



# Racing Act 2002

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## Reprint note

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## Queensland

# Racing Act 2002

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# Racing Act 2002

**An Act to provide for the racing industry in Queensland, including betting on races and sporting contingencies, and for other purposes**

## Chapter 1 Introduction

### 1 Short title

This Act may be cited as the *Racing Act 2002*.

### 2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by proclamation.
- (2) Section 398(1) and schedule 2, part 1, in relation to the amendment of the *Racing and Betting Amendment Act (No. 2) 2001*, are taken to have commenced on 4 April 2002.

### 3 Act binds all persons

- (1) This Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

### 4 Main purposes of Act and how they generally are achieved

- (1) The main purposes of this Act are—

- (a) to maintain public confidence in the racing of animals in Queensland for which betting is lawful; and
  - (b) to ensure the integrity of all persons involved with racing or betting under this Act; and
  - (c) to safeguard the welfare of all animals involved in racing under this Act.
- (2) Generally, the main purposes are achieved by providing for the following—
- (a) the establishment of the Queensland All Codes Racing Industry Board as the control body to manage the thoroughbred, harness and greyhound codes of racing;
  - (b) the establishment of control boards to assist the Queensland All Codes Racing Industry Board;
  - (c) the process for approving an applicant as a control body;
  - (d) the approval of a suitable applicant as the control body to manage a code of racing;
  - (e) the performance by each control body of its function under this Act of managing its code of racing;
  - (f) controls relating to the welfare of animals involved in racing, including the control of drugs;
  - (g) the appointment of the Racing Integrity Commissioner;
  - (h) the establishment of the Racing Animal Welfare and Integrity Board and the accreditation of entities in relation to drug testing and related matters;
  - (i) the establishment of the Racing Disciplinary Board to hear and decide appeals against appellable decisions;
  - (j) the persons who may carry on bookmaking, including a process for obtaining an eligibility certificate from the gaming executive before a person may be licensed by a control body as a racing bookmaker who may carry on bookmaking at a licensed venue when it is under the control of that control body;

- 
- (k) the process for granting offcourse approvals to racing bookmakers for carrying on racing bookmaking at places other than licensed venues;
  - (l) the investigation of matters under, and enforcement of compliance with, this Act by authorised officers;
  - (m) offences and legal proceedings generally;
  - (n) miscellaneous and transitional matters, especially how matters under the repealed Act may continue or otherwise be dealt with under this Act.

## **5 Definitions**

The dictionary in schedule 3 defines particular words used in this Act.

## **6 Betting under this Act is lawful**

- (1) If betting on the outcome of a race or sporting contingency is conducted under this Act, the betting is lawful.
- (2) Subsection (1) does not limit the *Wagering Act 1998*.

# **Chapter 2 Control bodies to manage codes of racing**

## **Part 1 Preliminary**

### **7 Main purposes of ch 2 and how they generally are achieved**

- (1) The main purposes of this chapter are—
  - (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
  - (c) to establish a process by which an eligible corporation may be approved as the control body for a code of racing with responsibility for managing the code, including the involvement of animals, clubs, participants and venues in the code; and
  - (d) to provide for the relationships among the Minister, the chief executive and the control body in relation to the approval of the control body and the code of racing.
- (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.
- (3) This chapter also provides for offences relevant to matters dealt with in the chapter.

## **8 Meaning of *eligible corporation***

A corporation is an *eligible corporation* if it—

- (a) is registered under the Corporations Act; and
- (b) has a constitution under the Corporations Act that, at all times, requires—
  - (i) at least 3 directors; and
  - (ii) the persons appointed or employed as executive officers of the corporation to be eligible individuals.

## **9 Meaning of *eligible individual***

An *eligible individual* is an individual who—

- (a) is not affected by bankruptcy action; and
- (b) does not have a disqualifying conviction; and
- (c) is not subject to an exclusion action under any control body's rules of racing; and
- (d) is not licensed by, or is not an executive officer of a corporation that is licensed by, a control body; and
- (e) is not a member of a committee, or employee, of—
  - (i) a licensed club; or
  - (ii) an association formed in Australia to promote the interests of 1 or more participants in a code of racing, whether or not formed under this Act; and

- (f) is not disqualified from managing corporations, under the Corporations Act, part 2D.6.

## **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

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- (c) a unit of public administration under the *Crime and Corruption 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

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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.

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

### **9AI      Members**

- (1) The board consists of the following 7 members appointed by the Governor in Council—
  - (a) 4 members appointed as mentioned in section 9AJ(1) (each of whom is a *non-industry member*);
  - (b) 3 members appointed as mentioned in section 9AJ(3) (each of whom is a *racing-industry member*).
- (2) A member is to be appointed for a term of not more than 3 years.
- (3) A person appointed as a member may be reappointed.

### **9AJ      Appointment to board**

- (1) The Governor in Council may appoint a person as a non-industry member only if the person—
  - (a) is, on the day of the appointment, an eligible individual and was, for 2 years before that day, an eligible individual; and
  - (b) is suitable to be appointed to the board; and
  - (c) has skills and experience in 1 or more of the following areas—
    - (i) accounting;
    - (ii) animal welfare;
    - (iii) business;
    - (iv) commercial and marketing development;
    - (v) law; and
  - (d) has not, for 2 years before the day of the appointment, owned a licensed animal.
- (2) In deciding whether to appoint a person as a non-industry member, the Governor in Council must have regard to whether

the person's skills and experience will complement the skills and experience of the other non-industry members so that, as a group, the non-industry members have skills and experience in the areas mentioned in subsection (1)(c).

- (3) The Governor in Council may appoint a person as a racing-industry member only if the person—
  - (a) is, on the day of the appointment, an eligible individual; and
  - (b) is suitable to be appointed to the board; and
  - (c) has skills and experience in at least 1 of the board codes of racing.
- (4) For making a decision about a person's suitability to be appointed to the board, the Governor in Council must have regard to each of the following matters—
  - (a) the person's character or business reputation;
  - (b) the person's current financial position and financial background;
  - (c) the person's background.
- (5) The instrument of appointment of a person as a racing-industry member must state the board code of racing that the person is to represent.

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

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

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- (d) the member is removed from office under subsection (2).
- (2) The Governor in Council may remove a member from office as a member for any reason or none.

### **9AL Chairperson and deputy chairperson**

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

### **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 presides at all meetings of the board at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.
- (3) If both the chairperson and deputy chairperson are absent from a meeting, including because of a vacancy in an office of chairperson or deputy chairperson, the non-industry board member chosen by the members present is to preside at the meeting.

### **9AU    Conduct of meetings**

- (1) The 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 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 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 person who, under section 9AT, is presiding at the meeting has a casting vote.
- (5) A resolution is a valid resolution of the board, even though it is not passed at a meeting of the 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 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
  - (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.

### **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
  - (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.

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## **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
  - (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.

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## **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.
- (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*, schedule 1 does not apply.

## **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).

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## **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.

## **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.

## **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.

### **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—

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- (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).

### **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.

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## **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
  - (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)—

[s 9CA]

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- (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.
- (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 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;
  - (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.
- (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*, schedule 1 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.
- (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**

### **Division 1                    Applying for approval as control body for a code of racing**

#### **10    An eligible corporation may apply for approval as a control body**

- (1) An eligible corporation may apply to the Minister for approval as the control body for—
  - (a) a code of racing; or
  - (b) a proposed code of racing.
- (2) The eligible corporation may apply for approval as the control body for the application code even if the corporation is, or has

applied to be, the control body for another code of racing or proposed code of racing.

- (3) The approval applicant may—
  - (a) withdraw the approval application; or
  - (b) amend the approval application subject to the matters prescribed under a regulation about the way in which an approval application may proceed after it is amended.
- (4) The application mentioned in subsection (1) must be in the approved form.

## **11 Approval application to be accompanied by specific matters**

- (1) An approval application must be accompanied by the following—
  - (a) the application fee prescribed under a regulation;
  - (b) the approval applicant's written agreement to pay an amount that is the cost of any mediation under section 17 divided equally among the number of approval applicants who are given a notice about the mediation under that section;
  - (c) a copy of the approval applicant's constitution under the Corporations Act;
  - (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;
  - (e) the approval applicant's written agreement to obtain a consent of the type mentioned in paragraph (d) for a

- person whom the chief executive believes is a business associate or executive associate of the approval applicant but whose consent does not accompany the approval application;
- (f) the approval applicant's plans for developing, operating and managing the application code and a timetable for implementing the plans.
- (2) The plans mentioned in subsection (1)(f) must include the approval applicant's proposals for policies for the following—
- (a) selling a product to persons lawfully conducting wagering under the *Wagering Act 1998*;
- (b) controlling lawful betting on races at race meetings, held under its control as a control body, by persons carrying on bookmaking under chapter 6;
- (c) licensing animals, clubs, participants and venues involved in the application code to ensure—
- (i) the integrity of racing activities to be held under the approval; and
- (ii) the safety of persons involved in racing or training licensed animals; and
- (iii) the welfare of licensed animals and animals that may be licensed for the application code;
- (d) safeguarding the public interest in the application code;
- (e) providing or participating in an appropriate education and training system for persons who are likely to—
- (i) engage in activities requiring a licence from it as a control body; or
- (ii) participate in the application code but are not required to be licensed;
- (f) a website, and the information to be accessible through the website including policies and rules required to be published on the website under sections 84 and 94;

- (g) veterinary services to be provided at race meetings and trials held under its control as a control body.
- (3) Also, the plans mentioned in subsection (1)(f) must include the approval applicant's proposals for procedures for the following—
- (a) allocating sufficient resources to ensure—
    - (i) the welfare of animals that may be licensed; and
    - (ii) the prevention and management of other practices that may impact adversely on the integrity of any code of racing;
  - (b) identifying the approval applicant's way of separating its commercial operations for the application code from its regulatory operations for the code.
- (4) The proposals for the policies and the procedures must be well developed and, based on the assumption that the application is 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.
- (5) The written agreement mentioned in subsection (1)(b), and the consent mentioned in subsection (1)(d), must be in the approved form.

## **12 Evidence of matters to be included in an approval application**

An approval application must include evidence establishing each of the following—

- (a) the approval applicant is an eligible corporation;

- (b) each of its executive officers is an eligible individual;
- (c) each of its executive officers has experience in the application code, business and financial management, law, leadership or marketing.

## **Division 2                      Referral of approval application to chief executive for processing**

### **13            Minister to refer an approval application to the chief executive for assessment and other action**

- (1) After receiving an approval application, the Minister must refer it to the chief executive for assessment.
- (2) The chief executive must—
  - (a) require the approval applicant, by notice (an *advertising notice*) given to the applicant, to advertise information about the approval application; and
  - (b) assess whether the approval applicant is suitable to be approved as the control body for the application code.

### **14            Advertising notice about an approval application**

- (1) The advertising notice must state—
  - (a) the form of, and the information to be included in, the advertisement; and
  - (b) the newspapers or other publications in which the advertisement must appear; and
  - (c) the days on which the advertisement must appear in the stated newspapers or other publications.
- (2) Without limiting subsection (1)(a), the chief executive must require each advertisement to state that a person may object to the approval application, by giving a written submission to the chief executive in a way and by a date stated in the advertisement (the *closure date*).

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- (3) The closure date must be at least 28 days after the advertisement first appears in a newspaper or other publication as required under subsection (1).
- (4) The approval applicant is liable for all expenses relating to the advertisement.

## **15 Objection to approval application**

- (1) A person (an *objector*) may object to an approval application by written submission given to the chief executive by the closure date stated in the advertisement.
- (2) The submission must state the objector's reasons for objecting and, if applicable, may include conditions to which the objector believes an approval relating to the approval application should be subject.

## **Division 3                      When there is more than 1 approval application relating to a particular type of animal racing**

### **16 Application of div 3**

This division applies if—

- (a) both of the following apply—
  - (i) an objector's reasons for objecting to an approval application states the objector is the appropriate eligible corporation to be approved as the control body for the application code;
  - (ii) the objector makes an approval application for the application code within 28 days after the closure date; or
- (b) before the closure date for an approval application, another eligible corporation, other than an objector, makes an approval application for the application code.

## 17 Chief executive must call meeting of all approval applicants

- (1) The chief executive must, by notice given to each of the approval applicants, call a meeting of them to explore the possibility of all of the approval applicants reaching a mediated agreement about the eligible corporation that should be approved as the control body for the application code.

*Example of a mediated agreement—*

The approval applicants may agree to form an eligible corporation in which they each have equal rights to appoint that corporation's executive officers, to withdraw each of their approval applications and to support an application by the formed eligible corporation to be the control body for the application code.

- (2) The chief executive may arrange for a suitably qualified person to be the mediator at the meeting.
- (3) If a mediated agreement can not be reached at the meeting, the chief executive must include information about the mediation in the chief executive's report to the Minister under section 19.

## Division 4 Assessment actions by chief executive for approval applications

### 18 Assessment of an approval application if only 1 application

- (1) The chief executive must assess an approval application referred to the chief executive under section 13(1).
- (2) The chief executive must prepare and give to the Minister a report relating to the approval application (the *assessed application*) covering the following to the extent that is applicable—
  - (a) the assessed application;
  - (b) submissions given to the chief executive under section 15 about the assessed application;

- (c) reports about the criminal histories of individuals who are business associates and executive associates of the approval applicant, given to the chief executive under section 23(2);
  - (d) the chief executive's assessment, as mentioned in section 13(2)(b), about whether the approval applicant is suitable to be approved as the control body for the application code.
- (3) This section is subject to section 19.

## **19 Assessment of an approval application if more than 1 application**

- (1) This section applies if the chief executive calls a meeting of approval applicants under section 17(1) and there is no mediated agreement supported by all of the approval applicants.
- (2) The chief executive must assess each of the approval applications.
- (3) The chief executive must prepare and give to the Minister a single report relating to each of the approval applications (the *assessed applications*) covering the following to the extent that is applicable—
  - (a) the assessed applications;
  - (b) submissions given to the chief executive under section 15 about the assessed applications;
  - (c) reports about the criminal histories of individuals who are business associates and executive associates of the approval applicants, given to the chief executive under section 23(2);
  - (d) the chief executive's assessment, as mentioned in section 13(2)(b), about whether each approval applicant is suitable to be approved as the control body for the application code;

- (e) an assessment about the merits of each approval application compared to the other approval applications;
- (f) the chief executive's recommendation about which approval applicant is best qualified and most suitable to be the control body for the code.

## **20 Assessing approval applicant or approval applicants**

- (1) This section applies to the chief executive in assessing an approval application as mentioned in section 18 or 19.
- (2) The chief executive must decide whether the approval applicant is suitable to be approved as the control body for the application code.
- (3) For subsection (2), the chief executive must have regard to, and if necessary, investigate each of the following—
  - (a) the approval application, matters accompanying or included in the approval application as mentioned in section 11, and evidence given by the approval applicant in support of the application about the matters mentioned in section 12;
  - (b) the approval applicant's business reputation, current financial position and financial background;
  - (c) the suitability of every business associate and executive associate of the approval applicant to be associated with the approval applicant as a control body;
  - (d) if the approval applicant has a business association with another entity—
    - (i) the entity's character or business reputation; and
    - (ii) the entity's current financial position and financial background.
- (4) In deciding about the suitability of a business associate or executive associate of the approval applicant, the chief executive must have regard to, and if necessary investigate, each of the following—

- (a) the associate's character or business reputation;
- (b) the associate's current financial position and financial background;
- (c) if the associate has a business association with another entity—
  - (i) the entity's character or business reputation; and
  - (ii) the entity's current financial position and financial background.

**21 Chief executive may require further information or documents to support approval application as part of investigations under s 20**

- (1) For an investigation under section 20 relating to an approval applicant, the chief executive may, by notice given to the approval applicant, require the applicant to give the chief executive further information or a document relating to any of the following within a reasonable time stated in the notice—
  - (a) the approval application;
  - (b) the approval applicant;
  - (c) a business associate or executive associate of the approval applicant;
  - (d) an entity with which the approval applicant has a business association.
- (2) For an investigation under section 20 relating to a business associate or executive associate of an approval applicant, the chief executive may, by notice given to the associate and a copy of the notice to the approval applicant, require the associate to give the chief executive information or a document relating to the following within a reasonable time stated in the notice—
  - (a) the association with the approval applicant;
  - (b) an entity with which the associate has a business association.

- (3) When making the requirement, the chief executive must warn the approval applicant and associate that the approval application will not be considered further until the requirement is complied with.

## **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.

## **23 Obtaining the criminal history of an individual**

- (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) After receiving the request, the commissioner must give the report on the individual'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                    Ministerial decision about approval applications**

### **24            Minister to consider and decide approval application**

- (1) This section applies after the Minister is given an assessment report.
- (2) Before making a decision about an approval application, the Minister must consider the following—
  - (a) the assessment report;
  - (b) the approval application or approval applications dealt with in the report;
  - (c) further documents given to the chief executive by the approval applicant in support of the application or an amendment of the application;
  - (d) submissions given to the chief executive under section 15(1) and, to the extent applicable, any other approval applications and any mediated agreement as mentioned in section 17(1), relating to the application code;
  - (e) conditions the Minister believes should apply if the application is approved.
- (3) The Minister must not grant the application unless the Minister is satisfied—
  - (a) the approval application is accompanied by, and includes, all matters mentioned in section 11 and otherwise complies with that section; and
  - (b) the approval applicant has provided evidence satisfactory to the Minister about the matters mentioned in section 12; and

- (c) either of the following—
- (i) if the approval application relates to an existing code of racing, the approval applicant is suitable to be approved as the control body for the existing code of racing;
  - (ii) if the approval application relates to a proposed code of racing, the proposed code of racing is suitable to be a code of racing and the approval applicant is suitable to be approved as the control body for the proposed code of racing.
- (4) Without limiting subsection (3), if the Minister is considering more than 1 approval application, the Minister must decide which approval applicant is best qualified and most suitable to be the control body for the application code.

## **25 Information notice about Minister's decision**

- (1) After the Minister makes a decision about an approval application, the Minister must give the approval applicant an information notice about the decision.
- (2) If the Minister grants the application, the information notice must state the conditions imposed by the Minister to which the approval is to be subject.
- (3) If the Minister's decision is that, should the approval applicant rectify a matter within a period, the Minister would give the approval applicant an approval under section 26, the information notice must state the matter to be rectified, the way it may be rectified and a reasonable period for the matter to be rectified.

*Example for subsection (3)—*

The approval application may be approved on the condition that the approval applicant's constitution is changed in a stated way within a stated period.

## **26 When Minister must give an approval to approval applicant**

- (1) This section applies if the Minister decides an approval applicant is suitable to be approved as the control body for the application code.
- (2) After all of the following have happened, the Minister must give the approval applicant an approval as the control body for the code of racing signed by the Minister—
  - (a) the Minister has given the approval applicant an information notice about the decision under section 25;
  - (b) the approval applicant has given the chief executive a notice stating—
    - (i) there have been no changes to the information in the approval application, or the other documents or information given to the Minister or chief executive, that are likely to affect the Minister's decision; and
    - (ii) if applicable—a matter to be rectified, as stated in the information notice as mentioned in section 25(3), has been rectified and the way it has been rectified;
  - (c) the approval applicant has paid the fee under section 29 in relation to the first year of the approval.
- (3) After giving an approval under subsection (2), the Minister must publish in the gazette a notice that—
  - (a) if the approval application related to a proposed code of racing—the type of animal racing stated in the notice is a code of racing; and
  - (b) the Minister has approved the approval applicant as the control body for the code of racing stated in the notice.
- (4) The notice mentioned in subsection (2)(b) must be in the approved form.

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## **27 Form of approval**

The approval of the control body must state each of the following—

- (a) the name of the control body, its Australian Company Number and its business address;
- (b) the date of the approval and the date on which the approval takes effect;
- (c) the code of racing for which the approval is given;
- (d) conditions imposed by the Minister to which the approval is subject.

## **27A Control body approved for more than one code of racing**

- (1) This section applies to a control body that has approval as the control body for more than 1 code of racing.
- (2) In making a decision under this Act, the control body must make a decision that is in the best interests of all the codes of racing for which the control body holds an approval while having regard to the interests of each individual code.

## **Division 6 Other matters relating to approvals and approval applications**

### **28 Approval continues in force unless cancelled or suspended**

- (1) A control body's approval continues in force until the approval is cancelled.
- (2) However, if a control body's approval is suspended, the approval does not have effect for the period of the suspension.

### **29 Yearly fee payable by each control body**

- (1) A control body must pay a fee to the chief executive in relation to each year for which its approval has effect.

- (2) A regulation may prescribe—
  - (a) the amount of the fee payable under this section relating to each year; and
  - (b) the date (the *due date*) by which the fee relating to each year is payable.
- (3) If a fee is not paid by the due date—
  - (a) the amount of the fee is a debt owing to the State; and
  - (b) the failure to pay is a ground for taking, as mentioned in section 32F(1)(d), disciplinary action relating to the approval of the control body.

### **30 Regulation may prescribe a condition applying to an approval**

- (1) A regulation may prescribe a condition (a *regulation condition*) to which the approval of each control body is subject.
- (2) A regulation condition applies to a control body even if the control body was approved as a control body before the regulation commenced.
- (3) If there is an inconsistency between an express condition stated in an approval and a regulation condition, the regulation condition applies to the extent of the inconsistency.

### **31 Variation of approval of control body**

- (1) A control body may apply to the Minister for a variation of its approval as a control body.
- (2) The application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) The Minister must consider the application and either grant or refuse to grant the application.

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- (4) After the Minister makes a decision about the application, the Minister must give the applicant an information notice about the decision.
  - (5) If the Minister grants the application, the information notice must—
    - (a) state the conditions imposed by the Minister to which the approval is to be subject; and
    - (b) include a direction to the control body to return the approval to the Minister, within 14 days after the date of the information notice, for relevant action by the Minister.

## **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—

*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.

### **32A          Obligation to implement plans as stated in approval application**

- (1) This section applies to the following that, under section 11(1)(f), accompanied a control body's approval application—

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- (a) its plans for developing, operating and managing its code of racing; and
  - (b) the timetable for implementing the plans.
- (2) Subject to the regulation conditions and stated conditions in the control body's approval, the control body must implement the plans as stated in the timetable.

**32B Notice of event resulting in a control body not being an eligible corporation**

- (1) Within 14 days after an event happening relating to a control body that makes the control body no longer an eligible corporation, the control body must give notice about the event to the chief executive under subsection (2).
- (2) The notice must—
- (a) be in the approved form; and
  - (b) include the control body's plan and timetable for making the corporation an eligible corporation.
- (3) The giving of a notice under subsection (1) does not limit the Minister's power under section 32G to give the control body a show cause notice.

**32C Ministerial direction to approved control body about its policies or rules**

- (1) This section applies if the Minister believes that, for 1 or more of the following reasons, it is necessary to give a control body a direction under this section—
- (a) to ensure public confidence in the integrity of the Queensland racing industry;
  - (b) to ensure the control body is managing its code of racing in the interests of the code;
  - (c) to ensure the welfare of the control body's licensed animals;

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- (d) to ensure the control body's actions are accountable and its decision-making processes are transparent;
  - (e) to ensure the control body's rules of racing have sufficient regard to the rights and liberties of individuals as mentioned in the *Legislative Standards Act 1992*, section 4(3).
- (2) The Minister may, by notice given to the control body, direct the control body to do 1 or more of the following and take into account matters stated in the direction—
- (a) make a new policy about a matter;
  - (b) review an existing policy;
  - (c) make rules of racing about a matter;
  - (d) review existing rules of racing.
- (3) The notice must state a date by which the direction must be complied with.
- (4) The date stated must be reasonable having regard to the nature of the matters to be done under the direction.

### **32D Control body is unit of public administration**

On and after the approval effect day for a control body, the control body is a unit of public administration under the *Crime and Corruption Act 2001*, to the extent of the control body's operations for the purposes of performing its function under this Act.

### **32E Audit by auditor-general**

- (1) At the request of the Minister, the auditor-general may audit a control body.
- (2) For subsection (1)—
- (a) the auditor-general is taken to be auditing an entity under the *Auditor-General Act 2009*; and
  - (b) the control body is taken to have consented to the audit.

- (3) However, despite that Act and subsection (2)(b), the control body can not revoke or otherwise withdraw the consent mentioned in subsection (2)(b).
- (4) A control body audited under this section is liable for the fees charged by the auditor-general for the audit, as mentioned in the *Auditor-General Act 2009*.

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

### **32F      Grounds for disciplinary action relating to the approval of a control body for its code of racing**

- (1) Each of the following is a ground to take disciplinary action relating to an approval of a control body for its code of racing—
  - (a) the control body is not an eligible corporation;
  - (b) an executive officer of the control body is not an eligible individual;
  - (c) the control body is no longer suitable to manage the code;
  - (d) the control body contravenes a provision of this Act, whether or not a penalty is provided for the contravention;
  - (e) the control body fails to comply with a condition relating to its approval;
  - (f) the control body contravenes a Ministerial direction;
  - (g) the control body fails to take disciplinary action under chapter 3 relating to a licence holder when the control body is required to do so under the chapter;
  - (h) in its approval application, or a notice or other document that the control body is required under this Act to give to the Minister or chief executive, the control body stated

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something it knew was false or misleading in a material particular.

- (2) For forming a belief that the ground mentioned in subsection (1)(c) exists, the Minister may have regard to the same issues to which the Minister may have regard in deciding whether an approval applicant for approval as a control body is suitable to be approved as a control body.

### **32G Show cause notice**

- (1) If the Minister believes a ground exists to take disciplinary action relating to the approval of a control body for its code of racing, the Minister must, subject to section 32J(1)(a), give the control body a notice (a *show cause notice*).
- (2) The show cause notice must state the following—
- (a) the disciplinary action the Minister proposes taking under this division (the *proposed action*);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action includes suspension—the proposed suspension period;
  - (e) if the proposed action includes varying the approval—the change that it is proposed to make to a condition stated in the approval or the new condition to which it is proposed to make the approval subject;
  - (f) if the proposed action includes censuring the control body—the proposed censure;
  - (g) an invitation to the control body to show, within a stated period (the *show cause period*), why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the control body.

### **32H Consideration of representations**

- (1) The control body may make written representations about the show cause notice to the Minister in the show cause period.
- (2) The Minister must consider all written representations (the *accepted representations*) made under subsection (1).

### **32I Immediate suspension of an approval**

- (1) The Minister may suspend the approval of a control body immediately if the Minister believes—
  - (a) a ground exists to take disciplinary action relating to the approval of the control body for its code of racing; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the approval immediately to ensure—
    - (i) the safety of persons, or the welfare of animals, at a race meeting to be held under the control of the control body; or
    - (ii) the public interest in the code of racing is not adversely affected.
- (2) The suspension—
  - (a) can be effected only by the Minister giving the control body an information notice about the decision to suspend it, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the control body; and
  - (c) continues to operate until the show cause notice is finally dealt with.

### **32J Censuring control body**

- (1) The Minister may censure a control body if the Minister—
  - (a) believes a ground exists to take disciplinary action relating to the approval of the control body but does not

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- believe that giving a show cause notice to the control body is warranted; or
- (b) after considering the accepted representations for a show cause notice, still believes a ground exists to take disciplinary action relating to the approval of a control body but does not believe disciplinary action is warranted.
- (2) The censure may be effected only by the Minister giving the control body an information notice about the decision to censure it.

### **32K Direction to control body to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the Minister—
- (a) still believes a ground exists to take disciplinary action relating to the approval of a control body; and
- (b) believes a matter relating to the ground to take disciplinary action is capable of being rectified and it is appropriate to give the control body an opportunity to rectify the matter.
- (2) The Minister may direct the control body to rectify the matter.
- (3) The direction can be effected only by the Minister giving the control body an information notice about the decision to give the direction, including the period for rectifying the matter.
- (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
- (5) A control body must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless it has a reasonable excuse.
- Maximum penalty—400 penalty units.
- (6) The control body can not be prosecuted, or have disciplinary action relating to its approval taken against it, for the ground giving rise to the information notice unless the control body—

- (a) fails to comply with the notice within the stated period;  
and
  - (b) does not have a reasonable excuse for failing to comply with the notice.
- (7) The Minister's power to give a direction to a control body under another provision of this Act is not limited by the Minister's power to give a direction under this section.

### **32L Action by Minister**

- (1) Subject to section 32K(6), this section applies if—
- (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for a show cause notice, the Minister still believes a ground for disciplinary action exists relating to the approval.
- (2) The Minister may—
- (a) if the proposed action was to suspend the approval—suspend the approval for not longer than the proposed suspension period; or
  - (b) if the proposed action was to vary the approval—vary the approval in the proposed way; or
  - (c) if the proposed action was to cancel the approval—cancel the approval or take another form of disciplinary action.
- (3) More than 1 type of disciplinary action relating to the approval of a control body may be taken under this section.
- (4) If the Minister decides to take action under subsection (2), the Minister must immediately give the control body an information notice about the decision.
- (5) The information notice must include a direction to the control body to return the approval to the Minister, within 14 days after receiving the information notice, for relevant action by the Minister.

- (6) The decision takes effect on the later of the following—
- (a) the day the information notice is given to the control body;
  - (b) the day of effect stated in the information notice.

## **Part 3                      Control bodies for codes of racing**

### **Division 1                Function and powers of control bodies**

#### **33            Function of control body**

The function under this Act of a control body is to manage its code of racing.

#### **34            Powers of control body for its code of racing**

- (1) 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) Without limiting subsection (1), a control body may do any of the following for its code of racing—
- (a) license animals, clubs, participants and venues that are suitable to be licensed for the code;
  - (b) allocate dates on which race meetings are held under section 38;
  - (c) assess the performance of licensed animals, clubs, participants and venues to ensure the animals, clubs,

- participants and venues continue to be suitable to be licensed;
- (d) prepare and implement plans and strategies for developing, promoting and marketing the commercial operations of the code;
  - (e) encourage and facilitate the development of ancillary racing activities for the code, including, for example, the breeding and training of animals;
  - (f) establish, manage and fund a facility or process for the education and training of persons who wish to be licensed by the control body or who otherwise participate in the code;
  - (g) conduct research and investigations into all aspects of the breeding of animals and racing of licensed animals;
  - (h) distribute an amount—
    - (i) as prize money for races; or
    - (ii) to a licensed club, on conditions the control body considers appropriate, for a purpose relating to the operations of the club; or
    - (iii) for undertaking research and analysis for the code;
  - (i) investigate, make decisions about and, on conditions the control body considers appropriate, allocate funding for, venue development and other infrastructure relevant to the code;
  - (j) supervise—
    - (i) the construction of a new racing venue; or
    - (ii) alterations or renovations to an existing racing venue;
  - (k) examine a licensed club's constitution to determine if it complies with this Act and the relevant rules of racing;
  - (l) publish material to inform the public, whether in Queensland or elsewhere;

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- (m) prepare, on its own motion or when directed by the Minister, reports and recommendations;
  - (n) order the audit of the books and accounts of a licensed club by a registered company auditor under the Corporations Act;
  - (o) enter into reciprocal arrangements with entities in other States, or in countries other than Australia, that have similar powers to the control body for recognising—
    - (i) the licensing, however described, of animals, clubs, participants and venues for animal racing; and
    - (ii) the activities conducted by, or under the control of, the entities in the other States or the countries; and
    - (iii) the cancellation or suspension of a licence, however described; and
    - (iv) the disqualification of a person who held a licence, however described; and
    - (v) another matter or thing relating to managing the control body's code of racing;
  - (p) issue race information authorities under section 113AF(1);
  - (q) 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.
- (3) To the extent a control body believes necessary or desirable for performing the control body's function, the control body may, by notice given to a licensed club, give a direction to the club (a ***control body direction***) relating to—
- (a) the operations of the club, including, for example, matters in relation to the licensed club's assets; or
  - (b) a licensed venue for which the club is the licence holder.

- (4) A control body direction may require a licensed club to do something or to refrain from doing something.
- (5) As mentioned in section 101(1)(a), if the licensed club is not complying, or has not complied with the control body direction, the control body may suspend or cancel the club's licence.
- (6) In this section—  
*non-TABQ races* means races on which the TABQ does not, or is unlikely to, offer wagering.

### **35 Control body may charge fees for its services**

- (1) A control body may charge fees for services it provides as part of managing its code of racing.
- (2) A fee charged by the control body for a service, including matters relating to licensing, must reflect the reasonable cost to the control body of providing the service.
- (3) Despite subsection (1), a control body may not charge a fee for a service provided to the Minister or the chief executive under this Act.

## **Division 2 Obligations of control bodies other than for policies**

### **37 Obligation to have internal controls**

A control body must have internal controls to effectively perform its function of managing its code of racing, including, for example, information systems that—

- (a) separate the control body's commercial operations for the code of racing from its regulatory operations for the code; and
- (b) record all of the control body's actions under its licensing scheme relating to animals, clubs, participants and venues.

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### **38 Obligation to have racing calendar for code of racing**

- (1) A control body must prepare a program (the *racing calendar*) that includes the following matters for the period in relation to which the racing calendar is published (the *calendar period*)—
  - (a) the dates on which, and places at which, race meetings are to be held for the code of racing during the calendar period;
  - (b) information about the races to be held at each race meeting, including, for example, the length of the race, the types of animals eligible for the race and the prize;
  - (c) information about dates relevant for each race, including, for example, deadlines for nominating and paying nomination fees;
  - (d) a change to the control body's rules of racing that take effect during the calendar period;
  - (e) a change to a previous racing calendar;
  - (f) a declaration of a sporting contingency under section 255.
- (2) The control body must make the racing calendar for a calendar period available at least 7 days before the start of, and during, the calendar period.
- (3) The control body may comply with subsection (2) by making the racing calendar available on its website for at least 7 days before the start of, and during, the calendar period.
- (4) The control body may publish the racing calendar in, or as part of, another publication of the control body that includes other information, including, for example, advertising.

### **39 Obligation to have program to audit licensed animals, clubs, participants and venues**

- (1) By 31 December each year, a control body must give to the chief executive a copy of its program, for the following year,

to audit periodically the suitability of every licensed animal, club, participant and venue to continue to be licensed.

- (2) The control body must implement the program during the relevant year.

#### **40 Obligation to enter into agreement about scientific and professional services**

A control body must enter into an agreement with an accredited facility, independent of the control body, for the provision of integrated scientific and professional services—

- (a) for analysing things relating to licensed animals for the presence of drugs and other substances; and
- (b) for related matters.

