

Racing Integrity Bill 2015

Amendments during consideration in detail to be moved by
The Honourable the Minister for Employment and Industrial Relations,
Minister for Racing and Minister for Multicultural Affairs

1 **Clause 3 (Main purposes of Act and their achievement)**

Page 22, line 20—

omit.

2 **Clause 7 (Establishment and status)**

Page 23, lines 20 to 23—

omit, insert—

- (2) The commission consists of the commissioner, each deputy commissioner and the staff of the commission.
- (3) The staff are to be employed under the *Public Service Act 2008*.
- (4) However, race day stewards are employed under this Act and not the *Public Service Act 2008*.

3 **Clause 10 (Functions)**

Page 24, line 17, ‘, clubs, participants and venues’—

omit, insert—

and participants

4 **Clause 10 (Functions)**

Page 24, line 22, ‘license’—

omit, insert—

licence

5 **Clause 10 (Functions)**

Page 25, lines 26 to 28—

omit, insert—

- (l) to promote compliance and integrity, and to promote animal welfare and prevent animal cruelty, by educating, providing information for, and working with, participants;

6 Clause 10 (Functions)

Page 25, line 30, ‘, clubs’—

omit.

7 Clause 13 (Ministerial directions)

Page 27, after line 22—

insert—

- (aa) a decision of the commission made under the rules of racing for a code of racing;

8 Clauses 14 and 15

Page 28, lines 6 to 21—

omit.

9 Clause 17 (Deputy Racing Integrity Commissioners)

Page 29, line 18, ‘are to be 2 or more’—

omit, insert—

is to be 1 or 2

10 Clause 17 (Deputy Racing Integrity Commissioners)

Page 29, lines 24 and 25—

omit, insert—

-
- (b) if 2 deputy commissioners are to be appointed, a deputy commissioner who is to be called the ***2nd deputy commissioner***.

11 Clause 18 (Persons eligible to be commissioner or deputy commissioner)

Page 30, line 17, ‘office’—

omit, insert—

officer

12 Clause 20 (Functions of deputy commissioner)

Page 31, line 13, after ‘2nd deputy commissioner’—

insert—

, if 2 deputy commissioners are appointed

13 Clause 21 (Powers of commissioner and deputy commissioners)

Page 31, line 20, ‘commissioners’—

omit, insert—

commissioner

14 Clause 21 (Powers of commissioner and deputy commissioners)

Page 31, lines 21 to 26—

omit, insert—

- (1) The commissioner and a deputy commissioner have the powers necessary for performing the commissioner’s or deputy commissioner’s functions.
- (2) The commissioner and a deputy commissioner also have the other powers given to the commissioner and a deputy commissioner under

this Act or another Act.

15 Clause 25 (Acting commissioner)

Page 33, lines 11 to 13—

omit, insert—

- (b) there is not a deputy commissioner who is able to perform the functions of the commissioner's office.

16 Clause 27 (Preservation of rights of commissioner and deputy commissioners)

Page 34, line 9—

omit, insert—

commissioner

17 After clause 57

Page 49, after line 4—

insert—

57A Commission may charge fees for its services

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

18 Chapter 3, heading (Commission’s functions in relation to codes of racing and licensed clubs)

Page 49, line 7—

omit.

19 Clause 58 (Purposes of chapter)

Page 49, lines 9 to 25 and page 50, lines 1 and 2—

omit, insert—

58 Purpose of chapter

- (1) The main purpose of this chapter is to provide for the way the commission may perform its functions in relation to each code of racing.
- (2) Generally, the commission performs its functions by making standards for each code of racing, particularly about the licensing scheme for controlling activities relating to animals and participants and about the way in which races are to be held for the code of racing.
- (3) The standards ensure there is guidance for persons involved in the code of racing and transparent decision-making relating to matters dealt with by the standards.

20 Clause 61 (Availability of standards)

Page 51, line 14, after ‘chief executive’—

insert—

and each control body

21 Chapter 3, part 2, division 2, heading (Standards about licensing schemes)

Page 52, line 1, ‘about’—

omit, insert—

for

22 Clause 65 (Developing standards for a licensing scheme)

Page 52, lines 12 and 13—

omit, insert—

65 Standards for licensing schemes for codes of racing

- (1) The commission must make a standard for a licensing scheme for each code of racing.
- (2) In developing the standard for a licensing scheme for a code

23 Clause 66 (Standards for a licensing scheme—mandatory matters)

Page 53, lines 11 to 14—

omit, insert—

- (h) how and when the suitability of licensed animals and participants will be audited to decide if a licensed animal or participant continues to be suitable to be licensed;

24 Clause 66 (Standards for a licensing scheme—mandatory matters)

Page 54, lines 8 to 22—

omit, insert—

- (p) serving notices on licence holders;
- (q) the fees payable to the commission, including fees payable in relation to licensing for each code of racing.
- (2) The standard for a licensing scheme must also provide that, after auditing a licensed animal or participant, if the commission is not satisfied it is suitable to continue to be licensed, the

commission must take disciplinary action relating to the licence.

25 Clause 68 (Application for licence)

Page 55, lines 13 and 14, ‘, club, participant or venue’—

omit, insert—

or participant

26 Clause 68 (Application for licence)

Page 55, lines 25 to 32 and page 56, lines 1 to 12—

omit.

27 Clause 68 (Application for licence)

Page 56, line 14, ‘, other than a licence for a club,’—

omit.

28 Clause 70 (Same animal, participant or venue may be licensed for multiple codes of racing)

Page 57, lines 2 to 6—

omit, insert—

70 Same animal or participant may be licensed for multiple codes of racing

This Act does not prevent an animal or participant licensed for a code of racing being licensed for another code of racing.

29 Chapter 3, part 3, heading (Disciplinary action taken against licensed clubs)

Page 57, lines 7 and 8—

omit.

29A Clauses 71 to 77

Page 57, line 9 to page 61, line 21—

omit.

29B Chapter 3, part 4, heading (Other provisions applying to licensed clubs)

Page 62, lines 1 and 2—

omit.

29C Clauses 78 and 79

Page 62, lines 3 to 30 and page 63, lines 1 to 10—

omit.

30 Clause 88 (Applicant for racing bookmaker's licence to hold eligibility certificate)

Page 71, lines 10 to 13—

omit, insert—

**Division 1 Applications for racing
bookmaker's licences**

88 Applications

An application for a racing bookmaker's licence may be made only by an adult or a corporation.

31 Clause 89 (What corporate licence must include)

Page 71, lines 14 to 28—

omit, insert—

89 Requirements about applications

- (1) An application for a racing bookmaker's licence must be made to the commission in the approved

form.

