

Racing Integrity Bill 2015

Explanatory Notes for amendments to be moved during Consideration in Detail by the Honourable Grace Grace MP, Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs.

Title of the Bill

Racing Integrity Bill 2015

Objectives of the Amendments

These amendments to the *Racing Integrity Bill 2015* (the Bill):

- have mostly been made in response to the recommendations of the Agriculture and Environment Committee and feedback from stakeholders;
- will provide for the replacement of the eligibility certificate obtained from the gaming executive with the process of obtaining a bookmaker's licence from the Commission to streamline the licensing process;
- will provide for licensing of clubs and venues to be undertaken by the control body under the amended *Racing Act 2002* as opposed to the current position which allows the Commission to undertake all licensing functions under the proposed Racing Integrity Act;
- provide for the transfer of staff from the Queensland All Codes Racing Industry Board (Racing Queensland) to the Commission;
- will further clarify the purposes and objectives of the Bill and rectify any potential regulatory gaps to improve its operation; and
- correct any grammatical, spelling, drafting or referencing errors.

Achievement of the Objectives

The objectives are achieved by way of amendments to the Bill as described in the notes on provisions.

Alternative Ways of Achieving Policy Objectives

Legislative amendments are the only means of achieving the policy objectives.

Estimated Cost for Government Implementation

There are no additional costs to Government as a consequence of these amendments.

Consistency with Fundamental Legislative Principles

Whether legislation has sufficient regard to rights and liberties of individuals—LSA, s 4(3)

Obtaining Criminal History

The Bill provides that the Commission may investigate the holder of a bookmaker's licence, a business associate or executive associate and, for a corporation, its executive officers, to assess the suitability of the bookmaker to continue to be licensed.

The Commission may, in investigating a person or corporation, ask the Police Commissioner for a person's criminal history (license holder, executive associate, business associate etc). This step in the investigation is justified as it is important to the integrity of the racing industry that persons with a criminal background are not involved in conducting a bookmaking operation in Queensland. Again, the normal safeguards of penalties for inappropriate disclosure and destruction of information when it is no longer required apply.

Taking Fingerprints

An applicant for a racing bookmaker's licence must apply to the Commission. The Commission must conduct investigations to assist in deciding whether to grant the licence, including obtaining fingerprints and the criminal history of the applicant, business associates, executive associates and, for a corporation, its executive officers.

The Commission is required to destroy the fingerprints obtained when they are no longer required. The process for applying for and granting racing bookmaker's licences is essentially the same as the current regime under the existing *Racing Act 2002*. It is not considered unreasonable to allow for the taking of fingerprints in the circumstances.

While the taking of fingerprints may be considered an infringement of a person's privacy, it is an important part of enabling appropriate criminal history checks to be undertaken. It is important that Bookmakers are people of the highest probity and integrity, and being able to take fingerprints provides the Commission with the ability to conduct a thorough examination of an applicant's background.

Makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review - LSA 4(3)(a)

Limitation on internal and external review of conditions on a race information authority

Under the existing *Racing Act 2002*, control bodies are able to grant race information authorities to a licensed wagering operator (Please note: Licensed wagering operator is defined under the *Racing Act 2002*). These race information authorities are commercial in nature and have certain conditions imposed on them under subsection 113AF(3)(a) of the Act and the Racing Regulation 2013. These conditions are similar in nature to a commercial licensing agreement in that they are method by which a control body licenses a waging operator to offer wagering on racing. These conditions specify the financial terms which have been agreed to by the two parties.

The Parliamentary Agriculture and Environment Committee has recommended that the right of review in respect of a condition imposed on a race information authority be limited to not allow the conditions to be dealt with as original decisions for the purposes of internal review and external review under the amended *Racing Act 2002*. The decisions relating to a race information authority would continue to be capable of judicial review under the *Judicial Review Act 1991* as per the current position. This prevents the situation where sensitive commercial negotiations can be brought before an external reviewer.

Consultation

The policy positions reflected in the amendments to the Bill are mostly made in response to Report No. 15 from the Agriculture and Environment Committee as well as to submissions made to the Committee during the submission period on the Bill. This includes consultation with the two control bodies for racing in Queensland; Racing Queensland and the Australian Quarter Horse Racing Development.

The Minister for Racing has also conducted consultation with members of the public and key stakeholders in the policy development of the amendments to the Bill.

Consultation on the specific amendments to the Bill has been undertaken with the Department of the Premier and Cabinet, Department of Justice and Attorney-General and the Department of Agriculture and Fisheries.

Notes on Provisions

Amendment 1 amends clause 3 of the Bill, to remove the reference to eligibility certificates as a purpose of the Racing Integrity Act.

This amendment is part of a series of changes that remove the requirement to obtain an eligibility certificates and combine the criteria for eligibility certificates with the criteria for bookmakers license so that a bookmaker need only obtain one approval from the Commission to conduct bookmaking in Queensland.

These amendments are intended to provide for a streamlined approach for the assessment of suitability of bookmakers to be licensed as these matters will be handled by one agency, the Commission. This change does not alter the core criteria that must be met in order to lawfully carry out bookmaking in Queensland.

As a result of this change, it is no longer a part of the purposes of the proposed Act to establish a framework for obtaining an eligibility certificate.

Amendment 2 amends clause 7 of the Bill. As the Commission will now have of one or two Deputy Commissioners rather than two or more Deputy Commissioners, an amendment to change the structure of the Commission was necessary. The Commission will now consist of a Commissioner, each Deputy Commissioner and the staff of the Commission.

A new subclause (4) has been inserted to provide for race day stewards to be employed by the Commission under the Racing Integrity Act rather than becoming employees under the *Public Service Act 2008*.

Amendment 3 amends clause 10 of the Bill, to remove the references to clubs and venues. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 4 amends clause 10 of the Bill, to correct a grammatical error in the drafting of the provision.

Amendment 5 amends clause 10 to make it explicit that it is a function of the Commission to provide education to participants in relation to promoting compliance and integrity and also promoting animal welfare and the prevention of animal cruelty.

Amendment 6 amends clause 10(1)(h) of the Bill to omit the reference to “clubs”. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 7 amends clause 13 of the Bill, to make it explicit that the Minister is not able to give a direction to the Commission about a decision made by the Commission under the rules of racing.

The provision ensure the Commission can make independent decisions under the rules of racing without Ministerial intervention.

