

Australian Capital Territory

# Racing Appeals Tribunal Appointment 2024 (No 1)

**Disallowable instrument DI2024–252**

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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This instrument appoints the following members to the Racing Appeals Tribunal for a term of three years:

- Mr Dominic Mulligan (President)
- Mr Jonathan Hanton (Deputy President)
- Mr Benjamin Gray (Member)
- Mr Paddy Moylan (Member)
- Mr Joshua Nottle (Member)

The Racing Appeals Tribunal is established under section 38 of the *Racing Act 1999* (the Act). The functions of the Tribunal are 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 four other members. The appointment and conditions of office of the Tribunal must be in accordance with schedule 1 of the Act. Schedule 1, section 1.1 of the Act requires Tribunal members to be appointed by the Minister.

Schedule 1, section 1.1 (2) of the Act provides that the President and Deputy President must be lawyers of not less than five years standing. Schedule 1, section 1.1 (3) of the Act provides that a person is not eligible to be a member of the Tribunal if the person is an officer or employee of a controlling body, registered with or licensed by a controlling body under the approved rules (otherwise than as the owner of a horse that is so registered or licensed), or registered with or licensed by a corresponding body (otherwise than as the owner of a horse that is so registered or licensed), if the registration or licence is of a kind recognised by a controlling body for the approved rules. Schedule 1, section 1.3 of the Act provides that a member of the Tribunal must be appointed for a term not longer than three years.

Mr Mulligan and Mr Hanton meet the eligibility requirements for appointment as President and Deputy President of the Tribunal. They are lawyers of not less than five years standing and are not ineligible under Schedule 1, section 1.1 (3) of the Act.

Mr Moylan, Mr Nottle and Mr Gray and meet the eligibility requirements for appointment as members of the Tribunal, as they are not ineligible under Schedule 1, section 1.1 (3) of the Act. Mr Gray is being re-appointed to his role for a second term.

The Standing Committee for Justice and Community Safety was consulted on these appointments in accordance with section 228 of the *Legislation Act 2001*. The Standing Committee advised that it had no recommendations to make on the appointments.