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

32 After clause 89 (What corporate licence must include)

Page 71, after line 28—

insert—

89A Further information or documents to support application

- (1) The commission may, by notice given to the applicant, require the applicant to give the commission, within the reasonable period of at least 28 days stated in the notice, further information or a document the commission reasonably requires to decide the application.
- (2) When making the requirement, the commission must warn the applicant that the application will not be considered further until the requirement is complied with, unless the person has a reasonable excuse for the failure to comply.

Division 2 Suitability of applicants and associates

89B Suitability of applicants for racing bookmaker's licence

- (1) This section applies to the commission in deciding whether an applicant for a racing bookmaker's licence is a suitable person to hold a racing bookmaker's licence.
- (2) The commission 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 89G(2) which provides that an applicant for a racing bookmaker's licence is not a suitable person to hold a racing bookmaker's licence if the applicant, or a business associate or an executive associate of the applicant, is an identified participant in a criminal organisation.

89C Suitability of business and executive associates

- (1) This section applies to the commission in deciding whether a business associate or an executive associate of an applicant for a racing bookmaker's licence is a suitable person to be associated with the applicant.
- (2) The commission 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.

89D Other matters about suitability

Sections 89B and 89C do not limit the matters the commission may have regard to in deciding matters to which the sections relate.

Division 3 Dealing with applications

89E Taking fingerprints

- (1) On receipt of the application, and compliance by the applicant with this part in relation to the application, the commission must—
 - (a) for an application by an individual—cause the fingerprints to be taken of the applicant; 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 commission may also cause the fingerprints to be taken of an individual who has consented, as mentioned in section 89(2)(d), to the individual's fingerprints being taken.
- (3) However, if the commission is satisfied an individual's fingerprints are already held by the commission, the commission need not cause the individual's fingerprints to be taken under this section.

89F Consideration of application

- (1) The commission must consider the application and either grant or refuse to grant the application.
- (2) However, the commission is not required to decide the application if—
 - (a) the commission has given a person a notice under section 89A or 89K relating to the application requiring the person to give the commission 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 period stated in the notice.

89G Conditions for granting application

- (1) The commission may grant the application only if the commission is satisfied—
 - (a) the applicant is a suitable person to hold a racing bookmaker's licence; 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 a racing bookmaker's licence if—
 - (a) the applicant is an identified participant in a criminal organisation; or
 - (b) a business associate or an 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.

89H Investigation of suitability of persons

- (1) The commission may investigate the applicant to help the commission decide whether the applicant is a suitable person to be a licence holder.
- (2) The commission may investigate a business associate or an executive associate of the applicant to help the commission decide whether the associate is a suitable person to be associated with the applicant.

89I Information about whether persons are identified participants in criminal organisations

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

89J Criminal history reports for investigations

- (1) If the commission, in investigating a person under section 89H, asks the police commissioner for a written report on the person's criminal history, the police commissioner must give the report to the commission.
- (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 police commissioner's possession or to which the police commissioner has access.

89K Requirement of associate to give information or document for investigation

- (1) In investigating a business associate or an executive associate of an applicant, the commission may, by notice given to the associate, require the associate to give the commission, within the reasonable period of at least 28 days stated in the notice, information or a document the commission reasonably believes is relevant to the investigation.
- (2) When making the requirement, the commission must—
 - (a) warn the associate that the application for the racing bookmaker's licence will not be considered further until the requirement is complied with; and
 - (b) give the applicant a copy of the notice.

89L Decision on application

- (1) If the commission grants an application for a racing bookmaker's licence, the commission must give the applicant the licence.
- (2) If the commission refuses to grant an application for a racing bookmaker's licence, the commission must give the applicant an information notice about 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 commission under section 89I.

89M Form of racing bookmaker's licence

A racing bookmaker's licence is to be in the approved form.

89N What corporate licence must include

- (1) A racing bookmaker's licence for a corporation must state the name of each executive officer of the corporation who may carry on bookmaking for the corporation under the licence.
- (2) The commission must not, under subsection (1), state an executive officer's name in the licence unless the executive officer—
 - (a) has been investigated by the commission and found suitable to be associated with the licence holder; and
 - (b) is a person whom the commission reasonably believes has the experience and knowledge necessary to properly carry on bookmaking for the corporation under the licence.

89O Period for which racing bookmaker's licence has effect

A racing bookmaker's licence continues to have effect until the earlier of the following happens—

- (a) the licence is cancelled under section 89ZA;
- (b) a surrender of the licence takes effect under section 89ZF.

Division 4 Investigations of racing bookmakers and associates

89P Audit program

- (1) The commission may approve an audit program for investigating racing bookmakers, and the business associates and executive associates of racing bookmakers.
- (2) The commission is responsible for ensuring that investigations of racing bookmakers, and the business associates and executive associates of racing bookmakers, are conducted under the audit program.

89Q Investigations into suitability of licence holder

- (1) The commission may investigate a licence holder to find out whether the licence holder is a suitable person to hold, or to continue to hold, a racing bookmaker's licence.
- (2) Subject to subsection (3), the commission may investigate the licence holder under this section only if—
 - (a) the commission reasonably suspects the licence holder is not, or is no longer, a

- suitable person to hold a racing bookmaker's licence; or
- (b) the investigation is made under an audit program approved by the commission.
- (3) The commission may, at any time, ask the police commissioner whether the licence holder—
 - (a) is an identified participant in a criminal organisation; or
 - (b) has a business associate or an 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 an unsuitable corporation; or
 - (c) if the licence holder is a corporation—is an unsuitable corporation.
- (4) The police commissioner must give the commission the information requested under subsection (3).
- (5) The commission may use the advice given by the police commissioner only for deciding whether the racing bookmaker's licence should be cancelled.

89R Investigation into suitability of associate of licence holder

- (1) The commission may investigate a business associate or an executive associate of a licence holder to decide whether the associate is a suitable person to be, or to continue to be, associated with the licence holder's operations.
- (2) Subject to subsection (3), the commission may investigate a business associate or an executive

associate of a licence holder under this section only if—

- (a) the commission reasonably suspects the associate is not, or is no longer, a suitable person to be associated with a licence holder's operations; or
 - (b) the investigation is part of an investigation under this division of the licence holder in relation to whom the associate is a business associate or an executive associate; or
 - (c) the investigation is made under an audit program approved by the commission; or
 - (d) the associate became a business associate or an executive associate of the licence holder after the issue of the racing bookmaker's licence to the licence holder; or
 - (e) the associate has not been investigated previously under an audit program mentioned in paragraph (c).
- (3) The commission may, at any time, ask the police commissioner whether a business associate or an executive associate of a licence holder—
- (a) is an identified participant in a criminal organisation; or
 - (b) has a business associate or an 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 an unsuitable corporation; or
 - (c) if the business associate or an executive associate is a corporation—is an unsuitable corporation.

- (4) The police commissioner must give the commission the information requested under subsection (3).
- (5) The commission may use the advice given by the police commissioner only for deciding whether the racing bookmaker's licence should be cancelled.

