

# Racing Queensland Limited

## POLICY FOR SAFEGUARDING THE PUBLIC INTEREST IN THOROUGHBRED, HARNESS AND GREYHOUND RACING

### DATE THE POLICY WAS MADE

This policy was made on 1 July 2010.

### COMMENCEMENT DATE

This policy comes into effect on 1 July 2010.

### PURPOSE

The *Racing Act 2002* (Act) authorises Racing Queensland Limited (Racing Queensland) to make policies for the sound management of the Queensland racing industry. Section 81(b) of the Act requires Racing Queensland to make a policy for safeguarding the public interest in thoroughbred, harness and greyhound racing.

### What is the public interest?

While stating that Racing Queensland must make a policy for safeguarding the public interest in racing, the Act does not define “public interest”. Section 81(b) of the Act requires a policy for safeguarding the wellbeing of the general public.

Some useful guidance in this regard may be drawn from the Queensland Government’s Policy Handbook:

*Government acts **in the public interest**, not in the stakeholders' interests. It is very common for different stakeholders to have competing interests and it may be impossible to reconcile the differences.*

***Public interest** cannot be measured precisely. It does not equate to pleasing everyone and it is not the same as public opinion or popularity. An action may be **in the public interest** yet unpopular. Government decisions to increase taxation are often in this category, although the purpose for which the extra revenue is used may be very popular.*

*While practitioners may give advice about the views of stakeholders, the various options and the implications, costs and benefits of each, the determination of what is **the public interest** is essentially a political decision.*

### What is the public interest in racing?

The explanatory notes to the *Racing Bill 2002* refer to the public interest on a number of occasions, beginning with the policy objectives of the legislation, which are to:

- maintain public confidence in the racing of animals in Queensland for which betting is lawful;

- ensure the integrity of all persons involved with racing or betting;
- safeguard the welfare of all animals involved in racing; and
- meet National Competition Policy obligations by removing legislative restrictions on competition that cannot be justified **in the public interest**.

The explanatory notes state that it is considered justifiable and **in the public interest** that persons with convictions for dishonesty, stealing and unlawful betting and bookmaking offences, regardless of when the offences were committed, should not be eligible to be associated with the management or ownership of a control body. Only those persons of the highest integrity should be appointed as an executive officer of a control body.

The explanatory notes refer to the show cause procedure that the Minister and chief executive must comply with when taking any disciplinary action, save in exceptional circumstances where immediate suspension is warranted **in the public interest**.

The Act gives the Minister power to direct a control body to review its existing rules or to make new rules about a matter. The explanatory notes state that if a control body reviews a particular rule and decides that the rule should not be amended, the control body would need to demonstrate that the rule of racing is **in the public interest** and has sufficient regard to section 4(3) of the *Legislative Standards Act 1992*, which provides that, “*whether legislation has sufficient regard to the rights and liberties of individuals depends on whether, for example, the legislation -*

- (a) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and*
- (b) is consistent with the principles of natural justice; and*
- (c) allows the delegation of administrative power only in appropriate cases and to appropriate persons....”*

According to the explanatory notes, community expectations require that entities empowered to make rules and policies, particularly rules and policies that affect the livelihoods and lives of persons, should have due regard to those principles outlined in section 4(3) of the *Legislative Standards Act 1992*, unless there are good **public interest** reasons for not doing so.

The Act provides that the Minister may request the Auditor-General to audit a control body. According to the explanatory notes, this power would only be exercised by the Minister in circumstances where the Minister has grounds to believe that it is **in the public interest** for an independent audit of the control body to be conducted.

Section 81(b) of the Act provides that a control body must make a policy about safeguarding **the public interest** in the codes. According to the explanatory notes, a control body would need to consider the need to ensure the integrity of the code’s racing in making such a policy.

### **Racing’s place in Queensland’s economy and society**

In order to safeguard the public interest in racing, it is first necessary to attempt to gauge racing’s positive and negative effects on Queensland’s economy and society.

Racing occupies a central place in Queensland's economy and society. It is part of the Queensland and Australian folklore and psyche, even for people who have no interest in racing and have never been to a racetrack.

