

Operational Guidelines



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Version

The following table outlines the high-level changes that have been made to each version of this document.

Version	Details	Author
1.0	First draft	Registry team

Purpose

The purpose of these guidelines is to provide information about the practice and procedure of the Queensland Racing Appeals Panel (the Panel) in exercising its functions and powers under the *Racing Integrity Act 2016* (the Act).

These guidelines are issued by the Chairperson of the Panel and may be updated from time to time.

Further information about the Panel can be obtained by contacting the Registry at:

Queensland Racing Appeals Panel
GPO Box 46
BRISBANE QLD 4001
Phone: 0427 105 223
Email: enquiries@racingappealspanel.qld.gov.au

The Racing Appeals Panel

About the Panel

The Panel is established under the Act to review the decisions made by stewards under the rules of racing.

The Panel's functions are to hear and decide each application for review of a racing decision of a steward and any other function given to the Panel under the Act or another Act.

The Panel has the power to do anything necessary or convenient to be done to perform its functions.

In performing functions and exercising powers, the Panel and its members:

- must act independently, impartially and fairly, and
- are not subject to direction or control by any entity, including any Minister.

The Panel consists of:

- the Chairperson
- at least two Deputy Chairpersons
- at least three Panel members.

Panel members are appointed by the Governor in Council for a term of no longer than 3 years.

The Chairperson and Deputy Chairpersons must be a lawyer of at least five years standing. Panel members are required to have professional experience in one or more of the areas of chemistry relating to animals, law, racing or veterinary science.

A person is not eligible for appointment to the Panel if they:

- are or have been in the past years before appointment a member of Racing Queensland
- are registered or licensed by Racing Queensland
- have a financial or proprietary interest in a licensed animal
- are a member of a committee, or an employee of a licensed club, or an association formed in Australia to promote the interests of one or more participant in a code of racing
- are affected by bankruptcy action
- have a conviction, other than a spent conviction for:
 - an offence against the Act or the *Racing Act 2002*
 - an indictable offence against any Act
 - an indictable offence against a law of another state.

Information about the Chairperson, Deputy Chairpersons and Panel members is available on the Panel's website.

A member of the Panel, including the Chairperson and Deputy Chairpersons can resign from office. They may also be removed from office by the Governor in Council on the recommendation of the Minister at any time. The Minister may recommend a person's removal if they are satisfied the person:

- is no longer eligible for appointment under section 252BD(2) of the Act
- is incapable of performing the functions or exercising the powers of the office
- has neglected the functions or exercising the powers of the office or performed the functions or exercised the powers incompetently, or
- has engaged in conduct that would warrant dismissal from the public service if the person were a public service officer.

The Chairperson

The Chairperson's role is to:

- choose members to constitute the Panel to hear and decide an application for review

- manage the business and overall performance of the Panel to ensure it operates efficiently
- give directions about practices and procedures to promote the making of high quality and consistent decisions by the Panel
- ensure members are adequately trained to perform the functions and exercise the powers of the Panel
- ensure the annual report mentioned in section 252BP of the Act is prepared.

Deputy Chairpersons

The Deputy Chairpersons act as, and perform the functions of the Chairperson when:

- there is a vacancy in the office of the Chairperson
- the Chairperson has a conflict of interest under section 252AE of the Act in relation to a Panel application for review, or
- the Chairperson is absent or otherwise cannot perform the functions of the office.

Panel members

The function of all members of the Panel is to participate in the Panel to hear and decide matters for which the Panel is constituted, in accordance with the Act.

Registry

The Panel is assisted to perform its functions by an appropriately qualified Registrar and other staff. Registry staff are public servants appointed under the *Public Sector Act 2022*.

The functions of the Registrar are to perform functions under the Act and to do any other thing necessary or convenient for the effective and efficient performance of the Panel's functions.

The Registrar must keep a register that includes:

- a brief description of each application for review that has been made
- the information in the notice of the Panel's decision on an application for review given under section 252AH(4) of the Act.

The Registrar must make a copy of the register available for inspection by the public on the Panel's website. However, the register must not include any information that the Panel has decided is not to be made publicly available on a non-disclosure ground.

The term 'non-disclosure ground' is defined in the dictionary in Schedule 1 of the Act to mean:

- the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication
- the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*
- the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates
- the disclosure or publication is not otherwise in the interests of justice.

Applications for review

Under section 252AB of the Act, a person may apply to the Panel for a review of a decision of a steward under the rules of racing to:

- take disciplinary action relating to the person's approval or licence
- take exclusion action against the person
- otherwise impose a penalty, whether monetary or non-monetary, on the person.

