



# Racing Appeals Panel

Recruitment Information Kit  
Expression of Interest

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*The Department of Agriculture and Fisheries proudly acknowledges all First Nations peoples (Aboriginal peoples and Torres Strait Islanders) and the Traditional Owners and Custodians of the country on which we live and work. We acknowledge their continuing connection to land, waters and culture and commit to ongoing reconciliation. We pay our respect to their Elders past, present and emerging.*

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## Introduction

The Department of Agriculture and Fisheries recognises the traditional owners and custodians of the land and pays its respects to Elders past, present and emerging. The department is committed to achieving a diverse Panel membership and strongly encourages Aboriginal and Torres Strait Islander peoples with relevant professional experience to apply.

The department also recognises the broader diversity of our community. To ensure membership of the Racing Appeals Panel reflects the community, we encourage women, people with disability and applicants from culturally and linguistically diverse backgrounds to apply.

This information kit is intended to assist people who may be interested in applying for appointment to various statutory officer positions on the Racing Appeals Panel (the Panel).

This kit provides an overview of the purpose and operations of the Panel and details of the selection criteria and process for appointment.

## Available Positions

Expression of interest are sought from suitable qualified persons for appointment to:

- **CHAIRPERSON** (one position available) – preferably located in Brisbane
- **DEPUTY CHAIRPERSON** (two positions available) – located in Queensland
- **PANEL MEMBER(S)** (multiple positions available) – located in Queensland

## Racing Appeals Panel and its role

### Our purpose

The Racing Appeals Panel is a new independent entity which will review the decisions of stewards under the Rules of Racing.

### About the Panel

The Panel is established under the *Racing Integrity Amendment Act 2022* to hear and decide applications for review of a racing decision of a steward.

The Panel will commence operations when the legislative amendments commence on a date to be set by proclamation.

The Panel will replace the current internal and external review processes. It will:

- finalise review applications within the prescribed timeframes; and
- ensure racing decisions are made in accordance with the law and the Rules of Racing to maintain the integrity of the racing industry in Queensland.

The Panel can be constituted to decide an application for review by the chairperson alone under specific circumstances or by the chairperson along with up to two panel members drawn from a pool of appointed persons.

## Other background information

The *Racing Integrity Act 2016* (the Act) establishes the Queensland Racing Integrity Commission (QRIC) as an independent statutory authority, with a range of functions regarding the integrity of the racing industry, including the greyhound, thoroughbred and harness racing codes.

Stewards, who are QRIC employees, can decide, among other things, to suspend, reprimand and/or warn-off persons for breaches of the Rules of Racing. The Act provides a framework to allow racing participants to challenge decisions made by QRIC. The current review model, comprises the original decision made by QRIC, including a steward's decision, internal review by QRIC, and (if an applicant is not satisfied) external review by the Queensland Civil and Administrative Tribunal (QCAT).

The Queensland Government committed to the review of the operation of the Act in consultation with stakeholders in its response to the 2016 Parliamentary Agriculture and Environment Committee report on the Racing Integrity Bill 2015. A public consultation process was undertaken in 2018. The Racing Integrity Amendment Bill 2022 was introduced into the Legislative Assembly in early 2022.

The main policy objective of the Bill is 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 the proposed independent Racing Appeals Panel;
- ensuring reviews are finalised within a reasonable timeframe; and
- reducing serious welfare, human safety or integrity risks from being stayed pending hearing of an appeal by the Queensland Civil and Administrative Tribunal (QCAT).

There will be no change to the arrangements for review of other administrative decisions made by QRIC. This includes administrative decisions, such as licensing decisions, which will still be subject to the current arrangements for internal review and external merits review by QCAT. Further, the exercise of certain powers under the Act, such as the seizure of animals or property and the issuing of animal welfare directions, will still be subject to internal review and appeal to the courts as currently provided.

The *Racing Integrity Amendment Act 2022* was passed in the Queensland Legislative Assembly on 25 October 2022 and received assent on 31 October 2022. The provisions that establish the Panel will commence on a future date, to be set by proclamation.

The establishment of the Panel is a significant reform to improve integrity of the racing industry in Queensland by ensuring review applications are finalised quickly within new statutory timeframes, in accordance with the law whilst maintaining processes that are simple and accessible.

## Jurisdiction and constitution of the Panel

The Panel will form an important component of the oversight of the racing industry in Queensland.

A person may apply to the Panel for the review of a racing decision of a steward that takes disciplinary action relating to their approval or licence, takes exclusion action against the person or otherwise imposes a monetary or other penalty on a person. An application for review must be made to the Panel within three business days after the person is given notice of the racing decision.

The chairperson may decide to accept an application made after three days if it would be unjust to refuse to accept it.

