registration of the club.

‘(2) If, before the commencement, the control body started to take an action under a disqualifying provision against the club in relation to the contravention but had not completed the action, the control body must elect to do 1 of the following—

- (a) continue taking the action and comply with this Act, to the extent practicable, for completing the action;
- (b) discontinue taking the action and take no further action against the club in relation to that contravention;
- (c) discontinue taking the action and start again under this Act to take action against the club in relation to that contravention.

‘(3) The control body must give written notice to the club about its election under subsection (2) within 1 month of the commencement.

‘(4) If—

- (a) before the commencement, the control body had not started to take action under a disqualifying provision against the club in relation to the contravention; and
- (b) after the commencement, the control body decides to take action under this Act against the club in relation to the contravention;

this Act applies to the control body in relation to it taking action in relation to the contravention.

‘(5) In this section—

“**disqualifying provision**” means each of the following provisions as in force immediately before the commencement—

- (a) for a race club—sections 11B(2)(c) and (4)(c) and 17(3);

- (b) for a trotting club—sections 52(3)(d) and (3B)(c) and 57(3);
- (c) for a greyhound club—sections 93(3)(d) and (3B)(c) and 98(3).

**‘279D Clubs must be incorporated before the end of 1 year after commencement**

‘(1) After 1 year after the commencement, it is a ground for suspending or cancelling the registration of a club if the club is an unincorporated club.

‘(2) The control body responsible for registering the club may take action to suspend or cancel the club’s registration under part 3, division 4<sup>14</sup> any time after 1 year after the commencement but within 2 years after that commencement.

‘(3) To remove doubt, it is declared that subsection (2) applies even if the club was registered before the commencement.

**‘279DA Change of name does not affect legal personality etc.**

‘(1) The change of name of the continuing body does not—

- (a) affect the continuing body’s legal personality or identity; or
- (b) affect a right, entitlement or liability of the continuing body or anyone else; or
- (c) make legal proceedings by or against the continuing body defective.

‘(2) Without limiting subsection (1), the change of name of the continuing body does not affect any right, entitlement, liability or benefit the continuing body would have had or enjoyed apart from the change of name.

‘(3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the continuing body under its former name, it may be continued or started by or against it under its new name.

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14 Part 3 (Regulation of racing codes), division 4 (Disciplinary action relating to clubs)

**‘279DB Change of name does not affect existing legal relationships**

‘Without limiting section 279DA(1), the change of name of the continuing body—

- (a) does not place the continuing body in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the continuing body in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
  - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
  - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, in whole or part, from an obligation.

**‘279DC Change of name does not affect certain things done under the Act before commencement and related matters**

‘(1) If, before the commencement, the Queensland Principal Club has given a document to a race club, the document is taken to have been given to the race club by the Interim Thoroughbred Racing Board.

*Example of subsection (1)—*

A direction given to a race club under section 11B(2)(r) by the Queensland Principal Club is taken to have been given by the Interim Thoroughbred Racing Board.

‘(2) Without limiting subsection (1), in an Act or document, a reference to the Queensland Principal Club may, if the context permits, be taken as a reference to the Interim Thoroughbred Racing Board.

‘(3) Also, a reference in a provision of this Act after the commencement to the Interim Thoroughbred Racing Board includes, if the context permits, a reference to the Queensland Principal Club.

*Example of provision—*

Section 11G(1)(e).

**‘279DD Members of Queensland Principal Club go out of office**

‘The persons who are members of the Queensland Principal Club immediately before the commencement go out of office on the commencement.’.

## **PART 3—AMENDMENTS COMMENCING ON A DAY TO BE FIXED BY PROCLAMATION**

**21 Amendment of s 5 (Definitions)**

(1) Section 5, definitions “criminal history” and “Interim Thoroughbred Racing Board”—

*omit.*

(2) Section 5—

*insert—*

‘**“criminal history”**, of a person, means the person’s criminal history under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6<sup>15</sup> of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5<sup>16</sup> of that Act, includes a charge made against the person for an offence.

**“Regional Racing Council”** means the Queensland Regional Racing Council established under section 34B.

**“selection panel”** means a selection panel established from time to time under a regulation for the purpose of selecting and appointing, in a way prescribed under this Act—

- (a) a person or persons as a member or members of the Thoroughbred Racing Board; or

15 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6 (Non-disclosure of convictions upon expiration of rehabilitation period)

16 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 5 (Matter excluded from criminal history)

- (b) a member as the chairperson, or the deputy chairperson, of the board.

