




Speech By  
**James Lister**

**MEMBER FOR SOUTHERN DOWNS**

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Record of Proceedings, 25 October 2022

### **RACING INTEGRITY AMENDMENT BILL**

 **Mr LISTER** (Southern Downs—LNP) (12.08 pm): I, too, rise to make a contribution on the Racing Integrity Amendment Bill 2022. I would like to echo the words of the chair in acknowledging my colleagues on the Education, Employment and Training Committee, especially the member for Bundaberg, who caused much merriment when we were reminded of the name of the horse SookySooky La La. I never fail to chuckle at that one. I gather the member no longer owns that particular horse.

**Mr O'Rourke:** No longer.

**Mr LISTER:** He perhaps was not the most successful of horses. I will put the merriment aside and say that in the narrowest sense this is a good bill because it does some good things. However, it does not really cover a number of shortcomings in the system, some of which were referred to with great gusto by my honourable friend the member for Surfers Paradise. I agree with his concerns about the numerous abuses which have occurred through QRIC to innocent parties who have had their reputations sullied and have had their personal situations adversely affected by errors and incompetence on the part of QRIC. I think that needs to be said.

Returning to the substance of the bill, what we are seeing is a good change that will make sure that wrongdoing is not able to continue at length because of stays provided by the current process. If racing stewards detect offences and they apply charges to the parties involved, they ought to be heard expeditiously and fairly. Any processes which involve the review that the accused parties are entitled to use should be handled independently and quickly, and that is not the case at the moment. We have heard previous speakers say the process involves people who do not have the necessary industry experience to truly understand what they are dealing with. That, combined with QCAT's notoriously long waiting list—a result, in my view, of the underfunding of QCAT and a litany of poor decisions by entities associated with the government—needs to change.

By taking appeals out of the hands of QCAT—disciplinary matters, not administrative ones which would properly sit within the remit of the Queensland Civil and Administrative Tribunal—we will see justice much faster. One of the difficulties that we have seen is that those accused of wrongdoing in the racing industry—and these are serious matters because they tend to erode the confidence of the public in the integrity of racing in Queensland—have been able to be stayed. In some cases, it takes years to be heard, which gives the accused parties, even if they know themselves to be guilty, time to continue in and perhaps extend their misconduct. It also enables them to elect to accept the findings and to cease their appeal until a convenient time, perhaps over Christmas or when they have attended an important racing event. Allowing offenders to pick and choose their punishment to suit their personal circumstances is not, in my view, consistent with the needs of the racing community.

A short reading of the explanatory notes for this particular bill summarises the need. What it does not do is talk about how this bill is four years after the discussion paper *Racing integrity reforms: review of the Racing Integrity Act 2016* went out. As the explanatory notes say—

There was a perceived a lack of independence of QIRC's internal reviews and dissatisfaction with the level of racing expertise at QCAT, which conducts external reviews under the RI Act. The average time taken for QCAT to consider reviews referred to it (more than two hundred days) compares unfavourably with the time taken to finalise reviews in other jurisdictions (generally no more than a few weeks, except in limited circumstances ...

The discussion paper also prompted stakeholders to say that—

... stay orders were being used to enable participants to continue racing despite serious and/or repeated breaches of the rules of racing until it was convenient to accept the penalty ...

I heard the member for Surfers Paradise refer to the ignoble case of Benjamin Currie. He perhaps personifies the potential for abuse under the system as it now stands. Mr Currie has been charged with a number of very serious offences over a long period and he was able to use stays and appeals to continue racing and actually accrue further charges of misconduct from the stewards in QIRC. This has irritated QIRC. An undated press release from their website states that—

The Queensland Racing Integrity Commission (QIRC) opposed the stay at a QCAT hearing today, Thursday April 18 2019, however the stay was granted to Mr Currie, permitting him to continue to train in Queensland.

...

The Commission operates within the appeals system of internal review and QCAT as set out in the Racing Integrity Act.

While multiple charges have been laid against Mr Currie and have been vigorously pursued by the Commission, Mr Currie has exercised a range of legal rights that have delayed the finalisation of those matters.

I looked at the actual QCAT findings. It was almost two years between when the first of these charges were laid against Mr Currie and when the final decision from QCAT was handed down—a month shy of 2½ years. This aroused the ire of some of my constituents, and it was a matter which was on the lips of people at pubs, at race tracks and in the backstreets of my electorate. I think that the whole episode reflects poorly on Mr Currie but even more poorly on the system that allowed him to continue his misconduct and continue his racing unfettered by the penalties that ought to have applied to him much sooner.

This bill is necessary. It has been a very long time coming. It addresses the shortcomings of the current system, particularly in relation to the ability of stays to be used to the advantage of the accused, but it does not do anything to fix the abuses and the injustices which have been perpetrated upon innocent people by QIRC in other cases.