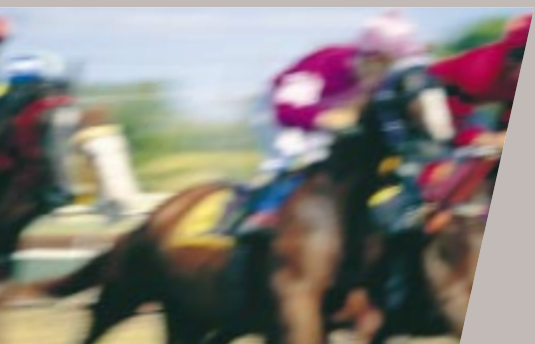




*RACING PENALTIES APPEAL TRIBUNAL  
OF WESTERN AUSTRALIA*

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*ANNUAL REPORT 1998 - 1999*



LETTER OF TRANSMITTAL

Hon G M Evans  
MINISTER FOR RACING AND GAMING

In accordance with section 66 of the Financial Administration and Audit Act 1985, I submit for your information and tabling in Parliament, the Annual Report of the Racing Penalties Appeal Tribunal of Western Australia for the year ended 31 July 1999.

The report has been prepared in accordance with the provisions of the Financial Administration and Audit Act 1985.

The report summarises the Tribunal's functions and objectives, presents an overview of achievements and includes financial statements for the year.

The Tribunal's success in meeting its objectives has been significantly influenced by the dedication and commitment of the employees of the Office of Racing, Gaming and Liquor. I take this opportunity on behalf of the Tribunal to express appreciation for their efforts.

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Dan Mossenson  
CHAIRPERSON  
24 September 1999

## STATEMENT OF COMPLIANCE WITH RELEVANT LAW

### ENABLING LEGISLATION

The Racing Penalties Appeal Tribunal is established under the *Racing Penalties (Appeals) Act 1990*. The Tribunal was established to confer jurisdiction in respect of appeals against penalties imposed in disciplinary proceedings arising from, or in relation to, the conduct of thoroughbred racing, harness racing and greyhound racing, and for related purposes.

At the date of signing we are not aware of any circumstances which would render the particulars included in this statement misleading or inaccurate.



CHAIRPERSON  
24 September 1999

### LEGISLATION ADMINISTERED

*Racing Penalties (Appeals) Act 1990*.

### LEGISLATION IMPACTING ON ACTIVITIES

In the performance of its functions, the Tribunal complies with the following relevant written laws:

- *Financial Administration and Audit Act 1985;*
- *Public Sector Management Act 1994;*
- *Salaries and Allowances Act 1975;*
- *Public and Bank Holidays Act 1972;*
- *Equal Opportunity Act 1984;*
- *Government Employees Superannuation Act 1987;*
- *Occupational Health and Safety Act 1984;*
- *Freedom of Information Act 1992;*
- *Industrial Relations Act 1979;*
- *Workplace Agreement Act 1993;*
- *Minimum Conditions of Employment Act 1993;*
- *Workers' Compensation and Rehabilitation Act 1981;*
- *State Supply Commission Act 1991;*
- *Anti Corruption Commission Act 1988; and*
- *Disability Services Act 1993.*



MEMBER  
24 September 1999



PRINCIPAL ACCOUNTING OFFICER  
24 September 1999

In the financial administration of the Racing Penalties Appeal Tribunal, the Tribunal has complied with the requirements of the *Financial Administration and Audit Act 1985* and relevant written law. It has exercised controls which provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of public property and incurring of liabilities have been in accordance with legislative provisions.

## **C O N T E N T S**

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**Purpose of the Tribunal**

*The Racing Penalties (Appeals) Act 1990* ("the Act") was enacted in November 1990 to establish the Racing Penalties Appeal Tribunal. The Tribunal is funded by a first charge on TAB profits before they are distributed to the racing codes. Each code contributes an amount proportionate to the number of appeals arising from that code.

The aim of the legislation is to create and maintain industry confidence in the enforcement of the rules of racing by providing an impartial judicial forum for the hearing of appeals.

**Responsible Minister**

The Minister for Racing and Gaming is responsible for the Racing and Gaming portfolio. During the reporting year the Minister for Racing and Gaming was Hon G M (Max) Evans, MLC.

**Appeals which are heard by the Tribunal**

A person who is aggrieved by a determination of an appropriate controlling authority of a racing club, or of any committee or stewards may, within 14 days of the determination, appeal to the Tribunal. The matters that can be appealed against are those determinations or findings -

- a) imposing any suspension or disqualification, whether of a runner or of a person,
- b) imposing a fine,
- c) which results, or may result, in the giving of a notice of the kind commonly referred to as a warning-off, or
- d) in relation to other matters, where the Tribunal gives leave to appeal.