**“TABQ”** means TAB Queensland Limited (ACN 085 691 738).

**“Thoroughbred Racing Board”** means the Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ that, under section 11(1), is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

(3) Section 5, definitions “control body”, “registered” and “rules of racing”, ‘Interim Thoroughbred Racing Board’—

*omit, insert—*

‘Thoroughbred Racing Board’.

## **22 Amendment of s 11 (Continuation of Queensland Principal Club under the name Interim Thoroughbred Racing Board)**

(1) Section 11, heading—

*omit, insert—*

### **‘11 Continuation of Interim Thoroughbred Racing Board under the name Thoroughbred Racing Board’.**

(2) Section 11(1)—

*omit, insert—*

‘(1) The Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

(3) Section 11(2) and (3), ‘Interim’—

*omit.*

## **23 Amendment of s 11A (Functions of Interim Thoroughbred Racing Board)**

(1) Section 11A, ‘Interim’—

*omit.*

(2) Section 11A—

*insert—*

‘(4) As part of its functions, the Thoroughbred Racing Board must—

- (a) consider recommendations made to the board by the Regional Racing Council as mentioned in section 34C(1)(b) and (c),<sup>17</sup> and adopt the recommendations with or without changes as the board considers appropriate; and
- (b) consider reports made to the board by the council as mentioned in section 34C(1)(d) and (2).

‘(5) As soon as practicable after adopting recommendations of the Regional Racing Council as mentioned in subsection (4)(a), the board must give written notice of its adoption of the recommendations, whether with or without changes, to the council.’

## **24 Insertion of new s 11AA**

After section 11A—

*insert—*

### **‘11AA Special responsibility of Thoroughbred Racing Board**

‘(1) During the special responsibility period, the Thoroughbred Racing Board must—

- (a) investigate establishing a company limited by guarantee as the control body for thoroughbred racing in Queensland; and
- (b) develop recommendations about establishing a company limited by guarantee.

‘(2) The recommendations must—

- (a) ensure the integrity of, and public confidence in, the thoroughbred racing industry is maintained; and
- (b) ensure the interests of country and regional racing are taken account of; and
- (c) state what is reasonably necessary to protect country and regional racing.

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17 Section 34C (Functions of council)

‘(3) Within the special responsibility period, the board must give the Minister a written report about its investigations, stating its recommendations and the reasons for them.

‘(4) In this section—

“**special responsibility period**” means the period of 18 months starting on the commencement of this section.’.

## **25 Replacement of s 11F (Membership of Interim Thoroughbred Racing Board)**

Section 11F—

*omit, insert—*

### **‘11F Membership of Thoroughbred Racing Board**

‘(1) The Thoroughbred Racing Board is to consist of 5 persons.

‘(2) The persons comprising the board are to be appointed, by gazette notice, by a selection panel.

‘(3) An appointment must be by unanimous resolution of the selection panel.

### **‘11FA Chief executive to make enquiries**

‘(1) To help a selection panel in considering the suitability of a person for appointment to the Thoroughbred Racing Board as a member, the chief executive must, in writing, ask the person—

- (a) to give the person’s fingerprints to the chief executive or allow the person’s fingerprints to be taken; and
- (b) to complete a form approved by the chief executive relating to the person’s business reputation, character, criminal history, current financial position and financial background.

‘(2) The chief executive must give—

- (a) the approved form completed by the person to the selection panel that is considering the person’s suitability for appointment; and
- (b) a copy of the form to the Minister.



**‘11FB Obtaining the criminal history of a person**

‘(1) After obtaining a person’s fingerprints, the chief executive may, in writing, ask the commissioner of the police service to provide the criminal history of the person.

‘(2) As soon as practicable after receiving the request, the commissioner of the police service must give the person’s criminal history, as shown in the commissioner’s records, to the chief executive.

‘(3) The chief executive must give—

- (a) the criminal history to the selection panel that is considering the person’s suitability for appointment; and
- (b) a copy of the criminal history to the Minister.

**‘11FC Protection for persons about whom criminal histories or financial background documents obtained**

‘(1) A person who is or was a public service employee of the department or a member of a selection panel must not—

- (a) make a copy or a record of fingerprints given or taken under section 11FA or a background document; or
- (b) directly or indirectly, divulge or communicate to someone else the contents of, or information contained in, a document concerning the criminal history or background document of another person;

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

- (c) in the performance of duties under this Act; or
- (d) subject to subsection (2), otherwise as required by operation of law; or
- (e) to, or with the prior consent of, the person to whom the record or information relates.

