

Australian Capital Territory

Racing Appeals Tribunal Appointment 2011 (No 5)

Disallowable instrument DI2011-303

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 4 other members, and that the appointment and conditions of office of members of the Tribunal must be in accordance with schedule 1.

Schedule 1, clause 1.1 of the Act provides that members of the Tribunal are to be appointed by the Minister. Schedule 1, clause 1.3 of the Act provides that a member of the Tribunal must be appointed for a term not longer than 3 years.

The Minister has appointed Magistrate Grant Lalor as President of the Racing Appeals Tribunal for a period of 5 months.

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.

The reappointment is for five months commencing the day after notification.