

Australian Capital Territory

Racing Appeals Tribunal Appointment 2018 (No 1)

Disallowable instrument DI2018–57

made under the

Racing Act 1999, section 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.

Section 40 of the Act provides the composition requirements of the Tribunal. The appointment and conditions of office of members of the Tribunal must be in accordance with Schedule 1 to the Act.

Schedule 1, section 1.1(1), of the Act provides that members of the Tribunal are to be appointed by the Minister. Schedule 1, subsection 1.1(2) provides that the president and deputy president must be lawyers of not less than 5 years standing. Schedule 1, subsection 1.1(3) provides that a person is not eligible to be a member of the Tribunal if the circumstances specified in that provision apply to the person. 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 section 1.1 of Schedule 1 to the Act for a period of three years commencing 10 July 2018.

Mr John Kalokerinos is eligible to be appointed president, as he is not ineligible under section 1.1 (3) and he is a lawyer of not less than 5 years standing.

In accordance with section 228 of the *Legislation Act 2001*, the Standing Committee for Justice and Community Safety was consulted and has advised that it has no recommendation to make on the appointment.

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