Maximum penalty—100 penalty units.

‘(2) A person who is or was a public service employee of the department or a member of a selection panel is not required to do any of the following unless it is necessary to do so for the purposes of carrying this Act into effect—

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

‘(3) In this section—

**“background document”** means—

- (a) the approved form completed by a person about the person’s business reputation, character, criminal history, current financial position and financial background; or
- (b) other documents obtained by the chief executive relating to the person’s business reputation, character, current financial position and financial background.

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

**‘11FD Destruction of fingerprints, forms, criminal histories etc.**

‘(1) The chief executive must destroy the original and copies of the following when the chief executive considers they are no longer required—

- (a) fingerprints of persons obtained under section 11FA(1)(a);
- (b) approved forms obtained under section 11FA(1)(b) and other documents that relate to the business reputation, character, criminal history, current financial position and financial background of a person who completed an approved form;
- (c) criminal histories obtained under section 11FB.

‘(2) To ensure all documents of the type mentioned in subsection (1) are destroyed, the chief executive must arrange for a selection panel and the Minister to return all documents of that type given under this Act to the selection panel or the Minister.’

## **26 Amendment of s 11G (Ineligibility for membership of Interim Thoroughbred Racing Board)**

(1) Section 11G, ‘Interim’—

*omit.*

(2) Section 11G(1)(b), after ‘an’—

*insert—*

‘offence under this Act or of an’.

**(3)** Section 11G(1)—

*insert—*

(f) a member of a committee of, or employee of, any of the following—

(i) a race club registered by a control body;

(ii) a racing association;

(iii) another association formed to promote the interests of 1 or more participants in the thoroughbred racing industry;

(g) a person who—

(i) is employed by the board; or

(ii) within 2 years of the person’s appointment, was employed by the board;

(h) a member or employee of the Harness Racing Board or Greyhound Authority;

(i) a person disqualified from managing corporations, under the Corporations Act, part 2D.6.<sup>18</sup>.

**(4)** Section 11G(2), ‘nomination or’—

*omit.*

**(5)** Section 11G(2), ‘nominated or’—

*omit.*

**(6)** Section 11G(3), definition “nomination”—

*omit.*

## **27 Insertion of new ss 11I and 11J—**

After section 11G—

*insert—*

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18 Corporations Act, part 2D.6 (Disqualification from managing corporations)

**‘11I Tenure of office**

‘(1) A member of the Thoroughbred Racing Board holds office for 2 years starting on the day of the person’s appointment.

‘(2) Subject to subsection (3), a person who was previously a member of the board is eligible for reappointment as a member.

‘(3) A person must not be appointed to more than 2 successive terms as a member of the board.

**‘11J Vacation of, and removal from, office**

‘(1) The office of a member of the Thoroughbred Racing Board becomes vacant if the member—

- (a) dies; or
- (b) resigns his or her office by signed notice of resignation given to the Minister; or
- (c) without reasonable excuse or prior leave of the board, is absent from 3 consecutive meetings of the board of which due notice has been given to the member; or
- (d) becomes ineligible to be member; or
- (e) is removed from office under subsection (2).

‘(2) The Governor in Council may, by gazette notice, remove a person from the office of member of the Thoroughbred Racing Board if the Governor in Council reasonably considers the person—

- (a) has becomes incapable of properly discharging the functions of a member; or
- (b) gave false or misleading information on an approved form the person was asked to complete under section 11FA(b);<sup>19</sup> or
- (c) did not disclose an interest as required under section 12I.<sup>20</sup>

‘(3) A notice of resignation mentioned in subsection (1)(b) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.’

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19 Section 11FA (Chief executive to make enquiries)

20 Section 12I (Disclosure of interests)

**28 Replacement of ss 11L–11O**

Sections 11L, 11M, 11N and 11O—

*omit, insert—*

**‘11K Casual vacancy**

‘(1) If a casual vacancy happens in the office of a member, another person is to be appointed by a selection panel.

‘(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 eligible—is eligible for renomination or reappointment as a member.

**‘12 Remuneration of member of Thoroughbred Racing Board**

‘A member of the Thoroughbred Racing Board is entitled to be paid the remuneration decided by the Governor in Council.

