



Queensland

# **Racing and Other Legislation Amendment Act 2012**

**Act No. 42 of 2012**





## Queensland

# Racing and Other Legislation Amendment Act 2012

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Queensland

## **Racing and Other Legislation Amendment Act 2012**

**Act No. 42 of 2012**

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**An Act to amend the Interactive Gambling (Player Protection) Act 1998, the Racing Act 2002 and the Wagering Act 1998 for particular purposes**

**[Assented to 11 December 2012]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Racing and Other Legislation Amendment Act 2012*.

### **2 Commencement**

This Act, other than sections 10 and 13, commences on a day to be fixed by proclamation.

## **Part 2 Amendment of Interactive Gambling (Player Protection) Act 1998**

### **3 Act amended**

This part amends the *Interactive Gambling (Player Protection) Act 1998*.

### **4 Amendment of s 6 (Meaning of *interactive game*)**

Section 6(2)(a)—

*omit, insert—*

‘(a) wagering conducted under the *Racing Act 2002* if—

- (i) a person places a wager with a racing bookmaker by using a telecommunications system under that Act for conducting the wagering; and



[s 7]

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- (ea) the establishment of the Racing Disciplinary Board to hear and decide appeals against appellable decisions;
  - (fa) the process for granting offcourse approvals to racing bookmakers for carrying on racing bookmaking at places other than licensed venues;’.
- (3) Section 4(2)(aa) to (i)—  
*renumber* as section 4(2)(a) to (n).

## **7 Replacement of ch 2, pt 1, hdg (Main purposes of chapter)**

Chapter 2, part 1, heading—  
*omit, insert—*

### **‘Part 1 Preliminary’.**

## **8 Amendment of s 7 (Main purposes of ch 2 and how they generally are achieved)**

- (1) Section 7(1)(a) and (b)—  
*renumber* as section 7(1)(c) and (d).
- (2) Section 7(1)—  
*insert—*
- ‘(a) to establish a control body for the thoroughbred, harness and greyhound codes of racing; and
  - (b) to establish control boards for the thoroughbred, harness and greyhound codes of racing; and’.
- (3) Section 7(2)—  
*omit, insert—*
- ‘(2) Generally, the main purposes of this chapter are achieved by providing for the following—
- (a) establishment of the Queensland All Codes Racing Industry Board as the control body for the thoroughbred, harness and greyhound codes of racing;

- 
- (b) powers and functions of the Queensland All Codes Racing Industry Board, including provisions relating to executive officers, employees and conducting business;
  - (c) establishment of each of the following control boards—
    - (i) the Queensland Thoroughbred Racing Board;
    - (ii) the Queensland Harness Racing Board;
    - (iii) the Queensland Greyhound Racing Board;
  - (d) criteria to establish the corporations that may apply for approval as an approved control body;
  - (e) requirements for each approval applicant for a code of racing or proposed code of racing;
  - (f) assessment procedures relating to an approval application, and requirements to investigate business associates and executive associates of the approval applicant, including, for example, obtaining their criminal histories;
  - (g) powers and obligations of a control body for its code of racing;
  - (h) reporting requirements that apply to a control body and mechanisms for the Minister to monitor and discipline a control body, including by giving directions to or auditing a control body or taking disciplinary action relating to an approved control body.’.

**9 Omission of ch 2, pt 2, hdg and div 1, hdg**

Chapter 2, part 2, heading, and division 1, heading—  
*omit.*

**10 Amendment of s 9 (Meaning of *eligible individual*)**

Section 9(e)(ii), after ‘association formed’—  
*insert—*  
‘in Australia’.

[s 11]

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**11 Insertion of new ch 2, pts 1A and 1B and pt 2, hdg**

Chapter 2, after section 9—

*insert—*

**‘Part 1A Queensland All Codes Racing Industry Board**

**‘Division 1 Establishment and status of all-codes board**

**‘9AA Establishment of Queensland All Codes Racing Industry Board**

‘The Queensland All Codes Racing Industry Board is established.

**‘9AB All-codes board to be control body for particular codes of racing**

‘The all-codes board is the control body for the following codes of racing (each a *board code of racing*)—

- (a) thoroughbred racing;
- (b) harness racing;
- (c) greyhound racing.

**‘9AC Application of various public sector Acts**

‘(1) The all-codes board is—

- (a) a statutory body under the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and
- (c) a unit of public administration under the *Crime and Misconduct Act 2001*.

- 
- ‘(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the all-codes board’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## ‘Division 2                    **All-codes board’s functions and powers**

### ‘9AD   **All-codes board’s functions**

- ‘(1) The primary function of the all-codes board is to be the control body for the board codes of racing with responsibility for the management of the relevant codes of racing.
- ‘(2) The functions of the all-codes board include, but are not limited to—
- (a) identifying, assessing and developing responses to strategic issues relevant to the board codes of racing individually or as a whole; and
  - (b) developing and implementing responses to strategic challenges faced by the board codes of racing individually or as a whole; and
  - (c) leading and facilitating negotiations between 2 or more control boards about strategic issues and agreements that affect the board codes of racing individually or as a whole; and
  - (d) leading and undertaking negotiations with other entities about strategic issues and agreements that affect the board codes of racing individually or as a whole; and
  - (e) identifying priorities for major capital expenditure for the board codes of racing individually or as a whole; and
  - (f) managing the redevelopment of existing, and the construction of new, racing infrastructure required by the board codes of racing individually or as a whole; and

[s 11]

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- (g) developing and implementing plans and strategies for developing, promoting and marketing the board codes of racing individually or as a whole; and
- (h) assisting control boards by providing staff required by control boards for the performance of the control boards' functions; and
- (i) funding the cost of the performance of control boards' functions; and
- (j) making recommendations to the Minister about the administration and conduct of the board codes of racing individually or as a whole; and
- (k) considering any matters referred to the all-codes board by the Minister; and
- (l) if a matter is referred to the all-codes board by the Minister under paragraph (k)—reporting to the Minister.

### **'9AE All-codes board's powers**

- '(1) The all-codes board has—
  - (a) the powers listed in subsection (2) and section 34; and
  - (b) the powers to do anything else necessary or convenient to be done in performing its functions or discharging the obligations imposed on the board under this Act.
- '(2) The all-codes board has the powers of an individual and may, for example—
  - (a) enter into contracts and agreements; and
  - (b) acquire, hold, deal with or dispose of property; and
  - (c) engage consultants or contractors; and
  - (d) appoint agents and attorneys; and
  - (e) employ staff.

*Note—*

Section 449 states that the employees employed by Racing Queensland Limited ACN 142 786 874 immediately before the

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commencement of that section become employees of the all-codes board on the same terms, conditions and entitlements applying before the commencement.

- ‘(3) In exercising a power, the all-codes board may exercise the power in relation to—
- (a) each board code of racing individually; or
  - (b) the board codes of racing as a whole.

**‘9AF All-codes board must perform functions in best interests of all codes of racing**

‘In performing a function of the board under this Act, the all-codes board must perform the function in a way that is in the best interests of the thoroughbred, harness and greyhound codes of racing as a whole while having regard to the interests of each individual code.

**‘9AG Payment of share of net UNiTAB product fee as prize money**

- ‘(1) The all-codes board must pay 5.32% of its net UNiTAB product fee for a year as prize money for non-TABQ thoroughbred races conducted by non-TABQ thoroughbred clubs in the year.
- ‘(2) If, at the end of a year, the all-codes board has not paid 5.32% of its net UNiTAB product fee for the year as prize money as required under subsection (1), the all-codes board must use the remaining amount of the 5.32% for supporting non-TABQ thoroughbred racing.

*Example of use of remaining amount of the 5.32% for supporting non-TABQ thoroughbred racing—*

carrying out maintenance at a non-TABQ thoroughbred club

**‘9AH Delegation by all-codes board**

‘The all-codes board may delegate its powers to an appropriately qualified person.

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## **‘Division 3                    Membership of all-codes board**

### **‘9AI    Members**

- ‘(1) The all-codes board consists of the following 5 members—
  - (a) the chairperson of the Queensland Thoroughbred Racing Board;
  - (b) the chairperson of the Queensland Harness Racing Board;
  - (c) the chairperson of the Queensland Greyhound Racing Board;
  - (d) 2 other members appointed by the Governor in Council.
- ‘(2) If the position of chairperson of a control board is vacant, the deputy chairperson of the control board is the member of the all-codes board for the period of the vacancy.
- ‘(3) A member appointed by the Governor in Council is to be appointed for a term of not more than 3 years.
- ‘(4) A person appointed as a member by the Governor in Council may be reappointed.

### **‘9AJ    Eligibility of members**

- ‘(1) A person is eligible for appointment as a member of the all-codes board only if the person—
  - (a) is an eligible individual; and
  - (b) is suitable to be appointed to the all-codes board; and
  - (c) has skills and experience in 1 or more of the following—
    - (i) business or financial management;
    - (ii) law;
    - (iii) leadership;
    - (iv) marketing;

- (v) a board code of racing.
- ‘(2) For subsection (1)(b), in making a decision about the person’s suitability, the Governor in Council must have regard to each of the following—
- (a) the person’s character or business reputation;
  - (b) the person’s current financial position and financial background;
  - (c) the person’s background.

**‘9AK Vacancy in member’s office**

- ‘(1) The office of a member of the all-codes board becomes vacant if—
- (a) for a member who is the chairperson of a control board—the member ceases to be the chairperson of the control board; or
  - (b) the member resigns by signed notice given to the Minister; or
  - (c) the member ceases to be an eligible individual; or
  - (d) both—
    - (i) the member is absent, without reasonable cause, from 3 consecutive meetings of the all-codes board after being given notice of the meetings; and
    - (ii) is not, within 6 weeks after the last meeting, excused by the all-codes board for the absence; or
  - (e) the member is removed from office under subsection (2).
- ‘(2) The Governor in Council may remove a member of the all-codes board from office as member for any reason or none.

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**‘9AL Chairperson and deputy chairperson of all-codes board**

- ‘(1) The Governor in Council must appoint 1 of the members of the all-codes board as the chairperson of the all-codes board.
- ‘(2) The Governor in Council must appoint 1 of the members of the all-codes board as the deputy chairperson of the all-codes board.
- ‘(3) A person may be appointed as the chairperson or deputy chairperson of the all-codes board at the same time as the person is appointed as a member of the all-codes board or at another time.

**‘9AM Vacancy in chairperson’s or deputy chairperson’s office**

- ‘(1) The office of chairperson or deputy chairperson of the all-codes board becomes vacant if the chairperson or deputy chairperson—
  - (a) ceases to be a member of the all-codes board; or
  - (b) resigns office as chairperson or deputy chairperson by signed notice given to the Minister; or
  - (c) is removed from office as chairperson or deputy chairperson under subsection (3).
- ‘(2) The chairperson or deputy chairperson of the all-codes board may resign office as chairperson or deputy chairperson without resigning office as a member of the all-codes board.
- ‘(3) The Governor in Council may remove a person from office as the chairperson or deputy chairperson of the all-codes board for any reason or none.

**‘9AN Casual vacancy**

- ‘(1) If the office of a member, chairperson or deputy chairperson of the all-codes board becomes vacant before the end of the member’s, chairperson’s or deputy chairperson’s term, the Governor in Council may appoint a person who is eligible to

be appointed under section 9AJ or 9AL to the all-codes board or to the office of chairperson or deputy chairperson.

- ‘(2) A person appointed under subsection (1)—
- (a) completes the rest of the term of appointment of the member, chairperson or deputy chairperson that the person is replacing; and
  - (b) is eligible for reappointment at the end of the term stated in paragraph (a).

#### **‘9AO Effect of vacancy in membership of all-codes board**

Despite section 9AI(1) or 9AL(1) or (2), the performance of a function, or exercise of a power, by the all-codes board is not affected merely because of a vacancy in the office of a member, the chairperson or the deputy chairperson of the all-codes board.

#### **‘9AP Remuneration and other conditions of appointment**

- ‘(1) A member of the all-codes board is to be paid the remuneration decided by the Governor in Council.
- ‘(2) A member of the all-codes board holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

### **‘Division 4 All-codes board business and meetings**

#### **‘9AQ Conduct of business**

‘Subject to this Act, the all-codes board may conduct its business, including its meetings, in the way it considers appropriate.

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### **‘9AR Time and place of meetings**

- ‘(1) The all-codes board may hold its meetings when and where the chairperson of the all-codes board decides.
- ‘(2) However, the chairperson must call a meeting if asked in writing by at least 1 other member of the all-codes board.

### **‘9AS Quorum**

‘A quorum for a meeting of the all-codes board is at least 3 of the members of the all-codes board.

### **‘9AT Presiding at meetings**

- ‘(1) The chairperson of the all-codes board presides at all meetings of the all-codes board at which the chairperson is present.
- ‘(2) If the chairperson is absent, the deputy chairperson presides.

### **‘9AU Conduct of meetings**

- ‘(1) The all-codes board may conduct its meetings by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meetings.
- ‘(2) A member of the all-codes board who takes part in a meeting of the board under subsection (1) is taken to be present at the meeting.
- ‘(3) A question at a meeting of the all-codes board is to be decided by a majority of the votes of the members present at the meeting.
- ‘(4) If the votes are equal, the chairperson of the all-codes board has a casting vote.
- ‘(5) A resolution is a valid resolution of the all-codes board, even though it is not passed at a meeting of the all-codes board, if—

- (a) at least half the members give written agreement to the resolution; and
- (b) notice of the resolution is given in accordance with procedures approved by the all-codes board.

**‘9AV Annual meeting**

- ‘(1) The all-codes board must, within 2 months after its annual report is tabled in the Legislative Assembly, hold an annual meeting.
- ‘(2) The annual meeting must be open to the public.
- ‘(3) The all-codes board must give 4 weeks notice of when and where it intends to hold its annual meeting on its website.

**‘9AW Minister may call meeting**

- ‘(1) The Minister may direct the all-codes board to convene a meeting to consider a matter specified by the Minister.
- ‘(2) The all-codes board is to comply with the Minister’s direction.

**‘9AX Minutes and other records**

‘The all-codes board must keep—

- (a) minutes of its meetings; and
- (b) a record of its decisions and resolutions.

**‘9AY Dissenting opinion to be reported**

- ‘(1) A member of the all-codes board attending a meeting of the all-codes board who objects to a decision made at the meeting in relation to the provision of advice to the Minister on a matter may require the member’s objection, and the member’s reasons for the objection, to be—
  - (a) recorded in the minutes of the meeting; and

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(b) reported in writing to the Minister when the advice is provided.

‘(2) The all-codes board is to comply with the requirement.

## **‘Division 5                    Chief executive officer**

### **‘9AZ Chief executive officer of all-codes board**

- ‘(1) The all-codes board is to have a chief executive officer.
- ‘(2) The chief executive officer of the all-codes board is appointed by the Governor in Council.
- ‘(3) A person is eligible for appointment to be the chief executive officer if the person—
- (a) is nominated by the Minister; and
  - (b) is recommended by the all-codes board; and
  - (c) is an eligible individual; and
  - (d) is suitable to be appointed as the chief executive officer; and
  - (e) has skills, expertise and experience to perform the functions of the chief executive officer; and
  - (f) is not a member of the all-codes board or a control board.
- ‘(4) For subsection (3)(d), in making a decision about the person’s suitability, the Governor in Council must have regard to each of the following—
- (a) the person’s character or business reputation;
  - (b) the person’s current financial position and financial background;
  - (c) the person’s background.

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**‘9BA Term of office**

- ‘(1) The chief executive officer of the all-codes board holds office for a term of 3 years.
- ‘(2) The chief executive officer may be reappointed as chief executive officer of the all-codes board.

**‘9BB Functions of chief executive officer**

‘The main functions of the chief executive officer of the all-codes board are as follows—

- (a) to ensure the all-codes board is managed in accordance with the priorities of the all-codes board;
- (b) to ensure the efficient and effective administration of the all-codes board;
- (c) to ensure the all-codes board complies with the requirements of this Act.