Amendment 8 removes clauses 14 and 15 from the Bill. Removing these amendments will make the issuing of directions to clubs the sole responsibility of the control bodies. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 9 amends clause 17 of the Bill, to provide for the appointment by Governor-in-Council of one or two Deputy Commissioners rather than two or more.

The provisions allows the Governor-in-Council the flexibility to appoint one or two Deputy Commissioners, as it deems appropriate.

Amendment 10 to 16 amends the Bill to provide for the change in the number of Deputy Commissioners that may be appointed by Governor-in-Council from two or more to one or two. This provides greater flexibility for the organisational structure of the Commission.

Amendment 10 amends clause 17 of the Bill. The amendment is necessary to provide for the appointment of two Deputy Commissioners, and that one must be called the first Deputy Commissioner and the second, if appointed, be called the second Deputy Commissioner.

Amendment 11 amends clause 18 of the Bill, to correct a typographical error.

Amendment 12 inserts a minor amendment into clause 20 of the Bill to reflect the change in the number of deputy commissioners that may be appointed.

Amendment 13 amends the heading of clause 21 to reflect the change in the number of deputy commissioners that may be appointed.

Amendment 14 amends clause 21 of the Bill, to make consequential amendments as a result of the change to the number of deputy commissioners that may be appointed by Governor-in-Council.

Amendment 15 amends clause 25 of the Bill, to clarify when the Minister may appoint an acting Commissioner. These clarifying amendments are necessary to give effect to the change in the number of deputy commissioners who may be appointed under the proposed Racing Integrity Act.

Amendment 16 amends the heading of clause 27 of the Bill, to reflect the change in the number of deputy commissioners that may be appointed under the proposed Racing Integrity Act.

Amendment 17 inserts a new provision, clause 57A, which provides a power for the Commission to charge fees for its services such as the provision of licensing services to participants. The fees charged by the Commission for its services are to be a reasonable reflection of the reasonable costs of the Commission providing the service. This power is similar to the power in the existing *Racing Act 2002* for control bodies to charge fees for their licensing services.

Amendment 18 omits the reference to licensed clubs in the Chapter 3 heading. This amendment forms part of the broader change to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 19 amends clause 58 of the Bill to specify the purposes of Chapter 3. This amendment forms part of the broader change to the licensing framework that provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 20 amends clause 61 of the Bill, to require that the Commission must provide each of the control bodies with a copy of the standard within 14 days after it makes the standard. This requirement will be in addition to making the standards publicly available.

Amendment 21 amends the heading of Chapter 3, Part 2, Division 2 of the Bill to replace the word “about” with the word “for”. This is a clarifying amendment only.

Amendment 22 amends clause 65 of the Bill, to provide for an explicit statement that the Commission must have a standard about a licensing scheme. This provision has

been inserted to put it beyond doubt that the Commission is to have a standard for a licensing scheme rather than prescribing this requirement through the regulation.

Amendment 23 amends clause 66 of the Bill, to amend the requirements on the Commission to state how and when the suitability of its license holders will be audited to decide if they continue to be suitable to be licensed. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 24 amends clause 66 of the Bill, to provide for the standard for a licensing scheme to state the fees that will be payable to the Commission, including fees payable in relation to licensing for each code of racing.

Amendment 25 amends clause 68 of the Bill, to remove references to clubs and venues under the license application provisions for the Commission. This amendment forms part of the broader change to the licensing framework that provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 26 amends clause 68 of the Bill, to remove the subclauses which refer to the licensing of clubs. The licensing of clubs and venues is proposed to be conducted by the control bodies under the amended *Racing Act 2002*. Therefore, the relevant provisions including clause 68(3) have been drafted to return to the amended *Racing Act 2002*. The recommendations made by the Committee in relation to clause 68(3) have been implemented through **Amendment 79**.

Amendment 27 amends clause 68 of the Bill, to remove the reference to “other than a licence for a club” from subclause 68(4). This amendment forms part of the broader change to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 28 amends Clause 70 of the Bill, to provide for the removal of licensed venues from the proposed Racing Integrity Act. The provisions will be included in the amended *Racing Act 2002*. Venues will continue to be capable of being licensed by multiple control bodies.

Amendment 29 omits Chapter 3, Parts 3 and 4 of the Bill, This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 30 amends Clause 88 of the Bill, to provide for an application for a bookmaker’s licence to only be capable of being made by an adult or a corporation.

These amendments are required to give effect to the broader changes to the bookmaker’s licensing framework and the consequential removal of references to eligibility certificates in the proposed Racing Integrity Act as outlined as part of **Amendment 1**.

Amendment 31 amends clause 89 of the Bill, to provide that an application for a bookmaker’s licence is to be made to the Commission and be accompanied by an application fee which will be prescribed by regulation. It also requires applicants who are individuals, business associates and executive associates of applicants, who are corporations, are agreeable to having their fingerprints taken by or for the Commission; and consent to their background being investigated by the Commission.

An applicant which is a corporation must also agree to obtain the consent of a person whom the Commission believes to be an executive officer or a business or executive associate.

These amendments are required to give effect to the broader changes to the bookmaker's licensing framework and the removal of references to eligibility certificates in the proposed Racing Integrity Act.

Amendment 32 inserts new provisions into the Bill to change references in Chapter 4, Part 3 from:

- eligibility certificates to bookmaker's licence; and
- gaming executive to the commission.

This amendment is part of a series of changes that remove the requirement to obtain an eligibility certificates and combine the criteria for eligibility certificates with the criteria for bookmakers license so that a bookmaker need only obtain one approval from the Commission to conduct bookmaking in Queensland.

These amendments are intended to provide for a streamlined approach for the assessment of suitability of bookmakers to be licensed as these matters will be handled by one agency, the Commission and under a single approval. This change does not alter the core criteria that must be met in order to lawfully carry out bookmaking in Queensland. The policy settings are not being altered by this Bill.

Therefore, **Amendment 32** inserts the following provisions to establish a new framework for bookmaker's licensing under the proposed Racing Integrity Act:

Clause 89A provides that the Commission may give notice to an applicant, requiring further information. The Commission may only require information that is necessary and reasonable to help the Commission decide the application. The Commission must allow the applicant at least twenty-eight days to provide the further information, and must warn the applicant that the application for a bookmaker's licence will not be considered further until the requirement is complied with (unless a reasonable excuse is provided for the failure to comply).

Clause 89B provides the matters the Commission may have regard to when deciding whether an applicant is a suitable person to hold a bookmaker's licence.

Clause 89C provides the matters to which the Commission may have regard when deciding whether a business or executive associate of an applicant for a bookmaker's licence is a suitable person to be associated with the applicant.