**‘12A Chairperson and deputy chairperson of Thoroughbred Racing Board**

‘(1) A selection panel may, by gazette notice, appoint—

- (a) a member of the Thoroughbred Racing Board to be the chairperson of the board; and
- (b) another member of the Thoroughbred Racing Board to be the deputy chairperson of the board.

‘(2) In the same instrument, a person may be appointed as—

- (a) a member of the board; and
- (b) the chairperson or deputy chairperson.

‘(3) The chairperson or the deputy chairperson may resign the office, by signed notice of resignation given to the Minister, and remain a member of the board.

‘(4) However, if the office of member of the board held by the chairperson or deputy chairperson becomes vacant, the person’s appointment as chairperson or deputy chairperson ends.

‘(5) A notice of resignation under subsection (3) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

‘(6) The Governor in Council may, by gazette notice, remove a person from the office of chairperson or deputy chairperson if the Governor in Council reasonably considers the person has become incapable of properly discharging the functions of the office.

### **‘12B Function of deputy chairperson**

‘The deputy chairperson of the Thoroughbred Racing Board must act as the chairperson of the board—

- (a) during a vacancy in the office of chairperson; and
- (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

### **‘12C Thoroughbred Racing Board responsible for conduct its business**

‘Subject to sections 12D to 12I, the Thoroughbred Racing Board must conduct its business, including its meetings, in the way it considers appropriate.

### **‘12D Times and places of meetings**

‘(1) Meetings of the Thoroughbred Racing Board must be held at the times and places the chairperson decides.

‘(2) However, the chairperson must call a meeting if asked, in writing, to do so by at least 3 members of the board.

‘(3) The board must meet as often as necessary for it to perform its functions.

‘(4) Without limiting subsection (3), the board must meet at least 4 times a year in addition to the annual meeting held under section 12E.

‘(5) A quorum for the board is 3 of its members.

**‘12E Annual meeting of the Thoroughbred Racing Board**

‘(1) The Thoroughbred Racing Board must hold an annual meeting not later than 2 months after its annual report has been tabled in the Legislative Assembly under section 132(2).<sup>21</sup>

‘(2) The members of committees of registered race clubs, and persons registered or licensed by the board, may attend the annual meeting.

‘(3) The board must give at least 2 weeks notice of the time and place that it intends to hold its annual meeting by notice in a newspaper that circulates within the State and in other ways it considers appropriate.

**‘12F Presiding at meetings**

‘(1) The chairperson of the Thoroughbred Racing Board must preside at all board meetings at which the chairperson is present.

‘(2) If the chairperson is absent from a board meeting, but the deputy chairperson is present, the deputy chairperson must preside.

‘(3) If the chairperson and deputy chairperson are both absent from a board meeting or the offices are vacant, a member of the Thoroughbred Racing Board chosen by the members present must preside.

**‘12G Conduct of meetings**

‘(1) A question at a meeting of the Thoroughbred Racing Board is decided by a majority of the votes of the members of the board present.

‘(2) Each member present at a board meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A member present at a board meeting who abstains from voting is taken to have voted for the negative.

‘(4) The board may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A member who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

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<sup>21</sup> Section 132 (Control body to furnish an annual report to Minister and to clubs)

‘(6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—

- (a) notice of the resolution is given under procedures approved by the board; and
- (b) a majority of the members gives written agreement to the resolution.

### ‘12H Minutes

‘The Thoroughbred Racing Board must keep minutes of its meetings.

### ‘12I Disclosure of interests

‘(1) This section applies to a member of the Thoroughbred Racing Board (the “**interested member**”) if—

- (a) the interested member has a personal interest, or a direct or indirect financial interest, in an issue being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the member’s duties about the consideration of the issue.

‘(2) Also, this section applies to a member of the Thoroughbred Racing Board (also the “**interested member**”) if—

- (a) the interested member has been, within 3 years before the day of the meeting, a member of the committee of a race club; and
- (b) an issue concerning the race club is being considered, or about to be considered, by the board; and
- (c) the member’s present or past membership of the race club could conflict with the proper performance of the member’s duties about the consideration of the issue.

‘(3) As soon as practicable after the relevant facts come to the interested member’s knowledge, the member must disclose the nature of the interest to a meeting of the board.

‘(4) Unless the board otherwise directs, the interested member must not—

- (a) be present when the board considers the issue; or
- (b) take part in a decision of the board about the issue.



‘(5) The interested member must not be present when the board is considering whether to give a direction under subsection (4).