**Determination of Appeals**

The Tribunal is required to hear and determine an appeal upon the evidence of the original hearing but may allow new evidence or call on experts to assist in its deliberations.

When determining an appeal, the Tribunal may -

- Order the refund or repayment of stakes paid in respect of a race to which the appeal relates
- Refer the matter to the appropriate controlling authority, race club, committee or stewards for re-hearing
- Confirm, vary or set aside the determination or finding appealed against or any order or penalty imposed to which it relates

- Recommend or require that the appropriate controlling authority, racing club, committee or stewards take further action in relation to any person
- Make any other order that the Chairperson or Presiding Member may think proper

The decision of the Tribunal is final and binding.

## TRIBUNAL MEMBERSHIP

Sections 5 and 6 of the Act provide that the Tribunal shall consist of a Chairperson and a panel of members, each appointed by the Minister.

The Tribunal, constituted by the Chairperson, Acting Chairperson or Presiding Member and two members, sitting together hear the majority of appeals. Where the Regulations provide, an appeal may be heard by the Chairperson, Acting Chairperson or Presiding Member sitting alone.

The composition of the Tribunal during the reporting year was as follows:

Chairperson	Mr Dan Mossenson	appointed to 28 February 2000
Members:	Mr Patrick Hogan	appointed to 28 February 2000
	Ms Pamela Hogan	appointed to 28 February 2000
	Mr John Prior	appointed to 28 February 2000
	Mr Lindsay Robbins	appointed to 28 February 2000
	Ms Karen Farley	appointed to 28 February 2002
	Mr John Healy	appointed to 28 February 2002
	Mr Andrew Monisse	appointed to 28 February 2002
	Mr Robert Nash	appointed to 28 February 2002
	Mr Steven Pynt	appointed to 28 February 2002

Mr Doug Smith was appointed Registrar and executive officer on 6 November 1995.

The Minister for Racing and Gaming tabled his report in Parliament on the review of the Act on 9 June 1998. The review was undertaken in accordance with section 27 of the Act. The following amendments to the regulations came into effect on 11 September 1998:

- Regulation 4 was repealed and the following regulation was inserted instead -

**“Fees in relation to appeals**

- 1) The fee payable on the lodgement of an application for leave to appeal is –
  - a) for an appeal relating to greyhound racing, \$100; and
  - b) for all other appeals, \$250.
- 2) The fee payable on the lodgement of a notice of appeal is –
  - a) if the appeal is an appeal as of right under the Act –
    - i) for an appeal relating to greyhound racing, \$100; and
    - ii) for all other appeals, \$250;
  - or
  - b) if the appeal is an appeal that can be made only with the leave of the Tribunal, nil, plus, if a stay of proceedings is sought, an additional fee of \$50.”

- Regulation 7 was amended to increase the fee payable for the supply of a transcript of proceedings before the Tribunal from \$2 per page to \$3 per page.
- Schedule 1 of Regulation 9 was amended to enlarge those matters that may be dealt with by the Tribunal constituted by the Chairperson, or a member appointed to do so by the Chairperson, sitting alone as follows:

- “(a) An appeal to the Tribunal against a determination, or finding comprised in or related to a determination, of an appropriate controlling authority, of a racing club, or of any committee or stewards, imposing any suspension or disqualification of a person, for a period of not more than three months.
- (b) An appeal to the Tribunal against a determination, or finding comprised in or related to a determination, of an appropriate controlling authority, of a racing club, or of any committee or stewards, imposing a fine of not more than \$2,000.

- c) An appeal to the Tribunal against a determination, or finding comprised in or related to a determination, of an appropriate controlling authority, of a racing club, or of any committee or stewards, imposing any suspension or disqualification of a person, for a period of not more than three months and a fine of not more than \$2,000.
- d) An appeal to the Tribunal against a determination, or finding comprised in or related to a determination, of an appropriate controlling authority, of a racing club, or of any committee or stewards, imposing any disqualification of a runner.”



