

**RACING PENALTIES APPEAL TRIBUNAL  
OF WESTERN AUSTRALIA**

**ANNUAL REPORT**

**2001/2002**

# STATEMENT OF COMPLIANCE

HON NICK GRIFFITHS LLB MLC  
MINISTER FOR RACING AND GAMING

## RACING PENALTIES APPEAL TRIBUNAL ANNUAL REPORT 2001/2002

In accordance with section 66 of the *Financial Administration and Audit Act 1985*, we submit for your information and tabling in Parliament, the Annual Report of the Racing Penalties Appeal Tribunal of Western Australia (the Tribunal) for the year ended 31 July 2002.


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 Department of Racing, Gaming and Liquor. We take this opportunity on behalf of the Tribunal to express appreciation for their efforts.



Dan Mossenson  
**CHAIRPERSON**  
18 September 2002



Patrick Hogan  
**MEMBER**  
18 September 2002

**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.

**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;*
- *Library Board of Western Australia Act 1951;*
- *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.*

In the financial administration of the 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.

**STATEMENT OF COMPLIANCE  
WITH RELEVANT LAW (cont.)**

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



Dan Mossenson  
**CHAIRPERSON**  
18 September 2002



Terry Ng  
**PRINCIPAL ACCOUNTING OFFICER**  
18 September 2002



Patrick Hogan  
**MEMBER**  
18 September 2002

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## 1. THE TRIBUNAL

### **Purpose of the Tribunal**

*The Racing Penalties (Appeals) Act 1990* was enacted in November 1990 to establish the Racing Penalties Appeal Tribunal. The Act came into operation on 15 April 1991. The aim of the legislation is to create and maintain industry confidence in the enforcement of the various racing rules by providing an impartial judicial forum for the hearing of appeals.

Support for the Tribunal is provided by the Department of Racing, Gaming and Liquor. The Department recoups the cost of providing these services from the Tribunal. The Tribunal is funded by a first charge on Totalisator Agency Board profits before they are distributed to the racing codes. Each code contributes an amount proportionate to the number of appeals arising from that code.

### **Equity, Access and Customer Focus**

The Tribunal does not employ staff but has a net appropriation agreement with the Department of Racing, Gaming and Liquor relating to the functions carried out on behalf of the Tribunal by staff of that agency.

As such, the Tribunal does not maintain plans for –

- *Equal Employment Opportunity;*
- *Public Sector Standards;*
- *Language Services; and*
- *Disability Services.*

and relies on the relevant plans of the Department of Racing, Gaming and Liquor. Accordingly, the Tribunal does not report on the outcomes of those plans. Details of the relevant plans and outcomes are available in the Department's Annual Report.

### **Responsible Minister**

The Minister for Racing and Gaming is responsible for the Racing and Gaming portfolio. At 31 July 2002 the Minister for Racing and Gaming was the Hon Nick Griffiths, LLB MLC.

### **Appeals which may be 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 result, 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.

**1. THE TRIBUNAL (cont.)**

**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; and
- make any other order that the Chairperson or Presiding Member may think proper.

The decision of the Tribunal is final and binding.

## 2. 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 Schedule to the Act specifies terms of appointment shall not exceed three years with eligibility for reappointment. 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 as at 31 July 2002 is as follows:

Mr Dan Mossenson (current term expires 28 February 2003)	<b>Inaugural Chairperson</b> - initial appointment 1 March 1991
Mr Patrick Hogan (current term expires 28 February 2003)	<b>Inaugural Member</b> - initial appointment 1 March 1991
Mr John Prior (current term expires 28 February 2003)	<b>Member</b> - initial appointment 1 March 1994
Ms Karen Farley (current term expires 28 February 2005)	<b>Member</b> - initial appointment 1 March 1997
Mr Andrew Monisse (current term expires 28 February 2005)	<b>Member</b> - initial appointment 1 March 1997
Mr Robert Nash (current term expires 28 February 2005)	<b>Member</b> - initial appointment 1 March 1997
Mr Steven Pynt (current term expires 28 February 2005)	<b>Member</b> - initial appointment 1 March 1997
Ms Gillian Braddock SC (current term expires 28 February 2003)	<b>Member</b> - initial appointment 6 June 2000
Mr William Chesnutt (current term expires 28 February 2003)	<b>Member</b> - initial appointment 6 June 2000