### **Division 3 Reporting to chief executive**

#### **41 Plan for managing code of racing**

- (1) Within 14 days after each anniversary day of the commencement of this section, a control body must give to the chief executive a plan for managing its code of racing for a period of at least 1 year starting on that anniversary day.
- (2) The plan must be attached to a notice in the approved form.

#### **42 Notice about change of executive officers**

- (1) If an executive officer of a control body resigns, or the executive officer's appointment or employment otherwise ends, the control body must give notice about the resignation, or the end of the appointment or employment, to the chief executive under subsection (2).
- (2) The notice mentioned in subsection (1) must—
  - (a) be in the approved form; and

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- (b) be given within 14 days after the resignation, or the end of the appointment or employment, of a person as an executive officer; and
  - (c) if, at the time of the resignation or end of the appointment or employment, the executive officer was no longer an eligible individual, include the reason why the executive officer was no longer an eligible individual.
- (3) If a person is appointed or employed as an executive officer of a control body after the control body's approval or, for the all-codes board, is appointed as an executive officer of the body after the body is established, the control body must give notice about the appointment or employment to the chief executive 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 appointment or employment of the person as an executive officer; and
  - (c) state that the person is an eligible individual; and
  - (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.

#### **44 Notice of event resulting in executive officer no longer being an eligible individual**

- (1) Within 14 days after an event happening that results in an executive officer of a control body being no longer an eligible individual, the executive officer must give notice about the event to the chief executive.
- (2) The notice must be in the approved form.

## **Part 4                      Actions relating to control bodies and codes of racing**

### **Division 1                Audit regime and other investigations**

#### **46            Program for auditing suitability of control bodies**

- (1) Each year, the chief executive must prepare and give to the Minister a program for assessing the suitability of control bodies to manage the relevant codes of racing.
- (2) The program may focus on a particular control body or on a particular criterion relating to all control bodies.
- (3) The Minister may approve the program for the year, with or without changes.

#### **47            Investigations into suitability of a control body**

The chief executive may investigate a control body to find out whether it is suitable to continue to manage its code of racing.

#### **48            Investigation into suitability of associate of control body**

The chief executive may investigate a control body associate to decide whether the associate is a suitable person to be, or to continue to be, associated with the control body's operations.

#### **49            Requirement to give information or document for investigation**

- (1) In investigating a control body or a control body associate, the chief executive may, by notice given to the control body or the associate, require the control body or associate to give the chief executive information or a document the chief executive believes relevant to the investigation.
- (2) The notice must include—

- (a) a time, that is reasonable in the circumstances, by which the control body or control body associate must comply with the requirement; and
  - (b) a warning that it is an offence to fail to comply with the requirement, unless the control body or associate has a reasonable excuse.
- (3) If the requirement is made to a control body associate, the chief executive must give a copy of the notice to the control body.

## **50 Failure to give information or document for investigation**

- (1) A person to whom a notice is given under section 49(1) must comply with the requirement in the notice within the time stated in the notice, unless the person has a reasonable excuse.
- Maximum penalty—200 penalty units.
- (2) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (3) The person does not commit an offence against this section if the information or document sought by the chief executive is not in fact relevant to the investigation.

## **51 Criminal history report for investigation**

- (1) If the chief executive, in investigating a person under section 47 or 48, asks the police commissioner for a written report on the person's criminal history, the commissioner must give the report to the chief executive.
- (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.

## **Division 2                      Executive officers of control body to disclose interest in licensed animal**

### **60A      Disclosure of interest in licensed animal by executive officer of control body**

- (1) This section applies if an executive officer of a control body is or becomes an owner of a licensed animal, whether or not the executive officer derives a financial benefit from the ownership interest.
- (2) The executive officer must disclose the following information to a meeting of the relevant persons of the control body—
  - (a) the number of licensed animals in which the executive officer 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 executive officer's ownership interest in each animal.

Maximum penalty—40 penalty units.

- (3) The control body must make information disclosed under subsection (2) available to any person on request.
- (4) However, subsection (3) does not apply if the person who disclosed the information is no longer an executive officer of the control body.
- (5) The control body may charge a fee for making information available under subsection (3).
- (6) A fee charged by the control body for making information available under subsection (3) must not be more than the reasonable cost to the control body of making the information available.

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- (7) Despite subsection (5), the control body may not charge a fee for making information available to the Minister or chief executive.
- (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.

## Chapter 3      Control bodies managing their codes of racing

### Part 1            Introduction

#### 78      Purposes of ch 3

- (1) The main purposes of this chapter are to provide for—
- (a) the way each control body may perform its function of managing its code of racing when it becomes responsible for managing the code; and
  - (b) particular provisions applying to licensed clubs.
- (2) Generally, the control body performs its function by—
- (a) making policies about the management of its code of racing, especially about its licensing scheme for controlling activities relating to the animals, clubs, participants and venues and about the way in which races are to be held for its code of racing; and
  - (b) making rules of racing; and

- (c) giving directions to licensed clubs and ensuring compliance by taking disciplinary action relating to the licence of a club that does not comply with a direction.
- (3) A control body's policies ensure there is guidance for persons involved in the code of racing and transparent decision-making relating to matters dealt with by the policies.
- (4) This chapter also provides for offences relevant to matters dealt with in the chapter.

## **79 Policies and rules of racing are statutory instruments**

The policies and rules of racing made by a control body for its code of racing are statutory instruments within the meaning of the *Statutory Instruments Act 1992*.

# **Part 2 Policies**

## **Division 1 General provisions about policies**

### **80 Policy may be made because of this Act or a Ministerial direction, or for good management**

- (1) A control body may make a policy for its code of racing because—
  - (a) the policy is required by this Act or by a Ministerial direction; or
  - (b) the control body believes it is good management to have the policy.
- (2) A regulation may prescribe that a policy for a matter mentioned in section 81 must include provisions, or provisions of a type, stated in the regulation for that policy.

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## 81 Matters for which a control body must have a policy

A control body must have a policy for its code of racing about each of the following—

- (a) the way the control body must develop policies, including the consultation it must undertake as part of the development of a policy;
- (b) safeguarding the public interest in the code;
- (c) its licensing scheme as mentioned in division 2;
- (d) providing or participating in an appropriate education and training system for persons who—
  - (i) engage, or wish to engage, in activities requiring a licence from the control body; or
  - (ii) participate in the code but are not required to be licensed;
- (e) providing or participating in an appropriate program for testing or training licensed animals, including holding trials;
- (f) lawful betting on races held under the control of the control body, including selling a product to a person lawfully conducting wagering under the *Wagering Act 1998*;
- (g) a website, and the information to be accessible through the website including its policies and rules required to be published on the website under sections 84 and 94;
- (h) the formation and management of clubs eligible to be licensed by the control body to hold race meetings;
- (i) the allocation of race days, and the provision of funding, to licensed clubs;
- (j) the standard required of licensed venues, including criteria for different categories of venues;
- (k) the employment by the control body of the following persons who will not be required to be licensed—
  - (i) its officials and other staff;

- (ii) other persons who perform services for the control body;
- (l) the way in which races are to be held for its code of racing, including, for example, classes of races, nominations, prize money, dead heats, gear and equipment and colours that may be worn by riders;
- (m) decisions that may be made by stewards, for the control body, in relation to the way in which races may be held and, generally, decision-making by the control body;
- (n) record keeping, including keeping records about decisions;
- (o) making its officials and other staff, and licence holders, aware of their duties under laws, including, for example, the *Anti-Discrimination Act 1991*;
- (p) ensuring that its licence holders who have access to a licensed animal at a licensed venue, or its officials at a licensed venue for the control body, are not, or are not likely to be, affected by liquor or another substance;
- (q) handicapping, including handicapping licensed animals for the code and the appropriate qualifications for handicappers;
- (r) the welfare of licensed animals;
- (s) the types of spending that, in the control body's opinion, are or are not for the purposes of part 5, division 4;
- (t) the disposal of assets under section 113;
- (u) fees the control body will charge, including fees that are part of the control body's licensing scheme;
- (v) forms to be approved by the control body for its code of racing.

## **82 Further provisions about particular policies**

- (1) A control body's policy about providing or participating in an appropriate education and training system for persons may

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provide for the control body, by itself or together with another entity, to establish, manage or fund a facility or process for providing the appropriate system.

- (2) A control body's policy about the welfare of licensed animals must provide for the control body to enter into an agreement with an accredited facility independent of the control body for the provision of services relating to the matters stated in the policy.
- (3) This section does not limit section 81 in relation to—
  - (a) the control body's policy about providing or participating in an appropriate education and training system; and
  - (b) the control body's policies about the welfare of licensed animals.

### **83 Form of each policy**

- (1) A policy must state the following—
  - (a) its name;
  - (b) the date it is made by the control body;
  - (c) the day it takes effect;
  - (d) its purpose;
  - (e) who will be affected by it;
  - (f) how the control body will make decisions about matters provided for by the policy;
  - (g) whether or not rules of racing are to be made for the policy.
- (2) A control body makes a policy when the policy is entered into the control body's minutes as having been made by it.
- (3) A policy can not take effect on a day that is earlier than the date the policy is made by the control body.
- (4) If a control body wishes to amend a policy, it must make a new policy.

## **84 Availability of policies**

- (1) A control body must ensure that its policies are publicly available.
- (2) Without limiting subsection (1), for each of its policies, the control body must—
  - (a) give a copy of the policy to the chief executive within 14 days after it makes the policy; and
  - (b) make the policy available for inspection, free of charge, at its business address during its ordinary office hours and on its website; and
  - (c) give a copy of the policy to a person if the person asks for a copy.
- (3) If a control body charges for copies of its policies, the control body is not required under subsection (2)(c) to give a person a copy of the policy without charging the person.

## **85 Application of policy**

To remove any doubt, it is declared that a policy may apply to an animal, club, participant or venue even though it was not licensed when the policy was made.

## **Division 2 Policy about licensing scheme**

### **86 Purposes of control body's licensing scheme**

The purposes of a control body's licensing scheme for its code of racing are to ensure—

- (a) the integrity of racing activities conducted as part of the code; and
- (b) the safety of persons involved in racing or training licensed animals; and

- (c) the welfare of licensed animals while involved in racing or training, or activities associated with racing or training.

## **87 Control body's policy for a licensing scheme**

- (1) In developing the control body's policy for its licensing scheme, the control body must consider the privileges and duties that are to attach to a licence it issues and other matters relevant to an effective licensing scheme.
- (2) The control body's policy for its licensing scheme must provide for all of the following matters—
  - (a) the licences the control body may issue for its code of racing, including identifying the activities for which a licence is required;
  - (b) the way a licence may be applied for, having regard to section 88;
  - (c) the criteria for each type of licence including appropriate qualifications for, and disqualifications from, obtaining the licence;
  - (d) the way the control body will deal with an application for a licence, including the applicant's right to make further representations relating to the application;
  - (e) the grant, issue and form of a licence, including, for example, whether the licence is to include a photograph of the licensee;
  - (f) giving an information notice for a decision relating to an application;
  - (g) the duration of a licence, its renewal and the procedure for surrendering it;
  - (h) how and when the suitability of licensed animals, clubs, participants and venues will be audited to decide if a licensed animal, club, participant or venue continues to be suitable to be licensed;

- (i) the grounds for taking disciplinary action relating to a licence in relation to matters dealt with in the control body's rules of racing or as mentioned in subsection (5);
  - (j) when and how a licence may be immediately suspended in order to protect the safety of persons or welfare of animals;
  - (k) how disciplinary action relating to a licence, other than immediate suspension, must be taken including the following—
    - (i) the procedure for giving a licence holder notice of the grounds for taking the disciplinary action;
    - (ii) the proposed action;
    - (iii) the way the licence holder may make representations about the proposed action;
  - (l) keeping a register of licences and correcting the register;
  - (m) exhibiting and producing a licence;
  - (n) replacing a lost licence;
  - (o) requiring a licence holder to give the control body notice of—
    - (i) a change of address; or
    - (ii) a change to the place for the keeping of a licensed animal; or
    - (iii) if the licence holder is a corporation—a change to the corporation's executive officers;
  - (p) appointing the control body's officials, their functions and powers and issuing identity cards to them;
  - (q) serving notices on licence holders.
- (3) Without limiting subsection (1), the control body's policy for its licensing scheme may provide for the following matters—
- (a) whether an applicant for a licence should be required to give notice about the application by advertisement in a

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- newspaper, in another publication or by a sign placed on land, because of the particular nature of the licence;
- (b) whether there should be provision for provisional or temporary licences;
  - (c) attaching conditions to the grant of a licence, including, for example, that the licence may allow access to the licence holder's place of business or where a licensed animal is kept.
- (4) A control body's policy for its licensing scheme about licensed clubs must provide that when auditing a licensed club, the control body must have regard to the following for a period stated in the policy—
- (a) the number of race meetings allotted to the licensed club;
  - (b) the number of races held at each race meeting;
  - (c) the number of licensed animals in each race.
- (5) The control body's policy for its licensing scheme relating to licensed animals, clubs, participants and venues must provide that, after auditing a licensed animal, club, participant or venue, if the control body is not satisfied it is suitable to continue to be licensed, the control body must take disciplinary action relating to the licence.
- (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.
- (7) This section does not limit section 81.

## 88 Application for licence

- (1) A control body's policy for its licensing scheme must require a person who wishes to obtain a licence for an animal, club, participant or venue (the *proposed licensee*) to apply for the licence in a control body form.

- (2) To the extent it is relevant to the application for the licence, the application must include all of the following—
  - (a) the type of licence applied for;
  - (b) the type of work or activity to be performed by the proposed licensee;
  - (c) particulars of the proposed licensee;
  - (d) if the proposed licensee is an individual, appropriate training courses completed, or appropriate experience obtained, by the proposed licensee.
- (3) A control body's policy for its licensing scheme relating to the licensing of a club must provide for all of the following—
  - (a) for the club's application to be accompanied by a copy of a national police certificate for each executive officer of the applicant;
  - (b) the application can not be granted if an executive officer of the applicant has a conviction for any of the following, other than a spent conviction—
    - (i) an offence under this Act or the repealed Act;
    - (ii) an indictable offence, or a summary offence that involved dishonesty, fraud, stealing or unlawful betting, under any other Act;
    - (iii) an offence under a law of another State, that is prescribed under a regulation as a law about racing or betting;
  - (c) the extent to which the control body must have regard to another conviction stated on the national police certificate other than a conviction mentioned in paragraph (b).
- (4) A control body's policy for its licensing scheme may require an application for a licence, other than a licence for a club, to be accompanied by a copy of a national police certificate for—
  - (a) if the applicant is an individual—the individual; or

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- (b) if the applicant is a corporation—each executive officer of the corporation.
  - (5) If a national police certificate is required under subsection (4), the control body may consider all convictions stated in the national police certificate as relevant to the application for the licence.

### **89 Licences may not be transferred**

A control body's policy for a licensing scheme must not allow a person licensed by the control body to transfer the licence to another person.

## **Division 3 Other matters about policies**

### **90 Same animal, participant or venue may be licensed by control bodies**

- (1) This Act does not prevent an animal, participant or venue licensed by a control body for its code of racing being licensed by another control body for its code of racing.
- (2) A control body must not prevent an animal, participant or venue licensed by it for its code of racing being licensed by another control body.

## **Part 3 Rules of racing**

### **91 Obligation to have rules of racing for code of racing**

- (1) A control body must make rules of racing for its code of racing, including matters that it believes necessary for the good management of racing under the code.
- (2) In making its rules of racing, a control body must have regard to whether the rules have sufficient regard to the rights and

liberties of individuals as mentioned in the *Legislative Standards Act 1992*, section 4(3).

*Example for subsection (2)—*

In making its rules of racing, the control body for thoroughbred racing must consider whether its proposed system for deciding a protest has sufficient regard to natural justice for the jockeys in the race.

- (3) Failure to comply with subsection (2) does not affect the validity of the rules.
- (4) A control body's rules of racing must be consistent with this Act and, for a rule about a matter for which the control body has a policy, the control body's policy.
- (5) To the extent of an inconsistency between a provision of this Act and the rules, the provision prevails over the rules.

## **94 Availability of rules of racing**

- (1) A control body must ensure that its rules of racing are publicly available.
- (2) Without limiting subsection (1), the control body must—
  - (a) give a copy of the rules to the chief executive within 14 days after a control body makes the rules; and
  - (b) make its rules available for inspection, free of charge, at its business address during its ordinary office hours and on its website; and
  - (c) give a copy of its rules to a person if the person asks for a copy.
- (3) If a control body charges for copies of its rules, the control body is not required under subsection (2)(c) to give a person a copy without charging the person.

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## Part 4                      Control bodies may take    certain action against licensed    clubs

### 101      Grounds for suspension or cancellation

- (1) Each of the following is a ground for suspending or cancelling a licensed club's licence—
  - (a) the club is not complying, or has not complied, with a control body direction given to the club;
  - (b) a ground that another provision of this Act states is a ground for suspending or cancelling a licensed club's licence;  
*Note—*  
See section 108.
  - (c) for a non-proprietary club—the club contravened section 112 or 113.
- (2) Subsection (1)(c) applies whether there is or was a prosecution relating to the contravention of section 112.
- (3) Subsection (1) does not limit the grounds that, under the control body's rules of racing about disciplinary action, may be grounds for taking disciplinary action relating to a licensed club's licence.

### 102      Show cause notice

- (1) If a control body believes a ground exists to cancel or suspend a licensed club's licence as mentioned in section 101(1), the control body must, subject to section 105(1)(a), give the club a notice (a *show cause notice*).
- (2) The show cause notice must state the following—
  - (a) the action the control body proposes taking under this part (the *proposed action*);
  - (b) the grounds for the proposed action;

- (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is to suspend the licence, the proposed suspension period;
  - (e) an invitation to the club to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the club.

### **103 Representations about show cause notice**

- (1) The licensed club may make written representations about the show cause notice to the control body in the show cause period.
- (2) The control body must consider all written representations (the *accepted representations*) made under subsection (1).

### **104 Immediate suspension of licensed club's licence**

- (1) The control body may suspend the licensed club's licence immediately if the control body believes—
  - (a) a ground exists to suspend or cancel the licence; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the licence immediately to ensure—
    - (i) the public interest is not affected in an adverse and material way; or
    - (ii) the conduct of racing by the club is not jeopardised in a material way.
- (2) The suspension—
  - (a) can be effected only by the control body giving the club an information notice, together with a show cause notice; and

- (b) operates immediately the notice is given to the club; and
- (c) continues to operate until the show cause notice is finally dealt with.

### **105 Censuring licensed club**

- (1) The control body may censure a licensed club if the control body—
  - (a) believes a ground exists to suspend or cancel the club's licence but does not believe that giving a show cause notice to the club is warranted; or
  - (b) after considering the accepted representations for a show cause notice, still believes a ground exists to suspend or cancel the licensed club's licence but does not believe its suspension or cancellation is warranted.
- (2) The censure can be effected only by the control body giving the club an information notice about the control body's decision to censure it.

### **106 Direction to licensed club to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the control body—
  - (a) still believes a ground exists to suspend or cancel the licensed club's licence; and
  - (b) believes a matter relating to the ground to suspend or cancel the licence is capable of being rectified and it is appropriate to give the club an opportunity to rectify the matter.
- (2) The control body may direct the club to rectify the matter.
- (3) The direction can be effected only by the control body giving the club an information notice about the control body's decision to give the direction to it, including the period for rectifying the matter.

- (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
- (5) A licensed club must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless it has a reasonable excuse.  
Maximum penalty—400 penalty units.
- (6) The licensed club can not be prosecuted, or have its licence suspended or cancelled, for the ground giving rise to the information notice unless the club—
  - (a) fails to comply with the notice within the period stated in the notice as the period for rectifying the matter; and
  - (b) does not have a reasonable excuse for failing to comply with the notice.
- (7) A control body's power to give a direction to a licensed club under another provision of this Act is not limited by the control body's power to give a direction under this section.

## **107 Suspension or cancellation**

- (1) Subject to section 106(6), this section applies if—
  - (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for the show cause notice, the control body still believes the ground exists to cancel or suspend the licensed club's licence.
- (2) The control body may—
  - (a) if the proposed action was to suspend the licence—suspend the licence for a period not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period.

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- (3) If the control body decides to take action under subsection (2), the control body must immediately give the licensed club an information notice about the decision.
  - (4) If the control body's decision is that the licence is cancelled or suspended, the information notice must include a direction to the club to return the licence to the control body, within 14 days of receiving the notice, for relevant action by the control body.
  - (5) The decision takes effect on the later of the following—
    - (a) the day the information notice is given to the licensed club;
    - (b) the day of effect stated in the information notice.

## **Part 5 Provisions applying to licensed clubs**

### **Division 1 Contravention of this part constitutes a ground for suspending or cancelling a licensed club's licence**

#### **108 Contravention by licensed club constitutes a ground for disciplinary action**

- (1) If a licensed club contravenes a provision of this part, the contravention constitutes a ground for suspending or cancelling the licensed club's licence.
- (2) For subsection (1), it is immaterial whether the licensed club is prosecuted for an offence constituted by the contravention.
- (3) This part does not limit the matters that a control body's policy about its licensing scheme may provide is a ground for disciplinary action relating to the licence of a club.

## **Division 2                      Race meetings**

### **109      Licensed club to hold race and betting meeting at licensed venue when under control of control body that licensed club and venue**

- (1) A licensed club must not hold a contest, contingency or event in which 2 or more animals compete against each other for the purpose of providing a contest, contingency or event on which bets may be made, unless it is held—
  - (a) at a licensed venue of the licensed club; and
  - (b) under the control of the control body that licensed the club and venue.

Maximum penalty—200 penalty units.

- (2) A licensed club must not hold a meeting at which betting is carried on and at which a race is not held, unless the meeting is held—
  - (a) at a licensed venue of the licensed club; and
  - (b) under the control of the control body that licensed the club and venue.

Maximum penalty—200 penalty units.

## **Division 3                      Audited accounts of licensed clubs and related matters**

### **110      Licensed club to give audited accounts to control body**

- (1) Within 3 months after the end of each financial year, the responsible entity for a licensed club for the financial year must give to the control body that licensed the club statements signed by the club's auditor.
- (2) The statements must be in the control body form.

- (3) If the club was a non-proprietary club during the financial year, the control body form must provide for statements about the following—
- (a) the club's income and expenditure, on an accrual basis;
  - (b) particulars of each amount paid by the club for a charitable, benevolent, patriotic or special purpose approved by the control body;
  - (c) particulars of other payments or expenditure made by the club of the type mentioned in section 112(3);
  - (d) its assets and liabilities as at the end of the financial year.
- (4) If the club was other than a non-proprietary club during the financial year, the control body form must provide for statements about the following—
- (a) the club's income and expenditure, on an accrual basis;
  - (b) its assets and liabilities as at the end of the financial year.
- (5) In this section—
- responsible entity***, for a licensed club for a financial year, means—
- (a) if the corporation that was a licensed club during the financial year continues to be a licensed club—the licensed club; or
  - (b) if the corporation that was a licensed club during the financial year is no longer licensed as a licensed club but the corporation continues to exist—the corporation; or
  - (c) if the corporation that was a licensed club during the financial year is no longer licensed as a licensed club and the corporation no longer exists—each of the persons who was an executive officer of the corporation immediately before the licence ended.

## **Division 4                      Provisions for licensed clubs that are non-proprietary entities**

### **111      Definitions for div 4**

In this division—

*deal with*, an asset, includes grant a right in relation to the asset, mortgage, lend, lease or register a charge over the asset, but does not include dispose of the asset.

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

*non-proprietary entity* means—

- (a) a licensed club that is a non-proprietary club; or
- (b) a corporation that was a licensed club and, when it was licensed, was a non-proprietary club.

*relevant control body* relating to a non-proprietary entity, means the control body that licensed the entity.

### **112      Application of revenues, profits etc. of licensed club that is or was a non-proprietary entity**

- (1) A non-proprietary entity must not divide, directly or indirectly, money comprising the entity's revenues, profits or other assets, however derived, among the individual members of the entity or any of them.
- (2) The non-proprietary entity may apply amounts comprising its revenues and profits—
  - (a) for encouraging the relevant control body's code of racing in Queensland if the application is under 1 of the control body's policies for that purpose; and
  - (b) for a charitable, benevolent, patriotic or special purpose, if the application is under the relevant control body's written approval obtained before the entity applies the amounts.

- (3) This section does not prevent—
- (a) a payment to a member of a non-proprietary entity as—
    - (i) principal and interest payable for amounts lent to the entity by that member, calculated at a rate not exceeding the rate for the time being approved by the Reserve Bank of Australia as the maximum rate of interest chargeable by banks for overdraft accommodation; or
    - (ii) rent for a lease of a licensed venue that is the property of the member, if the lease was approved by the Minister before its execution; or
    - (iii) reimbursement for reasonable expenses incurred by the member under 1 of the relevant control body's policies that provides the expenses may be incurred; or
  - (b) an expenditure by the non-proprietary entity for—
    - (i) providing reasonable entertainment for the entity's members in common with other persons; and
    - (ii) defraying a member's expenses for attending, with the approval of the entity before attending—
      - (A) a conference or meeting of persons interested or concerned in racing or in the control, holding or supervision of race meetings; or
      - (B) a conference or meeting with the relevant control body or with the Minister; or
      - (C) a place to promote the entity's interests; or
  - (c) a payment to 1 of the entity's members of prize money, or for the award of a trophy, won by a licensed animal at a race meeting held by the entity; or
  - (d) a payment by the entity of a reasonable amount to a person, whether or not a member of the entity, for legal, accounting, secretarial or other professional services requested by or given to the entity.

### **113 Prohibition of disposal of assets etc. of non-proprietary entity**

- (1) A non-proprietary entity may not dispose of any of its asset unless—
  - (a) if the asset is an amount comprising the entity's revenues and profits—the amount is applied under section 112(2) or (3); or
  - (b) if the asset is an interest in real property and is used for a purpose mentioned in subsection (2)—the asset is disposed of under that subsection; or
  - (c) if the asset is not an amount mentioned in paragraph (a) or an interest in real property used for a purpose mentioned in subsection (2), the asset is disposed of under—
    - (i) 1 of the relevant control body's policies; or
    - (ii) a written approval of the relevant control body, obtained before the disposal and relating to that asset.
- (2) Despite this Act or another Act, or a law, custom or practice, the entity must not dispose of an interest in real property that is used for the following purposes without the approval of the Minister obtained before the disposal—
  - (a) a licensed venue;
  - (b) a place for exercising, conditioning or training licensed animals.
- (3) An approval given for subsection (2) must be published in the gazette.
- (4) The Minister may, under subsection (2), approve the disposal of an asset that is an interest in real property used for a purpose mentioned in that subsection only if the following happened before the entity sought the Minister's approval—
  - (a) the majority of the entity's members present at a meeting of it approved of the disposal;
  - (b) the relevant control body's approval was obtained.

- (5) A relevant control body may grant an approval mentioned in subsection (4)(b) on conditions the control body considers appropriate.

### **113AA Dealing with assets of non-proprietary entity**

A non-proprietary entity must not deal with an asset of the entity other than under—

- (a) a policy of the relevant control body; or
- (b) a written approval of the relevant control body, obtained before the dealing and relating to that asset.

## **Part 6 Use of Queensland race information**

### **113AB Definitions for pt 6**

In this part—

*betting exchange* see section 113AC.

*document or information request* see section 113AG.

*licensed wagering operator* means a wagering operator that holds a licence or other authority—

- (a) under a law of a State or foreign country; or
- (b) issued by a control body, or a principal racing authority of another State or a foreign country;

authorising it to conduct a wagering business.

*principal racing authority*, of another State or a foreign country, means an entity that manages a type of animal racing in the other State or foreign country.

*Queensland race information* means information that identifies, or is capable of identifying any of the following—

- (a) the name, number or time of an intended race to be held at a race meeting at a licensed venue in Queensland;
- (b) the name or number of a licensed animal that has been nominated for, or that will otherwise take part in, an intended race to be held at a race meeting at a licensed venue in Queensland;
- (c) the name or number of a licensed animal that has been scratched or withdrawn from an intended race to be held at a race meeting at a licensed venue in Queensland;
- (d) the name or number of a rider, or trainer, of a licensed animal that has been nominated for, or that will otherwise take part in, an intended race to be held at a race meeting at a licensed venue in Queensland;
- (e) the outcome of a race held at a race meeting at a licensed venue in Queensland.

***race information authority*** means a race information authority issued under section 113AF(1).

***totalisator*** see the *Wagering Act 1998*, section 8.

***wagering monitoring system*** means a system for monitoring the wagering activity of a licensed wagering operator.

***wagering operator*** means—

- (a) a person who conducts bookmaking; or
- (b) a person who conducts a betting exchange; or
- (c) a person who conducts a totalisator; or
- (d) a person who otherwise conducts a wagering business.

### **113AC Meaning of *betting exchange***

- (1) ***Betting exchange*** means a facility that enables persons—
  - (a) to place or accept, through the operator of the facility, wagers with other persons; or

- (b) to place with the operator of the facility wagers that, on acceptance, are matched with opposing wagers placed with and accepted by the operator.
- (2) However, *betting exchange* does not include a facility that enables persons to place wagers only with a person who conducts bookmaking or a totalisator.

### **113AD Use of Queensland race information**

A licensed wagering operator must not, whether in Queensland or elsewhere, use Queensland race information for the conduct of the operator's wagering business, unless the operator is authorised to do so under a race information authority.

Maximum penalty—

- (a) for a first offence—600 penalty units or 12 months imprisonment; or
- (b) for a second or subsequent offence—4000 penalty units or 5 years imprisonment.

### **113AE Application for race information authority**

- (1) A licensed wagering operator wishing to use Queensland race information for the conduct of the operator's wagering business for a code of racing may apply to the control body for the code of racing for a race information authority for the code of racing.
- (2) The application must—
  - (a) be made in the way prescribed under a regulation; and
  - (b) be accompanied by—
    - (i) any application fee decided by the control body; and
    - (ii) the documents prescribed under a regulation.
- (3) The control body must consider the application and either grant, or refuse to grant, the application.

- (4) In deciding the application, the control body must have regard to the criteria prescribed under a regulation.
- (5) Without limiting subsection (4), the criteria that are prescribed under a regulation for that subsection may state—
  - (a) the types of matters that may, or must, be taken into account by the control body in deciding the application; or
  - (b) the types of matters that must not be taken into account by the control body in deciding the application.

### **113AF Decision**

- (1) If the control body decides to grant the application, the control body must as soon as practicable issue a race information authority for the code of racing to the applicant.
- (2) If the control body decides to refuse to grant the application, the control body must as soon as practicable give the applicant a notice stating the decision and reasons for the decision.
- (3) If the control body decides to grant the application, the control body may impose any of the following conditions on the authority—
  - (a) a condition that the holder of the authority pay the control body a fee for the use of Queensland race information for the conduct of the holder's wagering business for the code of racing;
  - (b) a condition of a type prescribed under a regulation.
- (4) In deciding whether to impose a condition on the authority, or the type of condition, the control body must not take into account the matters prescribed under a regulation.
- (5) If the applicant has used Queensland race information for the conduct of the applicant's wagering business for the code of racing at any time during the period from 1 September 2008 to the day of issue of the authority to the applicant, a condition mentioned in subsection (3)(a) may be that the holder of the

authority pay a fee for the use of the information during the period.

- (6) Without limiting subsection (4), in deciding whether to impose a condition mentioned in subsection (3)(a) on the authority, or the amount of the fee, the control body must take into account any other fees payable to it by the holder of the authority under any agreement between the control body and holder of the authority.
- (7) If the control body decides to impose a condition mentioned in subsection (3)(a) on the authority, section 35(2) does not apply to the amount of the fee charged.

### **113AG Standard condition of race information authority**

It is a condition of every race information authority that the holder of the authority must, unless the holder has a reasonable excuse—

- (a) take part, as required by the control body that issued the authority, in a wagering monitoring system established or nominated by the control body; and
- (b) comply with all reasonable requests by the control body to give the control body, within the reasonable time stated in the request, information or documents about bets placed with the holder (a *document or information request*).

### **113AH Use of documents or information by control body**

- (1) A control body may use documents or information gained from a wagering monitoring system or under a document or information request only for—
  - (a) monitoring wagering activity to detect possible breaches of this Act or the control body's rules of racing; and
  - (b) taking investigative or enforcement action about the possible breaches.

- (2) Subsection (1) does not prevent the control body from providing the documents or information to the chief executive or an authorised officer if required under another provision of this Act.

### **113AI Effect of providing documents or information about wagering activity**

A person who is the holder of a race information authority or an employee of the holder is not liable civilly, criminally or under an administrative process for providing documents or information about wagering activity—

- (a) by taking part in a wagering monitoring system; or
- (b) in response to a document or information request.

### **113AJ Cancellation of race information authority**

- (1) A control body that has issued a race information authority to a licensed wagering operator may, by notice given to the operator, cancel the authority on a ground prescribed under a regulation.
- (2) A notice given under subsection (1) must state the reasons for the cancellation.

### **113AK Authorisations for competition legislation**

- (1) The following things are specifically authorised for the competition legislation—
- (a) an agreement entered into between—
    - (i) 2 or more control bodies in relation to the appointment of an agent (an *appointed agent*) to collect, or the collection by the agent or any of the bodies of, fees that are payable to the bodies under race information authorities issued by the bodies; or

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- (ii) 1 or more control bodies and any corresponding body of another State in relation to the appointment of an agent (also an *appointed agent*) to collect, or the collection by the agent or any of the bodies of, fees that are payable to the bodies for the use of Queensland race information and corresponding information relating to the corresponding body;
  - (b) the conduct of the bodies and an appointed agent in negotiating and entering into the agreement;
  - (c) the conduct of the bodies and an appointed agent in performing the agreement.
- (2) Anything authorised to be done by subsection (1) is authorised only to the extent to which it would otherwise contravene the *Competition and Consumer Act 2010* (Cwlth) or the Competition Code of Queensland.
- (3) In this section—
- agreement* includes a contract, arrangement or understanding.
- competition legislation* means the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) or the Competition Code of Queensland, section 51.

