



Racing Queensland Board
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Mr Rob Hanson
Committee Secretary
Education, Employment and Training Committee
Parliament House
George Street
Brisbane QLD 4000

BY ONLINE LODGEMENT:

<https://qldparlcomm.snapforms.com.au/form/eetc-racing-integrity-amendment-bill-2022>

Dear Mr Hanson

**Inquiry into the Racing Integrity Amendment Bill 2022
Submission of Racing Queensland**

Thank you for inviting the Racing Queensland Board ("**Racing Queensland**") to make a submission to the Inquiry into the Racing Integrity Amendment Bill 2022 ("the Bill"). Racing Queensland welcomes the proposed structure and believes it will enhance the performance of the functions and powers of the Queensland Racing Integrity Commission ("**Commission**") under the *Racing Integrity Act 2016* ("**the Act**") and Racing Queensland under the *Racing Act 2002*.

Part 3 – Amendments Commencing by Proclamation

Racing Queensland supports the creation of the Racing Appeals Panel and the general structure of the review procedure proposed for racing decisions made by Stewards. The Bill proposes a more independent and prompt review process for a racing decision while retaining the current arrangements for other original decisions, including licensing decisions.

Our comments on the specific wording are as follows:

Cl. 24 - New Clause 252AA Definitions – "racing decision"

This clause determines which decisions will be within the jurisdiction of the Racing Appeals Panel. The two key criteria are that the decision is made by a steward (as defined in Schedule 1 of the Act) and that it is made under the rules of racing (also defined in Schedule 1).

One point worth clarification is that not all decisions made by the Commission under the rules of racing are expressed to be a decision of a steward. For example, Australian Rules of Racing AR.16 gives broad power to discipline or penalise a participant to the "PRA", which by virtue of s.113A of the *Racing Act 2002* is deemed to refer to the Commission. Presumably, the Commission would delegate that decision to a steward. For the avoidance of doubt, we would recommend clarifying that "a decision of the steward under rules of racing" is not restricted to those rules that expressly refer to a "steward" as the entity making the decision.

CI. 24 - New Clause 252AA Definitions – Exclusions from a “racing decision”

Notably this wording means that not all stewards decisions are subject to the new regime. Decisions under the Act to refuse a licence to a person or to make an animal welfare direction are examples of the exclusions.

The Commission has standards that are statutory instruments under s.62 of the Act, and under Chapter 3 Division 2 of the Act the Commission may take disciplinary action under those standards. Our understanding is that such a decision is not intended to be a “racing decision”. There is some overlap between the standard and the rules of racing, so that it is at least technically possible for the Commission to have a choice in those matters to either take action under the rules (and the panel will have jurisdiction) or under the standards (in which case the existing internal review and QCAT process will apply). Racing Queensland supports that approach.

CI. 24 - New Clause 252BD – Appointments to Racing Appeals Panel

Racing Queensland is the “control body” (pursuant to the definition in Schedule 1 to the Act). Therefore, the restriction in new clause 252BD(2)(a) only prevents a current or recent employee of Racing Queensland from being a member of the panel. No such restriction applies to the Commission’s employees. Racing Queensland’s view is that given the intent to have an independent panel, this clause should refer to both Racing Queensland and the Commission, rather than just the “control body”.

Similarly, Racing Queensland’s view is that new clause 252BD(2)(b) should refer to those registered or licensed by either Racing Queensland or the Commission, rather than just the “control body”.

In relation to new clause 252BD(2)(d), some of the larger licensed clubs (such as the Brisbane Racing Club) are structured as companies limited by guarantee. Such a club will not have a “committee” (which is a concept that only applies to an Incorporated Association), but instead will have a board of directors. Therefore, Racing Queensland believes that “*member of a committee, or an employee,*” should be “*member of a committee, director of a board, or an employee*”.

Finally, under new clause 252BD(2)(f), Racing Queensland has the view that it is not just a conviction for an indictable offence that should make a person ineligible for appointment to the panel, but also unresolved criminal charges. Racing Queensland notes that licensees can be suspended under Australian Rules of Racing AR.23 if they have been charged with the commission of an indictable criminal offence. If that change is made, new clause 252BN would also need to be updated to refer to charges as well.

CI. 25 - New Clauses 256A and 256B – Publication of Stewards’ Reports

These clauses encourage publication of stewards’ reports by the Commission on its website, but also states the reports are to be removed from the Commission’s website after six months (new clause 256A(4)(b)) or if a person asks for personal information to be removed (new clause 256B(4)).

Racing Queensland is concerned with the removal of information. Racing Queensland does not support removing this information from public view, as it is an important element in ensuring visibility within the racing industry.

Racing Queensland also publishes race day stewards’ reports on its website for more than six months after the event and would prefer to continue to do so.

Racing Queensland uses this information to perform its statutory functions, including managing handicapping, prizemoney payments and planning race days. Racing Queensland is also asked for this information in relation to insurance claims, as Racing Queensland manages jockey WorkCover claims and each race club’s public liability insurance program. If the information is not available on a website, a process through which Racing Queensland can receive stewards’ reports in its capacity as the control body even after they are taken down from the website would be preferred.

Contact Details

Please contact Racing Queensland for any clarifications sought in relation to this submission. Our contact details are:

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Yours sincerely,



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