

## PART 24

### APPEALS

**This rule is in accordance with Sections 28, 28A and 29 of the *Racing Regulation Act 2004* which states:**

#### **28. Persons may appeal to TRAB about certain matters**

(1) A person may appeal to the TRAB if the person is –

(a) aggrieved by the decision of Tasracing or a registered club to issue the person with a warning-off notice under [section 54](#); or

(b) aggrieved by the decision of the stewards to –

(i) impose a fine on the person; or

(ii) impose a suspension or disqualification on the person or on a horse or greyhound owned, leased, or trained by the person.

(2) However, an appeal does not lie 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 "correctweight" or "all clear".

(3) If a person has a right of appeal under this section against a decision of Tasracing or a registered club, no appeal against that decision lies to Tasracing or that club, as the case may be.

(4) If a person has a right of appeal under this section against a steward's decision, no appeal against that decision lies to Tasracing or a registered club.

(5) [Subsections \(3\)](#) and [\(4\)](#) have effect notwithstanding anything to the contrary that may be contained in –

(a) the *Rules of Racing*; or

(b) the constitution, rules or articles of the registered club; or

(c) the constitution of Tasracing

#### **28A. Other rights of appeal to TRAB**

(1) A person may appeal to the TRAB if the person is aggrieved by a decision of the Director to –

(a) refuse to grant a licence, or approve a registration, under the *Rules of Racing*, of the person or a horse or greyhound owned, leased or trained by the person; or

(b) refuse to register the person as a bookmaker or bookmaker's agent; or

(c) cancel or suspend the person's registration as a bookmaker or bookmaker's agent; or

(d) refuse to endorse the person's certificate of registration as a bookmaker with an on-course telephone betting endorsement, an off-course telephone betting endorsement or an off-course function betting endorsement; or

(e) cancel or suspend the person's on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement; or

(ea) refuse under [section 75C\(4\)\(b\)](#) to issue to the person an off-course function approval; or

(eb) cancel under [section 64\(1\)](#) or [\(2\)](#) or [section 75D\(1\)](#) an off-course function approval issued to the person; or

- (f) refuse to register a club of which the person is a member; or
  - (g) cancel or suspend the registration of a club of which the person is a member; or
  - (h) impose conditions on the person's licence, or registration, granted or approved under the *Rules of Racing*; or
  - (i) impose conditions on the person's registration as a bookmaker or bookmaker's agent; or
  - (j) impose conditions on the person's on-course telephone betting endorsement, off-course telephone betting endorsement or off-course function betting endorsement; or
  - (ja) impose conditions on an off-course function approval; or
  - (k) impose conditions on the registration of a club of which the person is a member; or
  - (l) issue the person with a warning-off notice under [section 54](#) ; or
  - (m) impose a fine on the person.
- (2) A wagering operator may appeal to the TRAB if the wagering operator is aggrieved by a decision of Tasracing to –
- (a) refuse to grant approval to the wagering operator to publish Tasmanian race field information; or
  - (b) impose conditions, other than conditions referred to in [section 54B\(2\)\(a\)](#) and [section 54B\(2\)\(b\)\(i\)](#), in respect of a race field information publication approval; or
  - (c) cancel a race field information publication approval; or
  - (d) vary the conditions, other than conditions referred to in [section 54B\(2\)\(a\)](#) and [section 54B\(2\)\(b\)\(i\)](#), in respect of a race field information publication approval.
- (3) A person may also appeal to the TRAB if the person is –
- (a) in dispute with a bookmaker regarding the placement, acceptance, payment, non-payment or amount of a bet; or
  - (b) aggrieved, as a registered bookmaker or bookmaker's agent, by the decision of a registered club to withdraw its permission for the person to engage in bookmaking on a racecourse under its control.
- (4) If a person has a right of appeal under this section against a decision of the Director, no appeal against that decision lies to the Director.
- (5) If a person has a right of appeal under this section against a decision of Tasracing or a registered club, no appeal against that decision lies to Tasracing or that club, as the case may be.
- (6) [Subsections \(4\)](#) and [\(5\)](#) have effect despite anything to the contrary that may be contained in –
- (a) the *Rules of Racing*; or
  - (b) the constitution, rules or articles of the registered club; or
  - (c) the constitution of Tasracing.

## **29. How and when should persons appeal?**

- (1) An appeal is instituted by lodging a notice of appeal with the secretary.
- (2) The notice of appeal –
  - (a) is to be in a form approved by the TRAB; and
  - (b) must specify –
    - (i) the parties to the appeal, the relevant decision and the grounds of appeal; or
    - (ii) if [section 28A\(3\)\(a\)](#) applies, the parties in dispute and the nature of the dispute.

**(3)** The notice of appeal must be lodged with the secretary within –

**(a)** in the case of a minor appeal, 7 days after the taking of the relevant decision; or

**(ab)** in the case of a major appeal or an appeal under section 28A(2) or section 28A(3)(b), 14 days after the taking of the relevant decision; or

**(b)** if section 28(1)(a) applies, 14 days after the day on which the person is issued with the warning-off notice, or

**(c)** if section 28A(1) applies, 14 days after the day on which the person was issued with the warning-off notice, or the taking of the relevant decision by the Director, as the case may be; or

**(d)** if section 28A(3)(a) applies, 60 days after the conclusion of the event to which the disputed bet relates.