




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 14 October 2022

RACING INTEGRITY AMENDMENT BILL

Second Reading

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (5.37 pm): I move—

That the bill be now read a second time.

The Palaszczuk government strongly backs our racing industry not only because it delivers thousands of jobs but because of its important contribution to the social fabric and wellbeing of our community, particularly regional communities. We want to see it go from strength to strength, and that is what drives the reforms in the bill before the House today.

The bill before the House reflects the Palaszczuk government's steadfast commitment to growing the racing industry and to improving the integrity of the industry. As I said in my introductory speech, the Palaszczuk government has listened to the Queensland racing industry's concerns in undertaking a thorough review of the Racing Integrity Act and its operations—and we have responded.

The centrepiece of the bill is a creation of a new independent Racing Appeals Panel to review the decisions made by stewards under the rules of racing. Review by the new panel will replace the current process of internal review by the Queensland Racing Integrity Commission and external reviews by the Queensland Civil and Administrative Tribunal.

These reforms will deliver a system which will see most reviews finalised more quickly and by a specialist body with knowledge and experience in the racing industry. The panel chairperson will be required to have at least five years legal standing. For most hearings, two additional panel members will be selected from a pool of appointed persons with racing or other relevant expertise. A racing participant who is unhappy with a decision made by a steward will need to lodge an application for review more promptly, and the panel will determine most matters within seven days.

Another important reform to address the industry's concerns will be the changes to when decisions can be stayed whilst they are reviewed. The new statutory time frames within which an application for review to the panel must be determined means that stays will only be available for a limited time frame before a matter is decided. Further, under the new model a stay will not be available when a decision is appealed to the Queensland Civil and Administrative Tribunal if the panel has determined that the breach of the rules involved a serious risk to animal health or welfare, human safety or the integrity of racing.

The bill also makes a number of unrelated minor amendments to the Racing Integrity Act. These include: providing for the publication of stewards' reports and elevated readings of prohibited substances; removing redundant provisions regarding fingerprinting requirements for a bookmaker's licence; standardising the time a racing bookmaker's clerk can act as agent at 12 weeks in each year; more consistently regulating the use of telecommunications systems for the taking of bets; providing for

the delegation of certain powers of the minister; prohibiting attempts to influence witnesses before inquiries; and amendments to ensure compatibility with the Human Rights Act 2019.

The bill was referred to the Education, Employment and Training Committee for consideration on 24 February 2022. I thank the committee for their detailed and thorough consideration of the bill. I especially want to thank the committee chair, Kim Richards, the member for Redlands; and the deputy chair. Kim always does an excellent job with my bills, and she has not let me down this time. The committee's inquiry into the bill included a call for public submissions, a public hearing and a public briefing. I thank all of the stakeholders who provided submissions to the committee and those who took the time to appear before the committee to brief themselves on the various aspects arising from the bill.

The committee tabled a comprehensive report on the bill on 8 April 2022 which includes five recommendations: first, that the bill be passed. I want to thank the committee for its support of the bill. I note that this support reflected the tenor of submissions to the committee, which were overwhelmingly supportive of the bill. This included submissions by the Australian Jockeys' Association, Racing Queensland, the Queensland Jockeys' Association, the Coalition for the Protection of Greyhounds and the Queensland Law Society. We have Australian jockeys, Queensland jockeys and a group of people who are in this industry who made submissions. This is a testament to the way the government has listened to stakeholders concerned about the current arrangements and comprehensively consulted with stakeholders as it refined their proposals in the bill. Can I also say that I met with them personally in my office. We went through a number of issues and I thank them for their advocacy. It was great to talk to them directly to allay any concerns. We walked out feeling that this was the best way forward. The other four recommendations of the committee invite me to clarify certain matters in my second reading speech, and I am happy to do just that.

Recommendation 2 of the committee report requests clarification of whether a racing decision under the bill includes a decision made by a steward under the Rules of Racing irrespective of whether the rules especially refer to a steward as the decision-maker. The proposed section 252AB of the bill provides: a right of review of a racing decision of a steward; to take disciplinary action relating to a licence or approval; to take exclusion action against a person; or to impose a penalty, monetary or non-monetary, against a person.

Racing Queensland pointed out that some of the Rules of Racing referred to QRIC itself rather than a steward as the entity making a decision. They sought clarification of whether the decision made by a steward in that circumstance would be reviewable by the panel. I advise the House that QRIC does not currently exercise functions under the Rules of Racing via delegation to a steward. Stewards, by virtue of their appointment, possess the relevant powers under the Rules of Racing rather than through delegation. A racing decision is intended to capture decisions made by a steward under the Rules of Racing irrespective of whether the rules expressly refer to a steward as the decision-maker. This bill focuses on the power to impose sanctions upon a person involved in racing, which in Queensland are exercisable by stewards.