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



**3. REPORT ON OPERATIONS**

**APPEALS**

This year 41 appeals were lodged with the Tribunal and eight were carried over from the previous year. During the year the Tribunal determined 43 appeals with six pending at the end of this year. These appeals have been summarised by industry code as follows:

<b>APPEALS LODGED AND DETERMINED</b>							
<b>RACING CODE</b>	<b>Appeals Lodged 2000/01</b>	<b>Appeals Determined 2000/01</b>	<b>Hearing Days Occupied 2000/01</b>	<b>Appeals Carried Over To 2001/02</b>	<b>Appeals Lodged 2001/02</b>	<b>Appeals Determined 2001/02</b>	<b>Hearing Days Occupied 2001/02</b>
<b>Thoroughbred</b>	18	19	7.25	3	22	22	7.75
<b>Harness</b>	5	2	1.25	4	14	15	3.00
<b>Greyhound</b>	3	4	1.50	1	5	6	2.75
<b>Total</b>	<b>26</b>	<b>25</b>	<b>10.00</b>	<b>8</b>	<b>41</b>	<b>43</b>	<b>13.50</b>

<b>2001/02 APPEAL RESULTS</b>			
	<b>Thoroughbred Racing</b>	<b>Harness Racing</b>	<b>Greyhound Racing</b>
Allowed in Full	2	1	2
Allowed in Part (Penalty Reduced)	4	1	0
Dismissed	13	9	3
Withdrawn	3	4	1
<b>Total</b>	<b>22</b>	<b>15</b>	<b>6</b>

<b>2001/02 APPEALS AWAITING DETERMINATION</b>			
	<b>Thoroughbred Racing</b>	<b>Harness Racing</b>	<b>Greyhound Racing</b>
Reserved	1	0	0
Yet to be Heard	2	3	0
<b>Total</b>	<b>3</b>	<b>3</b>	<b>0</b>

**3. REPORT ON OPERATIONS (cont.)**

**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 has determined 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 2001/02 there were 17 applications for a stay of proceedings compared to 11 last year. The Chairperson or presiding member made the determinations as follows:

<b>2001/02 APPLICATIONS FOR A STAY OF PROCEEDINGS</b>		
<b>RACING CODE</b>	<b>Stays Granted</b>	<b>Stays Refused</b>
<b>Thoroughbred</b>	14	0
<b>Harness</b>	2	1
<b>Greyhound</b>	0	0
<b>TOTAL</b>	<b>16</b>	<b>1</b>

<b>2000/01 APPLICATIONS FOR A STAY OF PROCEEDINGS</b>		
<b>RACING CODE</b>	<b>Stays Granted</b>	<b>Stays Refused</b>
<b>Thoroughbred</b>	7	0
<b>Harness</b>	2	1
<b>Greyhound</b>	0	1
<b>TOTAL</b>	<b>9</b>	<b>2</b>

### 3. REPORT ON OPERATIONS (cont.)

#### MATTERS HEARD AND DETERMINED BY TRIBUNAL

The following is a summary of the matters heard and determined by the Tribunal during 2001/02 by reference to each Code of racing.

#### Thoroughbred Racing

##### Licensed Trainers

- 1 – improper action prior to a jockey weighing in
- 1 – stomach tubing a horse within 24 hours of a race
- 1 – disobeying instructions of the Stewards
- 1 – prohibited substance detected in a horse presented for an official trial

##### Jockeys/Apprentices

- 7 – careless riding in a race
- 2 – failing to obtain the best possible placing in a race
- 1 – assaulting an apprentice
- 1 – refusing to provide a urine sample
- 1 – improper riding in a race
- 1 – using insulting and abusive language towards the Stewards

##### Owners

- 2 – disqualification of a horse (prohibited substance)

#### Harness Racing

##### Licensed Trainers

- 2 – prohibited substance detected in a horse presented for racing
- 2 – using an unapproved whip
- 1 – assaulting a trainer
- 1 – fighting on a racecourse

##### Reinspersons

- 1 – fighting on a racecourse
- 1 – failing to obtain the best possible placing in a race

##### Owners

- 1 – fighting on a racecourse
- 1 – disqualification of a horse (prohibited substance)