## REPORT ON OPERATIONS

### APPEALS

This year 41 appeals were lodged with the Tribunal and 8 were carried over from the previous year. During the year the Tribunal determined 48 appeals with one pending at the end of this, the eighth year of operation. These appeals have been summarised by industry code as follows:

Appeals Lodged and Determined						
RACING CODE	Appeals Lodged 1997/98	Appeals Determined 1997/98	Appeals Carried Over To 1998/99	Appeals Lodged 1998/99	Appeals Determined 1998/99	Hearing Days Occupied
Thoroughbred	28	29	4	20	23	11.5
Harness	13	16	2	14	6	8.0
Greyhound	9	7	2	7	9	3.5
<b>TOTAL</b>	<b>50</b>	<b>52</b>	<b>8</b>	<b>41</b>	<b>48</b>	<b>23.0</b>

1998/99 Appeal Determinations			
DETERMINATION	Thoroughbred Racing	Harness Racing	Greyhound Racing
Allowed in Full (Conviction Quashed)	2	4	0
Allowed in Part (Penalty Reduced)	2	2	1
Dismissed	17	5	5
Referred Back to Code	0	0	1
Leave to Appeal Refused	1	2	0
Withdrawn	1	3	2
Reserved	1	0	0
Yet to be Heard	0	0	0

**STAYS OF PROCEEDINGS**

Section 17(7) of the Act deals with the suspension of the operation of any order or pecuniary or other penalty imposed, or any consequence arising from any determination or finding. This stay of proceedings provision brings into consideration factors such as prejudice to an appellant due to the passage of time from a conviction until the Tribunal determines the appeal, and circumstances where the appellant's capacity to earn a livelihood is interrupted.

An application for a suspension of the operation of a penalty must be in writing. The Stewards of the relevant code are invited to respond and provide written submissions. A stay of proceedings is generally granted when the Stewards do not oppose the application. In those instances where the Stewards oppose the granting of an application, the Registrar invites the appellant to respond to the submission made by the Stewards.

The Chairperson or presiding member determines each application on all of the available material. Where a suspension of the operation of a penalty is granted, the Chairperson or presiding member also determines the conditions under which the stay will operate.

In 1998/99 there were 25 applications for a stay of proceedings compared to 26 last year. The Chairperson or presiding member made the determinations as follows:

**1998/99 Applications for a Stay of Proceedings**

RACING CODE	Stays Granted	Stays Refused
Thoroughbred	13	1
Harness	5	3
Greyhound	3	0
<b>TOTAL</b>	<b>21</b>	<b>4</b>

**1997/98 Applications for a Stay of Proceedings**

RACING CODE	Stays Granted	Stays Refused
Thoroughbred	11	3
Harness	3	6
Greyhound	0	3
<b>TOTAL</b>	<b>14</b>	<b>12</b>

**MATTERS DETERMINED BY TRIBUNAL**

The following is a summary of the matters the Tribunal determined during 1998/99 by reference to each Code of racing.

**Thoroughbred Racing**

Jockeys/Apprentices

- 8 - careless riding
- 2 - making a false statement at a Stewards' inquiry
- 1 - failing to obtain the best possible placing in a race
- 1 - conduct prejudicial to the image of racing
- 1 - misconduct (fighting)
- 1 - appeal withdrawn

Licensed Trainers

- 3 - prohibited substance detected in a horse presented for racing
- 1 - making a false statement at a Stewards' inquiry
- 1 - failing to provide adequate care for a horse
- 1 - permitting a warned of person to attend registered stables
- 1 - permitting a warned off person to visit registered stables, stable horses at registered stable, assist in the training of a pacer

Unlicensed Persons

- 1 - warning off
- 1 - leave to appeal (warning off)

**Harness Racing**

Reinspersons

- 3 - careless driving
- 1 - attempting to strike another runner with a whip
- 1 - improper arm action during race
- 1 - leave to appeal (disqualification of a runner)
- 1 - appeal withdrawn

Registered Trainers

- 2 - prohibited substance detected in a horse presented for racing
- 1 - right to have legal representation at a Stewards' inquiry
- 1 - contemptuous conduct at a Stewards' inquiry
- 1 - making a false statement at a Stewards' inquiry

- 1 - fraudulent act (sale of a horse)
- 2 - appeal withdrawn

Registered Owners

- 1 - leave to appeal (result of race protest)

**Greyhound Racing**

- 2 - prohibited substance detected in a greyhound presented for racing
- 1 - warning off
- 1 - failing to scratch greyhound by nominated time
- 1 - greyhound fighting during race
- 1 - deliberately injuring a greyhound
- 1 - using offensive language in relation to the Stewards
- 2 - appeal withdrawn

**TRIBUNAL LIBRARY**

To assist all parties utilising the appeal process, the Registrar maintains an up to date index of all determinations made since the Tribunal commenced operations in 1991. This index is available for perusal free of charge. To assist in streamlining research, the index is categorised as follows:

Section 1 Thoroughbred Racing

Section 2 Harness Racing

Section 3 Greyhound Racing

In the case of the two horse racing codes, the index is further divided into the following sub-sections:

- i) Conduct
- ii) Prohibited Substances
- iii) Protests
- iv) Leave to Appeal
- v) Nominal Index

In the case of the greyhound racing code, the index is divided as above except for protests.