Business associate and *executive associate* are defined in the dictionary of the Bill.

Clause 89D states that clauses 89B and 89C do not limit the matters to which the Commission may have regard when considering whether to issue a bookmaker's licence.

Clause 89E requires the Commission to take the fingerprints of an individual who is an applicant for a bookmaker's licence and the fingerprints of any executive associates and business associates of a corporation that is an applicant for a bookmaker's licence.

Clause 89F requires the consideration and granting or refusal of, the bookmaker's licence application by the Commission.

Clause 89G provides that the Commission may only grant a bookmaker's licence if the Commission is satisfied that the applicant is suitable to hold a bookmaker's licence and any business or executive associates of the applicant are suitable to be associated with the applicant.

Clause 89H allows the Commission to investigate an applicant to decide whether the applicant is a suitable person to be a licence holder and to investigate a business

associate or executive associate of an applicant to decide whether the associate is a suitable person to be associated with the applicant.

Clause 89I requires the Commission to ask the Police Commissioner about the applicant or licence holder (as per the matters listed in the provision). The Police Commissioner must give the Commission the requested information, which can only be used by the Commission in the process of deciding whether eligibility should be granted, or should be cancelled.

Clause 89J requires the Commissioner of the Queensland Police Service to provide a criminal history report to the Commission if so requested.

Clause 89K provides that the Commission may by notice given to a business or executive associate of an applicant require the person to give the Commission information or a document relevant to the investigation. The Commission must allow the person at least 28 days to provide the information requested.

Clause 89L requires the Commission to notify an applicant as soon as practicable after making a decision, either by giving a licence to the applicant if the decision is to grant the application for a bookmaker's licence or an information notice if the decision is to refuse the application.

Clause 89M provides that a bookmaker's licence is to be in a form approved by the Commission.

A bookmaker's licence for a corporation must state the names of the executive officers of the corporation who have undergone probity checks and found to be suitable to be associated with the licence holder.

Clause 89N requires a racing bookmaker's licence issued to a corporation to state the name of each executive officer who may carry on bookmaking on behalf of the corporation.

The Commission must not state the name of an executive officer in a racing bookmaker's licence unless the person has been identified in a bookmaker's licence for the corporation and the Commission believes the person has the experience and knowledge to carry on bookmaking.

This provision ensures that only persons who have undergone probity and criminal history checks and have the necessary skills and experience are able to carry on bookmaking for a corporation.

Clause 89O provides that a bookmaker's licence continues to have effect unless the certificate is cancelled by the Commission or the certificate is surrendered.

Clause 89P allows the Commission to approve an audit program for investigations. The Commission is responsible for ensuring that investigations are conducted under the approved audit program in accordance with the program.

Clause 89Q provides that the Commission may only investigate a licence holder if the Commission reasonably suspects the licence holder is not, or is no longer suitable to hold a bookmaker's licence or the investigation is made under an audit program approved by the Commission.

Clause 89R gives the Commission power to investigate a business associate or executive associate of a licence holder for the purpose of determining whether the person is suitable to be or continue to be associated with bookmaking operations and provides the circumstances in which such investigations may be carried out.

Clause 89S provides that the Commissioner of the Queensland Police Service must, upon request, provide a criminal history report to the Commission and specifies the information it must contain.

Clause 89T provides that the Commission may, by written notice, require a licence holder, or business or executive associate of a licence holder to give information or a document for the purposes of an investigation. The Commission must allow the person at least 28 days to provide the information.

Clause 89U provides that failure to comply with a requirement under clause 89T without reasonable excuse is an offence. This clause has been drafted to comply with fundamental legislative principles by providing that it is a reasonable excuse not to comply, if the requirement would tend to incriminate the person and that it is not an offence if the information or document sought by the Commission is not in fact relevant to the investigation.

Clause 89V states the grounds that exist for cancellation of a bookmaker's licence.

Clause 89W provides for the immediate (after granting) cancellation of a bookmaker's licence where the Commission is advised by the Police Commissioner that the licence holder is a participant in organised crime or an unsuitable corporation as defined in schedule 1 of the Bill. This clause also requires the Commission to give the holder of the licence, an information notice about the decision to cancel the licence. This allows the Commission to cancel without an obligation to undertake a show cause process in these two circumstances.

Clause 89X outlines when the Commission must issue a show cause notice and the content of the notice. This clause also allows the licence holder to make written representations about the show cause notice to the Commission in the show cause period.

Clause 89Y provides that the Commission must consider any submissions made by the licence holder during the show cause period.

Clause 89Z provides that if after considering any submissions made, the Commission considers no ground exists to cancel the bookmaker's licence, the Commission must give notice to the licence holder that no further action is to be taken.

Clause 89ZA provides that the Commission may cancel the bookmaker's licence where no submissions for a show cause notice are made; and in specified circumstances after submissions received are considered. If the licence holder is a corporation, the Commission must in specified circumstances cancel the bookmaker's licence. This clause requires the Commission to notify the holder of the decision via an information notice. The notice is to include the date of effect of the decision, a direction to return the licence and a warning that failure to comply with this direction (without a reasonable excuse) constitutes an offence.

Clause 89ZB makes it an offence to fail to comply with clause 89W(4)(a) or 89AZ(4)(a). If the inability to comply is due to a lost or destroyed the bookmaker's licence, the person has 14 days after cancellation to give the Commission a statutory declaration stating details of the loss or destruction. A failure to make this declaration constitutes an offence.

Clause 89ZC provides that the Commission can take alternative action if they believe grounds exist to cancel a bookmaker's licence, however after considering submissions believes a show cause notice is not warranted. The Commission can then censure a licensed club through an information notice, informing the club of the disapproval. The

section does not apply where the holder is no longer a suitable person for specified reasons.

Clause 89ZD requires a licence holder that is a corporation to advise the Commission of any change in executive officers of the corporation or change to the persons who have substantial holdings in the corporation, within 14 days of the change. This requirement is necessary to ensure that the Commission can investigate all executive officers to determine whether they are suitable to be associated with the racing bookmaker.

Similar notice is also required of a change in a substantial holding in the corporation or its holding company.

Clause 89ZE provides that a bookmaker that is a corporation may request the Commission to amend a bookmaker's licence to include or omit the names of executive officers. The Commission may only include the names of executive officers who have been investigated by the Commission and found to be suitable persons to be associated with the licence holder.