##### Stewards

- 1 – against a decision of the Committee of the Western Australian Trotting Association

**3. REPORT ON OPERATIONS (cont.)**

**Greyhound Racing**

Licensed Trainers

- 1 – prohibited substance detected in a greyhound presented for racing
- 1 – speaking to a Steward in a loud manner on a racecourse
- 1 – using improper language towards a Steward
- 1 – knowingly submitting a false Statutory Declaration
- 1 – allowing a disqualified person to reside at premises where greyhounds were trained

### 3. REPORT ON OPERATIONS (cont.)

#### TRIBUNAL LIBRARY

The Registrar maintains an up to date index of all determinations made since the Tribunal commenced operations in 1991, to assist persons who may wish to utilise the appeal process. This index is available for perusal free of charge. To streamline research, the index is divided into the following sections:

Section 1	Thoroughbred Racing
Section 2	Harness Racing
Section 3	Greyhound Racing

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

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

The index is now available on the web site of the Department of Racing, Gaming and Liquor at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

Any party may peruse the full determinations of the Tribunal free of charge. A small fee is payable for photocopies.

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.

4. BUDGET INFORMATION

Summary Information

	Estimate 2002/03 \$	Estimate 2001/02 \$	Actual 2001/02 \$	Actual 2000/01 \$
Expenses from Ordinary Activities				
Fees Paid to Tribunal Members	60,417	65,000	57,743	42,754
Other Expenses from Ordinary Activities	108,109	98,725	98,672	103,708
Total Cost of Services	168,526	163,725	156,415	146,462
Revenues from Operating Activities				
Operating Income	158,874	153,495	154,717	137,521
Interest	1,342	1,573	1,348	1,743
Total Revenues from Ordinary Activities	160,216	155,068	156,065	139,264
Net Cost of Services	8,310	8,657	350	7,198
Total Changes in Equity Other Than Those Resulting from Transactions with Owners as Owners	(8,310)	(8,657)	(350)	(7,198)

During the reporting year, the Tribunal expended \$47.75 on advertising.

**5. 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

2001/02 Target	2001/02 Actual
25	43

**Quality**

% of appellants who did not lodge a complaint in relation to the appeal process

2001/02 Target	2001/02 Actual
100%	100%

**Timeliness**

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

2001/02 Target	2001/02 Actual
75%	59%

**Cost**

Average cost of processing an appeal

2001/02 Target	2001/02 Actual
\$6,549	\$3,638

**6. FINANCIAL STATEMENTS**

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3. Statement of Certification
4. Opinion of the Auditor General



**Racing Penalties Appeal Tribunal**  
**Statement of Financial Performance**  
*for the year ended 31 July 2002*

	Note	2001/02 \$	2000/01 \$
<b>COST OF SERVICES</b>			
<b>Expenses from ordinary activities</b>			
Tribunal members' expenses	7, 9(a)	57,743	42,754
Superannuation	1(f), 7, 9(a)	4,702	3,364
Other expenses from ordinary activities	1(b), 9(a)	93,970	100,344
<b>Total cost of services</b>		<b>156,415</b>	<b>146,462</b>
<b>Revenues from ordinary activities</b>			
<b>Revenue from operating activities</b>			
Operating income	1(g), 9(a)	154,717	137,521
<b>Revenue from non-operating activities</b>			
Interest revenue	9(a)	1,348	1,743
<b>Total revenues from ordinary activities</b>		<b>156,065</b>	<b>139,264</b>
<b>NET COST OF SERVICES</b>	6(b)	<b>350</b>	<b>7,198</b>
<b>CHANGE IN NET ASSETS</b>		<b>(350)</b>	<b>(7,198)</b>
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS</b>			
		<b>(350)</b>	<b>(7,198)</b>

The Statement of Financial Performance should be read in conjunction with the accompanying notes.