A 'disqualification action' against a person is defined in section 252AA of the Act to mean action that:

- is disciplinary action relating to the person's approval or licence or exclusion action against the person, and
- prevents the person from doing any of the following for a period of 3 months or longer:
 - attending a race meeting
 - betting
 - bookmaking
 - racing an animal.

For example, disciplinary action includes:

- disciplinary action to suspend the licence of a licence holder for an animal for 3 months or to cancel the licence of a licence holder
- exclusion action to warn off a person from entering, or remaining at, a racecourse for 6 months.

An 'exclusion action' against a person is defined in section 252AA of the Act to mean action taken by a steward:

- to name the person on a list kept under the rules of racing that identifies persons whose entitlements under the rules are forfeited
- to warn off the person from entering, or remaining at, a place being used for a race meeting.

A steward is a person appointed by the Queensland Racing Integrity Commission (QRIC) as a steward or authorised officer.

An example of the types of racing decisions that can be reviewed by the Panel is a decision under The Rules of Racing Queensland (Thoroughbred Racing) AR131(a) that a jockey engaged in careless, reckless, improper, incompetent or foul riding that results in a disciplinary action affecting the jockey's licence or a monetary penalty can be reviewed by the panel.

Matters that cannot be reviewed by the Panel

There are some decisions made by QRIC that cannot be reviewed by the Panel. The Panel does not have the power to review decisions other than those outlined in section 252AB(1) of the Act.

For example, other administrative decisions made by QRIC, such as decisions about whether to grant a licence to a person or not, cannot be reviewed by the Panel.

These decisions will still be reviewed internally by QRIC and external merits review by the Queensland Civil and Administrative Tribunal (QCAT).

The exercise of certain powers by QRIC under the Act, such as the seizure of animals or property and the issuing of animal welfare directions will also not be reviewed by the Panel. These decisions will still be subject to internal review by QRIC and appeal to the courts under current arrangements.

Application form

An application for review must be made in the approved form. The approved form is available on the Panel's website or by contacting the Registry on 0427 105 223 or at enquiries@racingappealspanel.qld.gov.au.

The application form requires information about the applicant, the penalty notice about which the applicant is applying for the review, the grounds of the application and whether or not the applicant is applying for a stay of the operation of the steward's decision, and an outline of the grounds for the application.

The applicant is requested to submit a copy of the penalty notice and may submit documents or other evidence with their application form.

Making an application

An application must be made to the Panel within 3 business days after the day when the person is given notice of the racing decision.

There is no fee for making an application for review.

Making an application for review does not affect the operation of the racing decision or prevent the decision being implemented unless the operation of the racing decision is stayed by the Panel.

The preferred way to make an application is via the portal on the Panel's website. This enables the applicant to securely submit their application. It also enables the Registry to securely receive and track applications.

When an applicant makes an application via the online portal on the Panel's website, the applicant will receive an email confirming receipt of the application with a PDF copy of their application.

The online portal can be accessed through any device including smart phones and tablets.

An application can also be made via email, facsimile or post to the Panel by contacting the Registry at:

Queensland Racing Appeals Panel
GPO Box 46
BRISBANE QLD 4001
Phone: 0427 105 223
Email: registrar@racingappealspanel.qld.gov.au
Fax: (07) 3078 3199

Late applications

The Chairperson may decide to accept an application for review that is made after 3 business days after the person is given notice of the racing decision.

The Chairperson may decide to accept the application if, in the opinion of the Chairperson, it would be unjust to refuse to accept the application.

Changing an application for review

An applicant may make changes to their application for review, after an application form has been submitted. Changes include adding or removing documents or other material provided to the Panel to support an application.

Changes can be made by completing and submitting the form via the Panel's website or by contacting the Registry.

Changes to an application within one business day of a scheduled hearing need to be made by contacting the Registry by phone or via the email provided in the application for review receipt.

The parties to an application for review

The parties to the application for review are the applicant and QRIC. QRIC is the respondent to the application.

Receiving a Panel application for review

When an application for review is received, the Registry will consider whether the application has been properly completed. If the application is not complete, the Registry will attempt to contact the applicant to enable them to complete the application.

The Registry will seek the decision of the Chairperson on accepting an application if:

- it does not relate to a racing decision of a steward that can be reviewed by the Panel (section 252AB(1))
- was not made within three business days after the day notice was given of the racing decision (section 252AB(2)(a))
- it would not be unjust to refuse to accept the application (section 252AB(3))

The applicant will be sent a notification letter if the Chairperson decides to not accept their application outlining the reasons.