**‘9BC Remuneration and conditions of appointment**

- ‘(1) The chief executive officer of the all-codes board is employed under this Act and not under the *Public Service Act 2008*.
- ‘(2) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- ‘(3) The chief executive officer holds office on the terms and conditions, not provided for by this Act, that are decided by the all-codes board.

**‘9BD Vacancy**

- ‘(1) The office of chief executive officer of the all-codes board becomes vacant if the chief executive officer—
  - (a) completes the term of office and is not reappointed; or
  - (b) resigns by signed notice given to the Minister; or
  - (c) ceases to be an eligible individual; or

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(d) is removed by the Governor in Council under subsection (2).

‘(2) The Governor in Council may remove the chief executive officer of the all-codes board for any reason or none.

**‘9BE Acting chief executive officer of all-codes board**

‘(1) If there is a vacancy in the office of chief executive officer of the all-codes board or the chief executive officer is absent or for any reason is unable to perform the functions of the office, the all-codes board may appoint a person to act as chief executive officer for a period of not more than 3 months.

‘(2) However, the all-codes board can not appoint a person under subsection (1) for more than 3 months in any 1 year.

**‘9BF Delegation by chief executive officer**

‘The chief executive officer of the all-codes board may delegate a function of the chief executive officer to an appropriately qualified person approved by the all-codes board.

**‘Division 6 Information to be collected about potential member and chief executive officer of all-codes board**

**‘9BG Chief executive to gather information about candidate**

‘(1) Before a person (a *candidate*) may be appointed as a member or the chief executive officer of the all-codes board, the candidate must sign a consent form that gives the candidate’s consent to the following—

(a) the collection of personal information about the candidate by or for the chief executive;

(b) the collection of background information by or for the chief executive;

- (c) a criminal history check.
- ‘(2) The chief executive may, by notice given to the candidate, require the candidate to give the chief executive further information or a document relating to the candidate within a reasonable time stated in the notice.

### **‘9BH Obtaining criminal history of candidate**

- ‘(1) The chief executive may ask the police commissioner for the following—
  - (a) a written report on the candidate’s criminal history; and
  - (b) a brief description of the circumstances of a conviction mentioned in the candidate’s criminal history.
- ‘(2) After receiving the request, the police commissioner must give the report on the candidate’s criminal history to the chief executive.
- ‘(3) However, the duty imposed on the police commissioner applies only to information in the commissioner’s possession or to which the commissioner has access.

## **‘Division 7 Duties of executive officers and employees of all-codes board**

### **‘9BI Duty to act honestly and exercise care and diligence**

- ‘(1) An executive officer of the all-codes board must act honestly, and must exercise a reasonable degree of care and diligence, when performing the executive officer’s functions and exercising the executive officer’s powers.
- ‘(2) A current or former executive officer must not make improper use of information acquired because of the executive officer’s position as an executive officer—
  - (a) to gain, directly or indirectly, an advantage for the executive officer or for any other person; or

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- (b) to cause detriment to—
  - (i) the all-codes board; or
  - (ii) a control board.
- ‘(3) An executive officer must not make improper use of the executive officer’s position as an executive officer—
  - (a) to gain, directly or indirectly, an advantage for the executive officer or for any other person; or
  - (b) to cause detriment to—
    - (i) the all-codes board; or
    - (ii) a control board.
- ‘(4) This section—
  - (a) has effect in addition to, and not in derogation of, any law relating to the civil or criminal liability of an executive officer of the all-codes board; and
  - (b) does not prevent the starting of a civil or criminal proceeding in respect of civil or criminal liability.

### ‘9BJ Member must disclose interest

- ‘(1) This section applies if—
  - (a) a member (the *interested member*) of the all-codes board has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered at a meeting of the all-codes board; and
  - (b) the interest appears to raise a conflict with the proper performance of the member’s duties in relation to the consideration of the matter.
- ‘(2) The interested member must, as soon as possible after the relevant facts have come to the interested member’s knowledge, disclose the nature of the interest at a meeting of the all-codes board.

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- ‘(3) Particulars of any disclosure made under this section must be recorded by the all-codes board in a register of interests kept for the purpose.
- ‘(4) Unless the all-codes board otherwise directs, the interested member must not—
- (a) be present during any deliberation of the all-codes board about the matter; or
  - (b) take part in any decision of the all-codes board about the matter.
- ‘(5) For the giving of a direction by the all-codes board under subsection (4), the interested member must not—
- (a) be present during any deliberation of the all-codes board for the purpose of deciding whether to give the direction; or
  - (b) take part in the decision about giving the direction by the all-codes board.
- ‘(6) A contravention of this section does not invalidate any decision of the all-codes board.
- ‘(7) However, if the all-codes board becomes aware a member has contravened this section, the all-codes board must reconsider any decision made by the all-codes board in which the member took part in contravention of this section.
- ‘(8) If a member is a chairperson of a control board, the member may have regard to, or may act in, the interests of the control board for which the member is the chairperson.
- ‘(9) However, a member may not act in a way that is contrary to the interests of the all-codes board.
- ‘(10) A reference to an interest or a conflict of interest is a reference to a matter within its ordinary meaning under the general law, and, in relation to an interest, the definition in the *Acts Interpretation Act 1954*, section 36 does not apply.

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### **‘9BK Conflicts of interest**

- ‘(1) If a person employed by the all-codes board, other than a member, has an interest that conflicts or may conflict with the discharge of the person’s duties, the person—
  - (a) must disclose the nature of the interest and conflict to the all-codes board as soon as practicable after the relevant facts come to the person’s knowledge; and
  - (b) must not take action or further action relating to a matter that is, or may be, affected by the conflict unless authorised by the all-codes board.
- ‘(2) The all-codes board may direct a person employed by the board to resolve a conflict or possible conflict between an interest of the person and the person’s duties.
- ‘(3) For the interpretation of a reference to an interest or a conflict of interest, see section 9BJ(10).

## **‘Division 8                      Immunity for members and chief executive officer of all-codes board**

### **‘9BL Protection from liability**

- ‘(1) A member of the all-codes board or the chief executive officer of the board does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- ‘(2) If subsection (1) prevents a civil liability attaching to a member or the chief executive, the liability attaches instead to the all-codes board.

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**‘Division 9                    Ministerial direction to all-codes board**

**‘9BM Ministerial direction to all-codes board about its functions or powers**

- ‘(1) The Minister may give the all-codes board a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is in the best interests of the Queensland racing industry to give the direction.
- ‘(2) However, the Minister may not give the all-codes board a direction about any of the following—
  - (a) the allocation of race days, and the provision of funding, to clubs licensed by the all-codes board to hold race meetings;
  - (b) the prize money for races held for a board code of racing;
  - (c) a decision of the all-codes board for which there is a right of appeal to the disciplinary board or a right of review by the tribunal;
  - (d) a decision mentioned in section 149S(2).
- ‘(3) The all-codes board must comply with a direction given under subsection (1).
- ‘(4) The all-codes board—
  - (a) must include in its annual report, prepared under the *Financial Accountability Act 2009*, section 63, details of any direction given by the Minister under subsection (1) during the financial year to which the report relates; and
  - (b) may include in the report a comment about the effect on the all-codes board’s activities of complying with the direction.

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## **‘Division 10            Other matters**

### **‘9BN Committees**

- ‘(1) This section applies to a committee established by the all-codes board under section 34(2)(q).
- ‘(2) The all-codes board may decide on the membership and functions of the committee.
- ‘(3) Unless the all-codes board decides otherwise, the committee may conduct its proceedings, including its meetings, as it considers appropriate.

## **‘Part 1B                Control boards**

### **‘Division 1            Establishment, functions and powers**

#### **‘9BO Establishment of control boards**

‘Each of the following (each a *control board*) is established—

- (a) the Queensland Thoroughbred Racing Board;
- (b) the Queensland Harness Racing Board;
- (c) the Queensland Greyhound Racing Board.

#### **‘9BP Control boards for particular codes of racing**

- ‘(1) The Queensland Thoroughbred Racing Board is the control board for the thoroughbred code of racing.
- ‘(2) The Queensland Harness Racing Board is the control board for the harness code of racing.
- ‘(3) The Queensland Greyhound Racing Board is the control board for the greyhound code of racing.

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**‘9BQ Control board’s functions and powers**

- ‘(1) A control board has the following functions—
- (a) to assist the all-codes board to manage the control board’s code of racing;
  - (b) to do anything that the control board is asked to do by the all-codes board for the control board’s code of racing.
- ‘(2) A control board may do any of the following for the control board’s code of racing—
- (a) review, and make recommendations about, the all-codes board’s allocation of—
    - (i) dates on which race meetings are to be held; or
    - (ii) prize money;
  - (b) make recommendations to the all-codes board to amend the code’s rules of racing;
  - (c) consult with industry stakeholders;
  - (d) with approval from the all-codes board—
    - (i) distribute the amount allocated by the all-codes board to the control board as prize money for races; and
    - (ii) develop strategic plans for the ongoing operation of the code; and
    - (iii) prepare and implement plans and strategies for developing, promoting and marketing the commercial operations of the code; and
    - (iv) encourage and facilitate the development of ancillary racing activities for the code; and
    - (v) anything necessary or convenient for the powers under this subsection, or for performing the control board’s functions under subsection (1).

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**‘9BR Authentication of documents**

‘A document made by a control board is sufficiently made if it is signed by the board’s chairperson or another person authorised by the board.

**‘9BS Delegation by control board**

‘A control board may delegate any of its powers to an appropriately qualified person approved by the all-codes board.

**‘Division 2 Members of control board**

**‘9BT Members**

‘A control board is to consist of 3 members appointed by the Governor in Council.

**‘9BU Eligibility of members**

- ‘(1) A person is eligible for appointment as a member of a control board if the person—
- (a) is an eligible individual; and
  - (b) is suitable to be appointed to the control board; and
  - (c) has skills and experience in 1 or more of the following—
    - (i) business or financial management;
    - (ii) law;
    - (iii) leadership;
    - (iv) marketing;
    - (v) the control board’s code of racing.
- ‘(2) For subsection (1)(b), in making a decision about the person’s suitability, the Governor in Council must have regard to each of the following—

- (a) the person's character or business reputation;
- (b) the person's current financial position and financial background;
- (c) the person's background.

#### **'9BV Term of office**

- '(1) At the end of the initial term for a control board, 2 of the original control board's members must stand down from the control board.
- '(2) The year after the end of the initial term, the remaining member of the control board must stand down.
- '(3) A member of a control board appointed after the initial term serves a term of 3 years.
- '(4) A person must not be appointed for more than 2 consecutive terms.
- '(5) In this section—  
*initial term*, for a control board, means 3 years after the day the control board is established.

#### **'9BW Vacancy in member's office**

- '(1) The office of a member of a control board becomes vacant if the member—
  - (a) resigns by signed notice given to the Minister; or
  - (b) ceases to be an eligible individual; or
  - (c) both—
    - (i) the member is absent, without reasonable cause, from 3 consecutive meetings of the control board after being given notice of the meetings; and
    - (ii) is not, within 6 weeks after the last meeting, excused by the control board for the absence; or

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- (d) is removed by the Governor in Council under subsection (2).
- ‘(2) The Governor in Council may remove a member of a control board for any reason or none.
- ‘(3) If a member of a control board resigns, the control board must give notice about the resignation to the Minister and the chief executive officer of the all-codes board under subsection (4).
- (4) The notice mentioned in subsection (3) must—
  - (a) be in the approved form; and
  - (b) be given within 14 days after the resignation of the person as a member of a control board; and
  - (c) if, at the time of the resignation, the member was no longer an eligible individual, include the reason the member of the control board was no longer an eligible individual.

#### **‘9BX Chairperson and deputy chairperson**

- ‘(1) The Governor in Council must appoint 1 member of each control board to be the chairperson for the control board.
- ‘(2) The Governor in Council must appoint 1 member of each control board to be the deputy chairperson for the control board.
- ‘(3) A person may be appointed as the chairperson or deputy chairperson of a control board at the same time as the person is appointed as a member of the control board or at another time.

#### **‘9BY Vacancy in chairperson’s or deputy chairperson’s office**

- ‘(1) The office of chairperson or deputy chairperson of a control board becomes vacant if the chairperson or deputy chairperson—
  - (a) ceases to be a member of the control board; or

- (b) resigns office as chairperson or deputy chairperson by signed notice given to the Minister; or
  - (c) is removed by the Governor in Council under subsection (2).
- ‘(2) The Governor in Council may remove a member of the control board from the office of chairperson or deputy chairperson of a control board for any reason or none.

### **‘9BZ Casual vacancy**

- ‘(1) If the office of a member, chairperson or deputy chairperson of a control board becomes vacant before the end of the member’s, chairperson’s or deputy chairperson’s term, the Governor in Council may appoint a person who is eligible to be appointed under section 9BU or 9BX to the control board or the office of chairperson or deputy chairperson.
- ‘(2) A person appointed under subsection (1)—
- (a) completes the rest of the term of appointment of the member, chairperson or deputy chairperson that the person is replacing; and
  - (b) is eligible to be reappointed only for 1 additional term at the end of the term stated in paragraph (a).

### **‘9CA Effect of vacancy in membership of control board**

‘Despite section 9BT or 9BX(1) or (2), the performance of a function, or exercise of a power, by a control board is not affected merely because of a vacancy in the office of a member, the chairperson or the deputy chairperson of the control board.

### **‘9CB Remuneration and other conditions of appointment**

- ‘(1) A member of a control board is to be paid the remuneration decided by the Governor in Council.

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- ‘(2) A member of a control board holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

### **‘Division 3                      Control board business and meetings**

#### **‘9CC    Conduct of business**

‘Subject to this Act, a control board may conduct its business, including its meetings, in the way it considers appropriate.

#### **‘9CD    Time and place of meetings**

- ‘(1) A control board may hold its meetings when and where the chairperson of the control board decides.
- ‘(2) However, the chairperson of the control board must call a meeting if asked in writing by at least 2 members of the control board.

#### **‘9CE    Quorum**

‘A quorum for a meeting of a control board is 2 members of the control board.

#### **‘9CF    Presiding at meetings**

- ‘(1) The chairperson of the control board presides at all meetings of the board at which the chairperson is present.
- ‘(2) If the chairperson of the control board is not present at a meeting, the deputy chairperson of the control board presides.

#### **‘9CG    Conduct of meetings**

- ‘(1) A control board may conduct its meetings by using any technology allowing reasonably contemporaneous and

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continuous communication between persons taking part in the proceedings.

- ‘(2) A member of a control board who takes part in a meeting of the control board under subsection (1) is taken to be present at the meeting.
- ‘(3) A question at a meeting of a control board is to be decided by a majority of the votes of the members present at the meeting.
- ‘(4) If the votes are equal, the chairperson of the control board has the casting vote.
- ‘(5) A resolution is a valid resolution of a control board, even though it is not passed at a meeting of the board, if—
  - (a) at least half of the members of the control board give written agreement to the resolution; and
  - (b) notice of the resolution is given in accordance with procedures approved by the control board.

#### **‘9CH Minutes and other records**

- ‘(1) A control board must keep—
  - (a) minutes of its meetings; and
  - (b) a record of any of its decisions and resolutions.
- ‘(2) A control board must give a copy of the minutes to the chief executive officer of the all-codes board.

#### **‘Division 4 Information to be collected about potential member of control board**

##### **‘9CI Chief executive to gather information about candidate**

- ‘(1) Before a person (a *candidate*) may be appointed as a member of a control board, the candidate must sign a consent form that gives the candidate’s consent to the following—
  - (a) the collection of personal information about the candidate by or for the chief executive;

[s 11]

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- (b) the collection of background information by or for the chief executive;
  - (c) a criminal history check.
- ‘(2) The chief executive may, by notice given to the candidate, require the candidate to give the chief executive further information or a document relating to the candidate within a reasonable time stated in the notice.

### **‘9CJ Obtaining criminal history of candidate**

- ‘(1) The chief executive may ask the police commissioner for the following—
- (a) a written report on the candidate’s criminal history; and
  - (b) a brief description of the circumstances of a conviction mentioned in the candidate’s criminal history.
- ‘(2) After receiving the request, the police commissioner must give the report on the candidate’s criminal history to the chief executive.
- ‘(3) However, the duty imposed on the police commissioner applies only to information in the commissioner’s possession or to which the commissioner has access.

