

11 March 2022

Our ref: KB-OD

Committee Secretary  
Education, Employment and Training Committee  
Parliament House  
BRISBANE QLD 4000  
By email: [REDACTED]

Dear Committee Secretary

### **Racing Integrity Amendment Bill 2022**

Thank you for the opportunity to provide comments on the Racing Integrity Amendment Bill 2022 (the **Bill**).

This submission concentrates on a few aspects of the Bill.

The Explanatory Notes for Bill state one of its main policy objectives:

“is to reform the review processes for decisions made by stewards under the rules of racing by including:

1. 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(.)”

The Queensland Law Society (**QLS**) generally supports the introduction of a specialist panel similar to other interstate models.

#### Retention of the internal review process

The Explanatory Notes also describe “a perceived lack of independence of QRIC’s (Queensland Racing Integrity Commission) internal reviews...”, but acknowledge there is still to be an internal review process for other administrative decisions that QRIC makes.

However, the provisions in the Bill do not reflect there will be a limitation on what may be the subject of internal review. We also note sections 242 to 245 (inclusive) of the *Racing Integrity Act 2016 (Act)* which relate to internal reviews, remain and, in particular, section 242 which provides:

“A person may not apply for review of, or an appeal against, an original decision unless there has been an internal review of the decision.”

## Racing Integrity Amendment Bill 2022

An “original decision” is defined to include, relevantly, disciplinary action, exclusionary action and monetary and non-monetary penalties. However, these are matters that are now intended to go before the panel, pursuant to proposed section 252AB.

If these matters are intended to be excluded from internal review, and instead proceed to the panel (see proposed section 252AB(1)), section 242 will need to be amended. Another possible alternative is to amend the definition of “original decision” in section 240, by possibly clarifying the exclusions in section 240(2). However, this amendment would seem cumbersome.

### Applications to QCAT

Another aspect of the internal review process that not been amended by the Bill is the process of applying to QCAT for a stay of the decision. If it was the intention of the amendments to limit the ability to seek a stay, or reduce the burden upon QCAT, then has not been achieved. We query whether leaving QCAT to make these determinations was an oversight, in the light of other amendments.

One approach to reduce the burden on QCAT in these circumstances would be to apply to the internal reviewer for a stay, with appeal rights to QCAT (or the panel).

Proposed section 252AU(2) provides an appeal may be brought to QCAT “only on a question of law relating to the *extent* of the disqualification action” (emphasis added)].

As noted above, proposed section 252AB provides disciplinary action, exclusionary action and monetary and non-monetary penalty matters are intended to be determined by the panel. The concept of “disqualification action” is narrower (see proposed section 252AA). This is consistent with what is described in the Explanatory Note as limiting the nature of the appeals that may be brought to QCAT. However, the use of the term ‘extent’ appears to be potentially meaningless or at least confusing.

Can it only be an appeal on the law as to the ‘extent’ of the period (of suspension or cancellation) or the ‘extent’ to which, for example, suspension or cancellation was appropriate? Do the amendments intend to further limit what aspect of a ‘disqualification action’ may be appealed (on a question of law)? The Explanatory Notes are not particularly helpful on these questions. These queries should be resolved before the Bill is passed.

### Eligibility for appointments to the panel

We query whether proposed section 252BD, particularly subsection (2)(c), will lead to unintended consequences. Our advice is that many, if not most of the persons who have a genuine knowledge and interest in the racing industry have ownership, be it wholly or in part, of racing animals.

It might be the concerns about independence and integrity are adequately dealt with by both proposed sections 252BA and 252AE, meaning that all or part of proposed section 252BD is unnecessary.



Appropriate resourcing for the panel

Finally, from our review of the legislation and supporting material, it appears there is to be a significant volume of review work redirected towards the newly formed panel. If this is the case, the reference in the Explanatory Notes that it is estimated that \$607,000 per annum is to be transferred to the panel appears to be significantly inadequate. For example, is the amount intended to cover premises, equipment, wages and all of the resources required for the panel to perform its functions?

QLS has long advocated for increased resources for courts, tribunal and other like bodies to enable them to perform their important functions efficiently and effectively. We caution against the creation of a body where appropriate resources are not to be allocated at first instances.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) 3842 5930.

Yours faithfully

Kara Thomson  
**President**