The Registry will also consider whether the application relates to a matter the Chairperson may determine alone and the timeframe within which the application must be decided.

When applications must be decided

The Panel must decide an application for review relating to a racing decision of a steward to take disqualification action against a person within 20 business days after the application is made (section 252AG(a)).

A disqualification action is action against a person relating to their approval or licence or exclusion action against them that prevents them from attending a race meeting, betting, bookmaking or racing an animal for a period of three months or longer (section 252AA).

An exclusion action against a person means action taken by a steward:

- to name the person on a list kept under the rules of racing that identifies the person whose entitlements under the rules are forfeited, or
- to warn off the person from entering, or remaining at, a place being used for a race meeting.

All other applications for review to the Panel must be decided within seven business days (section 252AG(b)).

Requesting a response to the application

When an application is received, it will be immediately forwarded to QRIC as the respondent to the application. QRIC will also be provided any documents or material provided by the applicant to support their application for review.

QRIC will be asked to provide a response to the application within two business days. QRIC will be requested to provide its response in the form provided by the Registry.

Providing material to the parties

Documents and material relating to an application for review need to be digital versions. Concerns about accessibility of any documents or material can be raised with the Registry.

All the documents and material provided by the applicant as part of their application and all the documents and material provided by QRIC as the respondent to the application will be provided to each of the parties to the application for review.

The material will also be provided to the members of the Panel constituted for the application for review. The material will be provided to the parties and the Panel members by the Registry. The Registry will provide each of the parties and the Panel members a unique link to a SharePoint site where the documents and material will be stored.

SharePoint is a web-based collaborative platform that is used as a secure place to store, organise, share and access information. Only those provided with the unique link will be able to access the documents and materials in the SharePoint site for the application for review.

If more documents or material are provided by either party to the application for review, they will be added to the SharePoint site and each of the parties and the Panel members will receive a notification of new material being available.

Constituting a Panel for the application for review

A Panel will be constituted to decide each application for review (section 252AD). The Chairperson decides the way the Panel is to be constituted for each application.

How the Panel is constituted

Unless the Panel is constituted by the Chairperson alone, the Panel must be constituted by the Chairperson and two other members, chosen by the Chairperson from the pool of people appointed to be members of the Panel.

When choosing a member for the Panel, the Chairperson may consider:

- the nature, importance and complexity of the application for review
- the need for any special knowledge, expertise or experience relating to the application
- any other matter the Chairperson considers relevant.

The Registry will assist the Chairperson to constitute the Panel by providing advice about the availability of Panel members within the timeframe the application must be decided.

The parties to the application for review will be advised of the members of the Panel for the application for review.

Matters the Chairperson may determine alone

Under section 252AD(2) of the Act, the Chairperson may decide to constitute the Panel alone in the application for review relating to a racing decision of a steward:

- to impose a monetary penalty for an amount no greater than \$200, or
- to take disciplinary action relating to a person's approval or licence that has effect for no longer than eight days, or
- to take exclusion action against a person that has effect for no longer than eight days.

The parties to the application for review will be advised if the Chairperson will decide the application alone.

Conflicts of interest

Section 252AE of the Act provides for when a Panel member has a conflicting interest in relation to an application for review.

A member of the Panel constituted for a review must declare the interest to the Chairperson as soon as practicable after the member becomes aware of the interest and withdraw from the Panel for the application for review.

As soon as practicable after becoming aware of the Panel member's conflicting interest, the Chairperson must choose a different member for the Panel. The Chairperson must make a record of the conflicting interest and the action taken and provide it to the Registry for recordkeeping purposes. The parties to the application for review will be advised of the members of the Panel for the application for review.

If the Chairperson has a conflicting interest in relation to the application for review, a Deputy Chairperson will constitute the Panel and make a record which they provide the Registry for recordkeeping.

However, if the disclosure of the member's conflicting interest is made to the parties to the application for review and the parties agree to the member continuing on the Panel to decide the application, the Panel member does not have to withdraw from the Panel. The Chairperson must make a record of this and provide it to the Registry for recordkeeping.

A conflicting interest of a member in relation to an application for review means an interest, whether financial or otherwise, held or acquired by the member that may conflict with the proper performance of the member's functions in relation to deciding the application.

Applications for a stay

An applicant making an application for review may apply to the Panel for a stay of the operation of the racing decision to which the application relates (section 252AT).

