

# Queensland



## Subordinate Legislation 2003 No. 142

### *Racing Act 2002*

# RACING REGULATION 2003

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## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Racing Regulation 2003*.

### **2 Commencement**

This regulation commences on 1 July 2003.

## **PART 2—MATTERS ABOUT SELECTION PANELS**

### **3 Establishment of selection panel as occasion requires**

(1) For the purpose of selecting and appointing a person or persons as a member or members of the Thoroughbred Racing Board, or a member as the chairperson or deputy chairperson of the board, the Minister may establish a selection panel by giving written notice to each person the Minister selects for the panel.

(2) The notice must state—

- (a) the name and address of each person on the panel; and
- (b) the position or positions on the Thoroughbred Racing Board for which a selection and appointment is required.

(3) A selection panel must consist of 3 members.

(4) In establishing a selection panel, the Minister must consult with the persons involved in the thoroughbred racing industry the Minister considers appropriate.

### **4 Persons who are ineligible for selection panel**

(1) A person is ineligible to be or to continue as a member of a selection panel if the person—

- (a) is affected by bankruptcy action; or
- (b) is, or has been, convicted of a criminal offence or an offence against the Act; or

- (c) becomes incapable of performing the duties of the member because of physical or mental incapacity; or
- (d) is subject to an exclusion action under a control body's rules of racing; or
- (e) is a participant licensed by the Thoroughbred Racing Board.

## **5 Selection and appointment of board members**

In selecting and appointing a person as a member of the Thoroughbred Racing Board, a selection panel must have regard to—

- (a) the interests of the thoroughbred racing industry in the State; and
- (b) achieving a board membership with skills or experience in the following—
  - (i) business or financial management;
  - (ii) law;
  - (iii) leadership;
  - (iv) marketing;
  - (v) the thoroughbred racing industry.

## **6 Selection and appointment of chairperson or deputy chairperson of board**

(1) In selecting and appointing a member of the Thoroughbred Racing Board as the chairperson or deputy chairperson of the board, a selection panel must consult with the members of the board.

(2) A member may be selected and appointed as the chairperson or deputy chairperson only by a unanimous resolution of the selection panel.

# **PART 3—RACING ASSOCIATIONS**

## **7 Composition of the South-East Queensland Racing Association**

(1) The South-East Queensland Racing Association is comprised of the following members—

- (a) 2 members nominated by Queensland Turf Club Ltd. ACN 079 598 235;
- (b) 2 members nominated by Brisbane Turf Club Ltd. ACN 094 664 507;
- (c) 1 member nominated by Gold Coast Turf Club Ltd. ACN 102 941 980;
- (d) 1 member nominated by Sunshine Coast Turf Club Inc.;
- (e) 1 member nominated by Ipswich Turf Club Inc.;
- (f) 1 member nominated by Tattersall's Racing Club Inc.;
- (g) 1 member nominated jointly by the associated TABQ clubs mentioned in schedule 1;
- (h) 1 member nominated jointly by the non-associated TABQ clubs mentioned in schedule 1;
- (i) 1 member nominated by licensed trainers;
- (j) 1 member nominated by racing bookmakers;
- (k) 1 member nominated by licensed jockeys.

(2) In this section—

**“associated TABQ club”**, for the nomination of a person, means a club for which TABQ offered wagering on the majority of the club's races of thoroughbred horses in the financial year immediately preceding the financial year in which the person is nominated to be a member of the racing association.

**“non-associated TABQ club”**, for the nomination of a person, means a club for which TABQ did not offer wagering on the majority of the club's races of thoroughbred horses in the financial year immediately preceding the financial year in which the person is nominated to be a member of the racing association.

## **8 Composition of the Downs and South-West Queensland Racing Association**

The Downs and South-West Queensland Racing Association is comprised of the following members—

- (a) 1 member nominated by Central Warrego Race Club Inc.;

- (b) 1 member nominated by Dalby and Northern Downs Jockey Club Inc.;
- (c) 1 member nominated by Roma Turf Club Inc.;
- (d) 3 members nominated by Toowoomba Turf Club Inc.;
- (e) 1 member nominated by Warwick Turf Club Inc.;
- (f) 2 members nominated jointly by the clubs mentioned in schedule 2;
- (g) 1 member nominated by licensed trainers;
- (h) 1 member nominated by racing bookmakers;
- (i) 1 member nominated by licensed jockeys.

