

Racing Queensland Limited

POLICY ON THE FORMATION, MANAGEMENT AND LICENSING OF CLUBS

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 industry. Section 81(i) of the Act requires Racing Queensland to make a policy on the formation and management of clubs eligible to be licensed to hold race meetings.

The racing industry depends on properly formed and soundly managed race clubs for its continued prosperity.

Proprietary race clubs are race clubs that provide facilities at which races are run for a profit. They are businesses, as opposed to not-for-profit race clubs, which exist to provide facilities at which race meetings are held for the benefit of members.

The purpose of this policy is to ensure that Queensland Race Clubs, whether they are proprietary or non-proprietary, are properly formed and soundly managed and that they provide a work environment free from unsafe work practices, harassment, unlawful discrimination, bullying, and misconduct.

POLICY STATEMENT

Club formation

Racing Queensland will ensure that race clubs are properly constituted under either the *Associations Incorporations Act 1981* (Queensland) (for clubs formed as incorporated associations), or, the *Corporations Act 2001* (Commonwealth) (for clubs formed as corporations) before it licenses these clubs.

Application for a Licence

In accordance with the Act and the Rules of Racing, clubs must apply for registration on or before 1 July each year. Accompanying their application, clubs must provide the information required by the Procedures Manual.

In accordance with the Rules of Racing, a race club committee must not contain more than two licensees as members unless the club has obtained written permission from Racing Queensland. A licensee must not hold the position of race club secretary without written permission from Racing Queensland. (For the purposes of this rule, a person holding a permit to train his or her own horses will not be deemed to be a licensee).

Race club committee members and executive officers must be of good character. In accordance with section 88 of the Act, Racing Queensland will not licence a club if a committee member or executive officer is a bankrupt or has a conviction, other than a spent conviction, for:

- An offence under the Act or previous racing legislation.
- An indictable offence or a summary offence that involved dishonesty, fraud, stealing or unlawful betting.
- An offence under another State's laws about racing or betting.

Grant of a licence and conditions

1. Licences granted by Racing Queensland to clubs carry the following conditions:
 - (a) If a club cancels or abandons the race meeting or attempts to cancel or abandon a race meeting without the consent of Racing Queensland, the club agrees that Racing Queensland's representatives who control races at race events, together with all horses, greyhounds, jockeys, owners, drivers, trainers, bookmakers and other persons involved in the conduct of race events and betting on licensed venues and in the transmission by sound or video of race events, may enter the licensed venue with all equipment, vehicles and other property for the purposes of conducting the race event, and broadcasting and telecasting that event and the conduct of betting and to do such acts and things as are necessary for or incidental or convenient for the conduct of the race meeting for the club.
 - (b) If the club cancels or abandons or attempts to cancel or abandon an event without the consent of Racing Queensland and Racing Queensland believes that it is in the best interests of the management of the code of racing for the event to be held, the club consents to an injunction restraining it from in any way interfering with the carrying of or the event under the control of Racing Queensland for the club.
 - (c) These provisions apply notwithstanding any provision of any other Policy or Rule.
2. Racing Queensland has the power to impose such other conditions on a licence issued to a club as it determines necessary.

Club management

Racing Queensland will oversee the financial management and performance of all Queensland race clubs to ensure they are properly and soundly managed.

All Queensland race clubs, whether proprietary or non-proprietary, must manage their finances according to the Act, the Rules of Racing and the Financial Management Procedures Manual for Queensland Race Clubs and section 34(2) of the Act, must comply with the direction from Racing Queensland in relation to the club's operations or racing venue. The Financial Management Procedures Manual for Queensland Race Clubs is available on the Racing Queensland website.

Non-proprietary race clubs must comply with Racing Queensland's Policy on Spending by Non-Proprietary Licensed Clubs and Policy on Disclosure of Assets by non-proprietary Licensed Clubs.

Safe working environment

Racing Queensland requires race clubs to take all reasonable steps to provide a safe working environment for its official's staff and licensees by fostering a culture of high ethical standards and support for whistleblowers and by not tolerating unlawful discrimination, harassment, bullying or unsafe work practices.

Protective action

Racing Queensland will take protective action against a club that contravenes the Act, *Associations Incorporations Act 1981*, *Corporations Act 2001* (Commonwealth), the Rules of Racing, the Financial Management Procedures Manual for Queensland Race Clubs, Racing Queensland's policies or directives or legislation providing for a safe working environment. Racing Queensland will periodically audit race clubs to ensure they continue to be suitable to be licensed.