## **‘Division 5 Duties of members of control boards**

### **‘9CK Duty to act honestly and exercise due care and diligence**

- ‘(1) A member of a control board must act honestly, and must exercise a reasonable degree of care and diligence, when performing the member’s functions and exercising the member’s powers.
- ‘(2) A current or former member of a control board must not make improper use of information acquired because of the member’s position as a member—

- 
- (a) to gain, directly or indirectly, an advantage for the member or for any other person; or
  - (b) to cause detriment to the control board or to the control board's code of racing.
- ‘(3) A member of a control board must not make improper use of the member's position as a member—
- (a) to gain, directly or indirectly, an advantage for the member or for any other person; or
  - (b) to cause detriment to the control board or to the control board's code of racing.
- ‘(4) This section—
- (a) has effect in addition to, and not in derogation of, any law relating to the civil or criminal liability of a member of the control board; and
  - (b) does not prevent the starting of a civil or criminal proceeding in respect of civil or criminal liability.

### ‘9CL Member must disclose interest

- ‘(1) This section applies if—
- (a) a member (the *interested member*) of a control board has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered at a meeting of the control board; and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.
- ‘(2) The interested member must, as soon as possible after the relevant facts have come to the interested member's knowledge, disclose the nature of the interest at a meeting of the control board.
- ‘(3) Particulars of any disclosure made under this section must be recorded by the control board in a register of interests kept for the purpose.

[s 11]

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- ‘(4) Unless the control board otherwise directs, the interested member must not—
- (a) be present during any deliberation of the control board about the matter; or
  - (b) take part in any decision of the control board about the matter.
- ‘(5) For the giving of a direction by the control board under subsection (4), the interested member must not—
- (a) be present during any deliberation of the control board for the purpose of deciding whether to give the direction; or
  - (b) take part in the decision about giving the direction by the control board.
- ‘(6) A contravention of this section does not invalidate any decision of the control board.
- ‘(7) However, if the control board becomes aware a member of the control board contravened this section, the control board must—
- (a) disclose the contravention to the chief executive officer of the all-codes board; and
  - (b) reconsider any decision made by the control board in which the member took part in contravention of this section.
- ‘(8) A reference to an interest or a conflict of interest is a reference to a matter within its ordinary meaning under the general law, and, in relation to an interest, the definition in the *Acts Interpretation Act 1954*, section 36 does not apply.

**‘9CM Disclosure of interest in licensed animal by member of a control board**

- ‘(1) This section applies if a member of a control board is or becomes an owner of a licensed animal, whether or not the member derives a financial benefit from the ownership interest.

- 
- ‘(2) The member must disclose the following information to a meeting of the members of the control board and to the chief executive officer of the all-codes board—
- (a) the number of licensed animals in which the member has an ownership interest and the name by which each animal is known;
  - (b) the code of racing for which each animal is licensed;
  - (c) the percentage of the member’s ownership interest in each animal.

Maximum penalty—40 penalty units.

- ‘(3) The all-codes board must make information disclosed under subsection (2) available to any person on request.
- ‘(4) However, subsection (3) does not apply if the member who disclosed the information is no longer a member of the control board.
- ‘(5) The all-codes board may charge a fee for making information available under subsection (3).
- ‘(6) A fee charged by the all-codes board for making information available under subsection (3) must not be more than the reasonable cost to the all-codes board of making the information available.
- ‘(7) Despite subsection (5), the all-codes board may not charge a fee for making information available to the Minister or chief executive.

## **‘Division 6                    Immunity for members of control board**

### **‘9CN    Protection from liability**

- ‘(1) A member of a control board does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

[s 11]

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- ‘(2) If subsection (1) prevents a civil liability attaching to a member of a control board, the liability attaches instead to the all-codes board.

## **‘Division 7                    Ministerial direction to control board**

### **‘9CO    Ministerial direction to control board about its functions or powers**

- ‘(1) The Minister may give a control board a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is in the best interests of the Queensland racing industry to give the direction.
- ‘(2) However, the Minister may not give a control board a direction about the following—
- (a) a recommendation to be given to the all-codes board regarding the allocation of race days to hold race meetings;
  - (b) the prize money for races held for the control board’s code of racing.
- ‘(3) The control board must comply with a direction given under subsection (1).

## **‘Division 8                    Investigating a control board**

### **‘9CP    Investigation into suitability of a control board**

‘The chief executive may investigate a control board to find out whether it is suitable to continue to carry out its functions.

## **‘Part 2                            Approved control bodies’.**

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**12 Renumbering of ch 2, pt 2, divs 2 to 7**

Chapter 2, part 2, as inserted, divisions 2 to 7—  
*renumber* as divisions 1 to 6.

**13 Amendment of s 11 (Approval application to be accompanied by specific matters)**

(1) Section 11(1)(d)—

*omit, insert—*

‘(d) a consent form signed by each person who the approval applicant considers is a business associate or executive associate of the approval applicant that gives the associate’s consent to the following—

- (i) the collection of personal information about the associate by or for the chief executive;
- (ii) the collection of background information by or for the chief executive;
- (iii) a criminal history check;’.

(2) Section 11(2)(h)—

*omit.*

(3) Section 11(4), from ‘approved,’—

*omit, insert—*

‘approved—

- (a) capable of implementation by the approval applicant within 18 months after the Minister’s approval of the application; or
- (b) if the approval applicant believes the proposals for the policies and the procedures are not capable of implementation within the 18 months—the plans mentioned in subsection (1)(f) must include an estimate of when the policies and the procedures would be capable of implementation by the approval applicant.’.

[s 14]

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**14 Amendment of s 16 (Application of div 4)**

Section 16, heading, ‘div 4’—

*omit, insert—*

‘div 3’.

**15 Replacement of s 22 (Chief executive must request fingerprints of business associates and executive associates of the approval applicant)**

Section 22—

*omit, insert—*

**‘22 Request to obtain criminal history of business associates and executive associates of approval applicant**

‘(1) This section applies if—

- (a) a business associate or executive associate of an approval applicant is an individual; and
- (b) the associate’s consent for the chief executive to obtain the associate’s criminal history did not accompany the approval application.

‘(2) The chief executive must, by notice to the approval applicant, ask the applicant for the written consent of the business associate or executive associate for the chief executive to obtain the associate’s criminal history.

‘(3) If the business associate or executive associate does not consent, or withdraws his or her consent, the application is taken to have been withdrawn.’.

**16 Amendment of s 23 (Obtaining the criminal history of an individual)**

(1) Section 23(1)—

*omit, insert—*

‘(1) If the chief executive has the written consent of an approval applicant’s business associate or executive associate who is an

individual to obtain the individual's criminal history, the chief executive may ask the police commissioner for the following—

- (a) a written report on the individual's criminal history;
- (b) a brief description of the circumstances of a conviction mentioned in the individual's criminal history.'

(2) Section 23(3)—

*omit, insert—*

'(3) However, the duty imposed on the police commissioner applies only to information in the commissioner's possession or to which the commissioner has access.'

## **17 Omission of s 32 (Destruction of fingerprints)**

Section 32—

*omit.*

## **18 Insertion of new ch 2, pt 2, div 7 and div 8, hdg**

Chapter 2, part 2, as inserted and renumbered—

*insert—*

### **'Division 7 Requirements for approved control body after approval**

#### **'32 Approved control body to report to chief executive on status as eligible corporation in previous financial year**

- '(1) Within 14 days after each anniversary day for an approved control body, the approved control body must give the chief executive a notice about whether the approved control body has been an eligible corporation for the year before the anniversary day and is, on that anniversary day, an eligible corporation.
- '(2) A notice under subsection (1) must be in the approved form.
- '(3) In this section—

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*anniversary day*, for an approved control body, means each day that is the anniversary of the day on which the approved control body's approval took effect.

## **'Division 8                      Disciplinary action against approved control bodies'.**

### **19        Amendment of s 33 (Function of control body)**

Section 33(2)—

*omit.*

### **20        Amendment of s 34 (Powers of control body for its code of racing)**

(1) Section 34, before section 34(1)—

*insert—*

'(1A) A control body has—

- (a) the powers necessary for performing its function; and
- (b) all other powers necessary for discharging the obligations imposed on the control body under this Act.'

(2) Section 34(1), 'A control body'—

*omit, insert—*

'Without limiting subsection (1), a control body'.

(3) Section 34(1)—

*insert—*

- '(aa) allocate dates on which race meetings are held under section 38;
- (ea) conduct research and investigations into all aspects of the breeding of animals and racing of licensed animals;'

(4) Section 34(1)(g), 'make decisions about,'—

*omit, insert—*

‘investigate, make decisions about’.

(5) Section 34(1)—

*insert—*

‘(ga) supervise—

- (i) the construction of a new racing venue; or
- (ii) alterations or renovations to an existing racing venue;

(gb) examine a licensed club’s constitution to determine if it complies with this Act and the relevant rules of racing;

(gc) publish material to inform the public, whether in Queensland or elsewhere;

(gd) prepare, on its own motion or when directed by the Minister, reports and recommendations;

(ge) order the audit of the books and accounts of a licensed club by a registered company auditor under the Corporations Act;’.

(6) Section 34(1)(i), ‘section 113E(1)’—

*omit, insert—*

‘section 113AF(1)’.

(7) Section 34(1)(j)—

*omit, insert—*

‘(j) establish a committee or another entity that—

- (i) assists the control body to perform its functions; or
- (ii) provides advice to the control body about performing its functions, and performs administrative functions, for non-TABQ races.’.

(8) Section 34(1)(a) to (j)—

*renumber* as section 34(1)(a) to (q).

(9) Section 34(1A) to (5)—

[s 21]

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*renumber* as section 34(1) to (6).

**21 Relocation and renumbering of s 34A (Control body approved for more than one code of racing)**

Section 34A—

*relocate* and *renumber*, in chapter 2, part 2, as inserted, division 5, as renumbered, as section 27A.

**22 Relocation and renumbering of s 36 (Obligation to implement plans as stated in approval application)**

Section 36—

*relocate* and *renumber*, in chapter 2, part 2, as inserted, division 7, as inserted, as section 32A.

**23 Replacement of ch 2, pt 3, div 3, hdg (Annual reporting by control bodies and related issues)**

Chapter 2, part 3, division 3, heading—

*omit, insert*—

**‘Division 3 Reporting to chief executive’.**

**24 Amendment of s 41 (Annual reporting by control body)**

(1) Section 41, heading—

*omit, insert*—

**‘41 Plan for managing code of racing’.**

(2) Section 41(2) and (3)—

*omit, insert*—

‘(2) The plan must be attached to a notice in the approved form.’.

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**25 Amendment of s 42 (Notice about change of executive officers)**

- (1) Section 42(3), after ‘approval’—

*insert—*

‘or, for the all-codes board, is appointed as an executive officer of the body after the body is established’.

- (2) Section 42(4)(d)—

*omit, insert—*

‘(d) be accompanied by a consent form signed by the person that gives the person’s consent to the following—

- (i) the collection of personal information about the person by or for the chief executive;
- (ii) the collection of background information by or for the chief executive;
- (iii) a criminal history check.’.

**26 Amendment, relocation and renumbering of s 43 (Notice of event resulting in a control body not being an eligible corporation)**

- (1) Section 43(3), ‘chief executive’s power under section 53’—

*omit, insert—*

‘Minister’s power under section 32G’.

- (2) Section 43—

*relocate and renumber* in chapter 2, part 2, as inserted, division 7, as inserted, as section 32B.

**27 Omission of ch 2, pt 4, div 1, hdg (Ministerial directions to control bodies)**

Chapter 2, part 4, division 1, heading—

*omit.*

[s 28]

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- 28 Amendment, relocation and renumbering of s 45 (Minister may give a direction to control body about its policies or rules)**
- (1) Section 45, heading, ‘Minister may give a direction to’—  
*omit, insert—*  
**‘Ministerial direction to approved’.**
- (2) Section 45—  
*relocate* and *renumber* in chapter 2, part 2, as inserted, division 7, as inserted, as section 32C.
- 29 Renumbering of ch 2, pt 4, div 2 (Audit regime and other investigations)**
- Chapter 2, part 4, division 2—  
*renumber* as chapter 2, part 4, division 1.
- 30 Amendment of s 47 (Investigations into suitability of a control body)**
- Section 47(2)—  
*omit.*
- 31 Amendment of s 48 (Investigation into suitability of associate of control body)**
- Section 48(2)—  
*omit.*
- 32 Amendment of s 51 (Criminal history report for investigation)**
- (1) Section 51(1), ‘the commissioner of the police service’—  
*omit, insert—*  
**‘the police commissioner’.**
- (2) Section 51(2)—

*omit, insert—*

- ‘(2) The report is to contain—
- (a) the person’s criminal history; and
  - (b) a brief description of the circumstances of a conviction mentioned in the person’s criminal history.
- ‘(3) However, the duty imposed on the police commissioner applies only to information in the commissioner’s possession or to which the commissioner has access.’.

**33 Omission of ch 2, pt 4, div 3, hdg (Disciplinary action against control bodies)**

Chapter 2, part 4, division 3, heading—

*omit.*

**34 Amendment of s 52 (Grounds for disciplinary action relating to the approval of a control body for its code of racing)**

- (1) Section 52(1)(f)—

*omit, insert—*

‘(f) the control body contravenes a Ministerial direction;’.

- (2) Section 52(3)—

*omit.*

**35 Relocation and renumbering of ss 52–58**

Sections 52 to 58—

*relocate* and *renumber* in chapter 2, part 2, as inserted, division 8, as inserted, as sections 32F to 32L.

**36 Replacement of ch 2, pt 4, div 4, hdg (Other provisions about control bodies)**

Chapter 2, part 4, division 4, heading—

[s 37]

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*omit, insert—*

**‘Division 2                    Executive officers of control body to  
disclose interest in licensed  
animal’.**

**37            Relocation and renumbering of ss 59 and 60**

Sections 59 and 60—

*relocate* and *renumber* in chapter 2, part 2, as inserted,  
division 7, as inserted, as sections 32D and 32E.

**38            Amendment of s 60A (Disclosure of interest in licensed  
animal by executive officer of control body)**

- (1) Section 60A(1), ‘becomes, or is on the commencement of this  
section, an’—

*omit, insert—*

‘is or becomes an’.

- (2) Section 60A(2), ‘directors’—

*omit, insert—*

‘relevant persons’.

- (3) Section 60A—

*insert—*

- ‘(8) In this section—

***relevant persons***, of the control body, means—

- (a) if the control body is the all-codes board—the members  
of the control body; or  
(b) if the control body is an approved control body—the  
directors of the control body.’.

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- 39 Omission of s 60B (Payment of share of net UNiTAB product fee as prize money)**  
Section 60B—  
*omit.*
- 40 Amendment of s 81 (Matters for which a control body must have a policy)**  
(1) Section 81(h)—  
*omit.*  
(2) Section 81(i) to (w)—  
*renumber* as section 81(h) to (v).
- 41 Amendment of s 87 (Control body’s policy for a licensing scheme)**  
(1) Section 87(6)—  
*renumber* as section 87(7).  
(2) Section 87—  
*insert—*  
(6) A control body’s policy for its licensing scheme may also provide for matters relating to an offcourse approval held by a racing bookmaker that are relevant to an effective licensing scheme.’.
- 42 Omission of ch 3, pt 3, div 1, hdg (General provisions about rules of racing)**  
Chapter 3, part 3, division 1, heading—  
*omit.*

[s 43]

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**43 Omission of ch 3, pt 3, div 2 (Appeals under rules of racing)**

Chapter 3, part 3, division 2—

*omit.*

**44 Amendment of s 113 (Prohibition of disposal of assets etc. of non-proprietary entity)**

Section 113(5), from ‘appropriate’—

*omit, insert—*

‘appropriate.’.

**45 Renumbering of ss 113A–113G**

Sections 113A to 113G—

*renumber* as sections 113AB to 113AK.

