

2024-25

Annual Performance Report 2024-2025

Racing Appeals Panel

About this report

This report has been prepared under section 252BP of the *Racing Integrity Act 2016* (the Act). It describes the work of the Racing Appeals Panel in hearing and deciding applications for review of a racing decision of a steward and other functions under section 252AY of the Act.

The Queensland Racing Appeals Panel (the Panel) is an independent statutory authority established on 31 March 2023 to provide quick, accessible, and fair reviews of stewards' decisions for all codes of racing in Queensland. These reviews aim to ensure racing decisions are finalised within prescribed timeframes and are made in accordance with the law and the Rules of Racing to maintain the integrity of the racing industry in Queensland. The Panel acts independently, impartially, and fairly, observes the rules of natural justice and is not subject to direction or control by any entity, including any Minister, when performing its functions or powers.

The independence of the Panel is provided for in section 252BA of the Act. However, pursuant to section 252AX of the Act the Panel is part of the Department of Primary Industries (DPI) for the purposes of the *Financial Accountability Act 2009*. Accordingly, the Panel's financial transactions are reported within the DPI's Annual Report 2024–25.

Contact for enquiries

For enquiries or further information about this annual performance report contact enquiries@racingappealspanel.qld.gov.au

Interpreter statement

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us for assistance and we will arrange an interpreter to effectively communicate the report to you.



Attribution and licence

© The State of Queensland 2025 (Queensland Racing Appeals Panel)

This annual performance report is licensed by the State of Queensland (Queensland Racing Appeals Panel) under a Creative Commons Attribution (CC BY) 4.0 International licence. You are free to copy, communicate and adapt this report as long as you attribute the work to the State of Queensland (Queensland Racing Appeals Panel).

To view a copy of this licence, visit <https://creativecommons.org/licenses/by/4.0>

25 August 2025

The Honourable Timothy Mander MP
Minister for Sport and Racing and Minister for the Olympic and Paralympic Games
PO Box 15478
CITY EAST QLD 4002

Dear Minister Mander,

In accordance with section 252BP of the *Racing Integrity Act 2016*, I am pleased to provide for presentation to Parliament the 2024–25 Queensland Racing Appeals Panel Annual Performance Report, the third report for this independent entity.

During the period ending 30 June 2025 the Racing Appeals Panel (the Panel) has received 47 applications for review. This report outlines the issues that have impacted the Panel's decision-making process and provides recommendations for enhancing the Panel's future operation.

I draw your attention to section 252BP(3) of the *Racing Integrity Act 2016* which requires you to table this report to Parliament within 14 sitting days after receiving the report.

My term as Chairperson of the Panel will expire on 1 April 2026, and this will therefore be my final report as Chairperson. I take the opportunity to express my gratitude for having had the opportunity to be part of the establishment and operation of the Panel which I believe plays an important role in the maintenance of the integrity of the racing industry in this state.

Yours sincerely,



K. J. O'Brien AM

Chairperson

Queensland Racing Appeals Panel

Contents

Introduction 3

Purpose, operation and membership 3

 Purpose..... 3

 Panel operation..... 3

 Membership of the Panel..... 4

Overview of applications reviewed 5

Enhancing decision-making 6

 Issues affecting the Panel and proposals for improved operation.....6

Introduction

This is the third Annual Performance Report submitted pursuant to the requirements of section 252BP of the *Racing Integrity Act 2016* (the Act). The report deals with the matters required by that section, including the operation of the Panel for the financial year ending 30 June 2025 and any proposals which would improve the Panel's operation.

Throughout this period, the Panel has, I believe, demonstrated exceptional efficiency. The quality of the Panel members is uniformly high, as is the quality of the dedicated Registry staff. I am grateful for their involvement in the Panel's operations and grateful in particular for the assistance provided by the two deputy chairpersons, Mr Peter O'Neill and Ms Dianne Condon and Registrar Ms Alison Finlay for the invaluable contribution they have made to the Panel's operations during the year.