This provision is linked to clause 89N which states that the Commission must state the names of the executive officers of the corporation on the racing bookmaker's licence. The only persons who may be named as executive officers on a corporation's bookmaker's licence are persons who the commission believes have the necessary skills and experience to carrying on bookmaking.

Clause 89ZF provides that a licence holder may surrender the holder's bookmaker's licence by notice to the Commission. The Commission must give written notice about the surrender to each control body.

Clause 89ZG provides for the destruction of fingerprints by the Commission as soon as practicable after the Commission refuses to grant an application or if the Commission is satisfied that an individual is no longer a business or executive associate.

Clauses 103, 107, 116, 120, 125 and 127 of the Bill have been omitted as these provisions are no longer required following the amalgamation of the functions of the Commission and the gaming executive.

Amendment 33 omits the redundant heading of Chapter 4, part 3. As the proposed changes outlined in **Amendment 1** removes references to eligibility certificates, the use of the term "eligibility certificate" in the heading is no longer appropriate.

Amendment 34 omits the redundant provisions relating to eligibility certificates and the gaming executive in Chapter 4, Part 3, divisions 1 to 5. The provisions relating to the obtaining of a bookmaker's licence are contained in **Amendment 32** to the Bill.

Amendment 35 amends the heading for Chapter 4, part 3, division 6 of the Bill, to remove redundant reference to eligibility certificates.

Amendment 36 amends clause 130 of the Bill to replace the reference to the eligibility certificates with a reference to racing bookmaker's licence and allow for "commission decisions" to be internally and externally reviewed under clause 262 of the proposed Racing Integrity Act (refer description of changes as outlined in **Amendment 1**). As such, these decisions will be able to be internally reviewed by the Commission and externally reviewed by the Queensland Civil and Administrative Tribunal.

Amendment 37 amends clause 131 of the Bill, to replace the reference to the gaming executive with a reference to the Commission (refer description of changes as outlined in **Amendment 1**).

Amendment 38 amends clause 131 of the Bill, to clarify that the provision only applies to a “commission decision” that is being externally reviewed by the Queensland Civil and Administrative Tribunal or heard as part of an appeal to a Court. This provision is currently provided for in the existing *Racing Act 2002*, sections 242A and 242B (refer description of changes as outlined in **Amendment 1**).

Amendment 39 amends clause 131 of the Bill, to make sectional references to reflect the amendments provided for in **Amendment 32**.

Amendment 40 amends clause 132 of the Bill, to replace the reference to the gaming executive with a reference to the Commission (refer description of changes as outlined in **Amendment 1**).

Amendment 41 amends clause 148 of the Bill, to remove redundant references to “eligibility certificates” in the proposed Racing Integrity Act (refer description of changes as outlined in **Amendment 1**).

Amendment 42 amends clause 159(6) of the Bill, to remove redundant references to eligibility certificates in the Racing Integrity Act (refer description of changes as outlined in **Amendment 1**).

Amendment 43 omits clauses 160 to 163 of the Bill to remove redundant provisions related to the gaming executive (refer description of changes as outlined in **Amendment 1**).

Amendment 44 amends clause 232 of the Bill, to remove the redundant reference to “eligibility certificates” (refer description of changes as outlined in **Amendment 1**).

Amendment 45 amends clauses 232 of the Bill, to remove the redundant references to eligibility certificates and the gaming executive from the definition of background document (refer description of changes as outlined in **Amendment 1**).

Amendment 46 amends clause 235 of the Bill, to remove redundant reference to an application for an eligibility certificate (refer description of changes as outlined in **Amendment 1**).

Amendment 47 amends clause 240 of the Bill, to remove the reference to an official of a control body as part of offence provision for interfering with a license holder or official under the proposed Racing Integrity Act.

This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002* and provides a clear distinction of offences between the amended *Racing Act 2002* and the proposed Racing Integrity Act.

Amendment 96 provides for the insertion of a provision in the *Racing Act 2002* to make it an offence to interfere with an official of the control body or the holder of license issued under the amended *Racing Act 2002*.

Amendment 48 amends clause 240 of the Bill, to provide for a consequential amendment to remove the reference to the control body and the *Racing Act 2002*. A similar offence provision for interfering with an official of the control body can be found in **Amendment 96**.

Amendment 49 omits clause 248 of the Bill. The provision will be returned to the amended *Racing Act 2002* (see **Amendment 96** and section 327 of the existing *Racing Act 2002*). This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 50 amends clause 251 of the Bill, to remove the redundant reference to the gaming executive from the proposed Racing Integrity Act as outlined in **Amendment 1**.

Amendment 51 amends clause 252 of the Bill, to remove the redundant reference to eligibility certificates (refer description of changes as outlined in **Amendment 1**).

Amendment 52 amends clause 262 of the Bill, to insert a new original decision relating to where the Commission censures a holder of a licence. The insertion of the subclause provides for any decision by the Commission to censure a licence holder, mainly a bookmaker under clause 89ZB of the amendments, to be an original decision capable of internal and external review. This insertion allows for all decision relating to a licence holder to be capable of internal review by the Commission and external review by the Queensland Civil and Administrative Tribunal.

Amendment 53 amends clause 267 of the Bill, to provide for the internal review to be dealt with within 20 business days rather than 20 days which would include weekends and public holidays. This amendment aligns the review timeframes with other legislation in Queensland and corrects a drafting error.

Amendment 54 amends clause 267 of the Bill, to provide for the internal review to be dealt with within 20 business days rather than 20 days. This amendment aligns the review timeframes with other legislation and corrects a drafting error.

Amendment 55 amends clause 283 of the Bill, to correct a typographical error.

Amendment 56 amends clause 288 of the Bill to provide for the regulation-making power under the Racing Integrity Act to only provide for the program for auditing licensed animals and participants and not clubs and venues as per the current draft of the Bill. This amendment is a consequential amendment related to the removal of the licensing framework for clubs and venues from the proposed Racing Integrity Act.

Clause 290 lists the relevant provisions which contain matters that will be continued following the commencement of the proposed Racing Integrity Act. These continuing matters are determined by the provisions being transferred to the Racing integrity Act or continuing to have effect even though the provisions in the existing *Racing Act 2002* have now been repealed.

Amendment 57 amends clause 290 of the Bill, to amend the references to the provisions contained in Chapter 3 of the existing *Racing Act 2002* which will be transferred to the proposed Racing Integrity Act. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

As it is proposed that the licensing framework proposed under the Bill will be amended to allow control bodies to license clubs and venues under the amended *Racing Act 2002*, Chapter 3, Part 4 must be re-instated in the amended *Racing Act 2002*. As a result, the references contained in clause 290 which relate to continuing matters in Chapter 3, Part 4 are no longer required as the provisions are no longer being transferred to the proposed Racing Integrity Act.

