

Racing Queensland Limited

POLICY FOR DECISION-MAKING BY STEWARDS

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(n) of the Act requires Racing Queensland to make a policy for the decisions its stewards may make in relation to the way in which races may be held and Racing Queensland's decision-making in general.

This policy has two purposes. The first purpose is to help ensure Racing Queensland stewards make correct decisions. This is achieved by ensuring that integrity-related decision-making processes are open and transparent, decisions are made in accordance with the principles of good decision-making, decisions are documented, and decision makers understand their role and responsibilities and are accountable. For this purpose decision makers are stewards.

The second purpose is to provide people aggrieved by Racing Queensland decisions on integrity-related matters with a mechanism to test the merits of the decision. This is achieved by advising people of their rights with regard to appeals against an integrity-related decision. These appeal rights may include an appeal to the First Level Appeals Committee or appeals to the Queensland Civil and Administrative Tribunal which are dealt with in Racing Queensland's First Level Appeals Policy.

POLICY STATEMENT

Racing Queensland stewards' decisions on integrity-related matters

Racing Queensland's stewards will make decisions on integrity-related matters in accordance with the principles of good decision-making, being:

- the decision-making will be lawful;
- Natural Justice will be observed;
- the decision maker/s will act in good faith and within their power;
- actions will be fair and based on the weight of evidence;
- obligations will be discharged appropriately; and
- decisions will be made consistently, fairly and as promptly as possible.

In addition to these principles, Racing Queensland recognises that a statement of reasons, usually in writing, should be given for an integrity-related decision. Stewards making decisions must be free of any conflict of interest and their decisions should be reviewable.

The responsibilities of decision makers in respect of integrity related matter are as follows:

- an individual or entity is provided with an opportunity to respond/comment on any adverse material where it would assist the decision making process
- the decision-maker must understand the decision-making power
- the decision-maker must identify the steps required in the decision-making process and ensure they have been undertaken to the extent possible
- the decision-maker must gather as much information or evidence relevant to the substantive issue as is reasonable or necessary in the circumstances
- the decision-maker must make findings of fact on the information or evidence reasonably available at the time
- the decision-maker must give weight to relevant evidence, consider the facts and disregard irrelevant or improper criteria or policies
- the decision-maker must consider the merits on a case-by-case basis but act consistently
- the decision-maker must exercise proper discretion in making a decision
- the decision-maker must record the decision where possible, and
- the decision-maker must implement or advise of the decision.

The standard of proof that Racing Queensland stewards will usually apply when making decisions on integrity-related matters will be beyond a reasonable doubt.

Each steward on an inquiry panel will have an equal vote. Decisions will be made on the basis of the majority vote. If the vote is tied, the chair of the panel will have a casting vote.

Racing Queensland stewards will give reasons for their decisions on integrity-related matters. Usually, and whenever appropriate, these reasons will be given in writing. This may be in the form of a transcript of proceedings or Stewards Report.

Racing Queensland will provide sufficient training to its stewards to ensure they understand their roles and responsibilities and understand the provisions of the Rules of Racing, *Racing Act 2002* and other legislation relevant to their decisions.

Accountability

Racing Queensland stewards will be accountable for their decisions on integrity-related matters.

Statement of reasons

If a person is aggrieved by a decision of a Racing Queensland steward on an integrity-related matter and that person appeals the decision, Racing Queensland will give to that person the transcript of the steward's inquiry and other information relevant to the matter requested by that person.

Appeals

Subject to the Act and the Rules of Racing and in accordance with Racing Queensland policy on appeals, a person who is aggrieved by a Racing Queensland steward's decision on an integrity-related matter may appeal the decision to the First Level Appeals Committee or the Queensland Civil and Administrative Tribunal as outlined in the Rules of Racing and the Act.

Administrative improvement

Racing Queensland will collect and analyse data relating to appeals against stewards' decisions on integrity-related matters to identify problems with stewards' decision-making processes and improve the quality of their decisions.

APPLICATION

This policy applies to Racing Queensland Stewards.

DEFINITIONS

'Administrative decisions' means decisions of an administrative character made, proposed to be made, or required to be made, under an enactment (whether or not in the exercise of a discretion).

'Decisions on the way in which races may be held' means decisions by stewards taken on race day and decisions made other than on race day which may affect in any manner the way in which races may be held. These decisions may affect jockeys, drivers, trainers, stablehands, bookmakers, clubs or other Queensland racing industry participants.

'Disciplinary action' means relating to an accreditation, approval or licence, means one or more of the following—

For a licence—

- (i) imposing a monetary penalty
- (ii) imposing a restriction on the right to ride/drive for a limited time
- (iii) suspension or disqualification of the licensed person or animal for a period of time
- (iv) add to, or vary a restriction or condition contained in a licence, or
- (v) closing, for a stated period, premises or part of premises stated in the licence as premises at which an activity may be conducted under the licence.

'Making a decision' includes:

- (a) making, suspending, revoking or refusing to make an order, award or determination or
- (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission or
- (c) suspending or revoking a licence, authority or other instrument or
- (d) imposing a condition or restriction or
- (e) making a declaration, demand or requirement or
- (f) retaining, or refusing to deliver up, an article or
- (g) doing or refusing to do anything else, or
- (i) a reference to a "failure to make a decision" is to be construed accordingly.

'Reviewable decision' has the same meaning as defined in section 95 of the Act.

PROCEDURES

Roles and responsibilities

Racing Queensland's stewards and other officers must make decisions in accordance with the principles of good decision-making and this policy.

Rules of Racing

This policy is consistent with the Rules of Racing.

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 this policy continued to have effect