**46 Insertion of new ch 3A**

After section 113AK, as renumbered—

*insert—*

**‘Chapter 3A Racing Integrity Commissioner**

**‘Part 1 Establishment**

**‘113AL Racing Integrity Commissioner**

- ‘(1) There is to be a Racing Integrity Commissioner.
- ‘(2) The Governor in Council is to appoint the commissioner on the recommendation of the Minister.
- ‘(3) A person may be appointed as the commissioner only on a part-time basis and for a term of not more than 3 years.



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- (d) to make recommendations arising from an audit or investigation to the Minister and the control body.
- ‘(2) The commissioner also has the other functions given to the commissioner under this or another Act.
- ‘(3) In this section—  
*integrity process*, of a control body, means a policy, process, system, action, decision or other matter affecting the integrity of or the public’s confidence in the control body’s code of racing.

#### **‘113AO General restrictions on functions**

‘The commissioner can not investigate—

- (a) a matter that has already been decided by a court, the tribunal or the disciplinary board; or
- (b) a matter the subject of an unfinished proceeding started in a court, the tribunal or that is before the disciplinary board.

#### **‘113AP Powers of the commissioner**

- ‘(1) The commissioner has the powers necessary for performing the commissioner’s functions.
- ‘(2) The commissioner also has the other powers given to the commissioner under this or another Act.

#### **‘113AQ Vacancy in office**

‘The office of the commissioner becomes vacant if the commissioner—

- (a) ceases to be eligible to be the commissioner under section 113AM; or
- (b) resigns from office by signed notice given to the Minister; or
- (c) is removed from office under section 113AR.

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### **‘113AR Removal or suspension of commissioner**

‘The Governor in Council may remove or suspend a person from office as commissioner for any reason or none.

### **‘113AS Protection from liability**

- ‘(1) The commissioner does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- ‘(2) If subsection (1) prevents a civil liability attaching to the commissioner, the liability attaches instead to the State.

## **‘Part 3                      Audits and investigations**

### **‘113AT Commissioner’s powers for audits and investigations**

- ‘(1) In conducting an audit or investigation, the commissioner may—
  - (a) act in the absence of a person who has been given reasonable notice of the audit or investigation; and
  - (b) receive evidence on oath or affirmation or by statutory declaration; and
  - (c) disregard a defect, error or insufficiency in a document.
- ‘(2) The commissioner may administer an oath or affirmation to a person appearing as a witness before the commissioner.

### **‘113AU Power to require attendance and giving of evidence**

- ‘(1) If the commissioner has reason to believe a person has information relevant to an audit or investigation, the commissioner may give the person a written notice requiring the person to attend before the commissioner to answer questions relevant to the audit or investigation.

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- ‘(2) The notice must state—
  - (a) the place at which the person must attend; and
  - (b) a reasonable time at which, or a reasonable period for which, the person must attend.
- ‘(3) The notice may require the person to give evidence on oath or affirmation.

### **‘113AV Power to require information, document or thing**

- ‘(1) If the commissioner has reason to believe a person has information or a document or thing relevant to an audit or investigation, the commissioner may give the person a written notice requiring the person to—
  - (a) give the information to the commissioner in writing signed by the person or, in the case of a corporation, by an officer of the corporation; or
  - (b) produce the document or thing to the commissioner.
- ‘(2) The notice must state—
  - (a) the place at which the information, document or thing must be given or produced to the commissioner; and
  - (b) a reasonable time at which, or a reasonable period within which, the information, document or thing must be given or produced.

### **‘113AW Offences by witnesses**

- ‘(1) A person who is given a notice under section 113AU or 113AV must not, without reasonable excuse—
  - (a) fail to attend as required by the notice; or
  - (b) fail to continue to attend as required by the commissioner until excused from further attendance; or
  - (c) fail to produce a document or thing the person is required to produce by the notice.

Maximum penalty—100 penalty units.

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- ‘(2) A person appearing as a witness at the audit or investigation must not, without reasonable excuse—
- (a) fail to take an oath or make an affirmation when required by the commissioner; or
  - (b) fail to answer a question the person is required to answer by the commissioner.

Maximum penalty—100 penalty units.

- ‘(3) A person appearing as a witness at the audit or investigation must not give the commissioner information the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

- ‘(4) A person who is given a notice under section 113AV must not give the commissioner information, or a document containing information, the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

- ‘(5) Subsection (3) or (4) does not apply to a person who, when giving a document—
- (a) tells the commissioner, to the best of the person’s ability, how the information is false or misleading; and
  - (b) if the person has, or can reasonably get, the correct information—gives the correct information to the commissioner.

- ‘(6) In this section—

*giving*, information to a person, includes stating information to the person.

### ‘113AX Power to refuse to investigate complaint

- ‘(1) The commissioner may refuse to investigate a complaint about an integrity process of a control body or, having started to investigate a complaint, may refuse to continue the investigation, if—
- (a) the matter is being investigated by another entity; or

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- (b) the commissioner is reasonably satisfied it is appropriate for another entity to investigate the matter.
- ‘(2) If the commissioner refuses to investigate, or continue to investigate, a complaint under subsection (1), the commissioner must prepare a report stating—
- (a) the reasons the commissioner refused to investigate, or to continue to investigate, the complaint; and
  - (b) whether the commissioner is likely to investigate, or continue to investigate, the complaint in the future; and
  - (c) any other matter the commissioner considers reasonable to include in the report.
- ‘(3) The commissioner must give a copy of the report to the Minister.

### **‘113AY Report of findings**

- ‘(1) This section applies to—
- (a) an audit; or
  - (b) an investigation other than—
    - (i) an investigation that the commissioner has refused to investigate or to continue to investigate under section 113AX; or
    - (ii) an investigation about a complaint if the complaint has been withdrawn.
- ‘(2) After finishing the audit or investigation, the commissioner must prepare a report that includes—
- (a) the commissioner’s findings; and
  - (b) the commissioner’s recommendations, if any, based on the findings; and
  - (c) any other matter the commissioner considers reasonable to include in the report.
- ‘(3) The commissioner must give a copy of the report to the Minister.

- ‘(4) The commissioner may also give a copy of the report to another person approved by the Minister.

## ‘Part 4 Administration

### ‘113AZ Staff

- ‘(1) The chief executive may appoint or assign staff required by the commissioner for the performance of the commissioner’s functions.
- ‘(2) A public service officer appointed or assigned by the chief executive under subsection (1) holds the appointment or performs the duties concurrently with any other appointment the officer holds in the public service.

*Note—*

The public service officers are employed under the *Public Service Act 2008*.

- ‘(3) A person appointed under subsection (1) may be appointed under the *Public Service Act 2008* or under this Act.

### ‘113BA Funding

- ‘(1) The cost of the performance of the commissioner’s functions is funded by the control bodies.
- ‘(2) The chief executive must—
- (a) decide the amount a control body must pay from time to time towards the cost of the performance of the commissioner’s functions; and
  - (b) give the control body an invoice for the amount.
- ‘(3) The amount of the invoice is payable 28 days after the control body receives the invoice.

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### **‘113BB Recovery of unpaid amounts**

‘If a control body does not pay an amount payable under section 113BA(3), the State may recover the amount from the control body as a debt.

## **‘Part 5 Reporting**

### **‘113BC Annual report**

- ‘(1) The commissioner must prepare and give the Minister a written report about the operations of the commissioner during each financial year.
- ‘(2) Without limiting subsection (1), the report must contain the following—
  - (a) a review of the work undertaken by the commissioner during the financial year;
  - (b) proposals, if any, for improving the operations of the commissioner;
  - (c) a forecast of the work of the commissioner for the following financial year.
- ‘(3) The report must be given by 31 August in the following financial year.

### **‘113BD Commissioner to report failure by control body to act on recommendation**

- ‘(1) This section applies if the commissioner is reasonably satisfied, according to the circumstances, that a control body has failed to—
  - (a) implement a recommendation of the commissioner; or

(b) otherwise reasonably act on a recommendation of the commissioner.

‘(2) The commissioner must report the failure to the Minister.’

#### **47 Amendment of s 147 (Procedure after analysis)**

(1) Section 147(3)(b)—

*omit, insert—*

‘(b) the place at which, and the day when or period over which, the thing was analysed;’.

(2) Section 147—

*insert—*

‘(4) However, if the thing was delivered to the accredited facility by a control body, the analyst at the accreditation facility is not required to give a notice of results under subsection (2) if—

(a) no drug or code substance was found in or on the thing;  
or

(b) a drug or code substance was found in or on the thing at a level below the level stated in—

(i) an agreement between the accredited facility and the control body; or

(ii) the control body’s rules of racing.’

#### **48 Insertion of new ch 4A**

After section 149—

*insert—*

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## **‘Chapter 4A Racing Disciplinary Board proceedings**

### **‘Part 1 Racing Disciplinary Board**

#### **‘Division 1 Establishment and functions**

##### **‘149A Establishment of disciplinary board**

‘The Racing Disciplinary Board (the *disciplinary board*) is established.

##### **‘149B Functions of disciplinary board**

‘The functions of the disciplinary board are to—

- (a) hear and decide appeals by aggrieved persons against appellable decisions; and
- (b) refer appeals to the tribunal if, in the disciplinary board’s opinion, it is in the public interest to do so.

#### **‘Division 2 Membership of disciplinary board**

##### **‘149C Members**

‘(1) The disciplinary board consists of the following persons (each a *member*) appointed by the Minister by gazette notice—

- (a) a person who is a lawyer of at least 5 years standing;
- (b) another person who is a lawyer;
- (c) at least 3 other persons, each of whom—
  - (i) is a lawyer; or
  - (ii) has, in the Minister’s opinion, a thorough knowledge of the rules of racing of a control body.

- ‘(2) A member of the disciplinary board is to be appointed for a term of not more than 3 years.
- ‘(3) A member may be reappointed.
- ‘(4) Members, other than a member who is a public service officer, are appointed under this Act and not the *Public Service Act 2008*.

#### **‘149D Chairperson and deputy chairperson of disciplinary board**

- ‘(1) The Minister must appoint a member who is a lawyer of at least 5 years standing to be the disciplinary board’s chairperson.
- ‘(2) The Minister must appoint another member who is a lawyer to be the disciplinary board’s deputy chairperson.
- ‘(3) A person may be appointed as the chairperson or deputy chairperson at the same time as the person is appointed as a member.

#### **‘149E Eligibility of members**

‘A person is eligible to be a member of the disciplinary board if the person—

- (a) is an eligible individual; and
- (b) is not a member or employee of a control body or a control board.

#### **‘149F Resignation**

‘A member may resign by signed notice given to the Minister.

#### **‘149G Termination of appointment**

- ‘(1) The Minister may end the appointment of a member by written notice to the member if—

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- (a) the Minister considers the member is not performing the member's functions satisfactorily; or
  - (b) the member is guilty of misconduct of a kind that could warrant dismissal from the public service if the member were an officer of the public service.
- '(2) A notice under subsection (1) must contain the Minister's reasons for ending the appointment.
- '(3) In this section—
- misconduct* means—
- (a) inappropriate or improper conduct in an official capacity; or
- Example*—
- victimising another member in the course of the other member's membership of the disciplinary board
- (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the disciplinary board.
- Example*—
- publishing defamatory comments about another member

### **'149H Vacancy in office**

- '(1) The office of a member of the disciplinary board becomes vacant if—
- (a) the member ceases to be eligible to be a member under section 149E; or
  - (b) the member resigns from office under section 149F; or
  - (c) the Minister ends the appointment of the member under section 149G.
- '(2) If the office of a member of the disciplinary board becomes vacant, the Minister may appoint another person to be a member of the disciplinary board.

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**‘149I Effect of vacancy in membership of disciplinary board**

‘Despite section 149C(1) or 149D(1) or (2), the performance of a function, or exercise of a power, by the disciplinary board is not affected merely because of a vacancy in the membership of the disciplinary board.

**‘149J Remuneration of members**

‘A member is entitled to the remuneration and allowances decided by the Minister.

**‘149K Member of disciplinary board who is public service officer**

‘If an officer of the public service is appointed as a member of the disciplinary board, the public service officer holds the appointment concurrently with any other appointment the officer holds in the public service.

**‘149L Protection of members from civil liability**

- ‘(1) A member is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- ‘(2) If subsection (1) prevents civil liability attaching to a member, the liability attaches instead to the State.

**‘Division 3 Chairperson**

**‘149M Role of chairperson**

- ‘(1) The role of the chairperson of the disciplinary board includes the following—
  - (a) choosing members to constitute the disciplinary board under section 149O or 149ZD for hearing and deciding an appeal;

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- (b) directing the disciplinary board's adjudicative operations to ensure the operations are as fair, economical, informal and speedy as practicable;
  - (c) developing, with the participation of the other members, guiding principles that promote high quality and consistent decisions by the disciplinary board;
  - (d) developing and implementing procedures and policies for the disciplinary board's adjudicative operations;
  - (e) making practice directions of general application to appeals;
  - (f) managing the overall performance of members;
  - (g) taking responsibility for the professional development and training of members relating to the performance of their role.
- ‘(2) The chairperson may do all things necessary or convenient to be done for the performance of the chairperson's role.

#### **‘149N Chairperson may delegate**

- ‘(1) The chairperson may delegate the chairperson's powers under this Act to—
- (a) the deputy chairperson of the disciplinary board; or
  - (b) a member who is a lawyer.
- ‘(2) However, the chairperson may delegate the chairperson's power to choose members to constitute the disciplinary board to—
- (a) another member; or
  - (b) the registrar.

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## **‘Division 4                    Constitution of disciplinary board**

### **‘1490 Constitution of disciplinary board for hearing and deciding accepted appeal**

- ‘(1) For hearing and deciding an accepted appeal, the chairperson must choose 1, 2 or 3 members to constitute the disciplinary board.
- ‘(2) If the chairperson chooses only 1 member to constitute the disciplinary board, the person must be a lawyer and have a thorough knowledge of the relevant control body’s rules of racing for its code of racing.
- ‘(3) The *relevant control body* for an accepted appeal is the control body whose appellable decision is being appealed against.
- ‘(4) If the chairperson chooses 2 or 3 members to constitute the disciplinary board—
  - (a) the members chosen must include—
    - (i) 1 member who is a lawyer; and
    - (ii) 1 member who, in the chairperson’s opinion, has a thorough knowledge of the relevant control body’s rules of racing for its code of racing; and
  - (b) the chairperson must choose a person to be the chairperson of the disciplinary board as constituted (the *appeal chairperson*).
- ‘(5) The member or members chosen may constitute the disciplinary board even if other members are, at the same time, constituting the disciplinary board for the purposes of hearing and deciding a separate accepted appeal.
- ‘(6) If the disciplinary board is constituted for more than 1 accepted appeal at the same time, the members chosen for each accepted appeal may separately exercise the jurisdiction and powers of the disciplinary board.

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## **‘Division 5                    Staff of disciplinary board**

### **‘149P Appointment of registrar and other officers**

- ‘(1) The chief executive may appoint a registrar to the disciplinary board, and other officers the chief executive considers appropriate, to help the disciplinary board perform its functions.
- ‘(2) A public service officer appointed under subsection (1), or assigned by the chief executive to perform duties to help the disciplinary board, holds the appointment or performs the duties concurrently with any other appointment the officer holds in the public service.

*Note—*

The registrar and other officers are employed under the *Public Service Act 2008*.

- ‘(3) The registrar has the powers and must perform the functions of the registrar under this Act.

### **‘149Q Assigning staff of control body**

- ‘(1) The chairperson may require a control body to assign staff members of the control body to help the disciplinary board perform its functions—
  - (a) with the approval of the chief executive; and
  - (b) if the chairperson reasonably considers it necessary.
- ‘(2) A control body must not, without a reasonable excuse, fail to comply with a requirement of the chairperson under subsection (1).

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## **‘Part 2                      Appeals against appellable decisions**

### **‘Division 1              Preliminary**

#### **‘149R Definitions for pt 2**

‘In this part—

*accepted appeal* see section 149W(2).

*aggrieved person*, for an appellable decision, see section 149T(2).

*appeal chairperson*, of a constituted board, see section 149O(4)(b).

*appellable decision*, of a control body, see section 149S.