The chairperson is responsible for determining how the Panel will be constituted for a particular matter, including either by the chairperson alone or a three person Panel including the chairperson.

The chairperson may decide an application for review alone if it relates to a racing decision made by a steward that either:

- imposes a monetary penalty for an amount that is not greater than \$200;
- takes disciplinary action relating to a person's approval or licence that has effect for no longer than 8 days, or
- takes exclusion action against a person that has effect for no longer than 8 days.

In deciding which members will form a Panel to decide a particular matter, the chairperson may consider the nature, importance and complexity of the matter, the need for special knowledge, expertise or experience and any other matters the chairperson considers relevant.

An application for review must be decided within 20 business days after the application is made if it relates to a racing decision of a steward to take disqualification action against a person resulting in a penalty of three months or longer.

An application for review must otherwise be decided within seven business days after the application is made.

The Panel for a particular matter may decide the application in a way it considers appropriate, including for example, in person, by remote conferencing or be deciding the application on the documents without holding a hearing.

If a hearing is held, it must generally be in public unless the Panel decides it is to be held in private because information to be disclosed at the hearing should not be made publicly available on a non-disclosure ground.

The Panel may give notice to a person to attend the hearing of a review application to give evidence or to produce a document or other thing to the Panel.

In deciding a review application, the Panel must act with impartiality and observe the rules of natural justice. The Panel is not bound by the rules of evidence and may inform itself in any way it considers appropriate. The procedure for deciding a review application is at the discretion of the Panel.

The Panel may stay the operation of a racing decision to which a review application relates until the Panel decides the application.

When an application is made, the Panel must review the racing decision and decide to either confirm the original decision, vary it, or set it aside and making another decision. If the panel's decision includes disqualification action being taken against a person for a period of three months or longer, the Panel must also decide if the matter involves of a serious risk to: the welfare or health of an animal; the safety of a person; or the integrity of the Queensland racing industry.

The Panel must give notice to the parties to a review application of the Panel's decision and the reasons for the decision.

The applicant for review must bear their own costs.

A party to a review application who is dissatisfied with the Panel's decision which includes a disqualification action of three months or longer can appeal the Panel's decision on a question of law only relating to the extent of the disqualification action by making an application to the QCAT Appeals.

Matters that have been determined by the Panel to be a serious risk to animal welfare or safety, human safety or the integrity of the Queensland racing industry cannot request a stay from the QCAT Appeals.

## **Governance and reporting**

The Panel is part of the Department of Agriculture and Fisheries for the purpose of the *Financial Accountability Act 2009*.

In performing functions and exercising powers, the Panel and members must act independently, impartially and fairly and are not subject to direction or control by any entity, including any Minister.

The Panel is supported by two public service officer positions, a registrar and a deputy registrar.

# Chairperson - Expression of interest and eligibility

## Overview of position

The chairperson is an independent statutory officer appointed under the *Racing Integrity Act 2016* by the Governor in Council on the recommendation of the Minister for Education, Minister for Industrial Relations and Minister for Racing. The appointment is for a term up to three years.

## Eligibility

Applications are being sought from persons with relevant qualifications and expertise who are interested in appointment as Chairperson of the Racing Appeals Panel.

The Minister may recommend a person for appointment to the role of chairperson only if they are:

- a lawyer of at least five years standing.

A person is *not* eligible for appointment if they:

- are, or have been in the 2 years before the proposed appointment, a member or employee of the Racing Queensland Board; or
- are registered or licensed by the Racing Queensland Board; or
- have a financial or proprietary interest in a licensed animal; or
- are a member of a committee, or an employee, of—
  - a licensed club; or
  - an association formed in Australia to promote the interests of 1 or more participants in a code of racing; or
- are affected by bankruptcy action; or
- have a conviction, other than a spent conviction, for—
  - an offence against the *Racing Integrity Act 2016* or the *Racing Act 2002*; or
  - an indictable offence against any Act; or
  - an indictable offence against a law of another State.

## Responsibilities

The key responsibilities of the chairperson are to:

- lead the operation of the Racing Appeals Panel as an independent statutory authority including by determining guidelines and practice requirements for panel processes
- engage with a wide variety of stakeholders including industry bodies and representatives, government, the community and the media to ensure public confidence in the operation of the panel and maintain the independence, profile and integrity of the panel
- constitute the Racing Appeals Panel to hear and determine applications for review
- exercise the powers and functions of the chairperson of the Racing Appeals Panel to determine applications for review in accordance with law
- act impartially and observe the rules of natural justice
- comply with procedural requirements and practice guidance of the Racing Appeals Panel
- whilst not being bound by the rules of evidence, weigh and consider information before the Panel in a way that is just and fair
- exercise sound judgement and good governance in a timely manner whilst upholding the integrity of the racing industry to maintain community confidence
- be available for hearings in various locations across Queensland either in person or online



