



Queensland

Racing Amendment Act 2006

Act No. 18 of 2006



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Act No. 18 of 2006

An Act to amend the *Racing Act 2002*

[Assented to 2 May 2006]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Racing Amendment Act 2006*.

2 Commencement

This Act, other than sections 3 and 9, commences on 1 July 2006.

3 Act amended

This Act amends the *Racing Act 2002*.

4 Amendment of s 68 (Composition of committee)

Section 68(5)(d), after ‘the control body’—
insert—
‘or a former thoroughbred control body’.

5 Amendment of s 68M (Thoroughbred Racing Board must pay share of net UNiTAB product fee as prize money)

- (1) Section 68M, heading, ‘Thoroughbred Racing Board’—
omit, insert—
‘Thoroughbred control body’.
- (2) Section 68M, ‘Thoroughbred Racing Board’—
omit, insert—
‘thoroughbred control body’.
- (3) Section 68M(2), ‘board’—
omit, insert—
‘thoroughbred control body’.

6 Amendment of s 359 (Codes of racing for which continuing control bodies responsible)

Section 359—

insert—

‘(5) On 1 July 2006—

(a) subsection (1) stops applying; and

(b) the Thoroughbred Racing Board stops being a continuing control body.

Note—

See also part 4 for provisions about the dissolution of the Thoroughbred Racing Board.’.

7 Amendment of s 364 (Powers of continuing control body)

Section 364(3)(a)—

insert—

‘*Note—*

On 1 July 2006, the Thoroughbred Racing Board stopped being a continuing control body.’.

8 Amendment of s 366 (Membership of continuing control body and chairpersons)

(1) Section 366—

insert—

‘(3A) Subsection (3) stops applying on 1 July 2006.’.

(2) Section 366(3A) and (4)—

renumber as section 366(4) and (5).

9 Amendment of s 370 (Expiry of sch 1 (Relocated provisions))

Section 370, ‘3 years’—

omit, insert—

‘5 years’.

10 Amendment of s 377 (Rules of continuing control bodies are rules of racing under this Act)

Section 377(1)—

insert—

‘Note—

On 1 July 2006, the Thoroughbred Racing Board stopped being a continuing control body. See also part 4.’.

11 Amendment of s 379 (Registered clubs taken to be licensed)

Section 379(3)—

insert—

‘Note—

On 1 July 2006, the Thoroughbred Racing Board stopped being a continuing control body. See also part 4.’.

12 Insertion of new ch 10, pt 4

Chapter 10—

insert—

‘Part 4 Transitional provisions for Racing Amendment Act 2006

‘397 Definitions for pt 4

‘In this part—

commencement means 1 July 2006.

former board means the Thoroughbred Racing Board.

new thoroughbred control body means Queensland Racing Limited ACN 116 735 374, approved as the control body for thoroughbred racing.

‘398 Dissolution of former board

- ‘(1) On the commencement—
 - (a) the former board is dissolved; and
 - (b) the members of the former board go out of office.
- ‘(2) No compensation is payable to a member because of subsection (1).

‘399 New thoroughbred control body is legal successor of former board

- ‘(1) The new thoroughbred control body is the successor in law of the former board.
- ‘(2) The other provisions of this part do not limit subsection (1).

‘400 Assets and liabilities etc.

- ‘(1) On the commencement—
 - (a) anything that was an asset or liability of the former board immediately before the commencement becomes an asset or liability of the new thoroughbred control body; and
 - (b) an agreement or arrangement in force immediately before the commencement between the former board and another entity is taken to be an agreement or arrangement between the new thoroughbred control body and the other entity; and
 - (c) any property that was, immediately before the commencement, held by the former board on trust or subject to conditions continues to be held by the new thoroughbred control body on the same trusts or subject to the same conditions.
- ‘(2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the new thoroughbred control body, record the vesting of property under this section in the new thoroughbred control body.

‘401 Employees of former board

- ‘(1) This section applies to a person who, immediately before the commencement, was an employee of the former board.
- ‘(2) On the commencement, the person becomes an employee of the new thoroughbred control body.
- ‘(3) The person—
 - (a) must be employed on terms and conditions of employment at least equivalent to those applying to the person immediately before the commencement; and
 - (b) remains entitled to all rights of employment existing or accruing immediately before the commencement.

