

Inquiry by the Agriculture and
Environment Committee into the
Racing Integrity Bill 2015

Submission on behalf of the Queensland All Codes Racing
Industry Board

27 January 2016

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Key Abbreviations and Acronyms Used in this Submission

Term	Meaning
Bill	Racing Integrity Bill 2015
Committee	Queensland Parliamentary Agriculture and Environment Committee
Department	Department of National Parks, Sport and Racing
Inquiry	The Commission of Inquiry into the Regulation of the Queensland Greyhound Racing Industry headed by Alan MacSporran QC
QRIC	Queensland Racing Integrity Commission
Racing Act	Racing Act 2002 (Qld)
Racing Integrity Act	Proposed Racing Integrity Act 2015
Racing Queensland	The Queensland All Codes Racing Industry Board trading as Racing Queensland established under Part 1A of the Racing Act
RQB	Racing Queensland Board
Rules	Rules of Racing made pursuant to the Racing Act 2002

1. Introduction and Overview of this Submission

1.1 Introduction

- 1.1.1 Racing Queensland is pleased to have the opportunity to provide this submission to the Committee as part of the Committee's Inquiry into the Bill.
- 1.1.2 In accordance with s.9AB of the Racing Act, Racing Queensland is currently the control body for thoroughbred, harness and greyhound racing in Queensland.
- 1.1.3 Racing Queensland is committed to ensuring that the implementation of the proposed new regulatory framework for racing in Queensland is undertaken in a streamlined and cost efficient manner and to ensure that there is minimal disruption within the racing industry.
- 1.1.4 Racing Queensland notes that the primary purpose of the Bill is to implement Recommendations 1 - 3 as set out in the Queensland Greyhound Racing Commission of Inquiry's Final Report.¹
- 1.1.5 Accordingly, the purpose of this submission is to identify, for the Committee's consideration, matters that Racing Queensland considers may require further consideration or refinement in order to properly achieve the Government's policy intention. Additionally, this Submission also identifies matters where, in Racing Queensland's view, the practical implementation of the policy in the form currently contemplated by the Bill, could give rise to unintended consequences or practical implementation difficulties.
- 1.1.6 This Submission is structured as follows:
- (a) Part 1 sets out the Background and Purpose of the Submission;
 - (b) Part 2 sets out the Executive Summary of the Key Issues identified by Racing Queensland for consideration by the Committee;
 - (c) Part 3 outlines a number of issues in respect of the allocation of functions between the RQB and QRIC in respect of licensed clubs;
 - (d) Part 4 addresses the need for an objective, transparent and sustainable approach to the ongoing funding of the QRIC;
 - (e) Part 5 outlines a number of issues in respect of the internal review processes that are proposed for inclusion in both the Racing Integrity Act and the Racing Act;
 - (f) Part 6 identifies, at a high level, some potential issues that may require further consideration in the context of the arrangements which exist at a national level for each code of racing, including the adoption of national rules of racing; and
 - (g) Schedule 1 sets out a Table containing Racing Queensland's comments in respect of specific provisions of the Bill, including in respect of identified minor drafting and technical issues.

2. Executive Summary

- 2.1.1 The key issues identified by Racing Queensland in this Submission are as follows:
- (a) As currently drafted, Racing Queensland considers that there is the potential for ambiguity to occur in relation to allocation of functions and responsibilities between QRIC and the RQB, particularly in the context of licensed clubs. Racing Queensland acknowledges that the separation of the Stewarding and Integrity division of Racing Queensland is a complicated matter. The suggestions made by

¹ See <http://www.parliament.qld.gov.au/work-of-committees/committees/AEC/inquiries/current-inquiries/07-RacingIntegBill2015>.

Racing Queensland are intended to assist in ensuring the successful implementation of the new arrangements;

- (b) Racing Queensland notes that the cost of operating the QRIC is to be mainly funded by the control bodies. However, Racing Queensland considers that there needs to be a more transparent process for the provision of ongoing funding which ensures that the independence of QRIC is maintained whilst also providing the RQB with some certainty in respect of funding levels.
- (c) Racing Queensland submits that the Internal Review processes that are proposed for both the Racing Integrity Act and the amended Racing Act are not the most appropriate review processes for the racing industry. Racing Queensland also considers that there may be difficulties with the practical implementation of these Internal Review processes.
- (d) As the control body for the thoroughbred, greyhound and harness codes of racing in Queensland, Racing Queensland is currently a member or participant in the national entities for each code of racing. Racing Queensland notes that the changes to the regulatory arrangements in Queensland may in some respects have impacts upon these national arrangements and that there may be potential inconsistencies that arise between the new Queensland framework and the national arrangements. In particular, Racing Queensland notes that the process proposed for the making of Rules may pose significant practical difficulties in this regard.