## 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.



- (c) to report the commissioner's findings of an audit or investigation under paragraph (a) or (b) to the Minister;
  - (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



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### **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.
- (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.

- (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.

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### **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
  - (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.

### **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.

## **Chapter 4 Integrity control**

### **Part 1 Racing Animal Welfare and Integrity Board**

#### **Division 1 Establishment, functions and powers of integrity board**

##### **114 Establishment of Racing Animal Welfare and Integrity Board**

The Racing Animal Welfare and Integrity Board is established.

##### **115 Functions and powers of integrity board**

- (1) The integrity board's functions are to monitor all of the following and to advise and make recommendations to the chief executive about them—
  - (a) the policies of each control body about the welfare of licensed animals and other matters affecting the integrity of a control body's code of racing;

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- (b) the performance of functions and exercise of powers by integrity officers;
  - (c) the quality and range of services for drug control relating to licensed animals and associated services that accredited facilities or secondary facilities provide;
  - (d) the way things for analysis are taken or dealt with, and the way accredited facilities analyse things;
  - (e) other matters the chief executive refers to the integrity board or the integrity board considers appropriate.
- (2) Also, the integrity board's function mentioned in subsection (1)(c) includes advising, and making recommendations to, the chief executive about each accreditation application and the quality and range of services for drug control relating to licensed animals and associated services to be provided by facilities mentioned in the accreditation application.
- (3) Further, the integrity board has the function of—
- (a) developing or adopting procedures about the way things for analysis are to be taken and dealt with; and
  - (b) publishing the procedures, and amendments of the procedures, in a way prescribed under a regulation.
- (4) The integrity board has power to do all things necessary or convenient to be done for the performance of its functions.

## **Division 2                    Membership**

### **116    Membership of integrity board**

- (1) There are to be at least 3, and not more than 4, members of the integrity board.
- (2) The Minister must, by gazette notice, appoint individuals as board members who are, under section 117, qualified for appointment as board members.

- (3) A board member is to be appointed for a term of not more than 3 years.
- (4) The Minister must, by gazette notice, appoint 1 member as board chairperson.

### **117 Qualification for appointment as board member**

- (1) An individual is qualified for appointment as a board member only if the individual has—
  - (a) qualifications and technical skills in at least 1 of the following areas—
    - (i) clinical veterinary practice at a venue at which animals race;
    - (ii) analytical chemistry;
    - (iii) veterinary epidemiology; or
  - (b) qualifications and experience in at least 1 of the following areas—
    - (i) law or judicial process;
    - (ii) biological science, for example, bacteriology, health, medicine or microbiology.
- (2) An individual is not qualified for appointment as, or to continue as, a board member if the individual—
  - (a) is affected by bankruptcy action; or
  - (b) has a disqualifying conviction; or
  - (c) is subject to an exclusion action under any control body's rules of racing; or
  - (d) is a control body associate, or employee, of a control body; or
  - (e) is licensed by, or an executive officer of a corporation that is licensed by, a control body; or
  - (f) is a member of a committee, or an employee, of—
    - (i) a licensed club; or

- (ii) an association formed to promote the interests of 1 or more participants in a code of racing, whether or not formed under this Act; or
- (g) is named in an accreditation certificate in any capacity, or is a member of the staff of, or is otherwise engaged in any activity relating to, an accredited facility or a secondary facility for an accredited facility; or
- (h) is disqualified from managing corporations, under the Corporations Act, part 2D.6.

## 118 Resignation

A board member may resign his or her appointment as a board member by signed notice given to the Minister.

## 119 Vacation of office

- (1) A board member is taken to have vacated office if the member—
  - (a) dies; or
  - (b) is not qualified to continue as a board member under section 117(2); or
  - (c) resigns under section 118; or
  - (d) is absent from 3 consecutive board meetings of which due notice has been given, unless the member is on a leave of absence mentioned in section 120.
- (2) If the office of a member becomes vacant under subsection (1), the Minister may, subject to section 117, appoint another individual to be a board member.
- (3) In this section—

**board meeting** means either of the following—

  - (a) if the member does not attend—a meeting with a quorum present;

- (b) if the member attends—a meeting with or without a quorum present.

## **120 Leave of absence for a board member and person acting as member**

- (1) The Minister may approve a leave of absence for a board member (the *approved absent member*).
- (2) Subject to section 117, the Minister may appoint another individual qualified for appointment as a board member to act in the office of the approved absent member while the member is absent on the leave.
- (3) If the approved absent member is the board chairperson, the Minister may appoint another board member to act in the chairperson's office while the chairperson is absent on the approved leave.

## **121 Effect of vacancy in membership of integrity board**

Despite section 116(1), the performance of a function, or exercise of a power, by the integrity board is not affected merely because of a vacancy in the membership of the integrity board.

## **122 Remuneration of board members**

A board member is entitled to the remuneration and allowances decided by the Governor in Council.

# **Division 3 Integrity board business**

## **123 Conduct of business**

Subject to this division, the integrity board must conduct its business, including the board meetings, in the way it considers appropriate.

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## **124 Time and place of, and quorum for, board meetings**

- (1) Board meetings must be held at the times and places the board chairperson decides.
- (2) Subject to section 128(5), a quorum for a board meeting is 2 board members.

## **125 Presiding at board meetings**

- (1) The board chairperson must preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, or the office is vacant, a board member elected by the other members present at the meeting must preside.

## **126 Conduct of board meetings**

- (1) A question at a board meeting is decided by a majority of the votes of the board members present.
- (2) Each board member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
- (3) A board member present at the meeting who abstains from voting is taken to have voted for the negative.
- (4) The integrity board may hold its meetings, or allow board members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

*Example of use of technology—*

teleconferencing

- (5) A board member who takes part in a meeting under subsection (4) is taken to be present at the meeting.
- (6) A resolution is validly made by the integrity board, even if it is not passed at a board meeting, if—
  - (a) notice of the resolution is given under procedures approved by the integrity board; and

- (b) a majority of the board members give written agreement to the resolution.

## **127 Minutes and records**

The integrity board must keep—

- (a) minutes of its meetings; and
- (b) a record of resolutions made under section 126(6).

## **128 Disclosure of interest**

- (1) If a board member becomes aware that the member has a conflict of interest about an issue being considered, or about to be considered, by the integrity board, the member must disclose the nature of the conflicting interest to a board meeting.
- (2) Unless the board otherwise directs, the member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board about the issue.
- (3) The member must not be present when the board is considering whether to give a direction under subsection (2).
- (4) If there is another board member who must, under subsection (1), also disclose an interest in the issue, the other member must not—
  - (a) be present when the board is considering whether to give a direction under subsection (2); or
  - (b) take part in making the decision about giving the direction.
- (5) If—
  - (a) because of this section, a board member is not present at a board meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (2); and
  - (b) there would be a quorum if the member were present;

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

- (6) A board member has a conflict of interest about an issue if the member has an interest, financial or otherwise, that could conflict with the proper performance of the member's duties.
- (7) A disclosure under subsection (1) must be recorded in the board's minutes.

## Part 2                      Accreditation of facilities

### 129      Accreditation application

- (1) A person responsible for a facility that the person believes has the capacity to analyse things relating to licensed animals may apply to the chief executive for accreditation of the facility as an accredited facility (an *accreditation application*).
- (2) The accreditation application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) Without limiting the matters that may be required in the approved form, the accreditation application must state the following—
  - (a) a person, other than an analyst, who is to be responsible for taking delivery, for the proposed facility, of things for analysis;
  - (b) an analyst who has the qualifications prescribed under a regulation to be an accredited analyst;
  - (c) a veterinary surgeon who has the qualifications prescribed under a regulation to be an accredited veterinary surgeon;
  - (d) another facility proposed as a secondary facility, to which things for analysis will be delivered, if the things

can not be analysed at the proposed facility within a reasonable time;

- (e) the following persons for the other facility that is proposed as a secondary facility—
  - (i) a person, other than an analyst, who is to be responsible for taking delivery, for the other facility, of things for analysis;
  - (ii) an analyst who has the qualifications prescribed under a regulation to be an accredited analyst.

### **130 Chief executive may ask for further information**

The chief executive may, by notice given to the applicant, ask the applicant to give the chief executive any further information or documents about the application within a reasonable period stated in the notice.

### **131 Chief executive may accredit facilities**

- (1) The chief executive may accredit a proposed facility as an accredited facility.
- (2) However, the chief executive may accredit the proposed facility only if the chief executive is satisfied—
  - (a) the facility's procedures for analysis, including its security systems relating to analysing things relating to licensed animals, are of a standard to ensure the integrity of the analysis; and
  - (b) the facility's staff involved in analysing things relating to licensed animals have the necessary experience or expertise to perform the analysis; and
  - (c) persons engaged as veterinary surgeons for the facility have the necessary experience or expertise to provide advice about the nature and effect of drugs and code substances in relation to licensed animals; and
  - (d) the facility has entered into an arrangement for services, relating to analysing things that can not be analysed at

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- the facility within a reasonable time, with a proposed secondary facility stated in the accreditation application; and
- (e) the proposed secondary facility has—
    - (i) procedures for analysis that are of a standard to ensure the integrity of the analysis, including quality assurance procedures and security systems, relating to analysing things relating to licensed animals; and
    - (ii) staff involved in analysing things relating to licensed animals who have the necessary experience or expertise to perform the analysis; and
  - (f) the facility otherwise complies with requirements prescribed under a regulation, including requirements for quality assurance procedures to be complied with when analysing things relating to licensed animals.
- (3) In deciding whether to accredit a proposed facility, the chief executive may have regard to—
- (a) advice given, or recommendations made, by the integrity board to the chief executive about the accreditation application; and
  - (b) any other matter that the chief executive believes is appropriate.
- (4) After the chief executive makes a decision about the accreditation application, the chief executive must give the applicant an information notice about the decision.
- (5) If the chief executive grants the application, the information notice must state the conditions imposed by the chief executive to which the accreditation is to be subject.

## **132 Accreditation certificate**

- (1) This section applies if the chief executive grants the accreditation application of a facility.

- (2) The chief executive must issue to the applicant a certificate accrediting the facility (the *accreditation certificate*).
- (3) The accreditation certificate must state all of the following—
  - (a) the name of the facility;
  - (b) the name of the person who holds the accreditation for the facility;
  - (c) the name of each person who, for the accredited facility, is—
    - (i) responsible for taking delivery of things for analysis; or
    - (ii) an accredited analyst; or
    - (iii) an accredited veterinary surgeon;
  - (d) the name of each secondary facility for the accredited facility and each person who, for each secondary facility, is—
    - (i) responsible for taking delivery of things for analysis; or
    - (ii) an accredited analyst;
  - (e) conditions imposed by the chief executive to which the accreditation is subject.

### **133 Regulation may prescribe a condition applying to an accreditation**

- (1) A regulation may prescribe a condition to which the accreditation of an accredited facility is subject.
- (2) A condition prescribed under subsection (1) applies in relation to an accredited facility even if the facility was accredited as an accredited facility before the regulation commenced.
- (3) If there is an inconsistency between an express condition stated in an accreditation and a condition stated in a regulation, the condition in the regulation applies to the extent of the inconsistency.

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**134 Variation of accreditation by application of accreditation holder**

- (1) The accreditation holder for an accredited facility may apply to the chief executive for a variation of the accreditation for the accredited facility.
- (2) The application must be in the approved form and accompanied by the application fee prescribed under a regulation.
- (3) The chief executive must consider the application and either grant or refuse to grant the application.
- (4) After the chief executive makes a decision about the application, the chief executive must give the applicant an information notice about the decision.
- (5) If the chief executive grants the application, the information notice must—
  - (a) state the conditions imposed by the chief executive to which the accreditation is to be subject; and
  - (b) include a direction to the accreditation holder to return the accreditation to the chief executive, within 14 days after the date of the information notice, for relevant action by the chief executive.

**Part 3** **Disciplinary proceedings relating to accredited facility**

**135 Grounds for disciplinary action relating to accredited facility**

- (1) Each of the following is a ground to take disciplinary action relating to the accreditation of an accredited facility—
  - (a) the accreditation holder or a person named in the accreditation certificate contravened a provision of this Act, whether or not the provision is an offence;

*Note—*

See section 132(3) for persons who must be named in an accreditation certificate.

- (b) the accreditation holder or a person named in the accreditation certificate failed to comply with a condition stated in the accreditation;
  - (c) the chief executive is no longer satisfied about a matter mentioned in section 131(2) in relation to the accredited facility;
  - (d) in the accreditation application, or a notice or other document that the accreditation holder or a person named in the accreditation certificate is required under this Act to give to the chief executive or another person, the accreditation holder or named person stated something the holder or person knew was false or misleading in a material particular.
- (2) There are no other grounds for taking disciplinary action relating to the accreditation of an accredited facility other than the grounds mentioned in subsection (1).

### **136 Show cause notice**

- (1) If the chief executive believes a ground exists to take disciplinary action relating to the accreditation of an accredited facility, the chief executive must, subject to section 139(1)(a), give the accreditation holder a notice (a ***show cause notice***).
- (2) The show cause notice must state the following—
  - (a) the action the chief executive proposes to take (the ***proposed action***);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action includes suspension of the accreditation—the proposed suspension period;

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- (e) if the proposed action includes varying the accreditation—the proposed change to a condition imposed on the accreditation or the proposed new condition to be imposed on the accreditation;
  - (f) an invitation to the accreditation holder to make, within a stated period (the *show cause period*), written representations to show why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the accreditation holder.

### **137 Representations about show cause notice**

- (1) The accreditation holder may make written representations about the show cause notice to the chief executive in the show cause period.
- (2) The chief executive must consider all written representations (the *accepted representations*) made under subsection (1).

### **138 Immediate suspension of an accreditation**

- (1) The chief executive may suspend an accreditation of an accredited facility immediately if the chief executive believes—
  - (a) a ground exists to take disciplinary action relating to the accreditation; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the accreditation immediately to ensure—
    - (i) the safety of persons or the welfare of licensed animals; or
    - (ii) the public interest in a code of racing is not adversely affected.
- (2) The suspension—

- (a) can be effected only by the chief executive giving the accreditation holder an information notice about the decision to suspend the accreditation of the accredited facility, together with a show cause notice; and
- (b) operates immediately the information notice is given to the accreditation holder; and
- (c) continues to operate until the show cause notice is finally dealt with.

### **139 Censuring accreditation holder of an accredited facility**

- (1) The chief executive may censure the accreditation holder of an accredited facility if the chief executive—
  - (a) believes a ground exists to take disciplinary action relating to the accreditation but does not believe that giving a show cause notice to the accreditation holder is warranted; or
  - (b) after considering the accepted representations relating to a show cause notice, still believes a ground exists to take disciplinary action relating to the accreditation but does not believe disciplinary action is warranted.
- (2) The censure can be effected only by the chief executive giving the accreditation holder an information notice about the decision to censure it.

### **140 Direction to accreditation holder to rectify matter**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive—
  - (a) still believes a ground exists to take disciplinary action relating to the accreditation of an accredited facility; and
  - (b) believes a matter relating to the ground to take disciplinary action is capable of being rectified and it is appropriate to give the accreditation holder an opportunity to rectify the matter.

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- (2) The chief executive may direct the accreditation holder to rectify the matter.
  - (3) The direction can be effected only by the chief executive giving the accreditation holder an information notice about the decision to give the direction, including the period for rectifying the matter.
  - (4) The period stated in the information notice must be reasonable having regard to the nature of the matter to be rectified.
  - (5) An accreditation holder must comply with a direction under this section within the period for rectifying the matter stated in the information notice, unless the accreditation holder has a reasonable excuse.
  - (6) Disciplinary action relating to the accreditation of the accredited facility can not be taken for the ground giving rise to the information notice unless the accreditation holder—
    - (a) fails to comply with the notice within the stated period; and
    - (b) does not have a reasonable excuse for failing to comply with the notice.

#### **141 Action by chief executive**

- (1) Subject to section 140(6), this section applies if—
  - (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for a show cause notice, the chief executive still believes a ground for disciplinary action exists relating to the accreditation.
- (2) The chief executive may—
  - (a) if the proposed action was to suspend the accreditation—suspend the accreditation for not longer than the proposed suspension period; or

- (b) if the proposed action was to vary the accreditation—vary the accreditation in the proposed way; or
  - (c) if the proposed action was to cancel the accreditation—cancel the accreditation or take another form of disciplinary action.
- (3) More than 1 type of disciplinary action relating to the accreditation may be taken under this section.
- (4) If the chief executive decides to take action under subsection (2), the chief executive must immediately give the accreditation holder an information notice about the decision.
- (5) If the chief executive’s decision is that the accreditation is cancelled, suspended or varied, the information notice must include a direction to the accreditation holder to return the accreditation certificate to the chief executive, within 14 days after receiving the information notice, for relevant action by the chief executive.
- (6) The decision takes effect on the later of the following—
- (a) the day the information notice is given to the accreditation holder;
  - (b) the day of effect stated in the information notice.

## **Part 4                      Dealing with, and analysis of, things**

### **Division 1                Definitions**

#### **142    Definitions for pt 4**

In this part—

***agreement***, between a control body and an accredited facility, means an agreement entered into under section 40.

*deal*, in relation to a thing for analysis, means mark, seal or deliver the thing for analysis.

*nominated person* means—

- (a) for an accredited facility—a person named in the accredited facility’s accreditation certificate as a person responsible for taking delivery, for the accredited facility, of things for analysis; or
- (b) for a secondary facility for an accredited facility—a person named in the accredited facility’s accreditation certificate as a person responsible for taking delivery, for the secondary facility, of things for analysis.

*substance* includes an artefact, isomer or metabolite, of a substance.

## **Division 2                      Taking and dealing with things for analysis**

### **143      Way control body may take or deal with a thing for analysis**

- (1) This section applies if a control body’s policy about drug control relating to licensed animals provides for the analysis of things.
- (2) If the results of the analysis are to be used by the control body only for research or survey purposes, the control body may take or deal with the thing in a way the control body considers is consistent with the research or survey purposes.
- (3) If the results of the analysis are to be used by the control body for a purpose other than for research or survey purposes, the control body must take and deal with the thing for analysis under the integrity board’s procedures mentioned in section 115(3) as in force at the relevant time.

*Note—*

See section 352A (Integrity of analysis of thing).

- (4) The control body must deliver the thing for analysis to—

- (a) if the thing is to be delivered under an agreement between the control body and an accredited facility—the accredited facility that is a party to the agreement; or
- (b) otherwise—another facility that has the capacity to analyse things relating to licensed animals if the delivery is approved by an integrity officer.

**144 Way things taken for analysis by integrity officer or qualified person must be taken and dealt with**

If, under section 285, an integrity officer takes a thing for analysis or arranges for a qualified person to take it, the thing must be taken and dealt with—

- (a) under the integrity board's procedures mentioned in section 115(3) as in force at the relevant time; or
- (b) in another way that the integrity officer believes will ensure the integrity of the analysis.

**145 Person must not interfere with container in which things are placed**

- (1) This section applies to a thing dealt with under section 143 or 144.
- (2) A person must not interfere with a container in which the thing is placed by a control body under section 143, or an integrity officer or qualified person under section 144, unless the person has a reasonable excuse.

Maximum penalty—600 penalty units.

- (3) Subsection (2) does not apply to an integrity officer or an analyst if the integrity officer or analyst interferes with the container as part of the process of allowing the thing to be analysed.
- (4) In this section—

*analyst* means an analyst employed by an accredited facility or a secondary facility for an accredited facility.

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*interfere with*, a container, means—

- (a) open, alter or break the container, or a seal placed on the container; or
- (b) remove or erase a mark or seal placed on the container.

## **Division 3                      Analysing things delivered for analysis**

### **146      Analysis of thing**

- (1) If a thing for analysis has been delivered to an accredited facility, a nominated person for the accredited facility must—
  - (a) give a receipt for the thing in the way prescribed under a regulation; and
  - (b) give the thing to an analyst at the accredited facility.
- (2) However, if the thing can not be analysed at the accredited facility within a reasonable time, the nominated person may, instead of giving the thing to an analyst at the accredited facility, deliver the thing for analysis to a secondary facility for the accredited facility.
- (3) If a nominated person for an accredited facility decides to deliver the thing for analysis to a secondary facility, the nominated person must deliver a notice with the thing stating all of the following—
  - (a) the drugs and any code substances the analysis must cover;
  - (b) the information required to be included in the written results of the analysis;
  - (c) that if a drug or code substance mentioned in the notice is found in or on the thing, the results must include a certificate signed by an accredited analyst for the secondary facility;
  - (d) the information required to be included in the certificate mentioned in paragraph (c).

- (4) If a nominated person for an accredited facility has delivered a thing for analysis to a secondary facility for the accredited facility—
  - (a) the nominated person for the secondary facility must give the thing to an analyst at the secondary facility; and
  - (b) the analyst at the secondary facility must, after completing the analysis, give written results of the analysis to the nominated person for the accredited facility; and
  - (c) the results must state the things mentioned in the notice delivered with the thing as mentioned in subsection (3).

#### **147 Procedure after analysis**

- (1) This section applies if a thing for analysis is delivered to an accredited facility and either of the following applies—
  - (a) an analyst at the accredited facility has carried out an analysis relating to the thing;
  - (b) an analyst at a secondary facility for the accredited facility has carried out an analysis relating to the thing and given the results under section 146(4)(b) to the nominated person for the accredited facility.
- (2) An analyst at the accredited facility must, after the completion of the analysis or receiving the results mentioned in section 146(4)(b), give a notice stating the results of the analysis (the *notice of results*) to—
  - (a) if the thing was delivered to the accredited facility by a control body—the accredited veterinary surgeon for the accredited facility; or
  - (b) if the thing was delivered to the accredited facility by an integrity officer—the integrity officer.
- (3) The notice of results must include a certificate signed by an accredited analyst stating all of the following—
  - (a) information to identify the thing analysed;

- (b) the place at which, and the day when or period over which, the thing was analysed;
  - (c) no drug was found in or on the thing or if a drug was found—
    - (i) the fact that a drug was found and its name; and
    - (ii) if the control body or integrity officer who delivered the thing for analysis to the accredited facility asked for information about the amount or concentration of any drug found in the thing—the information requested;
  - (d) for a thing delivered under an agreement between a control body and the accredited facility—no code substance was found in or on the thing or if a code substance was found—
    - (i) the fact that a code substance was found and its name; and
    - (ii) if the control body that delivered the thing for analysis to the accredited facility asked for information about the amount or concentration of any code substance found in the thing—the information requested.
- (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.

## **148 If analysis can not be completed**

- (1) This section applies if—
  - (a) a thing for analysis is delivered to an accredited facility; and
  - (b) an analyst at the accredited facility, or a secondary facility for the accredited facility, fails to complete an analysis relating to the thing.
- (2) The analyst must give a notice about the failure to complete the analysis to—
  - (a) if the thing was delivered to the accredited facility by a control body—the control body; or
  - (b) if the thing was delivered to the accredited facility by an integrity officer—the integrity officer.
- (3) The notice under subsection (2) must state—
  - (a) there was a failure to complete the analysis; and
  - (b) the reason for the failure.

*Examples for paragraph (b)—*

- 1 The amount of the thing delivered for analysis was insufficient.
- 2 The condition of the thing delivered for analysis has deteriorated.

## **149 Certificate of accredited veterinary surgeon**

- (1) This section applies if—
  - (a) a control body delivers a thing for analysis to an accredited facility; and
  - (b) a drug or code substance is found in or on the thing; and
  - (c) a notice of results is given to an accredited veterinary surgeon as mentioned in section 147.
- (2) The accredited veterinary surgeon must give to the control body a certificate signed by the accredited veterinary surgeon stating—

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- (a) the pharmacology of the drug or code substance; and
  - (b) the effect of using the drug or code substance on the behaviour, performance or physical condition of a stated type of animal; and
  - (c) if a drug is found in or on the thing and the drug is mentioned in the Standard for the Uniform Scheduling of Medicines and Poisons published by the Commonwealth—the schedule in which the drug is mentioned.

## **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.

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### 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—
  - (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.

### **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.

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- (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;
  - (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.

## **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

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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.

## **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).

## 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;

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- (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.
- (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
- (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.

- (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.

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### **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 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.
- (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.

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## **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—
  - (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.

## **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
  - (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.

## **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

- (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

- (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.

*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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## Part 3                      Miscellaneous

### 149ZZJ Protections and immunities

- (1) A member of a constituted board has, in performing the member's functions, the same protection and immunity as a District Court judge has in the performance of the judge's functions.
- (2) In an accepted appeal being heard by a constituted board—
  - (a) a party to the appeal appearing before the constituted board has the same protection and immunity as a party in a proceeding in the District Court; and
  - (b) a person appearing before the constituted board as a representative of a party to the appeal has the same protection and immunity as a barrister appearing for a party in a proceeding in the District Court; and
  - (c) a person appearing before the constituted board as a witness has the same protection and immunity as a witness in a proceeding in the District Court; and
  - (d) a person appearing before the constituted board as an expert has the same protection and immunity as an expert in a proceeding in the District Court.
- (3) A document produced at, or used for, a hearing before the constituted board for an accepted appeal has the same protection as a document produced at, or used for, a hearing before the District Court.

### 149ZZK Annual report

- (1) The chairperson of the disciplinary board must give the Minister a written report for each financial year that contains the following—
  - (a) a review of the operation of the disciplinary board during the financial year;

- (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.

## **Chapter 5      Review of decisions by tribunal**

### **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;
    - (ii) the control body;
    - (iii) the disciplinary board;

- (c) the appellable decision;
- (d) the facts and circumstances forming the basis for the appellable decision;
- (e) that the appeal is being referred to the tribunal by the chairperson of the disciplinary board.

### **151 Tribunal to exercise review jurisdiction**

For a referred appeal, the tribunal must exercise its review jurisdiction under the QCAT Act.

## **Part 2 Review of decisions by tribunal other than by disciplinary board referral**

### **152 Appeal to disciplinary board before review by tribunal**

Subject to section 149V(2)(d), every review of an appellable decision of a control body must be, in the first instance, by way of an appeal to the disciplinary board.

### **152A Who may apply for review by the tribunal**

An aggrieved person who is given, or is entitled to be given, a QCAT information notice for a decision of a constituted board may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.





## **Chapter 6      Racing bookmakers**

### **Part 1                      Requirements for racing bookmakers' licences and for related matters**

#### **194      Requirement to hold racing bookmaker's licence or approval**

- (1) A person must not carry on bookmaking at a licensed venue at any time unless the person is a racing bookmaker whose licence was granted by the control body exercising control at the licensed venue at that time.

Maximum penalty—600 penalty units.

- (2) 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) A racing bookmaker who is an individual must have the individual's licence with the individual at all times the individual is carrying on bookmaking at a licensed venue when it is under the control of the control body that granted the individual's licence, unless the individual has a reasonable excuse.

Maximum penalty—40 penalty units.

- (4) 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.

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Maximum penalty—40 penalty units.

- (5) A licensed executive officer of a corporation that is a racing bookmaker must have the corporation's licence, or a certified copy of the corporation's licence, with the officer at all times the officer is carrying on bookmaking for the corporation at a licensed venue when it is under the control of the control body that granted the corporation's licence, unless the officer has a reasonable excuse.

Maximum penalty—40 penalty units.

- (6) 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.

## **195 Requirement for racing bookmaker to hire licensed clerk**

- (1) A racing bookmaker must not, at a licensed venue, 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 exercising control at the licensed venue at the time.

Maximum penalty—200 penalty units.

- (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.

- (3) A racing bookmaker that is a corporation does not commit an offence against subsection (1) or (2) merely because a

licensed executive officer of the corporation carries on bookmaking for the corporation.

## **196 Requirement to hold licence as a racing bookmaker's clerk**

- (1) A person must not be employed by a racing bookmaker at a licensed venue 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 exercising control at the licensed venue at that time; or
  - (b) if the racing bookmaker is a corporation—a licensed executive officer of the corporation and is carrying on bookmaking for the corporation.

Maximum penalty—200 penalty units.

- (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.

- (3) A racing bookmaker's clerk at a licensed venue must have the person's licence with the person at all times the person is employed by a racing bookmaker in the conduct of the racing bookmaker's business at the licensed venue, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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- (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 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.

### **197 Requirement to produce licence or approval**

- (1) A racing bookmaker who is an individual and who is, or appears to be, carrying on bookmaking at a licensed venue must produce the person's licence to an official of the control body that is exercising control at the licensed venue if asked to do so by the official, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) 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.
- (3) 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.

- (4) A licensed executive officer of a corporation that is a racing bookmaker and who is, or appears to be, carrying on bookmaking for the corporation at a licensed venue must produce the corporation's licence, or a certified copy of the corporation's licence, to an official of the control body that is

exercising control at the licensed venue if asked to do so by the official, unless the officer has a reasonable excuse.

Maximum penalty—40 penalty units.

- (5) 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.
- (6) 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.

Maximum penalty—40 penalty units.

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

Maximum penalty—40 penalty units.

- (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.

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**198 Requirement for control body to ensure certain persons have current licences**

A control body must ensure that a person is not permitted, at any time, to carry on bookmaking, or to be employed by a racing bookmaker in the conduct of a racing bookmaker's business, at a race meeting held at a licensed venue when it is under the control of the control body, unless the person has a current appropriate licence with the person at the time.

**199 Unlawful bookmaking by racing bookmaker**

- (1) A racing bookmaker must not carry on bookmaking at a place unless—
- (a) when the racing bookmaker carries on the bookmaking, the place is a licensed venue under the control of the control body that licensed the racing bookmaker; and
  - (b) at the place when the racing bookmaker is carrying on bookmaking—
    - (i) a race meeting is being held under this Act; and
    - (ii) betting with racing bookmakers may take place, under a direction given by the control body's steward who is in charge of the race meeting for the control body.

Maximum penalty—600 penalty units or 2 years imprisonment.

- (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.

## **200 Requirements for betting by racing bookmakers**

- (1) This section applies to a racing bookmaker at a race meeting held at a licensed venue (the *first venue*) when it is under the control of a control body (the *first control body*).
- (2) The racing bookmaker must not make a bet on a contest, contingency or event other than—
  - (a) a race to be decided at the first venue; or
  - (b) a race to be decided at another race meeting at another licensed venue controlled by a control body; or
  - (c) a sporting contingency declared, under section 255, by the first control body as a declared sporting contingency; or
  - (d) 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 first control body has entered into an arrangement as mentioned in section 34(2)(o).

Maximum penalty—400 penalty units.

- (3) Subject to section 249, the racing bookmaker must not make a bet with a person who is not present at the first venue at the time the bet is made.

Maximum penalty—400 penalty units.

## **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.

## **Part 2                      Licensing of persons as racing bookmakers**

### **201      Applicant for racing bookmaker's licence to hold eligibility certificate**

An applicant to a control body for a racing bookmaker's licence must be a certificate holder.

### **202      What corporate licence must include**

- (1) This section applies to a racing bookmaker's licence for a corporation.
- (2) The licence must state the name of each executive officer of the corporation who may carry on bookmaking for the corporation under the licence.
- (3) A control body must not, under subsection (2), state an executive officer's name in the licence unless the executive officer—
  - (a) is identified under section 218(2) in the eligibility certificate for the corporation; and
  - (b) is a person whom the control body believes has the experience and knowledge necessary to properly carry on bookmaking for the corporation under the licence.

## **Part 3 Eligibility certificates**

### **Division 1 Suitability of applicants and business and executive associates**

#### **203 Suitability of applicants for eligibility certificate**

- (1) This section applies to the gaming executive in deciding whether an applicant for an eligibility certificate is a suitable person to hold an eligibility certificate.
- (2) The gaming executive may have regard to all of the following matters—
  - (a) the applicant's character or business reputation;
  - (b) the applicant's current financial position and financial background;
  - (c) if the applicant has a business association with another entity—
    - (i) the other entity's character or business reputation; and
    - (ii) the other entity's current financial position and financial background;
  - (d) if the applicant is a corporation—the persons who have a substantial holding in the applicant, or in a corporation that is a holding company of the applicant.

*Note—*

See also section 211(2) which provides that an applicant for an eligibility certificate is not a suitable person to hold an eligibility certificate if the applicant, or a business associate or executive associate of the applicant, is an identified participant in a criminal organisation.

#### **204 Suitability of associates**

- (1) This section applies to the gaming executive in deciding whether a business associate or executive associate of an

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applicant for an eligibility certificate is a suitable person to be associated with the applicant.

- (2) The gaming executive may have regard to all of the following matters—
- (a) the associate’s character or business reputation;
  - (b) the associate’s current financial position and financial background;
  - (c) if the associate has a business association with another entity—
    - (i) the other entity’s character or business reputation; and
    - (ii) the other entity’s current financial position and financial background;
  - (d) if the associate is a corporation—the persons who have a substantial holding in the associate, or in a corporation that is a holding company of the associate.

## **205 Other matters about suitability**

Sections 203 and 204 do not limit the matters the gaming executive may have regard to in deciding matters to which the sections relate.

## **Division 2 Applications for, and issue of, eligibility certificates**

### **206 Application for eligibility certificate**

An application for an eligibility certificate may only be made by an adult or a corporation.

### **207 Requirements about applications**

- (1) An application for an eligibility certificate must—

- (a) be made to the gaming executive; and
  - (b) be in a gaming executive form.
- (2) The application must be accompanied by—
- (a) the application fee prescribed under a regulation; and
  - (b) if the applicant is an individual—a consent, in a gaming executive form, signed by the individual for the following—
    - (i) the individual’s fingerprints to be taken for the gaming executive;
    - (ii) information about the individual to be obtained by the gaming executive;
    - (iii) the individual’s background to be investigated by the gaming executive; and
  - (c) if the applicant is a corporation—a consent, in a gaming executive form, signed by each person the applicant considers is a business associate or executive associate of the corporation for the following—
    - (i) if the associate is an individual—the associate’s fingerprints to be taken for the gaming executive;
    - (ii) information about the associate to be obtained by the gaming executive;
    - (iii) the associate’s background to be investigated by the gaming executive; and
  - (d) if the applicant is a corporation—the corporation’s agreement to obtain a consent of the type mentioned in paragraph (c) for a person whom the gaming executive believes to be a business associate or executive associate of the corporation but whose consent does not accompany the application.

## **208 Further information or documents to support application**

- (1) The gaming executive may, by notice given to an applicant for an eligibility certificate, require the applicant to give the

gaming executive further information or a document about the application.

