

Australian Capital Territory

Racing Appeals Tribunal Appointment 2012 (No 1)

Disallowable instrument DI2012-57

made under the

***Racing Act 1999*, s 40 (Membership) and sch 1, s 1.1 (Tribunal members - appointment)**

EXPLANATORY STATEMENT

Section 38 of the *Racing Act 1999* (the Act) establishes the Racing Appeals Tribunal to hear and determine appeals from persons aggrieved by a decision of a controlling body, an approved racing organisation or another person conducting a race meeting in the ACT.

Section 40 of the Act provides that the Tribunal must consist of a president, a deputy president and four other members, and that the appointment and conditions of office of members of the Tribunal must be in accordance with schedule 1.

Schedule 1, subsection 1.1(1) of the Act provides that members of the Tribunal are to be appointed by the Minister. Schedule 1, subsection 1.1(2) further provides that the president and deputy president must be lawyers of not less than 5 years standing and schedule 1, subsection (1.1)(3) provides that a person is not eligible to be a member of the tribunal if the person is:

- an officer or employee of a controlling body;
- registered with or licensed by a controlling body under the approved rules (otherwise than as the owner of a horse or dog that is so registered or licensed); or
- registered with or licensed by a corresponding body (otherwise than as the owner of a horse or dog that is so registered or licensed), if the registration or licence is of a kind recognised by a controlling body for the approved rules.

Schedule 1, section 1.3 of the Act provides that a member of the Tribunal must be appointed for a term not longer than three years.

The Minister has reappointed Magistrate Grant Lalor as President of the Racing Appeals Tribunal.

Section 7A of the *Magistrates Court Act 1930* provides that a person is not eligible for appointment as a magistrate unless the person is a lawyer and has been a lawyer

for at least 5 years. Mr Lalor therefore, by virtue of being a Magistrate, satisfies the requirement that the president be a lawyer of not less than 5 years standing.

Mr Lalor also meets the eligibility requirements in relation to schedule 1, subsection (1.1)(3).

Section 7G of the *Magistrates Court Act 1930* requires that a magistrate not accept appointment to another office under a law of the Territory without the written consent of the Attorney General. The provision also requires that the Attorney General consult with the Chief Magistrate before giving consent. Consequently, the Attorney General, following consultation with the Chief Magistrate, has consented to Magistrate Lalor's reappointment.

Under section 229 (Appointment is disallowable instrument) of the *Legislation Act 2001* the instrument making the appointment is a disallowable instrument.

The Standing Committee on Public Accounts has been consulted about this reappointment in accordance with section 228 (Consultation with appropriate Assembly committee) of the *Legislation Act 2001*. The Committee advised that it has no recommendation to make on the reappointment.

Mr Lalor is not a public servant.

The reappointment is for three years commencing the day after notification.