Purpose, operation, and membership

Purpose

The Racing Appeals Panel (the Panel) is an independent statutory authority established on 31 March 2023 under the *Racing Integrity Act 2016* (the Act). The functions of the Panel are to hear and decide applications for the review of racing decisions made by stewards for all racing codes in Queensland. In addition, the Panel may be requested to perform other statutory functions given to it under section 252AY of the Act. During the period under review, no such additional functions were requested of the Panel.

Panel operation

Structure

The primary role of the Panel is to provide timely reviews of stewards' decisions across all codes of racing in Queensland. These decisions include disciplinary actions related to a person's approval or license, exclusion actions against a person, and the imposition of penalties, monetary or otherwise, on a person.

Applications for review must be made within three business days of notice of the racing decision being given, although the Panel Chairperson has the authority to accept out of time applications. In the usual case, the Panel which decides the application must be constituted by the Chairperson and two other Panel members chosen by the Chairperson. In certain cases, the Panel may be constituted by the Chairperson alone. Such a hearing clearly has cost and efficiency benefits, although the jurisdictional limit for such a hearing is fixed at a low level, that being a monetary penalty of an amount no greater than \$200, or disciplinary or exclusion action that has effect for no longer than eight days.

If a review application relates to a decision by stewards to take disqualification action against a person, the Panel must decide the application within 20 business days of the application being made. In all other cases, the decision must be made within seven business days. During the review period, the Panel has consistently met these deadlines. It remains inevitable however that problems with compliance are likely to arise in the future and the need for legislative change to provide greater flexibility with time limits will be addressed later in this report.

In the usual case, applications are decided by conducting a hearing in-person. However, hearings may also be conducted via remote conferencing or, in an appropriate case, by a decision made on the papers without a hearing. While the majority of hearings this year were conducted in person, the Panel has accommodated appearance by video link where appropriate.

While there is a limited right to make application for a hearing to be held in private, the default rule is that all applications must be heard in public. The Panel's hearing room is not sufficiently large enough to accommodate a public gallery of more than a few people, and the Panel has utilised a virtual or online gallery to achieve this important requirement of openness. High-profile cases, which attract significant public interest, can present administrative challenges, but the importance of public hearings remains a paramount consideration.

Venues

The Panel has power to conduct hearings at any place within Queensland. During the period under review, however, all hearings have been conducted in Brisbane. The legislation does permit the use of remote conferencing, and it should be noted that one Panel member resides in Mackay and others at Toowoomba and the Sunshine Coast.

Human rights

The *Human Rights Act 2019* (HRA) places obligations on public entities to be compatible with human rights when acting or making a decision. Under the HRA “compatible with human rights” means an act or decision does not limit a human right or limit a human right only to the extent that is ‘reasonable and demonstrably justifiable.’

The penalty guidelines for each of the racing formats which fall within the jurisdiction of the Panel require that, in determining penalty, regard must be had to the fact that certain penalty outcomes may impact adversely on a person’s human rights, particularly the right to own property, namely a licence, and the right to privacy and reputation.

The Panel must comply with the requirements of the HRA in determining whether any limitation on a human right which may attach to a particular penalty is reasonable and justifiable in the circumstances of the case. The Panel has been compliant in this regard.

Membership of the Panel

The Panel established under the legislation must consist of the Chairperson, at least two Deputy Chairpersons and at least three other members. Appointments to the Panel are made by the Governor in Council on the recommendation of the Minister. To be eligible for appointment to the position of Chairperson or Deputy Chairperson, the person must be a lawyer of at least five years standing. Eligibility for appointment as a Panel member is dependent upon professional experience in fields of animal chemistry, law, racing, or veterinary science.

