Australian Capital Territory

Racing Appeals Tribunal Appointment 2014 (No 1)

Disallowable instrument DI2014-145

made under the

***Racing Act 1999*, subsection 40 (Membership) and section 1.1 of Schedule 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.

Subsection 40(1) of the Act provides that the Tribunal must consist of a president, a deputy president and 4 other members. Subsection 40(2) requires the appointment and conditions of office of members of the Tribunal must be in accordance with Schedule 1 to the Act.

Section 1.1 of Schedule 1 to the Act provides that members of the Tribunal are to be appointed by the Minister. Subsection 1.1(2) and 1.1(3) of Schedule 1 to the Act requires that the appointment of a Deputy President must be in accordance with the prescribed criteria. Section 1.3 of Schedule 1 to the Act further provides that a member of the Tribunal must be appointed for a term not longer than 3 years.

The Minister has appointed Mr John Kalokerinos as Deputy President of the Racing Appeals Tribunal. The appointment meets the requirements specified in subsection 1.1(2) and 1.1(3) of Schedule 1 to the Act and is for a period of three years commencing on 14 July 2014.

Under subsection 227(1) of the *Legislation Act 2001* the appointment of the Deputy President of the Racing Appeals Tribunal is a statutory position (subsection 1.1(1) of Schedule 1 to the Act requires members of the tribunal are appointed by the Minister).

As Mr Kalokerinos is not a public servant section 228 of the *Legislation Act 2001* requires that consultation with appropriate Assembly committee occur. The Standing Committee on Public Accounts has been consulted about this appointment.

Section 229 of the *Legislation Act 2001* provides that a statutory appointment is a disallowable instrument.