3. Allocation of Functions between QRIC and RQB - Clubs

3.1 Delineation of functions between QRIC and RQB

- 3.1.1 Racing Queensland acknowledges that, as part of the Government's commitment to the implementation of Recommendations 1 - 3 of the Inquiry, responsibility and oversight for integrity matters associated with licensed clubs will now be transferred to QRIC.
- 3.1.2 Racing Queensland is concerned that under the Rules as currently drafted, there is a potential overlap between the responsibilities of the RQB and QRIC in respect of licensed clubs which has the potential to create ambiguity regarding the respective functions of QRIC and RQB and how each entity is to provide effective oversight of licensed clubs.
- 3.1.3 In addition, Racing Queensland considers that the proposed repeal of provisions in the Racing Act which currently provide the control body with the power to take appropriate action against clubs in certain circumstances could result in a potential 'gap' in the oversight function of licensed clubs.
- 3.1.4 Racing Queensland considers that despite the role of the QRIC, these existing provisions remain necessary to ensure that the RQB is able to properly perform its functions in respect of the proper oversight of licensed clubs, particularly in respect of commercial and operational matters that are outside of the legislative functions of the QRIC.
- 3.1.5 These provisions are also necessary to ensure that the QRIC is not, by default, required to exercise the oversight of licensed clubs in respect of non-integrity matters that are clearly outside of QRIC's legislative functions.
- 3.1.6 By way of example, Racing Queensland raises the following matters for the Committee's consideration:
 - (a) A direction issued by QRIC in relation to a matter associated with the "operations" of a club may result in the licensed club or the RQB being in breach of obligations owed to third parties under commercial arrangements;
 - (b) The QRIC's power to issue directions to clubs should be limited to matters within the QRIC's functions. Chapter 3 of the Bill sets out the QRIC's functions in relation to codes of racing and licensed clubs. The primary function of QRIC in relation to clubs relates to the licensing of clubs. Therefore, Racing Queensland considers

that the oversight function of QRIC in relation to licensed clubs should, to avoid ambiguity, be aligned with the purposes of QRIC's licensing scheme as set out in s.64 of the Bill.

- (c) The potential overlap between the responsibilities of the RQB and QRIC could occur in circumstances where the RQB holds a reasonable suspicion that a licensed club's financial management or commercial dealings with third parties involved an element of wrongdoing. This could arise if a club committee member was being influenced by a conflict of interest in its commercial dealings with a third party, if a committee member or employee of the club was suspected of fraudulent behaviour or where it is generally suspected that a club was making commercial decisions against the interests of its membership or the local racing community. In these instances the RQB should retain full investigative and auditing rights in relation to licensed clubs, as well as the ability to provide authoritative directions to licensed clubs, without any uncertainty as to whether this is the statutory function and responsibility of the RQB or the QRIC.

3.2 "Management" of Licensed Venue

- 3.2.1 In addition to the more general issues set out above, Racing Queensland considers that, as currently formulated under the Bill, the respective functions and responsibilities of QRIC and the RQB at a race meeting may lead to confusion between QRIC, the RQB and the licensed clubs in terms of which entity is responsible for what functions in relation to the venue and race meetings, including in respect of applicable legal obligations.
- 3.2.2 The primary function of RQB as set out in the proposed s.9AD of the amended Racing Act is to be the control body for the greyhound, harness and thoroughbred codes of racing and to manage its codes of racing.
- 3.2.3 "Manage" in relation to a code of racing is defined in the proposed dictionary to the amended Racing Act to include:
- "(a) operating, developing and promoting the code or application code; and*
- (b) regulating activities associated with the code or application code; and*
- (c) prohibiting some activities, or aspects of an activity, associated with the code or application code."*
- 3.2.4 In allocating responsibility between the RQB and QRIC in relation to race meetings, the Bill adopts in several places the following formulation of words (or similar formulation) to describe the allocation of functions of the RQB and QRIC:
- (a) the control body for the code of racing for which the club and venue are licensed is managing the venue at the time; and
- (b) the commission is exercising control at the venue.²
- 3.2.5 Under the current Racing Act, equivalent provisions use the expression "*under the control of the control body...*".³ Racing Queensland acknowledges that under the new regulatory arrangements, there may be aspects of a race meeting which will be both under the "control" of the RQB and for other aspects which will be under the "control" of QRIC.
- 3.2.6 However, Racing Queensland considers that the formulation of words as currently set out in the Bill which distinguishes between "managing the venue" and "exercising control at the venue" add to the ambiguity in this area rather than provide clarity.
- 3.2.7 In particular, Racing Queensland submits that although the RQB is responsible for "managing" the code of racing, and this will necessarily extend to the RQB having oversight functions and