Amendment 58 amends clause 290 of the Bill to reference which provisions of Chapter 6 of the existing *Racing Act 2002* will be transferred to the proposed Racing Integrity Act. These provisions address matters relating to the issuing of off-course approvals.

As it is proposed that eligibility certificates will no longer be issued under the proposed Racing Integrity Act, clause 290 of the Bill must be amended to reflect the new scope for

continuing matters under the proposed Racing Integrity Act (refer description of changes as outlined in **Amendment 1**).

Amendment 59 amends Clause 297 of the Bill, to provide for the removal of several examples which will no longer be matters transferring to the Racing Integrity Act. These matters will remain and continue in effect under amended the Racing Act. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 60 amends Clause 299 of the Bill, to make consequential amendments to the examples of continuing matters under the proposed Racing Integrity Act as eligibility certificates and matters handled by the gaming executive will no longer be continuing matters (refer description of changes as outlined in **Amendment 1**).

Amendment 61 inserts new clauses 300A to 300D which deals with the transition of staff and clauses 300E to 300K which address the transitional matters associated with the change to eligibility certificates and the role of the gaming executive.

Clause 300A provides for the transition of certain staff employed by the Queensland All Codes Racing Industry Board trading as Racing Queensland to the Commission.

Transferring staff will be transferred by entering them into a register, to be approved by the Chief Executive administering the proposed Racing Integrity Act.

The register will provide for two types of staff to be transferred, one type will be the staff who will become public servants. The second type will be the race day stewards who will be employed under the proposed Racing Integrity Act. This provision preserves the second type of employee's current wages and conditions. The chief executive may amend the register to correct an error within one year after commencement.

Clause 300B defines a transferable employee. A transferable employee is a person who immediately before commencement was an employee of Racing Queensland, and whose name is included in the register.

Employees who are transferring to the Commission from the Department of National Parks, Sport and Racing are currently and will remain employees under the Public Service Act. As such no special provision in this Bill is necessary as they transfer is already provided for under the *Public Service Act 2008*. *Clause 300C* provides for the transitions provided for in this division to occur upon commencement of the section.

Clause 300D preserves the rights and conditions provided to employees. The transition will not prejudice the employee's existing or accruing right to superannuation or annual, sick or long service leave etc.

Division 2 Eligibility Certificates

Clause 300E to 300K provides for transitional provisions around eligibility certificates and matters dealt with by the gaming executive. It states that any applications for eligibility certificates made prior to the commencement of the Act will lapse. It also states that any fingerprints taken under the unamended Act are to be destroyed on commencement of the new legislation, and that any fees paid are to be returned.

Clause 300E states that where an application for an eligibility certificate has been made but the gaming executive has not made a determination in respect of the eligibility certificate, the application is deemed to have not been made and the fee paid for the application is then to be returned to the applicant. The applicant may then apply to the Commission for a bookmaker's licence to achieve a similar outcome to that previously provided for through the obtaining of an eligibility certificate.

Clause 300F provides for a person who has obtained an eligibility certificate to apply to the Commission for a bookmaker's licence as if the Act were not repealed. This provides for a person who has obtained a certificate but not applied for a licence to not have to go through the same process to obtain a "bookmaker's licence" under the requirements of the proposed Racing Integrity Act.

Clause 300G continues the obligations of certificate holders to provide notice of particular changes to the Commission in place of the gaming executive. The obligation to provide the notice continues as if the proposed Racing Integrity Act were not enacted.

Clause 300H provides for the audit program currently undertaken by the gaming executive to be transferred to the Commission. The Commission may then vary, amend or revoke the audit program as it deems appropriate.

Clause 300I allows for any show cause process that is currently being undertaken by the gaming executive prior to commencement to continue as if the Commission had issued the notice. Following commencement, the Commission will be able to deal with the show cause notice as it deems appropriate.

Clause 300J preserves the appeal rights of a certificate holder in respect of an appeal against the cancellation or censure of a certificate. However, the provision does not preserve the appeal rights where the gaming executive refuses to grant an eligibility certificate as the certificates will no longer be required under the Act. An aggrieved person who has been refused an eligibility certificate will be able to apply to the Commission for a bookmaker's licence without the need for an eligibility certificate. This provision does not limit the Commission's discretion to refuse a person a bookmaker's licence.

Clause 300K preserves the existing obligations of the control body to provide a notice to the gaming executive under section 257 of the existing *Racing Act 2002*. Where the control body is required to provide a notice to the gaming executive prior to commencement but has not yet done so, the control body must provide the notice to the Commission.

Amendment 62 amends clause 310 of the Bill, to correct an error in the drafting of provision.

Amendment 63 amends clause 310 of the Bill, to make a minor grammatical correction.

Amendment 64 amends clause 314 of the Bill, to make a minor clarification to the role of the Racing Queensland Board as the control body for the thoroughbred, greyhound and harness codes of racing.

Amendment 65 amends clause 314 of the Bill, to allow for a function of the control bodies, under the amended *Racing Act 2002*, to license clubs and venues for a code of racing.

Amendment 66 amends clause 318 of the Bill, to make a minor correction to the provision as section 9AG only applies to the Racing Queensland Board and not all of the control bodies.

Amendments 67 and 68 amend clause 319 of the Bill, to allow for clarification about the Governor-in-Council's powers relating to appointing members to the Racing Queensland Board. The provision requires the Governor-in-Council to consider whether the four independent members collectively have skills and experience in the criteria, listed which include accounting, animal welfare, business, commercial and marketing development, and law.

Amendment 69 amends clause 334 of the Bill, to provide for the insertion of a requirement in section 11 of the amended *Racing Act 2002* that an application to become a control body must include a policy and procedure about how the application will license clubs and venues to be involved in the applicant's code of racing. The amendment is necessary to provide for the proposed reforms to the licensing framework in the Bill which will make the control bodies, including approved control bodies, responsible for licensing clubs and venues under the amended *Racing Act 2002*.

Amendment 70 amends clause 346 of the Bill, to insert new subclauses into section 34 of the amended *Racing Act 2002*, to make it explicit that the control bodies will be responsible for licensing, auditing and investigating licensed clubs and venues.

Amendment 71 amends Clause 346 of the Bill, to allow for an explicit reference in the amended *Racing Act 2002* that it is a power of the control body to provide adequate training to participants.

