

Policy on allowances for witnesses

Section 252AK, Racing Integrity Act 2016

Introduction

Section 252AK of the *Racing Integrity Act 2016* (the Act) enables the Racing Appeals Panel (the Panel) to give a notice to a person requiring them to attend a hearing to give evidence or to produce a document or other thing to the Panel for a hearing.

1. On the application of a party or on the Panel's own initiative, if the Panel reasonably believes the person has information, or the document or thing contains information required for consideration, the Panel may give a person a notice requiring the person:
 - a. to attend the hearing of a panel review application to give evidence; or
 - b. to produce a stated document or other thing to the panel for the hearing.
2. Under section 252AL, it is an offence for a person given a notice under section 252AK to fail to comply with the notice, without a reasonable notice.
3. Under section 252AK(4) of the Act, a person given a notice is entitled to be paid the fees and allowances decided by the Panel.
4. The fees and allowances must be paid—
 - a. by the party who applied for the notice to be given; or
 - b. by both parties in the proportions decided by the panel if the panel decided to give notice.
5. The purpose of this policy is to assist the Panel to decide fees and allowances payable to persons given a notice under section 252AK of the Act.

Fees and allowances for witnesses

6. To enable consistency with other independent decision-making bodies, the Panel adopts the allowances for witnesses and interpreters outlined in Part 3 of the Uniform Civil Procedure (Fees) Regulation 2019 (UCP Regulation) with relevant modifications relating to fees and allowances payable to persons given a notice under section 252AK.
7. Subject to the conditions outlined in the UCP Regulation, a person who receives a notice under section 252AK of the Act is entitled to be paid:
 - a. A travelling allowance if costs are incurred to attend the hearing;
 - b. An accommodation allowance if unreasonable for return travel to the place of residence on the same day;
 - c. An attendance allowance as defined in the UCP Regulation for either a non-professional or professional witness.
8. Future updates to the allowances outlined in the UCP Regulation will be adopted automatically by the Panel unless the Chairperson decides otherwise.
9. As outlined in the UCP Regulation, if an allowance is for a person who receives a notice to attend a hearing of a review application to give evidence as a professional witness or interpreter where GST is payable, the amount payable is to be increased to take into account the GST.
10. If a witness attends 2 or more proceedings on the same day, the amount to be paid for each proceeding must be a reasonable share of the total proceedings.

Payment of witness allowances

11. A witness attendance allowance must be paid within a reasonable time when a person who receives a notice to attend a hearing to give evidence attends a hearing.
12. If a party to a review application asks the Panel to give notice to a person under section 252AK, the requesting party must pay the relevant allowances to the person if a notice is issued.

13. If the Panel decides to issue a notice to a person under section 252AK on its own initiative, the Panel may require the parties to pay a portion of the relevant allowances payable to the person as decided by the Panel.
14. The Panel Registry will advise a party to a review application of the Panel's decision requiring them to pay a person issued a notice under section 252AK a fee or allowance.
15. A party is to pay a fee or allowance directly to a person given a notice under section 252AK.

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