In addition, there is a brief summary of the issues and results in respect of all appeal/application determinations including the relevant rule and prohibited substance (if applicable).

All parties may peruse the full determinations of the Tribunal free of charge. A small fee is payable if photocopies are requested.

A copy of every determination is forwarded to the Supreme Court of Western Australia Library.

Also available for perusal free of charge are the Racing Appeals Reports. These reports are a digest of rulings, observations and comments of Australian and New Zealand statutory appeals tribunals for the three codes of racing. Again, photocopies are available on request (subject to copyright laws) on payment of a small fee.

**1999 AUSTRALASIAN CONFERENCE**

New Zealand hosted the Australasian Racing Appeals Tribunal Conference in Auckland from 4 to 8 June 1999.

Tribunal Chairperson, Mr Dan Mossenson and Registrar, Mr Doug Smith represented Western Australia.

Delegates from New Zealand and all Australian States and Territories attended.

Papers were submitted for discussion in respect of the following major issues:

- Review of pre-race testing bicarbonate methodology
- Horse drug testing in New Zealand, cannabis testing of jockeys, drivers
- Suspension and disqualification
- Defence of honest and reasonable mistake
- Judicial review of Tribunal determinations
- Fundamentals of conducting an appeal hearing promptly but fairly

## BUDGET INFORMATION

### SUMMARY INFORMATION

	Estimate 1999/2000 \$	Estimate 1998/1999 \$	Actual 1998/1999 \$	Actual 1997/1998 \$
Operating expenses				
Fees paid to Tribunal Members	71,290	78,024	60,242	61,104
Other operating expenses	104,321	113,191	98,968	116,500
<b>Total operating expenses</b>	<b>175,611</b>	<b>191,215</b>	<b>159,210</b>	<b>177,604</b>
Operating revenue	137,944	156,905	158,436	224,798
Net cost of services	37,667	34,310	774	(47,194)
<b>Change in net assets resulting from operations</b>	<b>(37,667)</b>	<b>(34,310)</b>	<b>(774)</b>	<b>47,194</b>

### GOVERNMENT EXPENDITURE 1998/99 – COMPLIANCE WITH SECTION 175ZE OF THE ELECTORAL ACT 1907

During 1998/99, the Racing Penalties Appeal Tribunal did not incur any costs in respect of advertising.

## OUTPUT, OUTCOME PERFORMANCE INFORMATION

During the reporting year, output and outcome measures were established in respect of quantity, quality, timeliness and cost.

### Quantity

Number of appeals processed

1998/1999 Target	1998/1999 Actual
N/A	41

### Quality

% of appellants who did not raise official complaint after appeal process

1998/1999 Target	1998/1999 Actual
N/A	98%

### Timelines

% of applications for stay of proceedings determined on day of lodgement

1998/1999 Target	1998/1999 Actual
N/A	52%

### Cost

Average cost of processing an appeal

1998/1999 Target	1998/1999 Actual
N/A	\$3,317

Note: Target figures are not available for these outputs as the performance measures were not developed until part way through the year.

## *FINANCIAL STATEMENTS*

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This part of the Annual Report contains —

- the Financial Statements;
- accompanying notes;
- certification of the Financial Statements; and
- opinion of the Auditor General.

**RACING PENALTIES APPEAL TRIBUNAL**

*OPERATING STATEMENT  
for the year ended 31 July 1999*

	Note	1998/99 \$	1997/98 \$
<b>COST OF SERVICES</b>			
Operating expenses			
Fees paid to Tribunal members	6, 9(b)	<b>60,242</b>	61,104
Other operating expenses	9(a)	<b>94,751</b>	112,556
Superannuation	1(f), 7, 9(b)	<b>4,217</b>	3,944
Total operating expenses		<u><b>159,210</b></u>	<u>177,604</u>
Revenues from services			
Operating income	1(g), 9(a)	<b>155,935</b>	222,215
Interest	9(b)	<b>2,501</b>	2,583
Total revenues from services		<u><b>158,436</b></u>	<u>224,798</u>
<b>Net cost of services</b>	5	<u><b>774</b></u>	<u>(47,194)</u>
<b>Change in net assets resulting from operations</b>	4	<b>(774)</b>	47,194
Add Opening balance of accumulated surplus/(deficit)	4	<b>24,842</b>	(22,352)
<b>Closing balance of accumulated surplus</b>	4	<u><b>24,068</b></u>	<u>24,842</u>