## **9 Composition of the North Queensland Racing Association**

The North Queensland Racing Association is comprised of the following members—

- (a) 1 member nominated by Cairns Jockey Club Inc.;
- (b) 1 member nominated by Mackay Turf Club Inc.;
- (c) 1 member nominated by Mt Isa Race Club Inc.;
- (d) 2 members nominated by Townsville Turf Club Inc.;
- (e) 4 members nominated jointly by the clubs mentioned in schedule 3;
- (f) 1 member nominated by licensed trainers;
- (g) 1 member nominated by racing bookmakers;
- (h) 1 member nominated by licensed jockeys.

## **10 Composition of the Capricornia Racing Association**

The Capricornia Racing Association is comprised of the following members—

- (a) 1 member nominated by Emerald Jockey Club Inc.;
- (b) 1 member nominated by Gladstone Turf Club Inc.;
- (c) 3 members nominated by Rockhampton Jockey Club Inc.;
- (d) 1 member nominated by Thangool Race Club Inc.;

- (e) 1 member nominated jointly by the clubs mentioned in schedule 4;
- (f) 1 member nominated by licensed trainers;
- (g) 1 member nominated by racing bookmakers;
- (h) 1 member nominated by licensed jockeys.

## **11 Composition of the Central Western Queensland Racing Association**

The Central Western Queensland Racing Association is comprised of the following members—

- (a) 1 member nominated by Barcaldine Racing Club Inc.;
- (b) 1 member nominated by Barcoo Amateur Racing Club Inc.;
- (c) 1 member nominated by Clermont Race Club Inc.;
- (d) 1 member nominated by Longreach Jockey Club Inc.;
- (e) 1 member nominated by Moranbah Race Club Inc.;
- (f) 2 members nominated jointly by the clubs mentioned in schedule 5;
- (g) 1 member nominated by licensed trainers;
- (h) 1 member nominated by racing bookmakers;
- (i) 1 member nominated by licensed jockeys.

## **12 Nomination of member to racing association**

(1) The nomination of a member to a racing association must be made as soon as practicable after 28 February in each year that nominations are to be made.

(2) A member of a racing association is eligible for renomination and reappointment as a member.

(3) The Thoroughbred Racing Board must invite nominations and conduct elections for the members of each racing association that are to be nominated by licensed trainers, racing bookmakers or licensed jockeys.

### **13 Appointment of member to racing association**

A person nominated under sections 7 to 11 is, on nomination, appointed a member of the racing association for which the person is nominated.

### **14 Term of office**

A member of a racing association holds office for 3 years from the day the member is appointed.

### **15 Vacation of office**

The office of a member of a racing association becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) resigns by signed notice given to the racing association; or
- (d) is absent from 3 consecutive meetings of the racing association and is not excused by it for the absences at any time before the end of the next meeting after the third absence.

### **16 Casual vacancies**

**(1)** If a casual vacancy happens in the office of a member (the “**previous member**”), another person is to be nominated and appointed in the same way as the previous member was nominated and appointed.

**(2)** A person appointed to fill a casual vacancy as a member is to be appointed and to hold office—

- (a) for the balance of the previous member’s term of office; or
- (b) until the person sooner vacates the office.



## **PART 4—MATTERS ABOUT THE RACING APPEALS TRIBUNAL**

### **17 Appeal deposit—Act, s 168**

For section 168(1)(b)(ii)<sup>1</sup> of the Act—

- (a) the appeal deposit is \$200; and
- (b) the circumstances are that the appeal is upheld.

### **18 Witness fees and expenses—Act, s 178**

(1) For section 178(1)(a)<sup>2</sup> of the Act, the witness fees and expenses are the following—

- (a) an attendance allowance of \$49 for each day or part of a day;
- (b) a travelling allowance;
- (c) an accommodation allowance.

(2) If the person travels to and from the racing appeals tribunal by air and it is reasonable in the circumstances to travel by air, the travelling allowance is the amount payable for economy class air travel by the person to and from the tribunal.