The application for a stay is made on the approved form for the application for review and the applicant outlines the reasons why they would like the Panel to stay the operation of the racing decision.

QRIC's response to an application for a stay will be included in its response form to the application for review. QRIC can outline its position and reasons for its position in its response form.

Under section 252AT(2), the Panel may stay the operation of the racing decision to secure effectiveness of the review of the decision by the Panel.

The Panel may stay the operation of the racing decision on the conditions, and for the period, decided by the Panel. However, the period of the stay must not extend past the time when the Panel decides the application for review.

Deciding an application for review

How an application may be decided

The Panel for an application for review may decide the application in the way it considers appropriate (section 252AF). For example, this may include:

- holding a hearing in person
- holding a hearing using remote conferencing, for example online via Teams
- deciding the application on the basis of the documents provided without a hearing.

If the Panel decides to hold a hearing, it must be conducted in accordance with the provisions in Chapter 6, Part 4, Division 4, Subdivision 2 of the Act.

Deciding an application without a hearing

If the Panel decides not to hold a hearing, the Panel must ensure that the information considered by the Panel is made publicly available to same extent as if the Panel application for review was heard in public.

This does not apply to any information the Panel decides is not to be made publicly available based on a non-disclosure ground.

The term 'non-disclosure ground' is defined in the dictionary in Schedule 1 of the Act to mean:

- the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication
- the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*
- the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates
- the disclosure or publication is not otherwise in the interests of justice.

Conducting a review generally

Under section 252AO of the Act, in deciding an application for review, the Panel:

- must act with impartiality
- must observe the rules of natural justice
- is not bound by the rules of evidence, and
- may inform itself in any way it considers appropriate.

Subject to the Act, the procedure for deciding an application for review is at the discretion of the Panel.

Evidence before the Panel

The Panel may require a person to give evidence on oath or affirmation (section 252AP). The Registry staff attending a hearing to assist the Panel will administer an oath or affirmation to a witness.

The Panel may permit a person to give evidence by tendering a written statement verified by oath or affirmation.

Standard of proof

Proceedings before the Panel to review a racing decision by a steward are civil proceedings of a disciplinary nature. In disciplinary proceedings, it is well established that the regulator bears the civil onus of proof, on the *Briginshaw*¹ standard.

When the Panel is required to be satisfied of a matter, it is to the standard of the balance of probabilities.

¹ *Briginshaw v Briginshaw* (1938) 60 CLR 336

The necessary degree of satisfaction required may vary according to the gravity of the fact to be proved. Although proof is not required beyond reasonable doubt, a high degree of certainty is required where serious allegations are made.

Costs

There is no fee for making an application for review. However, the applicant submitting an application for review must bear their own costs.

This means that the applicant cannot make an application to the Panel for the costs of their application to be met by the respondent, even if the application is successful.

Hearings

Timing and scheduling

If the Panel for an application for review decides to hold a hearing to decide the application, the Registrar must give the parties notice of the time and place of the hearing. Notice must be given to the parties as soon as practicable, and at least a reasonable period, before the day of the hearing (section 252AI).

What is a reasonable period will depend on the circumstances of the individual case.

It is noted however, that the Panel must decide an application for review that relates to a racing decision of a steward to take disqualification action against a person within 20 business days after the application is made (section 252AG(a)). All other application for reviews to the Panel must be decided within seven business days (section 252AG(b)).

This is the time within which any hearing must be conducted and the application for review decided.

Public hearings

Under section 252AJ of the Act, the hearing of an application for review must be held in public. However, the Panel may, on application by a party or on the Panel's own initiative, decide that the hearing, or part of the hearing is to be held in private.

The Panel can only decide to hold a hearing, or part of a hearing in private, if the Panel considers information proposed to be disclosed at the hearing should not be made publicly available on a non-disclosure ground.

The term 'non-disclosure ground' is defined in the dictionary in Schedule 1 of the Act to mean:

- the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication
- the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*
- the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates
- the disclosure or publication is not otherwise in the interests of justice.

Information about upcoming hearings will be published on the Panel's website, unless the Panel has decided that the hearing will be held in private. Members of the public can attend and observe public hearings but are not permitted to intervene or participate in the hearing in any way. Registry staff attending the hearing will ensure members of the public attending or observing a hearing do not disrupt the hearing.

If the Panel decides to hold a hearing, or part of a hearing in private, the Panel may limit who may be present at the hearing. The hearing may be held in any place in Queensland or by remote conferencing. The Panel may adjourn the hearing.

