

Australian Capital Territory

# Racing (Appeals Tribunal) Rules 2019 (No 1)\*

## Disallowable Instrument DI2019-224

made under the

*Racing Act 1999*, section 45(1) – (Rules of the tribunal)

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### 1 Name of Instrument

This instrument is the *Racing (Appeals Tribunal) Rules 2019 (No 1)*.

### 2 Commencement

This instrument commences on the day after notification.

### 3 Rules of the Tribunal

The Racing Appeals Tribunal makes the following rules of the tribunal as set out in the Schedule to this instrument.

### 4 Revocation

This instrument revokes the *Racing Appeals Tribunal (Rules of the Tribunal) 2018 (No 1)* DI2018-293.

John Kalokerinos  
President  
Racing Appeals Tribunal

30 September 2019

\*Name amended under Legislation Act, s 60

## **SCHEDULE**

### **RULES OF THE TRIBUNAL**

#### **1 Bond**

- (1) A bond must be lodged when an appeal is filed with the registrar of the tribunal.
- (2) The amount of the bond to be lodged with the tribunal, as required by subrule 1(1), is \$350.00.
- (3) The bond must not be refunded, in full or part, unless ordered by the tribunal.

#### **2 Grounds of appeal**

- (1) An appeal filed with the registrar of the tribunal under section 48 of the *Racing Act 1999* must set out the grounds for the appeal.

#### **3 Rejecting documents—abuse of process etc**

- (1) This rule applies if an appeal filed with the registrar of the tribunal appears to the registrar on its face to be an abuse of the tribunal's process or to be frivolous or vexatious.
- (2) The registrar may refer the appeal to the president or the deputy president for directions about how to deal with it.
- (3) If the registrar refers the appeal to the president or the deputy president, the president or the deputy president may direct the registrar to—
  - (a) list the appeal for a directions hearing in the ordinary course; or
  - (b) invite the applicant to respond within a specified timeframe, in writing or in person at a preliminary hearing, to the tribunal's concerns that the appeal appears to be an abuse of the tribunal's process or to be frivolous vexatious.

#### **4 Withdrawal of appeal**

- (1) An appeal filed with the tribunal may not be withdrawn except with the leave of the tribunal.
- (2) In granting or refusing such leave, the tribunal may impose such conditions as it considers appropriate, including the payment of costs.
- (3) In granting or refusing such leave, the tribunal must order that the bond be forfeited or refunded, either in full or in part.

## **5 Directions**

- (1) The tribunal may make directions with or without a directions hearing.
- (2) If the tribunal sets a date for a directions hearing, the registrar must give the parties notice of the date.
- (3) The appellant and each respondent must attend the directions hearing.
- (4) At the directions hearing, the tribunal may—
  - (a) give the directions it considers appropriate to have the appeal made ready for hearing; or
  - (b) adjourn the directions hearing; and/or
  - (c) fix a date, time and location for the hearing of the appeal.
- (5) The tribunal may at any time amend or revoke a direction made under this rule on application by a party or on its own initiative.

## **6 Failure to comply with directions**

- (1) If the appellant fails to comply with a direction, the tribunal may—
  - (a) dismiss the appeal; or
  - (b) stay the appeal until the appellant complies with the direction; or
  - (c) if the direction requires information to be provided—proceed with the appeal in the absence of the information.
- (2) If a respondent fails to comply with a direction, the tribunal may—
  - (a) allow the appeal and set aside the decision on review; or
  - (b) if the direction requires information to be provided—proceed with the appeal in the absence of the information.

## **7 Failure to attend a hearing**

- (1) If the appellant fails to attend a hearing (including a directions hearing), the tribunal may—
  - (a) dismiss the appeal; or
  - (b) stay the appeal.
- (2) If a respondent fails to attend a hearing (including a directions hearing), the tribunal may allow the appeal and set aside the decision on review.

**8 Dealing with an appeal by consent**

- (1) The parties to an appeal may request that the tribunal make any orders agreed by the parties by consent.
- (2) The tribunal may make the orders requested by the parties, or any other orders.