(3) If subsection (2) does not apply, the travelling allowance is—

- (a) the amount actually and properly paid for fares for public transport to and from the tribunal; or
- (b) if there is no public transport available—\$10 for each day or part of a day plus an amount worked out at the rate of 40c a kilometre travelled.

(4) If the person is required to attend at the tribunal for more than 1 day and it is not reasonably practicable for the person to return to the person's place of residence on any day on which the person is required to attend at the tribunal, the accommodation allowance is \$90 for each overnight stay.

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1 Section 168 (Starting an appeal against decisions as allowed under s 167) of the Act

2 Section 178 (Witness fees and expenses) of the Act

## **PART 5—MISCELLANEOUS**

### **19 Due date for the yearly fee payable by a control body—Act, s 29**

For section 29(2)(b)<sup>3</sup> of the Act, the fee relating to each year for which a control body's approval has effect is payable by each anniversary of the approval effect day for the control body.

### **20 Publication by integrity board of analytical procedures—Act, s 115**

(1) For section 115(3)(b)<sup>4</sup> of the Act, the integrity board may publish analytical procedures and amendments of the procedures by—

- (a) making the procedures and amendments available for inspection, free of charge, at its business address during its ordinary office hours and on a website; and
- (b) giving a copy of the procedures or amendments to a person if the person asks for a copy.

(2) In this section—

**“analytical procedures”** means the procedures developed or adopted by the integrity board, under section 115(3)(a) of the Act, about the way things for analysis are to be taken and dealt with.

### **21 Qualifications for an accredited analyst—Act, s 129**

For section 129(3)(b)<sup>5</sup> of the Act, the qualifications to be an accredited analyst are a qualification awarded by a tertiary institution in the field of analytical chemistry or a similar field.

### **22 Approved place for paying and settling certain bets—Act, s 254**

For section 254(2)<sup>6</sup> of the Act, Tattersall's Club Rooms at 215 Queen Street, Brisbane is approved for the payment and settlement of a bet.

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3 Section 29 (Yearly fee payable by each control body) of the Act

4 Section 115 (Functions and powers of integrity board) of the Act

5 Section 129 (Accreditation application) of the Act

6 Section 254 (Payment and settlement of bets) of the Act

**23 Prescribed laws about racing or betting**

Each law stated in schedule 6 is prescribed as a law about racing or betting.

**24 Fees**

The fees payable under the Act are stated in schedule 7.

**SCHEDULE 1****CLUBS TO JOINTLY NOMINATE MEMBERS OF THE  
SOUTH-EAST QUEENSLAND RACING ASSOCIATION**

section 7(1)(g) and (h)

1. Beaudesert Hibernian Race Club Inc.
2. Beaudesert Race Club Inc.
3. Bundaberg Race Club Inc.
4. Burrandowan Picnic Race Club Inc.
5. Eidsvold Race Club Inc.
6. Esk Jockey Club Inc.
7. Gayndah Jockey Club Inc.
8. Gympie Turf Club Inc.
9. Kilcoy Race Club Inc.
10. Kumbia Race Club Inc.
11. Lockyer Race Club Inc.
12. Mount Perry Race Club
13. Nanango Race Club Inc.
14. South Burnett Race Club Inc.

**SCHEDULE 2****CLUBS TO JOINTLY NOMINATE 2 MEMBERS OF THE  
DOWNS AND SOUTH-WEST QUEENSLAND RACING  
ASSOCIATION**

section 8(f)

1. Augathella Race Club Inc.
2. Bell Race Club Inc.
3. Chinchilla Race Club Inc.
4. Clifton Jockey Club Inc.
5. Cunnamulla and District Diggers Race Club Inc.
6. Dalby Amateur Picnic Race Club Inc.
7. Dawson Jockey Club Inc.
8. Eromanga Amateur Race Club Inc.
9. Flinton Race Club Inc.
10. Goondiwindi and McIntyre Picnic Race Club
11. Goondiwindi Race Club Inc.
12. Injune Race Club Inc.
13. Jandowae Race Club Inc.
14. Maranoa Diggers Race Club Inc.
15. Miles and District Amateur Picnic Race Club Inc.
16. Morven Race Club Inc.
17. Noccundra Amateur Race Club Inc.
18. Noorama Picnic Race Club Inc.
19. Oakey and District Race Club Inc.
20. Quilpie Diggers Race Club
21. Roma Picnic Race Club Inc.
22. Stanthorpe Jockey Club Inc.