Recommendation 3 requests clarification of the meaning of 'extent' concerning the ability to appeal decisions of the panel only on a question of law relating to the extent of the disqualification action. This issue was raised by the Queensland Law Society. It was suggested that the use of the word 'extent' in the proposed section 252AU(2) may be confusing and that it could refer to either the size of the penalty or to the extent to which the penalty is appropriate. I advise the House that 'extent' in this context is intended to refer to the size of the penalty; in other words, where a penalty is a suspension or disqualification of three months or more, an application for an appeal can only be made about whether that penalty is appropriate. The appeal cannot re-examine whether the person was guilty of the offence. In effect, we are not going to re-examine this. These are the referees or the stewards making decisions. They make them in relation to a panel looking at it all, and this is about not re-looking at this issue.

Recommendation 4 requests clarification about the time frames intended to apply to the publication of stewards' reports. The body of the committee report discusses feedback from stakeholders proposing indefinite publication of stewards' reports as occurs in other Australian jurisdictions. Racing Queensland noted some practical concerns about the proposals in the bill as it uses the information in stewards' reports to perform its statutory functions and requested that, if this information is not available online, a process be developed to enable it to receive stewards' reports after the reports are removed from the QRIC website. The submissions of Racing Queensland and the Coalition for the Protection of Greyhounds both argued that indefinite publication is necessary for the public to have adequate access to the information.

I understand the issues raised and the feedback provided to the committee; however, I am concerned that an indefinite publication could be incompatible with the Human Rights Act 2019 because of the potential impact on privacy and a person's reputation, particularly long after the occurrence of the incident concerned. Stewards' reports may contain personal information and allegations of offences as

well as findings of fact and penalties. A balance needs to be struck between the consideration of human rights, especially when it comes to unfounded allegations or historical offences, and the need for transparency.

I particularly note that Racing Queensland raised concerns that access to the information in stewards' reports is used to perform its statutory functions. Section 53A of the Racing Integrity Act permits QRIC to enter into an information-sharing arrangement with the relevant agency to assist QRIC or the relevant agency to perform its functions. The chief executive officer of the Queensland Racing Board is prescribed in the Racing Integrity Regulation 2016 as a relevant person who may enter into such an arrangement for an agency. Therefore, it would be open to Racing Queensland to enter into such an information-sharing arrangement to assist in performing its function should it be required. I encourage them to do so. The government believes that the bill provides the appropriate balance and commits to monitor this matter to ensure this publication length is appropriate. We will continue listening to stakeholder feedback, and if there is evidence of the need for further consideration we will look to review it.

Recommendation 5 requests clarification about the eligibility of employees of QRIC, persons registered or licensed by QRIC, and board directors of licensed racing clubs for appointment to the panel. I remind the House that the overarching purpose of this bill is to continue to deliver on the government's commitment to improve the system for stewards' decisions to be reviewed. It is critically important that the panel conducting these reviews is seen to be impartial and independent.

The bill proposes to insert section 252BD which excludes several categories of people from eligibility for appointment to the panel. Each member of the panel, including the chairperson and deputy chairpersons, are appointed by the Governor in Council and their suitability for appointment will be carefully scrutinised through the significant appointment process. The provisions in the bill will ensure the panel has the necessary level of expertise to review stewards' decisions, while demonstrating to the community that the integrity of racing in Queensland is being promoted and secured.

The government is committed to getting the best people possible appointed to the panel. This will be achieved by conducting an open recruitment process. Over and above the eligibility criteria, this recruitment process will call for applications from people with the key capabilities suitable for the review of stewards' decisions whilst maintaining the independence and impartiality of the panel and its decisions. I said at the beginning of my second reading speech that this is a government that listens, and I have listened to stakeholders during consultation. They have clearly told me that it is important to have people appointed to the panel who have relevant knowledge and expertise about racing in Queensland.

As is the case with all appointments to government bodies, information on a person's suitability for appointment must be obtained and carefully scrutinised for all appointments. This includes formal checks of criminal history and bankruptcy. Proposed nominees for appointments to government bodies are also asked to declare whether there are any reasons why they should not be appointed, including any conflicts of interests. I further draw the attention of the House to proposed section 252BA(a), which requires the panel and its members in performing their functions and exercising their powers to act independently, impartially and fairly. It is the only way this panel is going to work. They have to be respected by the industry.

The bill makes it clear that a person who has been a member or employee of Racing Queensland in the two years prior to appointment and persons who hold licences for clubs or venues issued by Racing Queensland are not eligible for appointment to the panel. The bill does not include similar exclusions for persons licensed by QRIC or QRIC employees. Persons registered or licensed by QRIC include bookmakers, riders, jockeys, trainers, stablehands and kennel attendants. QRIC employees include, amongst others, stewards and vets. These persons would be required to disclose a conflict of interest through the significant appointment process and in accordance with proposed section 252BA in the bill.