**RACING PENALTIES APPEAL TRIBUNAL**

**STATEMENT OF FINANCIAL POSITION**  
*as at 31 July 1999*

	Note	1998/99 \$	1997/98 \$
<b>CURRENT ASSETS</b>			
Cash resources	2, 8	37,625	33,860
Interest receivable	1(c), 8	442	580
<b>Total assets</b>		<u>38,067</u>	<u>34,440</u>
<b>CURRENT LIABILITIES</b>			
Accounts payable	1(c), 3, 8	11,289	8,598
Accrued Tribunal members' fees	8	2,710	1,000
<b>Total liabilities</b>		<u>13,999</u>	<u>9,598</u>
<b>Net assets</b>		<u>24,068</u>	<u>24,842</u>
<b>EQUITY</b>			
Accumulated surplus	4	24,068	24,842
<b>Total equity</b>		<u>24,068</u>	<u>24,842</u>

**RACING PENALTIES APPEAL TRIBUNAL**

**STATEMENT OF CASH FLOWS**  
*for the year ended 31 July 1999*

	Note	1998/99 \$ Inflows (Outflows)	1997/98 \$ Inflows (Outflows)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Payments			
Payments to suppliers		<b>(96,277)</b>	(137,507)
Payments to Tribunal members		<b>(58,532)</b>	(63,734)
Receipts			
Receipts from customers		<b>155,935</b>	217,481
Interest		<b>2,639</b>	2,167
Net cash from operating activities	5	<b>3,765</b>	18,407
<b>Net increase in cash held</b>		<b>3,765</b>	18,407
Cash at the beginning of the reporting period		<b>33,860</b>	15,453
<b>Cash at the end of the reporting period</b>	2	<b>37,625</b>	33,860

**1. STATEMENT OF ACCOUNTING POLICIES**

The financial year of the Racing Penalties Appeal Tribunal is 1 August to 31 July, as determined by the Racing Penalties (Appeals) Act 1990.

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated, these policies are consistent with those adopted in the preceding year.

**(a) General**

(i) The financial statements are prepared in accordance with the Financial Administration and Audit Act 1985.

(ii) Subject to the exceptions noted in these accounting policies, the financial statements have been drawn up on the basis of historical cost principles.

(iii) The accrual basis of accounting is being applied.

(iv) The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and Urgent Issues Group Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards and Urgent Issues Group Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and, where practicable, the resulting financial effect is disclosed in individual notes to these financial statements.

**(b) Services performed for the Racing Penalties Appeal Tribunal by the Office of Racing, Gaming and Liquor**

The Office of Racing, Gaming and Liquor provides support to the Racing Penalties Appeal Tribunal to enable the Tribunal to carry out its objectives.

An allocation from the Consolidated Fund is made to the Office of Racing, Gaming and Liquor and the cost of the services provided to the Tribunal is shown under the Office's output Functions Performed for the Racing and Gaming Industries.

**(c) Accounts receivable and accounts payable**

Accounts receivable are recognised at the amounts receivable and are due for settlement no more than 30 days from the date of recognition.

Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised where some doubts as to collection exists and in any event where the debt is more than 60 days overdue.

Accounts payable, including accruals not yet billed, are recognised when the Tribunal becomes obliged to make future payments as a result of a purchase of goods or services. Accounts payable are generally settled within 60 days in accordance with Treasurer's Instruction 308.

**(d) Treatment of non-current assets**

The Tribunal does not own or control any non-current assets. Any assets purchased by the Tribunal are reported in the accounts of the Office of Racing, Gaming and Liquor as they are deemed to control those assets.

**(e) Insurance**

Personal accident insurance for Tribunal members is arranged through Riskcover by the Office of Racing, Gaming and Liquor.

**(f) Employee entitlements**

**(i) Annual and Long Service Leave**

The Racing Penalties Appeal Tribunal does not employ staff. The Tribunal utilises the staff and facilities of the Office of Racing, Gaming and Liquor. The cost of the services provided by the Office of Racing, Gaming and Liquor is recouped from the Tribunal as a service fee. Accordingly, provisions are not required for annual and long service leave.

**(ii) Superannuation**

The Tribunal members of the Racing Penalties Appeal Tribunal are non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. The superannuation expense comprises employer contributions in respect of Tribunal members which are payable to the West State Superannuation Scheme by the Tribunal.

The liability for superannuation charges under the West State Superannuation Scheme is extinguished by quarterly payment of employer contributions to the Government Employees Superannuation Board.