Appointment to the Panel is for a period not longer than three years although a person remains eligible for reappointment at the end of that term. The responsibilities of the Chairperson, the Deputy Chairpersons, and the Panel members are set out in section 252BG of the Act. Panel members are appointed under the terms of the Act and not under the *Public Sector Act 2022*. All members are required to act independently, impartially, and fairly and they are not subject to direction or control by any entity, including any Minister.

As of 30 June 2025, there are 14 Panel members including the Chairperson and one Deputy Chairperson. Of note, during the 2024-25 period, Mr Peter O’Neill, one of the Panel’s two Deputy Chairpersons was appointed to the Queensland Industrial Relations Commission, necessitating his resignation from the Panel. Mr O’Neill made a significant contribution to the workings of the Panel during his time as Deputy Chairperson and that contribution should be fully acknowledged. S252BB of the Act requires that there must be at least two Deputy Chairpersons and Mr O’Neill’s departure has necessitated a recruitment process which was conducted during May and June and leads to my expectation that that situation will soon be remedied, as it must be, with the appointment of at least one new Deputy Chairperson in the near future.

Two other Panel members, Dr Brian Stewart and Ms Skye Bogenhuber also resigned during the 2024-25 year. To maintain the required expertise and qualifications of the Panel, I identified in my last report the necessity of appointing at least two Panel members, one with a legal background and another with veterinary experience. I am pleased to report that that issue was addressed during the year with the appointment of three new Panel members- Mr Richard Oliver, Dr Megan Brooks and Dr Damien MacGinley on 30 September 2024.

The Panel is comprised of the following members as at 30 June 2025:

Panel member	Role	Area of Expertise
Kerry O’Brien AM	Chairperson	Lawyer of at least 5 years standing
Dianne Condon	Deputy Chairperson	Lawyer of at least 5 years standing
Darren Guppy	Panel member	Expertise in legal practice
Patrick Cullinane KC	Panel member	Expertise in legal practice
Juanita Maiden	Panel member	Expertise in legal practice
Megan Brooks	Panel member	Expertise in legal practice
Richard Oliver	Panel member	Expertise in legal practice

Lyndsey Hicks	Panel member	Expertise in racing
Daryl Kays	Panel member	Expertise in racing
John McCoy OAM	Panel member	Expertise in racing
Julieanne Overell	Panel member	Expertise in racing
Ken Waller	Panel member	Expertise in racing
Edwin Wilkinson	Panel member	Expertise in racing
Damian MacGinley	Panel member	Veterinary science

The legislation also makes provision for the establishment of a Registrar and for the appointment of Registry staff to provide administrative assistance in the Panel's operations. The functions of the Registrar are set out in section 252BL of the *Racing Integrity Act 2016*.

Overview of applications reviewed

During the 2024–25 year, a total of 47 applications for a review of decisions made by stewards have been lodged with the Registry.

It should be noted that the number of applications lodged does not reflect the complexity of the cases the Panel must address. Cases involving disqualification actions, or considerations such as animal welfare and substance abuse, are expected to require longer hearing times and entail greater complexity. Hearings often involve resolving intricate legal arguments and preparing detailed, well-considered written decisions.

Matters as of 30 June 2025

Panel matters	Number
Application for review of steward's decision	47
Appeal against Panel's decision	5
Applications decided	39

Note: 8 matters were withdrawn

3 matters were appealed through QCAT

2 matters were appealed through Judicial Review

Review outcomes	39
Stay order	8
Support person application	12
Private hearing application	2
Application refused	0
Application ineligible	0
Application withdrawn	8
Racing Decision confirmed	21

Racing Decision varied	9
Racing Decision set aside and substituted	9

Statutory timeframe	Number received	Decisions outside timeframe
7 business days	35	0
20 business days	12	0

Appeals

In cases in which the Panel's decision on a review application includes the taking of disqualification action, a dissatisfied party has a right of appeal to the Queensland Civil and Administrative Appeals Tribunal (QCAT) on a question of law relating to the extent of the disqualification action. During the 2024–25 period five appeals have been initiated with QCAT or with the Supreme Court by way of Judicial Review.