Attendance of witnesses or production of documents

Under section 252AK, on the application of a party, or on the Panel's own initiative, the Panel may give a person a notice requiring them to:

- attend the hearing of an application for review to give evidence

- to produce a stated document or other thing to the Panel for the hearing.

The notice may be given only if the Panel reasonably believes the person has information, or the document or thing contains information, required for the consideration of the application for review.

A notice given to a person requiring them to attend to give evidence or to produce a document or other thing, must be given as soon as practicable, and at least a reasonable period, before the day of the hearing.

A person given such a notice is entitled to be paid the fees and allowances decided by the Panel. The fees and allowances for a witness must be paid:

- if the notice was given on the application of a party, by the party, or
- otherwise, by the parties in the proportions decided by the Panel.

Conduct of hearings

The procedure for determining an application for review is at the discretion of the Panel. If the Panel decides to hold a hearing, it must be conducted in accordance with the provisions in Chapter 6, Part 4, Division 4, Subdivision 2 of the Act.

Generally, a hearing will involve the applicant submitting any evidence or information they have to support their application for review and QRIC, as the respondent, submitting any evidence or information it has to support its response. This includes calling witnesses.

During a hearing, each party may be given an opportunity to cross-examine, or ask questions of, the other party's witnesses. This will be after the party who has called the witness has finished asking their questions. At a hearing, a party should be prepared to ask their own witnesses questions and to ask questions of any witnesses the other party has said they intend to bring.

The parties will generally be given an opportunity to tell the Panel what their position is, what decision they think the Panel should make and why. Sometimes this is referred to as 'making submissions'. At a hearing, each party should be prepared to outline their submissions.

A party's submission might be about what they think the Panel's decision should be on the review of the decision under the rules of racing and what the associated penalty should be.

Registry staff will attend the hearing and assist the Panel. If a hearing is conducted by remote conferencing, the registry staff will assist to share documents provided by parties for consideration by the Panel during the hearing. Registry staff will also assist to manage any connectivity or technical issues.

The Panel may make a decision and give the parties written notice of the decision at the end of a hearing or they may think about the case or talk to each other in private before they decide the application for review. In these circumstances, the Panel may tell the parties about the decision and give them written notice of the decision on another day.

The Panel must decide an application for review that relates to a racing decision of a steward to take disqualification action against a person within 20 business days after the application is made (section 252AG(a)). All other applications for review to the Panel must be decided within seven business days (section 252AG(b)). This is the time within which any hearing must be conducted and the application for review decided.

Offences for witnesses

A person who is given a notice by the Panel requiring them to attend to give evidence or to produce a document or other thing to the Panel for the hearing, must not fail without a reasonable excuse, to comply with the notice.

Failing to do so has a maximum penalty of 100 penalty units. A penalty unit is a set amount of money used to work out the amount of a fine. The maximum fine is calculated by multiplying the value of one penalty unit by the number of maximum penalty units. The number of penalty units will normally have an equivalent jail sentence for people unable or unwilling to pay the fine, or where the decision maker decides a prison term is a more appropriate form of punishment.

The amount of one penalty unit may change from time to time. From 1 July 2022, the penalty unit value in Queensland is \$143.75.

You can find more information about sentencing fines and penalties for offences on the Queensland Government website at <https://www.qld.gov.au/law/fines-and-penalties/types-of-fines/sentencing-fines-and-penalties-for-offences>

Hearings in the absence of parties or others

Under section 252AM of the Act, the Panel may hear an application for review in the absence of a party to the application if:

- the Panel is satisfied the party has been given notice of the hearing under section 252AI, and
- the Panel is satisfied that the party did not have a reasonable excuse for failing to attend.

The Panel may hear an application for review in the absence of any other person who has been given reasonable notice of the hearing.

Contempt of Panel at hearing

A person must not:

- insult a member of the Panel while they are participating in a Panel application for review or entering or leaving the Panel hearing, or
- unreasonably or deliberately interrupt a hearing, or
- create or continue, or join in creating or continuing, a disturbance in or near a place where the Panel is hearing an application for review.

To do so carries a maximum penalty of 30 penalty units.

Withdrawing an application for review

The applicant for an application for review may withdraw the application at any time (section 252AR). A application for review can be withdrawn by the applicant completing and submitting the form on the Panel's website or by contacting the Registry.

When an application is withdrawn, a stay of the operation of the racing decision related to the application granted before the application is withdrawn will no longer be in place. The original decision in a Penalty Information Notice will continue in operation.