- (2) The requirement must relate to information or a document that is necessary and reasonable to help the gaming executive decide the application.
- (3) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (4) When making the requirement, the gaming executive must warn the applicant that the application for the eligibility certificate will not be considered further until the requirement is complied with unless the person has a reasonable excuse for the failure to comply.

## **209 Taking fingerprints**

- (1) On receipt of an application for an eligibility certificate, and compliance by the applicant with this part in relation to the application, the gaming executive must—
  - (a) for an application by an individual—cause the fingerprints of the applicant to be taken; and
  - (b) for an application by a corporation—cause the fingerprints to be taken of each of the business associates and executive associates of the applicant, who is an individual.
- (2) The gaming executive may also cause the fingerprints to be taken of an individual who has consented, as mentioned in section 207(2)(d), to the individual's fingerprints being taken.
- (3) However, if the gaming executive is satisfied an individual's fingerprints are already held by the gaming executive, the gaming executive need not cause the individual's fingerprints to be taken under this section.

## **210 Consideration of application**

- (1) The gaming executive must consider the application for an eligibility certificate and either grant or refuse to grant the application.
- (2) However, the gaming executive is not required to decide an application for an eligibility certificate if—
  - (a) the gaming executive has given a person a notice under section 208 or 214 relating to the application requiring the person to give the gaming executive information or a document as stated in the section; and
  - (b) the person has failed, without reasonable excuse, to comply with the requirement within the time stated in the notice.

## **211 Conditions for granting application for eligibility certificate**

- (1) The gaming executive may grant an application for an eligibility certificate only if the gaming executive is satisfied—
  - (a) the applicant is a suitable person to hold an eligibility certificate; and
  - (b) each business associate and executive associate of the applicant is a suitable person to be associated with the applicant.
- (2) An applicant is not a suitable person to hold an eligibility certificate if—
  - (a) the applicant is an identified participant in a criminal organisation; or
  - (b) a business associate or executive associate of the applicant is—
    - (i) if the associate is an individual—an identified participant in a criminal organisation; or
    - (ii) if the associate is a corporation—a criminal organisation; or

- (c) the applicant is an unsuitable corporation.

## **212 Investigation of suitability of persons**

- (1) The gaming executive may investigate an applicant for an eligibility certificate to help the gaming executive decide whether the applicant is a suitable person to be a certificate holder.
- (2) The gaming executive may investigate a business associate or executive associate of an applicant for an eligibility certificate to help the gaming executive decide whether the associate is a suitable person to be associated with the applicant.
- (3) The gaming executive may investigate an executive officer of the holder of an eligibility certificate for the purpose of deciding whether to grant a request made under section 222.

## **212A Information about whether persons are identified participants in criminal organisations**

- (1) The gaming executive must ask the police commissioner if an applicant or certificate holder—
  - (a) is an identified participant in a criminal organisation; or
  - (b) has a business associate or executive associate who is—
    - (i) if the associate is an individual—an identified participant in a criminal organisation; or
    - (ii) if the associate is a corporation—a criminal organisation; or
  - (c) if the certificate holder, business associate or executive associate is a corporation—is an unsuitable corporation.
- (2) The police commissioner must give the gaming executive the information requested under subsection (1).
- (3) The gaming executive may use the advice given by the police commissioner only for—
  - (a) deciding an application for an eligibility certificate; or

- (b) deciding whether an eligibility certificate should be cancelled.

### **213 Criminal history reports for investigations**

- (1) If the gaming executive, in investigating a person under section 212, asks the police commissioner for a written report on the person's criminal history, the commissioner must give the report to the gaming executive.
- (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.

### **214 Requirement of associate to give information or document for investigation**

- (1) In investigating a business associate or executive associate of an applicant, the gaming executive may, by notice given to the associate, require the associate to give the gaming executive information or a document the gaming executive believes is relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must—
  - (a) warn the associate that the application for the eligibility certificate will not be considered further until the requirement is complied with; and
  - (b) give a copy of the notice to the applicant.

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**215 Requirement of control body to give information or document for investigation**

- (1) In investigating an applicant, or a business associate or executive associate of an applicant, the gaming executive may, by notice given to a control body, require the control body to give the gaming executive information or a document the gaming executive believes is relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the control body it is an offence to fail to comply with the requirement, unless the control body has a reasonable excuse.

**216 Failure by control body to give information or document for investigation**

- (1) A control body of which a requirement is made under section 215 must comply with the requirement, unless the control body has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) The control body does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

**217 Decision on application**

- (1) If the gaming executive grants an application for an eligibility certificate, the gaming executive must give the certificate to the applicant.
- (2) If the gaming executive refuses to grant an application for an eligibility certificate, the gaming executive must give the applicant an information notice for the decision.
- (3) The *Acts Interpretation Act 1954*, section 27B, does not apply to the information notice to the extent to which the decision is

the result of advice given by the police commissioner to the gaming executive under section 212A.

### **218 Form of eligibility certificate**

- (1) An eligibility certificate is to be in a gaming executive form.
- (2) An eligibility certificate for a corporation must identify the corporation's executive officers who have been investigated by the gaming executive and have been found suitable to be associated with the certificate holder.

### **219 Period for which eligibility certificate has effect**

An eligibility certificate continues to have effect until the earliest of the following happens—

- (a) the certificate lapses under section 220(3);
- (b) the certificate is cancelled under section 236;
- (c) a surrender of the certificate takes effect under section 240.

### **220 Date by which certificate holder must apply for racing bookmaker's licence**

- (1) An eligibility certificate must state the date by which the certificate holder stated in the certificate must apply for a licence as a racing bookmaker.
- (2) The date must be at least 2 months after the date the certificate is given to the certificate holder.
- (3) If the certificate holder does not apply to a control body for a racing bookmaker's licence before the date stated in the certificate, the certificate lapses at the end of the day stated in the certificate.

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**221 Corporate certificate holder must advise gaming executive of change in executive officers or persons with substantial holdings**

- (1) This section applies to a certificate holder that is a corporation.
- (2) Within 14 days after any of the following changes, the certificate holder must give the gaming executive notice of the change—
  - (a) a change to the persons who are executive officers of the corporation;
  - (b) a change to the persons who have substantial holdings in the corporation, or a holding company of the corporation.

Maximum penalty for subsection (2)—100 penalty units.

**222 Gaming executive may amend eligibility certificate to show change in executive officers**

- (1) This section applies if a certificate holder has given the gaming executive notice under section 221(2)(a) and asks the gaming executive to amend the eligibility certificate to omit or include an executive officer as a person who has been investigated by the gaming executive and been found suitable to be associated with the certificate holder.
- (2) The gaming executive may comply with the request.
- (3) However, the gaming executive must not include the name of an executive officer in the certificate unless the gaming executive has investigated the executive officer and found the person to be suitable to be associated with the certificate holder.

## **Division 3                      Investigations of certificate holders and their business and executive associates**

### **223      Audit program**

- (1) The gaming executive may approve an audit program for investigating certificate holders, and the business associates and executive associates of certificate holders.
- (2) The gaming executive is responsible for ensuring that investigations of certificate holders, and business associates and executive associates of certificate holders, are conducted under the audit program.
- (3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 3 years.

### **224      Investigations into suitability of certificate holder**

- (1) The gaming executive may investigate a certificate holder to find out whether the certificate holder is a suitable person to hold, or to continue to hold, an eligibility certificate.
- (2) Subject to subsection (3), the gaming executive may investigate the certificate holder under this section only if—
  - (a) the gaming executive suspects the certificate holder is not, or is no longer, a suitable person to hold an eligibility certificate; or
  - (b) the investigation is made under an audit program approved by the gaming executive.
- (3) The gaming executive may, at any time, ask the police commissioner whether the certificate holder—
  - (a) is an identified participant in a criminal organisation; or
  - (b) has a business associate or executive associate who is—
    - (i) if the associate is an individual—an identified participant in a criminal organisation; or

- (ii) if the associate is a corporation—a criminal organisation; or
- (c) if the certificate holder, business associate or executive associate is a corporation—is an unsuitable corporation.
- (4) The police commissioner must give the gaming executive the information requested under subsection (3).
- (5) The gaming executive may use the advice given by the police commissioner only for deciding whether an eligibility certificate should be cancelled.

## **225 Investigation into suitability of associate of certificate holder**

- (1) The gaming executive may investigate a business associate or executive associate of a certificate holder to decide whether the associate is a suitable person to be, or to continue to be, associated with the certificate holder's operations.
- (2) Subject to subsection (3), the gaming executive may investigate a business associate or executive associate of a certificate holder under this section only if—
  - (a) the gaming executive suspects the associate is not, or is no longer, a suitable person to be associated with a certificate holder's operations; or
  - (b) the investigation is part of an investigation under this division of the certificate holder in relation to whom the associate is a business associate or executive associate; or
  - (c) the investigation is made under an audit program approved by the gaming executive; or
  - (d) the person—
    - (i) became a business associate or executive associate of the certificate holder after the issue of the eligibility certificate to the certificate holder; or
    - (ii) has not been investigated previously under an audit program mentioned in paragraph (c).

- (3) The gaming executive may, at any time, ask the police commissioner whether a business associate or executive associate of a certificate holder—
  - (a) is an identified participant in a criminal organisation; or
  - (b) has a business associate or executive associate who is—
    - (i) if the associate is an individual—an identified participant in a criminal organisation; or
    - (ii) if the associate is a corporation—a criminal organisation; or
  - (c) if the certificate holder, business associate or executive associate is a corporation—is an unsuitable corporation.
- (4) The police commissioner must give the gaming executive the information requested under subsection (3).
- (5) The gaming executive may use the advice given by the police commissioner only for deciding whether an eligibility certificate should be cancelled.

## **226 Requirement to give information or document for investigation**

- (1) In investigating a certificate holder, or a business associate or executive associate of a certificate holder, the gaming executive may, by notice given to the person, require the person to give the gaming executive information or a document the gaming executive believes relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

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**227 Criminal history report for investigation**

- (1) If the gaming executive in investigating a person under section 224 or 225 asks the police commissioner for a written report on the person's criminal history, the commissioner must give the report to the gaming executive.
- (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.

**228 Gaming executive may require control body to give information or document for investigation**

- (1) As part of an investigation under this division, the gaming executive may, by notice given to a control body, require the control body to give the gaming executive information or a document the gaming executive believes is relevant to the investigation.
- (2) The notice must state a reasonable time of at least 28 days within which the requirement must be complied with.
- (3) When making the requirement, the gaming executive must warn the control body it is an offence to fail to comply with the requirement, unless the control body has a reasonable excuse.

**229 Failure to give information or document for investigation**

- (1) A person of whom a requirement is made under section 226 or 228 must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (3) The person does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

## **Division 4                      Cancellation of eligibility certificates**

### **230      Grounds for cancellation**

- (1) A ground for cancelling an eligibility certificate exists if the certificate holder—
  - (a) is not a suitable person to hold an eligibility certificate; or
  - (b) is convicted for an offence—
    - (i) under this Act; or
    - (ii) the repealed Act; or
    - (iii) a law of another State, that is prescribed under a regulation as a law about racing or betting; or
  - (c) is convicted of an indictable offence under another Act or law; or
  - (d) contravenes a provision of this Act, whether or not a penalty is provided for the provision; or
  - (e) is affected by bankruptcy action; or
  - (f) has a business associate or executive associate who is—
    - (i) if the associate is an individual—an identified participant in a criminal organisation; or
    - (ii) if the associate is a corporation—a criminal organisation.

- (2) Also, a ground for cancelling an eligibility certificate exists if—
  - (a) a racing bookmaker's licence held by the certificate holder is cancelled by the control body for the licence concerned; or
  - (b) the eligibility certificate was granted because of a materially false or misleading representation or declaration; or
  - (c) a business associate or executive associate of the certificate holder is not a suitable person to be associated with a certificate holder.
- (3) There are no other grounds for cancelling an eligibility certificate other than the grounds mentioned in subsections (1) and (2).

### **230A Immediate cancellation of eligibility certificate**

- (1) The gaming executive must cancel a certificate holder's eligibility certificate if, after the certificate is granted, the gaming executive is advised by the police commissioner that a certificate holder is—
  - (a) an identified participant in a criminal organisation; or
  - (b) an unsuitable corporation.
- (2) Immediately after cancelling the eligibility certificate, the gaming executive must give the certificate holder an information notice for the decision to cancel the certificate.
- (3) The decision takes effect on the day the notice is given to the certificate holder.
- (4) The information notice must include—
  - (a) a direction to the certificate holder to return the eligibility certificate to the gaming executive within 14 days after the cancellation; and

- (b) a warning to the certificate holder that it is an offence to fail to comply with the direction, unless the certificate holder has a reasonable excuse.
- (5) The *Acts Interpretation Act 1954*, section 27B, does not apply to the information notice.

### 231 Show cause notice

- (1) This section applies if the gaming executive believes—
  - (a) a ground exists to cancel an eligibility certificate; 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 in an adverse and material way.
- (2) The gaming executive must give the certificate holder a notice (a ***show cause notice***) stating the following—
  - (a) the action (the ***proposed action***) the gaming executive proposes taking under this division;
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) an invitation to the certificate holder to show within a stated period (the ***show cause period***) why the proposed action should not be taken.
- (3) The *Acts Interpretation Act 1954*, section 27B, does not apply to the show cause notice to the extent to which the decision is the result of advice given by the police commissioner to the gaming executive under section 224(4).
- (4) The show cause period must be a period ending at least 28 days after the day the show cause notice is given to the certificate holder.
- (5) The certificate holder may make written representations about the show cause notice to the gaming executive in the show cause period.

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**232 Involvement of control bodies in show cause process**

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

**233 Consideration of representations**

The gaming executive must consider all written representations (the *accepted representations*) made in the show cause period by—

- (a) the certificate holder; or
- (b) a control body.

**234 Ending show cause process without further action**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive believes no ground exists to cancel the eligibility certificate.
- (2) The gaming executive must not take any further action about the show cause notice.
- (3) Notice that no further action about the show cause notice is to be taken must be given by the gaming executive to—
  - (a) the certificate holder; and
  - (b) each control body.

**235 Censuring certificate holder**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive—
  - (a) still believes a ground exists to cancel the eligibility certificate; and

- (b) does not believe cancellation of the certificate is warranted.
- (2) This section also applies if the gaming executive has not given a show cause notice to the certificate holder but believes—
  - (a) a ground exists to cancel the certificate; and
  - (b) the giving of a show cause notice is not warranted.
- (3) However, this section does not apply if the ground that exists to cancel the certificate is that the certificate holder is no longer a suitable person because the holder has a business associate or executive associate who is—
  - (a) if the associate is an individual—an identified participant in a criminal organisation; or
  - (b) if the associate is a corporation—a criminal organisation.
- (4) The gaming executive may censure the holder for a matter relating to the ground for cancellation.
- (5) The censure may be effected only by the gaming executive giving the certificate holder an information notice about the decision to censure the holder.

### **236 Cancellation of eligibility certificate**

- (1) The gaming executive may cancel the eligibility certificate if, after considering the accepted representations for the show cause notice, the gaming executive still believes—
  - (a) a ground exists to cancel the eligibility certificate; and
  - (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) the public interest may be affected in an adverse and material way.
- (2) Also, the gaming executive may cancel the eligibility certificate if there are no accepted representations for the show cause notice.

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- (3) The gaming executive must cancel the eligibility certificate if—
- (a) the certificate holder is a corporation; and
  - (b) a show cause notice was given to the corporation because an executive associate or a business associate of the corporation is an identified participant in a criminal organisation; and
  - (c) either—
    - (i) there are no accepted representations for the show cause notice; or
    - (ii) an accepted representation was made for the show cause notice, and the gaming executive still considers cancelling the eligibility certificate is necessary.
- (4) The gaming executive must immediately give an information notice about the decision to cancel to the certificate holder.
- (5) The information notice must include—
- (a) a direction to the certificate holder to return the eligibility certificate to the gaming executive within 14 days after the cancellation; and
  - (b) a warning to the certificate holder that it is an offence to fail to comply with the direction, unless the certificate holder has a reasonable excuse.
- (6) The *Acts Interpretation Act 1954*, section 27B, does not apply to the information notice to the extent to which the decision is the result of advice given by the police commissioner to the gaming executive under section 224(4).

### **237 Return of cancelled eligibility certificate**

- (1) A person must comply with a direction to the person in an information notice, as mentioned in section 230A(4)(a) or 236(5)(b), to return an eligibility certificate within 14 days after the cancellation, unless the person has a reasonable excuse.

Maximum penalty—40 units.

- (2) If a person is unable to comply with subsection (1) because the person's eligibility certificate has been lost or destroyed, the person must, within 14 days after the cancellation, give the gaming executive a statutory declaration stating details of the loss or destruction.

Maximum penalty—40 penalty units.

### **238 Automatic cancellation of all licences granted to racing bookmakers**

- (1) This section applies if a person's eligibility certificate is cancelled under section 230A or 236 and the person is the holder of a racing bookmaker's licence granted by a control body.
- (2) On the cancellation of the eligibility certificate, the licence granted by the control body is cancelled.
- (3) Subsection (2) has effect despite the control body's policies or rules of racing.

### **239 Notice to control bodies of decisions**

- (1) This section applies if the gaming executive decides to—
  - (a) censure the certificate holder under section 235; or
  - (b) cancel an eligibility certificate under section 230A or 236.
- (2) After making the decision, the gaming executive must give notice about the decision to each control body.

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## **Division 5                      Other matters relating to eligibility certificates**

### **240      Surrender of eligibility certificate**

- (1) A certificate holder may surrender the holder's eligibility certificate by notice given to the gaming executive.
- (2) The surrender of an eligibility certificate takes effect—
  - (a) on the day the notice is given to the gaming executive; or
  - (b) if a later day of effect is stated in the notice—on the later day.
- (3) The gaming executive must give notice about the surrender to each control body.

### **241      Destruction of fingerprints**

- (1) After the gaming executive refuses to grant an application for an eligibility certificate or an eligibility certificate is surrendered or cancelled, the gaming executive must destroy the fingerprints of any individual who is—
  - (a) the applicant or certificate holder; or
  - (b) a business associate or executive associate of the applicant or certificate holder.
- (2) Also, if the gaming executive is satisfied an individual who was a business associate or executive associate of an applicant or certificate holder is no longer a business associate or executive associate of the applicant or certificate holder, the gaming executive must destroy the individual's fingerprints.

## **Division 6                      Review of decisions relating to eligibility certificates**

### **242      Review by QCAT of decisions relating to eligibility certificates**

- (1) This section applies if the gaming executive makes a decision (a *gaming executive's decision*)—
  - (a) refusing an application for an eligibility certificate; or
  - (b) cancelling an eligibility certificate; or
  - (c) censuring a certificate holder.
- (2) The applicant or certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the gaming executive's decision.

### **242A   Confidentiality of criminal intelligence in proceedings**

- (1) This section applies if a person seeks a review under this division of a decision—
  - (a) mentioned in section 242(1); and
  - (b) made because the person is not a suitable person because the person—
    - (i) is an identified participant in a criminal organisation; or
    - (ii) has a business associate or executive associate who is—
      - (A) if the associate is an individual—an identified participant in a criminal organisation; or
      - (B) if the associate is a corporation—a criminal organisation; or
    - (iii) is an unsuitable corporation.

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- (2) For a proceeding relating to an application for review of the decision by QCAT or a proceeding about the decision in the Supreme Court—
- (a) the police commissioner is a party to the proceeding; and
  - (b) the police commissioner must give QCAT or the Supreme Court a statement of reasons about the identification of the person by the police commissioner as a person mentioned in subsection (1)(b).
- (3) For a proceeding mentioned in subsection (2), QCAT or the Supreme Court may—
- (a) review the identification by the police commissioner of the person as a person mentioned in subsection (1)(b); and
  - (b) as it considers appropriate to protect the confidentiality of criminal intelligence—
    - (i) receive evidence and hear argument about the criminal intelligence in the absence of parties to the proceeding and their representatives; and
    - (ii) take evidence consisting of criminal intelligence by way of affidavit of a police officer of at least the rank of superintendent.
- (4) If QCAT or the Supreme Court considers information has been incorrectly categorised by the police commissioner as criminal intelligence, the police commissioner may withdraw the information from consideration by QCAT or the court.
- (5) Information that is withdrawn under subsection (4) by the police commissioner must not be—
- (a) disclosed to any person; or
  - (b) taken into consideration by QCAT or the Supreme Court.
- (6) In this section—
- criminal intelligence*** means—

[s 242B]

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- (a) advice given by the police commissioner to the gaming executive under section 212A or 225 that a person is—
  - (i) an identified participant in a criminal organisation;  
or
  - (ii) a criminal organisation; and
- (b) information held by the police commissioner that is relevant to whether the person is a person mentioned in subsection (1)(b).

### **242B Application of Judicial Review Act 1991**

- (1) The *Judicial Review Act 1991*, part 4 does not apply to a decision of the gaming executive mentioned in section 242A(1).
- (2) Subject to this division, unless the Supreme Court decides that the decision is affected by jurisdictional error, the decision—
  - (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, or another court, a tribunal or another entity); and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (3) The *Judicial Review Act 1991*, part 5 applies to the decision mentioned in subsection (2) to the extent it is affected by jurisdictional error.

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## 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.
- (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 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.

## **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.

### **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—
  - (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

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- (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.  
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.
- (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.

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## **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.

## **Part 4                              Other provisions about racing bookmakers**

### **249 When a racing bookmaker may make a bet with a person who is not present at a licensed venue**

- (1) At a race meeting, a racing bookmaker may make a bet with a person (the *bettor*) who is not present at the licensed venue where the meeting is being held if—
  - (a) the bet is made through a telecommunications system for bookmaking, approved by the control body

- exercising control of the venue at which the race meeting is held; and
- (b) the bettor's consent to recording the betting transaction is obtained before the transaction starts; and
  - (c) the details of the bet are confirmed with the bettor before the betting transaction ends, including, for example, the name of the bettor and the amount and type of the bet.
- (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).

**250 Racing bookmakers to maintain policy of insurance or bond to indemnify bettors against default**

- (1) For each code of racing for which the racing bookmaker is licensed, the racing bookmaker must have an insurance policy or bond, acceptable to the control body responsible for managing the code.
- (2) Without limiting subsection (1), an insurance policy or bond must—

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- (a) indemnify persons who bet with the racing bookmaker for amounts payable under the control body's rules of racing to the persons by the racing bookmaker; and
  - (b) include conditions required by the control body.

## **251 Control bodies to ensure racing bookmakers have policies of insurance or bond**

- (1) A control body must not license a person as a racing bookmaker, or renew a racing bookmaker's licence, unless the person or racing bookmaker has a policy of insurance or bond as mentioned in section 250.

Maximum penalty—100 penalty units.

- (2) If a racing bookmaker does not have a policy of insurance or bond as mentioned in section 250, the control body must immediately suspend the racing bookmaker's licence until it is satisfied the racing bookmaker has the policy or bond.
- (3) Each control body may make enquiries, and do other acts, as it believes necessary to find out if a racing bookmaker has a policy of insurance or bond as mentioned in section 250.

## **252 Prohibition of betting by racing bookmaker with minor**

- (1) A racing bookmaker, or an agent or employee of a racing bookmaker, must not—
  - (a) bet with a minor; or
  - (b) bet with a person who the racing bookmaker, agent or employee knows is betting for a minor.

Maximum penalty—400 penalty units.

- (2) It is a defence to a charge for an offence against subsection (1) for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that the person whose age is material to the offence was an adult.
- (3) A minor must not bet with a racing bookmaker or an agent or employee of a racing bookmaker.

Maximum penalty—400 penalty units.

- (4) A person must not, for a minor, bet with a racing bookmaker or an agent or employee of a racing bookmaker.

Maximum penalty—400 penalty units.

### **253 Lawful bet by racing bookmaker is taken to be a valid contract**

- (1) This section applies if a racing bookmaker at a licensed venue makes a bet with another person as part of the lawful engagement of the racing bookmaker in bookmaking.
- (2) The racing bookmaker is taken to have entered into a valid contract with the other person relating to the bet and may sue or be sued on the contract.

### **254 Payment and settlement of bets**

- (1) Subsection (2) applies to the payment and settlement of a bet that was lawfully made by and with a racing bookmaker at a licensed venue.
- (2) A regulation may approve a place for the payment and settlement of the bet.
- (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.
- (5) For the payment and settlement of the bet, that place is not an illegal betting place.

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## Part 5                      Miscellaneous

### 255      **Bookmaking on certain declared sporting contingencies**

- (1) A control body may declare a sporting contingency to be a declared sporting contingency 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) Before a control body declares a sporting contingency to be a declared sporting contingency, the control body must consider all of the following—
  - (a) whether declaring the sporting contingency brings, or has the potential to bring, its code of racing, or racing bookmakers licensed by it, into disrepute;
  - (b) whether declaring the sporting contingency will erode public confidence in the Queensland racing industry;
  - (c) whether a decision about the result of the sporting contingency can be relied on by the control body, racing bookmakers and the public.
- (3) Notice about the declaration of a sporting contingency by a control body must be given by the control body—
  - (a) by publication in the control body's racing calendar; or
  - (b) by making the notice available on its website; or
  - (c) by giving each racing bookmaker licensed by the control body a copy of the declaration.
- (4) A racing bookmaker must not carry on bookmaking on a sporting contingency, other than a race, unless—

- (a) the sporting contingency has been declared, under subsection (1), by the control body that licensed the racing bookmaker to be a declared sporting contingency; and
- (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.

Maximum penalty for subsection (4)—400 penalty units.

## **256 Racing bookmaker's agent during certain periods**

- (1) This section applies if a racing bookmaker applies to the control body that licensed the racing bookmaker, in a control body form, to authorise a person to act as the racing bookmaker's agent by carrying on bookmaking as the racing bookmaker for a period.
- (2) The control body may authorise the person to act as the racing bookmaker's agent and carry on bookmaking as the racing bookmaker for the period only if—
  - (a) the racing bookmaker—
    - (i) is temporarily incapacitated through illness or accident; or
    - (ii) is on vacation for a period that, together with any previous period in which the racing bookmaker was on vacation, does not exceed 12 weeks in any year; or

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- (iii) is temporarily unable, for reasons acceptable to the control body, to carry on bookmaking for a period not exceeding 12 weeks; and
    - (b) the person nominated in the application as the racing bookmaker's agent is a racing bookmaker's clerk.
  - (3) The application must be signed by the racing bookmaker.
  - (4) However, if a racing bookmaker is unable to carry on bookmaking for a period due to incapacity caused by illness or accident, the control body may waive the requirement that the application be signed by the racing bookmaker if it is satisfied the person who signed and lodged the application is acting for the racing bookmaker.
  - (5) For this Act, the person authorised as the racing bookmaker's agent is taken to be the racing bookmaker during the period stated in the authority and this Act applies to the racing bookmaker's agent as if the agent were the racing bookmaker.
  - (6) The racing bookmaker's agent does not need to hold an eligibility certificate to be authorised as the racing bookmaker's agent.
  - (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.

**257 Control body to give notice of certain actions about racing bookmakers to gaming executive**

- (1) If a control body licenses a certificate holder as a racing bookmaker, the control body must give notice about the

licensing to the gaming executive within 14 days of the date of the licence.

- (2) If a control body refuses to license a certificate holder as a racing bookmaker, the control body must give notice about the refusal to the gaming executive within 14 days of the date of the refusal.
- (3) If a control body exercises disciplinary action relating to a racing bookmaker's licence, the control body must give notice about the disciplinary action to the gaming executive and each other control body within 14 days of the date of the action.
- (4) The notice under subsection (2) or (3) must state the control body's reasons for the refusal or disciplinary action.

**258 Gaming executive may give information to control body about racing bookmaker or applicant for eligibility certificate**

- (1) This section applies if, after an investigation under part 3 or otherwise, the gaming executive has information about a racing bookmaker, or applicant for an eligibility certificate, that the gaming executive believes is appropriate to give to a control body that licenses the person in any capacity.
- (2) The gaming executive may give the information to the control body.

**259 Delegation by gaming executive**

The gaming executive may delegate the gaming executive's powers under this chapter to an appropriately qualified public service employee.

**260 Approval of forms for ch 6**

The gaming executive may approve forms for this chapter.

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## Chapter 7 Authorised officers

### Part 1 Appointment and functions

#### 261 Appointment and qualifications

- (1) The chief executive may appoint a person as either or both of the following—
  - (a) a compliance officer;
  - (b) an integrity officer.
- (2) A reference in this Act to an *authorised officer* is a reference to a compliance officer or an integrity officer.
- (3) However, the chief executive may appoint a person as an authorised officer only if—
  - (a) the person is—
    - (i) a public service employee; or
    - (ii) a person, or a member of a class of persons, prescribed under a regulation; and
  - (b) the chief executive is satisfied the person is appropriately qualified to exercise the powers of a compliance officer or an integrity officer.
- (4) Subsection (3) does not limit the matters the chief executive may consider when deciding whether to appoint a person as an authorised officer.

#### 262 Functions of authorised officers

- (1) The main function of an authorised officer is to investigate and enforce compliance with this Act.
- (2) A compliance officer's function to investigate compliance with this Act includes—

- (a) monitoring each control body's activities for its code of racing about licensed clubs, participants and venues; and
  - (b) auditing each control body to assess whether the control body is complying with this Act, other than in relation to the welfare of licensed animals.
- (3) An integrity officer's function to investigate compliance with this Act includes—
- (a) monitoring each control body's activities for its code of racing relating to the welfare of licensed animals; and
  - (b) auditing each control body to assess whether the control body is complying with this Act in relation to the welfare of licensed animals; and
  - (c) auditing each accredited facility to assess whether it is complying with conditions that apply to it under this Act.

### **263 Appointment conditions and limit on powers**

- (1) An authorised officer holds office on any conditions stated in—
- (a) the authorised officer's instrument of appointment; or
  - (b) a signed notice given to the authorised officer; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the officer's functions or powers under this Act.
- (3) In this section—
- signed notice* means a notice signed by the chief executive.

### **264 Issue of identity card to each authorised officer**

- (1) The chief executive must issue an identity card to each authorised officer.

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- (2) The identity card must—
    - (a) contain a recent photo of the authorised officer; and
    - (b) contain a copy of the authorised officer’s signature; and
    - (c) identify the type of authorised officer the person is appointed as under section 261(1); and
    - (d) state an expiry date for the card.
  - (3) This section does not prevent the issuing of a single identity card to a person for this Act and other purposes.

## **265 Production or display of identity card**

- (1) In exercising a power under this Act in relation to another person, an authorised officer must—
  - (a) produce the authorised officer’s identity card for the person’s inspection before exercising the power; or
  - (b) have the identity card displayed so that it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person’s inspection at the first reasonable opportunity.
- (3) For subsection (1), an authorised officer does not exercise a power in relation to a person only because the authorised officer has entered a place as mentioned in section 270(1)(b) or (2).

## **266 When authorised officer ceases to hold office**

- (1) An authorised officer ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the authorised officer ceases to hold office;
  - (c) the authorised officer’s resignation under section 267 takes effect.

- (2) Subsection (1) does not limit the ways an authorised officer may cease to hold office.
- (3) In this section—  
*condition of office* means a condition on which the authorised officer holds office.

## **267 Resignation**

- (1) An authorised officer may resign by signed notice given to the chief executive.
- (2) However, if holding office as an authorised officer is a condition of the authorised officer holding another office, the authorised officer may not resign as an authorised officer without resigning from the other office.

## **268 Return of identity card**

A person who ceases to be an authorised officer must return the person's identity card to the chief executive within 14 days after ceasing to be an authorised officer, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

# **Part 2 Powers of authorised officers**

## **Division 1 Entry to places other than vehicles**

### **269 Application of div 1**

This division applies to a place, other than a vehicle.

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## 270 Power of entry

- (1) An authorised officer may enter a place if—
  - (a) its occupier consents to the entry; or
  - (b) it is a public place and the entry is made when it is open to the public; or
  - (c) it is a place of business and the entry is made when the place is—
    - (i) open for carrying on activities for which the place is a place of business; or
    - (ii) otherwise open for entry; or
  - (d) the entry is authorised by a warrant.
- (2) For the purpose of asking the occupier of a place for consent to enter, an authorised officer may, without the occupier's consent or a warrant—
  - (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or
  - (b) enter part of the place the authorised officer believes members of the public ordinarily are allowed to enter when they wish to contact the occupier.
- (3) In this section—

***place of business*** means any of the following places but does not include a part of a place where an individual resides—

  - (a) a place used by a control body to conduct activities in relation to managing its code of racing;
  - (b) a place used by a licence holder to conduct activities for which the licence holder is licensed or otherwise holds the licence, including a place that is an approved place for an offcourse approval held by a racing bookmaker;
  - (c) a place that is an accredited facility or secondary facility.

## **271 Procedure for entry with consent**

- (1) This section applies if an authorised officer intends to ask an occupier of a place to consent to the authorised officer or another authorised officer entering the place under section 270(1)(a).
- (2) Before asking for the consent, the authorised officer must tell the occupier—
  - (a) the purpose of the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the authorised officer may ask the occupier to sign an acknowledgement of the consent.
- (4) The acknowledgement must state—
  - (a) the occupier has been told—
    - (i) the purpose of the entry; and
    - (ii) that the occupier is not required to consent; and
  - (b) the purpose of the entry; and
  - (c) the occupier gives the authorised officer consent to enter the place and exercise powers under this part; and
  - (d) the time and date the consent was given.
- (5) If the occupier signs the acknowledgement, the authorised officer must immediately give a copy to the occupier.
- (6) If—
  - (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
  - (b) an acknowledgement complying with subsection (4) for the entry is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

## **272 Other entries without warrant**

- (1) This section applies if—

- (a) an authorised officer is intending to enter a place under section 270(1)(c); and
  - (b) the occupier of the place is present at the place.
- (2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following—
- (a) comply with section 265(1);
  - (b) tell the occupier the purpose of the entry;
  - (c) tell the occupier the authorised officer is permitted under this Act to enter the place without the occupier's consent or a warrant.

### **273 Application for warrant**

- (1) An authorised officer may apply to a magistrate for a warrant for a place.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all of the information the magistrate requires about the application in the way the magistrate requires.

*Example for subsection (3)—*

The magistrate may require additional information supporting the application to be given by statutory declaration.