*constituted board*, for an accepted appeal, means the disciplinary board as constituted to hear and decide the appeal.

*expert* see section 149ZP(1).

*notice of appeal* see section 149U(1).

*party*, to an accepted appeal, see section 149X.

#### **‘149S What is an *appellable decision***

- ‘(1) An *appellable decision* of a control body is a decision of the control body to do any of the following—
- (a) refuse to grant or renew a licence;
  - (b) take disciplinary action relating to a licence;
  - (c) take an exclusion action against a person;
  - (d) impose a monetary penalty on a person;
  - (e) impose any other non-monetary penalty on a person.

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- ‘(2) However, the following decisions of a control body are not appellable decisions—
- (a) a decision relating to the eligibility of an animal to race or the conditions under which an animal can race;  
*Example—*  
a control body’s decision requiring an animal to pass a stated examination or test before being allowed to race
  - (b) a decision cancelling or suspending a licence for an animal, unless the cancellation or suspension relates to—
    - (i) a decision to take disciplinary action relating to the licence of a licence holder; or
    - (ii) a decision to take an exclusion action, under the control body’s rules of racing, against a person;
  - (c) a decision about a protest or objection against placed animals relating to an incident that happened during a race or trial;
  - (d) a decision relating to a dispute between a racing bookmaker licensed by a control body and a person who placed a bet with the bookmaker for a race;
  - (e) a decision to stop, restart, rerun, postpone or abandon a race.

## ‘Division 2 Starting an appeal

### ‘149T Who may appeal

- ‘(1) An aggrieved person for an appellable decision may appeal to the disciplinary board against the decision.
- ‘(2) A person is an *aggrieved person* for an appellable decision if—
- (a) for an appellable decision about the grant of a licence—the person was the applicant for the licence; or

- (b) otherwise—the person is a licence holder adversely affected by an appellable decision.

#### **‘149U Aggrieved person must give notice of appeal**

- ‘(1) For an appeal under this part, an aggrieved person must give a notice in the approved form (a *notice of appeal*) to—
  - (a) the registrar, accompanied by the prescribed fee; and
  - (b) the control body whose appellable decision is being appealed against.
- ‘(2) The notice of appeal must be given to the registrar and the control body—
  - (a) within 5 business days after the aggrieved person is notified of the appellable decision being appealed against; or
  - (b) if the chairperson is satisfied the person has a reasonable excuse for not giving the notice within the period mentioned in paragraph (a)—within the longer period as the chairperson allows.
- ‘(3) The notice of appeal must state the grounds for the appeal.

#### **‘149V Acceptance, rejection or referral of appeal**

- ‘(1) If the aggrieved person gives the registrar a notice of appeal, the registrar must give the chairperson a copy of the notice of appeal.
- ‘(2) After receiving a notice of appeal from the registrar, the chairperson must—
  - (a) accept the notice without imposing any conditions; or
  - (b) accept the notice on conditions; or
  - (c) reject the notice on a ground mentioned in subsection (3); or

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- (d) refer the appeal for which the notice was given to the tribunal if the chairperson believes it is in the public interest to do so.

*Note—*

For appeals that are referred to the tribunal, see chapter 5, part 1.

- ‘(3) The chairperson may reject a notice of appeal on any of the following grounds—
  - (a) the notice was given by a person who is not authorised to give it;
  - (b) the notice was given to the registrar of the disciplinary board or the control body whose appellable decision is being appealed against after the expiry of the period mentioned in section 149U(2);
  - (c) the notice, or the giving of the notice, does not otherwise comply with this Act.

#### **‘149W When accepted appeal starts**

- ‘(1) An appeal starts when the chairperson accepts a notice of appeal, whether or not on conditions, under section 149V(2)(a) or (b).
- ‘(2) An appeal started under subsection (1) is an *accepted appeal*.

#### **‘149X Who is a *party* to an accepted appeal**

‘A person is a *party* to an accepted appeal if the person is—

- (a) the aggrieved person for the appellable decision being appealed against; or
- (b) the relevant control body for the accepted appeal; or
- (c) joined as a party to the appeal under section 149ZI.

#### **‘149Y Registrar must give notice to parties and others**

- ‘(1) The registrar must give notice of the time and place for the hearing of an accepted appeal to—

- 
- (a) the disciplinary board as constituted for the appeal (the *constituted board*); and
  - (b) the parties to the appeal; and
  - (c) any other person the chairperson directs to be given notice of the hearing.
- ‘(2) For subsection (1), the registrar must give the notice—
- (a) for a person who is a party at the time the appeal is started—as soon as is reasonably practicable after the appeal is started; or
  - (b) for a person who becomes a party after the appeal has started—as soon as is reasonably practicable after the person becomes a party; or
- Example—*
- a person who, under section 149ZI, is joined as a party to the appeal
  - (c) for any other person—as soon as is reasonably practicable after the chairperson directs the person be given notice.

#### **‘149Z Jurisdiction of constituted board**

- ‘(1) The constituted board for an accepted appeal has jurisdiction to hear and decide the appeal.
- ‘(2) The constituted board may do all things necessary or convenient for exercising its jurisdiction.

#### **‘149ZA Constituted board to hear accepted appeal as soon as practicable**

- ‘(1) The constituted board for an accepted appeal must begin the hearing of the appeal as soon as practicable but no later than 28 days after the aggrieved person for the appeal gives the registrar the notice of appeal.

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- ‘(2) However, the constituted board may, by order, extend the period mentioned in subsection (1) if it considers the special circumstances of the case require it to do so.

### **‘149ZB Stay of control body decision**

- ‘(1) An aggrieved person for the accepted appeal may apply for a stay of the appellable decision being appealed against.
- ‘(2) The application must be in writing and made to the registrar.
- ‘(3) The appeal chairperson may stay the appellable decision if, in the chairperson’s opinion, the stay is necessary to secure the effectiveness of the appeal.
- ‘(4) In deciding whether to stay the appellable decision, the chairperson may consider submissions from the relevant control body for the accepted appeal.
- ‘(5) The stay—
- (a) may be given on the conditions the chairperson considers appropriate; and
  - (b) operates for the period fixed by the chairperson; and
  - (c) may be revoked or amended by the chairperson.
- ‘(6) The period of the stay must not extend past the time when the appeal is decided.
- ‘(7) If the stay is given on conditions, the stay is taken not to be in force for any period during which a condition is not complied with.

### **‘149ZC Disclosure of conflict of interest of member**

- ‘(1) If a member of the constituted board for an accepted appeal becomes aware the member has a conflict of interest about the appeal, the member must disclose the nature of the conflicting interest to—
- (a) if the member is the appeal chairperson—the parties to the appeal; or

- 
- (b) otherwise—the appeal chairperson and the parties to the appeal.
- ‘(2) After making the disclosure, the member must not—
- (a) be present when the constituted board hears the accepted appeal; or
  - (b) take part in a decision of the constituted board about the appeal.
- ‘(3) However, the member may be present and take part in a decision if—
- (a) if the member is the appeal chairperson—the parties to the appeal agree; or
  - (b) otherwise—the appeal chairperson agrees.
- ‘(4) A reference in subsection (3) to a party is taken to be a reference to a representative of the party if the party is represented.
- ‘(5) A member has a conflict of interest about the accepted appeal if the member—
- (a) has an interest, financial or otherwise, that could conflict with the proper performance of the member’s functions for the appeal; or
  - (b) owns a licensed animal that was involved in a race that is the subject of the appeal; or
  - (c) is a relative of, or has a business relationship with, a party to the appeal.
- ‘(6) If the member is a public service officer, the member does not have a conflict of interest about the accepted appeal merely because of the appointment the officer holds in the public service.

**‘149ZD Constitution of constituted board if member has conflict of interest**

- ‘(1) This section applies if a member who has a conflict of interest about the accepted appeal does not obtain the agreement

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under section 149ZC(3) to allow the member to be present at a hearing of the accepted appeal and take part in decisions of the constituted board for the appeal.

- ‘(2) Subject to subsection (3), the remaining member or members of the constituted board constitute the constituted board for the hearing.
- ‘(3) The remaining member or members must be or include—
  - (a) 1 member who is a lawyer and has, in the chairperson’s opinion, a thorough knowledge of the relevant control body’s rules of racing for its code of racing; or
  - (b) both—
    - (i) 1 member who is a lawyer; and
    - (ii) 1 member who has, in the chairperson’s opinion, a thorough knowledge of the relevant control body’s rules of racing for its code of racing.
- ‘(4) If the remaining member or members are not or do not include the member or members mentioned in subsection (3), the chairperson must appoint a replacement member for the appeal.
- ‘(5) If there are 2 remaining members and the appeal chairperson is not a remaining member, the chairperson must appoint a replacement appeal chairperson for the appeal.

## **‘Division 3                    Appeal hearings**

### **‘149ZE Hearing procedures**

- ‘(1) Subject to this division, the procedure for the hearing of an accepted appeal is at the discretion of the constituted board for the appeal.
- ‘(2) In hearing an accepted appeal, the constituted board—
  - (a) must observe natural justice; and
  - (b) is not bound by the rules of evidence; and

- (c) may inform itself in any way it considers appropriate; and
  - (d) must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues; and
  - (e) may decide the procedures to be followed in the appeal, including, for example, whether—
    - (i) the appeal should be heard with other appeals; and
    - (ii) whether the parties should be heard together or separately.
- ‘(3) An appeal is by way of rehearing, unaffected by the appellable decision being appealed against, on the material before the relevant control body for the accepted appeal and any further evidence allowed by the constituted board.

**‘149ZF Appeal to be heard in public unless constituted board decides otherwise**

- ‘(1) The hearing of an accepted appeal must be held in public at the time and place the constituted board for the appeal decides.
- ‘(2) However, the constituted board may direct that a hearing or a part of a hearing be held in private if the constituted board considers it necessary—
  - (a) to avoid interfering with the proper administration of justice; or
  - (b) to avoid the publication of confidential information or information the publication of which would be contrary to the public interest; or
  - (c) for another reason in the interests of justice.
- ‘(3) The constituted board may make a direction under subsection (2) on the application of a party to the appeal or on its own initiative.

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- ‘(4) The constituted board may make directions about the persons who may attend a hearing or a part of a hearing to be held in private.
- ‘(5) However, the constituted board must not make a direction that prevents a party to an appeal from attending a hearing or a part of a hearing, to be held in private, for that appeal.

### **‘149ZG Hearing by remote conferencing or on the papers**

- ‘(1) The constituted board for an accepted appeal may, if appropriate, hear all or part of the appeal—
  - (a) by remote conferencing; or
  - (b) entirely on the basis of documents, without the parties, their representatives or witnesses appearing at a hearing.
- ‘(2) If the constituted board hears the accepted appeal under subsection (1), the constituted board must ensure the public has access to, or is precluded from access to, matters disclosed in the appeal to the same extent as if the appeal had been heard before the constituted board with the attendance in person of all persons involved.
- ‘(3) In this section—  
*remote conferencing* means—
  - (a) teleconferencing; or
  - (b) videoconferencing; or
  - (c) another form of communication that allows persons taking part in the appeal to hear and take part in discussions as they happen.

### **‘149ZH Directions**

- ‘(1) The constituted board for an accepted appeal may give a direction at any time in the appeal and do whatever is necessary for the speedy and fair conduct of the appeal.

- 
- ‘(2) The constituted board may hold a directions hearing for giving the direction before any other hearing is held for the accepted appeal.
- ‘(3) Without limiting subsection (1), the constituted board may give a direction requiring a party to the appeal to produce a document or another thing, or provide information, to—
- (a) the constituted board; or
  - (b) another party to the appeal.
- ‘(4) A party must, unless the party has a reasonable excuse, comply with a direction given under this section within—
- (a) the period stated in the direction; or
  - (b) if the constituted board has extended the period within which the direction must be complied with—the extended period.
- Maximum penalty—50 penalty units.
- ‘(5) The constituted board may act under this section on the application of a party to the accepted appeal or on the constituted board’s own initiative.

### ‘149ZI Joining parties

- ‘(1) The constituted board for an accepted appeal may make an order joining a person as a party to the appeal if the constituted board considers the person’s interests may be affected by the appeal.
- ‘(2) The constituted board may make an order under subsection (1) on the application of a person or on its own initiative.

### ‘149ZJ Representation

- ‘(1) The main purpose of this section is to have parties to an accepted appeal represent themselves unless the interests of justice require otherwise.
- ‘(2) In an accepted appeal, the aggrieved person—

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- (a) may appear without representation; and
  - (b) may be represented by someone else if the aggrieved person elects to be represented; and
  - (c) must be represented by someone else if the aggrieved person is unable, in the opinion of the constituted board for the appeal, to represent himself, herself or itself effectively.
- ‘(3) The appeal chairperson of the constituted board may appoint a person to represent an unrepresented party to the appeal.
- ‘(4) The relevant control body for the accepted appeal can not be represented by a lawyer unless—
- (a) the aggrieved person has elected to be represented by a lawyer; or
  - (b) the appeal chairperson appoints a lawyer to represent the aggrieved person.

#### **‘149ZK Withdrawal of appeal**

- ‘(1) If the chairperson of the disciplinary board gives leave, an aggrieved person may withdraw an accepted appeal before the appeal is heard and decided by the constituted board for the appeal.
- ‘(2) If an aggrieved person withdraws an accepted appeal under subsection (1), the aggrieved person can not make a further appeal relating to the same facts or circumstances without leave of the chairperson of the disciplinary board.
- ‘(3) If the chairperson of the disciplinary board gives leave for the withdrawal of an accepted appeal, the chairperson may make orders the chairperson considers appropriate.
- ‘(4) An order under subsection (3) may be for the payment of costs.

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## **‘Division 4                      Witnesses**

### **‘149ZL Requiring witness to attend or produce document or thing**

- ‘(1) The constituted board for an accepted appeal may, by written notice, require a person to—
  - (a) appear at a stated hearing of the appeal to give evidence; or
  - (b) produce a stated document or other thing to the constituted board.
- ‘(2) A person must not, without a reasonable excuse, fail to comply with a notice given under subsection (1).  
Maximum penalty—100 penalty units.
- ‘(3) The constituted board may give a notice under subsection (1) on the application of a party to an accepted appeal or on its own initiative.

### **‘149ZM Swearing or affirming witnesses**

- ‘(1) A member of a constituted board for an accepted appeal may require a witness appearing before the constituted board to take an oath or make an affirmation.
- ‘(2) A member of a constituted board for an accepted appeal who is a lawyer may administer an oath or affirmation to a person appearing as a witness.

### **‘149ZN Witness fees and expenses**

- ‘(1) A person who has been given written notice to appear before the constituted board for an accepted appeal as a witness is entitled to—
  - (a) the prescribed witness fees and expenses; or

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- (b) if no fees or expenses are prescribed—the reasonable fees and expenses decided by the chairperson of the disciplinary board.
- ‘(2) Fees and allowances payable to a person under subsection (1) must be paid by—
- (a) if the person was given the notice on the application of a party to the appeal—the party; or
  - (b) otherwise—all of the parties in the proportions decided by the constituted board.

#### **‘149ZO Offences by witnesses**

- ‘(1) A person given written notice to appear before the constituted board for an accepted appeal as a witness at a hearing of the appeal must not fail, without reasonable excuse—
- (a) to appear as required by the notice; or
  - (b) to continue to appear as required by the constituted board until excused from further appearances.

Maximum penalty—100 penalty units.

- ‘(2) A person appearing as a witness at a hearing of an accepted appeal must not—
- (a) fail to take an oath or affirmation when required by a member of the constituted board; or
  - (b) fail, without reasonable excuse, to answer a question the person is asked by the constituted board; or
  - (c) fail, without reasonable excuse, to produce a document or other thing the person is asked to produce by the constituted board.

Maximum penalty—100 penalty units.

- ‘(3) It is a reasonable excuse for a person to refuse to answer a question or produce a document or other thing if the answer or the production of the document or thing might tend to incriminate the person.