² See for example, ss.79, 80, 81, 83, 84, 85, 86, 87, 158, 243, 248.

³ See current s.109 of the Racing Act which is the equivalent provision to proposed s.79 of the Racing Integrity Act.

responsibilities for what occurs on a race day at a race meeting, it is not accurate to state that the RQB (or a control body) will be "*managing the venue*" at the time.

- 3.2.8 Racing Queensland raises this issue as it is concerned that in attempting to describe the RQB and QRIC's functions in respect of race meetings, the provisions may create legal ambiguity as to where the responsibilities of each entity (being QRIC, the RQB and the relevant licensed club) start and finish. This ambiguity may expose each entity to additional legal risk and also expose the public and industry participants to unnecessary risk if there is uncertainty as to which entity has control and responsibility for different aspects of the operation of the racing venue and race day operations.

4. Objective and Certainty in respect of Funding Mechanism

- 4.1.1 Clause 56 of the Racing Integrity Bill provides that the cost of the performance of the QRIC's functions is to be mainly funded by the control bodies. In addition, clause 56 of the Bill also provides:
- (a) that the chief executive must decide the amount that a control body is to pay from time to time for the cost of the performance of QRIC's functions; and
 - (b) the amount of the invoice is payable within 28 days after the control body receives the invoice.
- 4.1.2 Racing Queensland considers that, as currently drafted, clause 56 of the Bill has the potential to:
- (a) result in the funding of QRIC in a manner that is contrary to the stated policy intention of the Government; and
 - (b) result in a lack of transparency in the funding process and expose the control body and the racing industry to unnecessary financial uncertainty.
- 4.1.3 Racing Queensland notes that the stated policy intention of Government that although the funding of QRIC will primarily be provided by the industry, the funding of QRIC will consist of both Government and industry funding, and specifically:
- (a) that the Government will continue to fund those aspects of QRIC's operations which are within the scope of the Government's responsibility (for example, functions of QRIC which are currently undertaken by departmental staff); and
 - (b) the industry, through the control bodies, will be responsible for funding the other costs associated with QRIC's functions, including for example, costs associated with the stewarding and licensing functions that are being transferred to QRIC.
- 4.1.4 Racing Queensland also notes the statements recently attributed to the Minister for Racing that the Government will be responsible for the increased costs in integrity from the establishment of the QRIC and that this will be dealt with as part of the normal State budget process.⁴
- 4.1.5 Racing Queensland acknowledges that, based on the evidence provided to the Committee during the Public Briefing, the policy intention of the Government appears to be that clause 56 of the Bill will only be used for "emergent" funding situations that are outside of the usual budgetary process.⁵

⁴ See article available at <http://www.goldcoastbulletin.com.au/sport/state-government-to-pay-extra-costs-with-establishment-of-qric/news-story/e6ac271fe69dbb05a2ea75fc7e23df4c>

⁵ See pp.6-7 of the Transcript from the *Public Briefing—Examination of the Racing Integrity Bill 2015* available at <http://www.parliament.qld.gov.au/documents/committees/AEC/2015/07-RacingIntegBill2015/07-trnsP-pb11Dec2015.pdf>