Dissolution of a club

Before the dissolution of a club can occur that results in the disposal of the club's assets, the following is required:

1. The club is to provide a list of all the club's assets and the club's proposed disposal of such assets in writing to Racing Queensland for its consideration and approval.
2. Once Racing Queensland has considered and approved the club's proposal, the club will be required to call a general meeting of all members to agree to the disposal.
3. The club must comply with its governing document and any legislation applying to the club, including the *Associations Incorporations Act 1981* and *Corporations Act 2001* in all regards and particularly in relation to:
 - (a) the dissolution of the club;
 - (b) the disposal of its assets upon dissolution;
 - (c) the calling and holding of a general meeting of its members to approve the dissolution of the club and disposal of club assets;
 - (d) the decision of members at the general meeting called to approve the dissolution of the club and disposal of club assets; and
 - (e) notification to the relevant government departments or other bodies (as required by relevant legislation) in relation to the outcome of the general meeting and dealings with the club's assets.
4. The club must comply with the Act and any other policies of Racing Queensland in relation to the dissolution of the club and the disposal of its assets.

Club relinquishment of its race club license

A club is to adhere to the following procedures when it relinquishes its race club license:

- (a) The club is to formally advise Racing Queensland Limited in writing that it wishes to relinquish its race club license. This formal notification is to include the date it intends to relinquish its license, a copy of the Member's Minutes approving this relinquishment and the club's intentions in relation to further operations of the Association/Corporation.

(b) The club to be advised in writing by Racing Queensland that:

- i. The club's license has been relinquished [as at the relevant date]
- ii. The club will no longer be covered by Racing Queensland's public liability insurance and/or other relevant insurance coverage
- iii. The club will not be allocated any race dates
- iv. The club will not receive any funding from Racing Queensland, and
- v. Under the Australian Rules, if participants take part in an unregistered meeting they are disqualified as are their horses. [This occurs unless Racing Queensland gives dispensation – Racing Queensland would be inclined to give dispensation as long as the club advises the licensee they are not insured etc.]

APPLICATION

This policy applies to all race clubs licensed by Racing Queensland, whether they are proprietary or non-proprietary.

DEFINITIONS

'Protective action (by Racing Queensland against a club)' may include cancelling, suspending or varying the club's licence or imposing a monetary penalty.

'Discrimination' occurs when a person is treated more or less favourably than another person would be under similar circumstances. Discrimination is unlawful when it is on the basis of an attribute described in the *Anti-Discrimination Act* (i.e. sex, marital basis, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity, sexuality, gender identity, family responsibilities; or association with, or relation to, a person identified on the basis of any of the above attributes).

'Non-proprietary race club' refers to a not-for-profit race club. A non-proprietary race club has a constitution that both:

- (i) provides for the application of all of the club's profits and other income for the promotion of the club's objects; and
- (ii) prohibits the payment of dividends to the members of the club.

'Procedures Manual' means the manual containing the procedures of Racing Queensland from time to time.

'Proprietary Race Club' refers to a for-profit race club

'Proprietary racing' refers to racing where the person is conducting the race meeting receive a share of the profits, instead of the profits being returned to the code of racing for use as prize money.

'Rules of Racing' means national, Australasian Rules and Local Rules for the thoroughbred, harness and greyhound codes of racing.

'Local Rules' means rules made by Racing Queensland Limited from time to time.

'Sexual harassment' is any unwanted, unwelcome or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated or offended.

'Whistleblower' refers to a person who discloses information about official misconduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons of the environment in the public interest to an authority that is able to investigate and remedy the matter.

ROLES AND RESPONSIBILITIES

Racing Queensland

Racing Queensland will:

- assess race clubs' licence applications to ensure all the required information is provided and that the club is properly constituted;
- conduct investigations to ensure that club committee members, executive officers and other people associated with the ownership or management of race clubs are of good character and suitable to hold such positions;
- analyse race clubs' financial statements, company / committee minutes, annual reports and strategic and business plans to ensure the clubs are properly and soundly managed;
- regularly audit the operations of race clubs to ensure their continued suitability to be licensed.

Race club secretaries

Race club secretaries must ensure their club provides full documentation for its license application.

Race club treasurers

Race club treasurers must ensure their club provides its annual report, properly audited balance sheet and profit and loss statement and copies of any corporate, strategic, business or other plan the club may have adopted during the financial year.

Rules of Racing

Race clubs must comply with the Rules of Racing about the formation and management of race clubs.

Review

This policy was reviewed in September 2010.

Next review date will be September 2012.

REVISION HISTORY

Version	Date	Description
1.01	July 2010	Board adopted under exceptional circumstances
1.02	September 2010	Board confirmed subject to recommended amendments, this policy continues to have effect.