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## **‘Division 5                    Experts**

### **‘149ZP Appointment**

- ‘(1) The constituted board for an accepted appeal may appoint a person with relevant knowledge, expertise and experience (an *expert*) to help the constituted board in relation to the appeal.
- ‘(2) The constituted board may appoint an expert on the application of a party to the accepted appeal or on its own initiative.
- ‘(3) The appointment of an expert must be in writing.

### **‘149ZQ Duty of expert**

- ‘(1) An expert giving evidence in a hearing of an accepted appeal has a duty to assist the constituted board for the appeal.
- ‘(2) The expert’s duty under subsection (1) overrides any obligation the expert may have to any party to the accepted appeal.

### **‘149ZR Remuneration and expenses**

‘An expert is entitled to the remuneration and expenses decided by the constituted board for the accepted appeal and stated in the expert’s instrument of appointment.

*Note—*

For when the constituted board may make an order relating to the costs of obtaining an expert’s help, see section 149ZT.

### **‘149ZS Helping the constituted board**

- ‘(1) In an accepted appeal, the constituted board for the appeal may—
  - (a) ask an expert to give expert evidence, in person or by written report; or

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- (b) refer a question of fact arising in an accepted appeal to an expert for the expert to decide the question and give the constituted board a written report stating the decision and the reasons for it; or
  - (c) ask an expert to give advice to the constituted board.
- ‘(2) In asking an expert to decide a question or give advice under subsection (1)(b) or (c), the constituted board may ask the expert to conduct an inquiry or investigation into a matter and give a written report of the expert’s findings in the inquiry or investigation.
- ‘(3) If an expert gives the constituted board a written report of the expert’s decision or advice under subsection (1)(b) or (c), or the expert’s findings in an inquiry or investigation under subsection (2), the constituted board—
- (a) must give a copy of the report to each party to the appeal; and
  - (b) must give each party to the appeal an opportunity to make written submissions about the report; and
  - (c) after considering any submissions made under paragraph (b), may either—
    - (i) adopt the expert’s decision or findings, in whole or in part; or
    - (ii) reject the decision or findings.

### **‘149ZT Costs of obtaining expert’s help**

- ‘(1) In an accepted appeal, the constituted board for the appeal may make an order requiring a party to the appeal to pay or contribute to the constituted board’s costs of obtaining an expert’s help.
- ‘(2) However, subsection (1) applies in relation to a party only if—
- (a) before obtaining the help, the constituted board advised the party of—

- 
- (i) the constituted board's intention of obtaining the help; and
  - (ii) the likely costs of obtaining the help; and
  - (iii) the likely amount of the party's payment or contribution; and
- (b) the constituted board gave the party an opportunity to be heard on the matter of obtaining the help.
- '(3) For subsection (1), the constituted board's costs of obtaining an expert's help include remuneration and expenses for the expert decided by the constituted board and stated in the expert's instrument of appointment.

#### **'149ZU Disclosure of interests**

- '(1) This section applies if an expert, appointed to help the constituted board for an accepted appeal, has or acquires an interest, financial or otherwise, that may conflict with the proper performance of the expert's functions.
- '(2) The expert must disclose the nature of the interest to—
- (a) the constituted board; and
  - (b) the parties to the appeal.
- '(3) The constituted board may require the expert not to take part in, or exercise powers for, the appeal.
- '(4) In deciding whether to require the expert not to take part in, or exercise powers for, the appeal, the constituted board must consider submissions from the parties to the appeal.
- '(5) The constituted board must allow the parties to the appeal a reasonable time to lodge submissions with the constituted board.
- '(6) An expert does not have a conflict of interest merely because—
- (a) of the expert's employment at an accredited facility or a secondary facility for an accredited facility; or
  - (b) the expert is a member of the integrity board.

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## **‘Division 6                      Decisions and powers of constituted board**

### **‘149ZV How constituted board may act in hearing accepted appeal**

‘In hearing an accepted appeal, the constituted board for the appeal may—

- (a) act in the absence of a person who has been given reasonable notice of the hearing; and
- (b) receive evidence on oath, affirmation or by statutory declaration; and
- (c) adjourn the appeal; and
- (d) permit a document to be amended; and
- (e) disregard any defect, error, omission or insufficiency in a document.

### **‘149ZW Deciding questions in accepted appeal**

- ‘(1) This section applies if, on an accepted appeal, the constituted board for the appeal wishes to decide a question.
- ‘(2) If the constituted board is constituted by 2 or 3 members, the question is to be decided by a majority of votes of the members.
- ‘(3) However, if the constituted board is constituted by 2 members and the votes are equal, the member who is the appeal chairperson also has a casting vote.

### **‘149ZX Powers of constituted board on accepted appeal**

- ‘(1) On an accepted appeal, the constituted board for the appeal may make any decision the relevant control body for the appeal could have made—
  - (a) under this Act; or

- (b) under the control body's rules of racing for its code of racing; or
  - (c) under a policy made by the control body for its code of racing.
- ‘(2) Without limiting subsection (1), the constituted board may—
- (a) confirm the appellable decision appealed against; or
  - (b) vary the appellable decision; or
  - (c) set aside the appellable decision and substitute its own decision.

#### **‘149ZY Effect of decision**

‘A decision of the constituted board for an accepted appeal—

- (a) is taken to be the decision of the relevant control body for the appeal; and
- (b) is binding on the parties to the appeal; and
- (c) takes effect—
  - (i) when it is made; or
  - (ii) on the later day stated in the decision.

#### **‘149ZZ Notice of decision of constituted board**

- ‘(1) This section applies if the constituted board for an accepted appeal makes a decision on the appeal.
- ‘(2) The constituted board must give the parties to the appeal a QCAT information notice about the decision.

#### **‘149ZZA Dismissing appeal if unjustified**

- ‘(1) This section applies if, on an accepted appeal, the constituted board for the appeal considers the appeal or part of the appeal is—
  - (a) frivolous, vexatious or misconceived; or

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- (b) lacking in substance.
- ‘(2) The constituted board may dismiss all or part of the appeal.
- ‘(3) The constituted board may act under subsection (2) on the application of a party to the appeal or on the constituted board’s own initiative.

#### **‘149ZZB Party fails to attend**

- ‘(1) If a party to an accepted appeal does not attend a hearing for the appeal—
  - (a) the hearing may proceed in the party’s absence; and
  - (b) if the constituted board for the appeal and all the parties present agree, the constituted board may—
    - (i) make a decision adverse to the absent party and make any appropriate orders, including orders about costs; or
    - (ii) order that the absent party be removed from the appeal, and pay another party’s costs reasonably incurred by the other party as a result of the absent party’s involvement in the appeal.
- ‘(2) Subsection (1) applies only if the constituted board is satisfied the absent party has been given notice of the time and place for the hearing of the appeal under section 149Y(2).

### **‘Division 7                      Costs and enforcement**

#### **‘149ZZC Costs of appeal**

- ‘(1) Each party to an accepted appeal must bear the party’s own costs for the appeal.
- ‘(2) However, the constituted board for the appeal may make an order requiring a party to the appeal to pay all or a stated part of the costs of another party to the appeal if the constituted board considers the interests of justice require it to make the order.

- ‘(3) In deciding whether to award costs under subsection (2), the constituted board may have regard to the following—
- (a) the relative strengths of the claims made by each of the parties to the appeal;
  - (b) whether the aggrieved person was afforded natural justice by the relevant control body for the appeal when it made the appellable decision being appealed against;
  - (c) the financial circumstances of the parties to the appeal;
  - (d) anything else the constituted board considers relevant.

#### **‘149ZZD Enforcement of costs order**

- ‘(1) A person may enforce an order under section 149ZZC(2) by filing in the registry of a court with jurisdiction for recovery of the amount claimed—
- (a) a copy of the order of the constituted board that has been certified to be a true copy by a member of the board who is a lawyer; and
  - (b) the person’s affidavit about the amount not paid under the order.
- ‘(2) No charge may be made for filing a copy of an order or an affidavit under this section.
- ‘(3) On filing a copy of the order and the affidavit in the registry of the court, the order is taken to be an order of the court and may be enforced accordingly.

## **‘Division 8                    Offences and contempt**

#### **‘149ZZE Contravening decision**

‘A person must not, without reasonable excuse, contravene a decision of a constituted board on an accepted appeal.

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*Note—*

For the circumstances in which a person may be in contempt of a constituted board at an appeal hearing, see section 149ZZH.

Maximum penalty—100 penalty units.

### **‘149ZZF False or misleading information**

- ‘(1) A person must not state anything the person knows is false or misleading in a material particular to—
- (a) the disciplinary board; or
  - (b) a constituted board; or
  - (c) a member of the disciplinary board or a constituted board.

Maximum penalty—100 penalty units.

- ‘(2) A person must not give a document containing information the person knows is false or misleading in a material particular to—
- (a) the disciplinary board; or
  - (b) a constituted board; or
  - (c) a member of the disciplinary board or a constituted board.

Maximum penalty—100 penalty units.

- ‘(3) Subsection (2) does not apply to a person if the person, when giving the document—
- (a) tells the disciplinary board, a constituted board or member, to the best of the person’s ability, how it is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

**‘149ZZG Influencing participants**

‘A person must not improperly influence, or attempt to improperly influence, a person in relation to the person’s participation in an accepted appeal, whether as a member of the constituted board for the appeal or a party, witness or expert for the appeal, to act other than in the course of the person’s duty in relation to the appeal.

Maximum penalty—100 penalty units.

**‘149ZZH Contempt at hearing**

‘A person must not, at a hearing of an accepted appeal—

- (a) insult a member of the constituted board for the appeal;  
or
- (b) deliberately interrupt the hearing; or
- (c) take part in a disturbance in or near a place where the constituted board is conducting the hearing; or
- (d) do anything that would be a contempt of court if the constituted board were a court.

Maximum penalty—100 penalty units.

**‘149ZZI Constituted board may exclude disruptive person from hearing**

- ‘(1) This section applies if, in the constituted board’s opinion, a person is disrupting a hearing of the accepted appeal.
- ‘(2) The constituted board may direct the person to leave the hearing.
- ‘(3) The person must comply with the direction.

Maximum penalty for subsection (3)—100 penalty units.



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- (b) any proposals for improving the operation of, and forecasts of the workload of, the disciplinary board in the following financial year.
- ‘(2) The report must be given by 31 August in the following financial year.’

**49 Omission of ss 150–152**

Sections 150 to 152—

*omit.*

**50 Insertion of new ch 5, pts 1 and 2, and pt 3, hgd**

Chapter 5—

*insert—*

**‘Part 1 Referral by chairperson of disciplinary board to tribunal**

**‘150 How appeal is referred to tribunal**

- ‘(1) This section applies if the chairperson of the disciplinary board refers an appeal (a *referred appeal*) to the tribunal under section 149V(2)(d).
- ‘(2) The chairperson must file a notice with the QCAT registrar.
- ‘(3) The notice must state the following—
- (a) the name of each of the following—
- (i) the aggrieved person for the appellable decision being appealed against;
- (ii) the control body whose appellable decision is being appealed against;
- (b) an address for service of documents for each of the following—
- (i) the aggrieved person;





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- (a) be filed in the appeal tribunal's registry within 20 business days after the date of the decision being appealed against; and
  - (b) be served on all parties to the accepted appeal.
- ‘(4) The appeal tribunal—
- (a) has jurisdiction to hear and decide the appeal; and
  - (b) must be constituted by 1 judicial member.
- ‘(5) The appeal may be only by way of rehearing.’.

**54 Amendment of s 194 (Requirement to hold racing bookmaker's licence)**

- (1) Section 194, heading, after ‘licence’—  
*insert—*  
**‘or approval’.**
- (2) Section 194—  
*insert—*  
‘(1A) A person must not carry on bookmaking at a place unless—
  - (a) the person is a racing bookmaker who holds an offcourse approval for carrying on bookmaking at an approved place; and
  - (b) the place is an approved place for the offcourse approval.Maximum penalty—600 penalty units.’.
- (3) Section 194(2), ‘person’s licence’—  
*omit, insert—*  
**‘individual’s licence’.**
- (4) Section 194(2), ‘person’—  
*omit, insert—*  
**‘individual’.**

(5) Section 194—

*insert—*

‘(2A) A racing bookmaker who is an individual and holds an offcourse approval for carrying on bookmaking at an approved place must have the individual’s approval with the individual at all times the individual is carrying on bookmaking at the approved place, unless the individual has a reasonable excuse.

Maximum penalty—40 penalty units.’.

(6) Section 194(3), ‘person’—

*omit, insert—*

‘officer’.

(7) Section 194—

*insert—*

‘(4) A licensed executive officer of a corporation that is a racing bookmaker and holds an offcourse approval for carrying on bookmaking at an approved place must have the corporation’s approval, or a certified copy of the corporation’s approval, with the officer at all times the officer is carrying on bookmaking for the corporation at the approved place, unless the officer has a reasonable excuse.

Maximum penalty—40 penalty units.’.

(8) Section 194(1A) to (4)—

*renumber* as section 194(2) to (6).

**55 Amendment of s 195 (Requirement for racing bookmaker to hire licensed clerk)**

(1) Section 195(2), ‘subsection (1)’—

*omit, insert—*

‘subsection (1) or (2)’.

(2) Section 195(2)—

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*renumber* as section 195(3).

(3) Section 195—

*insert*—

‘(2) A racing bookmaker who holds an offcourse approval for carrying on bookmaking at an approved place must not, at the approved place, employ someone else in the conduct of the racing bookmaker’s business unless the other person is a racing bookmaker’s clerk whose licence was granted by the control body that licensed the racing bookmaker.

Maximum penalty—200 penalty units.’

**56 Amendment of s 196 (Requirement to hold licence as a racing bookmaker’s clerk)**

(1) Section 196(2)—

*renumber* as section 196(3).

(2) Section 196—

*insert*—

‘(2) A person must not be employed by a racing bookmaker who holds an offcourse approval for carrying on bookmaking at an approved place in the conduct of the racing bookmaker’s business unless the person is—

(a) a racing bookmaker’s clerk whose licence was granted by the control body that licensed the racing bookmaker;  
or

(b) if the racing bookmaker is a corporation—a licensed executive officer of the corporation and the person is carrying on bookmaking for the corporation.

Maximum penalty—200 penalty units.

‘(4) Subsection (5) applies in relation to a racing bookmaker who holds an offcourse approval for carrying on bookmaking at an approved place.

‘(5) A person who is a racing bookmaker’s clerk at the approved place must have the person’s licence with the person at all

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times the person is employed by the racing bookmaker in the conduct of the racing bookmaker's business at the approved place, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.’.

## **57 Amendment of s 197 (Requirement to produce licence)**

(1) Section 197, heading, after ‘licence’—

*insert—*

**‘or approval’.**

(2) Section 197—

*insert—*

‘(1A) Subsection (3) applies to a racing bookmaker who—

- (a) is an individual; and
- (b) holds an offcourse approval for carrying on bookmaking at an approved place; and
- (c) is, or appears to be, carrying on bookmaking at the approved place.

‘(1B) The racing bookmaker must produce the person's offcourse approval to an official of the control body that licensed the racing bookmaker if asked to do so by the official, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(2A) Subsection (6) applies to a licensed executive officer of a corporation that is a racing bookmaker and holds an offcourse approval for carrying on bookmaking at an approved place and who is, or appears to be, carrying on bookmaking for the corporation at the approved place.

‘(2B) The executive officer must produce the corporation's approval, or a certified copy of the corporation's approval, to an official of the control body that licensed the racing bookmaker if asked to do so by the official, unless the officer has a reasonable excuse.

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Maximum penalty—40 penalty units.

(3) Section 197(1A) to (3)—

*renumber* as section 197(2) to (7).

(4) Section 197—

*insert*—

‘(8) Subsection (9) applies in relation to a racing bookmaker who holds an offcourse approval for carrying on bookmaking at an approved place.

‘(9) A racing bookmaker’s clerk who is, or appears to be, employed in the conduct of the racing bookmaker’s business at the approved place must produce the person’s licence to an official of the control body that licensed the racing bookmaker if asked to do so by the official, unless the person has a reasonable excuse.

Maximum penalty for subsection (9)—40 penalty units.’