The note disclosure required by paragraph 51(e) of AAS30 (being the employer's share of the difference between employees' accrued superannuation benefits and the attributable net market value of plan assets) has not been provided. State scheme deficiencies are recognised by the State in its whole of government reporting. The Government Employees Superannuation Board's records are not structured to provide the information for the Tribunal. Accordingly, deriving the information for the Tribunal is impractical under current arrangements, and thus any benefits thereof would be exceeded by the cost of obtaining the information.

**(g) Operating income**

Operating income mainly comprises funding from the Totalisator Agency Board, appeal fees and transcription fees. This income is received pursuant to the Racing Penalties (Appeals) Act 1990.

**(h) Net fair values of financial assets and liabilities**

Net fair values of financial instruments are determined on the basis of carrying amounts of current assets and current liabilities as those amounts are considered to approximate net market value.

**(i) Comparative figures**

Where necessary comparative figures have been adjusted to conform with changes in presentation in the current year.

	1998/99	1997/98
	\$	\$
<b>2. CASH RESOURCES</b>		
Cash resources are represented by funds held at the Commonwealth Bank of Australia	<u>37,625</u>	<u>33,860</u>
<b>3. ACCOUNTS PAYABLE</b>		
Accounts payable for goods and services received	<u>11,289</u>	<u>8,598</u>
The Tribunal considers the carrying amounts of accounts payable approximate their net fair value.		

**RACING PENALTIES APPEAL TRIBUNAL**

**NOTES TO THE FINANCIAL STATEMENTS**

31 July 1999

	<b>1998/99</b>	<b>1997/98</b>
	<b>\$</b>	<b>\$</b>
<b>4. EQUITY</b>		
<b>Accumulated surplus/(deficiency)</b>		
Balance at the beginning of the year	24,842	(22,352)
Change in net assets resulting from operations	(774)	47,194
Balance at the end of the year	<u>24,068</u>	<u>24,842</u>
<b>5. RECONCILIATION OF NET CASH PROVIDED BY OPERATING ACTIVITIES TO NET COST OF SERVICES</b>		
For the purposes of the Statement of Cash Flows, 'cash' has been deemed to include cash on hand and amounts in suspense.		
Net cash from operating activities (Statement of Cash Flows)	3,765	18,407
Increase in accounts payable	(2,691)	(6,432)
(Increase)/decrease in accrued Tribunal members' fees	(1,710)	2,630
Decrease in fees in advance	0	15,000
Decrease in employee entitlements	0	17,264
Increase/(decrease) in interest receivable	(138)	416
Decrease in accounts receivable	-	(91)
Net cost of services (Operating Statement)	<u>(774)</u>	<u>47,194</u>
<b>6. REMUNERATION OF ACCOUNTABLE AUTHORITY</b>		
The total fees, salaries and other benefits received or due and receivable for the financial year, by members of the Accountable Authority	<u>60,242</u>	<u>61,104</u>
The number of members of the Accountable Authority whose total of fees, salaries and other benefits received or due and receivable for the financial year, fall within the following bands:		
\$0 - \$10,000	<u>No.</u> 7	<u>No.</u> 5
\$40,000 - \$50,000	1	1
	<u>8</u>	<u>6</u>
<b>7. RETIREMENT BENEFITS</b>	<b>1998/99</b>	<b>1997/98</b>
In respect of members of the Accountable Authority, the following amounts were paid or became payable for the financial year:	<b>\$</b>	<b>\$</b>
Contributions to the West State Superannuation Scheme	<u>4,217</u>	<u>3,944</u>

**8. ADDITIONAL FINANCIAL INSTRUMENTS DISCLOSURES**

**(a) Interest rate risk exposure**

The Tribunal's exposure to interest rate risk and effective interest rates on financial instruments are:

	Weighted average effective interest rate	Floating interest rate \$	Non-interest bearing \$	Total 31 July 1999 \$	Total 31 July 1998 \$
<b>31 July 1999</b>					
<b>i) Financial assets</b>					
Cash resources	4.902%	37,625		37,625	33,860
Interest receivable			442	442	580
<b>Total financial assets</b>		<b>37,625</b>	<b>442</b>	<b>38,067</b>	<b>34,440</b>
<b>ii) Financial liabilities</b>					
Accounts payable			11,289	11,289	8,598
Accrued Tribunal members' fees			2,710	2,710	1,000
<b>Total financial liabilities</b>			<b>13,999</b>	<b>13,999</b>	<b>9,598</b>

**(b) Credit risk exposure**

All financial assets are unsecured. Amounts owing by other government agencies are guaranteed and therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represent the Tribunal's maximum exposure to credit risk in relation to those assets.