89S Criminal history report for investigation

- (1) If the commission in investigating a person under section 89Q, 89R or 89ZE(2) asks the police commissioner for a written report on the person's criminal history, the commissioner must give the report to the commission.
- (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.

89T Requirement to give information or document for investigation

- (1) In investigating a licence holder, or a business associate or an executive associate of a licence holder, the commission may, by notice given to the person, require the person to give the commission information or a document the commission reasonably believes is relevant to the investigation.
- (2) The notice must state a reasonable period of at least 28 days within which the person must comply with the requirement.

- (3) When making the requirement, the commission must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

89U Failure to give information or document for investigation

- (1) A person of whom a requirement is made under section 89T 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 commission is not in fact relevant to the investigation.

Division 5 Cancellation of racing bookmaker's licences

89V Grounds for cancellation

- (1) A ground for cancelling a racing bookmaker's licence exists if the licence holder—
 - (a) is not a suitable person to hold a racing bookmaker's licence; or
 - (b) is convicted for an offence against—
 - (i) this Act or the Racing Act; or
 - (ii) a law of another State, that is prescribed by regulation as a law about racing or betting; or

- (c) is convicted of an indictable offence against 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 an 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 a racing bookmaker's licence exists if—
- (a) the racing bookmaker's licence was granted because of a materially false or misleading representation or declaration; or
 - (b) a business associate or an executive associate of the licence holder is not a suitable person to be associated with a licence holder.

89W Immediate cancellation of racing bookmaker's licence

- (1) The commission must cancel a licence holder's racing bookmaker's licence if the commission is advised by the police commissioner that the licence holder is—
- (a) an identified participant in a criminal organisation; or
 - (b) an unsuitable corporation.
- (2) Immediately after cancelling the racing bookmaker's licence, the commission must give the licence holder an information notice about the

decision to cancel the licence.

- (3) The decision takes effect on the day the information notice is given to the licence holder.
- (4) The information notice must include—
 - (a) a direction to the licence holder to return the racing bookmaker's licence to the commission within 14 days after the cancellation; and
 - (b) a warning to the licence holder that, without a reasonable excuse, it is an offence to fail to comply with the direction.
- (5) The *Acts Interpretation Act 1954*, section 27B, does not apply to the information notice.

89X Show cause notice

- (1) The commission must give a licence holder a notice (a ***show cause notice***) if the commission reasonably believes—
 - (a) a ground exists to cancel the licence holder's racing bookmaker's licence; 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 show cause notice must state the following—
 - (a) the action (the ***proposed action***) the commission 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) that the licence holder may, within a stated period (the ***show cause period***), make

submissions to the commission to show 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 commission under section 89P(4) or 89R(4).
- (4) The show cause period must end at least 28 days after the licence holder is given the show cause notice.
- (5) The licence holder may, in the show cause period, make submissions to the commission about the show cause notice.

89Y Consideration of submission

The commission must consider any submissions made by the licence holder in the show cause period.

89Z Ending show cause process without further action

If, after considering the submissions for the show cause notice, the commission no longer believes a ground exists to cancel the racing bookmaker's licence, the commission must—

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

89ZACancellation

- (1) The commission may cancel the racing bookmaker's licence if—
 - (a) there are no submissions for the show cause notice; or

- (b) after considering the submissions for the show cause notice, the commission still believes—
 - (i) a ground exists to cancel the racing bookmaker's licence; and
 - (ii) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
 - (iii) the public interest may be affected in an adverse and material way.
- (2) The commission must cancel the racing bookmaker's licence if—
 - (a) the licence 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 submissions for the show cause notice; or
 - (ii) submissions were made for the show cause notice and the commission still believes cancelling the racing bookmaker's licence is warranted.
- (3) The commission must immediately give the licence holder an information notice about the decision to cancel the racing bookmaker's licence.
- (4) The information notice must include—
 - (a) a direction to the licence holder to return the racing bookmaker's licence to the commission within 14 days after the cancellation; and

- (b) a warning to the licence holder that, without a reasonable excuse, it is an offence to fail to comply with the direction.
- (5) The decision takes effect on the later of the following—
 - (a) the day the information notice is given to the licence holder;
 - (b) the day of effect stated in the information notice.
- (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 commission under section 89P(4) or 89R(4).

89ZB Return of cancelled racing bookmaker's licence

- (1) A person must comply with a direction to the person under section 89W(4)(a) or 89ZA(4)(a) unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) If a person is unable to comply with subsection (1) because the person's racing bookmaker's licence has been lost or destroyed, the person must, within 14 days after the cancellation, give the commission 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, without a reasonable excuse, it is an offence to fail to comply with the direction.

89ZC Censuring licence holder

- (1) This section applies if the commission—

- (a) reasonably believes a ground exists to cancel a racing bookmaker's licence but does not believe that giving a show cause notice is warranted; or
 - (b) after considering the submissions for a show cause notice, still believes a ground exists to cancel a racing bookmaker's licence but does not believe cancellation of the licence is warranted.
- (2) However, this section does not apply if the ground that exists to cancel a racing bookmaker's licence is that the licence holder is no longer a suitable person because the holder has a business associate or an 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.
- (3) The commission may censure the licence holder for a matter relating to the ground for cancellation.
- (4) The censure can be effected only by the commission giving the licence holder an information notice about the decision to censure the holder.

Division 6 Other matters relating to licensing

89ZD Corporate licence holder must advise commission of change in executive officers or persons with substantial holdings

- (1) This section applies to a licence holder that is a corporation.

- (2) Within 14 days after either of the following changes, the licence holder must give the commission 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—100 penalty units.

89ZE Commission may amend racing bookmaker's licence to show change in executive officers

- (1) This section applies if a licence holder has given the commission notice under section 89ZD(2)(a) and asks the commission to amend the racing bookmaker's licence to omit or include a person as an executive officer of the corporation.
- (2) The commission may investigate the executive officer for the purpose of deciding whether to grant the request.
- (3) However, the commission must not include the name of an executive officer in the licence unless the commission has investigated the executive officer and found the person to be suitable to be associated with the licence holder.

89ZF Surrender of racing bookmaker's licence

- (1) A licence holder may surrender the holder's racing bookmaker's licence by notice given to the commission.
- (2) The surrender of the racing bookmaker's licence takes effect—
 - (a) on the day the notice is given to the commission; or

- (b) if a later day of effect is stated in the notice—on the later day.
- (3) The commission must give each control body notice of the surrender.

89ZGDestruction of fingerprints

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

33 Chapter 4, part 3, heading (Eligibility certificates)

Page 72, line 1—

omit.

34 Chapter 4, part 3, division 1, heading (Suitability of applicants and business and executive associates)

Page 72, lines 2 and 3—

omit.

34A Clauses 90 to 92

Page 72, lines 4 to 26 and page 73, lines 1 to 23—

omit.