‘(6) If there is another member of the board who must, under subsection (3), also disclose an interest in the issue, the other member must not—

- (a) be present when the board is considering whether to give a direction under subsection (4) about the interested member; or
- (b) take part in making the decision about giving the direction.

‘(7) If—

- (a) because of this section, a member of the board is not present at a meeting of the board for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (4); and
- (b) there would be a quorum if the member were present;

the remaining members of the board present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

‘(8) A disclosure under subsection (3) must be recorded in the minutes of the meeting.’.

## **29 Insertion of new s 15A**

After section 15—

*insert—*

### **‘15A Thoroughbred Racing Board is a statutory body under the Financial Administration and Audit Act 1977**

‘The Thoroughbred Racing Board is a statutory body for the *Financial Administration and Audit Act 1977*.’.

## **30 Replacement of s 20C (Functions of racing associations)**

Section 20C—

*omit, insert—*

### **‘20C Functions of each racing association**

‘(1) Each racing association must—

- (a) provide advice to the Thoroughbred Racing Board about race meetings conducted by each member club of the racing association; and
- (b) if the racing association must, under section 34D(2), nominate a person to be a member of the Queensland Regional Racing Council—nominate a person as a member of the council; and
- (c) prepare submissions for the Queensland Regional Racing Council about the funding that each member club of the racing association requires to conduct races on which the TABQ does not, or is unlikely to, offer wagering; and
- (d) appoint a committee to hear, under the relevant rules of racing, first level appeals from decisions of stewards at race meetings held by each member club of the racing association.

‘(2) A member of a committee appointed under subsection (1)(d) must not be a licensee of the Thoroughbred Racing Board.

‘(3) In this section—

“**member club**”, of a racing association, means a club that is entitled, under a regulation, by itself or jointly with other clubs, to nominate a person to be a member of the racing association.’.

### **31 Insertion of new ss 21–21C**

After section 20E—

*insert—*

#### **‘21 Racing association responsible for conduct of its business**

‘(1) Each racing association must conduct its business, including its meetings, in the way it considers appropriate.

‘(2) Subsection (1) is subject to sections 21A to 21C.

#### **‘21A Chairperson of racing association**

‘(1) Each racing association must elect a member of the racing association as the chairperson of the racing association.

‘(2) As soon as practicable after a member is elected as the chairperson, the member must notify the Thoroughbred Racing Board about the election.

‘(3) The chairperson must preside at all meetings at which the chairperson is present.

‘(4) If the chairperson is absent from a meeting or the office is vacant, a member chosen by the members present must preside.

### **‘21B Times and places of meetings**

‘(1) Meetings of each racing association must be held at the times and places the chairperson of the racing association decides.

‘(2) However—

- (a) each racing association must meet as often as necessary for it to perform its functions and at least twice each year; and
- (b) the chairperson of each racing association must call a meeting if asked, in writing, to do so by at least 3 members of the association.

‘(3) A meeting required under subsection (2)(a) must take place within 1 month before each scheduled meeting of the Queensland Regional Racing Council as notified by the chairperson of the council to the chairperson of the racing association.

### **‘21C Conduct of meetings**

‘(1) A question at a meeting of a racing association is decided by a majority of the votes of the members of the association who are present.

‘(2) Each member present at a meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A member present at a meeting who abstains from voting is taken to have voted for the negative.

‘(4) A racing association may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A member who takes part in a meeting under subsection (4) is taken to be present at the meeting.

‘(6) A resolution is validly made by a racing association, even if it is not passed at a meeting, if—

- (a) notice of the resolution is given under procedures approved by the racing association; and
- (b) a majority of the members gives written agreement to the resolution.’.

### **32 Insertion of new pt 3, div 1A**

After section 34—

*insert—*

#### ***‘Division 1A—Queensland Regional Racing Council***

#### **‘34A Definitions for div 1A**

‘In this division—

“**board**” means the Queensland Thoroughbred Racing Board.

“**chairperson**” means the person elected as the chairperson of the council.

“**council**” means the Queensland Regional Racing Council established under section 34B.

“**council member**” means a person who is a member of the council.

“**meeting**” means a meeting of the council.

“**non-TABQ clubs**” means race clubs for which the TABQ does not, or is unlikely to, offer wagering on the majority of the clubs’ races.

“**non-TABQ races**” means races on which the TABQ does not, or is unlikely to, offer wagering.