- report and manage conflicts of interest
- engage respectfully and professionally with all participants in the Racing Appeals Panel process
- write and finalise decisions of the Panel in short timeframes
- set and participate in meetings if, and when required
- participate in the implementation and ongoing effective and efficient administration of the Racing Appeals Panel
- oversee the development and ongoing refinement of systems, documentation and procedures for the Racing Appeals Panel
- participate in and deliver training about the operation of the Racing Appeals Panel as required
- produce an annual performance report about the operation of the Racing Appeals Panel.

## **Competencies**

The following key competencies are required to perform the key responsibilities of the role:

- demonstrated leadership skills including stakeholder engagement, commensurate with the responsibilities and requirements of the role
- demonstrated high level knowledge and understanding of the racing industry
- proven ability to properly exercise sound judgment and effective and timely decision making
- ability to maintain impartiality and independence to promote the integrity of the racing industry
- demonstrated ability to hear and determine applications for review
- high level interpersonal skills and ability to effectively communicate orally and in writing
- ability to effectively use a variety of information technology.

## **Terms and conditions of Appointment**

The Chairperson holds office on the conditions in the *Racing Integrity Act 2016* and as decided by the Governor in Council and stated in the instrument of appointment. The Chairperson is appointed by the Governor in Council on the recommendation of the Minister.

# Deputy Chairperson - Expression of interest and eligibility

## Overview of position

At least two Deputy Chairpersons are to be appointed as independent statutory officers under the *Racing Integrity Act 2016* by the Governor in Council on the recommendation of the Minister for Education, Minister for Industrial Relations and Minister for Racing. Appointments are for a term up to three years.

## Eligibility

Applications are being sought from persons with relevant qualifications and expertise who are interested in appointment as Deputy Chairperson(s) of the Racing Appeals Panel.

The Minister may recommend a person for appointment to the role of Deputy Chairperson(s) only if they are:

- a lawyer of at least five years standing.

A person is *not* eligible for appointment if they:

- are, or have been in the 2 years before the proposed appointment, a member or employee of the Racing Queensland Board; or
- are registered or licensed by the Racing Queensland Board; or
- have a financial or proprietary interest in a licensed animal; or
- are a member of a committee, or an employee, of—
  - a licensed club; or
  - an association formed in Australia to promote the interests of 1 or more participants in a code of racing; or
- are affected by bankruptcy action; or
- have a conviction, other than a spent conviction, for—
  - an offence against the *Racing Integrity Act 2016* or the *Racing Act 2002*; or
  - an indictable offence against any Act; or
  - an indictable offence against a law of another State.

## Responsibilities

The key responsibilities of the Deputy Chairperson(s) are to:

- act as the chairperson if, and when required and as a panel member
- assist the chairperson to lead the operation of the Racing Appeals Panel as an independent entity including by determining guidelines and practice requirements for panel processes
- represent the Racing Appeals Panel on behalf of the chair, as required
- exercise the powers and functions of the Racing Appeals Panel to determine applications for review in accordance with law
- act impartially and observe the rules of natural justice
- comply with procedural requirements and practice guidance of the Racing Appeals Panel
- whilst not being bound by the rules of evidence, weigh and consider information before the Panel in a way that is just and fair
- exercise sound judgement and good governance in a timely manner whilst upholding the integrity of the racing industry to maintain community confidence
- be available for hearings in various locations across Queensland either in person or online
- report conflicts of interest
- engage respectfully and professionally with all participants in the Racing Appeals Panel process

- write decisions of the Panel as required and in short timeframes
- participate in the implementation and ongoing effective and efficient administration of the Racing Appeals Panel
- participate in meetings if, and when required
- to report to the Chairperson any perceived conflicts of interest.

## **Competencies**

The following key competencies are required to perform the key responsibilities of the role:

- demonstrated leadership skills including stakeholder engagement, commensurate with the responsibilities and requirements of the role
- demonstrated high level knowledge and understanding of the racing industry
- proven ability to properly exercise sound judgment and effective and timely decision making
- ability to maintain impartiality and independence to promote the integrity of the racing industry
- demonstrated ability to hear and determine applications for review
- experience in writing reasons for decision on short time frames
- demonstrated high level ability to effectively preside over hearings
- high level interpersonal skills and ability to effectively communicate orally and in writing
- ability to effectively use a variety of information technology.

## **Terms and conditions of Appointment**

The Deputy Chairperson(s) holds office on the conditions in the *Racing Integrity Act 2016* and as decided by the Governor in Council and stated in the instrument of appointment. The Deputy Chairperson(s) are appointed by the Governor in Council on the recommendation of the Minister.