Enhancing decision-making

Issues affecting the Panel and proposals for improved operation

The issue of timeframes within which hearings must be heard and finalised continues to be a matter of concern. Whilst it is important that matters that come before the Panel are dealt with expeditiously, it is of no less importance that they be dealt with justly and only after proper consideration. Currently, all applications must be resolved within either seven business days of the application being lodged or, if the application relates to disqualification action, within 20 business days of lodgement. These rigid timeframes permit no flexibility and make no allowance for the complexity of the issues involved or the problems that inevitably arise in litigation at all levels. It can be said with certainty that there will be cases which, through no fault of the Panel, simply cannot be justly dealt with within those timeframes. The rigidity of such mandatory timeframes, which do not exist in the comparable legislation of other Australian jurisdictions, creates the potential for real injustice to occur. There is, in my view, a need for the legislation to be amended to allow for an extension of time where required in the interests of justice.

As indicated in my previous Annual Performance Reports this issue of timeframes is but one of several areas of the legislation which are in need of amendment if the Panel is to continue to function effectively. As noted in those reports, some matters might be easily resolved, others may require more detailed consideration and consultation. In my last report I noted that in February 2024, in company with the two Deputy Chairpersons, I met with staff from the DPI's Legislation and Regulation Unit and those areas of concern were discussed. They have yet to be progressed, and it is hoped that they will be addressed in the coming year.

In my last report I emphasised the paramount importance of ensuring that the independence of the Panel is properly maintained, and that it remains separate, in both the physical and legal sense, from the department. The smaller hearing room has created problems with hearings involving the more complex matters or cases in which multiple legal representatives are involved and there may be a need to update video and technical equipment used for applications involving the use of race day footage. These are matters which do impact on the operation of the Panel.

The quality of Panel members remains high. Ten of the present Panel members, including Deputy Chairperson Ms Diane Condon, were appointed when the Panel was first established in 2023. All have performed to a high standard, and all have contributed to the efficient operation of the Panel. In accordance with the Act, their term of appointment is one of three years and will expire on 1 April 2026. The Act however does allow for their reappointment for a further term.

It is critical to the functioning of the Panel, and to the maintenance of the integrity of the racing industry, that the quality and experience of the Panel membership is maintained. I would strongly recommend that, subject to their agreement, all should be reappointed for a further term. The one exception may be the case of Mr Darren Guppy who, although a valued Panel member, has employment commitments which impact on his availability for Panel hearings. If these members, including Deputy Chairperson Ms Condon, were reappointed for a further term, then I would anticipate that, together with

expected new appointments from the recent recruitment programme, the Panel would have sufficient personnel to function efficiently for at least the next three years. This would allow for natural attrition and for the fact that many Panel members have full or part time occupations or other commitments which means that they are not always available when required.

During the year, the Registry continued assembling an on-line volume of precedents and other reference material which can be made available to Panel members. It is hoped that this resource will continue to expand and provide a valuable research tool for the future. A further event of note during the year included an in-house workshop involving all available Panel members.

Effective administrative support is crucial for the functioning of the Panel. The Act provides for the appointment of a Registrar and additional staff to assist the Panel in the effective performance of its functions. As of 30 June 2025, the Registry comprises a Registrar, and a Deputy Registrar, both of whom have performed commendably during the period under review. Staffing levels should however be closely monitored to ensure that the Panel receives adequate support in fulfilling its legislative requirements. The volume of work proceeding to the Panel can ebb and flow, but there are times when the Panel would benefit from the availability of additional administrative level assistance, even if only on a part time basis. This was a matter raised in my last report, and I am pleased to report that during the year two additional personnel have received appropriate training and are available to assist with Registry duties as required.

Finally, I would like to acknowledge the cooperation and support rendered to the Panel during the year by the Director-General and officers of the Department of Primary Industries.

racingappealspanel.qld.gov.au