

# Racing Appeals Tribunal Appointment 2025 (No 1)

## Disallowable instrument DI2025–246

made under the

**Racing Act 1999, section 40 (Membership), section 42 (Assessors), section 1.1 of Schedule 1 (Tribunal Members—appointment) and section 2.1 of Schedule 2 (Assessors—appointment)**

## EXPLANATORY STATEMENT

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This instrument appoints the following member to the Racing Appeals Tribunal for a term of three years:

- Ms Brienna Anderson (Member)

This instrument appoints the following assessors to the Racing Appeals Tribunal for a term of three years:

- Mr Wayne Wood
- Mr Nicholas Hassett

The Racing Appeals Tribunal is established under section 38 of the *Racing Act 1999* (the Act). The functions of the Tribunal are 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. The appointment and conditions of office of the Tribunal must be in accordance with schedule 1 of the Act. Schedule 1, section 1.1 of the Act requires Tribunal members to be appointed by the Minister.

Section 42 of the Act provides that the Tribunal may have assessors and sets out the appointment and conditions of office of assessors must be in accordance with schedule 2.

Schedule 1, section 1.1 (3) of the Act 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 that is so registered or licensed), or registered with or licensed by a corresponding body (otherwise than as the owner of a horse 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.

Ms Anderson meets the eligibility requirements for appointment as member of the Tribunal, as they are not ineligible under Schedule 1, section 1.1 (3) of the Act.

Mr Wood and Mr Hassett meet the eligibility requirements for appointment as assessor of the Tribunal under Schedule 2, section 2.1 of the Act which includes that assessors are to be appointed by the Minister from among people who the Minister is satisfied have special knowledge of or experience in the racing industry.

This instrument makes an appointment to which the *Legislation Act 2001*, division 19.3.3 applies. Accordingly, under section 229 of the Legislation Act the instrument is a disallowable instrument.

In accordance with section 228 of the Legislation Act, Ministers are required to consult the relevant Standing Committee of the ACT Legislative Assembly concerning appointments to a statutory office, unless the appointments come within the exemptions permitted by section 227 of that Act.

As such, this appointment was referred to the Standing Committee for Economics, Industry and Recreation (the Committee). The Committee advised that it had no recommendations to make on the appointments.