Amendment 72 amends clause 346 of the Bill, to provide for a clarifying amendment to section 34(6) of the amended *Racing Act 2002*.

Amendment 73 omits clause 347(2) of the Bill. The amendment to section 35(2) of the existing *Racing Act 2002* is no longer required as under the proposed reform to the licensing framework, the control bodies will be responsible for licensing clubs and venues under the amended *Racing Act 2002*.

Amendment 74 amends clause 349 of the Bill, to insert a new provision that provides the control bodies with an explicit power to amend the racing calendar in the event that:

- (1) a club is, in the opinion of the control body, no longer a suitable club; or
- (2) the club has failed to comply with a direction given by the control body under section 34(3) of the *Racing Act 2002*.

The power of the control body to amend the race calendar for a particular purpose already exists under the current *Racing Act 2002*. However, the amendment now makes it explicit that the control body may amend the calendar in these specific circumstances.

Amendment 75 amends clause 357 of the Bill, to provide for the re-insertion of subsection 78(2)(c) of the existing *Racing Act 2002* in respect of the purposes of Chapter 3 of the Act to provide for matters relating to how the control body will perform its functions in relation to giving directions and taking disciplinary action against licensed clubs.

Amendment 76 amends clause 358 of the Bill, to insert an explicit requirement in section 80 of the amended *Racing Act 2002* that the control body must have a policy for a licensing scheme for its code of racing. The policy for the licensing scheme was a previous mandatory requirement under section 81 of the existing *Racing Act 2002*. Chapter 3, Part 2, Division 2 will continue to provide for mandatory and discretionary matters that need to be addressed in the control body's policy for a licensing scheme.

Amendment 77 inserts a new provision, clause 358A, into the Bill, the clause amends section 85 of the existing *Racing Act 2002* to provide for the application of the control body's policy for a licensing scheme to only apply to clubs or venues. The control bodies will no longer be responsible for licensing animals or participants as this will be a role of the Commission.

Amendment 78 amends clause 359 of the Bill, to provide for the purpose of the control body's policy for its licensing scheme. The purpose of the policy is to provide for the control body's licensing scheme for its code of racing to ensure the integrity of licensed clubs and the suitability of venues to conduct racing activities for its code. The control

bodies will also be responsible for auditing and investigating complaints made against licensed clubs and venues whilst ensuring the ongoing probity of the club's management and the suitability of the venues to conduct race meetings. While venues will be licensed by the control body the Queensland Racing Integrity Commission has the ability to determine if the venue is suitable for racing either before a race meeting commences, or during.

Amendment 79 inserts clauses 359A, 359B 359C into the Bill.

The new clause 359A amends section 87 of the existing *Racing Act 2002* to require a control body to include in its policy of its licensing scheme, how the control body will audit the suitability of its licensed clubs and venues to determine whether they should continue to be licensed. This auditing function will allow the control body to investigate the activities of its licensed clubs or venues as necessary to ensure the integrity of its licensed clubs and the suitability of its licensed venues to conduct racing activities

The new clause 359B provides for amendments to section 88 of the existing *Racing Act 2002*. Subject the amendments to the Bill being passed, subsections 88(3)(b)(iii) and 88(3)(b)(iv) of the amended *Racing Act 2002* will include that an application cannot be granted to a club where the applicant has an executive officer who has been convicted of an offence including an animal welfare offence or an offence against the law of another State, that is prescribed by regulation, as a law about animal welfare.

Clause 359B also amends section 88(1) of the existing *Racing Act 2002* to specify that the section applies only to clubs or venues. Under the proposed licensing framework, the control bodies will be responsible for licensing clubs and venues under the amended *Racing Act 2002* whilst the Commission will be responsible for licensing animals and participants under the proposed Racing Integrity Act.

The insertion of clause 359C of the Bill provides for minor amendments to remove the references to animals and participants as they will no longer be licensed under the amended *Racing Act 2002*.

Amendment 80 amends clause 360 of the Bill, to clarify the framework for standards under the proposed Racing Integrity Act. The drafting of the provision will ensure that where there is any inconsistency between the standards of the Commission and the Rules of Racing made by the control body, that standards will prevail in place of the rules, to the extent of the inconsistency. Clause 360 of the Bill had stated that the Rules of Racing would have no effect to the extent of an inconsistency.

Amendment 81 replaces clause 361 of the Bill. The replacement provides for the return of Chapter 3, pt 4 and pt 5, divs 1 and 2 to the amended *Racing Act 2002*. These provisions provide for the control bodies to be able to take disciplinary action against licensed clubs. The provisions also provide for offences where licensed clubs operate a contest, contingency, event or race meeting without the control body managing the venue or the Commission exercising control at the venue. Further amendments to section 109 of the existing *Racing Act 2002* to reflect these changes are provided in

Amendment 82.

Amendment 82 inserts a new provision, clause 361A, into the Bill, the provision amends section 109 of the existing *Racing Act 2002* to state that it is an offence for a club to conduct a contest, contingency, event or meeting on which betting takes place unless the contest, contingency, event or meeting is held at a licensed venue for the licensed club, the control body that licensed the club is managing the venue and the Commission is exercising control at the venue.

The definitions of the control body managing the venue and the Commission exercising control at the venue are contained in the dictionary of the amended *Racing Act 2002* and the proposed Racing Integrity Act.

Amendment 83 amends Clause 369 of the Bill, to provide for the insertion of several original decisions into the new section 114 of the Racing Act which are associated with the control body making decisions in relation to licensing and also the control body's decisions in relation to taking disciplinary action against licensed clubs and venues.

The amendment also provides for the removal of the specific conditions of a race information authority as an original decision under the amended *Racing Act 2002*. This implements recommendation 8 of the Agriculture and Environment Committee's report to only allow for the refusal to grant a race information authority or cancelling a race information authority.

Amendment 84 amends Clause 369 of the Bill, to make consequential amendments to the section numbering of the new section 114(2) of the amended *Racing Act 2002*.

Amendment 85 amends Clause 369 of the Bill, to make consequential amendments to the section numbering of the new section 114(2) of the amended *Racing Act 2002*.

Amendment 86 amends Clause 369 of the Bill, to provide for who is an interested person under the new section 115 of the amended *Racing Act 2002*. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 87 amends clause 369 to correct a typographical error.

Amendment 88 amends clause 369 of the Bill, to provide for the internal review conducted by the control body to be dealt with within 20 business days rather than 20 days which would include weekends and public holidays. This amendment aligns the review timeframes with other legislation in Queensland and corrects a previous drafting error.