- 4.1.6 However, Racing Queensland is concerned that the provision as currently drafted is far broader than the stated policy intention. In particular, Racing Queensland raises the following matters for consideration by the Committee:
- (a) There is no mechanism, process or set of objective criteria through which the Funding is to be determined. Rather, as currently drafted the chief executive is provided with a bare discretion as to the amount and timing of any funding contributions that may be required from the RQB.
 - (b) The provision as currently drafted does not provide for any consultation between the RQB and QRIC or the Department in respect of the proposed funding. Racing Queensland notes that, in respect of the Integrity and Stewarding functions of QRIC, it will not be possible for QRIC to determine its resource requirements in any defined period without consulting with RQB in relation to the proposed racing calendar. This is because the timing, location and scheduling of race meetings will directly impact upon the resources that QRIC will be required to provide from an integrity and stewarding perspective.
 - (c) There could be significant budgeting and/or cash flow implications for the RQB and the industry if it was to be invoiced for significant amounts of funding without sufficient notice.
- 4.1.7 In order to properly balance the management of the future funding requirements of QRIC with the need for a level of stability and certainty for the racing industry, Racing Queensland considers that the legislation should include a transparent process for the determination of the amount of funding and set out relevant criteria which are to be taken into account when a determination is made about the amount of funding that the control bodies will be required to contribute to the cost of QRIC's functions.

5. Internal Review and Appeals

5.1 Proposed QRIC Internal Review

- 5.1.1 The Bill proposes to abolish the Racing Disciplinary Board and implement a new process consisting of an Internal Review followed by a right of external review to QCAT.
- 5.1.2 Racing Queensland acknowledges that the process proposed in Chapter 6, Part 2, Division 4 of the Bill is a standard process that is similar to many existing government administrative decision making processes. However, Racing Queensland considers that the process as proposed is not appropriate for the racing industry, particularly having regard to the expectations of the industry, the timeframes proposed and the potential for this process to be used to undermine the integrity aspects of the industry.
- 5.1.3 In particular, Racing Queensland notes the following for the Committee's consideration:
- (a) The scope of decisions that are amenable to Internal Review will in practice be far broader than provided under the current system and the First Level Appeal system that operated prior to the establishment of the Racing Disciplinary Board. For example:
 - (i) There is currently a non-refundable prescribed fee of \$267.70 to appeal to the Racing Disciplinary Board; and
 - (ii) Prior to the establishment of the Racing Disciplinary Board, s.95 of the Racing Act provided that, in respect of a monetary penalty, a right of appeal to the First Level Appeal Committee arose only if the monetary penalty was between \$100 - \$2000. There was also an application fee payable, which was only refundable if the appeal was successful.
 - (b) In practice, there may be some difficulties with the application of the proposed internal review process, particularly as regards decisions made by stewards and steward panels. For example, if a decision is made by a panel that includes the

Chief Steward, then in a practical sense, it may be that within QRIC there are then only a limited number of positions in the organisational structure that are more senior than the Chief Steward.

- (c) The volume of appeals is not insignificant and will require the person making the decision to have an appropriate level of knowledge of the relevant Rules, including penalty precedents and an ability to interpret race riding (eg careless riding etc). The practical application of this process may result in senior employees of QRIC that have been employed for different purposes, being unnecessarily diverted from their other duties to attend to internal reviews. Furthermore, those positions which are more senior may not possess the level of expertise or knowledge that racing industry participants expect of a racing appeal or review body.
- (d) The current drafting of s.267(3) of the Bill also appears to enable a person more junior than the Commissioner to deal with an internal review if the Commissioner has previously personally made the original decision. This can be contrasted with the position in other Queensland Acts, such as the Information Privacy Act 2009 (Qld) (see s.95) where a decision made by the principal officer proceeds immediately to external review. Racing Queensland considers that, if the Internal Review process is to be retained, it would be more appropriate for decisions made by the Commissioner to proceed straight to an external review by QCAT.

5.1.4 If the Internal Review process is to be retained, Racing Queensland considers that there needs to be some limitation on the scope of decisions that may be subject to internal review and that a fee should be payable to QRIC in respect of any Internal Review applications.

5.2 Proposed amendments to Racing Act

5.2.1 There are also proposed amendments to the Racing Act which would insert a new Chapter 4 to create a right of internal review and external review in relation to certain decisions relating to race information authorities.

5.2.2 Racing Queensland does not consider that the proposed review processes contemplated by the Bill are appropriate for decisions relating to race information authorities.

5.2.3 The Control Body's decisions in relation to race information authorities are already subject to judicial review under the Judicial Review Act 1991 (Qld). Racing Queensland considers that, because of the nature of the relevant decisions, that judicial review to the Supreme Court should be the only mode of appeal.

5.2.4 However, if contrary to this submission, the Internal Review and External Review provisions are to be retained, Racing Queensland submits that the Internal Review and External Review processes should be limited to:

- (a) a decision to refuse to grant a race information authority; and
- (b) a decision to cancel a race information authority under s.113AJ.