34B Chapter 4, part 3, division 2, heading (Applications for, and issue of, eligibility certificates)

Page 73, lines 24 and 25—

omit.

34C Clauses 93 to 109

Page 73, line 26 to page 81, line 8—

omit.

34D Chapter 4, part 3, division 3, heading (Investigations of certificate holders and their business and executive associates)

Page 81, lines 9 to 11—

omit.

34E Clauses 110 to 116

Page 81, line 12 to page 85, line 13—

omit.

34F Chapter 4, part 3, division 4, heading (Cancellation of eligibility certificates)

Page 85, lines 14 and 15—

omit.

34G Clauses 117 to 127

Page 85, line 16 to page 92, line 2—

omit.

34H Chapter 4, part 3, division 5, heading (Other matters relating to eligibility certificates)

Page 92, lines 3 and 4—

omit.

34I Clauses 128 and 129

Page 92, lines 5 to 28—

omit.

35 Chapter 4, part 3, division 6, heading (Review of decisions relating to eligibility certificates)

Page 93, lines 1 and 2—

omit, insert—

**Division 7 Matters relating to review
of decisions**

36 Clause 130 (Review by QCAT of decisions relating to eligibility certificates)

Page 93, lines 3 to 12—

omit, insert—

130 Application of division

This division applies if the commission makes a decision (a *commission decision*)—

- (a) refusing an application for a racing bookmaker's licence; or
- (b) cancelling a racing bookmaker's licence; or
- (c) censuring a racing bookmaker.

37 Clause 131 (Confidentiality of criminal intelligence in proceedings)

Page 93, lines 14 and 15, ‘under section 130 of a gaming executive’—

omit, insert—

of a commission

38 Clause 131 (Confidentiality of criminal intelligence in proceedings)

Page 93, lines 24 and 25, ‘review of the decision by QCAT or a proceeding about the decision’—

omit, insert—

an external review by QCAT under section 268 of an internal review decision about the commission decision, or a proceeding about the commission decision

39 Clause 131 (Confidentiality of criminal intelligence in proceedings)

Page 94, lines 28 and 29, ‘gaming executive under section 100 or 112’—

omit, insert—

commission under section 89I, 89Q or 89R

40 Clause 132 (Application of Judicial Review Act 1991)

Page 95, line 6, ‘gaming executive’—

omit, insert—

commission

41 Clause 148 (Automatic cancellation or suspension of offcourse approval)

Page 103, lines 4, 7, 10 and 13, ‘eligibility certificate or’—

omit.

42 Clause 159 (Racing bookmaker's agent during particular periods)

Page 111, lines 3 to 5—

omit.

43 Clauses 160 to 163

Page 111, lines 15 to 30 and page 112, lines 1 to 16—

omit.

44 Clause 232 (Definitions for division)

Page 157, line 23, 'eligibility certificate,'—

omit.

45 Clause 232 (Definitions for division)

Page 158, lines 4 to 16—

omit, insert—

- (a) an approved 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 application for a licence, approval application or approved form; or
- (c) the fingerprints of a person obtained by the commission; or
- (d) another document obtained by the chief executive or the commission, relating to the person's business reputation, character, criminal history, current financial position or financial background.

46 Clause 235 (Making a false statement in application or other document)

Page 160, lines 24 to 29—

omit, insert—

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

47 Clause 240 (Person must not interfere with licence holder or official of the commission or of a control body)

Page 164, line 10, ‘or of a control body’—

omit.

48 Clause 240 (Person must not interfere with licence holder or official of the commission or of a control body)

Page 164, lines 18 to 20—

omit, insert—

interfere with an official of the commission performing a function or exercising a power under this Act.

49 Clause 248 (Interfering with particular things at licensed venue or places for holding trials)

Page 169, lines 6 to 29—

omit.

50 Clause 251 (Appointments and authority)

Page 170, line 22, ‘, the gaming executive’—

omit.

51 Clause 252 (Evidentiary aids)

Page 171, lines 16 and 17, ‘, eligibility certificate’—
omit.

52 Clause 262 (What is an *original decision*)

Page 177, after line 21—
insert—

(ba) censure the holder of a licence;

53 Clause 267 (Reviewing original decision)

Page 181, line 5, after ‘20’—
insert—

business

54 Clause 267 (Reviewing original decision)

Page 182, line 19, after ‘20’—
insert—

business

55 Clause 283 (Sharing of information by authorised officer)

Page 190, line 26, ‘the ACPA’—
omit, insert—

an ACPA

56 Clause 288 (Regulation-making power)

Page 193, lines 5 to 7—
omit, insert—

- (a) the matters to be included in a program to audit the suitability of licensed animals and participants to continue to be licensed; and

57 Clause 290 (Definitions for chapter)

Page 194, lines 24 and 25—

omit, insert—

- (b) chapter 3, part 2, divisions 2 and 3;

58 Clause 290 (Definitions for chapter)

Page 194, line 27—

omit, insert—

- (d) chapter 6, parts 1 and 3A to 5;

59 Clause 297 (Examples for previous ch 3, pt 2, divs 2 and 3, pt 4 and pt 5, div 2)

Page 200, lines 8 to 31 and page 201, lines 1 to 6—

omit, insert—

297 Examples for previous ch 3, pt 2, divs 2 and 3

- (1) The following are examples of continuing matters dealt with under previous chapter 3, part 2, division 2 or 3—
 - (a) a policy for a code of racing, or provisions of a policy, to the extent the policy or provisions are for a licensing scheme as mentioned in previous chapter 3, part 2, division 2;
 - (b) an application for a licence as mentioned in previous section 88 that has not been granted or refused before the commencement.

60 Clause 299 (Examples for previous ch 6)

Page 201, line 28 to page 203, line 30—

omit, insert—

299 Examples for previous ch 6, pts 1 and 3A to 5

The following are examples of continuing matters dealt with under previous chapter 6, parts 1 and 3A to 5—

61 Before clause 301

Page 206, before line 5—

insert—

Division 1 Staff of the commission

300A What is the *employee register*

- (1) The *employee register* is a register of employees of the board that is prepared for the commission and approved by the chief executive.

Note—

Under the Racing Act, section 9AA, the Queensland All Codes Racing Industry Board is continued in existence under that Act under the name Racing Queensland Board and is referred to as the board.

- (2) It must be stated in the employee register, for each employee of the board whose name is stated in the employee register, whether the employee is employed by the board as a race day steward.
- (3) The chief executive may approve the employee register for the purpose of subsection (1).
- (4) At any time within 1 year after the commencement, the chief executive may change the employee register to correct an omission or error.

300B Who is a *transferable employee*

A transferable employee is a person—

- (a) who, immediately before the commencement, was an employee of the board; and
- (b) whose name is stated in the employee register as an employee to be transferred to the commission.