### **274 Issue of warrant**

- (1) A magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—
  - (a) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; or
  - (b) the evidence is at the place or, within the next 7 days, may be at the place.
- (2) The warrant must state—

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- (a) that a named authorised officer may, with necessary and reasonable help and force—
  - (i) enter the place and any other place necessary for entry; and
  - (ii) exercise the authorised officer's powers under this part; and
- (b) the offence for which the warrant is sought; and
- (c) the evidence that may be seized under the warrant; and
- (d) the hours of the day or night when the place may be entered; and
- (e) the date, within 14 days after the warrant's issue, the warrant ends.

## 275 Special warrants

- (1) An authorised officer may apply for a warrant (a *special warrant*) by electronic communication, fax, phone, radio or another form of communication if the authorised officer believes it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances, including, for example, the authorised officer's remote location.
- (2) Before applying for the special warrant, the authorised officer must prepare an application stating the grounds on which the warrant is sought.
- (3) The authorised officer may apply for the warrant before the application is sworn.
- (4) After issuing the special warrant, the magistrate must immediately electronically communicate or fax a copy (a *facsimile warrant*) to the authorised officer if it is reasonably practicable to do so.
- (5) If it is not reasonably practicable to electronically communicate or fax a copy to the authorised officer—
  - (a) the magistrate must tell the officer—

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- (i) what the terms of the special warrant are; and
    - (ii) the date and time the special warrant is issued; and
  - (b) the authorised officer must complete a form of warrant (a *warrant form*) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the special warrant; and
    - (iii) the terms of the special warrant.
  - (6) The facsimile warrant, or the warrant form properly completed by the authorised officer, authorises the entry and the exercise of the other powers stated in the special warrant issued.
  - (7) The authorised officer must, at the first reasonable opportunity, send the magistrate—
    - (a) the sworn application; and
    - (b) if the authorised officer completed a warrant form—the completed warrant form.
  - (8) On receiving the documents, the magistrate must attach them to the special warrant.
  - (9) If—
    - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a special warrant; and
    - (b) the warrant is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a special warrant authorised the exercise of the power.

## **276 Warrants—procedure before entry**

- (1) This section applies if—

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- (a) an authorised officer named in a warrant issued under this division for a place is intending to enter the place under the warrant; and
  - (b) a person is present at the place.
- (2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following things—
- (a) comply with section 265(1);
  - (b) give the person a copy of—
    - (i) the warrant; or
    - (ii) if the entry is authorised by a facsimile warrant or warrant form mentioned in section 275(6)—the facsimile warrant or warrant form;
  - (c) tell the person the authorised officer is permitted by the warrant to enter the place;
  - (d) give the person an opportunity to allow the officer immediate entry to the place without using force.
- (3) However, the authorised officer need not comply with subsection (2) if the authorised officer believes immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

## **Division 2                      Entry to vehicles**

### **277      Application of div 2**

This division applies to vehicles at or about a place—

- (a) used by a control body to conduct activities in relation to managing its code of racing; or
- (b) used by a licence holder to conduct activities for which the licence holder is licensed.

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## 278 Power of entry

- (1) An integrity officer may enter a vehicle if the integrity officer suspects—
  - (a) the vehicle is being, or has been, used in relation to the commission of an interference offence; or
  - (b) the vehicle, or an animal or thing in the vehicle, may provide evidence of the commission of an interference offence.
- (2) In this section—

*interference offence* means an offence against section 317, 318, 319 or 327.

## 279 Procedure before entry

- (1) This section applies if an integrity officer intends to enter a vehicle under section 278.
- (2) If a person is present at the vehicle, the integrity officer must, before entering the vehicle, do or make a reasonable attempt to do the following things—
  - (a) comply with section 265(1);
  - (b) tell the person the purpose of the entry;
  - (c) ask for the person's consent to the entry;
  - (d) tell the person the integrity officer is permitted under this Act to enter the vehicle without consent;
  - (e) if the person is not the owner of the vehicle—advise the owner of the vehicle of the integrity officer's intention to enter the vehicle.
- (3) If a person is not present at the vehicle, the integrity officer must, before entering the vehicle—
  - (a) take reasonable steps to find the owner of the vehicle; and
  - (b) comply with subsection (2)(a) to (d) for the owner.

(4) Subsections (2)(e) and (3) do not require the integrity officer to take a step the integrity officer believes may frustrate or otherwise hinder an investigation under this Act or the purpose of the intended entry.

(5) In this section—

*owner*, of a vehicle, includes a person who appears to be in control of the vehicle.

## **280 Power to stop vehicle that may be entered**

If a vehicle that an integrity officer may enter under this division is moving or about to move, the integrity officer may signal the person in control of the vehicle to stop, or not to move, the vehicle.

## **281 Failure to obey signal**

(1) A person must not disobey a signal given under section 280, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

(2) It is a reasonable excuse for a person to disobey the signal if—

- (a) to immediately obey the signal would endanger the person or someone else; and
- (b) the person obeys the signal as soon as it is practicable to obey it.

## **282 Other powers relating to vehicles that may be entered**

(1) If an integrity officer may enter a vehicle under this division, the integrity officer may require the person in control of the vehicle—

- (a) to give the integrity officer reasonable help to enter the vehicle; or

- 
- (b) to bring the vehicle to a stated place and remain in control of the vehicle for a reasonable period to allow the integrity officer to exercise a power under this part.
  - (2) When making a requirement under subsection (1), the integrity officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.
  - (3) A person must not fail to comply with a requirement under subsection (1), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—200 penalty units.

## **Division 3                    Powers for entry to all places**

### **283    Application of div 3**

- (1) This division applies to an authorised officer who, under division 1 or 2, may enter or has entered a place.
- (2) However, if an authorised officer, under section 270(2) enters a place to ask the occupier's consent to enter premises, this division applies to the authorised officer only if the consent is given or the entry is otherwise authorised.

### **284    General powers of compliance officer after entering places**

For performing a compliance officer's function under this Act, a compliance officer may do any of the following—

- (a) search any part of the place;
- (b) inspect, film, photograph, videotape or otherwise record an image of an animal, document or other thing at the place;
- (c) take an extract from, or copy, a document at the place;
- (d) take into the place the equipment, materials or persons the compliance officer reasonably requires for exercising a power under this part.

## **285 General powers of integrity officer after entering places**

(1) For performing an integrity officer's function under this Act, an integrity officer may do any of the following—

- (a) search any part of the place;
- (b) open, using reasonable force, a stable, kennel or structure confining or containing an animal or other thing to examine the structure, animal or other thing;
- (c) inspect, film, photograph, videotape or otherwise record an image of an animal, document or other thing at the place;
- (d) take, or authorise another person to take, for analysis—
  - (i) a sample relating to a licensed animal at the place; or
  - (ii) a thing, or a sample of or from a thing, attached to or used on a licensed animal at the place; or

*Examples for subparagraph (ii)—*

- 1 a tongue tie from a horse
- 2 medication on or under bandages on a greyhound

- (iii) another thing, or a sample of or from the thing, at the place;
- (e) mark, tag or otherwise identify a licensed animal at the place;
- (f) take an extract from, or copy, a document at the place;
- (g) take into the place the equipment, materials or persons the officer reasonably requires for exercising a power under this part;
- (h) take a necessary step to allow a power under paragraphs (a) to (g) to be exercised.

*Example of a step for paragraph (h)—*

moving a licensed animal at the place to allow a sample to be taken from the animal

(2) However, if the integrity officer does not believe that he or she is appropriately qualified to take a sample or thing for analysis

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under subsection (1)(d), the integrity officer must arrange for an appropriately qualified person (a *qualified person*) to take the sample or thing for the integrity officer.

- (3) If an integrity officer or qualified person takes a sample or thing for analysis under subsection (1)(d), the integrity officer—
- (a) must comply with section 144 or ensure that section is complied with by the qualified person; and
  - (b) give a receipt for the sample or thing to the person in charge of the animal or place from which it was taken; and
  - (c) for a sample or thing with an intrinsic value—at the end of 6 months after the sample or thing was taken, return it to the person who appears to be the owner of it or the person in charge of the animal or place from which it was taken.

*Note—*

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

- (4) However, if for any reason it is not practicable to comply with subsection (3)(b), the integrity officer must leave the receipt at the place in a conspicuous position and in a reasonably secure way.
- (5) The receipt mentioned in subsection (3)(b) must be in the approved form.

## **286 Power to require reasonable help or information**

- (1) An authorised officer may require the occupier of the place, or a person at the place, to give the officer—
- (a) reasonable help to exercise a power under this part; or
  - (b) information to help the authorised officer ascertain whether this Act is being complied with.
- (2) When making a requirement under subsection (1), the authorised officer must warn the person it is an offence to fail

to comply with the requirement unless the person has a reasonable excuse.

- (3) A person required to give reasonable help under subsection (1)(a), or give information under subsection (1)(b), must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (4) If the person is an individual, it is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.

## **Division 4                    Seizure**

### **287    Definition for div 4**

In this division—

*thing* includes a dead animal but does not include a live animal.

### **288    Power to seize evidence—entry without consent or warrant**

An authorised officer who enters a place under this part without consent and without a warrant may seize a thing at the place only if the authorised officer believes—

- (a) the thing is evidence of an offence against this Act; and
- (b) the seizure is necessary to prevent the thing being—
- (i) destroyed, hidden or lost; or
- (ii) used to commit, continue or repeat, an offence against this Act.

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## 289 Power to seize evidence—entry with consent or warrant

- (1) This section applies if an authorised officer enters a place under this part with the necessary consent of a person or with a warrant.
- (2) If the authorised officer enters a place with the necessary consent, the authorised officer may seize a thing at the place if—
  - (a) the authorised officer believes the thing is evidence of an offence against this Act; and
  - (b) seizure of the thing is consistent with the purpose of entry as told to the person when asking for the person's consent.
- (3) If the authorised officer enters the place with a warrant, the authorised officer may seize a thing that is the evidence for which the warrant was issued.
- (4) The authorised officer may seize anything else at the place if the authorised officer believes—
  - (a) the thing is evidence of an offence against this Act; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) destroyed, hidden or lost; or
    - (ii) used to commit, continue or repeat an offence against this Act.

## 290 Securing seized things

Having seized a thing, an authorised officer may—

- (a) move the thing from the place where it was seized (the *place of seizure*); or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it; or

*Examples of restricting access to a thing—*

- 1 marking, sealing, tagging or otherwise identifying the thing to show access to it is restricted

- 2 sealing the entrance to a room where the thing is situated and marking the entrance to show access to the thing is restricted

- (c) for equipment—make it inoperable.

*Example of making equipment inoperable—*

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

## **291 Offence to tamper with seized thing**

- (1) If an authorised officer restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an authorised officer's approval.

Maximum penalty—400 penalty units.

- (2) If an authorised officer makes seized equipment inoperable, a person must not tamper, or attempt to tamper, with the equipment, without an authorised officer's approval.

Maximum penalty—400 penalty units.

## **292 Powers to support seizure**

- (1) To enable a thing to be seized, an authorised officer may require the person in control of it—
  - (a) to take it to a stated reasonable place by a stated reasonable time; and
  - (b) if necessary, to remain in control of it at the stated place for a stated reasonable period.
- (2) The requirement—
  - (a) must be made by notice given to the person; or
  - (b) if for any reason it is not practicable to give a notice to the person—may be made orally and confirmed by notice given to the person as soon as it is practicable.

- (3) A further requirement may be made under this section about the thing if it is necessary and reasonable to make the further requirement.
- (4) A person of whom a requirement is made under subsection (1) or (3) must comply with the requirement, unless the person has a reasonable excuse.  
Maximum penalty—300 penalty units.
- (5) The notices mentioned in subsection (2) must be in the approved form.

### **293 Receipt for seized thing**

- (1) After an authorised officer seizes a thing, the authorised officer must give a receipt for it to the person from whom the thing was seized.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised officer must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
- (3) The receipt must describe generally each thing seized and its condition.
- (4) This section does not apply to a thing if it would be impracticable or unreasonable to expect the authorised officer to account for the thing given its condition, nature and value.

### **294 Return of seized thing**

- (1) This section applies to a seized thing if—
  - (a) the thing has some intrinsic value; and
  - (b) the thing has not been forfeited under division 5.
- (2) The authorised officer must return the thing to its owner—
  - (a) at the end of 6 months after the seizure; or

- (b) if a proceeding for an offence involving the thing is started within the 6 months—at the end of the proceeding and any appeal relating to the proceeding.
- (3) Despite subsection (2), the authorised officer must promptly return a thing seized as evidence if the authorised officer stops being satisfied—
  - (a) its continued retention as evidence is necessary; and
  - (b) its continued retention is necessary to prevent the thing being used to continue, or repeat, an offence.

## **295 Access to seized thing**

- (1) Until a seized thing is forfeited or returned, an authorised officer must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

## **Division 5 Forfeiture**

### **296 Forfeiture by authorised officer**

- (1) A sample or thing taken for analysis under section 285(1)(d), or a thing seized under division 4, is forfeited to the State if the authorised officer who took, or arranged the taking of, the sample or thing or seized the thing—
  - (a) after making reasonable efforts, can not return it to its owner; or
  - (b) after making reasonable inquiries, can not find its owner.
- (2) For subsection (1), the authorised officer is not required to—
  - (a) make efforts if it would be unreasonable to make efforts to return the sample or thing to its owner; or

- (b) make inquiries if it would be unreasonable to make inquiries to find the owner.

*Example for paragraph (b)—*

The owner of the sample or thing has migrated to another country.

- (3) Regard must be had to the sample's or thing's condition, nature and value in deciding—
  - (a) whether it is reasonable to make efforts or inquiries; and
  - (b) if efforts or inquiries are made—what efforts or inquiries, including the period over which they are made, are reasonable.
- (4) In this section—

*owner*, for a sample or a thing taken for analysis, means the person in charge of the animal, thing or place from which the sample or thing was taken.

## **297 Forfeiture on conviction**

- (1) On conviction of a person for an offence against this Act, the court may order the forfeiture to the State of anything owned by the person and seized under division 4.
- (2) The court may make any order to enforce the forfeiture it considers appropriate.
- (3) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

## **298 Dealing with forfeited sample or thing**

- (1) On forfeiture of a sample or thing to the State, the sample or thing becomes the State's property and may be dealt with by the chief executive in a way the chief executive believes is appropriate.
- (2) Without limiting subsection (1), the chief executive may destroy or dispose of the sample or thing.

## **Division 6                      Other powers**

### **299      Power to require name and address**

- (1) An authorised officer may require a person to state the person's name and residential or business address if the authorised officer—
  - (a) finds the person committing an offence against this Act; or
  - (b) finds the person in circumstances that lead, or has information that leads, the authorised officer to suspect the person has just committed an offence against this Act.
- (2) When making the requirement, the authorised officer must warn the person it is an offence to fail to state the person's name or address unless the person has a reasonable excuse.
- (3) The authorised officer may also require the person to give evidence of the correctness of the stated name or required address if the authorised officer suspects the stated name or address is false.

### **300      Failure to give name or address**

- (1) A person of whom a requirement is made under section 299(1) or (3) must comply with the requirement, unless the person has a reasonable excuse.  
Maximum penalty—100 penalty units.
- (2) A person does not commit an offence against subsection (1) if—
  - (a) the requirement was given because the authorised officer suspected the person had committed an offence against this Act; and
  - (b) the person is not proved to have committed the offence.

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### **301 Power to require information about contravention**

- (1) This section applies if an authorised officer believes—
  - (a) this Act has been contravened; and
  - (b) a person may be able to give information about the contravention.
- (2) The authorised officer may require the person to give information to the person's knowledge about the contravention in a stated reasonable time and in a stated reasonable way.
- (3) When making a requirement under subsection (2), the authorised officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.

### **302 Failure to give information about contravention**

- (1) A person of whom a requirement is made under section 301 must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) If the person is an individual, it is a reasonable excuse for the person if complying with the requirement might tend to incriminate the person.

### **303 Power to require production of documents**

- (1) An authorised officer may require a person to make available for inspection by an authorised officer, or produce to an authorised officer for inspection, at a stated reasonable time and place, a document required to be kept by the person under this Act.
- (2) The authorised officer may keep the document to copy it.
- (3) The authorised officer must return the document to the person after copying it.

### **304 Failure to produce document**

- (1) A person required to make available, or produce, for inspection a document under section 303 must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) It is not a reasonable excuse for a person that complying with the requirement might tend to incriminate the person.

## **Part 3 Offences relating to authorised officers**

### **305 False or misleading statements**

- (1) A person must not state anything to an authorised officer that the person knows is false or misleading in a material particular.

Maximum penalty—300 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is enough to state the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

### **306 False or misleading documents**

- (1) A person must not give an authorised officer a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—300 penalty units.

- (2) Subsection (1) does not apply to a person if the person when giving the document—
- (a) tells the authorised officer 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.
- (3) In a proceeding for an offence against subsection (1), it is enough to state the document was ‘false or misleading’ to the person’s knowledge, without specifying which.

### **307 Obstruction of authorised officer**

- (1) A person must not obstruct an authorised officer in the exercise of a power under part 2, unless the person has a reasonable excuse.

Maximum penalty—300 penalty units.

- (2) If a person has obstructed an authorised officer and the authorised officer decides to proceed with the exercise of the power, the authorised officer must warn the person that—
  - (a) it is an offence to obstruct the authorised officer unless the person has a reasonable excuse; and
  - (b) the authorised officer believes the person’s conduct is an obstruction.
- (3) In this section—

*obstruct* includes assault, hinder, resist and attempt or threaten to obstruct.

## **Part 4 Notice of damage and compensation**

### **308 Notice of damage**

- (1) This section applies if—
  - (a) an authorised officer damages something when exercising, or purporting to exercise, a power under part 2; or

- (b) a person acting under the direction or authority of an authorised officer damages something.
- (2) The authorised officer must give notice to the person who appears to the authorised officer to be the owner or person in possession of the thing.
- (3) If for any reason it is not practicable to comply with subsection (2), the authorised officer must leave the notice in a conspicuous position and in a reasonably secure way at the place where the damage happened.
- (4) The notice must state—
  - (a) the particulars of the damage; and
  - (b) that the person who suffered the damage may claim compensation under section 309.
- (5) If the authorised officer believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised officer or person acting under the direction or authority of the authorised officer, the authorised officer may state the belief in the notice.
- (6) However, an authorised officer need not comply with this section if the authorised officer believes the damage is trivial.

### **309 Compensation**

- (1) This section applies if a person incurs loss or damage because of the exercise, or purported exercise, of a power under part 2, other than because of a forfeiture under section 296 or 297.
- (2) The person is entitled to be paid the reasonable compensation because of the loss or damage that is agreed between the chief executive and the person, or failing agreement, decided by a court.
- (3) Compensation may be claimed and ordered to be paid in a proceeding—
  - (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or

- (b) for an offence against this Act brought against the person claiming compensation.
- (4) A court may order compensation to be paid only if satisfied it is just to make the order in the circumstances of the particular case.

## Chapter 8 Offences

### Part 1 Offences

#### Division 1 Offences relating to administration of Act

##### 310 Definitions for div 1

In this division—

*Act document* means—

- (a) an accreditation, approval, eligibility certificate, licence, identity card or other authority given under this Act; or
- (b) a document issued by or for a racing bookmaker evidencing a bet made with the racing bookmaker.

*background document* means—

- (a) an approved form, control body form, or gaming executive form, completed by a person about the person's business reputation, character, criminal history, current financial position or financial background; or
- (b) a document accompanying an accreditation application, application for a licence, approval application, approved form, control body form or gaming executive form; or

- (c) the fingerprints of a person obtained by the gaming executive; or
- (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
- (e) another document obtained by the chief executive, gaming executive or a control body, relating to the person's business reputation, character, criminal history, current financial position or financial background.

***confidential information***, about someone, means information about—

- (a) the person's business reputation, character, criminal history, current financial position or financial background; or
- (b) the person making an application under this Act; or
- (c) whether the person is an identified participant in a criminal organisation or is an unsuitable corporation.

***control body officer*** means an executive officer or employee of a control body.

***copy*** includes make a record.

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

***forge*** includes counterfeit.

### **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.
- (4) Subsection (3)(a) and (d) do not apply if the confidential information relates to whether the person is an identified participant in a criminal organisation or is an unsuitable corporation.

## **312 Forgery and uttering Act documents**

- (1) A person must not—
- (a) forge an Act document; or

(b) knowingly utter an Act document that is forged.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person must not pretend to be a person named in an Act document, whether or not the person refers to the document.

*Examples for subsection (2)—*

- 1 If a person steals an authorised officer's identity card, the person must not pretend to be the authorised officer identified in the card.
- 2 A person must not pretend to be an authorised officer by telling someone else that the person is an authorised officer.

Maximum penalty—200 penalty units or 2 years imprisonment.

### **313 Making a false statement in application or other document**

A person must not knowingly make a false statement—

- (a) in an accreditation application, application for a licence, application for an eligibility certificate or approval application; or
- (b) in a document the person is required to keep, or to give to the Minister, the chief executive, the gaming executive, a control body or another person, under this Act.

Maximum penalty—200 penalty units or 2 years imprisonment.

## **Division 2 Offences relating to racing contingencies**

### **314 Definitions for div 2**

In this division—

*conduct*, in relation to a racing contingency, includes—

- 
- (a) to arrange for a place to be used for the racing contingency; and
  - (b) to advertise or otherwise promote the racing contingency and seek nominations for animals to race; and
  - (c) to arrange for persons to carry on bookmaking at the racing contingency; and
  - (d) to participate in the racing contingency other than merely by being present at the place where the racing contingency is being, or is about to be, held; and
  - (e) to help in any of the activities mentioned in paragraphs (a) to (d).

***racing contingency*** means a contest, contingency or event, other than a race meeting lawfully held under this Act, in which 2 or more animals compete against each other for the purpose of providing a contest, contingency or event on which bets are made.

### **315 Person must not conduct a racing contingency**

- (1) A person must not conduct a racing contingency.  
Maximum penalty—200 penalty units.
- (2) The occupier of a place must not allow a person to conduct a racing contingency at the place.  
Maximum penalty—200 penalty units.

## **Division 3                      Offences relating to prohibited things or interfering with licensed animals, persons or things**

### **316 Definitions for div 3**

In this division—

***interfere with***, in relation to a licensed animal, a licence holder or an official of a control body, means—

- (a) inflict or cause injury to the licensed animal, licence holder or official; or
- (b) threaten to inflict or cause injury to the licensed animal, licence holder or official; or
- (c) otherwise affect in a detrimental way the behaviour, performance or physical condition of the licensed animal, licence holder or official.

***possess***, a thing, means—

- (a) have custody of the thing; or
- (b) have control of it at any place, whether or not someone else has custody of it.

***prohibited thing*** means any of the following—

- (a) a drug;
- (b) a noxious or toxic thing that could be used to affect the behaviour, performance or physical condition of an animal or person;
- (c) a thing that does, or is designed to do, any of the following and may be used on a licensed animal in a detrimental way—
  - (i) supply electrical energy or another form of energy;
  - (ii) conduct, discharge or store an electrical charge, current, voltage or another form of energy;
  - (iii) apply, deposit, propel or spray a substance;
- (d) a hypodermic syringe or needle or other medical or veterinary instrument.

***use***, a prohibited thing on a licensed animal, means—

- (a) to use it on, or administer it to, the animal; or
- (b) to cause it to be used on, or administered to, the animal.

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**317 Person must not possess prohibited thing at particular places**

A person must not possess a prohibited thing at any of the following places unless the person has a reasonable excuse—

- (a) a licensed venue;
- (b) a place where a trial is held or to be held;
- (c) a place used for the purpose of training a licensed animal;
- (d) a kennel, stable or other place used for sheltering a licensed animal;
- (e) in or about a vehicle being, or about to be, used to transport a licensed animal;
- (f) another place where a licensed animal is located.

Maximum penalty—400 penalty units or 2 years imprisonment.

**318 Person must not use prohibited thing on, or interfere with, a licensed animal**

(1) A person must not, unless the person has a reasonable excuse—

- (a) use a prohibited thing on a licensed animal; or
- (b) interfere with a licensed animal.

Maximum penalty—600 penalty units or 2 years imprisonment.

(2) For a veterinary surgeon, it is a reasonable excuse to use a prohibited thing on, or interfere with, a licensed animal—

- (a) to treat a condition or injury of the animal; or
- (b) to do something else that accords with normal veterinary practice.

**319 Person must not interfere with licence holder or official of a control body**

- (1) A person must not, unless the person has a reasonable excuse, interfere with a licence holder in relation to the licence holder's performance of an activity for which the licence holder is licensed.

Maximum penalty—400 penalty units or 2 years imprisonment.

- (2) A person must not, unless the person has a reasonable excuse, interfere with an official of a control body performing a function or exercising a power under the control body's rules of racing.

Maximum penalty—400 penalty units or 2 years imprisonment.

**Division 4 Unlawful bookmaking, places where betting done unlawfully and other provisions**

**320 Application of div 4**

- (1) This division does not apply in relation to—
- (a) wagering lawfully conducted under the *Wagering Act 1998*; or
  - (b) betting by and with any 1 of the following persons as part of the person lawfully carrying on bookmaking, or conducting a racing bookmaker's business, at a licensed venue—
    - (i) a racing bookmaker;
    - (ii) if a racing bookmaker is a corporation—a licensed executive officer of the corporation;
    - (iii) a racing bookmaker's clerk.
- (2) This division does not affect in any way—

- (a) the *Charitable and Non-Profit Gaming Act 1999*; or
- (b) the Criminal Code; or
- (c) the *Wagering Act 1998*.

**321 Unlawful bookmaking other than by racing bookmakers etc.**

A person must not carry on bookmaking unless the person is 1 of the following and lawfully carrying on bookmaking under the relevant racing bookmaker's licence—

- (a) a racing bookmaker;
- (b) if a racing bookmaker is a corporation—a licensed executive officer of the corporation;
- (c) a racing bookmaker's clerk who carries on bookmaking as part of conducting the racing bookmaker's business.

**322 Illegal betting place**

- (1) Subject to subsection (2), a place is an *illegal betting place* if the place is opened, kept or used, wholly or partly, for 1 or more of the following—
- (a) bookmaking by the occupier of the place with someone else;
  - (b) receiving money or other property by or for the occupier of the place as or for consideration for—
    - (i) any assurance, undertaking, promise or agreement, express or implied, to pay or give money or other property in relation to a race or sporting contingency; or
    - (ii) securing the paying or giving by someone else of money or other property in relation to a race or sporting contingency;
  - (c) the payment or settlement of a bet made in relation to a race or sporting contingency.

- (2) A place is not an illegal betting place for an activity mentioned in subsection (1) if—
  - (a) the place is a licensed venue and the activity takes place when the venue is under the control of a control body for a race meeting; or
  - (b) the place may be lawfully used under another Act for the activity.
- (3) Section 254(3) provides that other places are not illegal betting places for the payment and settlement of a bet.

### **323 Prohibition on opening, keeping, using or promoting an illegal betting place**

- (1) A person must not—
  - (a) open, keep or use an illegal betting place; or
  - (b) allow a place, of which the person is the occupier, to be opened, kept or used as an illegal betting place, whether the occupier is or is not present at the time the place is opened, kept or used as an illegal betting place; or
  - (c) help, in any way, in operating an illegal betting place; or  
*Example for paragraph (c)—*

A person, or the occupier, may invite someone else to use a service or facility at the illegal betting place.
  - (d) advertise by any means, including electronically, that a place is opened, kept or used, wholly or partly for betting on a race or sporting contingency in Queensland or elsewhere, if that place is an illegal betting place.
- (2) Subsection (3) applies to each of the following—
  - (a) a person who is the occupier of an illegal betting place;
  - (b) a person who is acting for the occupier of an illegal betting place;
  - (c) a person who is in any way helping in operating an illegal betting place.

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- (3) The person must not, directly or indirectly, receive money or other property—
    - (a) as a bet on a race or sporting contingency; or
    - (b) as a deposit on a bet on condition of paying or giving money or other property in relation to a race or sporting contingency; or
    - (c) as or for consideration for an assurance, undertaking, promise or agreement, express or implied, to pay or give money or other property in relation to a race or sporting contingency.
  - (4) A person must not give an acknowledgement on the receipt of money or other property, received in a way and for a purpose specified in subsection (3), purporting or intended to entitle the bearer or another person to receive money or other property in relation to a race or sporting contingency.

### **324 Contravention of s 321 or 323**

- (1) This section applies to a person who contravenes section 321 or 323 (a *relevant section*).
- (2) The person is liable to—
  - (a) for a first offence—a maximum penalty of 600 penalty units or 1 year's imprisonment; or
  - (b) for a second offence—a maximum penalty of 1200 penalty units or 2 years imprisonment; or
  - (c) for a third or subsequent offence—a maximum penalty of 4000 penalty units or 5 years imprisonment.
- (3) A person is liable for the penalty under this section—
  - (a) for a second offence—if the person has been convicted of a single offence against a relevant section, or against the repealed Act, section 214, 216 or 217; or
  - (b) for a third or subsequent offence—if the person has been convicted of 2 or more offences against a relevant

section, or against the repealed Act, section 214, 216 or 217.

### **325 Using an illegal betting place**

A person must not in any way use a service or facility at an illegal betting place, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

### **326 Prohibition of betting at public place**

A person must not bet at a public place unless the betting is lawfully conducted under this Act or another Act.

Maximum penalty—100 penalty units.

## **Division 5 Other offences**

### **327 Interfering with particular things at licensed venue or places for holding trials**

- (1) This section applies to all of the following—
  - (a) a lighting, power or control system, lure drive, or any other plant or equipment, used in connection with holding a race or trial at a licensed venue or holding a trial at another place;
  - (b) a course prepared or laid out for holding the race or trial.
- (2) A person must not interfere with a thing to which this section applies without permission from the responsible person for the licensed venue or place.

Maximum penalty—400 penalty units or 2 years imprisonment.

- (3) In this section—

*interfere with*, in relation to the operation of plant or equipment or to a course, includes altering, damaging, destroying or removing the plant, equipment or course, or a part of the plant, equipment or course.

*responsible person*, for a licensed venue or a place, means—

- (a) for a day on which a race meeting is to be held at the licensed venue or on which a trial is to be held at the place—the control body controlling the licensed venue or place; or
- (b) for another day—the licensed club responsible for the licensed venue or the owner of the place.

### **328 Attempt to commit offence**

- (1) A person who attempts to commit an offence against this Act commits an offence.

Maximum penalty for an attempt—the maximum penalty for the completed offence.

- (2) The Criminal Code, section 4 applies to subsection (1).
- (3) A person may be convicted of attempting to commit an offence against this Act on a complaint or indictment charging the person with the offence.

## **Part 2 Legal proceedings**

### **Division 1 Evidence**

#### **329 Application of div 1**

This division applies to a proceeding, under this Act, for an offence.

### **330 Appointments and authority**

The following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of the Minister, the chief executive, the gaming executive or an authorised officer;
- (b) the authority of a person mentioned in paragraph (a) to do anything under this Act;
- (c) the approval of a corporation as a control body;
- (d) the accreditation of a facility as an accredited facility and the statement of a person as—
  - (i) an accredited analyst or accredited veterinary surgeon for the accredited facility; or
  - (ii) an accredited analyst for a secondary facility for the accredited facility.

### **331 Signatures**

A signature purporting to be that of any of the following persons is evidence of the signature that it purports to be—

- (a) the Minister;
- (b) the chief executive;
- (c) the gaming executive;
- (d) the presiding case manager;
- (e) an authorised officer;
- (f) the secretary or a steward of a control body;
- (g) the secretary of a licensed club;
- (h) an accredited analyst;
- (i) an accredited veterinary surgeon.

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### **332 Evidentiary aids—documents**

- (1) A document purporting to be a copy of an accreditation, appointment, approval, direction, licence, notice, order or other document made or given under this Act is evidence of the accreditation, appointment, approval, direction, licence, notice, order or other document and of the matters contained in it.
- (2) A document purporting to be signed by a control body's steward who, for the control body, was in charge of a race meeting held by a licensed club and stating any of the following matters is evidence of the matter—
  - (a) on a stated day, or at a stated place, a race meeting was held or allotted to be held by the club;
  - (b) a stated animal competed in, or had been entered to compete in, a race at the race meeting;
  - (c) the times when, under a direction given by the steward, betting with racing bookmakers could take place at the race meeting.
- (3) A certificate purporting to be signed by an accredited analyst stating any of the following matters is evidence of the matter—
  - (a) a stated drug or code substance was found in or on a stated thing;
  - (b) a stated amount or concentration of a stated drug or code substance was found in or on a stated thing.
- (4) A certificate purporting to be signed by an accredited veterinary surgeon and stating the pharmacology of a stated drug or code substance is evidence of the matters contained in it.

### **333 Other evidentiary provisions**

- (1) In support of an allegation in a complaint or indictment about either of the following relating to a place, until the contrary is

proved, it is sufficient to prove a bet was made or settled with, or paid to, a person at that place—

- (a) that the place stated in the complaint or indictment is an illegal betting place;
  - (b) that a person is conducting bookmaking at the place stated in the complaint or indictment.
- (2) A statement in a complaint or indictment of 1 or more of the following matters is evidence, for this Act, of the matter or matters—
- (a) a place was a public place at a stated time;
  - (b) a particular person was, at a stated time, the occupier of a stated place;
  - (c) a particular person was, at a stated time, a member of or holder of an office in the committee of a stated licensed club or other stated association;
  - (d) on a stated day a race meeting was held, or allotted to be held, at a stated place;
  - (e) an animal known by a stated name competed in, or had been entered to compete in, a race meeting on a stated day.
- (3) Proof that a place is opened, kept or used wholly or partly for a purpose specified in section 323 is evidence that the place in question is opened, kept or used with the permission of the occupier of the place.
- (4) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.

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## **Division 2                    Matters about offence proceedings,     indictable and summary offences**

### **334    Types of offences**

- (1) Subject to subsection (2), an offence against this Act is a summary offence.
- (2) An offence against section 113AD, 321 or 323 is an indictable offence that is a misdemeanour.

