

## EXPRESSIONS OF INTEREST

### HARNESS ADVISER TO THE TASMANIAN RACING APPEAL BOARD

Expressions of interest are being sought from persons interested in being appointed as a harness adviser to the Tasmanian Racing Appeal Board (TRAB).

Interested persons should possess the following attributes:

- independence,
- industry knowledge,
- good understanding of the Harness Rules of Racing, and
- ability to provide objective and expert advice.

Additional information is attached.

Nominations, including a current curriculum vitae, should be sent to: PO Box 821, Launceston, Tas, 7250. Email : [TRAB@racing.tas.gov.au](mailto:TRAB@racing.tas.gov.au).

Closing date for nominations is **26 October 2017**.

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# TASMANIAN RACING APPEAL BOARD

## INFORMATION BULLETIN

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### INTRODUCTION

The following information is an outline of the current processes and procedures of the Tasmanian Racing Appeal Board (TRAB). Please note that this information is provided as a guide only and any person considering lodging an appeal should familiarise themselves with the relevant legislation.

#### 1. PURPOSE OF TRAB

The TRAB is an independent body. The purpose of the TRAB is to hear appeals by persons who are:

- (a) aggrieved by a decision of the stewards to impose a fine on the person or impose a suspension or disqualification on the person or on a horse or greyhound owned, leased or trained by the person, or
- (b) aggrieved by a decision of Tasracing or a registered club to issue the person with a warning-off notice, or
- (c) aggrieved by a decision of Tasracing with regard to wagering operators approvals and conditions (refer Section 28A(2) of the *Racing Regulation Act 2004*), or
- (d) aggrieved by a decision of the Director of Racing with regard to licensing matters (refer Section 28A(1) of the *Racing Regulation Act 2004*).

The operations of the TRAB are governed by Sections 23 – 34 inclusive of the *Racing Regulation Act 2004*. Copies of the *Racing Regulation Act 2004* may be obtained from [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

#### 2. BOARD COMPOSITION

Members of the TRAB are appointed by the Governor. The current members are:

Chairperson:	Tom Cox
Deputy Chairpersons:	Kate Cuthbertson Kate Brown
Members:	Sue Martin Rod Lester Wendy Kennedy

### **3. ADVISERS TO THE TRAB**

Section 23(4A) of the *Racing Regulation Act 2004* (“the Act”) states that “persons with experience in each code of racing are to be appointed by the Governor to attend hearings of the TRAB, when requested by TRAB, to provide advice on racing matters.”

The appointees are:

Thoroughbred:	Chris Taylor
Harness:	Vacant
Greyhound:	Robert Higgins

### **4. APPEALS TO THE TRAB**

Section 29 of the Act provides for persons to lodge a Notice and Grounds of Appeal Form with the TRAB following the imposition of a penalty by stewards, Tasracing, a club or the Director of Racing.

An appeal cannot be made to the TRAB in respect of a stewards’ decision which alters the result of a horse race or greyhound race if the decision was made before the declaration of “correct weight” or “all clear”.

In accordance with Section 34 of the Act after hearing an appeal the TRAB may affirm, vary or quash the decision that was the object of the appeal and must make an order regarding the disposal of the prescribed deposit lodged on appeal.

Appeals before the TRAB shall be determined upon the evidence at the original hearing when the decision or finding appealed against was made, but, if the presiding member considers it to be proper, expert or other evidence may be required or admitted.

### **5. APPEAL REPRESENTATION**

A party to an appeal may be represented by an Australian legal practitioner or any other person.

The TRAB may appoint an Australian legal practitioner or other person with appropriate expertise or skills to help it conduct an appeal.

### **6. TIME LIMIT FOR LODGING APPEALS**

Appeals must be lodged with the Secretary of the TRAB as follows:

- (a) in the case of a minor appeal, (a fine not exceeding \$500 or a suspension for a period not exceeding 30 days) 7 days after the taking of the relevant decision; or
- (b) in the case of any other appeal, 14 days after the taking of the relevant decision.

### **7. STAY OF PROCEEDINGS**

The chairperson may suspend the operation of a penalty pending the hearing and determination of an appeal.

The chairperson must not suspend the operation of a penalty if:

- (a) the appeal is in relation to the penalty only; or

- (b) the appeal is intended to be heard within 7 days of lodgement, unless the chairperson considers that extenuating circumstances require otherwise.

## **8. SCHEDULING OF APPEALS**

The chairperson will make every endeavour to ensure that:

- (a) a minor appeal is heard within 7 days of lodgement of the appeal; and  
(b) any other appeal is heard within 21 days of the lodgement of the appeal.

## **9. PROVISION OF INFORMATION FOR APPEALS**

The secretary will:

- (a) give the parties to the appeal a copy of the notice of appeal,  
(b) give the parties to the appeal, as soon as practicable, a copy of the transcript of the proceedings at which the decision that is the object of the appeal was made, and  
(c) give the appellant, where applicable and as soon as practicable, a copy of the race patrol film relating to the matter that is the object of the appeal.

## **10. CONDUCT OF HEARINGS**

In accordance with legislation an appeal is to be heard and determined upon the evidence presented at the stewards' inquiry but the Board may inform itself on any matter and admit any evidence considered by the presiding member to be relevant.

The appellant will be required to give evidence in the first instance and call their witnesses. The stewards then have an opportunity to respond.

## **11. DEPOSIT**

Each appellant must lodge a deposit as follows:

- (a) in the case of a minor appeal an amount of \$200,  
(b) in the case of an appeal under Section 28A, an amount of \$200,  
(c) in the case of any other appeal an amount of \$500.

The deposit shall be refunded in the following manner:

- Appeal dismissed – not less than 50% withheld.
- Penalty varied – not less than 25% withheld.
- Appeal upheld – refunded in full.
- Appeal withdrawn (with no application for a stay of proceedings) – refunded in full.
- Appeal withdrawn (after an application for a stay of proceedings) – not less than 50% withheld.

## 12. COSTS

Each party to an appeal shall pay their own costs. With respect to the provision of transcripts the appellant will be required to pay:

- (a) not less than 50% of the cost if the appeal is dismissed,
- (b) not less than 50% of the cost if the appeal is withdrawn or abandoned, and
- (c) not less than 25% of the cost if the penalty is varied.

**Please note:** If the transcript is prepared in-house the cost is \$4.40 per page. If it is prepared by an outside party the cost will be as invoiced (usually between \$25.00 and \$40.00 per hour).

## 13. APPEAL ABANDONMENT

An appeal is not capable of being withdrawn or abandoned except by leave of the chairperson.

An application for leave to withdraw or abandon an appeal is to be made on the appropriate form and lodged with the secretary.

## 14. APPEAL VENUE

Appeals are conducted at a place and time determined by the TRAB. Most hearings are conducted at Level 2, Henty House, 1 Civic Square, Launceston.

## 15. TRAB ADDRESS

Appeals should be directed to the Secretary, Tasmanian Racing Appeal Board:

P O Box 821  
LAUNCESTON TAS 7250

Level 2  
Henty House, 1 Civic Square  
LAUNCESTON TAS 7250

Tel: (03) 6777 1902  
Fax: (03) 6334 2347

Email: [TRAB@racing.tas.gov.au](mailto:TRAB@racing.tas.gov.au)

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