300C Transfer of transferable employees

(1) On the commencement—

- (a) a transferable employee becomes an employee of the commission; and
- (b) a transferable employee who is employed by the board as a race day steward, as stated in the employee register—
 - (i) becomes employed by the commission as a race day steward; and
 - (ii) is taken to be employed under this Act and not the *Public Service Act 2008*; and
- (c) a transferable employee who is not a race day steward, as stated in the employee register, is taken to be employed under the *Public Service Act 2008*; and
- (d) the records of the board, to the extent they relate to the employment of transferable employees, become records of the commission.

(2) However, if an employee of the board becomes a transferable employee because of a register correction, subsection (1) applies to the employee as if the reference in the subsection to the commencement were a reference to the day after the register correction happens.

- (3) Also, if a person ceases to be a transferable employee because of a register correction, the person is taken never to have been—
 - (a) a transferable employee; or
 - (b) transferred to the commission.
- (4) In this section—

register correction means a change to the employee register under section 300A(4) to correct an omission or error.

300D Preservation of rights of transferable employees

The transfer of a transferable employee to the commission does not—

- (a) adversely affect the employee's total remuneration; or
- (b) prejudice the employee's existing or accruing rights to superannuation or annual, sick or long service leave; or
- (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
- (d) constitute a retrenchment, redundancy or termination of the employee's employment by the board; or
- (e) entitle the employee to a payment or other benefit because he or she is no longer employed by the board; or
- (f) require the board to make any payment in relation to the employee's accrued rights to annual, sick or long service leave irrespective of any arrangement between the board and the employee.

Division 2 Eligibility certificates

300E Existing applications for eligibility certificates

- (1) An application for an eligibility certificate made under the unamended Act and not decided on the commencement is taken to have been withdrawn.
- (2) If the fingerprints of the applicant or of a business associate or executive associate of the applicant were taken under previous section 209 in relation to the application, the gaming executive must destroy the fingerprints.
- (3) The application fee that accompanied the application must be refunded in full to the applicant.

300F Existing right to apply for licence as racing bookmaker

- (1) This section applies to a person if—
 - (a) the person was granted an eligibility certificate under the unamended Act; and
 - (b) the day stated in the eligibility certificate by which the person must apply for a licence as a racing bookmaker has not lapsed; and
 - (c) the person has not applied to a control body for a racing bookmaker's licence before the commencement.
- (2) From the commencement, the person may apply to the commission for the licence before the day the eligibility certificate lapses under previous section 220(3) as if this Act had not been enacted.

300G Continuing obligation of certificate holders to give notice of particular changes

- (1) This section applies if—
 - (a) a certificate holder is required to give the gaming executive a notice under previous section 221; and
 - (b) immediately before the commencement, the certificate holder has not given the notice.
- (2) On the commencement—
 - (a) the obligation to give the notice continues to apply as if this Act had not been enacted; and
 - (b) a reference to the gaming executive in that section is taken to be a reference to the commission.

300H Approved audit program

- (1) This section applies to an audit program approved by the gaming executive under previous section 223.
- (2) On the commencement, the audit program—
 - (a) is taken to be an audit program for investigating licence holders, and the business associates and executive associates of licence holders, approved by the commission under section 89P(1); and
 - (b) may be varied, revoked or otherwise dealt with, and enforced, by the commission.

300I Continuation of show cause process

- (1) This section applies to a show cause notice given to a person who is a certificate holder under previous section 231 if, immediately before the commencement, the gaming executive had not—

- (a) given the certificate holder a notice under previous section 234(3); or
 - (b) censured the certificate holder under previous section 235(4); or
 - (c) cancelled the eligibility certificate under previous section 236.
- (2) From the commencement, the show cause notice is taken to be a show cause notice given by the commission to the person.

300J Reviews

- (1) A review under previous chapter 6, part 3, division 6 that has started but not been finalised before the commencement may continue as if this Act had not been enacted.
- (2) If, immediately before the commencement, a person has a right of review under previous section 242(1)(b) or (c), the right continues as if this Act had not been enacted.
- (3) Previous section 242A continues to apply to a review under previous chapter 6, part 3, division 6.
- (4) Previous section 242B continues to apply to a decision of the gaming executive mentioned in previous section 242A(1).

300K Continuing obligation of control body to give notice of certain actions about racing bookmakers

- (1) This section applies if—
 - (a) a control body is required to give the gaming executive a notice under previous section 257; and
 - (b) immediately before the commencement, the control body has not given the notice.

(2) On the commencement—

- (a) the obligation to give the notice continues to apply as if this Act had not been enacted; and
- (b) a reference to the gaming executive in that section is taken to be a reference to the commission.

Division 3 Miscellaneous provisions

62 Clause 310 (Insertion of new s 215A)

Page 209, line 25, ‘s 215A’—

omit, insert—

ss 215A–215C

63 Clause 310 (Insertion of new s 215A)

Page 211, line 13, ‘a RIA’—

omit, insert—

an RIA

64 Clause 314 (Replacement of s 4 (Main purposes of Act and how they generally are achieved))

Page 213, line 9, after ‘Board’—

insert—

as the control body

65 Clause 314 (Replacement of s 4 (Main purposes of Act and how they generally are achieved))

Page 213, line 18—

omit, insert—

racing, including the licensing of clubs and venues in the code; and

66 Clause 318 (Replacement of ch 2, pt 1A, div 2, hdg and ss 9AD–9AG)

Page 217, lines 29 to 34 and page 218, lines 1 to 3—

omit, insert—

net UBET product fee, in relation to the board, means the amount of the product fee paid to the board less the following amounts—

- (a) an amount paid by the board to Queensland Race Product Co Ltd ACN 081 743 722 for administrative costs;
- (b) an amount paid by the board to the commission for the provision of integrated scientific and professional services.

67 Clause 319 (Replacement of ss 9AI and 9AJ)

Page 219, lines 21 to 26—

omit, insert—

- (c) has skills and experience in 1 or more of the following areas—

68 Clause 319 (Replacement of ss 9AI and 9AJ)

Page 220, line 1—

omit, insert—

- (v) law; and
- (d) has not, for 2 years before the day of the appointment, owned a licensed animal.
- (1A) 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).

69 Clause 334 (Amendment of s 11 (Approval application to be accompanied by specific matters))

Page 227, lines 21 to 26—

omit, insert—

(4) Section 11(2)(b) and (g)—

omit.

(5) Section 11(2)(c)—

omit, insert—

(c) licensing clubs and venues involved in the application code;

(6) Section 11(2)(e)(i), ‘from it as a control body’—

omit.

(6A) Section 11(2)(c) to (f)—

renumber as section 11(2)(b) to (e).