## SCHEDULE 2 (continued)

- 23.** St. George Jockey Club Inc.
- 24.** Surat Diggers Race Club Inc.
- 25.** Talwood Race Club Inc.
- 26.** Tara Race Club Inc.
- 27.** Texas Jockey Club Inc.
- 28.** Wandoan Diggers Race Club Inc.
- 29.** Warra Race Club Inc.
- 30.** Warwick Picnic Race Club Inc.
- 31.** Wyandra Race Club Inc.

**SCHEDULE 3****CLUBS TO JOINTLY NOMINATE 4 MEMBERS OF THE  
NORTH QUEENSLAND RACING ASSOCIATION**

section 9(e)

1. Atherton Turf Club Inc.
2. Boulia Turf Club Inc.
3. Bowen River Turf Club Inc.
4. Bowen Turf Club Inc.
5. Burdekin Race Club Inc.
6. Burketown Turf Club
7. Camooweal Jockey Club Inc.
8. Charters Towers Amateur Race Club Inc.
9. Chillagoe Turf Club Inc.
10. Cloncurry and District Race Club Inc.
11. Cooktown Amateur Turf Club Inc.
12. Corfield Amateur Race Club Inc.
13. Einasleigh Race Club Inc.
14. Ewan Amateur Turf Club Inc.
15. Far North Queensland Amateur Turf Club Inc.
16. Georgetown Turf Club Inc.
17. Gordonvale Turf Club Inc.
18. Gregory Downs Jockey Club Inc.
19. Herbert River Jockey Club Inc.
20. Hughenden Jockey Club Inc.
21. Innisfail Turf Club Inc.
22. Julia Creek Turf Club Inc.
23. Laura Amateur Turf Club Inc.

## SCHEDULE 3 (continued)

- 24. Mackay Amateur Race Club Inc.
- 25. Mareeba Turf Club Inc.
- 26. Maxwellton Race Club Inc.
- 27. McKinlay Race Club Inc.
- 28. Mingela Amateur Race Club Inc.
- 29. Mount Garnet Amateur Turf Club Inc.
- 30. Normanton Race Club Inc.
- 31. North Gregory Turf Club Inc.
- 32. North Queensland Amateur Turf Club Inc.
- 33. Oakley Amateur Picnic Race Club Inc.
- 34. Oak Park Amateur Picnic Race Club Inc.
- 35. Pentland Race Club Inc.
- 36. Prairie Jockey Club Inc.
- 37. Richmond Turf Club Inc.
- 38. Sedan Dip Race Club Inc.
- 39. Stamford Race Club Inc.
- 40. Tower Hill Picnic Amateur Race Club Inc.
- 41. Towers Jockey Club Inc.
- 42. Western Picnic Race Club Inc.



**SCHEDULE 4****CLUBS TO JOINTLY NOMINATE 1 MEMBER OF THE  
CAPRICORNIA RACING ASSOCIATION**

section 10(e)

1. Bluff-Blackwater Amateur Race Club Inc.
2. Calliope Jockey Club
3. Central Queensland Amateur Racing Club Inc.
4. Dingo Race Club Inc.
5. Duaringa Race Club Inc.
6. Lions Club of Blackwater Inc. Race Club
7. Mackenzie River Amateur Picnic Race Club Inc.
8. Middlemount Race Club Inc.
9. Monto Race Club Inc.
10. Ridgeland Race Club Inc.
11. Rockhampton St. Patrick's Day Race Club Inc.
12. Springsure Jockey Club Inc.
13. Springsure St. Patrick's Day Race Club Inc.
14. Tattersall's Race Club Rockhampton Inc.
15. Theodore Amateur Race Club Inc.