Amendment 89 amends clause 369 of the Bill, to provide for the internal review conducted by the control body to be dealt with within 20 business days rather than 20 days. This amendment aligns the review timeframes with other legislation and corrects a previous drafting error.

Amendment 90 omits clause 370 from the Bill, to provide for the return of the Chapter 8, pt 1, div 1, heading in the amended *Racing Act 2002*.

Amendment 91 omits subclause 371(1) and 371(2) of the Bill as these amendments are no longer required.

Amendment 92 amends subclause 371(4) of the Bill, to insert licence into the definition of Act document. The reference to a licence as an Act document currently appears in the definition of Act document in the amended *Racing Act 2002* so the amendment allows for it to be retained. This amendment is one of a series of changes to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 93 amends clause 371 of the Bill, to correct a minor topographical error.

Amendment 94 amends clause 373 of the Bill, to re-instate the definition of "licence" in section 313 of the amended *Racing Act 2002* to make it an offence for a person to knowingly make a false statement in an application for a licence. A similar offence is provided for in the proposed Racing Integrity Act for an application for a licence made under that Act.

Amendment 95 amends clause 374 of the Bill, to provide for Chapter 8, pt 1, divisions 3 and 4, pt 5 heading and section 327 to no longer be omitted from the amended *Racing Act 2002*. These sections are again omitted or further amended by *Amendment 96* (see new clauses 374A to 374F below).

Amendment 96 inserts new provisions in the Bill to provide for the retention of particular sections within Chapter 8 of the existing *Racing Act 2002*. These provisions have been retained in the *Racing Act 2002*. This amendment forms part of the broader change to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Clause 374A provides for the omission of the Chapter 8, pt 1, division 3, heading as it is no longer required.

Clause 374B omits sections 316 to 318 of the existing *Racing Act 2002* as the offence provisions relating to interfering with animals and the possession of prohibited items will be provided for in the proposed Racing Integrity Act (Clauses 237 to 239 of the Bill).

Clause 374C amends section 319 of the existing *Racing Act 2002* to reflect the changes to remove the references to animals. The offence provision will apply to interfering with license holders and officials of the control body as these matters will be addressed in the amended *Racing Act 2002*. Clause 240 of the Bill provides for interfering with license holders and officials of the Commission under the proposed Racing Integrity Act.

Clause 374D omits Chapter 8, part 1, division 4 of the existing *Racing Act 2002* as these matters will continue to be provided for under the proposed Racing Integrity Act (Clause 241 to 247 of the Bill).

Clause 374E omits the Chapter 8, part 1, division 5 heading from the existing *Racing Act 2002* as it is no longer required.

Clause 374F amends section 327 of the existing *Racing Act 2002* to reflect the changes in the referencing to the control body managing the venue rather than “controlling the venue”.

Amendment 97 amends clause 377 of the Bill, to provide for the re-insertion of licence into section 322 of the amended *Racing Act 2002* regarding evidentiary aids.

Amendment 97 is a consequential amendment which forms part of the broader change to the licensing framework which provides for the control bodies to license clubs and venues under the amended *Racing Act 2002*.

Amendment 98 amends clause 388 of the Bill, to clarify the operation of section 485 of the amended *Racing Act 2002*. To reflect the proposal for the control bodies to retain the licensing of clubs and venues under the amended *Racing Act 2002*, the Commission will only be substituted into an appeal, on behalf of the control body, where the appeal relates to a decision made in respect of a licence issued to an animal or a participant. Appeals in relation to a decision made about a club or venue will continue to be dealt with by the control bodies.

Amendment 99 amends clause 388 of the Bill, to clarify the operation of section 487 of the amended *Racing Act 2002*. To reflect the proposal for the control bodies to retain the licensing of clubs and venues under the amended *Racing Act 2002*, the Commission will only be substituted, in place of the control body, where an existing provision relates to an appealable decision other than a decision relating to a club or venue.

Amendment 100 amends clause 388 of the Bill, to make consequential amendments to the new section 489 of the amended *Racing Act 2002* in relation to how appealable

decisions are to be handled following the repeal of Chapter 4A of the existing *Racing Act 2002*.

As the licensing framework will now be split with licensing of club and venues to be conducted by the control bodies under the *Racing Act* and the Commission licensing animals and participants under the proposed Racing Integrity Act, section 489 has been amended to provide for appealable decisions relating to clubs and venues to be dealt with under Chapter 4 of the amended *Racing Act 2002* and appealable decisions relating to animals and participants to be dealt with under Chapter 6, Part 2, Division 4 of the proposed Racing Integrity Act.

Amendment 101 amends clause 388 of the Bill, to correct a drafting error which referenced the commission instead of the chairperson.

Amendment 102 amends clause 388 to insert a new section, section 490A in the amended *Racing Act 2002*. The new section 490A provides for the continuation of matters which fall inside the scope of the previous section 152A of the *Racing Act 2002*.

Amendment 103 provides for an amendment to Clause 388 of the Bill, to amend the new section 491(1)(a) of the amended *Racing Act 2002*. The amendment is necessary to provide for the amendment to the licensing framework under the Bill. As the licensing of clubs and venues is proposed to return to the control body, the ability of the control body to appeal a decision of the Racing Disciplinary Board under section 155 of the existing *Racing Act 2002* is preserved. The Commission will take the place of the control body in the event that the appeal relates to a decision of the Racing Disciplinary Board regarding a licensed animal or participant.

Amendment 104 provides for an amendment to Clause 388 of the Bill, to amend the new section 491(1)(b) of the amended *Racing Act 2002*. The amendment is necessary to provide for the amendment to the licensing framework under the Bill. As the licensing of clubs and venues is proposed to return to the control body, the ability of the control body to appeal a decision of the Racing Disciplinary Board under section 155 of the existing *Racing Act 2002* is preserved. The Commission will take the place of the control body in the event that the appeal relates to a decision of the Racing Disciplinary Board regarding a licensed animal or participant.

Amendment 105 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 106 inserts a new definition in clause 389 to provide for a definition of animal welfare offence in the dictionary of the amended *Racing Act 2002*.

Amendment 107 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 108 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 109 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 110 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 111 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 112 amends clause 389 of the Bill, to provide amendments to be made to the definition of 'disciplinary action' under the amended *Racing Act 2002*. As it is

proposed that the licensing of clubs and venues be undertaken by the control body under the amended *Racing Act 2002* this amendment is necessary to provide for the definition of disciplinary action to include action taken in relation to a licence issued to a club or venue.

