

## Tasmanian Racing Appeal Board Information Bulletin

### 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 an exclusion notice, or
- (c) aggrieved by a decision of Tasracing with regard to wagering operators approvals and conditions (refer Section 77(2) of the *Racing Regulation and Integrity Act 2024*), or
- (d) aggrieved by a decision of Tasracing with regard to licensing matters (refer 77(1) of the *Racing Regulation and Integrity Act 2024*).

The operations of the TRAB are governed by Sections 70-102 inclusive of the *Racing Regulation and Integrity Act 2024*. Copies of the *Racing Regulation and Integrity Act 2024* may be obtained from [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au)

### 2. BOARD COMPOSITION

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

Chairperson:	Patrick O'Halloran
Deputy Chairpersons:	Amber Cohen Vacant
Members:	Wendy Kennedy Rod Lester Sue Martin

### 3. ADVISERS TO THE TRAB

Section 71(5) of the *Racing Regulation and Integrity Act 2024* ("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:	Mike Stiles
Greyhound:	Mike Stiles

### 4. APPEALS TO THE TRAB

Section 78 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, or a club.

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 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, excluding appeals in relation to Section 77(3)(a), 14 days after the taking of the relevant decision.
- (c) in the case of an appeal under section 77(3)(a), 60 days after the conclusion of the event to which the disputed bet relates

### 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 decision was made, or the penalty imposed because of a serious risk to:
  - (i) the welfare or health of an animal; or
  - (ii) the safety of any person; or
  - (iii) the integrity of the Tasmanian racing industry; 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 14 days of lodgement of the appeal; and
- (b) any other appeal is heard within 28 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 77, 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.
- Please note that under Section 99(6), TRAB can order that an amount of more than 50% of the deposit is to be forfeited.

### 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 \$10.00 per page

### 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 the Prospect Government Offices, 171 Westbury Road, Prospect.

### 15. TRAB ADDRESS

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

Department of Natural Resources and Environment (NRE Tas)  
PO Box 821 LAUNCESTON TAS 7250  
165 Westbury Road,  
PROSPECT, TAS 7250

Email: [trab@nre.tas.gov.au](mailto:trab@nre.tas.gov.au)

Tel: (03) 6777 2063