# Panel Member - Expression of interest and eligibility

## Overview of position

Members of the pool of persons from which the Chairperson may constitute a Panel are independent statutory officers appointed by the Governor in Council on the recommendation of the Minister for Education, Minister for Industrial Relations and Minister for Racing. Panel members are appointment for a term up to three years.

## Eligibility

Applications are being sought from persons with relevant qualifications and expertise who are interested in appointment to the Panel from which the chairperson can constitute a Panel to decide an application for review.

The Minister may recommend a person for appointment only if satisfied the person is eligible for appointment. To be eligible for appointment, the person must demonstrate professional experience in one or more of the following areas:

- chemistry relating to animals
- law
- racing
- veterinary science

A person is *not* eligible for appointment if they:

- are, or have been in the 2 years before the proposed appointment, a member or employee of the Racing Queensland Board; or
- are registered or licensed by the Racing Queensland Board; or
- have a financial or proprietary interest in a licensed animal; or
- are a member of a committee, or an employee, of—
  - a licensed club; or
  - an association formed in Australia to promote the interests of 1 or more participants in a code of racing; or
- are affected by bankruptcy action; or
- have a conviction, other than a spent conviction, for—
  - an offence against the *Racing Integrity Act 2016* or the *Racing Act 2002*; or
  - an indictable offence against any Act; or
  - an indictable offence against a law of another State.

## Responsibilities

The key responsibilities of panel members are to:

- when requested by the Chairperson, exercise the powers and functions of the Racing Appeals Panel to determine applications for review in accordance with law
- act impartially and observe the rules of natural justice
- comply with procedural requirements and practice guidance of the Racing Appeals Panel and as agreed by the panel
- whilst not being bound by the rules of evidence, weigh and consider information before the Panel in a way that is just and fair

- exercise sound judgement and good governance in a timely manner whilst upholding the integrity of the racing industry to maintain community confidence
- be available for hearings in various locations across Queensland either in person or online
- report conflicts of interest
- engage respectfully and professionally with all participants in the Racing Appeals Panel process
- assist in the drafting of written decisions as required
- participate in meetings if, and when, required
- contribute to the establishment and ongoing effective and efficient administration of the Racing Appeals Panel and
- report to the Chairperson any perceived conflicts of interest.

## **Competencies**

The following key competencies are required to perform the key responsibilities of the role:

- demonstrated high level knowledge and understanding of the racing industry
- proven ability to properly exercise sound judgment and effective and timely decision making
- ability to maintain impartiality and independent to promote the integrity of the racing industry
- high level interpersonal skills and ability to effectively communicate orally and in writing
- ability to effectively use a variety of information technology.

## **Terms and conditions of Appointment**

A Panel member holds office on the conditions in the *Racing Integrity Act 2016* and as decided by the Governor in Council and stated in the instrument of appointment. Panel members are appointed by the Governor in Council on the recommendation of the Minister.

# Operations of Racing Appeals Panel

## Indemnity

All members who are appointed to a Government Board may be within the ambit of the Guideline where the Government Board acts for or represents the Crown in right of the State of Queensland. The Chairperson, Deputy Chairperson and Panel members, do not incur civil liability for performing a function or exercising a function under the *Racing Integrity Act 2016* (as amended). Civil liability attaches to the State.

The State may recover contributions from the officer only if the conduct engaged in was not in good faith and with gross negligence.

## Remuneration

Remuneration will be in line with the [Queensland Government Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies](#).

The Remuneration Procedure also addresses:

- out of pocket expenses
- superannuation
- taxation and GST
- salary packaging
- other benefits.

The Chairperson, Deputy Chairpersons and Panel members are engaged and remunerated on a sessional basis.

## Operational/Logistics

The Chairperson may require Deputy Chairpersons and Panel members to come together from time to time to participate in professional development and administrative meetings. Meetings may be in-person or online, at the discretion of the Chairperson.

Deputy Chairpersons and Panel members may be requested by the Chairperson to constitute a Panel as required. Hearings may be in-person or online.

Members may be required to travel to attend in-person hearings or meetings as required.

## Criminal History Checks

A criminal history check is necessary before any new appointment is made to the Panel. Prospective members will be asked to consent to a check as part of the application process.

A member must disclose changes to their criminal history that are a conviction for an offence against the *Racing Integrity Act 2016* or *Racing Act 2002* or an indictable offence, including an indictable offence against a law of another State.

## Further Information

For further information about statutory appointments please refer to the [Welcome Aboard: A guide for members of Queensland Government Boards, committees and statutory authorities](#).