

Racing Integrity (Exchange of Information) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 84

made under the

Racing Integrity Act 2016

General Outline

Short title

Racing Industry (Exchange of Information) Amendment Regulation 2019

Authorising law

Sections 98A and 266 of the *Racing Integrity Act 2016*.

Policy objectives and the reasons for them

The main purposes of the *Racing Integrity Act 2016* (the Act) are to:

- maintain public confidence in the racing of animals in Queensland for which betting is lawful;
- ensure the integrity of persons involved with racing or betting; and
- safeguard the welfare of all animals involved in racing under the Act and the *Racing Act 2002*.

Section 98A of the Act provides that the Queensland Racing Integrity Commission (the Commission) may enter into an information-sharing arrangement with a “relevant agency” to share or exchange information that will assist in the parties performing their functions. A “relevant agency” is defined to mean the Police Commissioner; the Chief Executive of a department; a local government; and a person prescribed by regulation.

To assist in achieving the purposes of the Act, the Commission implemented the first significant step in implementing its Intelligence Capability Strategy which was to establish the Operational Intelligence Unit (OIU). The OIU is responsible for gathering and assessing information for use by the Commission to inform its operational decision-making and resource allocation to achieve the purposes of the Act. The OIU aims to develop relationships with other sporting integrity, regulatory and animal welfare agencies to leverage operational information to ensure the Commission’s intelligence is of the highest quality.

Developing relationships and exchanging information with agencies that are involved in the racing industry or other sporting integrity agencies is a means of gathering high quality intelligence about the registration and welfare of animals used for racing, and known or suspected animal racing activities or events.

The policy objective of the subordinate legislation is to enable the Commission to enter into information sharing arrangements for the purposes of sharing or exchanging information which will assist the Commission and other parties to perform their functions.

Achievement of policy objectives

The subordinate legislation will achieve its objective by amending the *Racing Integrity Regulation 2016* (Regulation) to insert a new schedule 1AA "Persons who are relevant agencies for exchange of information". Schedule 1AA will prescribe additional persons as relevant agencies under section 98A of the Act with whom the Commission may enter into an information-sharing arrangement. It will include both corporations (part 1) and other persons (part 2).

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main objectives of the *Racing Integrity Act 2016*.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The subordinate legislation is the only means of achieving the policy objectives in accordance with the legislative requirements.

Benefits and costs of implementation

Information sharing between the Commission and parties involved in the racing industry such as other state and federal entities is important as licensed participants' activities are not limited to one State or Territory. Licensed participants travel interstate or overseas for racing industry business, including for competition, and they import products which may enhance the performance of registered animals.

The benefit of the subordinate legislation is it will assist the Commission to gather information from other agencies to maintain public confidence; ensure industry integrity; and safeguard the welfare of animals involved in racing in Queensland.

The Queensland Government will not incur any additional costs in the implementation of this subordinate legislation.

Consistency with fundamental legislative principles

The subordinate legislation has been drafted with regard to, and is consistent with, the fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* (LSA).

Consultation

The Department of Agriculture and Fisheries (DAF) consulted with the Commission to develop the list of relevant agencies and the Commission has endorsed the relevant agencies in new schedule 1AA

The Commission has established a liaison network with other racing control and integrity bodies, sports integrity agencies and Australian government agencies from whom the Commission may leverage information. On the commencement of the subordinate legislation, the Commission will consult and negotiate information sharing arrangements with the relevant agencies.

The subordinate legislation has been assessed by DAF in accordance with the *Queensland Government Guide to Better Regulation* to come within the exclusion category (g), as being machinery in nature, as it makes no substantial change to policy. Therefore, further regulatory impact assessment by the Office of Best Practice Regulation within the Queensland Productivity Commission was not required.