

Racing Queensland Limited

POLICY FOR FIRST-LEVEL APPEALS

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. Under section 81(h) of the Act, should a license holder be eligible to appeal to an appeal committee against a reviewable decision of a steward, Racing Queensland must have a policy for appeals to that appeal committee.

Under section 95(2) of the Act, a reviewable decision is either or both of the following:

- (a) a decision by a steward suspending a license held by a person for a period of not more than three months;
- (b) a decision by a steward imposing a penalty of at least \$100 but not more than \$2000.

Whether based on a plea of guilty or otherwise.

Decisions other than those deemed reviewable above, may be considered by the Queensland Civil and Administrative Tribunal (QCAT) under section 150 of the Act.

The purpose of the policy for first-level appeals is to provide a mechanism for aggrieved licensees to test the merits of the decisions of stewards in a cost-effective and timely manner. The first-level appeals process allows matters to be dealt with more expeditiously than is possible with an appeal to the QCAT.

The first-level appeals process is only one of a number of avenues available for the review of the decisions of Racing Queensland's officials. Other avenues include the QCAT, judicial review and the courts generally.

POLICY STATEMENT

Racing Queensland will establish appeal committees to hear appeals from decisions of any steward of Racing Queensland that impose:

- (a) a decision by a steward suspending a license held by a person for a period of not more than three months; and/or
- (b) a decision by a steward imposing a penalty of at least \$100 but not more than \$2000.

Whether based on a plea of guilty or otherwise.

In accordance with section 97 of the Act, an appeal committee will consist of three individuals, one individual must be a lawyer of at least five years standing, one individual must have a thorough knowledge of the rules of racing and the other individual must possess either, or, a combination of both of these requirements.

Racing Queensland will undertake integrity checks to ensure members of an appeal committee are suitable persons and are free from conflicts of interest. Such integrity checks include the mandatory provision of a national police certificate.

Racing Queensland will develop rules that outline the protocol to ensure that members of an appeal committee adequately deal with perceptions of conflicts of interest. Such conflicts may arise from a member:

- (a) owning a racing animal that was involved in the race that is the subject of the appeal; or
- (b) being a relative of, or having a business relationship with, a person involved in the appeal.

To the extent a matter relating to the procedure of an appeal committee is not provided for under the Act, the policy, the rules, or the procedures developed pursuant to this policy, the appeal committee may decide its own procedure.

Appeal committees must observe natural justice. They are not bound by the rules of evidence. A committee may inform itself of anything as it considers appropriate.

An appeal committee may make any decision that the steward who made the original decision could have made. A committee may confirm the original decision, vary the decision or set it aside and substitute its own.

After an appeal committee gives its decision, the committee must provide an information notice about the decision to the person who appealed against the decision, the steward who made the decision and Racing Queensland.

As soon as practicable after receiving the information notice, Racing Queensland must publish details of the decision on its website.

APPLICATION

This policy applies to Racing Queensland stewards, licensees and appeal committee members.

PROCEDURES

Roles and responsibilities

Racing Queensland stewards and licensees must comply with this policy and its associated procedure.

Rules of Racing

This policy is consistent with the Rules of Racing. Local Rule (all Codes) provides for appeals against stewards' decisions.

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.