5.2.5 Racing Queensland considers that, having regard to the procedural nature of conditions mentioned in s.113AF(3)(b), it would not be appropriate for the content of these conditions to be subject to Internal Review or External Review.

6. Alignment with national requirements

6.1 National Arrangements

6.1.1 As the control body for racing in Queensland, Racing Queensland is a member and participant in a number of national entities including:

- (a) Racing Australia;

- (b) Harness Racing Australia; and
 - (c) Greyhounds Australasia.
- 6.1.2 Racing Queensland does not seek to address in detail in this Submission the requirements of the national entities or the alignment of the proposed Queensland regulatory framework with the national racing arrangements.
- 6.1.3 However, in order to ensure that there is a streamlined transition as from 1 April 2016, Racing Queensland notes the following matters which may require further consideration or consultation with national entities prior to 1 April 2016:
- (a) The functions of the Principal Racing Authority (Thoroughbred) and the Controlling Body (Harness and Greyhound) under the Rules for each Code capture functions which will be performed by both the RQB and QRIC. It is not clear how this in practice will operate.
 - (b) To the extent that the RQB is the PRA under the Thoroughbred Rules and the Controlling Body under the Greyhound and Harness Rules, there are a range of functions within the Rules that would now appear to be outside the scope of the RQB's functions including the appointment of Stewards, Licensing and the hearing of Appeals.
 - (c) The definition of Principal Racing Authority in Rule 1 of the Thoroughbred Australian Rules of Racing is also relevant. The definition of PRA includes a limitation on a PRA having Members that are direct government appointees.
- 6.1.4 Racing Queensland notes that, to the extent of any inconsistency, the legislation will prevail. However, there is a real risk that this could create ongoing legal uncertainty, particularly for QRIC in relation to the exercise of its powers pursuant to the relevant Rules.

6.2 Process for Making Rules of Racing

- 6.2.1 One of the primary issues that Racing Queensland has identified with the Bill is that the process for the making of Rules (that is contemplated by the proposed amendments to ss.91 and 94 of the Racing Act) may not in practice be capable of being implemented.
- 6.2.2 Firstly, Racing Queensland considers that the consultation process, in some instances, may be seen as potentially placing RQB in breach of its obligation to the National racing entities. In particular, Racing Queensland notes that some of the national racing entities (eg. Racing Australia) require each State controlling body/principal racing authority to adopt the National Rules approved by the national entity.
- 6.2.3 As an example, AR.7(i) of the Thoroughbred Australian Rules of Racing provides as follows:
- "A Principal Racing Authority shall, in furtherance and not in limitation of all powers conferred on it or implied by these Rules, have power, in its discretion:*
- (i) not have the reserved right to make new Rules (other than local Rules) or to rescind or alter these Rules, and a principal Racing Authority which does not comply with this requirement shall ipso facto cease to be a Principle Racing Authority."*
- 6.2.4 Although the legislation may override the Rules, there is a risk that the national body could consider taking action against the RQB if it considered that the national rules were not being complied with.
- 6.2.5 This also creates a legal risk for QRIC and the RQB in relation to the application of the Rules that may locally be made.

7. Conclusion

- 7.1.1 As set out above, Racing Queensland is committed to ensuring the long term sustainability and integrity of the Queensland racing industry. It is against this background that Racing Queensland has identified the above issues in an attempt to assist the Committee in its consideration of the Bill and to ensure that the Bill, once it is enacted, fulfils the stated policy intention of the Government.
- 7.1.2 In addition to the issues identified above, Racing Queensland has also identified a range of other more technical issues in Schedule 1, including some minor typographical issues which have been included for the Committee's reference.
- 7.1.3 Racing Queensland trusts that this submission is of assistance to the Committee.