“**racing calendar**” means a program for a period that includes all of the following—

- (a) the dates on which, and places at which, race meetings are to take place during the period;
- (b) information about the races to be held at each race meeting during the period, including, for example, the length of each race and the prize money and the types of animals eligible for each race;
- (c) information about dates relevant to each race, including, for example, the deadlines for paying nomination fees and for nominating.

**‘34B Establishment of council**

The Queensland Regional Racing Council is established.

**‘34C Functions of council**

‘(1) The council’s functions are—

- (a) to consider submissions made by racing associations about the amount of funding that the clubs in each of the racing associations require to conduct non-TABQ races; and
- (b) to develop a distribution strategy for prize money and other funding that the clubs in each of the racing associations require for conducting non-TABQ races, and to make recommendations to the board about the distribution strategy; and
- (c) to develop racing calendars for non-TABQ races, and to make recommendations to the board about racing calendars; and
- (d) to monitor the performance of non-TABQ races and non-TABQ clubs and to report to the board about those races and clubs.

‘(2) In addition to the recommendations mentioned in subsection (1), the council must give the board—

- (a) a written report about matters relating to the council’s performance of its functions once each year; and
- (b) if the board asks the council to give it written reports on particular matters—additional reports as requested.

**‘34D Composition of Regional Racing Council**

‘(1) The council consists of the following members—

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

‘(2) If a chairperson of a racing association can not become a council member under subsection (3), the racing association must, by written notice to the board, nominate another person who is a member of the racing association to become the council member instead of the chairperson of the racing association.

‘(3) A person can not become a council member if the person—

- (a) holds office as a member of a racing association because of a nomination by a TABQ club, other than a nomination made jointly with other clubs; or
- (b) is a member of a committee of a TABQ club.

‘(4) A person who, under subsection (2), is nominated by a racing association to be a council member remains a council member only while the person continues to hold the nomination of the racing association.

‘(5) In this section—

“**TABQ club**”, in relation to a person, means a race club for which the TABQ offered wagering on the majority of the club’s races in the financial year immediately preceding the financial year in which the person became the racing association’s chairperson or was nominated to be a council member.

### **‘34E Council members to be honorary members**

‘The council members are honorary members and are not to be paid fees or allowances for the duties they perform as council members.

### **‘34F Council responsible for conduct of its business**

‘(1) Subject to this division, the council must conduct its business, including its meetings, in the way it considers appropriate.

‘(2) The council members must elect a council member to be the chairperson of the council.

### **‘34G Times and places of meetings**

‘(1) Council meetings must be held at the times and places the chairperson decides.

‘(2) However—

- (a) the council must meet as often as is necessary for it to perform its functions and at least twice each year; and
- (b) the chairperson must call a meeting if asked, in writing, to do so by at least 3 council members.

### **‘34H Quorum**

‘A quorum for the council is 3 council members.

### **‘34I Presiding at meetings**

‘(1) The chairperson of the council must preside at all council meetings at which the chairperson is present.

‘(2) If the chairperson is absent from a council meeting or the office is vacant, a council member chosen by the members present must preside.

### **‘34J Attendance by proxy**

‘(1) A council member may attend a council meeting by proxy.

‘(2) A council member is not entitled to preside at a meeting merely because the member is the proxy holder for another member who, if present, would be entitled to preside.

### **‘34K Conduct of meetings**

‘(1) A question at a council meeting is decided by a majority of the votes of the council members present.

‘(2) Each council member present at a council meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A council member present at a council meeting who abstains from voting is taken to have voted for the negative.

‘(4) The council may hold meetings, or allow council members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

‘(5) A council member who takes part in a council meeting under subsection (4) is taken to be present at the meeting.

‘(6) A resolution is validly made by the council, even if it is not passed at a council meeting, if—

- (a) notice of the resolution is given under procedures approved by the council; and
- (b) at least 3 council members give written agreement to the resolution.

### **‘34L Minutes**

‘The council must keep minutes of its meetings.’.

### **33 Section 139 (Definitions for pt 4)**

Section 139, definition “criminal history”—  
*omit.*

### **34 Insertion of new s 257A**

Part 7, after section 257—  
*insert—*

### **‘257A Regulation about selection panels and matters related to selection of members of the Thoroughbred Racing Board**

‘(1) A regulation may provide for—

- (a) the way a selection panel is to be established for the purpose of selecting and appointing a person or persons as a member or members of the Thoroughbred Racing Board or a member as the chairperson or deputy chairperson of the board; and
- (b) persons who are ineligible to comprise a selection panel; and
- (c) the way a selection panel, when established, is to select and appoint—
  - (i) persons to be members of the board; and
  - (ii) members of the board to be the chairperson and the deputy chairperson of the board.