70 Clause 346 (Amendment of s 34 (Powers of control body for its code of racing))

Page 232, after line 12—

insert—

(aa) license clubs and venues that are suitable to be licensed for the code;

(ab) conduct audits of licence holders to decide if the licence holders continue to be suitable to be licensed, on the control body’s own initiative or at the request of the Minister;

- (ac) investigate complaints about licence holders on the control body's own initiative or at the request of the Minister;

71 Clause 346 (Amendment of s 34 (Powers of control body for its code of racing))

Page 233, after line 13—

insert—

- (ga) promote animal welfare and prevent animal cruelty, including ensuring adequate training is provided to participants to achieve this;

72 Clause 346 (Amendment of s 34 (Powers of control body for its code of racing))

Page 234, lines 9 to 11—

omit, insert—

- (3) Section 34(6)—

omit, insert—

- (6) In this section—

73 Clause 347 (Amendment of s 35 (Control body may charge fees for its services))

Page 234, lines 19 to 21—

omit, insert—

- (2) Section 35(3), after 'under this Act'—

74 Clause 349 (Amendment of s 38 (Obligation to have racing calendar for code of racing))

Page 235, after line 10—

insert—

- (3) Section 38—

insert—

- (1A) The control body may amend the racing calendar if—
- (a) the control body believes a licensed club is unsuitable to hold a race meeting; or
 - (b) a licensed club fails to comply with a control body direction given to the club under section 34(3).

75 Clause 357 (Replacement of s 78 (Purposes of ch 3))

Page 242, lines 8 to 14—

omit, insert—

- (2) Generally, the control body performs its function by—
- (a) making policies about the management of its code of racing, including, for example, about its licensing schemes for controlling activities relating to clubs 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.

76 Clause 358 (Replacement of ch 3, pt 2, div 1, hdg and ss 80–82)

Page 242, line 29—

omit, insert—

- (2) The control body must make a policy for a licensing scheme for its code of racing.

- (3) A regulation may prescribe that a control body

77 After clause 358

Page 243, after line 2—

insert—

358A Amendment of s 85 (Application of policy)

Section 85, from ‘an animal’ to ‘venue’—

omit, insert—

a club or venue

78 Clause 359 (Omission of ch 3, pt 2, divs 2 and 3)

Page 243, lines 3 to 5—

omit, insert—

359 Amendment of s 86 (Purposes of control body’s licensing scheme)

Section 86(a) to (c)—

omit, insert—

- (a) the integrity of licensed clubs; and
- (b) the suitability of venues to conduct racing activities for its code.

79 Before clause 360

Page 243, before line 6—

insert—

359A Amendment of s 87 (Control body’s policy for a licensing scheme)

- (1) Section 87(2)(h)—

omit, insert—

- (h) how and when the suitability of licensed clubs and venues will be audited to decide if

a licensed club or venue continues to be suitable to be licensed;

(2) Section 87(2)(j), ‘or welfare of animals’—
omit.

(3) Section 87(2)(o)(ii)—
omit.

(4) Section 87(3)(c), ‘or where a licensed animal is kept’—
omit.

(5) Section 87(4)(c)—
omit.

(6) Section 87(5) to (7)—
omit.

359B Amendment of s 88 (Application for licence)

(1) Section 88(1), from ‘an animal’ to ‘venue’——
omit, insert—

a club or venue

(2) Section 88(3)—
omit, insert—

(3) Also, a control body’s policy relating to the licensing of a club must provide for the following matters—

(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 against this Act, the Racing Integrity Act or the repealed *Racing and Betting Act 1980*;
 - (ii) an indictable offence, or a summary offence that involved dishonesty, fraud, stealing or unlawful betting, under any other Act or repealed Act;
 - (iii) an offence against a law of another State, that is prescribed by regulation as a law about animal welfare, racing or betting;
 - (iv) an animal welfare offence;
 - (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);
 - (d) after auditing a licensed club, 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.
- (3) Section 88(4), ‘, other than a licence for a club,’
omit, insert—
for a venue

359C Amendment of s 90 (Same animal, participant or venue may be licensed by control bodies)

- (1) Section 90, heading, ‘animal, participant or’—
omit.
- (2) Section 90(1) and (2), ‘an animal, participant or’—
omit, insert—

a

80 Clause 360 (Replacement of ss 91 and 94)

Page 244, lines 25 to 29 and page 245, lines 1 to 6—

omit, insert—

- (3) If there is an inconsistency between any of the following (each an *instrument*) and a control body's rules of racing, the instrument prevails to the extent of the inconsistency—
 - (a) this Act;
 - (b) the Racing Integrity Act;
 - (c) a policy of the control body;
 - (d) if the commission has a standard about a matter to which the rules of racing relate—the standard.

81 Clause 361 (Omission of ch 3, pt 4 and pt 5, divs 1 and 2)

Page 245, lines 26 to 28—

omit, insert—

361 Insertion of new s 107A

Chapter 3, part 4—

insert—

107A Notice of decision

- (1) This section applies if a control body decides to—
 - (a) cancel or suspend a licensed club's licence under section 101 or 104; or
 - (b) censure a licensed club under section 105; or
 - (c) direct a licensed club to rectify a matter under section 106.

- (2) The control body must give the commission notice of the decision.

82 Before clause 362

Page 246, before line 1—

insert—

361A Replacement of s 109 (Licensed club to hold race and betting meeting at licensed venue when under control of control body that licensed club and venue)

Section 109—

omit, insert—

109 Licensed club to hold race and betting meeting at licensed 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—
- (a) the contest, contingency or event is held at a licensed venue of the licensed club; and
 - (b) the control body that licensed the club and venue is managing the venue at the time; and
 - (c) the commission is exercising control at the venue at the time.

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—
- (a) the meeting is held at a licensed venue of the licensed club; and

-
- (b) the control body that licensed the club and venue is managing the venue at the time; and
 - (c) the commission is exercising control at the venue at the time.

Maximum penalty—200 penalty units.

83 Clause 369 (Replacement of chs 3A–7)

Page 249, lines 7 to 16—

omit, insert—

- (1) An ***original decision*** is any of the following—
 - (a) a decision of a control body to refuse to grant or renew a licence;
 - (b) a decision of a control body to take disciplinary action relating to a licence;
 - (c) a decision of a control body to take an exclusion action against a person;
 - (d) a decision of a control body to impose a monetary penalty on a person;
 - (e) a decision of a control body to impose any other non-monetary penalty on a person;
 - (f) a decision of a control body to refuse to grant a race information authority for a code of racing;
 - (g) a decision of a control body to cancel a race information authority under section 113AJ;
 - (h) a decision under this Act prescribed by regulation as an original decision.