Schedule 1

1. Proposed Racing Integrity Act

Item	Clause in Bill	Page Number in Bill	RQ Comment
1.	s.13	p.27	Racing Queensland considers that in addition to the matters already set out in proposed s.13(2), the Minister should not be able to give the Commission a direction in relation to any decision made by the Commission under the Rules of Racing.
2.	ss.14-15	p.28	<p>Racing Queensland considers that a direction given by QRIC to a licensed club should only prevail to the extent of any inconsistency in relation to integrity matters (as opposed to non- integrity matters).</p> <p>Racing Queensland considers that there is a risk that proposed s.15 has the potential to give rise to ongoing governance tension between QRIC and the RQB. Furthermore, as currently drafted, s.14 appears to provide QRIC with a power to issue a direction in respect of matters that are outside of QRIC's functions. Although, in a practical sense, it may be necessary to read down the provision so that it does not authorise such a direction being issued, Racing Queensland considers that it would be better for any ambiguity in this regard to be removed.</p>
3.	ss.18 and 25-26	p.30, 33 and 34	<p>Reference in s.18(c) to "executive office" should be a reference to "executive officer."</p> <p>Racing Queensland also notes that the effect of s.18 is that a person that has previously been employed by Racing Queensland (or subsequently the RQB) is prohibited from holding the position of deputy commissioner or commissioner, potentially even in an acting capacity, for a period of 2 years. This includes employees that will, as a result of the transfer of functions from Racing Queensland to QRIC, have been transferred to QRIC from the Integrity and Stewards department within Racing Queensland.</p> <p>This can be contrasted with the position, for example, of an employee that is transferred to QRIC from the Office of Racing or Racing Science Centre where there will be no prohibition on their appointment to a position of deputy commissioner or commissioner.</p> <p>Although Racing Queensland understands the need for there to be appropriate independence between the two entities, the current provisions appear to create a very strict regime, which may, particularly in the context of the transition of staff, impose unnecessary and/or unworkable restrictions.</p>

Item	Clause in Bill	Page Number in Bill	RQ Comment
4.	ss.48-55	p.46- 48	<p>Section 50(3) and (4) gives to the Minister a power of direction in respect of the draft Strategic or Operational Plans that QIRC is required to adopt each year.</p> <p>Racing Queensland considers that, similar to proposed s.13 of the Racing Integrity Act, QIRC should be required to report in its Annual Report, details of any direction provided to QIRC by the Minister.</p> <p>Racing Queensland considers that this would improve transparency particularly in the context of the impact (if any) on QIRC arising from compliance with the Ministerial direction.</p> <p>It is also consistent with the approach that was adopted in s.45 of the <i>Queensland Rail Transit Authority Act 2013</i> which requires all directions given to the Authority by the responsible Minister under the chapter (which includes equivalent Strategic and Operational plan provisions) to be included in the annual financial reports.</p>
5.	ss.56 - 57	p.48-49	<p>As set out in Part 4 of this Submission, Racing Queensland has identified a number of matters that require further consideration in respect of the funding mechanism as currently proposed in the Bill.</p>
6.	s.61	p.51	<p>Racing Queensland considers that, in order to ensure that the RQB is aware of the content of all QIRC Standards and any amendments to the Standards that proposed s.61(2)(a) should be expanded to require QIRC to provide a copy of the Standard to both the chief executive and the RQB.</p>
7.	Chapter 3, Part 3	p.57 - 61	<p>Racing Queensland recommends that QIRC be required to notify the RQB as soon as reasonably practicable if it takes, or is proposing to take, disciplinary action against a licensed club. In addition, the QIRC should be required to provide the RQB with a copy of any direction or notices issued by QIRC to a licensed club.</p>
8.	s.74	p.59	<p>Racing Queensland recommends that QIRC be required to notify RQB as soon as reasonably practicable if it suspends a club's licence under s.74. This is because the suspension of a club's licence may require the RQB to take immediate action to amend the racing calendar.</p>
9.	Chapter 6, Division 4	pp.177-185	<p>Racing Queensland considers that the proposed Internal Review process is not appropriate for the racing industry. Racing Queensland recommends that the current RDB structure be retained or alternatively that the First Level Appeals process that previously applied be re-implemented.</p> <p>In addition to the practical difficulties associated with the implementation of the proposed regime, Racing Queensland does not consider that the proposed Internal Review mechanism provides industry participants with an appropriate Appeal system as is contemplated by the Rules for each code of racing.</p>

Item	Clause in Bill	Page Number in Bill	RQ Comment
10.	267	p.181	As set out in Part 5 of the Submission, if the Internal Review process currently contemplated is retained, Racing Queensland recommends that s.267 be modified to provide that if the Original Decision is made by the Commissioner, there will then be no Internal Review and the matter will proceed directly to QCAT.
11.	280	p.188	Racing Queensland notes that the Bill proposes a very broad power of sub-delegation of Ministerial powers. Racing Queensland considers that there should be a carve out from the sub-delegation power of certain Ministerial powers. For example, as regards the Minister's power to issue a direction under ss.13 and 50(3) of the Racing Integrity Act.