‘(2) Also, a regulation may provide for the chief executive to engage a person, who provides services in recruiting individuals for positions, to help a selection panel, that is or is to be established, by preparing a list of



persons who may be suitable for appointment by carrying out the following activities—

- (a) identifying the qualifications or experience required for positions on the board;
- (b) advertising the positions and the qualifications or experience required for the positions;
- (c) carrying out other activities to help the selection panel, including short-listing applicants for positions.’.

### **35 Insertion of new pt 8, div 8**

After section 279D—

*insert—*

***‘Division 8—Transitional provisions for provisions of Racing and Betting Amendment Act (No. 2) 2001 commencing on a day to be fixed by proclamation***

#### **‘279E Definitions for div 8**

‘In this division—

**“commencement”** means the commencement of this section.

**“continuing body”** means the Queensland Principal Club previously established under this Act and subsequently continued in existence under the name ‘Interim Thoroughbred Racing Board’ that, under section 11(1), is continued in existence under the name ‘Queensland Thoroughbred Racing Board’.

#### **‘279F Purposes of division**

‘The purposes of this division are—

- (a) to remove any doubt about the consequences of changing the name of the Interim Thoroughbred Racing Board to Queensland Thoroughbred Racing Board; and
- (b) to provide that the persons who, immediately before the commencement, constitute the Interim Thoroughbred Racing Board go out of office on the commencement.

**‘279G Change of name does not affect legal personality etc.**

‘(1) The change of name of the continuing body does not—

- (a) affect the continuing body’s legal personality or identity; or
- (b) affect a right, entitlement or liability of the continuing body or anyone else; or
- (c) make legal proceedings by or against the continuing body defective.

‘(2) Without limiting subsection (1), the change of name of the continuing body does not affect any right, entitlement, liability or benefit the continuing body would have had or enjoyed apart from the change of name.

‘(3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the continuing body under its former name, it may be continued or started by or against it under its new name.

**‘279H Change of name does not affect existing legal relationships**

‘Without limiting section 279G(1), the change of name of the continuing body—

- (a) does not place the continuing body in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the continuing body in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
  - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
  - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, in whole or part, from an obligation.

**‘279I Change of name does not affect certain things done under the Act before commencement and related matters**

‘(1) If, before the commencement, the Interim Thoroughbred Racing Board has given a document to a race club, the document is taken to have been given to the race club by the Queensland Thoroughbred Racing Board.

*Example of subsection (1)—*

A direction given to a race club under section 11B(2)(r) by the Interim Thoroughbred Racing Board is taken to have been given by the Queensland Thoroughbred Racing Board.

‘(2) Without limiting subsection (1), in an Act or document, a reference to the Interim Thoroughbred Racing Board may, if the context permits, be taken as a reference to the Queensland Thoroughbred Racing Board.

‘(3) Also, a reference in a provision of this Act after the commencement to the Queensland Thoroughbred Racing Board includes, if the context permits, a reference to the Queensland Principal Club or the Interim Thoroughbred Racing Board.

*Example of provisions —*

1. Section 11G(1)(g).
2. Section 11I(3).

**‘279J Members of Interim Thoroughbred Racing Board go out of office**

‘The persons who are members of the Interim Thoroughbred Racing Board immediately before the commencement go out of office on the commencement.’

## SCHEDULE 1

### CONSEQUENTIAL AND MINOR AMENDMENTS COMMENCING ON ASSENT

section 3

- 1 Section 11A, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 2 Section 11A(1A) and (2)—**  
*renumber* as section 11A(2) and (3).
- 3 Sections 11A(2), as renumbered, ‘Queensland Principal Club’s’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’s’.
- 4 Sections 11B, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 5 Sections 11B(2)(r), ‘principal club’s’—**  
*omit, insert—*  
‘board’s’.
- 6 Sections 11B(2)(x), ‘Queensland Principal Club’s’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’s’.

## SCHEDULE 1 (continued)

- 7 Section 11C, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 8 Section 11C(1), ‘the club’—**  
*omit, insert—*  
‘the board’.
- 9 Section 11D, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 10 Section 11D, ‘the club’—**  
*omit, insert—*  
‘the board’.
- 11 Section 11E, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 12 Section 11G, heading—**  
*omit, insert—*  
**‘11G Ineligibility for membership of Interim Thoroughbred Racing Board’.**
- 13 Section 11G(1), ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.