The Queensland racing industry is a major contributor to Queensland's Gross State Product and generates jobs of all skill levels throughout the State. The range of people making their livelihood wholly or in part through the racing industry is enormous – jockeys, drivers, trainers, stablehands, bookmakers, veterinarians, owners, attendants, scientists, farmers, breeders, stock agents, farriers, IT professionals, data entry clerks, educators, labourers, caterers, cleaners, stewards, administrators and lawyers.

The State and Commonwealth Governments derive revenue directly and indirectly from the Queensland racing industry. It is in the public interest that the Queensland racing industry fulfil its economic potential for the benefit of regional communities and the State as a whole.

The Queensland racing industry has recognised community concern about problem gambling and acknowledges it has a role to play to promote responsible gambling and minimise the harm caused by problem gambling. The Queensland racing industry has participated in the Queensland Government's initiative to work with the range of gambling providers to develop a Responsible Gambling Code of Practice and a Racing Industry Responsible Gambling Policy. Racing Queensland supports and abides by the policy and code. Information about the responsible gambling initiative is available from the website [www.responsiblegambling.qld.gov.au](http://www.responsiblegambling.qld.gov.au).

Given the Queensland racing industry's importance to Queensland's society and economy, it is imperative that the public interest in racing be protected by:

- ensuring that the Queensland racing industry is managed professionally;
- promoting a positive image of racing as a legitimate form of entertainment and a rewarding industry in which to work and invest;
- ensuring the highest standards of integrity in the conduct of racing and betting;
- protecting the safety of Queensland racing industry workers and race day patrons;
- protecting the welfare of racing animals;
- minimising the harm associated with gambling;
- ensuring the industry is a "responsible citizen" and "good neighbour"; and
- providing mechanisms for people who have complaints against aspects of Queensland racing industry administration to have their problems addressed.

The purpose of this policy is to help ensure Racing Queensland safeguards the public interest in racing.

## **POLICY STATEMENT**

### ***Professional management***

Racing Queensland will ensure that the Queensland racing industry is managed professionally by managing its own operations and overseeing race clubs' operations according to the highest professional standards.

In order to ensure its operations are efficient and effective, Racing Queensland will develop policies for:

- policy development;
- employment of officials and other staff;
- decision-making by stewards and decision-making by Racing Queensland generally;
- record keeping;
- the organisation's website;
- fees Racing Queensland charges license holders;
- forms for administration of the Queensland racing industry; and
- other matters as Racing Queensland sees fit for the proper management of the Queensland racing industry.

In order to ensure the Queensland racing industry operates professionally, Racing Queensland will develop policies for:

- licensing race clubs, racing venues, industry participants and racing animals;
- training of licensees and other industry participants;
- lawful betting;
- the allocation of race days and the provision of funding to licensed clubs;
- the standard required of licensed clubs and venues;
- the way in which races are to be held;
- handicapping/grading;
- appeals;
- other matters as Racing Queensland sees fit for the proper management of the industry.

In order to ensure race clubs operate professionally, Racing Queensland will formulate policies for:

- the formation and management of clubs;
- licensed non-proprietary race clubs to manage their finances;
- licensed non-proprietary race clubs to manage their assets; and
- other matters as Racing Queensland sees fit for the proper management of the industry.

Racing Queensland requires licensed clubs to manage their finances and assets according to Racing Queensland's Financial Management Procedures Manual.

Racing Queensland will consult stakeholders when it makes policies. It will review its policies regularly to ensure they are relevant and continue to encourage efficient and effective administration.

### ***Professional presentation***

Racing Queensland will present a positive image of racing as a legitimate, professional and lawful industry. Through its licensing of clubs, venues and licensees, Racing Queensland will encourage standards of presentation that give the public confidence in racing as a sport, a pastime and a business characterised by openness, transparency, integrity and accountability.

Racing Queensland will present a positive image of racing as a legitimate form of entertainment for adults from all walks of life. Promotions will encourage people to attend races and racing-related activities.

Racing Queensland will promote the Queensland racing industry as a rewarding industry in which to work, offering many different career opportunities, from the unskilled to the highly skilled, from country Queensland to the regional towns and cities and major metropolitan centres.

Racing Queensland will promote the Queensland racing industry as a rewarding industry in which to invest, as an owner or part owner of racing animals, or as a service provider to the industry.

