

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Thompson v Queensland Racing Integrity Commission*
[2018] QCAT 388

PARTIES: **JOHN THOMPSON**
(applicant)
v
**QUEENSLAND RACING INTEGRITY
COMMISSION**
(respondent)

APPLICATION NO/S: OCR057-16

MATTER TYPE: Occupational regulation matters

DELIVERED ON: 15 November 2018

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Traves

ORDERS: **THE TRIBUNAL ORDERS BY CONSENT THAT:**

- 1. The name of the respondent be formally amended to ‘Queensland Racing Integrity Commission’ in place of the ‘Queensland All Codes Racing Industry Board’.**
- 2. The decision of the Queensland Racing Disciplinary Board dated 29 March 2016 is set aside.**
- 3. A decision is substituted that the applicant did not breach Greyhounds Australasia Rules 86(e), 86(af), 86(q), and/or 86(d) as set out in Allegations 1 to 4 (as consolidated).**
- 4. No order as to costs.**

CATCHWORDS: PROFESSIONS AND TRADES – LICENSING OR REGULATION OF OTHER PROFESSIONS, TRADES OR CALLINGS – OTHER PROFESSIONS, TRADES AND CALLINGS – Greyhound Trainer – where greyhound trainer sought review of decision of Racing Disciplinary Board – where review proceedings in abeyance pending outcome of other proceedings before appeal tribunal – where parties consent to decision being set aside and to the making of substituted orders

Queensland Civil and Administrative Tribunal Act 2009
(Qld), s 24
Racing Act 2002 (Qld), s 215, s 221, s 152A (repealed)

REPRESENTATION:

Applicant: Self-represented
Respondent: Self-represented

APPEARANCES:

This matter was heard and determined on the papers pursuant to section 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act).

REASONS FOR DECISION

- [1] This matter concerns an application for review of a decision by the Queensland Racing Disciplinary Board on 29 March 2016 which found certain allegations made against Mr Thompson substantiated and imposed a penalty of ‘warning off’ racecourses for 10 years.¹ Mr Thompson had been found by the Queensland Racing Disciplinary Board to have breached the Greyhounds Australasia Rules (‘GAR’) in three respects.²
- [2] On 17 April 2018 the Tribunal made directions that the Queensland Racing Integrity Commission file and serve an application for miscellaneous matters (‘the application’) and supporting submissions and that John Thompson file and serve any submissions in reply. Unless either party requested an oral hearing, the application was to be determined on the papers.
- [3] The application³ filed in accordance with those directions sought orders in the following terms:
1. The name of the respondent be formally amended to ‘Queensland Racing Integrity Commission’ in place of the ‘Queensland All Codes Racing Industry Board’.
 2. The decision of the Queensland All Codes Racing Industry Board dated 28 April 2015 (the original decision) in respect of conviction and penalty is set aside.
 3. The decision of the Queensland Racing Disciplinary Board dated 29 March 2016 varying the original decision is set aside.
 4. A decision is substituted that the applicant did not breach Greyhounds Australia Rules 86(e), 86(af), 86(q), and/or 86(d) as set out in Allegations 1 to 4 (as consolidated).
 5. No order as to costs.
- [4] The applicant, by its submissions dated 20 June 2018, agreed to the proposed orders.⁴

¹ Application for review filed 21 April 2016.

² Rules 86(af), 86(q) and 86(d) of the GAR were found to have been breached.

³ Application for miscellaneous matters filed by the respondent on 22 May 2018.

⁴ Applicant’s submissions filed 3 July 2018, [2].

- [5] The Queensland Racing Integrity Commission is deemed by s 215 of the *Racing Act* 2002 (Qld) to have taken carriage of this matter from the Queensland All Codes Racing Disciplinary Board from the time when the original decision was first appealed. The name of the respondent is accordingly formally changed to reflect this.
- [6] On 28 June 2018 the parties filed a statement of agreed facts to inform the Tribunal's consideration of the application. There it is stated that the current proceedings were in abeyance while other matters before the Appeal Tribunal relating to greyhound matters which could have a bearing on legal issues relevant to these proceedings, were determined. Further, that having regard to those decisions⁵ that, as a matter of law, the applicant could not be convicted of the remaining allegations levelled against him (allegations (ii) through (iv)). On that basis, the parties sought to have the convictions and penalty imposed set aside and in substitution that an order be made that, as a matter of law, the applicant has no case to answer.
- [7] The applicant is entitled to review the decision of the Racing Disciplinary Board in the Tribunal.⁶ The Tribunal's powers on review are set out in s 24 of the *Queensland Civil and Administrative Tribunal Act* 2009 (Qld) ('QCAT Act') which include, relevantly, the power to set aside a decision and substitute its own.⁷
- [8] The Tribunal does not have jurisdiction with respect to the original decision made by the Queensland All Codes Racing Industry Board. The orders are therefore amended to reflect this, by omitting proposed order 2.
- [9] Accordingly, the Tribunal grants the application and makes the following orders:
- (a) The name of the respondent is amended to 'Queensland Racing Integrity Commission' in place of the 'Queensland All Codes Racing Industry Board'.
 - (b) The decision of the Queensland Racing Disciplinary Board dated 29 March 2016 is set aside.
 - (c) A decision is substituted that the applicant did not breach Greyhounds Australasia Rules 86(e), 86(af), 86(q), and/or 86(d) as set out in Allegations 1 to 4 (as consolidated).
 - (d) No order as to costs.

⁵ *Paull v Queensland All Codes Racing Industry Board* [2017] QCATA 92; *Queensland Racing and Integrity Commission v Kunde* [2017] QCATA 133.

⁶ *Racing Act* 2002 (Qld), s 221 and previously s 152A.

⁷ QCAT Act, s 24(1)(b).