

Racing Integrity Regulation 2016

Explanatory notes for SL 2016 No. 96

made under the

Racing Integrity Act 2016

Public Sector Ethics Act 1994

Queensland Civil and Administrative Tribunal Act 2009

Racing Act 2002

Racing Integrity Act 2016

Statutory Bodies Financial Arrangements Act 1982

Superannuation (State Public Sector) Act 1990

General Outline

Short Title

Racing Integrity Regulation 2016

Authorising law

Section 25 of the *Public Sector Ethics Act 1994*

Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*

Section 355 of the *Racing Act 2002*

Section 266 of the *Racing Integrity Act 2016*

Section 78 of the *Statutory Bodies Financial Arrangements Act 1982*

Section 31 of the *Superannuation (State Public Sector) Act 1990*

Policy Objectives and the reasons for them

The objective of the *Racing Integrity Regulation 2016* (the Racing Integrity Regulation) is to provide for:

- matters to be prescribed by regulation for the purposes of the *Racing Integrity Act 2016* (the Racing Integrity Act), including matters to be addressed in the Queensland Racing Integrity Commission's operational plan and audit program;
- amendments to the *Racing Regulation 2013*:
 - to reflect the relevant changes to the *Racing Act 2002* (the Racing Act) and the new requirements for control bodies under the Racing Act;
 - to provide for the transfer of certain provisions from the Racing Act to the Racing Integrity Act; and
 - associated with the repeal of certain provisions of the Racing Act;

- to allow for the indexation of regulatory fees under the *Racing Regulation 2013* and the fees transferring to the Racing Integrity Regulation, in accordance with the annual review of Government fees, which for the 2016-17 financial year has been advised by Queensland Treasury to be 3.5%.
- amendments to sections of the *Queensland Civil and Administrative Tribunal Regulation 2009* and the *Statutory Bodies Financial Arrangements Regulation 2007* to support:
 - the implementation of the provisions contained in the Racing Integrity Act; and
 - the effective operation of the Queensland Racing Integrity Commission.
- amendments to the *Superannuation (State Public Sector) Notice 2010* to change the reference to the Queensland All Codes Racing Industry Board to the Racing Queensland Board.

Achievement of policy objectives

The achievement of the abovementioned policy objectives is provided for by the following sections of the Racing Integrity Regulation:

- Section 3 provides for the matters that the Commission must address in its operational plan and audit program;
- Section 4 prescribes the laws about racing or betting under the Racing Integrity Act;
- Section 5 prescribes the approved place for paying and settling particular bets;
- Section 6 allows for the appointment of “race day stewards” as authorised officers for the purposes of the Racing Integrity Act. These staff of the Commission are not employed under the *Public Service Act 2008* and are therefore not public servants. As such, it is necessary to prescribe them as eligible to be appointed as authorised officers.
- Section 7 prescribes the relevant fees under the Racing Integrity Act;
- Sections 8 and 9 omit the Racing Animal Welfare and Integrity Board from the *Public Sector Ethics Regulation 2010* as the Board has been abolished by the provisions contained in section 387 of the Racing Integrity Act (see section 480 of the Racing Act as per section 387 of the Racing Integrity Act).
- Sections 10 and 11 amend the relevant Schedules of the *Queensland Civil and Administrative Tribunal Regulation 2009* to list the relevant sections of the Racing Act and Racing Integrity Act that refer matters to the Queensland Civil and Administrative Tribunal;
- Sections 12 to 21 amend the *Racing Regulation 2013* for particular purposes including:
 - providing for matters that the control body must include in their operational plans and audit program;
 - stating the mandatory policies that the control bodies must have;
 - omitting part 3 of the *Racing Regulation 2013* as this part is no longer required;
 - omitting part 4 of the *Racing Regulation 2013* as this provision will now transfer to the *Racing Integrity Regulation 2016*;
 - omitting sections 14, 15A and 15B as these sections are no longer required; and
 - prescribing the relevant laws about animal welfare, racing or betting;
- Section 21 increases the relevant fees in line with the Government indexing factor of 3.5% for the 2016-17 financial year. This section also provides for the omission of several fees which are no longer required in the Regulation or have been moved to the Schedule of Fees contained in the Racing Integrity Regulation.
- Sections 23 to 24 insert references to the Commission into the relevant Schedules of the *Statutory Bodies Financial Arrangements Regulation 2007* to provide it with various financial powers similar to those given to other statutory bodies.

- Sections 25 and 26 make a consequential amendment to the *Superannuation (State Public Sector) Notice 2010* to change the current reference to the Queensland All Codes Racing Industry Board to be the Racing Queensland Board. This is consistent with section 306 of the Racing Integrity Act which renames the Queensland All Codes Racing Industry Board.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of any other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to achieve the relevant policy objectives without the commencement of the Racing Integrity Regulation as the Act requires various matters to be prescribed by regulation.

Benefits and costs of implementation

The costs of the implementation of the policy objectives for the Racing Integrity Act have been addressed in the Minister's second reading speech and during the debate of the Racing Integrity Bill 2015 in Parliament.

In relation to section 23 of the Regulation, the indexation of fees provides a mechanism understood by the community and industry to maintain price relativity, aiding the government in formulating the State and departmental budgets.

There are no additional costs associated with the commencement of the Racing Integrity Regulation as the Regulation primarily addresses matters that are either:

- already contained in the *Racing Regulation 2013*; or
- related to matters that are administrative, operational or machinery in nature.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Department of National Parks, Sport and Racing has met and/or consulted with the Department of Justice and Attorney-General, Queensland Treasury, the Racing Integrity Commissioner and Racing Queensland regarding the provisions of the Racing Integrity Regulation. No issues were raised.

The Queensland Productivity Commission was consulted and advised that a Regulatory Impact Statement was not required.

No other stakeholders were consulted as the proposed Regulation provides for matters that were either already provided for in the existing *Racing Regulation 2013* or prescribes matters that are primarily machinery in nature and/or relate directly to the operations of the Commission or the control bodies.

No changes to the proposed Regulation have been made following consultation. The commencement of the proposed Regulation will not change the policy objectives or content of the legislation.

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