There will be some circumstances where a registered or licensed person may not be deemed suitable for appointment to the panel, and consequently their appointment would not be appropriate. Examples of this may include an existing licensed bookmaker or an existing steward employed by QRIC. Such individuals would have clear conflicts of interest and therefore would not be sufficiently independent and impartial to be suitable to serve as panel members. However, there may be other circumstances where presently licensed persons or employees of QRIC, such as a jockey, stablehand or vet, may be deemed suitable for appointment to the panel based on their relevant knowledge and expertise—for example, an experienced jockey or QRIC vet nearing retirement who is passionate about being involved in the racing industry and would like to seek appointment as a panel member. It would

be unfair to exclude such persons from consideration or require them to discontinue their immediate involvement in racing, and lose their income, from the time of application until their appointment is considered. Similarly, a recent preliminary search of licensed jockeys in Queensland found that, out of nearly 240 jockeys, 40 were identified as not being active. Some of these inactive jockeys may be suitable for appointment to the panel given their knowledge and experience in the industry.

The bill proposes to insert new section 252BF that enables a member to be appointed to the panel on the conditions stated in the member's instrument of appointment. This could include a condition that they relinquish a licence or employment with QRIC or an interest in an animal. Under proposed section 252BF, persons such as an inactive or retiring jockey or vet or other participant could be appointed on the condition that they surrender their relevant interest upon taking up their role on the panel. They should be given that opportunity if they are deemed suitable.

These sections will allow us to recruit highly experienced racing experts without automatically ruling them out, while at the same time ensuring they do not suffer personal detriment during the appointment process. This has been the experience in other jurisdictions, including the Victorian Racing Tribunal, which has included members who are former jockeys, stewards and vets. I think they would make excellent panel members.

Racing Queensland sought clarification in their submission about whether the eligibility restriction on members of a 'committee' of a licensed racing club in proposed section 252BD(2) includes the directors of clubs that are structured as companies rather than incorporated associations. The word 'committee' is a general term, intended broadly as a group of people acting on behalf of a larger body. The use of this general term includes various governance bodies of licensed clubs and industry associations, irrespective of their corporate structure. For example, members of a governing board and directors of a corporation could fall within the common meaning of the term. The use of 'committee' in the bill is consistent with the use of the term in defining an 'eligible individual' for appointment to the Board of Racing Queensland under the Racing Act.

In relation to the use of the word 'employee' in the proposed new section 252BD(2)(d), the term 'employ' is already defined in the Racing Integrity Act as including 'to engage whether or not for payment'. Directors of a club structured as a company would therefore also fall within this exclusion category as they are 'engaged' to manage the affairs of the club. It is pretty clear that 'committee' means licensed club. We believe they have a clear conflict and we think that is a step in the right direction. We do not want one club making a decision about another.

The racing industry in Queensland now has more than 43,000 individual participants across all three codes and supports over 13,500 full-time-equivalent jobs. As I said at the outset, the Palaszczuk government strongly backs racing, not only because it delivers these thousands of jobs but because of its important contribution to the social fabric and wellbeing of our community, particularly regional communities.

I was proud to be racing minister when this House originally passed the Racing Integrity Act in 2016. There were many amendments I know, but then it was not my original bill. That legislation was crucial to restoring public confidence in the industry, and I recall that the LNP fought against it every step of the way.

Opposition members interjected.

Ms GRACE: I am a fixer. On this side of the House, we have a strong record of delivering important reforms around integrity, animal welfare and financial sustainability and of building new infrastructure that has given the industry the confidence and certainty it needed to overcome the systemic problems it once faced, and now it can grow for future success. The impact of our reforms is clear. Since the Palaszczuk Labor government was elected, the annual economic contribution of the racing industry to the state has increased by almost 60 per cent to \$1.9 billion. Racing in Queensland is stronger than ever, and it is getting stronger every single day because of what the Palaszczuk Labor government has done to support this industry. If members go out and talk to the industry, they will be told what we have done to support them every step of the way. I have been to three regional meets recently, and I was commended at every single one of them for what we have done for racing in this state.

The bill we are debating today builds on our strong record, and just wait until we implement the point-of-consumption tax because it will grow the pie for this industry. It will give them the leverage to really take it up to New South Wales and Victoria. I am proud to be part of it. I love racing in this state. I love the people who are in the racing industry. I am so supportive of our strong record. I am looking forward to seeing the new Racing Appeals Panel in place soon to further improve integrity and animal welfare in the industry.

Opposition members interjected.

Ms GRACE: I am getting a few interjections from those opposite. I urge them to go to a racetrack near them and enjoy a day of racing. When they are there, they should ask the people in the industry just one question: how happy are you under a Palaszczuk Labor government and under Minister Grace? I guarantee that the answer will be that they are very, very happy. I commend the bill to the House.