



Appeals Policy

Greyhounds Queensland Limited

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DATE OF COMMENCEMENT

This policy comes into effect on 29 November 2006

PURPOSE

The *Racing Act 2002* authorises Greyhounds Queensland Limited (GQL) to make policies for the sound management of the greyhound racing industry.

Section 81 of the *Racing act 2002* requires that the Authority must have a policy if its policies provide that it is authorised to have rules of racing allowing a licence holder to appeal against a decision made by a steward of the control body to an appeal committee established by it – *appeals to an appeal committee*. An “appeal committee” is a specified entity established under, and to operate in accordance with, sections 95 – 100 of the *Racing Act 2002*.

The rules of greyhound racing do not provide for an appeal to an appeal committee.

The rules of greyhound racing provide for an appeal to a Racing Appeals Tribunal established under the *Racing Act 2002*. However not all disciplinary decisions may be appealed to the Racing Appeals Tribunal, for example, disciplinary decisions made by a Club or an GQL officer.

As not all disciplinary decisions may be appealed to the Racing Appeals Tribunal the purpose of this policy is to provide an avenue of appeal when an appeal is not available under the *Racing Act 2002*.

POLICY STATEMENT

GQL recognises and acknowledges that the principles of accountability, fairness and transparency require that a person aggrieved by a decision of a Club, Stewards or a GQL officer, for which an appeal is not available under the *Racing Act 2002*, be afforded an avenue of appeal.



An appeal does not lie to GQL against any of the following decisions:

- a reprimand; or
- a fine of less than an amount prescribed by GQL – currently \$150 and not greater than \$250.

APPLICATION

This policy applies to:

- GQL
- Appeal Panel
- Clubs
- Stewards
- Licence Holders
- Registered Persons

DEFINITIONS

This policy adopts the terminology used in the *Racing Act 2002*. Schedule 3 of the *Racing Act 2002* contains a dictionary of words used in the *Racing Act 2002* and may be accessed via the internet at www.legislation.qld.gov.au, under the tab “R”.

“Appeal Panel” means a panel appointed by GQL to hear a particular appeal or a class or classes of appeals – Rules GQL(Qld) 46-50.

“Registration” wherever appearing in a policy or GQL rules of greyhound racing “registration” and its derivatives shall, with any necessary amendments, have the same meaning as “licence” and its derivatives in accordance with the *Racing Act 2002*.

PROCEDURES

GQL may hear and determine an appeal or direct that an appeal be heard by an Appeal Panel.



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In this policy reference to GQL shall, where the context infers, mean reference to an Appeal Panel.

- A person desiring to appeal a decision shall:

within 14 days of the giving of the decision lodge an application in writing with GQL together with any prescribed fee – currently \$100;

specify in the application the nature of the decision to be appealed from;

specify in the application the grounds of the appeal;

indicate in the application if to be legally, or otherwise, represented.

- On receipt of an application for appeal GQL shall:

Within seven (7) days acknowledge in writing receipt of the application;

Within a reasonable time, but in any event not more than fourteen (14) days after such receipt;

provide the applicant with a transcript of the inquiry from which the penalty emanated, together with relevant exhibits;

consider the locality of residency of the appellant and set a time and place for the hearing of the appeal and advise the appellant in writing.

- The appeal shall be held as soon as practicable, but not more than 30 days, after the lodgement of the application for appeal.
- On written application by an appellant GQL may order that a decision appealed against:

must not be carried into effect pending the appeal being decided; or

must be carried into effect only to the extent stated in the order pending the appeal being decided

- Procedure generally:

An appeal is by way of rehearing, unaffected by the decision appealed against, on the material before the entity that made the decision and any further evidence allowed by GQL.

GQL may order that an appeal be conducted by way of correspondence, telephone or videoconference link.

Unless excused by GQL a party to an appeal must attend personally.

In the absence of a party to an appeal having being served with notice of the time and place of the hearing, GQL may make a decision or order in the absence of the party.

An appellant may withdraw an appeal only with the leave of GQL. If leave to withdraw is granted, GQL may make orders it considers appropriate.

Each party to an appeal must pay their own costs. However, if GQL considers that would be unjust in a particular case, it may make an order about costs that it considers appropriate.

Evidence and submissions at an appeal must be given orally unless GQL allows the evidence to be given wholly or partly in writing.

On the request of an appellant or if deemed appropriate by GQL an appeal proceeding may be adjourned.

- In making a decision relating to an appeal, GQL:
 - must observe the principles of natural justice;
 - is not bound by rules of evidence; and
 - may inform itself of anything in the way it considers appropriate.
- Subject to being restricted to the making of a decision that the entity that made the decision appealed against could have made, GQL may:



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refer the matter appealed against for a rehearing to the entity whose decision is appealed against;

uphold, reverse or vary a decision;

vary the decision appealed against; or

set aside, vary decrease or increase any penalty imposed;

order the refund of any prize money paid; or

make an order in relation to the appeal fee.

- The appeal fee shall be refunded to the appellant if the appeal is upheld or the decision is reversed.
- The decision shall be delivered orally or in writing as soon as practicable, stating the decision and the reason for the decision. The decision may be published.
- The parties to an appeal must give effect to the decision on the appeal, including any order as to penalty or costs.
- The decision of GQL on an appeal shall be final and without appeal under the rules of greyhound racing.

Review

This policy will be reviewed after two years' operation.

This policy was reviewed by GQL Board on 27 October 2008 with the policy to be reviewed within 2 years of this date or earlier as determined by GQL Board.

GQL rules of greyhound racing

The rules of greyhound racing that have been made and/or adopted for this policy include:

GQL(Qld) 46 - 50