**9. EXPLANATORY STATEMENT**

**(a) Comparison of actual results with those of the preceding year**

Details and reasons for significant variations between actual income and expenditure and the corresponding item for the preceding year are detailed below. Significant variations are considered to be those greater than 5% or \$20,000.

	1998/99 \$	1997/98 \$
<i>Operating income</i>	155,935	222,215
The decrease of \$66,280 is mainly the result of a decrease in contributions from the Totalisator Agency Board.		
<i>Other operating expenses</i>	94,751	112,556
The decrease of \$17,805 is primarily due to a decrease in the cost of support services provided by the Office of Racing, Gaming and Liquor and a decrease in legislative review expenses.		

**(b) Comparison of estimates and actual results**

Section 42 of the Financial Administration and Audit Act requires statutory authorities to prepare annual budget estimates. Treasurer's Instruction 945 requires an explanation of significant variations between these estimates and actual results. Significant variations are considered to be those greater than 5% of budget or \$20,000.

## RACING PENALTIES APPEAL TRIBUNAL

### NOTES TO THE FINANCIAL STATEMENTS

31 July 1999

	Actual 1998/99 \$	Estimate 1998/99 \$
<i>Fees paid to Tribunal members</i>	60,242	78,024
The variation of \$17,782 is due to a lower than expected amount of appeals lodged with the Tribunal. This resulted in a decrease in time spent by members on appeals.		
<i>Superannuation</i>	4,217	5,462
The decrease of \$1,245 is due to a decrease in fees paid to members.		
<i>Interest</i>	2,501	1,420
The variation of \$1,081 is due to a higher cash holding throughout the year than anticipated.		
	<b>1998/99</b> \$	<b>1997/98</b> \$
<b>10. REMUNERATION OF AUDITOR</b>		
The total of audit fees paid or due and payable to the auditors of the Tribunal for the financial year is as follows:		
Fees to the Auditor General:		
- for external audit	<u>2,700</u>	<u>2,500</u>

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#### 11. OUTPUT INFORMATION

The only output of the tribunal is *Functions Performed for the Racing Industry*. The details disclosed in the operating statement represent all details of operating expenses and revenues for this output.

#### 12. CAPITAL COMMITMENTS

At 31 July 1999, the Tribunal did not have any capital commitments.

#### 13. CONTINGENT LIABILITIES

To the best of our knowledge, we are not aware of any circumstances which may result in a contingent liability.

#### 14. EVENTS OCCURRING AFTER REPORTING DATE

We are not aware of any matters or circumstances that have arisen since the end of the financial year to the date of this report which has significantly affected or may significantly affect the activities of the Tribunal, the results of those activities or the state of affairs of the Tribunal in the ensuing or any subsequent financial year.

#### 15. RELATED BODIES

The Tribunal does not provide any assistance to other agencies which would deem them to be regarded as related bodies under the definitions included in Treasurer's Instruction 951.

#### 16. AFFILIATED BODIES

The Tribunal does not provide any assistance to other agencies which would deem them to be regarded as affiliated bodies under the definitions included in Treasurer's Instruction 951.

**RACING PENALTIES APPEAL TRIBUNAL**

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**STATEMENT OF CERTIFICATION**

**STATEMENT OF CERTIFICATION - FINANCIAL STATEMENTS**

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The accompanying financial statements of the Racing Penalties Appeal Tribunal have been prepared in compliance with the provisions of the Financial Administration and Audit Act 1985 from proper accounts and records to present fairly the financial transactions for the year ended 31 July 1999 and the financial position as at 31 July 1999.

At the date of signing we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.



CHAIRPERSON  
24 September 1999



MEMBER  
24 September 1999



PRINCIPAL ACCOUNTING OFFICER  
24 September 1999





**Auditor General**

**To the Parliament of Western Australia**

**RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA  
FINANCIAL STATEMENTS FOR THE YEAR ENDED JULY 31, 1999**

**Scope**

I have audited the accounts and financial statements of the Racing Penalties Appeal Tribunal of Western Australia for the year ended July 31, 1999 under the provisions of the Financial Administration and Audit Act 1985.

The Tribunal is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rests with the Tribunal.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, the controls exercised by the Tribunal to ensure financial regularity in accordance with legislative provisions, evidence to provide reasonable assurance that the amounts and other disclosures in the financial statements are free of material misstatement and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards, other mandatory professional reporting requirements and the Treasurer's Instructions.

The audit opinion expressed below has been formed on the above basis.