### **335    Proceedings for indictable offence**

- (1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—
  - (a) by way of summary proceeding under the *Justices Act 1886*; or
  - (b) on indictment.
- (2) A magistrate must not hear an indictable offence summarily if—
  - (a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or
  - (b) the magistrate believes the charge should be prosecuted on indictment.
- (3) If subsection (2) applies—
  - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
  - (b) a plea of the person charged at the start of the proceeding must be disregarded; and
  - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and

- (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

### **336 Limitation on who may summarily hear indictable offence**

- (1) The proceeding must be before a magistrate if it is a proceeding—
  - (a) for the summary conviction of a person on a charge for an indictable offence; or
  - (b) for an examination of witnesses for a charge for an indictable offence.
- (2) However, if the proceeding is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

### **337 Limitation on time for starting summary proceeding**

A proceeding for a summary offence against this Act by way of summary proceeding under the *Justices Act 1886* must start—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

### **338 Increased penalties**

A conviction for an offence against this Act or the repealed Act is not, after 10 years from the date of the conviction, receivable in evidence against a person for the purpose of subjecting the person to an increased penalty or to a forfeiture under this Act.

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## Chapter 9      Miscellaneous provisions

### Part 1              Miscellaneous provisions relating to racing and betting

#### 340      Time race meeting taken to commence

A race meeting, under the control of a control body, is taken to commence at the time that, under the direction of the steward who is in charge of the race meeting for the control body, betting with racing bookmakers may commence.

#### 341      Void betting contracts etc.

Subject to sections 253 and 342—

- (a) a contract relating to betting is void; and
- (b) a promise, whether express or implied, to do any of the following under or in relation to a contract relating to betting is void—
  - (i) to pay money to a person;
  - (ii) to pay money to a person by way of commission, fee, reward or otherwise;
  - (iii) to pay money to a person for services rendered; and
- (c) an action may not be brought in a court to recover money or other property—
  - (i) alleged to be won or lost on a bet; or
  - (ii) given to a person as a stakeholder for an event on which a bet has been made; or
  - (iii) lent or advanced for the purpose of betting.

### **342 Betting and other activities to which s 341 does not apply**

Section 341 does not apply—

- (a) if the betting is conducted under any of the following Acts—
  - (i) the *Casino Control Act 1982*;
  - (ii) the *Charitable and Non-Profit Gaming Act 1999*;
  - (iii) the *Gaming Machine Act 1991*;
  - (iv) the *Interactive Gambling (Player Protection) Act 1998*;
  - (v) the *Keno Act 1996*;
  - (vi) the *Lotteries Act 1997*;
  - (vii) the *Wagering Act 1998*; or
- (b) to a subscription or contribution, or agreement to subscribe or contribute, for or to a prize, trophy or amount to be awarded to the winner of a lawful game, sport, pastime or exercise or to a person who receives or holds the subscription or contribution for that purpose.

## **Part 2 Forms and use of email addresses**

### **343 Approved forms**

The chief executive may approve forms for use under this Act.

### **344 Electronic applications**

- (1) This section applies if—
  - (a) this Act requires an application to be made in an approved form, gaming executive form or control body form; and

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- (b) the form provides that the application may be made by electronically communicating it to an email address for service stated in the form.
  - (2) The application may be made by electronically communicating the information required by the form in a format substantially similar to the relevant form.

### **345 Electronic notices about applications**

- (1) This section applies if an application under this Act has been made in an approved form, gaming executive form or control body form, whether or not it has been made under section 344.
- (2) A notice from the Minister, chief executive, gaming executive or control body to the applicant about the application may be given by electronically communicating it to an email address for service, as stated by the applicant in the form.
- (3) A notice from the applicant to the Minister, chief executive, gaming executive or control body about the application may be given by electronically communicating it to an email address for service for the Minister, chief executive, gaming executive or control body, as stated in the form.

### **346 Email address for service generally**

- (1) This section applies to each of the following persons (a *notice recipient*) if, under this Act, the Minister, chief executive, gaming executive or control body must or may give a notice to the notice recipient—
  - (a) an accreditation holder;
  - (b) a certificate holder;
  - (c) a control body;
  - (d) a licence holder.
- (2) The Minister, chief executive, gaming executive or control body may give the notice to the notice recipient by

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electronically communicating it to the notice recipient at the email address for service as stated for the notice recipient in—

- (a) the accreditation certificate, approval, eligibility certificate or licence relevant to the notice recipient; or
- (b) in a notice, in an approved form, gaming executive form or control body form, given by the notice recipient to the Minister, chief executive, gaming executive or control body about a change in the email address for the notice recipient.

**347 Acts Interpretation Act 1954, s 39 not limited by ss 344–346**

Sections 344 to 346 do not limit the *Acts Interpretation Act 1954*, section 39.

## **Part 3 Administrative and other matters**

**348 Protection from liability**

- (1) This section applies to each of the following persons (a *relevant person*)—
  - (a) the Minister;
  - (b) the chief executive;
  - (c) the gaming executive;
  - (d) an authorised officer;
  - (e) if an authorised officer has asked someone else to help the officer to exercise a power under this Act and the other person is giving the help—the other person;

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- (f) a person who is or was a public service employee of the department, or another department administered by the gaming executive;
  - (g) a person who is required to comply, and is complying, with a requirement under section 282(1), 286(1), 292(1) or (3), 301(2) or 303(1).
- (2) A relevant person is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents a civil liability attaching to a relevant person, the liability attaches instead to the State.
- (4) In this section—
- civil liability* includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.

### **349 Things to be done as soon as practicable**

If no time is provided or allowed for doing something under this Act, the thing is to be done as soon as practicable, and as often as the relevant occasion happens.

### **350 Satisfaction, belief or suspicion must be on grounds that are reasonable in the circumstances**

- (1) This section applies if, under this Act—
- (a) a person is required to be satisfied or not satisfied of, or have a belief or suspicion about, a particular matter before the person may do or refrain from doing an act, or make a decision; or
  - (b) if the person is satisfied or not satisfied of, or has a belief or suspicion about, a particular matter, a person is required to do or refrain from doing an act, or make a decision.

- (2) The person must be satisfied or not satisfied or have the belief or suspicion on grounds that are reasonable in the circumstances.

*Example of operation of subsection (2)—*

Section 276(3) provides an authorised officer need not comply with particular requirements if the authorised officer believes immediate entry to a place is required to ensure the effective execution of a warrant is not frustrated. The authorised officer must believe the immediate entry is required on grounds that are reasonable in the circumstances.

### **351 Matters must be considered appropriate on grounds that are reasonable in the circumstances**

- (1) This section applies if, under this Act, any of the following entities is required to consider that a particular matter is appropriate before the entity may do or refrain from doing an act or make a decision—
- (a) a court;
  - (b) the integrity board;
  - (c) the disciplinary board;
  - (d) a constituted board;
  - (e) the tribunal;
  - (f) the appeal tribunal.
- (2) The entity must not do or refrain from doing the act, or make the decision, unless it considers the particular matter is appropriate on grounds that are reasonable in the circumstances.

### **352 Records about drugs and veterinary surgeons**

- (1) The chief executive (health) may give to the chief executive information relating to the following in the possession of the chief executive (health) under the *Health Act 1937*—
- (a) controlled drugs, restricted drugs or poisons, obtained by a veterinary surgeon;

- (b) records a veterinary surgeon is required to keep under that Act about controlled drugs or poisons.

*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.

- (2) In this section—

**chief executive (health)** means the chief executive of the department in which the *Health Act 1937* is administered.

**controlled drug** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

**obtain** means acquire, buy, receive or otherwise obtain.

**poison** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

**restricted drug** see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

### **352A Integrity of analysis of thing**

- (1) This section applies to any of the following decisions—

- (a) a decision of a control body about taking disciplinary action relating to a licence, which action is reliant on a relevant certificate about the results of the analysis of a thing;
- (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.

- (2) In making the decision, it is enough for the decision maker to be satisfied that the method of taking and dealing with the thing for analysis was in compliance with the requirements of section 143(3) to the extent that the integrity of the analysis was not adversely affected (*substantial compliance*).
- (3) Evidence of an accredited analyst or accredited veterinary surgeon, for an accredited facility, that the method of taking and dealing with the thing for analysis was in substantial compliance with the requirements of section 143(3) is evidence of that fact and, in the absence of evidence to the contrary, conclusive evidence of that fact.
- (4) In this section—  
*relevant certificate* means a certificate mentioned in section 147(3).

### **353 Fees etc. that are owing to the State are debts**

All fees and other amounts due and payable by a person under this Act to the State may be recovered by action as a debt.

### **354 Delegations**

- (1) The Minister may delegate the Minister's powers under this Act to the chief executive or an appropriately qualified officer of the department.
- (2) The chief executive may delegate the following to an appropriately qualified person—
  - (a) the chief executive's powers under this Act;
  - (b) a power delegated to the chief executive under subsection (1).

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## **Part 4                      Regulations**

### **355      Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may—
  - (a) prescribe the way a thing may be taken or dealt with for analysis; and
  - (b) prescribe a law of another State as a law about racing or betting; and
  - (c) prescribe requirements that must be met for a facility to be accredited under chapter 4, part 2; and
  - (d) prescribe the fees required under this Act, including the fees mentioned in sections 11, 29, 129, 149U(1)(a), 149ZN, 207 and 243(2)(g).

## **Chapter 10      Repeal, transitional provisions and other provisions**

### **Part 1                      Repeal**

#### **356      Repeal of Racing and Betting Act**

The Racing and Betting Act 1980 (1980 Act No. 43) is repealed.

## **Part 2**                      **Transitional provisions for Racing Act 2002**

### **Division 1**                **Definition for part 2**

#### **357**    **Definition for pt 2**

In this part—

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

### **Division 2**                **Provisions relating to chapter 2**

#### **Subdivision 1**        **Matters about relocated provisions and control bodies under the repealed Act**

#### **358**    **Effect of relocation**

The relocated provisions continue to have effect as provisions of this Act.

*Note—*

Before the commencement of the *Racing Amendment Act 2008* on 1 July 2008, *relocated provision* was defined under schedule 3 to mean a provision in schedule 1 that was relocated to the schedule.

#### **359**    **Codes of racing for which continuing control bodies responsible**

- (1) The Thoroughbred Racing Board continues as the control body for thoroughbred racing.
- (2) The Harness Racing Board continues as the control body for harness racing.

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- (3) The Greyhound Authority continues as the control body for greyhound racing.
  - (4) This section does not limit section 358.
  - (5) On 1 July 2006—
    - (a) subsection (1) stops applying; and
    - (b) the Thoroughbred Racing Board stops being a continuing control body.

*Note—*

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

- (6) On 1 July 2008—
  - (a) subsections (2) and (3) stop applying; and
  - (b) the Harness Racing Board and the Greyhound Authority stop being continuing control bodies as that term was defined under this Act before the commencement of the *Racing Amendment Act 2008*.

*Note—*

See also part 5 for provisions about the dissolution of the Harness Racing Board and the Greyhound Authority.

### **360 Things done under relocated provisions continue to have effect**

A thing continues to have effect as if the thing had been done under this Act if the thing—

- (a) expressly or impliedly was authorised or required to be done under a relocated provision; and
- (b) was in force immediately before the relocation.

### **361 Relocation does not affect legal personality etc.**

- (1) The relocation of the relocated provisions does not—
  - (a) affect a continuing control body's legal personality or identity; or

- (b) affect a right, entitlement or liability of a continuing control body or anyone else; or
  - (c) make legal proceedings by or against a continuing control body defective.
- (2) Without limiting subsection (1), the relocation of the relocated provisions does not affect any right, entitlement, liability or benefit a continuing body would have had or enjoyed.
- (3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against a continuing control body immediately before the commencement, it may be continued or started by or against it as a control body under this Act.

### **362 Relocation does not affect existing legal relationships**

Without limiting section 361(1), the relocation of the relocated provisions—

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

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### **363 Function of continuing control body**

- (1) The function of each continuing control body is to manage its code of racing.
- (2) To remove doubt, it is declared that managing a continuing control body's code of racing includes all of the matters conferred on the control body as a function immediately before the commencement.

*Examples of matters conferred on a continuing control body before the commencement—*

matters stated in the repealed Act, sections 11A(1), 52(2) and 93(2)

### **364 Powers of continuing control body**

- (1) The powers of each continuing control body are the powers of a control body under this Act.
- (2) However, if a continuing control body had power to do a thing under the repealed Act as in force immediately before the commencement and the continuing control body does not have power as a control body to do the thing under this Act, the continuing control body has power to do the thing as if the repealed Act had not been repealed.
- (3) Without limiting subsection (2)—

- (a) the Thoroughbred Racing Board has power to do a thing mentioned in the repealed Act, sections 11B and 11BA, as in force immediately before the commencement; and

*Note—*

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

- (b) the Harness Racing Board has power to do a thing mentioned in the repealed Act, sections 52(2A) to (10) and 52A, as in force immediately before the commencement; and

*Note—*

On 1 July 2008, the Harness Racing Board stopped being a continuing control body.

- (c) the Greyhound Authority has power to do a thing mentioned in the repealed Act, sections 93(2A) to (10) and 93A, as in force immediately before the commencement; and

*Note—*

On 1 July 2008, the Greyhound Authority stopped being a continuing control body.

- (d) each continuing body has power to do a thing mentioned in the repealed Act, section 254A, as in force immediately before the commencement.
- (4) If, under a power under the repealed Act as in force immediately before the commencement, a continuing control body started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

### **365 Minister to give each continuing control body an approval**

The Minister may give each continuing control body an approval for the control body's code of racing for this Act, stating conditions the Minister believes are appropriate in the circumstances.

### **366 Membership of continuing control body and chairpersons**

- (1) Subject to subsection (3), a person who, immediately before the commencement, was a member of a continuing control body continues to be a member of the continuing control body on the same conditions applying to the member before the commencement.
- (2) Subject to subsection (3), a person who, immediately before the commencement, was the chairperson or deputy chairperson of a continuing control body continues to be the chairperson or deputy chairperson of the continuing control body on the same conditions applying to the person before the commencement.
- (3) Despite schedule 1, part 2, section 11I(1)—

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- (a) a member of the Thoroughbred Racing Board holds office until schedule 1 expires; and
  - (b) the chairperson and deputy chairperson of Thoroughbred Racing Board continue to be the chairperson and deputy chairperson of the Thoroughbred Racing Board until schedule 1 expires.
- (4) Subsection (3) stops applying on 1 July 2006.
  - (5) A person's membership or office mentioned in this section may be vacated under this Act.

### **367 Delegations by continuing control bodies**

- (1) A continuing control body may delegate the body's powers under this Act, including the body's powers mentioned in schedule 1, to—
  - (a) a member of the control body; or
  - (b) an appropriately qualified officer or employee of the control body.
- (2) A delegation by a continuing control body to any person, made under the repealed Act, its rules of racing or by resolution, before the commencement and in force immediately before the commencement, continues to have effect as if the delegation had been made under subsection (1).

### **368 Application of this Act to continuing control body**

- (1) If a provision of this Act is not capable of applying to a continuing control body, the provision does not apply.

*Example for subsection (1)—*

A provision may refer to the constitution of a control body, but a continuing control body does not have a constitution. To this extent, it is not practicable for the provision to apply to the continuing control body.

- (2) However, for the application of this Act to a continuing control body a reference to an executive officer of a control body includes a member of a continuing control body.

*Example for subsection (2)—*  
sections 97(3)(a), 117(2)(d) and 154(a)

### **369 Racing calendar**

- (1) This section applies if, before the commencement, a continuing control body had a racing calendar for the period that included the day of the commencement.
- (2) The continuing control body is taken to have complied with section 38 during the period to which the racing calendar relates, starting on the commencement.
- (3) In this section—  
*racing calendar* includes a document published by the continuing control body called a racing calendar, whether or not the control body was, under the repealed Act, required to have a racing calendar.

## **Subdivision 2 Transitional provisions for provisions about control bodies under chapter 2**

### **371 When corporation may apply for approval as control body for thoroughbred, harness or greyhound racing**

- (1) The purpose of this section is to allow an eligible corporation to apply to be approved as the control body for thoroughbred, harness or greyhound racing within a reasonable time before the expiry of schedule 1.
- (2) An eligible corporation may make an approval application under section 10(1) for any of the following codes of racing after 1 year after the commencement—
  - (a) thoroughbred racing;
  - (b) harness racing;
  - (c) greyhound racing.

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## **Subdivision 3      Racing associations**

### **372      Membership of racing association and chairpersons**

- (1) A person who, immediately before the commencement, was a member of a racing association continues to be a member of the racing association on the same conditions applying to the member before the commencement.
- (2) A person who, immediately before the commencement, was the chairperson of a racing association continues to be the chairperson of the racing association on the same conditions applying to the person before the commencement.
- (3) If, under a power under the repealed Act as in force immediately before the commencement, a racing association started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

## **Subdivision 4      Queensland Regional Racing Council**

### **373      Continuation of council and its members and chairperson**

- (1) A person who, immediately before the commencement, was a member of the Queensland Regional Racing Council continues to be a member of the council on the same conditions applying to the person as a member immediately before the commencement.
- (2) A person who, immediately before the commencement, was the chairperson of the Queensland Regional Racing Council continues to be the chairperson of the council on the same conditions applying to the person before the commencement.
- (3) A recommendation or report of the Queensland Regional Racing Council under the repealed Act, section 34C is taken to be a recommendation or report of the council under section 67 of this Act.

- (4) If, under a power under the repealed Act as in force immediately before the commencement, the Queensland Regional Racing Council started to deal with a matter and had not finalised it before the commencement, the matter may continue to be dealt with and finalised under this Act.

## **Division 3                      Provisions relating to chapter 3**

### **374      Licences and other forms of authority continue to have effect**

- (1) This section applies to a licence and any other form of authority, however described, issued to a person by a continuing control body before the commencement, that was in force immediately before the commencement.
- (2) The licence or other form of authority continues to have effect under this Act subject to—
- (a) the conditions stated in the licence or other authority; and
  - (b) this Act; and
  - (c) the continuing control body's policies and rules of racing.
- (3) To the extent of any inconsistency among provisions applying to a licence or other form of authority, this Act prevails.

### **375      Actions by control body continue to have effect**

- (1) This section applies to an action taken, however described, by a continuing control body in relation to a person before the commencement that was in force immediately before the commencement, other than an action resulting in a licence or other form of authority to which section 374 applies.

*Examples of actions taken by a control body before commencement—*

- 1 A person is named on a forfeit list, disqualified from being a licence holder or is warned off from entering a racing venue, under a continuing control body's rules of racing.

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- 2 A person's licence is suspended.
- (2) The action continues to have effect under this Act subject to—
- (a) any conditions stated in a document by which the action was taken against the person, or notice given to the person about the action; and
  - (b) this Act; and
  - (c) the continuing control body's policies and rules of racing.
- (3) To the extent of any inconsistency among provisions applying to the action, this Act prevails.

**376 Consultation to be undertaken as part of development of policy**

- (1) This section applies to a continuing control body for the purpose of making policies until, as required under section 81(a), the control body makes a policy about the way the control body will develop its policies.
- (2) Before a continuing control body makes a policy, it must publish a notice of the preparation of a draft policy in a newspaper likely to be read by people particularly affected by the draft policy.
- (3) The notice must state all of the following—
- (a) the matters the policy will deal with;
  - (b) where copies of the draft policy may be obtained or inspected, including, for example, its availability on the control body's website;
  - (c) that a person may comment on the draft policy to the control body;
  - (d) the period during which comments may be made.
- (4) In addition, the draft policy must comply with section 83 to the extent practicable.
- (5) The period during which comments may be made must be at least 28 days after the day of the publication of the notice.

- (6) A copy of the draft policy must be available free, or on payment of a reasonable price, at the place, or each of the places, stated in the notice.

### **377 Rules of continuing control bodies are rules of racing under this Act**

- (1) The rules of racing under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Thoroughbred Racing Board.

*Note—*

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

- (2) The rules of trotting under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Harness Racing Board.

*Note—*

On 1 July 2008, the Harness Racing Board stopped being a continuing control body. See also part 5.

- (3) The rules of greyhound racing under the repealed Act as in force immediately before the commencement continue as if they were rules of racing of the Greyhound Authority.

*Note—*

On 1 July 2008, the Greyhound Authority stopped being a continuing control body. See also part 5.

- (4) Subsections (1) to (3) have effect only to the extent that the rules of racing, trotting or greyhound racing are not inconsistent with this Act.
- (5) Also, a regulation may declare rules of racing, trotting or greyhound racing, that are rules of racing under subsections (1) to (3), to be invalid.

### **378 Amendment etc. of rules continued in force under s 377**

- (1) This section applies to a control body's rules of racing continued under section 377.

- (2) Despite section 92, a control body may—
- (a) amend or omit a provision of the rules; or
  - (b) repeal the rules.

### **379 Registered clubs taken to be licensed**

- (1) This section applies to a greyhound club, race club and trotting club that, under the repealed Act as in force immediately before the commencement, is registered under that Act as a greyhound club, race club or trotting club by a continuing control body.
- (2) Each club is taken to be licensed by the continuing control body to conduct racing under this Act.
- (3) In an Act or document, a reference to a greyhound club, race club or trotting club under the *Racing and Betting Act 1980* may, if the context permits, be taken to be a licensed club licensed by the Greyhound Authority, Thoroughbred Racing Board or Harness Racing Board.

*Note—*

The Thoroughbred Racing Board stopped being a continuing control body on 1 July 2006 (see also part 4). The Greyhound Authority and Harness Racing Board stopped being continuing control bodies on 1 July 2008 (see also part 5).

### **380 Directions for s 101**

In section 101—

*control body direction* includes a direction given under the repealed Act, section 11B(2)(r), 52(3)(t) or 93(3)(t), as in force immediately before the commencement, including a direction mentioned in sections 11B(3), 52A(2) and 93A(2) of that Act.

## **Division 4                      Provisions relating to chapter 4**

### **381      Definitions for div 4**

In this division—

*advisory board* means the Racing Codes Advisory Board constituted under the repealed Act, section 10A as in force immediately before the commencement.

*racing science centre* means the unit of the department known, immediately before the commencement, as the racing science centre.

### **382      Integrity board is continuation of advisory board**

The integrity board is a continuation of the advisory board.

### **383      Members and chairperson of advisory board continue as board members and board chairperson**

- (1) A member of the advisory board immediately before the commencement continues as a board member for the balance of the term of the member's appointment as a member of the advisory body under the repealed Act.
- (2) The member of the advisory board who was the chairperson of the advisory board immediately before the commencement is the board chairperson while the person continues as a board member under subsection (1).
- (3) A person's membership or office mentioned in this section may be vacated under this Act.

### **384      Racing science centre taken to be accredited facility**

- (1) The chief executive is taken to have accredited the racing science centre as an accredited facility under section 131 of this Act.
- (2) The chief executive must, immediately after the commencement, issue an accreditation certificate in relation

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to the racing science centre stating the information mentioned in section 132(3).

- (3) The accreditation expires 6 months after the commencement.

## **Division 5 Provisions relating to chapter 5**

### **385 Definitions for div 5**

In this division—

*authority* means the Racing Appeals Authority established under the repealed Act, section 115B.

*continuing member* means a person continuing as a tribunal member under section 387(1).

### **386 Tribunal is continuation of Racing Appeals Authority**

- (1) The Racing Appeals Tribunal is a continuation of the authority.
- (2) The other provisions of this part do not limit subsection (1).

### **387 Members of authority continue in office as tribunal members etc.**

- (1) A member of the authority immediately before the commencement continues as a tribunal member for the balance of the term of the person's appointment as a member of the authority under the repealed Act.
- (2) The continuing member who was chairperson or deputy chairperson of the authority immediately before the commencement is the tribunal chairperson or deputy tribunal chairperson while the person continues as a tribunal member under subsection (1).
- (3) A continuing member's office may be vacated under this Act.

### **388 Appeals under repealed Act**

- (1) An appeal started under the repealed Act, part 3, division 3A, but not decided before the commencement may be dealt with, or continue to be dealt with, under this Act by the tribunal.
- (2) A decision that could have been appealed under the repealed Act, part 3, division 3A, after the commencement except for the repeal of that Act may be appealed under chapter 5 of this Act.
- (3) Subsection (4) applies to a decision of a racing association appeals committee.
- (4) A decision of the tribunal relating to an appeal against a decision mentioned in subsection (3) must be given effect by the Thoroughbred Racing Board.
- (5) For an appeal under this section, chapter 5 applies with any necessary changes.

### **389 Decisions of authority**

- (1) This section applies to the extent a decision of the authority is relevant for this Act.
- (2) The decision applies as a decision of the tribunal given under this Act.

## **Division 6 Provisions relating to chapter 6**

### **390 Racing bookmaker and racing bookmaker's clerk**

- (1) A person who is a racing bookmaker or racing bookmaker's clerk under the repealed Act as in force immediately before the commencement continues as a racing bookmaker or racing bookmaker's clerk under this Act for the period of the person's licence as a racing bookmaker or racing bookmaker's clerk.

- (2) The person's licence is taken to have been granted by the control body that granted it under the repealed Act and to be for the code of racing for which it was granted under that Act.
- (3) Subsection (1) does not apply if the person's licence is cancelled.
- (4) Also, subsection (1) does not stop the person's licence being suspended.

### **391 Eligibility certificate**

- (1) An eligibility certificate given under the repealed Act, section 153, that has not lapsed under section 155 of that Act before the commencement, continues as an eligibility certificate under this Act.
- (2) An application for an eligibility certificate made under the repealed Act, part 4, division 4, and not decided by the gaming executive before the commencement must be dealt with, or continue to be dealt with, as an application for an eligibility certificate made under chapter 6, part 3, of this Act.

### **392 Audit program and investigation**

- (1) An audit program approved by the gaming executive under the repealed Act, section 156, and in force immediately before the commencement, continues as an audit program approved by the gaming executive under section 223 of this Act.
- (2) An investigation of a certificate holder, or of a business associate or executive associate of a certificate holder, being conducted under the repealed Act, part 4, division 5, happening immediately before the commencement may be continued under chapter 6, part 3, division 3 of this Act.

### **393 Cancellation of eligibility certificate**

If, under the repealed Act, part 4, division 6, the gaming executive started to deal with a matter and had not finalised it before the commencement, the matter may continue to be

dealt with and finalised under chapter 6, part 3, division 4 of this Act.

### **394 Appeal relating to eligibility certificate**

- (1) An appeal started under the repealed Act, part 4, division 7, but not decided before the commencement may be dealt with, or continue to be dealt with, under chapter 6, part 3, division 6 of this Act.
- (2) A decision that could have been appealed under the repealed Act, part 4, division 7, after the commencement except for the repeal of that Act may be appealed under chapter 6, part 3, division 6 of this Act.
- (3) For an appeal under this section, chapter 6, part 3, division 6 applies with any necessary changes.

### **395 Approved bookmaking system under repealed Act taken to be approved under s 141 by continuing control body**

- (1) This section applies if an approval of a telephone bookmaking system under the repealed Act, section 141, is in force immediately before the commencement.
- (2) Each continuing control body is taken to have approved the telephone bookmaking system under section 249 of this Act.
- (3) The approval under subsection (2) continues until the continuing control body approves another system under section 249 of this Act.

## **Division 7 Miscellaneous provisions**

### **396 References to repealed Act**

In an Act or document, a reference to the *Racing and Betting Act 1980* may, if the context permits, be taken to be a reference to this Act.

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## Part 3 **Transitional provision for Racing Amendment Act 2005**

### **396A First chairperson of country racing association not required to give notice under s 71(2) to committee**

- (1) This section applies to the first chairperson of a country racing association elected after the commencement of this section.
- (2) Despite section 71(2), the chairperson is not required to give notice of his or her election as chairperson to the chairperson of the committee.

## Part 4 **Transitional provisions for Racing Amendment Act 2006**

### **397 Definitions for pt 4**

In this part—

*commencement* means 1 July 2006.

*former board* means the Thoroughbred Racing Board.

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

### **398 Dissolution of former board**

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

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

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

**400 Assets and liabilities etc.**

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

**401 Employees of former board**

- (1) This section applies to a person who, immediately before the commencement, was an employee of the former board.
- (2) On the commencement, the person becomes an employee of the new thoroughbred control body.
- (3) The person—

- (a) must be employed on terms and conditions of employment at least equivalent to those applying to the person immediately before the commencement; and
- (b) remains entitled to all rights of employment existing or accruing immediately before the commencement.

## 402 Proceedings

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

*existing proceeding* means a proceeding that—

- (a) was taken by or against a following person before the commencement—
  - (i) the former board;
  - (ii) a member of the former board in the capacity as a member of the former board; and
- (b) has not been finished before the commencement.

## 403 Things done by former board

- (1) Anything done by the former board under this Act—
  - (a) continues to have effect; and
  - (b) from the commencement, is taken to have been done by the new thoroughbred control body.
- (2) Without limiting subsection (1), on the commencement—
  - (a) a policy of the former board that was in effect immediately before the commencement continues as if it were a policy of the new thoroughbred control body; and

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

#### **404 Rights and obligations of former board under this Act**

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

#### **405 Application of audit regime to new thoroughbred control body**

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

#### **406 Provision for committee members**

- (1) This section applies to a person who—
  - (a) immediately before the commencement, was a member of the committee and a member of the former board; and
  - (b) on the commencement, is a member or director of the new thoroughbred control body.

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- (2) Despite section 68C(g)(i), the person does not vacate office as a member of the committee.

#### **407 Provision for application of s 68M**

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

#### **408 Appeals**

- (1) If an appeal committee was established by the former board and is in existence immediately before the commencement, on the commencement the appeal committee—
- (a) continues as if it had been established by the new thoroughbred control body under its rules of racing for thoroughbred racing; and
  - (b) may continue to deal with an appeal under consideration immediately before the commencement as if the appeal had been started under the new thoroughbred control body's rules of racing for thoroughbred racing.
- (2) Subsection (3) applies in relation to an appeal—
- (a) against a reviewable decision made before the commencement; and
  - (b) started after the commencement.
- (3) The appeal may be dealt with by—
- (a) an appeal committee mentioned in subsection (1); or
  - (b) if there is no appeal committee established by the former board and in existence immediately before the commencement—an appeal committee established by the new thoroughbred control body.

- (4) For subsections (1)(b) and (3), the steward's decision appealed against is taken to be a decision made by the steward for the new thoroughbred control body.
- (5) This section does not limit section 403(1).

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

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

**410 Pt 4 does not affect existing legal relationships**

Nothing done under this part in relation to the former board—

- (a) places the new thoroughbred control body in breach of a contract, trust or confidence or otherwise makes the new thoroughbred control body guilty of a civil wrong; or
- (b) makes the new thoroughbred control body in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, transfer or assumption of a right or liability; or
- (c) is taken to fulfil a condition or otherwise constitute an event—
  - (i) allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or modify the operation or effect of an instrument or obligation; or

- (ii) requiring money to be paid, or anything else to be done, before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.

#### **411 References to former board**

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

## **Part 5 Transitional provisions for Racing Amendment Act 2008**

#### **412 Definitions for pt 5**

In this part—

*commencement* means 1 July 2008.

*corresponding new control body*, for a former board, means—

- (a) for the Greyhound Authority—the new greyhound control body; or
- (b) for the Harness Racing Board—the new harness control body.

*former board* means the Greyhound Authority or the Harness Racing Board.

*new greyhound control body* means Greyhounds Queensland Limited ACN 128 067 247 approved as the control body for greyhound racing.

*new harness control body* means Queensland Harness Racing Limited ACN 128 036 000 approved as the control body for harness racing.

#### **413 Dissolution of former boards**

Each former board is dissolved on the commencement.

#### **414 New control bodies are legal successor of former boards**

- (1) The new greyhound control body is the successor in law of the Greyhound Authority.
- (2) The new harness control body is the successor in law of the Harness Racing Board.
- (3) The other provisions of this part do not limit subsections (1) and (2).

#### **415 Assets and liabilities etc.**

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

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#### **416 Employees of former boards**

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

#### **417 Proceedings**

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

*existing proceeding* means a proceeding that—

  - (a) was taken by or against a following person before the commencement—
    - (i) a former board;
    - (ii) a member of a former board in the capacity as a member of the former board; and
  - (b) has not been finished before the commencement.

#### **418 Things done by former board**

- (1) Anything done by a former board under this Act—
  - (a) continues to have effect; and

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

#### **419 Rights and obligations of former boards under this Act**

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

#### **420 Application of audit regime to new greyhound control body and new harness control body**

From the commencement, a program approved by the Minister under section 46(3) for 2008 applies to the corresponding new control body to the extent it is stated to apply to a former board.

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## **421 Appeals**

- (1) If an appeal committee was established by a former board and is in existence immediately before the commencement, on the commencement the appeal committee—
  - (a) continues as if it had been established by the corresponding new control body under its rules of racing; and
  - (b) may continue to deal with an appeal under consideration immediately before the commencement as if the appeal had been started under the corresponding new control body's rules of racing.
- (2) Subsection (3) applies to an appeal—
  - (a) against a reviewable decision within the meaning of section 95 made before the commencement; and
  - (b) started after the commencement.
- (3) The appeal may be dealt with by—
  - (a) an appeal committee mentioned in subsection (1); or
  - (b) if there is no appeal committee established by the former board and in existence immediately before the commencement—an appeal committee established by the corresponding new control body.
- (4) For subsections (1)(b) and (3), the steward's decision appealed against is taken to be a decision made by the steward for the corresponding new control body.
- (5) This section does not limit section 418(1).

## **422 Continuation of action started against licensed club under ch 3, pt 4**

- (1) This section applies if, before the commencement, a former board—
  - (a) gave a licensed club a show cause notice under chapter 3, part 4; and

- (b) has not decided whether to take action under the part in relation to the club.
- (2) From the commencement, chapter 3, part 4 continues to apply in relation to the show cause notice as if the notice had been given by the corresponding new control body.
- (3) This section does not limit section 418(1).

**423 Continuing application of confidentiality obligation to members and employees of former continuing boards**

A person who was a member or employee of a former board is taken to be a control body officer under section 310.

**424 Requirement for former board members to give annual report**

- (1) Repealed schedule 1, section 132 continues to apply for the year ending 30 June 2008.
- (2) For subsection (1)—
  - (a) a former board consisting of the persons who were members of the board immediately before the commencement is taken to be a continuing control body; and
  - (b) a club that was licensed by the former board immediately before the commencement is taken to be a club licensed by it.