The Registry will confirm that a withdrawal form has been received with the applicant and advise both parties that the application has been withdrawn.

Recording and transcripts

Record of documents produced to the Panel

The registrar must keep a record of any documents produced by the Panel for deciding an application for review (section 252AS).

A person may, on payment of a fee prescribed by regulation:

- inspect a record kept of any document produced to the Panel for an application for review
- obtain a copy of a record, or a part of such a record.

This does not apply to a record containing information the Panel has decided is not to be made publicly available based on a non-disclosure ground.

The term 'non-disclosure ground' is defined in the dictionary in Schedule 1 of the Act to mean:

- the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication
- the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*
- the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates
- the disclosure or publication is not otherwise in the interests of justice.

Transcripts

Under the *Recording of Evidence Act 1992*, the proceedings before the Panel are required to be recorded. This includes the evidence given in the proceedings and a ruling, direction, address, summing up or other matter in the proceeding.

The Panel may arrange for a recording of a proceeding to be made by an audio-visual recording of the proceeding or the transcription of a record. Transcripts may be made by the Registry or by someone else.

Decisions

Under section 252AH, the Panel must review the racing decision the subject of the application for review and decide to:

- confirm the decision
- vary the decision
- set aside the decision and substitute the Panel's own decision.

If the Panel confirms the racing decision, it is taken to be the decision of the Panel.

Disqualification action

Under section 252AH(2), if the Panel's decision includes taking disqualification action against the applicant, the Panel must decide whether the action is taken because of a serious risk to:

- the welfare or health of an animal
- the safety of any person, or
- the integrity of the Queensland racing industry.

Notice of decision

The Panel must give the parties to the application for review a notice stating:

- the Panel's decision, including if applicable the decision about whether disqualification action was taken because of a serious risk
- the reasons for the Panel's decision.

The notice may be provided to the parties when the Panel verbally advises the parties of the decision or afterwards.

When decisions take effect

Under section 252AH(5), the Panel's decision takes effect:

- on the day the notice is given to the parties
- if a later day is stated in the notice, on the later day.

The applicant may request in the application form that the Panel consider including a later day in the notice and provide the grounds for this request.

Publishing decisions

Under section 252BM the Registrar of the Panel must keep a register that includes:

- a brief description of each application for review that has been made, and
- the information in the notice of the Panel's decision on the application for review.

The Registrar must keep a copy of the register available to the public on the Panel's website.

The Registrar must not include any information in the public register that the Panel has decided is not to be made publicly available based on a non-disclosure ground.

The term 'non-disclosure ground' is defined in the dictionary in Schedule 1 of the Act to mean:

- the physical or mental health or safety of a person is, or is reasonably likely to be, endangered by the disclosure or publication
- the disclosure or publication would release sensitive information within the meaning of the *Information Privacy Act 2009*
- the disclosure or publication would release information that would be likely to damage the commercial activities of a person to whom the information relates
- the disclosure or publication is not otherwise in the interests of justice.

Appeals of Panel decisions

Under section 252AU of the Act, a person who is not satisfied with a decision of the Panel that includes taking disqualification action against them can appeal to QCAT. However, an appeal can only be on a question of law related to the extent of the disqualification action.

A notice of appeal must be filed with QCAT within 28 days after the Panel's decision. A person who applies for an appeal must serve the notice of appeal on QRIC within 7 days after it is filed.

Starting an appeal does not have any affect on the operation of the Panel's decision or prevent the decision from being implemented, unless the Panel's decision is stayed by QCAT (section 252AV).

QCAT may stay the operation of the Panel's decision on the conditions and for the period decided by QCAT. If QCAT stays the Panel's decision, it must not extend past the time when QCAT decides the appeal.

However, A person cannot apply to QCAT for a stay of the operation of the Panel's decision if the Panel decided the disqualification action was taken against the person because of a serious risk to:

- the welfare or health of an animal
- the safety of any person, or
- the integrity of the Queensland racing industry.

Annual performance report

Under section 252BP of the Act, after the end of each financial year, the Chairperson must ensure a written report is given to the Minister about the Panel's performance in relation to:

- the operation of the Panel for the year and any proposals to improve the operation of the Panel
- the number of Panel application for reviews received by the Panel in the year
- the number of applications decided by the Panel in the year and a brief description of the nature of the decisions made
- any matters affecting the Panel's ability to decided applications in the year.

The Chairperson must give the report to the Minister no later than three months after the end of the financial year to which the report relates.

The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.