




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 25 October 2022

RACING INTEGRITY AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.09 pm): I rise to speak in support of the Racing Integrity Amendment Bill 2022. The Racing Integrity Amendment Bill was introduced into the Legislative Assembly and referred to the Education, Employment and Training Committee for detailed consideration on 24 February 2022. The committee tabled their report No. 18 on 8 April 2022, with five recommendations arising from their examination of the bill, the first recommendation being that the Racing Integrity Amendment Bill 2022 be passed.

The main policy objective of the bill is to amend the Racing Integrity Act 2016 to reform the review processes for decisions made by stewards under the rules of racing by: replacing the current internal and external review processes for decisions made by racing stewards under the rules of racing with review by an independent panel; ensuring reviews are finalised within a reasonable time frame; and reducing serious welfare, human safety or integrity risks from being stayed pending the hearing of an appeal by the Queensland Civil and Administrative Tribunal.

In 2016, the Racing Integrity Act 2016 established the Queensland Racing Integrity Commission as an independent statutory body with a range of functions regarding the integrity of the racing industry, including the greyhound, thoroughbred horse and harness horseracing codes. The QRIC employs stewards to oversee race meetings and apply the rules of racing for each code. Those stewards, who are QRIC employees, can decide, among other things, to suspend, reprimand or warn persons for breaches of the rules of racing. The important step in introducing a QRIC was taken by the, at the time, newly elected Labor government. Those measures were taken to provide assurance to the wider community that the industry was operating to first-class standards.

Throughout its history, all codes within the racing industry have been a target for fraud. We know of the infamous attempted Fine Cotton and Bold Personality substitution scam, which happened at Eagle Farm, Brisbane in 1984. We know that scam was clearly perpetrated through the greed and idiocy of a few amateurs who foolishly thought they had a plan. It was definitely a horse race that stopped the nation but for all the wrong reasons. In the late 1940s across tracks in country New South Wales, a greyhound named Runaway Joe was raced under a number of aliases. Police claimed that the scam, which operated over a number of years, earned the three fraudsters around £20,000, which would be the equivalent of over a \$1 million today. Across Australia there have been other notable scams that utilised different methodologies to implement the scams and, collectively, they represent a seedy underside to the racing industry.

The QRIC functions oversee the integrity and welfare standards of the racing animals participating in Queensland. The QRIC has a strong working partnership with various stakeholders to ensure everyone who participates in the racing industry—be they animal handlers, trainers, owners or even punters—has the confidence that they are on an even playing field. The QRIC is charged with safeguarding the welfare of animals to ensure the integrity of the racing industry in Queensland. Animal welfare is a vital consideration when humans manipulate an animal's choices.

The act includes a framework to allow racing participants to challenge decisions made by QRIC. Since the introduction of the QRIC and the shining of an independent spotlight on activities both on and off the track, consultation with stakeholders and government has continued, with the government committing to a review of the operation of the Racing Integrity Act. A discussion paper was released for public comment in June 2018. Concerns expressed in the responses received at the time of the discussion paper, and since, from racing industry participants and the community suggested that the current review arrangements for stewards' decisions were undermining confidence in the integrity of the industry in Queensland, including disciplinary decisions that may be stayed for long periods pending review.

Stakeholders also asserted that stay orders were being used to enable participants to continue racing despite serious or repeated breaches of the rules of racing until it was convenient to accept the penalty, such as when they had completed riding in lucrative races or when a break from riding would coincide with a family holiday. Those assertions were supported by data that showed over 40 per cent of the applications for review by QCAT were withdrawn before their final decisions. The bill proposes to establish an independent panel, the Racing Appeals Panel, to review decisions of stewards under the rules of racing and further includes procedures for the review of racing decisions by the panel for applications to the panel for stays of racing decisions and for the appeal of panel decisions.

Stakeholders expressed concerns with the level of racing expertise at QCAT given its role in external reviews under the Racing Integrity Act. The bill proposes that the pathway for appeals of panel decisions to the QCAT appeals tribunal only be available for reviews of disqualification actions and only on a question of law in relation to the extent of the disqualification action. The bill does not change the arrangements for the review of other administrative decisions made by QRIC, such as licensing decisions, which continue to be subject to the current arrangements for internal review and external merits review by QCAT. Other actions under the Racing Integrity Act, such as the seizure of animals or property and the issuing of animal welfare directions, also continue to be subject to internal review and appeal to the Magistrates Court.

All submitters to the inquiry supported the bill's objective to establish an independent panel to review decisions made by racing stewards under the rules of racing, although there were concerns raised in relation to the definition of some terms to ensure clarity in the application and implementation of the bill by all parties. Racing Queensland stated—

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.

The committee's report details the work of the committee to ensure their examination of the bill responded to the scope of the proposed legislation, including the publication of information, eligibility for appointment to the panel and the deferment of suspensions imposed by stewards. Compliance with the Legislative Standards Act 1992 was also investigated, with the committee satisfied the bill met the requirements of the act or that there were similar provisions in other Queensland legislation. I note that all of the recommendations made by the committee were accepted by the government in its response to the tabled report. I commend the bill to the House.