



Conduct of Steward Inquiries Policy

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CONDUCT OF STEWARD INQUIRIES POLICY

DATE OF COMMENCEMENT

This policy takes effect 25th January 2006.

PURPOSE

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

POLICY STATEMENT

GQL recognises and acknowledges that the Authority and its Stewards and when applicable other authorised officers, have vested in them powers that when exercised may have a severe effect on a greyhound racing industry participant.

There is an expectation by the industry and the public that disciplinary action be taken against those failing to comply with the Rules of Greyhound Racing and approved policies and the *Racing Act 2002*. There is requirement that those exercising the disciplinary powers do so in a manner that complies with the principles of fairness, impartiality, consistency and transparency.

APPLICATION

This policy applies to:

- GQL
- Stewards

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”.

“**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*.



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PROCEDURES

There are numerous circumstances that could result in inquiries being instigated to ascertain whether an offence against GQL Rules of Greyhound Racing has been committed and if so, is disciplinary action is warranted. Established offences may range from very minor attracting a token penalty only, to an offence of a serious nature attracting a severe penalty such as a large fine, or a disqualification resulting in a period of expulsion and unconditional exclusion from the industry. Penalties could result in financial hardship, loss of livelihood or loss of good reputation.

The conduct of inquiries and the taking of disciplinary action are governed in administrative law by the principles of *Natural Justice*, which is now often referred to as *Procedural Fairness*.

The hearing of an inquiry shall as far as practicable be recorded, primarily by a recording apparatus or shorthand, or, if deemed appropriate, such other means as the person conducting the inquiry determines.

A person the subject of an inquiry, may make application to be provided with a copy of the inquiry proceedings. The Authority may prescribe a fee payable for the supplying of such a copy.

The record of any inquiry proceedings shall be retained for such time as the Authority deems appropriate, but in any case not less than that provided for in accordance with the *Public Records Act 2000* and its *General Retention and Disposal Schedule for Administrative Purposes*.

The principles and practical application of *Natural Justice* can be summarised as:

- a person must be informed of what is alleged against the person;
- the person must be permitted every opportunity to present any favourable evidence and to question and test any unfavourable evidence and to rebut the allegation; and
- those conducting the inquiry must not have a pecuniary or personal interest in the matter and shall be unbiased.

GQL will ensure that as part of their training, Authority Members, Stewards and authorised persons are fully versed in the principles of *Natural Justice*.



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An inquiry, which may be conducted by Authority Members, Stewards or authorised persons, shall be conducted in the following way:

- Persons suspected of being involved in any incident that is in breach of the rules shall be called before a hearing.
- Prior to the commencement of the hearing, any person who may be subject to a disciplinary action must be advised of and be provided with full details of the circumstances surrounding the inquiry, the time and date of the commencement of the hearing and be directed to attend the hearing.
- If in the opinion of the person (or the chairperson if more than one person) conducting the inquiry there are circumstances that warrant it, the person may direct that the inquiry be conducted by means of telephone or video conferencing, or correspondence.
- If an inquiry is to be conducted some days in the future, notification of the commencement of an inquiry and the direction to attend shall be provided in writing.
- If an inquiry is to be forthwith i.e. at the time of the relevant race meeting being then conducted, notification of the commencement of an inquiry and the direction to attend may be given verbally.
- A person, required to attend an inquiry to give evidence as a witness, shall be advised of the necessity in a similar manner to that mentioned above.
- The person (or the chairperson if more than one person) conducting the inquiry may permit a person subject to inquiry to be represented by a legally qualified practitioner, or if in the opinion of the person conducting the inquiry the person is not capable of adequately presenting their case, by any other person.

Example-

A person under the age of 18 may be represented by a parent or employer.

A person with a language difficulty may be assisted by an interpreter.

Where scientific, medical or veterinary questions arise a person affected may be represented by an adviser qualified in such field.



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Hearing procedure:

- Identify-
 - Date and location of inquiry;
 - Persons conducting inquiry;

 - Persons involved; and
 - Reason for the inquiry and the allegations.

- Hear evidence-
 - At this stage the evidence adduced by the persons conducting the inquiry, witnesses and that of the person that may be charged with an offence is presented. The person the subject of the inquiry may make any relevant submissions at this time.

- Consider evidence-
 - The persons conducting the inquiry will consider the evidence and if there is need to consider further evidence or other material, adjourn the hearing to obtain such information as is considered appropriate. The person the subject of the inquiry shall be notified of any date for the recommencement of the inquiry either in writing or orally.

- Dismiss matter or lay a charge-
 - If the matter is dismissed the reasons for dismissing or laying a charge should be announced.
 - If a charge is to be laid, details of the relevant rule and particulars of the alleged breach must be announced.

- Consider pleading and any further evidence-
 - A person charged may call any evidence in defence of or in mitigation of the charge.

- Announce finding-
 - Reasons for the finding should be announced.

- If a guilty finding, request submissions on penalty.



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- Consider penalty-
 - There are four major considerations that have to be taken into account in assessing penalty.
 - Firstly, penalties are designed to punish the offender for the wrongdoing. They are not retributive in the sense that the punishment is disproportionate to the offence, but there must be punishment of the offender.
 - Secondly, it is important that the penalty must act as a deterrent to others in the greyhound racing industry from committing like or similar offences.
 - The third aspect is to mark the disapproval by the greyhound racing authorities for the type of behaviour in question.
 - The fourth aspect focuses on the offender and the need, if possible, to rehabilitate.
 - Matters that need to be considered when determining penalty include the previous record of the offender, whether there was evidence of remorse, the standing of the person in the industry, whether there was actual or possible personal gain to the offender and the type of licence that the person held at the time.
 - It is critical that the integrity and reputation of the industry be protected and advanced and that means by ensuring that those who breach the Rules are punished, others are deterred from doing so and licence holders and registered persons, if a risk to the industry or the integrity of the greyhound racing profession are removed from it.
In the interest of the greyhound racing industry “consistency” in penalty is a legitimate expectation. It is expected that a consistent approach be applied when considering penalty.

- Announce penalty-
 - The reasons for penalty should be announced.

- Appeal rights lay under both the Rules of Greyhound Racing and the *Racing Act 2002*. A person penalised shall be notified of the appropriate avenues of appeal available to the person.



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GQL RULES OF GREYHOUND RACING

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

R14 – R18, R19 R89 – R95 R98

REVIEW OF THIS POLICY

This policy will be reviewed after two years' operation.

This policy was reviewed by GQL Board on 3 March 2008, with the policy to be reviewed within two years of this date or earlier as determined by the GQL Board.