‘402 Proceedings

- ‘(1) A proceeding that could have been started by or against the former board before the commencement may be started by or against the new thoroughbred control body.
- ‘(2) From the commencement, an existing proceeding may be continued and finished by or against the new thoroughbred control body.
- ‘(3) In this section—
 - existing proceeding* means a proceeding that—
 - (a) was taken by or against a following person before the commencement—
 - (i) the former board;
 - (ii) a member of the former board in the capacity as a member of the former board; and
 - (b) has not been finished before the commencement.

‘403 Things done by former board

- ‘(1) Anything done by the former board under this Act—
 - (a) continues to have effect; and
 - (b) from the commencement, is taken to have been done by the new thoroughbred control body.

- ‘(2) Without limiting subsection (1), on the commencement—
- (a) a policy of the former board that was in effect immediately before the commencement continues as if it were a policy of the new thoroughbred control body; and
 - (b) rules of racing made by the former board and in force immediately before the commencement continue as if they were rules of racing made by the new thoroughbred control body; and
 - (c) a licence issued or taken to be issued by the former board before the commencement that is in force immediately before the commencement continues as if it had been issued by the new thoroughbred control body; and
 - (d) a racing calendar prepared by the former board for a period ending after the commencement continues as if it had been prepared by the new thoroughbred control body.

‘404 Rights and obligations of former board under this Act

‘Without limiting any other provision in this part, a right or obligation of the former board under this Act immediately before the commencement becomes a right or obligation of the new thoroughbred control body.

‘405 Application of audit regime to new thoroughbred control body

‘From the commencement, a program approved by the Minister under section 46(3)¹ for 2006 applies to the new thoroughbred control body to the extent it is stated to apply to the former board.

¹ Section 46 (Program for auditing suitability of control bodies)

‘406 Provision for committee members

- ‘(1) This section applies to a person who—
- (a) immediately before the commencement, was a member of the committee and a member of the former board; and
 - (b) on the commencement, is a member or director of the new thoroughbred control body.
- ‘(2) Despite section 68C(g)(i),² the person does not vacate office as a member of the committee.

‘407 Provision for application of s 68M

- ‘(1) This section applies for section 68M³ in relation to the year in which the commencement falls.
- ‘(2) An amount of the former board’s net UNiTAB product fee paid under the section by the former board before the commencement is taken to have been paid by the new thoroughbred control body under the section.

‘408 Appeals

- ‘(1) If an appeal committee was established by the former board and is in existence immediately before the commencement, on the commencement the appeal committee—
- (a) continues as if it had been established by the new thoroughbred control body under its rules of racing for thoroughbred racing; and
 - (b) may continue to deal with an appeal under consideration immediately before the commencement as if the appeal had been started under the new thoroughbred control body’s rules of racing for thoroughbred racing.
- ‘(2) Subsection (3) applies in relation to an appeal—
- (a) against a reviewable decision made before the commencement; and

2 Section 68C (Vacation of office)

3 Section 68M (Thoroughbred control body must pay share of net UNiTAB product fee as prize money)

- (b) started after the commencement.
- ‘(3) The appeal may be dealt with by—
 - (a) an appeal committee mentioned in subsection (1); or
 - (b) if there is no appeal committee established by the former board and in existence immediately before the commencement—an appeal committee established by the new thoroughbred control body.
- ‘(4) For subsections (1)(b) and (3), the steward’s decision appealed against is taken to be a decision made by the steward for the new thoroughbred control body.
- ‘(5) This section does not limit section 403(1).

‘409 Continuation of action started against licensed club under ch 3, pt 4

- ‘(1) This section applies if, before the commencement, the former board—
 - (a) gave a licensed club a show cause notice under chapter 3, part 4;⁴ and
 - (b) has not decided whether to take action under the part in relation to the club.
- ‘(2) From the commencement, chapter 3, part 4 continues to apply in relation to the show cause notice as if the notice had been given by the new thoroughbred control body.
- ‘(3) This section does not limit section 403(1).