**Audit Opinion**

In my opinion,

- (i) the controls exercised by the Racing Penalties Appeal Tribunal of Western Australia provide reasonable assurance that the receipt, expenditure and investment of moneys and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Operating Statement, Statement of Financial Position and Statement of Cash Flows and the Notes to and forming part of the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards, other mandatory professional reporting requirements and the Treasurer's Instructions, the transactions for the year ended July 31, 1999 and the financial position at that date.

Handwritten signature of D D R Pearson in cursive.

**D D R PEARSON**  
**AUDITOR GENERAL**  
November 30, 1999

**CONTENTS**

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1. Performance Indicators;
2. Statement of Certification
3. Assessment of the Auditor General

**OUTCOME:**

To provide an Appeal Tribunal in relation to determinations made by racing industry stewards and controlling authorities.

**STRATEGY:**

To ensure that a timely and effective appeal forum is provided at minimum cost to the racing industry.

**EFFECTIVENESS INDICATOR:**

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**STAY OF PROCEEDINGS**

Under the Act, appellants may apply for a suspension of the operation of a penalty when lodging an appeal. It is essential to the racing codes, trainers, owners and the general public that these applications are dealt with expeditiously. These determinations impact directly on the eligibility of riders, drivers and runners to fulfil prior engagements.

The aim of the Tribunal is to endeavour to finalise applications for stays on the same day as they are lodged. This may only occur when both the appellant (or the appellant's counsel) and the Stewards of the relevant code of racing are available on that day to provide submissions.

In addition, the Tribunal now affords an appellant the opportunity to respond (through the Registrar) to any comments made by the Stewards in the event that an application is opposed. This additional step, which is taken in fairness to the appellants, sometimes delays the Tribunal's determination.

The tables below reflect the fact that the alteration to the procedure in allowing an appellant to make further submissions to the Tribunal has significantly reduced the percentage of matters able to be determined on the same day. Another factor affecting the completion of the process is the time when the application is actually lodged and consequently may begin to be processed.

**1998/99**

Number of applications received	25
Number of applications determined same day	13
INDICATOR:	52.0%

**1997/98**

Number of applications received	26
Number of applications determined same day	16
INDICATOR:	61.5%

**1996/97**

Number of applications received	33
Number of applications determined same day	28
INDICATOR:	84.8%

**1995/96**

Number of applications received	22
Number of applications determined same day	20
INDICATOR:	90.9%

## PERFORMANCE INDICATORS

### EFFICIENCY INDICATORS

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#### COST OF APPEALS

	1998/99	1997/98	1996/97	1995/96	1994/95
No. of appeals processed per FTE	48.0	43.3	46.7	48.3	37.5
Average cost per appeal	\$3,317	\$3,409	\$3,324	\$3,099	\$3,298

Note: the cost of individual appeals can vary significantly depending on the duration of the hearings and, in the case of complex appeals, the time taken to prepare determinations.

### STATEMENT OF CERTIFICATION

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I certify that the performance indicators presented here are based on proper records and fairly represent the performance of the Racing Penalties Appeal Tribunal for the financial year ending 31 July 1999.



CHAIRMAN  
31 August 1999



MEMBER  
31 August 1999



Auditor General

To the Parliament of Western Australia

**RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA  
PERFORMANCE INDICATORS FOR THE YEAR ENDED JULY 31, 1999**

**Scope**

I have audited the key effectiveness and efficiency performance indicators of the Racing Penalties Appeal Tribunal of Western Australia for the year ended July 31, 1999 under the provisions of the Financial Administration and Audit Act 1985.

The Tribunal is responsible for developing and maintaining proper records and systems for preparing and presenting performance indicators. I have conducted an audit of the key performance indicators in order to express an opinion on them to the Parliament as required by the Act. No opinion is expressed on the output measures of quantity, quality, timeliness and cost.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, evidence supporting the amounts and other disclosures in the performance indicators, and assessing the relevance and appropriateness of the performance indicators in assisting users to assess the Tribunal's performance. These procedures have been undertaken to form an opinion as to whether, in all material respects, the performance indicators are relevant and appropriate having regard to their purpose and fairly represent the indicated performance.

The audit opinion expressed below has been formed on the above basis.

**Audit Opinion**

In my opinion, the key effectiveness and efficiency performance indicators of the Racing Penalties Appeal Tribunal of Western Australia are relevant and appropriate for assisting users to assess the Tribunal's performance and fairly represent the indicated performance for the year ended July 31, 1999.

D D R PEARSON  
AUDITOR GENERAL  
November 30, 1999







#### ACKNOWLEDGMENTS

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TAB



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