84 Clause 369 (Replacement of chs 3A–7)

Page 249, line 20, ‘subsection (1)(a) or (b)’—

omit, insert—

subsection (1)(a) to (g)

85 Clause 369 (Replacement of chs 3A–7)

Page 249, line 23, ‘(1)(c)’—

omit, insert—

(1)(h)

86 Clause 369 (Replacement of chs 3A–7)

Page 250, lines 1 to 12—

omit, insert—

- (a) for an original decision refusing to grant or renew a licence—the applicant for the licence; or
- (b) a licence holder adversely affected by a decision of a control body to take the following action against the holder—
 - (i) disciplinary action;
 - (ii) exclusion action;
 - (iii) impose a monetary penalty;
 - (iv) impose any other non-monetary penalty; or
- (c) for an original decision refusing to grant a race information authority for a code of racing—the applicant for the race information authority; or
- (d) for an original decision to cancel a race information authority under section 113AJ—the holder of the race information authority before it is cancelled; or
- (e) prescribed by regulation for the purposes of a decision under this Act that is prescribed by regulation as an original decision.

87 Clause 369 (Replacement of chs 3A–7)

Page 251, line 21, ‘QACT’—

omit, insert—

QCAT

88 Clause 369 (Replacement of chs 3A–7)

Page 252, line 9, after ‘20’—

insert—

business

89 Clause 369 (Replacement of chs 3A–7)

Page 253, line 13, after ‘20’—

insert—

business

90 Clause 370 (Omission of ch 8, pt 1, div 1, hdg)

Page 253, lines 28 to 30—

omit.

91 Clause 371 (Amendment of s 310 (Definitions for div 1))

Page 254, lines 2 to 7—

omit.

92 Clause 371 (Amendment of s 310 (Definitions for div 1))

Page 254, line 14, after ‘approval’—

insert—

or licence

93 Clause 371 (Amendment of s 310 (Definitions for div 1))

Page 254, line 15, ‘racing’—

omit, insert—

race

94 Clause 373 (Amendment of s 313 (Making a false statement in application or other document))

Page 255, lines 14 and 15—

omit, insert—

(1) Section 313(a), from ‘accreditation’ to ‘certificate’—

omit, insert—

application for a licence

95 Clause 374 (Omission of ch 8, pt 1, divs 2–4, div 5, hdg and s 327)

Page 255, lines 18 to 21—

omit, insert—

374 Omission of ch 8, pt 1, div 2

Chapter 8, part 1, division 2—

omit.

96 After clause 374

Page 255, after line 21—

insert—

374A Amendment of ch 8, pt 1, div 3, hdg (Offences relating to prohibited things or interfering with licensed animals, persons or things)

Chapter 8, part 1, division 3, heading, from ‘relating’—

omit.

374B Omission of ss 316–318

Sections 316 to 318—

omit.

374C Amendment of s 319 (Person must not interfere with licence holder or official of a control body)

Section 319—

insert—

(3) In this section—

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

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

374D Omission of ch 8, pt 1, div 4 (Unlawful bookmaking, places where betting done unlawfully and other provisions)

Chapter 8, part 1, division 4—

omit.

374E Omission of ch 8, pt 1, div 5, hdg (Other offences)

Chapter 8, part 1, division 5, heading—

omit.

374F Amendment of s 327 (Interfering with particular things at licensed venue or places for holding trials)

Section 327(3), definition *responsible person*, paragraph (a), ‘controlling’—

omit, insert—

managing

97 Clause 377 (Replacement of ss 332 and 333)

Page 256, lines 19 to 24—

omit, insert—

A document purporting to be a copy of an appointment, approval, direction, licence, notice or other document made or given under this Act is evidence of the appointment, approval, direction, licence, notice or other document and of the matters contained in it.

98 Clause 388 (Insertion of new ch 11)

Page 271, lines 20 to 24—

omit, insert—

- (d) the commission in substitution for the relevant control body for the appellable decision, if the appellable decision relates other than to a club or venue;
- (e) any other party to the appeal.

99 Clause 388 (Insertion of new ch 11)

Page 272, line 15, after ‘control body’—

insert—

and the appellable decision relates other than to a club or venue

100 Clause 388 (Insertion of new ch 11)

Page 273, lines 3 to 17—

omit, insert—

- (1) If the appellable decision relates other than to a club or venue, previous chapter 4A does not apply to the appellable decision to which this division applies but the Racing Integrity Act, chapter 6, part 2, division 4 applies as if under that Act—
 - (a) the appellable decision were an original decision; and
 - (b) the aggrieved person for the appellable decision were the interested person for the original decision.
- (2) For subsection (1), the person may apply under the Racing Integrity Act, section 265 to the commission for an internal review of the decision before the person may apply, under section 268 of that Act, for an external review of the decision.
- (3) If the appellable decision relates to a club or venue, previous chapter 4A does not apply to the appellable decision but chapter 4 applies as if—
 - (a) the appellable decision were an original decision; and
 - (b) the aggrieved person for the appellable decision were the interested person for the original decision.
- (4) For subsection (3), the person may apply under section 117 to the decision-maker for the decision for an internal review of the decision before the person may apply, under section 120, for an external review of the decision.

101 Clause 388 (Insertion of new ch 11)

Page 273, line 26, ‘commission’—

omit, insert—

chairperson

102 Clause 388 (Insertion of new ch 11)

Page 274, after line 2—

insert—

490A Continued right of review by tribunal

- (1) This section applies if an aggrieved person is given, or is entitled to be given, a QCAT information notice for a decision of a constituted board made before, on or after the commencement.
- (2) Previous section 152A and previous chapter 5, part 3 continue to apply to the decision and any review of the decision as if the provisions had not been repealed.

103 Clause 388 (Insertion of new ch 11)

Page 274, line 8, after ‘decision’—

insert—

, other than an appellable decision relating to a club or venue

104 Clause 388 (Insertion of new ch 11)

Page 274, line 13, after ‘applies’—

insert—

, other than an appellable decision relating to a club or venue

105 Clause 389 (Replacement of sch 3 (Dictionary))

Page 277, line 5, after ‘part 1,’—

insert—

division 1,

106 Clause 389 (Replacement of sch 3 (Dictionary))

Page 277, after line 11—

insert—

animal welfare offence means an animal welfare offence under the Racing Integrity Act.

107 Clause 389 (Replacement of sch 3 (Dictionary))

Page 278, line 5, after ‘part 1,’—

insert—

division 1,

108 Clause 389 (Replacement of sch 3 (Dictionary))

Page 279, line 25, after ‘part 1,’—

insert—

division 1,

109 Clause 389 (Replacement of sch 3 (Dictionary))

Page 280, line 3, after ‘part 1,’—

insert—

division 1,

110 Clause 389 (Replacement of sch 3 (Dictionary))

Page 280, line 9, after ‘part 1,’—

insert—

division 1,

111 Clause 389 (Replacement of sch 3 (Dictionary))

Page 280, line 10, after ‘part 1,’—

insert—

division 1,

112 Clause 389 (Replacement of sch 3 (Dictionary))

Page 281, lines 3 to 14—

omit, insert—

disciplinary action, relating to a Minister’s approval or licence, means 1 or more of the following—

- (a) cancelling the approval or licence;
- (b) suspending the approval or licence for a stated period;
- (c) varying the approval or licence in either of the following ways, except if the variation is made as the result of an application of the control body or licence holder—
 - (i) changing a condition stated in the approval or licence to which it is subject;
 - (ii) stating a new condition to which the approval or licence is to be subject.

