

Australian Capital Territory

Racing Appeals Tribunal Appointment 2018 (No 5)

Disallowable instrument DI2018–237

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, section 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.

Ms Kay Barralet is appointed as a member of the Tribunal under section 1.1(1) of Schedule 1 to the Act for a period of three years commencing the day after notification.

Ms Barralet is eligible to be appointed under section 1.1 of Schedule 1 to the Act as she is not ineligible to be appointed under section 1.1(3).

Ms Barralet is a public servant, however her appointment to this role is not considered to create a conflict of interest.

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.