**SCHEDULE 5****CLUBS TO JOINTLY NOMINATE 2 MEMBERS OF THE  
CENTRAL WESTERN QUEENSLAND RACING  
ASSOCIATION**

section 11(f)

1. Alpha Jockey Club Inc.
2. Aramac Racing Club Inc.
3. Bedourie Amateur Race Club Inc.
4. Betoota Race Club Inc.
5. Birdsville Race Club Inc.
6. Capella Amateur Race Club Inc.
7. Ilfracombe Picnic Race Club Inc.
8. Isisford Race Club Inc.
9. Jericho Picnic Race Club
10. Jundah Race Club Inc.
11. Muttaborra Amateur Turf Club Inc.
12. Peak Downs Amateur Race Club Inc.
13. Stonehenge Amateur Race Club
14. Tambo and District Race Club Inc.
15. Twin Hills Race Club Inc.
16. Windorah Amateur Race Club Inc.
17. Yaraka Amateur Race Club Inc.

## **SCHEDULE 6**

### **PRESCRIBED LAWS ABOUT RACING OR BETTING**

section 23

#### **AUSTRALIAN CAPITAL TERRITORY**

- *Betting (ACTTAB Limited) Act 1964 (ACT)*
- *Gambling and Racing Control Act 1999 (ACT)*
- *Gambling and Racing Control (Code of Practice) Regulations 2002 (ACT)*
- *Games, Wagers and Betting Houses Act 1901 (ACT)*
- *Gaming and Betting Act 1906 (ACT)*
- *Race and Sports Bookmaking Act 2001 (ACT)*
- *Racing Act 1999 (ACT)*
- *Unlawful Games Act 1984 (ACT)*

#### **NEW SOUTH WALES**

- *Greyhound Racing Act 2002 (NSW)*
- *Harness Racing Act 2002 (NSW)*
- *Thoroughbred Racing Board Act 1996 (NSW)*
- *Totalizator Act 1997 (NSW)*

## SCHEDULE 6 (continued)

**NORTHERN TERRITORY**

- *Racing and Betting Act* (NT)
- *Racing and Betting Regulations* (NT)
- *Totalisator Licensing and Regulation Act* (NT)
- *Unlawful Betting Act* (NT)

**SOUTH AUSTRALIA**

- *Racing (Proprietary Business Licensing) Act 2000* (SA)

**TASMANIA**

- *Gaming Control Act 1993* (Tas)
- *Racing Act 1983* (Tas)
- *Racing Regulation Act 1952* (Tas)

**VICTORIA**

- *Gaming and Betting Act 1994* (Vic)
- *Gaming Machine Control Act 1991* (Vic)
- *Gaming No. 2 Act 1997* (Vic)
- *Lotteries Gaming and Betting Act 1966* (Vic)
- *Racing Act 1958* (Vic)

## SCHEDULE 6 (continued)

**WESTERN AUSTRALIA**

- *Betting Control Act 1954 (WA)*
- *Betting Control Regulations 1978 (WA)*
- *Racecourse Development Act 1976 (WA)*
- *Racing Restriction Act 1927 (WA)*
- *The Western Australian Turf Club Act 1892 (WA)*
- *Totalisator Agency Board Betting Act 1960 (WA)*
- *Totalisator Agency Board (Betting) Regulations 1988 (WA)*
- *Western Australian Greyhound Racing Authority Act 1981 (WA)*
- *Western Australian Trotting Association Act 1946 (WA)*

## SCHEDULE 7

### FEES

section 24

\$

1. Application for approval as a control body—Act, s 11(1)(a) ..... 5 000.00
2. Yearly fee payable for each year a control body's approval has effect—Act, s 29(2)(a) ..... 2 500.00
3. Application for accreditation as an accredited facility—Act, s 129(2) ..... 2 500.00
4. Application for variation of accreditation for an accredited facility—Act, s 134(2) ..... 100.00
5. Administration fee for an appeal to the tribunal—Act, s 168(1)(b)(i) ..... 50.00
6. Application for an eligibility certificate—  
Act, s 207(2)(a)—  
(a) if the applicant is an individual ..... 1 693.00  
(b) if the applicant is a corporation ..... 4 866.00
7. Appeal to the gaming commission—Act, s 243(1)(b) ..... 259.00

### ENDNOTES

1. Made by the Governor in Council on 26 June 2003.
2. Notified in the gazette on 27 June 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Tourism, Racing and Fair Trading.