## **58 Amendment of s 199 (Unlawful bookmaking by racing bookmaker)**

Section 199—

*insert*—

‘(2) However, a racing bookmaker does not commit an offence against subsection (1) if—

(a) the racing bookmaker holds an offcourse approval for carrying on bookmaking at an approved place; and

(b) the place where the racing bookmaker carries on bookmaking is an approved place for the offcourse approval; and

(c) the bookmaking is carried on at the place at a time permitted under the offcourse approval.’

## **59 Insertion of new s 200A**

Chapter 6, part 1—

*insert—*

**‘200A Special requirements for betting by racing bookmaker who holds offcourse approval**

‘A racing bookmaker who holds an offcourse approval must not make a bet on a contest, contingency or event other than—

- (a) a race to be decided at a race meeting at a licensed venue controlled by a control body; or
- (b) a sporting contingency declared, under section 255, by the control body that licensed the racing bookmaker as a declared sporting contingency; or
- (c) a contest, contingency or event at a meeting for the racing of animals held outside Queensland that is under the control of an entity with which the control body that licensed the racing bookmaker has entered into an arrangement as mentioned in section 34(2)(o).

Maximum penalty—400 penalty units.’.

**60 Amendment of s 213 (Criminal history reports for investigations)**

- (1) Section 213(1), ‘the commissioner of the police service’—  
*omit, insert—*

‘the police commissioner’.

- (2) Section 213(2)—  
*omit, insert—*

‘(2) The report is to contain—

- (a) the person’s criminal history; and
- (b) a brief description of the circumstances of a conviction mentioned in the person’s criminal history.

‘(3) However, the duty imposed on the commissioner applies only to information in the commissioner's possession or to which the commissioner has access.’.

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**61 Amendment of s 227 (Criminal history report for investigation)**

(1) Section 227(1), ‘the commissioner of the police service’—

*omit, insert—*

‘the police commissioner’.

(2) Section 227(2)—

*omit, insert—*

‘(2) The report is to contain—

(a) the person’s criminal history; and

(b) a brief description of the circumstances of a conviction mentioned in the person’s criminal history.

‘(3) However, the duty imposed on the commissioner applies only to information in the commissioner’s possession or to which the commissioner has access.’.

**62 Insertion of new ch 6, pt 3A**

Chapter 6—

*insert—*

**‘Part 3A Offcourse approvals for racing bookmakers**

**‘Division 1 Applications for, and granting of, offcourse approvals**

**‘243 Application for offcourse approval**

‘(1) A racing bookmaker may apply to the Minister for an approval (an *offcourse approval*) to carry on bookmaking at a place, other than a licensed venue, using a telecommunications system.

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- ‘(2) The application must be in the approved form and accompanied by each of the following—
- (a) details of the place or places (each an *approved place*), other than a licensed venue, at which the racing bookmaker will carry on bookmaking using a telecommunications system;  
*Example of an approved place—*  
the racing bookmaker’s home or office
  - (b) details of the times during which the racing bookmaker will carry on bookmaking at the place or each of the places mentioned in paragraph (a);
  - (c) details of the number of race meetings, and the licensed venues for the race meetings, at which the racing bookmaker carried on bookmaking in person for the 12 months immediately before making the application;
  - (d) details of the number of race meetings, and the licensed venues for the race meetings, at which the racing bookmaker proposes to carry on bookmaking in person for the 12 months immediately after the offcourse approval is granted;
  - (e) if the details mentioned in paragraph (d) differ from those mentioned in paragraph (c)—an explanation for the difference;
  - (f) an undertaking as to the minimum number of race meetings, and the licensed venues for the race meetings, at which the racing bookmaker will carry on bookmaking in person if the offcourse approval applied for is granted;
  - (g) the prescribed fee.

**‘244 Further information or documents to support application**

- ‘(1) The Minister may, by notice given to the applicant, require the applicant to give the Minister, within the reasonable period of at least 28 days stated in the notice, further information or a

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document the Minister reasonably requires to decide the application.

- ‘(2) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice.

**‘245 Requirement of control body to give information or documents relating to application**

- ‘(1) The Minister may, by notice given to the control body that licensed the racing bookmaker, require the control body to give the Minister, within the reasonable period of at least 28 days stated in the notice, information or a document the Minister reasonably considers is relevant to deciding the application.

- ‘(2) The control body must comply with the notice.

**‘246 Consideration of application**

- ‘(1) In considering the application, the Minister must have regard to how often the applicant has undertaken to carry on bookmaking in person at race meetings at licensed venues.

- ‘(2) The Minister may, by notice to the applicant, ask the applicant to review the undertaking that accompanied the application and give the Minister, within the reasonable period of at least 28 days stated in the notice, a revised undertaking.

- ‘(3) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice.

**‘247 Decision on application**

- ‘(1) The Minister must consider the application and decide to—
- (a) grant the offcourse approval; or
  - (b) refuse to grant the offcourse approval.

- ‘(2) A grant of an offcourse approval is subject to the mandatory conditions, and may be subject to other conditions imposed by the Minister.

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**‘248 What are the *conditions* of an offcourse approval**

- ‘(1) The *conditions* of a racing bookmaker’s offcourse approval are—
- (a) for a racing bookmaker who is an individual—the racing bookmaker must carry on bookmaking in person at a licensed venue in accordance with the accepted undertaking for the offcourse approval; and
  - (b) for a racing bookmaker who is a corporation—the executive officers of the racing bookmaker must carry on bookmaking in person at a licensed venue in accordance with the accepted undertaking for the offcourse approval; and
  - (c) an approved place for the offcourse approval must not be open to, or available for use by, the public; and
  - (d) a condition imposed by the Minister on the offcourse approval when granting the approval.
- ‘(2) A condition mentioned in subsection (1)(a), (b) or (c) is a *mandatory condition* of the offcourse approval.

**‘248A What is the *accepted undertaking* for an offcourse approval**

- ‘(1) The *accepted undertaking* for an offcourse approval is—
- (a) the undertaking that accompanied the application; or
  - (b) if the Minister asked the applicant under section 246(2) to review the undertaking—the revised undertaking.
- ‘(2) However, if—
- (a) the offcourse approval is granted; and
  - (b) the racing bookmaker who holds the offcourse approval applies to the Minister to vary the accepted undertaking for the offcourse approval; and
  - (c) the Minister varies the accepted undertaking;
- the undertaking as varied is the *accepted undertaking* for the offcourse approval.

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### **'248B Notice of decision on application**

'The Minister must, as soon as practicable after deciding the application, give the applicant and the control body notice of the decision.

## **'Division 2                    Cancellation of offcourse approval**

### **'248C Grounds for cancellation**

'Each of the following is a ground for cancelling a racing bookmaker's offcourse approval—

- (a) the racing bookmaker has contravened—
  - (i) a condition of the offcourse approval; or
  - (ii) the accepted undertaking for the offcourse approval;
- (b) the offcourse approval was granted because of a materially false or misleading representation or declaration;
- (c) the racing bookmaker has been convicted of an indictable offence or an offence against this Act;
- (d) the racing bookmaker is affected by bankruptcy action.

### **'248D Show cause notice**

'(1) The Minister must give the racing bookmaker a notice under this section (a *show cause notice*) if the Minister believes—

- (a) a ground exists to cancel the offcourse approval; and
- (b) the act, omission or other thing forming the ground is of a serious and fundamental nature; and
- (c) the public interest may be affected by the act, omission or other thing in an adverse and material way.

'(2) The show cause notice must state the following—

- (a) the Minister proposes to cancel the offcourse approval;

- (b) the grounds for the proposed cancellation;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) that the racing bookmaker may, within a stated period (the *show cause period*), make written representations to the Minister to show why the offcourse approval should not be cancelled.
- ‘(3) The show cause period must end at least 28 days after the racing bookmaker is given the show cause notice.
- ‘(4) The racing bookmaker may make written representations about the show cause notice to the Minister in the show cause period.

#### **‘248E Involvement of control bodies in show cause process**

- ‘(1) The Minister must immediately give a copy of the show cause notice to each control body.
- ‘(2) A control body may make written representations about the show cause notice to the Minister in the show cause period.

#### **‘248F Consideration of representations**

‘The Minister must consider all representations (the *accepted representations*) made in the show cause period by—

- (a) the racing bookmaker; or
- (b) a control body.

#### **‘248G Ending show cause process without further action**

‘If, after considering the accepted representations for the show cause notice, the Minister no longer believes a ground exists to cancel the offcourse approval, the Minister must—

- (a) take no further action about the show cause notice; and
- (b) give to the following a notice that no further action about the show cause notice is to be taken—

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- (i) the racing bookmaker;
- (ii) each control body.

### **'248H Cancellation**

- '(1) This section applies if, after considering the accepted representations for the show cause notice, the Minister—
  - (a) still believes—
    - (i) a ground exists to cancel the offcourse approval; and
    - (ii) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
    - (iii) the public interest may be affected in an adverse and material way; and
  - (b) believes cancellation of the offcourse approval is warranted.
- '(2) This section also applies if there are no accepted representations for the show cause notice.
- '(3) The Minister may cancel the offcourse approval.
- '(4) The Minister must immediately give the racing bookmaker a notice about the decision.
- '(5) The notice must include—
  - (a) a direction to the racing bookmaker to return the offcourse approval to the Minister within 14 days after the cancellation; and
  - (b) a warning to the racing bookmaker that it is an offence to fail to comply with the direction unless the racing bookmaker has a reasonable excuse.

### **'248I Return of cancelled offcourse approval**

- '(1) A person must comply with a direction to the person under section 248H(5)(a) unless the person has a reasonable excuse.

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Maximum penalty—40 penalty units.

- ‘(2) If the person is unable to comply with subsection (1) because the person’s offcourse approval has been lost or destroyed, the person must, within 14 days after the cancellation, give the Minister a statutory declaration stating details of the loss or destruction.

Maximum penalty—40 penalty units.

- ‘(3) A person does not commit an offence against subsection (1) if the person is not given a warning that it is an offence to fail to comply with the direction unless the person has a reasonable excuse.

#### **‘248J Automatic cancellation or suspension of offcourse approval**

- ‘(1) Subsection (2) applies if—
- (a) a person’s eligibility certificate or racing bookmaker’s licence is cancelled; and
  - (b) the person is the holder of an offcourse approval.
- ‘(2) On the cancellation of the eligibility certificate or licence, the offcourse approval is cancelled.
- ‘(3) Subsection (4) applies if—
- (a) a person’s eligibility certificate or racing bookmaker’s licence is suspended; and
  - (b) the person is the holder of an offcourse approval.
- ‘(4) On the suspension of the eligibility certificate or licence, the offcourse approval is suspended.

#### **‘248K Censuring racing bookmaker**

- ‘(1) This section applies if the Minister believes—
- (a) a ground exists to cancel the offcourse approval; but
  - (b) the giving of a show cause notice is not warranted.

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- ‘(2) The Minister may censure the racing bookmaker for a matter relating to the ground for cancellation.
- ‘(3) The censure may be effected only by the Minister giving the racing bookmaker an information notice about the decision to censure the racing bookmaker.

### **‘248L Notice to control bodies of decisions**

- ‘(1) This section applies if the Minister decides to—
  - (a) cancel an offcourse approval under section 248H; or
  - (b) censure the racing bookmaker under section 248K.
- ‘(2) The Minister must give each control body notice of the decision.

## **‘Division 3                    Immediate suspension of offcourse approval**

### **‘248M Immediate suspension of offcourse approval**

- ‘(1) The Minister may suspend immediately an offcourse approval of a racing bookmaker if the Minister believes—
  - (a) a ground exists to cancel the offcourse approval; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the offcourse approval immediately to ensure the public interest in a code of racing is not adversely affected.
- ‘(2) The suspension—
  - (a) can be effected only by the Minister giving the racing bookmaker an information notice about the decision to suspend the offcourse approval, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the racing bookmaker; and

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

**63 Amendment of s 249 (When a racing bookmaker may make a bet with a person who is not present at a licensed venue)**

- (1) Section 249(1)(a), ‘system for bookmaking by telephone’—  
*omit, insert—*  
‘telecommunications system for bookmaking’.
- (2) Section 249(2)—  
*omit, insert—*
- ‘(2) A control body may approve a telecommunications system for bookmaking if—
- (a) the control body has the system assessed by an entity that is independent of the control body and approved by the Minister; and
- (b) the entity assessing the system gives the control body a report stating that the system is of a standard that will ensure the integrity of bets made and protect the money and privacy of persons placing bets.
- ‘(3) The Minister may give a control body a written direction, if the Minister is satisfied it is in the best interests of the Queensland racing industry to give the direction—
- (a) to have a telecommunications system approved by the control body independently audited; and
- (b) to give the Minister the results of the audit.
- ‘(4) The control body must comply with a direction given under subsection (3).’

**64 Amendment of s 254 (Payment and settlement of bets)**

- (1) Section 254(1), ‘This section’—  
*omit, insert—*

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‘Subsection (2)’.

(2) Section 254(3)—

*renumber* as section 254(5).

(3) Section 254—

*insert*—

‘(3) Subsection (4) applies to the payment and settlement of a bet that was lawfully made by and with a racing bookmaker who holds an offcourse approval if a telecommunications system was used to make the bet.

‘(4) The offcourse approval may state a place for the payment and settlement of the bet.’.

## **65 Amendment of s 255 (Bookmaking on certain declared sporting contingencies)**

(1) Section 255(1), from ‘for which’—

*omit, insert*—

‘for which—

(a) racing bookmakers licensed by the control body may carry on bookmaking at a licensed venue, at a time when a race meeting is being held at the venue under the control of the control body; and

(b) racing bookmakers licensed by the control body who hold an offcourse approval may carry on bookmaking at an approved place for the offcourse approval and at the times approved by the Minister.’.

(2) Section 255(4)(b)—

*omit, insert*—

‘(b) either—

(i) the bookmaking is carried on—

(A) at a licensed venue licensed by that control body; and

- (B) at a time when a race meeting is being held at the venue, under the control of the control body; or
- (ii) if the racing bookmaker holds an offcourse approval, the bookmaking is carried on at an approved place for the offcourse approval and at the times approved by the Minister.’.

**66 Amendment of s 256 (Racing bookmaker’s agent during certain periods)**

Section 256—

*insert—*

- ‘(7) Subsection (8) applies if—
  - (a) the racing bookmaker holds an offcourse approval; and
  - (b) the control body authorises a person to act as the racing bookmaker’s agent under this section.
- ‘(8) Despite subsection (5), the person authorised as the racing bookmaker’s agent may carry on bookmaking as the racing bookmaker at—
  - (a) an approved place for the offcourse approval; or
  - (b) another place approved by the Minister.’.

**67 Amendment of s 270 (Power of entry)**

Section 270(3), definition *place of business*, paragraph (b), ‘licence;’—

*omit, insert—*

‘licence, including a place that is an approved place for an offcourse approval held by a racing bookmaker;’.

**68 Amendment of s 310 (Definitions for div 1)**

- (1) Section 310, definition *background document*, paragraph (c), ‘chief executive, gaming executive or a control body’—

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*omit, insert—*

‘gaming executive’.

- (2) Section 310, definition *background document*, paragraph (d)—

*renumber* as paragraph (e).

- (3) Section 310, definition *background document—*

*insert—*

‘(d) a document—

- (i) given by a person for consideration for appointment as an executive officer of the all-codes board or a member of a control board; and
- (ii) relating to the person’s business reputation, character, criminal history, current financial position or financial background; or’.

**69 Replacement of s 311 (Protection for persons about whom confidential information or background documents obtained)**

Section 311—

*omit, insert—*

**‘311 Offence to disclose confidential information or copy background document**

- ‘(1) This section applies to a person who—
- (a) is or has been engaged in the administration of this Act; or
  - (b) has obtained access to confidential information or a background document about someone else, whether directly or indirectly, from a person mentioned in paragraph (a).
- ‘(2) The person must not, without reasonable excuse—
- (a) disclose confidential information to anyone else; or

- (b) copy a background document about someone else acquired by the person; or
- (c) give access to a background document about someone else.

Maximum penalty—100 penalty units.