### ***Integrity assurance***

In order to ensure the highest standards of integrity in the conduct of racing and betting, Racing Queensland will formulate policies for:

- licensing race clubs, racing venues, industry participants and racing animals;
- lawful betting;
- testing racing animals for illicit substances;
- standards of equipment and staffing for monitoring races and racing facilities; and
- other matters as Racing Queensland sees fit to assure integrity.

### ***Public safety***

In order to protect the safety of Queensland racing industry workers and race day patrons, Racing Queensland will formulate policies for:

- licensing race clubs, racing venues, industry participants and racing animals;
- the standard required of licensed venues;
- training of licensees and other industry participants;
- drug and alcohol use by employees and licensees; and
- other matters as Racing Queensland sees fit for the proper management of the industry.

### ***Animal welfare***

In order to protect the welfare of racing animals, Racing Queensland will formulate policies for:

- the training of thoroughbreds, harness racing horses and greyhounds;
- the welfare of thoroughbreds, harness racing horses and greyhounds; and
- other matters as Racing Queensland sees fit for the proper management of the industry.

Racing Queensland requires race clubs, racing animal owners and industry licensees to protect the welfare of racing animals under their control. Racing animals must be kept and transported in clean, secure facilities and be provided with adequate food,

water, medicines and shelter to ensure their wellbeing. Sick or injured animals must be cared for.

### ***Minimising harm from gambling***

In order to minimise the harm associated with gambling, especially the connection between problem gambling and drinking, Racing Queensland will comply with the Racing Industry Responsible Gambling Policy.

Racing Queensland will require its clubs to comply with this policy and the Responsible Gambling Code of Practice. Race clubs must develop their own responsible gambling policy based on the Racing Industry Responsible Gambling Policy and the Responsible Gambling Resource Manual. A club's responsible gambling policy must include strategies for:

- providing information to customers;
- developing links with customers and the community;
- excluding problem gamblers;
- creating an acceptable physical environment where gambling may occur;
- providing financial transaction services; and
- regulating advertising and promotions.

The policy will:

- help customers make informed decisions about their gambling;
- minimize harm from gambling to individuals and the broader community; and
- provide people adversely affected by gambling with access to timely and appropriate assistance and information.

### **Responsible citizenship**

Racing Queensland expects and requires race clubs, racehorse owners, greyhound owners and Queensland racing industry licensees to be responsible citizens and good neighbours by minimising or eliminating the impact of their racing-related activities on the community.

This includes:

- complying with local authority environmental health and workplace health and safety regulations;
- minimising the impact of traffic, congestion and parking problems caused by race days by providing parking or public transport facilities;
- reducing noise and light pollution from racing venues;
- instituting sound animal husbandry practices;
- minimising unpleasant odour from stables/kennels in residential areas by ensuring high standards of hygiene;
- controlling vermin in stables/kennels; and
- preventing wastes from discharging from stables/kennels into the stormwater system.

## **Complaints mechanisms**

Racing Queensland will manage the Queensland racing industry for the benefit of stakeholders and the public generally.

Racing Queensland will ensure its decision-making is fair, impartial and transparent. Racing Queensland has developed policies for its commercial decision-making and integrity-related decision-making. Racing Queensland will make commercial and integrity-related decisions in accordance with these policies.

Racing Queensland recognises that from time to time licensees, other Queensland racing industry participants and members of the public may have complaints about the administration of the Queensland racing industry. Complaints should be made in accordance with the Complaints Management Policy of Racing Queensland.

Racing Queensland will treat complaints seriously and confidentially and make every effort to resolve them in accordance with the Complaints Management Policy.

## **APPLICATION**

This policy applies to the general public in the Queensland racing industry.

## **DEFINITION**

'Stakeholder' means a person with an interest or concern in the Queensland racing industry.

## **PROCEDURES**

### **Roles and responsibilities**

Racing Queensland's department managers are responsible for preparing the policies listed above that relate to their area of management

### **Rules of Racing**

Rules of Racing will not be made for this policy.

### **Review**

Review date will be July 2012.

## **REVISION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Description</b>
1.01	July 2010	Board adopted under exceptional circumstances
1.02	September 2010	Board confirmed this policy continued to have effect