

Australian Capital Territory

# Racing Appeals Tribunal Appointment 2015 (No 2)

## Disallowable instrument DI2015-208

made under the

***Racing Act 1999*, section 40 (Membership) and section 1.1 of Schedule 1 (Tribunal members – appointment)**

## EXPLANATORY STATEMENT

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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 the composition requirements of the Tribunal. Conditions of office of members of the Tribunal must be in accordance with Schedule 1 to the Act.

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(3) stipulates when a person is not eligible to be a member of the Tribunal. Section 1.3 of Schedule 1 to the Act provides that a member of the Tribunal must be appointed for a term not longer than three years.

Mr John Kalokerinos is appointed as President of the Tribunal under subsection 1.1(1) of Schedule 1 to the Act for a maximum period of three years, commencing from the day after notification.

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

Mr Kalokerinos is eligible to be appointed under subsection 1.1(2) and 1.1(3) of Schedule 1 to the Act as he meets the professional requirements of the position and is not an officer or employee of a controlling body or registered or licensed by a controlling body, or corresponding body.

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