Amendment 113 amends clause 389 of the Bill, to provide for a clarifying amendment to be made to the definitions of 'exclusion action' into the amended *Racing Act 2002*.

The definition of exclusion action mirrors the definition provided for in the proposed Racing Integrity Act which allows the control body to take action through placing a person on the forfeit list and publishing those names on the forfeit list publicly. The Commission will be responsible for warning off persons from a racing venue whilst the control body and club will be able to refuse a person entry as the occupier of the venue.

Amendment 114 amends clause 389 of the Bill, to insert a defined term of exercising control. The term provides clarification around when the Commission is exercising control at a venue for the purposes of the amended *Racing Act 2002*.

Amendment 115 is a consequential amendment to reflect the changes made to Chapter 8, Part 1, Division 1 through **Amendments 95 and 96**.

Amendment 116 amends clause 389 of the Bill, to amend the definition of 'licence', 'licence holder' and 'licensed' under the amended *Racing Act 2002* to reflect the changes to the licensing framework proposed under the amendments to the Bill.

The definitions provide for animals and participants to be defined as 'licensed' under the proposed Racing Integrity Act whilst clubs and venues will be licensed under the amended *Racing Act 2002*.

Amendment 117 amends clause 389 of the Bill, to provide for amendments to the defined terms of 'licensed club' and 'licensed venue' under the amended *Racing Act 2002*. These amendments are necessary to give effect to the proposed change to the licensing framework which will result in the control body licensing clubs and venues under the amended *Racing Act 2002*.

Amendment 118 amends clause 389 of the Bill to insert a new subsection (b) in the definition of 'manage' in the dictionary of amended *Racing Act 2002*. This new subsection expands the proposed definition of 'manage' to specify when a control body is deemed to be managing a venue.

The expanded definition is a key element in specifying the circumstances under which a race is being held lawfully.

Amendment 119 amends clause 389 of the Bill, to provide for consequential amendments to the definition of 'show cause notice' and 'show cause period' in the dictionary of the amended *Racing Act 2002*. These amendments are necessary to update the relevant section references for the defined terms following the amendments to the amended *Racing Act 2002*.

Amendment 120 inserts the definition of 'board' into Schedule 1 of the Bill, to provide for the insertion of the definition of board. The Board under the amended *Racing Act 2002* refers to the renamed Racing Queensland Board established under section 9AA of the amended *Racing Act 2002*.

Amendment 121 amends the term 'business associate' in Schedule 1 of the proposed Racing Integrity Act. The amendments are required to give effect to the reforms to the process regarding the obtaining of eligibility certificates. The proposed Racing Integrity

Act will retain the existing framework and definitions, however, will refer to bookmaker's licences instead of eligibility certificates.

Amendment 122 omits the reference in Schedule 1 of the Bill to 'certificate holder'. The defined term is no longer required as eligibility certificates will no longer be issued under the amended *Racing Act 2002* or the proposed Racing Integrity Act.

Amendment 123 inserts in the dictionary the defined term of 'commission decision'. The term will be defined in section 130 of the proposed Racing Integrity Act.

Amendment 124 omits the reference in Schedule 1 of the Bill to 'eligibility certificates'. The defined term is no longer required as eligibility certificates will no longer be issued under the amended *Racing Act 2002* or the proposed Racing Integrity Act.

Amendment 125 inserts the definition of 'exclusion action' into the proposed Racing Integrity Act. The definition of 'exclusion action' mirrors the definition provided for in the amended *Racing Act 2002* which allows the control body to take action through placing a person on the forfeit list and publishing those names on the forfeit list publicly. The Commission will be responsible for warning off persons from a racing venue whilst the control body and club will be able to refuse a person entry as the occupier of the venue.

Amendment 126 amends the definition of 'executive associate' contained in Schedule 1 of the Bill. The amendments are required to reflect the change to eligibility certificates. Therefore, the relevant references to eligibility certificate have been replaced with reference to bookmaker's licence.

Amendment 127 inserts in the dictionary a definition for the term 'exercise control'. The defined term of exercise control relates to the Commission exercising control at a venue through the exercising of its functions, such as stewarding at the venue. The examples provide guidance as to when the Commission is exercising control or has ceased exercising control for the purposes of the proposed Racing Integrity Act and *Racing Act 2002*. The expanded definition is a key element in specifying the circumstances under which a race is being held lawfully.

Amendment 128 omits the reference to 'gaming executive', 'gaming executive decision' and 'gaming executive form' in Schedule 1 of the Bill. These references are no longer required as the gaming executive will no longer have any functions under the proposed Racing Integrity Act as its functions are proposed to be transferred to the Commission.

Amendment 129 amends the definition of 'license holder' to provide for the removal of "place" as the Commission will no longer be responsible for licensing a place.

Amendment 130 amends of the definition of 'licensed club' under the proposed Racing Integrity Act. The amendment is required to give effect to the amendments to the licensing framework under the proposed Racing Integrity Act as control bodies will now license clubs under the amended *Racing Act 2002*.

Amendment 131 provides for an amendment to the definition of 'licensed venue' under the proposed Racing Integrity Act. The definition refers to that provided in the amended *Racing Act 2002*.

The amendment also inserts the defined term of 'manage' to provide further guidance regarding when the control body will be deemed to be managing a venue for the purposes of the amended *Racing Act 2002* and the Racing Integrity Act. The expanded definition is a key element in specifying the circumstances under which a race is being held lawfully.

Amendment 132 inserts the definition of ‘race day steward’ in the dictionary of the proposed Racing Integrity Act. The insertion of the definition provides for the defined term relevant to clause 7 and clause 300A to 300D of the proposed Racing Integrity Act.

Amendment 133 amends the definition of ‘show cause notice’ in the dictionary of the proposed Racing Integrity Act to update the relevant section references given the amendments to the proposed Racing Integrity Act.

Amendment 134 amends the definition of ‘show cause period’ in the dictionary of the proposed Racing Integrity Act to update the relevant section references given the amendments to the proposed Racing Integrity Act.

Amendment 135 makes a consequential amendment to the Bill to give effect to the licensing of clubs and venue under the amended *Racing Act 2002*.

Amendment 136 makes a consequential amendment to the Bill to give effect to the licensing of clubs and venue under the amended *Racing Act 2002*.

Amendment 137 makes a consequential amendment to the Bill to reflect the change in schedule numbering following the amendments made to the amended *Racing Act 2002*.