2. Proposed Amendments to Racing Act 2002

Item	Clause in Bill	Section in Racing Act to be amended	Page Number in Bill	RQ Comment
1.	314	s.4	p.212- 213	<p>Section 4(2)(a) appears to have a drafting error in that the RQB should be established as the control body for thoroughbred, harness and greyhound codes of racing.</p> <p>This will align subsection 4(2)(a) with the surrounding provisions.</p>
2.	318	s.9AD	p.214-215	<p>Racing Queensland considers that current s.9AD(2)(f) should be re-instated. Section 9AD(2)(f) provides that one of Racing Queensland's functions relates to "managing the redevelopment of existing, and the construction of new, racing infrastructure required by the board codes of racing individually or as a whole".</p> <p>Racing Queensland considers that this function should be retained for the RQB.</p>
3.	318	s.9AG	pp.216-218	<p>Racing Queensland considers that:</p> <ul style="list-style-type: none"> references to 'control body' should be 'the board'. This is because this provision only relates to the RQB. reference to product fee should be a reference to the Variable Fee under the Queensland Product and Program Deed entered into by Tattsbet Limited ACN 085 691 738 and the Queensland All Codes Racing Board, that came into effect on 1 July 2014. <p>Racing Queensland also notes that Queensland Race Product Co Limited is currently in the process of being deregistered.</p>
4.	319	ss.9AI and 9AJ	p.218-220	<p>Racing Queensland notes that there is a potential inconsistency between the appointment process and the operation of the Thoroughbred Australian Rules of Racing.</p> <p>The definition of "Principal Racing Authority" in Rule 1 of the Australian Rules of Racing includes a limitation on a PRA having a member that is a direct government appointee.</p>

Item	Clause in Bill	Section in Racing Act to be amended	Page Number in Bill	RQ Comment
5.	346	s.34	p.232-234	Racing Queensland acknowledges that the intention is for responsibility for animal welfare to be undertaken by QRIC. However, Racing Queensland considers that in the performance of its primary function of "managing" the thoroughbred, greyhound and harness codes of racing, the RQB will still need to retain functions in respect of some aspects of animal welfare. For example, Racing Queensland considers that the research function currently contemplated by s.34(2)(g) should be retained by the RQB. In particular, Racing Queensland notes that this is distinct to QRIC's investigative and enforcement powers with respect to animal welfare breaches.
6.	354	s.45F	p.239	Racing Queensland also considers that for transparency purposes, the same requirement should apply here as in s.9BM of the Racing Act. That is, if a direction is given by the Minister, it is to be included in the RQB's annual report.
7.	360	s.91- 94	p.243-245	<p>Racing Queensland has set out in Part 6 of its Submission the concerns that it has in respect of the process for the making of the Rules.</p> <p>In addition to the general matters set out in Part 6 of the Submission, Racing Queensland considers that in order to streamline the process, the consultation process in relation to the rules should be between QRIC and the RQB.</p> <p>Racing Queensland also notes that in the Thoroughbred Code of Racing, the adoption of the Australian Rules of Racing is not discretionary for PRAs recognised by Racing Australia. This may prove problematic if QRIC or the chief executive required amendments to the Australian Rules of Racing after they have been approved by Racing Australia.</p> <p>Furthermore, Racing Queensland also notes that the legal effect of s.93(3) will be that certain national Rules that have been made by Racing Queensland may immediately be inconsistent with the Racing Integrity Act and Racing Act upon commencement. This may create legal uncertainty for QRIC and Stewards in the exercise of powers under the Rules (noting that in the context of the Thoroughbred Code of Racing that the PRA does not have the power to make local rules that are inconsistent with the Australian Rules of Racing).</p>
8.	369	s.118(1)	p.251	There is a minor typographical error - the reference to QACT in s.118(2) should be QCAT.

Item	Clause in Bill	Section in Racing Act to be amended	Page Number in Bill	RQ Comment
9.	369	s.119	p.252-253	Racing Queensland has addressed its concerns with the proposed amendments to this provision in Part 5 of the Submission.
10.	371	s.310 - Definitions for div 1	p.254	The reference to "racing information authority" in paragraph (b) of the definition of "Act Document" should be a reference to "race information authority"