## SCHEDULE 1 (continued)

**14 Section 11L, ‘Queensland Principal Club’—***omit, insert—*

‘Interim Thoroughbred Racing Board’.

**15 Sections 13 and 14, ‘Queensland Principal Club’—***omit, insert—*

‘Interim Thoroughbred Racing Board’.

**16 Section 14(1) and (2), ‘principal club’—***omit, insert—*

‘board’.

**17 Section 14(2), ‘secretary’—***omit, insert—*

‘chairperson’.

**18 Section 14(2), ‘the club’—***omit, insert—*

‘the board’.

**19 Section 15, heading—***omit, insert—***‘15 Interim Thoroughbred Racing Board is a statutory body under the Statutory Bodies Financial Arrangements Act 1982’.****20 Section 15, ‘Queensland Principal Club’—***omit, insert—*

‘Interim Thoroughbred Racing Board’.

## SCHEDULE 1 (continued)

**21 Section 17(1)—**

*omit, insert—*

‘(1) The Interim Thoroughbred Racing Board must not—

- (a) register a race club that is not a non-proprietary club; or
- (b) renew the registration of a race club that, after it was registered, stopped being a non-proprietary club.’.

**22 Section 17(2), ‘principal club shall’—**

*omit, insert—*

‘board must’.

**23 Section 18(4)—**

*omit.*

**24 Section 18(5), ‘or (4)’—**

*omit.*

**25 Section 18(6), ‘, (3) or (4)’—**

*omit, insert—*

‘or (3)’.

**26 Section 18, ‘Queensland Principal Club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

**27 Section 18, ‘principal club’—**

*omit, insert—*

‘board’.

## SCHEDULE 1 (continued)

**28 Section 19, heading—**

*omit, insert—*

**‘19 Interim Thoroughbred Racing Board may dissolve race club’s committee or take other related action’.**

**29 Section 19, ‘Queensland Principal Club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

**30 Section 19(3), ‘principal club’—**

*omit, insert—*

‘board’.

**31 Section 20A, ‘Queensland Principal Club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

**32 Section 25(1), ‘principal club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

**33 Section 25(1), ‘Queensland Principal Club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.

**34 Section 25(3), ‘Queensland Principal Club’—**

*omit, insert—*

‘Interim Thoroughbred Racing Board’.



## SCHEDULE 1 (continued)

- 35 Section 25(3), ‘principal club’—**  
*omit, insert—*  
‘board’.
- 36 Section 26(1), ‘principal club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 37 Sections 26(4) and 28, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 38 Section 28(2), ‘principal club’—**  
*omit, insert—*  
‘board’.
- 39 Section 30, ‘Queensland Principal Club’—**  
*omit, insert—*  
‘Interim Thoroughbred Racing Board’.
- 40 Section 30(2), ‘principal club’—**  
*omit, insert—*  
‘board’.
- 41 Part 3, division 3A heading, ‘Tribunal’—**  
*omit, insert—*  
‘*Authority*’.

## SCHEDULE 1 (continued)

**42 Section 115C(1)(a), ‘judge of the Supreme Court or District Court’—***omit, insert—*

‘Supreme Court judge or a District Court judge’.

**43 Section 115C(1)(b), ‘legal practitioner’—***omit, insert—*

‘lawyer’.

**44 Section 115K(1)(a), ‘revoke’—***omit, insert—*

‘revoke,’.

**45 Section 134(4)(b)(ii)(B), ‘Queensland Principal Club, the Harness Racing Board or, as the case may be,’—***omit, insert—*

‘Interim Thoroughbred Racing Board, Harness Racing Board or’.

**46 Section 254A, ‘Queensland Principal Club’—***omit, insert—*

‘Interim Thoroughbred Racing Board’.

**SCHEDULE 2****CONSEQUENTIAL AMENDMENTS COMMENCING ON  
A DAY TO BE FIXED BY PROCLAMATION**

section 3

- 1 Sections 11B, 11BA, 11C, 11D, 11E, 13, 14, 15, 17, 18, 19 and 20A,  
'Interim'—**

*omit.*

- 2 Section 20A(5), after '11G'—**

*insert—**' , other than under section 11G(1)(f),'*

- 3 Sections 25, 26, 30, 134(4)(b)(ii)(B) and 254A, 'Interim'—**

*omit.*