113 Clause 389 (Replacement of sch 3 (Dictionary))

Page 282, lines 30 and 31 and page 283, lines 1 to 15—

omit, insert—

exclusion action, relating to a person, means—

- (a) for an action taken by a control body against the person—naming 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; or
- (b) for an action taken by the commission against the person—warning 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 being used for a control body's code of racing.

114 Clause 389 (Replacement of sch 3 (Dictionary))

Page 284, after line 8—

insert—

exercise control, by the commission at a licensed venue, see the Racing Integrity Act.

115 Clause 389 (Replacement of sch 3 (Dictionary))

Page 284, line 9, after 'part 1,'—

insert—

division 1,

116 Clause 389 (Replacement of sch 3 (Dictionary))

Page 285, lines 5 to 25—

omit, insert—

licence means—

- (a) a licence under the Racing Integrity Act in relation to—

- (i) an animal that is suitable for racing in a code of racing; or
 - (ii) a person who is suitable to be a participant in a code of racing, including, for example, as the owner of an animal or as a racing bookmaker, racing bookmaker's clerk, rider, stable supervisor, stablehand or trainer; or
- (b) a licence under this Act in relation to—
- (i) a club that is suitable to be licensed for a code of racing; or
 - (ii) a venue that is suitable for race meetings for a 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.

licensed means—

- (a) for a club or venue—licensed by a control body under this Act; or
- (b) otherwise—licensed by the commission under the Racing Integrity Act.

117 Clause 389 (Replacement of sch 3 (Dictionary))

Page 286, lines 3 to 9—

omit, insert—

licensed club means a club licensed by a control body to hold race meetings for its code of racing.

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 its code of racing.

118 Clause 389 (Replacement of sch 3 (Dictionary))

Page 286, lines 12 to 21—

omit, insert—

manage—

- (a) in relation to a code of racing or application code in an approval application, includes—
 - (i) regulating activities associated with the code or application code; and
 - (ii) prohibiting some activities, or aspects of an activity, associated with the code or application code; or
- (b) in relation to a licensed venue by a control body, means the control body that licensed the venue has included the contest, contingency, event or race meeting to be held at the venue in the control body's racing calendar.

119 Clause 389 (Replacement of sch 3 (Dictionary))

Page 289, lines 16 and 17—

omit, insert—

show cause notice—

- (a) for chapter 2, part 2, division 8—see section 32G(1); or
- (b) for chapter 3, part 4—see section 102(1).

show cause period—

- (a) for chapter 2, part 2, division 8—see section 32G(2)(g); or
- (b) for chapter 3, part 4—see section 102(2)(e).

120 Schedule 1 (Dictionary)

Page 293, after line 18—

insert—

board means the board under the Racing Act.

121 Schedule 1 (Dictionary)

Page 293, lines 29 to 34 and page 294, lines 1 to 11—

omit, insert—

- (ii) of an applicant for a racing bookmaker's licence—a person whom the commission reasonably 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
- (iii) of the holder of a racing bookmaker's licence—a person whom the commission reasonably believes is associated with the ownership or management of the business conducted by the racing bookmaker; and

122 Schedule 1 (Dictionary)

Page 294, lines 14 and 15—

omit.

123 Schedule 1 (Dictionary)

Page 294, after line 23—

insert—

commission decision see section 130.

124 Schedule 1 (Dictionary)

Page 296, lines 15 to 18—

omit.

125 Schedule 1 (Dictionary)

Page 296, after line 21—

insert—

exclusion action, relating to a person, means—

- (a) for an action taken by a control body against the person—naming 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; or
- (b) for an action taken by the commission against the person—warning 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 being used for a control body’s code of racing.

126 Schedule 1 (Dictionary)

Page 296, lines 30 to 34 and page 297, lines 1 to 17—

omit, insert—

- (b) of an applicant for a racing bookmaker’s licence—an executive officer of a corporation, a partner, a trustee, or another person stated by the commission, whom the commission reasonably 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

- (c) of the holder of a racing bookmaker's licence—an executive officer of a corporation, a partner, a trustee, or another person stated by the commission, whom the commission reasonably believes is associated with the ownership or management of the business conducted by the racing bookmaker.

127 Schedule 1 (Dictionary)

Page 297, after line 22—

insert—

exercise control, by the commission at a licensed venue, means the commission performs its functions at the venue when a contest, contingency, event or race meeting is held at the venue.

Notes—

- 1 The commission exercises control at a licensed venue by having stewards present at a race meeting held at the venue to provide oversight of the meeting in accordance with the functions and powers given to stewards under the rules of racing.
- 2 If a steward who is present at a licensed venue at the time a race meeting is to be held at the venue advises the person responsible at the venue, the control body that licensed the venue or the licensed club at the venue that the meeting must be stopped or must not start, the commission is no longer exercising control at the venue.

128 Schedule 1 (Dictionary)

Page 297, lines 24 to 28—

omit.

129 Schedule 1 (Dictionary)

Page 298, line 26, ‘or place’ —
omit.

130 Schedule 1 (Dictionary)

Page 299, lines 9 and 10—
omit, insert—

licensed club means a licensed club under the
Racing Act.

131 Schedule 1 (Dictionary)

Page 299, lines 16 to 18—
omit, insert—

licensed venue means a licensed venue under the
Racing Act.

manage—

- (a) in relation to a code of racing or application code in an approval application, includes—
 - (i) regulating activities associated with the code or application code; and
 - (ii) prohibiting some activities, or aspects of an activity, associated with the code or application code; or
- (b) in relation to a licensed venue by a control body, means the control body that licensed the venue has included the contest, contingency, event or race meeting to be held at the venue in the control body’s racing calendar.

132 Schedule 1 (Dictionary)

Page 302, after line 7—

insert—

race day steward means a steward who is employed by the commission to supervise particular matters at race meetings.

133 Schedule 1 (Dictionary)

Page 302, line 32, ‘part 3, see section 119(1)’—

omit, insert—

part 2, see section 89X(1)

134 Schedule 1 (Dictionary)

Page 303, line 4, ‘part 3, see section 119(2)(d)’—

omit, insert—

part 2, see section 89X(2)(d)

135 Schedule 2 (Amendment of Acts)

Page 314, lines 1 to 4—

omit.

136 Schedule 2 (Amendment of Acts)

Page 314, lines 12 to 14—

omit, insert—

(b) at a licensed venue under the *Racing Act 2002* where a race meeting under that Act is held; or

137 Schedule 2 (Amendment of Acts)

Page 315, lines 5 to 8—

omit, insert—

**2 Schedule 2, definitions *licensed club* and
licensed venue, ‘schedule 3’—**

omit, insert—

schedule 1

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