**425 Pt 5 does not affect existing legal relationships**

Nothing done under this part in relation to a former board—

- (a) places the corresponding new control body in breach of a contract, trust or confidence or otherwise makes the corresponding new control body guilty of a civil wrong; or
- (b) makes the corresponding new control body in breach of any instrument, including an instrument prohibiting,

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- 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.

#### **426 References to former boards**

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

## **Part 6 Transitional provisions for the Racing and Other Legislation Amendment Act 2010**

#### **427 Definitions for pt 6**

In this part—

*commencement* means 1 July 2010.

*former control body* means each of the following—

- (a) Queensland Racing Limited ACN 116 735 374;
- (b) Greyhounds Queensland Limited ACN 128 067 247;
- (c) Queensland Harness Racing Limited ACN 128 036 000.

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

#### **428 Cancellation of old approvals and issue of new approval**

- (1) The approvals held by the former control bodies are cancelled at midnight on 30 June 2010.
- (2) On 1 July 2010, the Minister must give an approval to the new control body to be the control body for the following codes of racing—
  - (a) thoroughbred racing;
  - (b) harness racing;
  - (c) greyhound racing.
- (3) An approval given under subsection (2)—
  - (a) is taken to have been given under section 26; and
  - (b) has effect from the beginning of the day it is given; and
  - (c) is subject to the conditions imposed by the Minister by notice given to the new control body.

#### **429 Assets and liabilities etc.**

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

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control body on the same trusts or subject to the same conditions.

- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the new control body, record the vesting of property under this section in the new control body.

**430 Provision taken to be included in constitutions of former control bodies**

Each former control body's constitution is taken to include, and to have always included, a provision allowing a director of the former control body to give the former control body's agreement to the enactment of provisions having the effect of provisions set out in this part, in particular, provisions—

- (a) cancelling the former control body's approval and giving, to the new control body, an approval as the control body for all codes of racing; and
- (b) divesting the former control body of its assets and liabilities and vesting the assets and liabilities in the new control body; and
- (c) stating that no compensation is payable to the former control body or its members or directors for any action taken under this part.

**431 Displacement provisions for Corporations legislation**

Sections 429 and 430 are declared to be Corporations legislation displacement provisions for the Corporations Act, section 5G.

**432 Employees of former control bodies**

- (1) This section applies to a person who, immediately before the commencement, was an employee of a former control body.
- (2) On the commencement—

[s 433]

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- (a) the person becomes an employee of the new control body 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.
- (3) Subsection (4) applies if the person was, immediately before the commencement, entitled to a remuneration package of not more than \$100,000 a year.
- (4) For 2 years from the commencement, the terms and conditions of the person's employment must be at least equivalent to the terms and conditions applying to the person immediately before the commencement.
- (5) In this section—
- remuneration package*, for a person, means the cost to the person's employer of employing the person, including the cost of making contributions to a superannuation scheme for the person and providing for the person's leave entitlements.

### **433 Proceedings**

- (1) A proceeding that could have been started by or against a former control body before the commencement may be started by or against the new control body.
- (2) From the commencement, an existing proceeding may be continued and finished by or against the new control body.
- (3) In this section—
- existing proceeding* means a proceeding that—
- (a) was taken by or against one of the following before the commencement—
    - (i) a former control body;
    - (ii) a person who was a member of a former control body, in the person's capacity as a member; and

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- (b) has not been finished before the commencement.

#### **434 Things done by former control bodies**

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

#### **435 Rights and obligations of former control bodies under this Act**

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

#### **436 Application of audit regime to new control body**

From the commencement, a program approved by the Minister under section 46(3) for 2010 applies to the new

control body to the extent it is stated to apply to a former control body.

#### **437 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 section 68M, in the year in which the commencement falls.
- (2) On the commencement, the amount is taken to have been paid by the new control body under section 60B.
- (3) In this section—

*former control body* means the former control body for thoroughbred racing.

#### **438 Appeals**

- (1) This section applies to an appeal committee established by a former control body (the *relevant former control body*) and in existence immediately before the commencement.
- (2) On 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 relevant former control body's rules of racing in existence before the commencement.
- (3) Subsection (4) applies in relation to an appeal—
  - (a) against a reviewable decision, within the meaning of section 95, made before the commencement; and
  - (b) started after the commencement.
- (4) The appeal may be dealt with by an appeal committee established by the new control body.

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- (5) For subsection (4), the steward's decision appealed against is taken to be a decision made by the steward for the new control body.
  - (6) This section does not limit section 434(1).

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

- (1) This section applies if, before the commencement, a former control body—
  - (a) gave a licensed club a show cause notice under chapter 3, part 4; and
  - (b) has not decided whether to take action under the part in relation to the club.
- (2) From the commencement, chapter 3, part 4 continues to apply in relation to the show cause notice as if the notice had been given by the new control body.
- (3) This section does not limit section 434(1).

**440 Pt 6 does not affect existing legal relationships**

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

- (a) places the new control body in breach of a contract, trust or confidence or otherwise makes the new control body guilty of a civil wrong; or
- (b) makes the new control body in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, transfer or assumption of a right or liability; or
- (c) is taken to fulfil a condition or otherwise constitute an event—
  - (i) allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or

- modify the operation or effect of an instrument or obligation; or
- (ii) requiring money to be paid, or anything else to be done, before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.

#### **441 Dissolution of Queensland Country Racing Committee and country racing associations**

- (1) On the commencement—
  - (a) the following entities are dissolved—
    - (i) the Queensland Country Racing Committee;
    - (ii) all country racing associations; and
  - (b) the members of the entities go out of office.
- (2) No compensation is payable to a member because of subsection (1).

#### **442 No compensation payable**

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

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

#### **443 References to former control bodies**

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

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## 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—

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- (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 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

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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)—
  - (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

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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 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

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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.

#### **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.

**Part 8 Transitional provision for Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013**

**463 Applications not finally decided**

- (1) This section applies if, immediately before the commencement, the gaming executive had not finally decided an application for an eligibility certificate.
- (2) The chief executive must decide the application under this Act as amended by the *Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013*.
- (3) In this section—

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

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# Chapter 11 Transitional provisions for Racing Integrity Act 2016

## Part 1 Preliminary

### 464 Definitions for chapter

In this chapter—

*all-codes board* means the Queensland All Codes Racing Industry Board as established under this Act before the commencement.

*Note—*

Under section 9AA, the Queensland All Codes Racing Industry Board is continued in existence under this Act under the name Racing Queensland Board and is referred to as the board. The use of ‘all-codes board’ is to help with understanding this chapter.

*made* includes given and issued.

*pre-amended Act* means this Act as in force immediately before the commencement.

*previous*, for a stated provision that includes a number, means the provision with that number immediately before the commencement.

### 465 Purpose of chapter and relationship with Racing Integrity Act

- (1) The purpose of this chapter is to make provisions for some matters under this Act as in force or as existing immediately before the commencement.
- (2) The Racing Integrity Act, chapter 8 states how particular matters dealt with under this Act before the commencement continue as matters under the Racing Integrity Act.
- (3) Also, a regulation made under the Racing Integrity Act, section 293 may provide for how a matter dealt with under

this Act before the commencement is to be dealt with under that Act.

*Note—*

See also section 495.

- (4) This chapter does not limit the *Acts Interpretation Act 1954*, part 6 unless there is a statement to the contrary.

*Examples for subsection (4)—*

- 1 Despite the repeal of previous section 6, bets made before the commencement are lawful bets.
- 2 An omission to disclose the nature of an interest as mentioned in section 9BJ(2) is only an offence if committed after the commencement.

## **Part 2 Provisions relating to chapter 2**

### **467 Existing member of all-codes board**

- (1) A person who was a member of the all-codes board immediately before the commencement stops being a member.
- (2) Subsection (1) applies despite the *Acts Interpretation Act 1954*, section 20B.

### **468 Appointment to board for 2 years after commencement**

- (1) For the purposes of section 9AJ(1)(a), a person is not an eligible individual if, at any time during the 2 years before the commencement, the person was any of the following—
  - (a) the chief executive officer of the all-codes board;
  - (b) licensed by the all-codes board;
  - (c) an executive officer of a corporation that, at any time during the 2-year period, was licensed by the all-codes board;

- (d) a member of a committee of, or an employee of, an entity that, at any time during the 2-year period, was a licensed club or an association formed in Australia to promote the interests of 1 or more participants in a code of racing, whether or not a board code of racing.
- (2) This section expires 2 years after the commencement.

## Schedule 3 Dictionary

### section 5

***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.

***accreditation application*** see section 129(1).

***accreditation certificate*** see section 132(2).

***accreditation holder*** means the person named in an accreditation certificate as the holder of the accreditation for the facility named in the certificate.

***accredited analyst*** means—

- (a) for an accredited facility—a person named in the accredited facility's accreditation certificate as an accredited analyst for the accredited facility; or
- (b) for a secondary facility for an accredited facility—a person named in the accredited facility's accreditation certificate as an accredited analyst for the secondary facility.

***accredited facility*** means a facility named in an accreditation certificate as an accredited facility.

***accredited veterinary surgeon***, for an accredited facility, means a veterinary surgeon named in the accredited facility's accreditation certificate as an accredited veterinary surgeon.

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**Act document**, for chapter 8, part 1, division 1, see section 310.

**advertising notice** see section 13(2)(a).

**affected by bankruptcy action**, in relation to an individual, means the individual is insolvent under administration within the meaning of the Corporations Act, section 9.

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

**agreement**, for chapter 4, part 4, see section 142.

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

**allotted**, by a control body, means allotted by the control body by publication in the control body's racing calendar.

**analyse** includes test.

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

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

**application code**, in relation to an approval application, means a code of racing, or a proposed code of racing, stated in the approval application.

**application for a licence** means an application under a control body's policies for a licence that may be issued by the control body.

**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.

*Example of standing—*

the level at which a person is employed by an entity

**approval** means—

- (a) in relation to an approval applicant, the Minister's approval of the approval applicant; or

- (b) in relation to a control body, the Minister's approval of the control body.

**approval applicant** means the applicant named in an approval application as the applicant.

**approval application** means an application, made under section 10(1), for approval of a corporation as a control body for an application code.

**approval effect day**, in relation to a control body, means the day stated in the Minister's approval as the day on which the approval takes effect.

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

**approved form** means a form approved under section 343.

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

**assessment report** means a report under section 18(2) or 19(3) about an approval application or approval applications.

**at**, a place, includes in and on the place.

**authorised officer** see section 261(2).

**background document**, for chapter 8, part 1, division 1, see section 310.

**bet** includes the action, behaviour, conduct or performance of a person who, whether on 1 or more than 1 occasion, does any of the following acts for himself or herself or for another person, or who cooperates with another person for the doing of any of the acts—

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager;
- (c) offers, agrees or otherwise negotiates—
  - (i) to bet or wager; or
  - (ii) to pay, receive or settle a bet or wager.

***betting meeting*** means a meeting held by a licensed club at a licensed venue under the control of a control body, but at which no race is held.

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

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

***board meeting*** means a meeting of the integrity board.

***board member*** means a member of the integrity board.

***bookmaking*** means the business of receiving or negotiating bets and includes the settlement of bets.

***business address***, of a control body, means the business address of the control body as stated in its approval.

***business associate***—

- (a) means—
- (i) for an approval application, means a person whom the chief executive believes will, if the approval applicant is approved as a control body, be associated with the ownership or management of the operations of the control body; or
  - (ii) for a corporation approved as a control body, means a person whom the chief executive believes is associated with the ownership or management of the operations of the corporation as a control body; or
  - (iii) of an applicant for an eligibility certificate, means a person whom the gaming executive believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
  - (iv) of a certificate holder who is not licensed as a racing bookmaker, means a person whom the gaming executive believes will, if the holder is licensed as a racing bookmaker, be associated with

the ownership or management of the business conducted by the racing bookmaker; or

- (v) of a certificate holder who is licensed as a racing bookmaker, means a person whom the gaming executive believes is associated with the ownership or management of the business conducted by the racing bookmaker; and
- (b) includes, for any corporation, an executive officer of the corporation.

***candidate***—

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

***certificate holder*** means the holder of an eligibility certificate that continues to have effect.

***certified copy***, in relation to a racing bookmaker's licence of a corporation, means a copy of the licence certified as a true copy by the control body that granted the licence.

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

***closure date*** see section 14(2).

***club*** means either of the following that has, as part of its objects, the object of promoting animal racing of a particular breed or type of animal—

- (a) a corporation registered under the Corporations Act;
- (b) an incorporated association under the *Associations Incorporation Act 1981*.

***code of racing*** means any of the following—

- (a) thoroughbred racing;
- (b) harness racing;
- (c) greyhound racing;
- (d) another type of animal racing stated in a Minister's approval as the code of racing for which the approval is given.

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**code of racing**, in relation to a control body, means the code of racing stated in the approval of the control body as the code of racing for which the approval is given.

**code substance** means a substance, other than a drug, that—

- (a) is relevant to a control body's code of racing; and
- (b) is mentioned in an agreement between the control body and an accredited facility.

**commissioner** means the Racing Integrity Commissioner.

**compliance officer** means a person appointed as a compliance officer under section 261(1)(a).

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

**conduct**, for chapter 8, part 1, division 2, see section 314.

**confidential information**, for chapter 8, part 1, division 1, see section 310.

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

**container** includes a bag.

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

**control body direction** see section 34(2).

**control body form** means a form approved by a control body for its code of racing.

**control body officer**, for chapter 8, part 1, division 1, see section 310.

**conviction**, of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.

**copy**, for chapter 8, part 1, division 1, see section 310.

**corresponding new control body**, for chapter 10, part 5, see section 412.

**court**, for chapter 8, part 1, division 1, see section 310.

**criminal history**, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

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

**criminal organisation** means—

- (a) for definition *identified participant*—a criminal organisation under the Criminal Code, section 1; or
- (b) otherwise—an organisation identified by the police commissioner as a criminal organisation within the meaning of the Criminal Code, section 1.

**deal**, in relation to a thing for analysis, see section 142.

**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 action**, relating to an accreditation, approval or licence, means 1 or more of the following—

- (a) cancelling the accreditation, approval or licence;

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- (b) suspending the accreditation, approval or licence for a stated period;
  - (c) varying the accreditation, approval or licence in either of the following ways, except if the variation is made as the result of an application of the accreditation holder, control body or licence holder—
    - (i) changing a condition stated in the accreditation, approval or licence to which it is subject;
    - (ii) stating a new condition to which the accreditation, approval or licence is to be subject;
  - (d) for a licence—
    - (i) imposing a monetary penalty; or
    - (ii) closing, for a stated period, premises or part of premises stated in the licence as premises at which an activity may be conducted under the licence.

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

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

***disqualifying conviction*** means either of the following—

- (a) a conviction, whether or not a spent conviction, for an offence under—
  - (i) this Act; or
  - (ii) the repealed Act; or
  - (iii) a law of another State, that is prescribed under a regulation as a law about racing or betting;
- (b) a conviction for an indictable offence under another Act or law, other than an irrelevant spent conviction.

***drug*** means—

- (a) a substance mentioned in the Standard for the Uniform Scheduling of Medicines and Poisons as in force from time to time, published by the Commonwealth; or
- (b) another substance, likely to affect the performance of a licensed animal, prescribed under a regulation.

**drug control**, relating to animals or licensed animals, means the control of drugs and code substances in relation to animals or licensed animals.

**eligibility certificate** means an eligibility certificate granted to a person by the gaming executive stating that, until a date stated in the certificate, the person is eligible to apply to a control body for a racing bookmaker's licence.

**eligible corporation** see section 8.

**employ**, for chapter 6, includes—

- (a) engage; and
- (b) employ or engage whether or not for payment.

**exclusion action**, relating to a person, means an action taken by a control body against the person, by which the control body does any of the following under its rules of racing—

- (a) names the person on a list that—
  - (i) is kept under the control body's rules of racing and identifies persons whose entitlements under the rules are forfeited; and
  - (ii) is, from time to time, published in the control body's racing calendar;
- (b) disqualifies the person from becoming the holder of a licence issued by the control body;
- (c) warns off the person from entering, or remaining at, a licensed venue, or other place at which trials are or are to be conducted, when the licensed venue or place is under the control of the control body.

**executive associate**—

- (a) for an approval application, means an executive officer of a corporation, partner, trustee, or another person stated by the chief executive, whom the chief executive believes will, if the approval applicant is approved as a control body, be associated with the ownership or management of the operations of the control body; or

- 
- (b) for a corporation approved as a control body, means an executive officer of a corporation, partner, trustee, or another person stated by the chief executive, whom the chief executive believes is associated with the ownership or management of the operations of the corporation as a control body; or
- (c) of an applicant for an eligibility certificate, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
- (d) of a certificate holder who is not licensed as a racing bookmaker, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the business conducted by the racing bookmaker; or
- (e) of a certificate holder who is licensed as a racing bookmaker, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive believes is associated with the ownership or management of the business conducted by the racing bookmaker.

*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).

***facsimile warrant*** see section 275(4).

***forge***, for chapter 8, part 1, division 1, see section 310.

***former board—***

(a) for chapter 10, part 4—see section 397; or

(b) for chapter 10, part 5—see section 412.

***gaming executive*** means the chief executive of the department in which the *Wagering Act 1998* is administered.

***gaming executive form*** means a form approved by the gaming executive under section 260.

***Greyhound Authority*** means the Greyhound Racing Authority established under the repealed Act and continued as the control body for greyhound racing until 30 June 2008 under section 359.

*Note—*

See chapter 10, part 5 for provisions about the dissolution of the Greyhound Authority.

***Harness Racing Board*** means the Queensland Harness Racing Board established under the repealed Act and continued as the control body for harness racing until 30 June 2008 under section 359.

*Note—*

See chapter 10, part 5 for provisions about the dissolution of the Harness Racing Board.

***holding company***, in relation to body corporate, see Corporations Act, section 9.

***identified participant***, in a criminal organisation, means a person who is identified by the police commissioner as a

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participant in the organisation within the meaning of the Criminal Code, section 60A(3).

***illegal betting place*** see section 322.

***indictable offence*** includes an indictable offence dealt with summarily.

***information notice***, for a decision, means a notice stating the following—

- (a) the decision;
- (b) the date of the decision;
- (c) the date the decision takes effect;
- (d) the reasons for the decision;
- (e) if, under this Act, a person may apply for a review of the decision—how the person applies for the review and the time within which the application must be made.

***integrity board*** means the Racing Animal Welfare and Integrity Board established under section 114.

***integrity officer*** means a person appointed as an integrity officer under section 261(1)(b).

***interfere with***, in relation to a licensed animal, for chapter 8, part 1, division 3, see section 316.

***irrelevant spent conviction*** means a spent conviction relating to an offence that did not involve dishonesty, fraud, stealing, unlawful betting or unlawful bookmaking.

***keep***, in relation to a place, includes the action, behaviour, conduct or performance of a person who, at any material time, acts or behaves or appears to act or behave as the person having the care, control or management of that place at that time.

***licence*** means a licence issued by a control body to the licence holder for 1 of the following—

- (a) an animal suitable for racing in the control body's code of racing;

- (b) a club suitable to be associated with the control body's code of racing;
- (c) a person suitable to be a participant in the control body's code of racing, including, for example, as an owner of an animal, racing bookmaker, racing bookmaker's clerk, rider, stable supervisor, stablehand or trainer;
- (d) a venue suitable for race meetings for the control body's code of racing.

***licence holder*** means—

- (a) for an animal or place—the person stated in the licence as the holder of the licence; or
- (b) otherwise—the person who is licensed.

*Example of a licence holder for paragraph (a)—*

An animal called 'Rocket' may be licensed by a control body. Joan Rockettes may be the owner of the licensed animal. The licence will state that Joan Rockettes is the licence holder of the licence for the licensed animal 'Rocket'.

***licensed***—

- (a) in relation to a control body—means licensed by the control body; or
- (b) otherwise—means licensed by a control body.

***licensed animal*** means—

- (a) an animal that is licensed by a control body for its code of racing; or
- (b) an animal that a person presents at a licensed venue, another place where a trial for licensed animals is or is to be held or any other place, as if the animal were a licensed animal.

***licensed club*** means a club licensed by a control body to hold race meetings for the control body's code of racing.

***licensed executive officer***, of a corporation that is a racing bookmaker, means an executive officer of the corporation identified in the corporation's racing bookmaker's licence as an executive officer who may carry on bookmaking for the corporation under the licence.

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**licensed venue** means a place licensed by a control body as a place at which a race meeting may be held by a licensed club for the control body's code of racing.

**liquor** has the meaning given in the *Liquor Act 1992*, section 4B.

**manage**, in relation to a code of racing or proposed code of racing, includes—

- (a) regulating activities associated with the code of racing or proposed code of racing; and
- (b) prohibiting some activities, or aspects of an activity, associated with the code of racing or proposed code of racing.

**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.

**Minister's approval** means an approval as a control body given by the Minister to an approval applicant under section 26.

**money** includes—

- (a) bank notes, coins, bank drafts, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money; and
- (b) an acknowledgement, note or other thing purporting or intended to entitle the bearer or another person to money or money's worth.

**national police certificate** means a document known as a national police certificate and available from the police commissioner.

**net UNiTAB product fee**, in relation to a control body, means the amount of the product fee paid to the control body less the following amounts—

- (a) the amount paid by the control body to Queensland Race Product Co Ltd (ACN 081 743 722) for administrative costs;
- (b) the amount paid by the control body to an accredited facility under an agreement entered into under section 40 by the control body with the accredited facility.

**new control body** see section 427.

**new greyhound control body**, for chapter 10, part 5, see section 412.

**new harness control body**, for chapter 10, part 5, see section 412.

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

**nominated person**, for chapter 4, part 4, see section 142.

**non-industry member** see section 9AI(1)(a).

**non-proprietary club** means a club with a constitution that does both of the following—

- (a) provides for the application of all of the club's profits and other income to the promotion of the club's objects;
- (b) prohibits the payment of dividends to the members of the club.

**non-proprietary entity**, for chapter 3, part 5, division 4, see section 111.

**non-TABQ thoroughbred club** means a club for which the TABQ does not, or is unlikely to, offer wagering on the majority of the club's races of thoroughbred horses.

**non-TABQ thoroughbred race** means a race of thoroughbred horses on which the TABQ does not, or is unlikely to, offer wagering.

**notice** means a written notice.

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

**notice of results** see section 147(2).

**objector** see section 15(1).

**occupier** of a place—

- (a) means any of the following—
  - (i) the owner or person apparently in charge of the place;
  - (ii) the person who has the care, management or supervision of the place or who is conducting a business at the place; and
- (b) includes, for chapter 8, a person employed by, or acting for, a person mentioned in paragraph (a).

**offcourse approval** see section 243.

**official**, of a control body, means a person who holds a position in the control body that is stated, under the control body's rules of racing, as a position for which the holder is an official of the control body.

*Examples—*

A control body's rules of racing may state a holder of the position of handicapper, starter or steward is an official of the control body.

**owner**, for a thing seized under this Act by an authorised officer, includes a person who would be entitled to possession of the thing had it not been seized.

**participant** means a person involved with a code of racing, other than—

- (a) a club; or
- (b) a person who participates merely by doing either or both of the following—
  - (i) attending a race meeting;
  - (ii) placing a bet with a racing bookmaker at a race meeting.

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

**place** includes the following—

- (a) land;
- (b) premises;
- (c) a vehicle.

***place of seizure*** see section 290(a).

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

***policy*** means a policy made by a control body for its code of racing, under chapter 3, part 2.

***possess*** a thing—

- (a) for chapter 8, part 1, division 3—see section 316; or
- (b) otherwise—includes—
  - (i) have custody of the thing; and
  - (ii) have control of it at any place, whether or not someone else has custody of it; and
  - (iii) have an ability to obtain its custody at will; and
  - (iv) have a claim to its custody if the claimant has committed it to the custody of someone, even though the thing is temporarily not in the control of the person having the claim.

***premises*** includes—

- (a) a building or structure, or part of a building or structure, of any type; and
- (b) a group of buildings or structures, or part of a group of buildings or structures, of any type.

***product fee*** means the product fee under the Product and Program Agreement entered into by the Totalisator Administration Board of Queensland, Queensland Race Product Co Ltd (ACN 081 743 722), Queensland Principal Club, Queensland Harness Racing Board and Greyhound Racing Authority, dated 9 June 1999.

***prohibited thing***, for chapter 8, part 1, division 3, see section 316.

***proposed action***—

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

***proposed code of racing*** means a type of animal racing, other than a code of racing, stated in an approval application as a proposed code of racing.

***proposed facility*** means a facility the subject of an accreditation application.

***public place*** means—

- (a) a place, or part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or
- (b) a place, or part of a place, the occupier of which allows, whether or not on payment of money, members of the public to enter.

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

***QCAT registrar*** means the principal registrar under the QCAT Act.

***qualified person*** see section 285.

***race*** means a contest, contingency or event held under the control of a control body in which 2 or more licensed animals compete against each other for the purpose of providing a contest, contingency or event on which bets may be made.

***race meeting*** means—

- (a) a meeting for conducting racing of licensed animals; or
- (b) a betting meeting.

***racing bookmaker*** means the holder of a racing bookmaker's licence.

***racing bookmaker's clerk*** means the licence holder of a racing bookmaker's clerk licence.

***racing bookmaker's clerk licence*** means a licence from a control body to be employed by a racing bookmaker as a clerk in the conduct of the racing bookmaker's business at a licensed venue.

***racing bookmaker's licence*** means a licence from a control body as a racing bookmaker for the code of racing that the control body is approved to manage.

***racing calendar*** see section 38(1).

***racing contingency***, for chapter 8, part 1, division 2, see section 314.

***racing-industry member*** see section 9AI(1)(b).

***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.

***regulation condition*** see section 30(1).

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

***relevant control body***, for chapter 3, part 5, division 4, see section 111.

***repealed Act*** means the *Racing and Betting Act 1980*.

***rider***, of an animal, includes—

- (a) the driver of the animal; and
- (b) the jockey for the animal.

***rules of racing*** means the rules of racing, as in force from time to time, of a control body for its code of racing, as required under section 91(1).

***sample***, relating to an animal, means biological or other material taken from or produced by the animal, and includes

blood, faecal material, hair, saliva, sweat, tissue, urine and vomit.

**secondary facility**, for an accredited facility, means a facility named in the accredited facility's accreditation certificate as a secondary facility for the accredited facility.

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

**spent conviction** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed under section 11 of that Act.

**sporting contingency** includes the following whether happening in Queensland or elsewhere—

- (a) a contest, contingency or event relating to animals, other than a race;
- (b) a contest, contingency or event relating to an athletic meeting, exercise, fight, game, pastime or sport.

**staff**, relating to a control body, means persons employed by the control body in any capacity.

**steward**—

- (a) in relation to a control body—means a person appointed as a steward or deputy steward by the control body; or
- (b) otherwise—means a person appointed as a steward or deputy steward by a control body.

**substance**, for chapter 4, part 4, see section 142.

**substantial holding** see Corporations Act, section 9.

**TABQ** means TAB Queensland Limited ACN 085 691 738.

**take**, in relation to a sample or thing, includes separating the sample or thing and placing it in more than 1 container.

**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.

**thing**—

- (a) for chapter 4, parts 2 and 4—includes a sample; or
- (b) for chapter 7, part 2, division 4—see section 287.

**Thoroughbred Racing Board** means the Queensland Thoroughbred Racing Board established under the repealed Act and continued as the control body for thoroughbred racing until 30 June 2006 under section 359.

**Note**—

See chapter 10, part 4 for provisions about the dissolution of the Thoroughbred Racing Board.

**trial** means a contest, contingency or event held under the control of a control body for testing or training licensed animals, but is not a contest, contingency or event on which bets may be made.

**tribunal** means QCAT.

**unsuitable corporation** means a corporation—

- (a) that is a criminal organisation; or

- (b) in which a substantial holding in the corporation is held by—
  - (i) an identified participant in a criminal organisation; or
  - (ii) a criminal organisation; or
- (c) that has a holding company that is a criminal organisation.

**use**, a prohibited thing on a licensed animal, for chapter 8, part 1, division 3, see section 316.

**vehicle** means anything used for carrying any animal, person or thing by land, water or air.

**venue** includes a track.

**veterinary surgeon** see the *Veterinary Surgeons Act 1936*, the schedule.

**warrant form** see section 275(5)(b).

**welfare**, in relation to animals or licensed animals, means protecting the health, safety and wellbeing of animals or licensed animals, including, for example—

- (a) drug control relating to animals or licensed animals; and
- (b) the prevention and management of diseases that may affect animals or licensed animals.

## 1 Index to endnotes

- 2 Key
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## 2 Key

### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnum</b>	= unnumbered
		<b>m</b>	
<b>prev</b>	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	2003 Act No. 30	1 July 2003	
1A	2003 Act No. 94	3 December 2003	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	—	2 July 2004	provs exp 1 July 2004
1C	2004 Act No. 53	29 November 2004	
1D	2005 Act No. 4	21 March 2005	
1E	2005 Act No. 14	22 April 2005	
1F	2005 Act No. 7	1 August 2005	
1G	2006 Act No. 18	2 May 2006	
1H	2006 Act No. 18	1 July 2006	R1H withdrawn, see R2
2	—	1 July 2006	
2A	2008 Act No. 24	1 July 2008	
2B	2008 Act No. 75	30 January 2009	
2C	2008 Act No. 75	23 February 2009	
2D	2009 Act No. 9	1 July 2009	
2E	2009 Act No. 41	15 October 2009	
2F	2009 Act No. 24 (amd 2009 Act No. 48)	1 December 2009	
2G	2010 Act No. 22	1 July 2010	
2H	2010 Act No. 54	1 January 2011	R2H withdrawn, see R3
3	—	1 January 2011	
3A	2012 Act No. 42	11 December 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 May 2013	2012 Act No. 42	

Current as at	Amendments included	Notes
1 August 2013	2012 Act No. 42	
23 September 2013	2013 Act No. 39	
1 November 2013	2013 Act No. 51	
1 July 2014 rv	2013 Act No. 64 2014 Act No. 21	RA ss 27, 43
1 May 2016	2016 Act No. 12	

## 4 List of legislation

### **Racing Act 2002 No. 58**

date of assent 14 November 2002

ss 1–2 commenced on date of assent

s 398(1) sch 2 pt 1 relating to the Racing and Betting Amendment Act (No. 2) 2001 amdt commenced 4 April 2002 (see s 2(2))

remaining provisions commenced 1 July 2003 (2003 SL No. 141)

Notes—(1) This Act contains provisions that were relocated from the Racing and Betting Act 1980 (2002 No. 58 sch 2 pt 2 div 2).