- ‘(3) It is a reasonable excuse if—
- (a) the person has the written consent of the person to whom the information or background document relates or someone else authorised by the person; or
  - (b) the disclosure is authorised under this Act or another Act; or
  - (c) the disclosure is in compliance with lawful process requiring production of documents or giving evidence before a court; or
  - (d) the disclosure was of a statistical nature that could not reasonably be expected to result in the identification of the person to whom the information relates.’.

**70 Amendment of s 351 (Matters must be considered appropriate on grounds that are reasonable in the circumstances)**

Section 351(1)(c)—

*omit, insert—*

- ‘(c) the disciplinary board;
- (d) a constituted board;
- (e) the tribunal;
- (f) the appeal tribunal.’.

**71 Amendment of s 352A (Integrity of analysis of thing)**

Section 352A(1)(b) to (d)—

*omit, insert—*

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- ‘(b) a decision of a constituted board on an accepted appeal against an appellable decision of a control body for which the control body relied on a relevant certificate about the results of the analysis of a thing;
- (c) a decision of the tribunal on an appeal against a decision of a constituted board mentioned in paragraph (b);
- (d) a decision of the tribunal on an appeal against a decision of a control body for which the control body relied on a relevant certificate about the results of the analysis of a thing.’.

## **72 Amendment of s 355 (Regulation-making power)**

Section 355(2)(d), ‘129 and 207’—

*omit, insert—*

‘129, 149U(1)(a), 149ZN, 207 and 243(2)(g)’.

## **73 Insertion of new ch 10, pt 7**

Chapter 10—

*insert—*

# **‘Part 7 Transitional provisions for Racing and Other Legislation Amendment Act 2012**

## **‘Division 1 Preliminary**

### **‘445 Definitions for pt 7**

‘In this part—

*amending Act* means the *Racing and Other Legislation Amendment Act 2012*.

*commencement* means the commencement of the provision in which the term is used.

*control body* means a control body under the unamended Act.

*former*, in relation to a provision, means as in force immediately before the repeal or amendment of the provision by the amending Act.

*former control body* means Racing Queensland Limited ACN 142 786 874.

*unamended Act* means this Act as in force before the commencement.

## **‘Division 2                      Provisions relating to former control body**

### **‘446      Cancellation of approval held by former control body**

‘The approval held by the former control body is cancelled at midnight on the day before the commencement.

### **‘447      Assets and liabilities etc.**

- ‘(1) On the commencement—
- (a) anything that was an asset or liability of the former control body immediately before the commencement becomes an asset or liability of the all-codes board; and
  - (b) an agreement or arrangement in force immediately before the commencement between the former control body and another entity is taken to be an agreement or arrangement between the all-codes board and the other entity; and
  - (c) any property that was, immediately before the commencement, held by the former control body on trust or subject to conditions continues to be held by the all-codes board on the same trust 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 all-codes

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board, record the vesting of property under this section in the all-codes board.

**‘448 Displacement provision for Corporations legislation**

‘Section 447 is declared to be a Corporations legislation displacement provision for the Corporations Act, section 5G.

**‘449 Employees of former control bodies**

- ‘(1) This section applies to a person who, immediately before the commencement, was an employee of the former control body.
- ‘(2) On the commencement—
  - (a) the person becomes an employee of the all-codes board on the same terms and conditions of employment as applied to the person immediately before the commencement; and
  - (b) the person remains entitled to all rights of employment existing or accruing immediately before the commencement, including recognition of the person’s length of service with the former control body and outstanding leave entitlements accrued up to the commencement.

**‘450 Continuity of employment**

- ‘(1) This section applies to the transfer of an employee of the former control body to the all-codes board under section 449.
- ‘(2) The transfer does not—
  - (a) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once for the same period of service; or
  - (b) constitute a termination of employment by the former control body or a retrenchment or redundancy; or

- (c) entitle the employee to a payment or other benefit because he or she is no longer employed by the former control body; or
  - (d) require the former control body to make any payment for the employee's accrued rights to recreation, sick, long service or other leave irrespective of any arrangement between the former control body and the employee.
- '(3) The transfer has effect despite any other law, contract or other instrument.

#### **'451 Proceedings**

- '(1) A proceeding that could have been started by or against the former control body before the commencement may be started by or against the all-codes board.
- '(2) From the commencement, an existing proceeding may be continued and finished by or against the all-codes board.
- '(3) In this section—

*existing proceeding* means a proceeding that—

- (a) was taken by or against one of the following before the commencement—
  - (i) the former control body;
  - (ii) a person who was a member of the former control body, in the person's capacity as a member; and
- (b) has not been finished before the commencement.

#### **'452 Things done by former control body**

- '(1) Anything done by the former control body under this Act—
- (a) continues to have effect; and
  - (b) on the commencement, is taken to have been done by the all-codes board.
- '(2) Without limiting subsection (1)—

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- (a) a policy of the former control body in effect immediately before the commencement continues as if it were a policy of the all-codes board; and
- (b) rules of racing made by the former control body and in force immediately before the commencement continue as if they were rules of racing made by the all-codes board; and
- (c) a licence issued or taken to be issued by the former control body before the commencement and in force immediately before the commencement continues as if it had been issued by the all-codes board; and
- (d) a racing calendar prepared by the former control body for a period ending after the commencement continues as if it had been prepared by the all-codes board.

**‘453 Rights and obligations of former control body under this Act**

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

**‘454 Application of audit regime to all-codes board**

‘From the commencement, a program approved by the Minister under section 46(3) for 2012 applies to the all-codes board to the extent it is stated to apply to a former control body.

**‘455 Net UNiTAB product fee paid before commencement**

- ‘(1) This section applies to an amount of the former control body’s net UNiTAB product fee paid, before the commencement, by the former control body under former section 60B, in the year in which the commencement falls.

- 
- ‘(2) On the commencement, the amount is taken to have been paid by the all-codes board under section 9AG.

**‘456 Appeals**

- ‘(1) Subsection (2) applies to an appeal committee established by the former control body and in existence immediately before the commencement.
- ‘(2) From the commencement, the appeal committee—
- (a) continues in existence only for the purpose of dealing with an appeal under consideration immediately before the commencement; and
  - (b) must deal with the appeal under the former control body’s rules of racing in existence before the commencement.
- ‘(3) Subsection (4) applies to an appeal started after the commencement against a reviewable decision, within the meaning of former section 95, made before the commencement.
- ‘(4) The appeal may be dealt with by the disciplinary board.
- ‘(5) For subsection (4), the steward’s decision appealed against is taken to be a decision made by the steward for the all-codes board.
- ‘(6) This section does not limit section 452(1).

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

- ‘(1) This section applies if, before the commencement, the former control body—
- (a) gave a licensed club a show cause notice under chapter 3, part 4; and
  - (b) had not decided whether to take action under the part in relation to the club.
- ‘(2) Chapter 3, part 4 continues to apply from the commencement

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in relation to the show cause notice as if the notice had been given by the all-codes board.

‘(3) This section does not limit section 452(1).

#### **‘458 Existing legal relationships not affected**

‘Nothing done under this part in relation to the former control body—

- (a) places the all-codes board in breach of a contract, trust or confidence or otherwise makes the all-codes board guilty of a civil wrong; or
- (b) makes the all-codes board 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.

#### **‘459 No compensation payable**

‘No compensation is payable to any person, including the former control body, or a member or director of the former control body, for—

- (a) the cancellation of an approval or the vesting or divesting of assets or liabilities or rights or obligations under this part; or
- (b) anything else done under this part.

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**‘460 References to control body or former control body**

‘In an Act or document, a reference to a control body or the former control body may, if the context permits, be taken as a reference to the all-codes board.

**‘Division 3 Other provisions**

**‘461 Destruction of fingerprints**

‘(1) Subsection (2) applies if—

- (a) before the commencement, the chief executive obtained the fingerprints of any individual who is an approval applicant’s business associate or executive associate; and
- (b) after the commencement, the Minister—
  - (i) refuses to grant the approval application; or
  - (ii) grants the approval but the approval is later cancelled.

‘(2) The chief executive must destroy the fingerprints.

‘(3) Former section 32(2) continues to apply from the commencement to the chief executive in relation to an individual who was a business associate or executive associate of a control body as if former section 32 had not been repealed by the amending Act.

**‘462 Continued protection for persons about whom background documents obtained**

‘Section 311 applies from the commencement as if section 310, definition *background document* included a reference to the fingerprints of a person obtained by the chief executive or a control body.’.

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## 74 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *accepted representations*, *appeal committee*, *appropriately qualified*, *board chairperson*, *commencement*, *control body*, *control body associate*, *electoral commissioner*, *eligible individual*, *executive officer*, *former control body*, *Ministerial direction*, *show cause notice*, *show cause period* and *thoroughbred control body*—

*omit.*

- (2) Schedule 3—

*insert—*

*‘accepted appeal* see section 149W.

*accepted representations—*

- (a) for chapter 2, see section 32H(2); or
- (b) for chapter 3, see section 103(2); or
- (c) for chapter 4, part 3, see section 137(2); or
- (d) for chapter 6, part 3, see section 233; or
- (e) for chapter 6, part 3A, see section 248F.

*accepted undertaking*, for an offcourse approval, see section 248A.

*aggrieved person*, for an appellable decision, see section 149T.

*all-codes board* means the Queensland All Codes Racing Industry Board established under section 9AA.

*appeal chairperson*, of the constituted board, see section 149O(4)(b).

*appellable decision*, of a control body, see section 149S.

*appropriately qualified*, to perform a function or exercise a power, includes having the qualifications, experience or standing appropriate to perform the function or exercise the power.

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*Example of standing—*

the level at which a person is employed by an entity

***approved control body*** means a corporation given a Minister's approval.

***approved place***, for an offcourse approval, see section 243(2)(a).

***board chairperson*** means the chairperson of the integrity board.

***board code of racing*** see section 9AB.

***candidate—***

- (a) for chapter 2, part 1A, division 6, see section 9BG; or
- (b) for chapter 2, part 1B, division 4, see section 9CI.

***chairperson***, of the disciplinary board, means the chairperson appointed under section 149D.

***commissioner*** means the Racing Integrity Commissioner.

***condition***, of an offcourse approval, see section 248.

***constituted board***, for an accepted appeal, see section 149R.

***control board*** see section 9BO.

***control body*** means—

- (a) the all-codes board; or
- (b) an approved control body.

***control body associate*** means—

- (a) for an approved control body—a business associate or executive associate of the control body; or
- (b) for the all-codes board—
  - (i) a person who the chief executive reasonably believes is associated with the operations of the all-codes board; or

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- (ii) a person who the chief executive reasonably believes is associated with the operations of a control board.

***deal with***, for chapter 3, part 5, division 4, see section 111.

***decision***, of a control body, includes a decision of a steward for the control body.

***deputy chairperson***, of the disciplinary board, means the deputy chairperson appointed under section 149D.

***disciplinary board*** means the Racing Disciplinary Board established under section 149A.

***executive officer*** means—

- (a) of a corporation—a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director of the corporation or the person’s position is given the name of executive officer; or

*Note*—

This definition also applies to references to an executive officer of a particular corporation, including, for example, an approved control body.

- (b) of the all-codes board—a person who is concerned with, or takes part in, the all-codes board’s management, whether or not the person is a member of the all-codes board.

*Example*—

The all-codes board’s chief executive officer is an executive officer for the body.

***expert***, for chapter 4A, part 2, see section 149ZP(1).

***mandatory condition***, of an offcourse approval, see section 248(2).

***member***, of the disciplinary board, see section 149C.

***Ministerial direction*** means a direction given by the Minister to—

- (a) the all-codes board under section 9BM; or
- (b) to a control board under section 9CO; or
- (c) to an approved control body under section 32C.

***notice of appeal***, for chapter 4A, part 2, see section 149U(1).

***offcourse approval*** see section 243.

***party***, to an accepted appeal, see section 149X.

***police commissioner*** means commissioner of the police service.

***QCAT information notice*** means a notice complying with the QCAT Act, section 157(2) for the decision.

***Racing Integrity Commissioner*** means the person who, under section 113AL, holds office as the Racing Integrity Commissioner.

***referred appeal*** see section 150(1).

***registrar***, of the disciplinary board, means the registrar appointed by the chief executive under section 149P.

***relevant control body***, for an accepted appeal, see section 149O(3).

***show cause notice***—

- (a) for chapter 2, see section 32G(1); or
- (b) for chapter 3, see section 102(1); or
- (c) for chapter 4, part 3, see section 136(1); or
- (d) for chapter 6, part 3, see section 231(2); or
- (e) for chapter 6, part 3A, see section 248D(1).

***show cause period***—

- (a) for chapter 2, see section 32G(2)(g); or
- (b) for chapter 3, see section 102(2)(e); or
- (c) for chapter 4, part 3, see section 136(2)(f); or
- (d) for chapter 6, part 3, see section 231(2)(d); or

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(e) for chapter 6, part 3A, see section 248D(2)(d).

*telecommunications system* means a system or network consisting of an electronic device or other equipment for communicating at a distance, including, for example, a telephone system and a system that allows communication electronically by means of the internet, a cable television network or another on-line communications system.’

- (3) Schedule 3, definition *information notice*, ‘of the Minister, chief executive, gaming executive, a control body, an appeal committee or the tribunal’—

*omit.*

- (4) Schedule 3, definition *national police certificate*, ‘the commissioner of the police service’—

*omit, insert—*

‘the police commissioner’.

- (5) Schedule 3, definition proposed action, paragraph (a), ‘section 53(2)(a)’—

*omit, insert—*

‘section 32G(2)(a)’.

## 75 Other amendments

The schedule amends the sections it mentions.

# Part 4 Amendment of Wagering Act 1998

## 76 Act amended

This part amends the *Wagering Act 1998*.

**77 Amendment of s 169 (Application of wagering tax)**

Section 169(1)(b), '2014'—

*omit, insert—*

'2015'.

## **Schedule**                      **Minor amendments of Racing Act 2002**

section 75

- 1**        **Section 29(3)(b), ‘section 52(1)(d)’—**  
*omit, insert—*  
‘section 32F(1)(d)’.
- 2**        **Section 32G(1), as renumbered, ‘section 56(1)(a)’—**  
*omit, insert—*  
‘section 32J(1)(a)’.
- 3**        **Section 32L(1), as renumbered, ‘section 57(6)’—**  
*omit, insert—*  
‘section 32K(6)’.
- 4**        **Section 101(1)(b), editor’s note—**  
*omit, insert—*  
‘*Note—*  
See section 108.’.
- 5**        **Section 113AB, as renumbered, definition *betting exchange*, ‘section 113B’—**  
*omit, insert—*  
‘section 113AC’.

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- 6 Section 113AB, as renumbered, definition *document or information request*, ‘section 113EA’—**  
*omit, insert—*  
‘section 113AG’.
- 7 Section 113AB, as renumbered, definition *race information authority*, ‘section 113E(1)’—**  
*omit, insert—*  
‘section 113AF(1)’.
- 8 Section 135(1)(a), editor’s note—**  
*omit, insert—*  
‘*Note—*  
See section 132(3) for persons who must be named in an accreditation certificate.’.
- 9 Section 149(2)(c), ‘Drugs’—**  
*omit, insert—*  
‘Medicines’.
- 10 Section 200(2)(d), ‘section 34(1)(h)’—**  
*omit, insert—*  
‘section 34(2)(o)’.
- 11 Section 219(b), second mention—**  
*renumber* as section 219(c).
- 12 Section 285(3)(c), editor’s note—**  
*omit, insert—*

*Note—*

See division 5 for what happens if the sample or thing can not be returned to its owner.’.

**13 Section 334(2), ‘section 113C’—**

*omit, insert—*

‘section 113AD’.

**14 Section 352(1)(b), editor’s note—**

*omit, insert—*

*Note—*

See the *Health (Drugs and Poisons) Regulation 1996*, sections 111(1) and 285(1) about records to be kept for controlled drugs and poisons respectively.’.

**15 Schedule 3, definition *drug*, paragraph (a), ‘Drugs’—**

*omit, insert—*

‘Medicines’.

**16 Schedule 3, definition *staff*, ‘a person’—**

*omit, insert—*

‘persons’.