‘410 Pt 4 does not affect existing legal relationships

- ‘Nothing done under this part in relation to the former board—
 - (a) places the new thoroughbred control body in breach of a contract, trust or confidence or otherwise makes the new thoroughbred control body guilty of a civil wrong; or

⁴ Chapter 3 (Control bodies managing their codes of racing), part 4 (Control bodies may take certain action against licensed clubs)

- (b) makes the new thoroughbred control body in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, transfer or assumption of a right or liability; or
- (c) is taken to fulfil a condition or otherwise constitute an event—
 - (i) allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or modify the operation or effect of an instrument or obligation; or
 - (ii) requiring money to be paid, or anything else to be done, before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.

‘411 References to former board

‘In an Act or document, a reference to the former board may, if the context permits, be taken as a reference to the new thoroughbred control body.’

13 Amendment of sch 1 (Relocated provisions)

- (1) Schedule 1, section 1, definition *selection panel*—
omit.
- (2) Schedule 1, part 2—
omit.

14 Amendment of sch 3 (Dictionary)

- (1) Schedule 3—
insert—

‘**chairperson**, of the thoroughbred control body, means the chairperson of the body’s board.

commencement, for chapter 10, part 4, see section 397.

former board, for chapter 10, part 4, see section 397.

new thoroughbred control body, for chapter 10, part 4, see section 397.’.

- (2) Schedule 3, definition *continuing control body*, paragraph (a)—
omit.
- (3) Schedule 3, definition *continuing control body*, paragraphs (b) and (c)—
renumber as paragraphs (a) and (b).
- (4) Schedule 3, definition *net UNiTAB product fee*, ‘Thoroughbred Racing Board’—
omit, insert—
‘thoroughbred control body’.
- (5) Schedule 3, definition *net UNiTAB product fee*, ‘board’—
omit, insert—
‘thoroughbred control body’.
- (6) Schedule 3, definition *thoroughbred control body*—
insert—
‘*Note*—
Schedule 1, part 2 was omitted on 1 July 2006.’.
- (7) Schedule 3, definition *Thoroughbred Racing Board*, after ‘for thoroughbred racing’—
insert—
‘until 30 June 2006’.
- (8) Schedule 3, definition *Thoroughbred Racing Board*—
insert—
‘*Note*—
See chapter 10, part 4 for provisions about the dissolution of the Thoroughbred Racing Board.’.

Schedule Minor amendments

section 3

- 1 Section 7(2)(f), ‘racing associations’—**
omit, insert—
‘country racing associations’.
- 2 Section 7(2)(f), ‘Queensland Regional Racing Council’—**
omit, insert—
‘Queensland Country Racing Committee’.
- 3 Section 64A(2)(b), ‘(2)(a)’—**
omit, insert—
‘paragraph (a)’.
- 4 Section 97(3)(c), ‘racing association’—**
omit, insert—
‘country racing association’.
- 5 Section 154(c), ‘council member’—**
omit, insert—
‘committee member’.
- 6 Section 165(1)—**
insert—
(c) if the presiding case manager is selected by the tribunal chairperson under subsection (2)—the presiding case manager.’.

Schedule (continued)

- 7 Section 165(2)—**
omit, insert—
(2) The tribunal chairperson may select the presiding case manager to constitute the tribunal for dealing with an application or matter prescribed under a regulation.’.
- 8 Chapter 9, division 1, heading, ‘Division 1’—**
omit, insert—
‘Part 1’.
- 9 Chapter 9, division 2, heading, ‘Division 2’—**
omit, insert—
‘Part 2’.
- 10 Chapter 9, division 3, heading, ‘Division 3’—**
omit, insert—
‘Part 3’.
- 11 Chapter 9, division 4, heading, ‘Division 4’—**
omit, insert—
‘Part 4’.
- 12 Section 355(2)—**
omit.
- 13 Section 355(3)—**
renumber as section 355(2).

Schedule (continued)

- 14 **Schedule 3, definitions *council member* and *Queensland Regional Racing Council*—**
 omit.
- 15 **Schedule 3—**
 insert—
 ‘*committee member* means a person who is a member of the committee.’.