(2) ss 5 (defs *committee*, *officer* and *selection panel*), 11, 11A, 11AA, 11C–11FB, 11G–15A, 35–50, 53–54A, 76–91, 94–95A, 132 are relocated to the Racing Act 2002 into sch 1 pt 1 s 1, sch 1 pt 2, sch 1 pt 3, sch 1 pt 4 and sch 1 pt 5 (2002 No. 58 sch 2 pt 2 div 2).

amending legislation—

### **Commercial and Consumer Tribunal Act 2003 No. 30 ss 1–2, 169 sch 1**

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (see s 2)

### **Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2003 No. 94 s 1, pt 14**

date of assent 3 December 2003

commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004

commenced on date of assent

### **Summary Offences Act 2005 No. 4 ss 1–2, 30 sch 1**

date of assent 3 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 21 March 2005 (2005 SL No. 34)

**Racing Amendment Act 2005 No. 7**

date of assent 18 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 2005 (2005 SL No. 171)

**Tourism, Fair Trading and Wine Industry Development (Miscellaneous Provisions) Act 2005 No. 14**

date of assent 22 April 2005

commenced on date of assent

**Racing Amendment Act 2006 No. 18**

date of assent 2 May 2006

ss 1–3, 9 commenced on date of assent

remaining provisions commenced 1 July 2006 (see s 2)

**Racing Amendment Act 2008 No. 24**

date of assent 9 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (see s 2)

**Revenue and Other Legislation Amendment Act (No. 2) 2008 No. 75 ss 1, 2(11)–(13), pt 13**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

s 90 (as far as it ins s 113C) commenced 23 February 2009 (see s 2(12) and 2009 SL No. 3)

remaining provisions commenced 30 January 2009 (2009 SL No. 3)

**Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1**

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 58 (this Act is amended, see amending legislation below)**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

amending legislation—

**State Penalties Enforcement and Other Legislation Amendment Act 2009 No. 48 ss 1, 100A–101 (amends 2009 No. 24 above)**

date of assent 19 November 2009

commenced on date of assent

**Gambling and Other Legislation Amendment Act 2009 No. 41 s 1, pt 9**

date of assent 15 October 2009

commenced on date of assent

**Racing and Other Legislation Amendment Act 2010 No. 22 pts 1–2**

date of assent 7 June 2010

ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2010 (see s 2)

**Fair Trading (Australian Consumer Law) Amendment Act 2010 No. 54 ss 1–2, 67 sch**

date of assent 1 December 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2011 (2010 SL No. 359)

**Racing and Other Legislation Amendment Act 2012 No. 42 pts 1, 3, s 75 sch**

date of assent 11 December 2012

ss 1–2 commenced on date of assent

ss 10, 13 commenced on date of assent (see s 2)

ss 6(2) (to the extent it ins s 4(2)(ea)), (3), 11 (to the extent it ins s 9BM(2)(c)–(d)), 40, 42–43, 46 (to the extent it ins s 113AO), 48–53, 70–72, 73 (to the extent it ins s 456), 74(1) (to the extent it om def *appeal committee*), 74(2) (to the extent it ins defs *accepted appeal*, *aggrieved person*, *appeal chairperson*, *appellable decision*, *chairperson*, *constituted board*, *deputy chairperson*, *disciplinary board*, *expert*, *member*, *notice of appeal*, *party*, *QCAT information notice*, *referred appeal*, *registrar* and *relevant control body*) commenced 1 August 2013 (2013 SL No. 149)

remaining provisions commenced 1 May 2013 (2013 SL No. 54)

**Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 ss 1, 109 sch 2, 110(1) sch 3 pt 1**

date of assent 23 September 2013

commenced on date of assent

**Directors' Liability Reform Amendment Act 2013 No. 51 ss 1–2(1), pt 58**

date of assent 29 October 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 2013 (see s 2(1))

**Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013 No. 64 ss 1, 2(1), pt 15**

date of assent 27 November 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 immediately after the commencement of the Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013, s 37 (2014 SL No. 90)

**Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), 94(2) sch 2**

date of assent 21 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 107)

**Racing Integrity Act 2016 No. 12 ss 1–2, ch 9 pt 3, s 389 sch 2 pt 1**

date of assent 27 April 2016

ss 1–2 commenced on date of assent

ss 301, 308–310, 312–313, 387 (to the extent it ins ch 11 hdg, ch 11 pt 1, ch 11 pt 2 hdg, ss 467–468), 388 (to the extent it ins defs *non-industry member*, *racing-industry member*) commenced 1 May 2016 (2016 SL No. 41)

ss 302–307, 311, 314–386, 387 (other than to the ext it ins ch 11 hdg, ch 11 pt 1, ch 11 pt 2 hdg, ss 467, 468), 388 (other than to the extent it ins defs *non-industry member* and *racing-industry member*), sch 2 pt 1 not yet proclaimed into force (see s 2)

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**Joinder of person as party**

s 184 om 2009 No. 24 s 724

**Costs**

s 185 amd 2005 No. 14 s 2 sch  
om 2009 No. 24 s 724

**Powers of tribunal on appeal**

s 186 om 2009 No. 24 s 724

**Form of decisions of tribunal**

s 187 om 2009 No. 24 s 724

**Director must give information notice to parties**

s 188 amd 2005 No. 14 s 2 sch  
om 2009 No. 24 s 724

**Effect of tribunal's decision**

s 189 om 2009 No. 24 s 724

**Contempt of tribunal**

s 190 om 2009 No. 24 s 724

**Protection and immunity of tribunal members**

s 191 om 2009 No. 24 s 724

**Annual report on operation of tribunal**

s 192 om 2009 No. 24 s 724

**PART 5—APPEAL FROM TRIBUNAL TO DISTRICT COURT**

pt 5 (s 193) om 2009 No. 24 s 724

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**Requirement to hold racing bookmaker's licence or approval**

s 194 amd 2012 No. 42 s 54

**Requirement for racing bookmaker to hire licensed clerk**

s 195 amd 2012 No. 42 s 55

**Requirement to hold licence as a racing bookmaker's clerk**

s 196 amd 2012 No. 42 s 56

**Requirement to produce licence or approval**

s 197 amd 2012 No. 42 s 57

**Unlawful bookmaking by racing bookmaker**

s 199 amd 2012 No. 42 s 58

**Requirements for betting by racing bookmakers**

s 200 amd 2012 No. 42 s 75 sch

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

s 200A ins 2012 No. 42 s 59

**PART 3—ELIGIBILITY CERTIFICATES**

**Suitability of applicants for eligibility certificate**

s 203 amd 2013 No. 64 s 139

**Conditions for granting application for eligibility certificate**

s 211 amd 2013 No. 64 s 140

**Information about whether persons are identified participants in criminal organisations**

s 212A ins 2013 No. 64 s 141

**Criminal history reports for investigations**

s 213 amd 2012 No. 42 s 60

**Decision on application**

s 217 amd 2013 No. 64 s 142

**Period for which eligibility certificate has effect**

s 219 amd 2012 No. 42 s 75 sch

**Investigations into suitability of certificate holder**

s 224 amd 2013 No. 64 s 143

**Investigation into suitability of associate of certificate holder**

s 225 amd 2013 No. 64 s 144

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s 227 amd 2012 No. 42 s 61

**Grounds for cancellation**

s 230 amd 2013 No. 64 s 145

**Immediate cancellation of eligibility certificate**

s 230A ins 2013 No. 64 s 146

**Show cause notice**

s 231 amd 2013 No. 64 s 147

**Censuring certificate holder**

s 235 amd 2013 No. 64 s 148

**Cancellation of eligibility certificate**

s 236 amd 2013 No. 64 s 149

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s 237 amd 2013 No. 64 s 150

**Automatic cancellation of all licences granted to racing bookmakers**

s 238 amd 2013 No. 64 s 151

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s 239 amd 2013 No. 64 s 152

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div hdg sub 2009 No. 24 s 725

**Review by QCAT of decisions relating to eligibility certificates**

s 242 sub 2009 No. 24 s 725

**Confidentiality of criminal intelligence in proceedings**

s 242A ins 2013 No. 64 s 153

**Application of Judicial Review Act 1991**

s 242B ins 2013 No. 64 s 153

**PART 3A—OFFCOURSE APPROVALS FOR RACING BOOKMAKERS**

pt hdg ins 2012 No. 42 s 62

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

div hdg ins 2012 No. 42 s 62

**Application for offcourse approval**

s 243 prev s 243 om 2009 No. 24 s 725  
pres s 243 ins 2012 No. 42 s 62

**Further information or documents to support application**

s 244 prev s 244 om 2009 No. 24 s 725  
pres s 244 ins 2012 No. 42 s 62

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

s 245 prev s 245 om 2009 No. 24 s 725  
pres s 245 ins 2012 No. 42 s 62

**Consideration of application**

s 246 prev s 246 om 2009 No. 24 s 725  
pres s 246 ins 2012 No. 42 s 62

**Decision on application**

s 247 prev s 247 om 2009 No. 24 s 725  
pres s 247 ins 2012 No. 42 s 62

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

s 248 prev s 248 om 2009 No. 24 s 725  
pres s 248 ins 2012 No. 42 s 62

**What is the accepted undertaking for an offcourse approval**

s 248A ins 2012 No. 42 s 62

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s 248B ins 2012 No. 42 s 62

**Division 2—Cancellation of offcourse approval**

div 2 (ss 248C–248L) ins 2012 No. 42 s 62

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div 3 (s 248M) ins 2012 No. 42 s 62

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s 249 amd 2008 No. 24 s 15; 2012 No. 42 s 63

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s 254 amd 2012 No. 42 s 64

**Bookmaking on certain declared sporting contingencies**

s 255 amd 2012 No. 42 s 65

**Racing bookmaker’s agent during certain periods**

s 256 amd 2012 No. 42 s 66

**Power of entry**

s 270 amd 2012 No. 42 s 67

**General powers of integrity officer after entering places**

s 285 amd 2012 No. 42 s 75 sch

**Definitions for div 1**

s 310 def *background document* amd 2012 No. 42 s 68

def *confidential information* amd 2013 No. 64 s 154

def *control body officer* sub 2008 No. 24 s 16

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

s 311 sub 2012 No. 42 s 69

amd 2013 No. 64 s 155

**Application of div 4**

s 320 amd 2005 No. 4 s 30 sch 1

**Types of offences**

s 334 amd 2009 No. 41 s 98; 2012 No. 42 s 75 sch

**Executive officers must ensure corporation complies with Act**

s 339 om 2013 No. 51 s 180

**CHAPTER 9—MISCELLANEOUS PROVISIONS**

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pt hdg (prev div 1 hdg) amd 2006 No. 18 s 3 sch

**PART 2—FORMS AND USE OF EMAIL ADDRESSES**

pt hdg (prev div 2 hdg) amd 2006 No. 18 s 3 sch

**PART 3—ADMINISTRATIVE AND OTHER MATTERS**

**pt hdg** (prev div 3 hdg) amd 2006 No. 18 s 3 sch

**Matters must be considered appropriate on grounds that are reasonable in the circumstances**

s 351 amd 2009 No. 24 s 726; 2010 No. 22 s 21; 2012 No. 42 s 70

**Records about drugs and veterinary surgeons**

s 352 amd 2012 No. 42 s 75 sch

**Integrity of analysis of thing**

s 352A ins 2008 No. 75 s 92  
amd 2010 No. 22 s 22; 2012 No. 42 s 71

**Delegations**

s 354 amd 2008 No. 24 s 17

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**pt hdg** (prev div 4 hdg) amd 2006 No. 18 s 3 sch

**Regulation-making power**

s 355 amd 2003 No. 30 s 169 sch 1; 2006 No. 18 s 3 sch; 2009 No. 24 s 727; 2012 No. 42 s 72

**CHAPTER 10—REPEAL, TRANSITIONAL PROVISIONS AND OTHER PROVISIONS**

**Effect of relocation**

s 358 amd 2008 No. 24 s 18

**Codes of racing for which continuing control bodies responsible**

s 359 amd 2006 No. 18 s 6; 2008 No. 24 s 19

**Powers of continuing control body**

s 364 amd 2006 No. 18 s 7; 2008 No. 24 s 20

**Membership of continuing control body and chairpersons**

s 366 amd 2006 No. 18 s 8

**Racing calendar**

s 369 amd 2003 No. 94 s 78

**Expiry of sch 1 (Relocated provisions)**

s 370 amd 2006 No. 18 s 9  
om 2008 No. 24 s 21

**Rules of continuing control bodies are rules of racing under this Act**

s 377 amd 2006 No. 18 s 10; 2008 No. 24 s 22

**Registered clubs taken to be licensed**

s 379 amd 2006 No. 18 s 11; 2008 No. 24 s 23

**PART 3—TRANSITIONAL PROVISION FOR RACING AMENDMENT ACT 2005**

**pt 3 (s 396A)** ins 2005 No. 7 s 23

**PART 4—TRANSITIONAL PROVISIONS FOR RACING AMENDMENT ACT 2006**

**pt hdg** ins 2006 No. 18 s 12

**Definitions for pt 4**

**s 397** prev s 397 exp 1 July 2004 (see s 397(4))

pres s 397 ins 2006 No. 18 s 12

**Dissolution of former board**

**s 398** ins 2006 No. 18 s 12

**New thoroughbred control body is legal successor of former board**

**s 399** ins 2006 No. 18 s 12

**Assets and liabilities etc.**

**s 400** ins 2006 No. 18 s 12

**Employees of former board**

**s 401** ins 2006 No. 18 s 12

**Proceedings**

**s 402** ins 2006 No. 18 s 12

**Things done by former board**

**s 403** ins 2006 No. 18 s 12

**Rights and obligations of former board under this Act**

**s 404** ins 2006 No. 18 s 12

**Application of audit regime to new thoroughbred control body**

**s 405** ins 2006 No. 18 s 12

**Provision for committee members**

**s 406** ins 2006 No. 18 s 12

**Provision for application of s 68M**

**s 407** ins 2006 No. 18 s 12

**Appeals**

**s 408** ins 2006 No. 18 s 12

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

**s 409** ins 2006 No. 18 s 12

**Pt 4 does not affect existing legal relationships**

**s 410** ins 2006 No. 18 s 12

**References to former board**

**s 411** ins 2006 No. 18 s 12

**PART 5—TRANSITIONAL PROVISIONS FOR RACING AMENDMENT ACT 2008**

**pt 5 (ss 412–426)** ins 2008 No. 24 s 24

**PART 6—TRANSITIONAL PROVISIONS FOR THE RACING AND OTHER LEGISLATION AMENDMENT ACT 2010**

**pt hdg** ins 2010 No. 22 s 23

**Definitions for pt 6**

s 427 ins 2010 No. 22 s 23

**Cancellation of old approvals and issue of new approval**

s 428 ins 2010 No. 22 s 23

**Assets and liabilities etc.**

s 429 ins 2010 No. 22 s 23

**Provision taken to be included in constitutions of former control bodies**

s 430 ins 2010 No. 22 s 23

**Displacement provisions for Corporations legislation**

s 431 ins 2010 No. 22 s 23

**Employees of former control bodies**

s 432 ins 2010 No. 22 s 23

**Proceedings**

s 433 ins 2010 No. 22 s 23

**Things done by former control bodies**

s 434 ins 2010 No. 22 s 23

**Rights and obligations of former control bodies under this Act**

s 435 ins 2010 No. 22 s 23

**Application of audit regime to new control body**

s 436 ins 2010 No. 22 s 23

**Net UNiTAB product fee paid before commencement**

s 437 ins 2010 No. 22 s 23

**Appeals**

s 438 ins 2010 No. 22 s 23

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

s 439 ins 2010 No. 22 s 23

**Pt 6 does not affect existing legal relationships**

s 440 ins 2010 No. 22 s 23

**Dissolution of Queensland Country Racing Committee and country racing associations**

s 441 ins 2010 No. 22 s 23

**No compensation payable**

s 442 ins 2010 No. 22 s 23

**References to former control bodies**

s 443 ins 2010 No. 22 s 23

**Amendment of regulation by Racing and Other Legislation Amendment Act 2010**

s 444 ins 2010 No. 22 s 23

om 2013 No. 39 s 109 sch 2

**PART 7—TRANSITIONAL PROVISIONS FOR RACING AND OTHER  
LEGISLATION AMENDMENT ACT 2012**

**pt hdg** ins 2012 No. 42 s 73

**Division 1—Preliminary**

**div 1 (s 445)** ins 2012 No. 42 s 73

**Division 2—Provisions relating to former control body**

**div hdg** ins 2012 No. 42 s 73

**Cancellation of approval held by former control body**

**s 446** ins 2012 No. 42 s 73

**Assets and liabilities etc.**

**s 447** ins 2012 No. 42 s 73

**Displacement provision for Corporations legislation**

**s 448** ins 2012 No. 42 s 73

**Employees of former control bodies**

**s 449** ins 2012 No. 42 s 73

**Continuity of employment**

**s 450** ins 2012 No. 42 s 73

**Proceedings**

**s 451** ins 2012 No. 42 s 73

**Things done by former control body**

**s 452** ins 2012 No. 42 s 73

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

**s 453** ins 2012 No. 42 s 73

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

**s 454** ins 2012 No. 42 s 73

**Net UNiTAB product fee paid before commencement**

**s 455** ins 2012 No. 42 s 73

**Appeals**

**s 456** ins 2012 No. 42 s 73

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

**s 457** ins 2012 No. 42 s 73

**Existing legal relationships not affected**

**s 458** ins 2012 No. 42 s 73

**No compensation payable**

**s 459** ins 2012 No. 42 s 73

**References to control body or former control body**

**s 460** ins 2012 No. 42 s 73

**Division 3—Other provisions**

**div 3** (ss 461–462) ins 2012 No. 42 s 73

**PART 8—TRANSITIONAL PROVISION FOR CRIMINAL LAW (CRIMINAL ORGANISATIONS DISRUPTION) AND OTHER LEGISLATION AMENDMENT ACT 2013**

**pt 8** (s 463) ins 2013 No. 64 s 156

**CHAPTER 11—TRANSITIONAL PROVISIONS FOR RACING INTEGRITY ACT 2016**

**ch hdg** ins 2016 No. 12 s 387

**PART 1—PRELIMINARY**

**pt hdg** ins 2016 No. 12 s 387

**Definitions for chapter**

**s 464** ins 2016 No. 12 s 387

**Purpose of chapter and relationship with Racing Integrity Act**

**s 465** ins 2016 No. 12 s 387

**PART 2—PROVISIONS RELATING TO CHAPTER 2**

**pt hdg** ins 2016 No. 12 s 387

**Existing member of all-codes board**

**s 467** ins 2016 No. 12 s 387

**Appointment to board for 2 years after commencement**

**s 468** ins 2016 No. 12 s 387

**SCHEDULE 1—RELOCATED PROVISIONS**

**sch 1** om 2008 No. 24 s 25

**PART 1—DEFINITIONS FOR THIS SCHEDULE**

**pt hdg** om 2008 No. 24 s 25

**Definitions for sch 1**

**s 1** (prev 1980 No. 43 s 5, defs *committee*, *officer* and *selection panel*)  
om 2008 No. 24 s 25

def *committee* amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1

reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2

def *officer* amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1

reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2

def *selection panel* ins 2001 No. 90 s 21(2)

amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1

reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2

om 2006 No. 18 s 13(1)

**PART 2—PROVISIONS ABOUT THE QUEENSLAND THOROUGHBRED RACING BOARD**

**pt hdg** om 2006 No. 18 s 13(2)

**Continuation of Queensland Thoroughbred Racing Board**

**s 11** (prev 1980 No. 43 s 11) amd 1990 No. 88 s 3 sch

sub 1991 No. 81 s 5  
amd 2001 No. 90 ss 3B, 22; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Functions of Thoroughbred Racing Board**

s 11A (prev 1980 No. 43 s 11A) ins 1991 No. 81 s 5  
amd 1998 No. 18 s 8; 1999 No. 38 s 68; 2001 No. 90 ss 3 sch 1, 23; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
amd 2005 No. 7 s 24(1)  
om 2006 No. 18 s 13(2)

#### **Special responsibility of Thoroughbred Racing Board**

s 11AA (prev 1980 No. 43 s 11AA) ins 2001 No. 90 s 24  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Custody and affixing of seal**

s 11C (prev 1980 No. 43 s 11C) ins 1991 No. 81 s 5  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Authentication of documents**

s 11D (prev 1980 No. 43 s 11D) ins 1991 No. 81 s 5  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Thoroughbred Racing Board not agent of the Crown**

s 11E (prev 1980 No. 43 s 11E) ins 1991 No. 81 s 5  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Membership of Thoroughbred Racing Board**

s 11F (prev 1980 No. 43 s 11F) ins 1991 No. 81 s 5  
sub 1994 No. 17 s 6; 2001 No. 90 ss 5A, 25  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Chief executive to make enquiries**

s 11FA (prev 1980 No. 43 s 11FA) ins 2001 No. 90 s 25  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

#### **Obtaining the criminal history of a person**

s 11FB (prev 1980 No. 43 s 11FB) ins 2001 No. 90 s 25  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

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**Ineligibility for membership of Thoroughbred Racing Board**

s **11G** (prev 1980 No. 43 s 11G) ins 1991 No. 81 s 5  
 sub 1994 No. 17 s 6  
 amd 2000 No. 16 s 590 sch 1 pt 2; 2000 No. 21 s 8; 2001 No. 90 ss 3 sch 1, 26; 2002  
 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 amd 2005 No. 7 s 24(2)  
 om 2006 No. 18 s 13(2)

**Tenure of office**

s **11I** (prev 1980 No. 43 s 11I) ins 1991 No. 81 s 5  
 om 2001 No. 90 s 5B  
 ins 2001 No. 90 s 27  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Vacation of, and removal from, office**

s **11J** (prev 1980 No. 43 s 11J) ins 1991 No. 81 s 5  
 om 2001 No. 90 s 5B  
 ins 2001 No. 90 s 27  
 amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 amd 2004 No. 53 s 2 sch  
 om 2006 No. 18 s 13(2)

**Casual vacancy**

s **11K** (prev 1980 No. 43 s 11K) ins 1991 No. 81 s 5  
 om 2001 No. 90 s 5B  
 ins 2001 No. 90 s 28  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Remuneration of member of Thoroughbred Racing Board**

s **12** (prev 1980 No. 43 s 12) amd 1981 No. 19 s 9; 1987 No. 26 s 6; 1990 No. 85 s 5  
 sch 2  
 om 1991 No. 81 s 3 sch  
 ins 2001 No. 90 s 28  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Chairperson and deputy chairperson of Thoroughbred Racing Board**

s **12A** (prev 1980 No. 43 s 12A) ins 2001 No. 90 s 28  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Function of deputy chairperson**

s **12B** (prev 1980 No. 43 s 12B) ins 2001 No. 90 s 28  
 reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
 om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board responsible for conduct of its business**

s **12C** (prev 1980 No. 43 s 12C) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
amd 2004 No. 53 s 2 sch  
om 2006 No. 18 s 13(2)

**Times and places of meetings**

s **12D** (prev 1980 No. 43 s 12D) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Annual meeting of the Thoroughbred Racing Board**

s **12E** (prev 1980 No. 43 s 12E) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Presiding at meetings**

s **12F** (prev 1980 No. 43 s 12F) ins 2001 No. 90 s 28  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Conduct of meetings**

s **12G** (prev 1980 No. 43 s 12G) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
amd 2003 No. 94 s 79  
om 2006 No. 18 s 13(2)

**Minutes**

s **12H** (prev 1980 No. 43 s 12H) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Disclosure of interests**

s **12I** (prev 1980 No. 43 s 12I) ins 2001 No. 90 s 28  
amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Employees**

s **13** (prev 1980 No. 43 s 13) sub 1991 No. 81 s 6  
amd 1999 No. 33 s 747 sch 3; 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Finance**

s **14** (prev 1980 No. 43 s 14) amd 1981 No. 19 s 10; 1991 No. 81 s 51 (amd 1993  
No. 76 s 3 sch 2); 1998 No. 18 s 10; 2001 No. 90 s 3 schs 1–2; 2002 No. 58 s  
398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**Thoroughbred Racing Board is a statutory body under the Statutory Bodies Financial Arrangements Act 1982**

s 15 (prev 1980 No. 43 s 15) amd 1987 No. 26 s 7; 1991 No. 81 s 51 (amd 1993 No. 76 s 3 sch 2)  
om 1994 No. 17 s 3 sch 2  
ins 1996 No. 54 s 9 sch  
amd 2001 No. 90 s 3 schs 1–2  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

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

s 15A (prev 1980 No. 43 s 15A) ins 2001 No. 90 s 29  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2006 No. 18 s 13(2)

**PART 3—PROVISIONS ABOUT THE QUEENSLAND HARNESS RACING BOARD**

pt hdg om 2008 No. 24 s 25

**Constitution of the Queensland Harness Racing Board**

s 35 (prev 1980 No. 43 s 35) amd 1984 No. 63 s 5; 1994 No. 17 s 3 sch 2; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Composition of Harness Racing Board**

s 36 (prev 1980 No. 43 s 36) amd 1981 No. 19 s 14  
sub 1987 No. 26 s 10  
amd 1984 No. 63 s 24; 1991 No. 81 s 51 (amd 1993 No. 76 s 3 sch 2); 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Tenure of office**

s 41 (prev 1980 No. 43 s 41) amd 1984 No. 63 s 24; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Disqualification from membership**

s 42 (prev 1980 No. 43 s 42) amd 1984 No. 63 s 24; 2000 No. 16 s 590 sch 1 pt 2; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Vacation of office**

s 43 (prev 1980 No. 43 s 43) amd 1981 No. 19 s 15; 1984 No. 63 s 24; 1994 No. 17 s 3 sch 2; 2001 No. 41 s 3  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Casual vacancies**

s 44 (prev 1980 No. 43 s 44) amd 1984 No. 63 s 24; 1987 No. 26 s 14; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Appointment of substitute member**

s 45 (prev 1980 No. 43 s 45) amd 1984 No. 63 s 24; 1987 No. 26 s 15  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Expenses, fees or allowances to members**

s 46 (prev 1980 No. 43 s 46) amd 1984 No. 63 s 24  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Procedure at meetings**

s 47 (prev 1980 No. 43 s 47) amd 1981 No. 19 s 16; 1984 No. 63 s 24; 1987 No. 26 s 16; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Disclosure of interests**

s 47A (prev 1980 No. 43 s 47A) ins 2001 No. 41 s 4  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Custody and affixing of seal**

s 48 (prev 1980 No. 43 s 48) amd 1984 No. 63 s 24  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Authentication of documents**

s 50 (prev 1980 No. 43 s 50) amd 1984 No. 63 s 24; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Officers**

s 53 (prev 1980 No. 43 s 53) amd 1984 No. 63 ss 10, 24; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Finance**

s 54 (prev 1980 No. 43 s 54) amd 1981 No. 19 s 18; 1984 No. 63 s 24; 1991 No. 81 s 51 (amd 1993 No. 76 s 3 sch 2); 1998 No. 18 s 17; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Harness Racing Board is statutory body**

s 54A (prev 1980 No. 43 s 54A) ins 1996 No. 54 s 9 sch  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

#### **PART 4—PROVISIONS ABOUT THE GREYHOUND RACING AUTHORITY**

**pt hdg** om 2008 No. 24 s 25

##### **Establishment of Greyhound Racing Authority**

s 76 (prev 1980 No. 43 s 76) amd 1995 No. 35 s 4; 2002 No. 58 s 398(2) sch 2 pt 2  
div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Composition of Greyhound Authority**

s 77 (prev 1980 No. 43 s 77) sub 1987 No. 26 s 21  
amd 1995 No. 35 s 10; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Tenure of office**

s 82 (prev 1980 No. 43 s 82) amd 1995 No. 35 ss 10, 12; 2002 No. 58 s 398(2) sch 2  
pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Disqualification from membership**

s 83 (prev 1980 No. 43 s 83) amd 1995 No. 35 s 10; 2000 No. 16 s 590 sch 1 pt 2;  
2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Vacation of office**

s 84 (prev 1980 No. 43 s 84) amd 1981 No. 19 s 22; 1994 No. 17 s 3 sch 2; 1995 No.  
35 ss 10, 11; 2001 No. 41 s 5; 2001 No. 90 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Casual vacancies**

s 85 (prev 1980 No. 43 s 85) amd 1987 No. 26 s 26; 1995 No. 35 ss 10, 11; 2002 No.  
58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Appointment of substitute member**

s 86 (prev 1980 No. 43 s 86) amd 1987 No. 26 s 27; 1995 No. 35 ss 10, 11  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

##### **Expenses, fees or allowances to members**

s 87 (prev 1980 No. 43 s 87) amd 1995 No. 35 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Procedure at meetings**

s 88 (prev 1980 No. 43 s 88) amd 1987 No. 26 s 28; 1995 No. 35 s 10; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Disclosure of interests**

s 88A (prev 1980 No. 43 s 88A) ins 2001 No. 41 s 6  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Custody of and affixing of seal**

s 89 (prev 1980 No. 43 s 89) amd 1995 No. 35 s 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Authentication of documents**

s 91 (prev 1980 No. 43 s 91) amd 1995 No. 35 s 10; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Officers**

s 94 (prev 1980 No. 43 s 94) amd 1995 No. 35 ss 5, 10  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Finance**

s 95 (prev 1980 No. 43 s 95) amd 1981 No. 19 s 24; 1991 No. 81 s 51 (amd 1993 No. 76 s 3 sch 2); 1995 No. 35 s 10; 1998 No. 18 s 24; 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**Greyhound Authority is statutory body**

s 95A (prev 1980 No. 43 s 95A) ins 1996 No. 54 s 9 sch  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**PART 5—PROVISIONS APPLYING TO ALL CONTINUING CONTROL BODIES**

pt hdg om 2008 No. 24 s 25

**Continuing control body to furnish an annual report to Minister and to clubs**

s 132 (prev 1980 No. 43 s 132) amd 2002 No. 58 s 398(2) sch 2 pt 2 div 1  
reloc 2002 No. 58 s 398(2) sch 2 pt 2 div 2  
om 2008 No. 24 s 25

**SCHEDULE 3—DICTIONARY**

def *accepted appeal* ins 2012 No. 42 s 74(2)  
def *accepted representations* sub 2012 No. 42 s 74(1)–(2)  
def *accepted undertaking* ins 2012 No. 42 s 74(2)  
def *affected by bankruptcy action* sub 2005 No. 7 s 25(1)–(2)

def *aggrieved person* ins 2012 No. 42 s 74(2)  
def *all-codes board* ins 2012 No. 42 s 74(2)  
def *appeal chairperson* ins 2012 No. 42 s 74(2)  
def *appeal committee* om 2012 No. 42 s 74(1)  
def *appellable decision* ins 2012 No. 42 s 74(2)  
def *appropriately qualified* sub 2012 No. 42 s 74(1)–(2)  
def *approval* amd 2008 No. 24 s 26(3)  
def *approved control body* ins 2012 No. 42 s 74(2)  
def *approved place* ins 2012 No. 42 s 74(2)  
def *board chairperson* sub 2012 No. 42 s 74(1)–(2)  
def *board code of racing* ins 2012 No. 42 s 74(2)  
def *candidate* ins 2012 No. 42 s 74(2)  
def *chairperson* prev def ins 2006 No. 18 s 14(1)  
om 2010 No. 22 s 24(1)  
pres def ins 2012 No. 42 s 74(2)  
def *commencement* ins 2006 No. 18 s 14(1)  
sub 2008 No. 24 s 26(1)–(2)  
amd 2010 No. 22 s 24(3)  
om 2012 No. 42 s 74(1)  
def *commissioner* ins 2012 No. 42 s 74(2)  
def *committee* ins 2005 No. 7 s 25(2)  
om 2010 No. 22 s 24(1)  
def *committee member* ins 2006 No. 18 s 3 sch  
om 2010 No. 22 s 24(1)  
def *condition* ins 2012 No. 42 s 74(2)  
def *constituted board* ins 2012 No. 42 s 74(2)  
def *continuing control body* amd 2006 No. 18 s 14(2)–(3)  
om 2008 No. 24 s 26(1)  
def *control board* ins 2012 No. 42 s 74(2)  
def *control body* sub 2008 No. 24 s 26(1)–(2); 2012 No. 42 s 74(1)–(2)  
def *control body associate* sub 2008 No. 24 s 26(1)–(2); 2012 No. 42 s 74(1)–(2)  
def *corresponding new control body* ins 2008 No. 24 s 26(2)  
def *council* om 2005 No. 7 s 25(1)  
def *council member* om 2006 No. 18 s 3 sch  
def *country racing association* ins 2005 No. 7 s 25(2)  
om 2010 No. 22 s 24(1)  
def *criminal organisation* ins 2013 No. 64 s 157  
def *deal with* ins 2012 No. 42 s 74(2)  
def *decision* ins 2012 No. 42 s 74(2)  
def *deputy chairperson* ins 2012 No. 42 s 74(2)  
def *deputy tribunal chairperson* om 2009 No. 24 s 728(1)  
def *director* ins 2005 No. 14 s 2 sch  
om 2009 No. 24 s 728(1)  
def *disciplinary board* ins 2012 No. 42 s 74(2)  
def *disqualifying conviction* amd 2010 No. 22 s 24(4)–(5)  
def *drug* amd 2012 No. 42 s 75 sch  
def *electoral commissioner* om 2012 No. 42 s 74(1)  
def *eligible individual* om 2012 No. 42 s 74(1)

- def *executive officer* amd 2008 No. 24 s 26(4)
- sub 2012 No. 42 s 74(1)–(2)
- def *expert* ins 2012 No. 42 s 74(2)
- def *former board* ins 2006 No. 18 s 14(1)
- sub 2008 No. 24 s 26(1)–(2)
- def *former control body* ins 2010 No. 22 s 24(2)
- om 2012 No. 42 s 74(1)
- def *gaming commission* om 2009 No. 24 s 728(1)
- def *Greyhound Authority* amd 2008 No. 24 s 26(5)–(6)
- def *Harness Racing Board* amd 2008 No. 24 s 26(7)–(8)
- def *identified participant* ins 2013 No. 64 s 157
- def *information notice* amd 2009 No. 24 s 728(3)–(4); 2010 No. 22 s 24(6); 2012 No. 42 s 74(3)
- def *Intercode Agreement* ins 2005 No. 7 s 25(2)
- om 2010 No. 22 s 24(1)
- def *mandatory condition* ins 2012 No. 42 s 74(2)
- def *member* ins 2012 No. 42 s 74(2)
- def *member club* amd 2005 No. 7 s 25(3)
- om 2010 No. 22 s 24(1)
- def *Ministerial direction* sub 2012 No. 42 s 74(1)–(2)
- def *national police certificate* amd 2012 No. 42 s 74(4)
- def *net UNiTAB product fee* ins 2005 No. 7 s 25(2)
- amd 2006 No. 18 s 14(4)–(5)
- sub 2010 No. 22 s 24(1)–(2)
- def *new control body* ins 2010 No. 22 s 24(2)
- def *new greyhound control body* ins 2008 No. 24 s 26(2)
- def *new harness control body* ins 2008 No. 24 s 26(2)
- def *new thoroughbred control body* ins 2006 No. 18 s 14(1)
- def *non-industry member* ins 2016 No. 12 s 388
- def *non-TABQ clubs* sub 2005 No. 7 s 25(1)–(2)
- om 2010 No. 22 s 24(1)
- def *non-TABQ races* sub 2005 No. 7 s 25(1)–(2)
- om 2010 No. 22 s 24(1)
- def *non-TABQ thoroughbred club* ins 2010 No. 22 s 24(2)
- def *non-TABQ thoroughbred race* ins 2010 No. 22 s 24(2)
- def *notice of appeal* ins 2012 No. 42 s 74(2)
- def *offcourse approval* ins 2012 No. 42 s 74(2)
- def *party* ins 2012 No. 42 s 74(2)
- def *police commissioner* ins 2012 No. 42 s 74(2)
- def *presiding case manager* amd 2003 No. 30 s 169 sch 1
- om 2009 No. 24 s 728(1)
- def *product fee* ins 2005 No. 7 s 25(2)
- def *proposed action* amd 2012 No. 42 s 74(5)
- def *QCAT information notice* ins 2012 No. 42 s 74(2)
- def *QCAT registrar* ins 2009 No. 24 s 728(2)
- def *Queensland Regional Racing Council* om 2006 No. 18 s 3 sch
- def *Racing Appeals Tribunal* om 2009 No. 24 s 728(1)
- def *racing association* om 2005 No. 7 s 25(1)

def *racing industry member* ins 2016 No. 12 s 388  
def *Racing Integrity Commissioner* ins 2012 No. 42 s 74(2)  
def *referred appeal* ins 2012 No. 42 s 74(2)  
def *registrar* prev def om 2009 No. 24 s 728(1)  
pres def ins 2012 No. 42 s 74(2)  
def *relevant control body* ins 2012 No. 42 s 74(2)  
def *relocated provision* om 2008 No. 24 s 26(1)  
def *secretary* sub 2003 No. 30 s 169 sch 1  
om 2005 No. 14 s 2 sch  
def *show cause notice* sub 2012 No. 42 s 74(1)–(2)  
def *show cause period* sub 2012 No. 42 s 74(1)–(2)  
def *sporting contingency* amd 2003 No. 94 s 80  
def *staff* amd 2012 No. 42 s 75 sch  
def *telecommunications system* ins 2012 No. 42 s 74(2)  
def *thoroughbred control body* amd 2006 No. 18 s 14(6)  
om 2012 No. 42 s 74(1)  
def *thoroughbred entity* om 2010 No. 22 s 24(1)  
def *Thoroughbred Racing Board* amd 2006 No. 18 s 14(7)–(8)  
def *tribunal* sub 2009 No. 24 s 728(1)–(2)  
def *tribunal chairperson* om 2009 No. 24 s 728(1)  
def *tribunal member* om 2009 No. 24 s 728(1)  
def *unsuitable corporation* ins 2013 No. 64 s 157