# Racing Penalties Appeal Tribunal

## Statement of Financial Position

as at 31 July 2002

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	Note	2001/02 \$	2000/01 \$
<b>Current Assets</b>			
Cash assets	2, 6(a), 8(a)	21,152	16,744
Interest receivable	8(a)	291	294
Receivables	1(d), 3, 8(a)	48	0
<b>Total Current Assets</b>		<b>21,491</b>	<b>17,038</b>
<b>Total Assets</b>		<b>21,491</b>	<b>17,038</b>
<b>Current Liabilities</b>			
Payables	1(d), 4, 8(a)	8,569	8,245
Accrued Tribunal members' fees		4,583	104
<b>Total Current Liabilities</b>		<b>13,152</b>	<b>8,349</b>
<b>Total Liabilities</b>		<b>13,152</b>	<b>8,349</b>
<b>NET ASSETS</b>		<b>8,339</b>	<b>8,689</b>
<b>Equity</b>	5		
Accumulated surplus		8,339	8,689
<b>TOTAL EQUITY</b>		<b>8,339</b>	<b>8,689</b>

The Statement of Financial Position should be read in conjunction with the accompanying notes.

# Racing Penalties Appeal Tribunal

## Statement of Cash Flows

for the year ended 31 July 2002

	Note	2001/02 \$ Inflows (Outflows)	2000/01 \$ Inflows (Outflows)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Tribunal members' expenses		(53,264)	(47,567)
Superannuation		(4,499)	(4,325)
Payments to suppliers		(93,852)	(103,790)
GST paid on purchases		(465)	(574)
<b>Receipts</b>			
Receipts from customers		154,717	137,521
Interest		1,351	1,823
GST receipts on sales		27	24
GST received from taxation authority		393	551
<b>Net cash provided by/(used in) operating activities</b>	6(b)	<b>4,408</b>	<b>(16,337)</b>
<b>Net (decrease)/increase in cash held</b>		<b>4,408</b>	<b>(16,337)</b>
Cash assets at the beginning of the financial year		16,744	33,081
<b>Cash assets at the end of the financial year</b>	2, 6(a)	<b>21,152</b>	<b>16,744</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

## **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 previous 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, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary 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, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and UIG 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, are disclosed in individual notes to these financial statements.

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

The Department of Racing, Gaming and Liquor provides support to the Racing Penalties Appeal Tribunal to enable the Tribunal to carry out its objectives. This support comprises most of the amount recorded in the Statement of Financial Performance under 'Other expenses from ordinary activities'. These expenses are in the nature of salaries and administration costs in providing these support services.

Recoups from the Tribunal to the Department of Racing, Gaming and Liquor are made on a monthly basis under a net appropriation agreement.

**(c) Cash**

For the purpose of the Statement of Cash Flows, cash includes cash assets and restricted cash assets.

**(d) Receivables and Payables**

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

Collectability of receivables 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 exist and in any event where the debt is more than 60 days overdue.

Payables, 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. Payables are generally settled within 30 days.

**(e) Insurance**

Personal accident insurance for Tribunal members is arranged through Riskcover by the Department 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 Department of Racing, Gaming and Liquor. The cost of the services provided by the Department of Racing, Gaming and Liquor is recouped from the Tribunal as a service fee. Accordingly, provisions have not been made 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 liabilities for superannuation charges under the West State Superannuation Scheme are extinguished by payment of employer contributions to the Government Employees Superannuation Board (GESB).

*Racing Penalties Appeal Tribunal*  
**Notes to the Financial Statements**  
*for the year ended 31 July 2002*

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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 GESB'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.

	2001/02 \$	2000/01 \$
<b>2. CASH ASSETS</b>		
Cash assets are represented by funds held at the Commonwealth Bank of Australia	<u>21,152</u>	<u>16,744</u>
<b>3. RECEIVABLES</b>		
GST receivable	<u>48</u>	<u>0</u>
<b>4. PAYABLES</b>		
Payables for goods and services received	<u>8,569</u>	<u>8,245</u>
<b>5. EQUITY</b>		
Accumulated surplus		
Opening balance	8,689	15,887
Change in net assets resulting from operations	<u>(350)</u>	<u>(7,198)</u>
Closing balance	<u>8,339</u>	<u>8,689</u>

	<b>2001/02</b>	<b>2000/01</b>
	<b>\$</b>	<b>\$</b>
<b>6. NOTES TO THE STATEMENT OF CASH FLOWS</b>		
<b>(a) Reconciliation of cash</b>		
Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:		
Cash assets	<u>21,152</u>	<u>16,744</u>
	<u>21,152</u>	<u>16,744</u>
<b>(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</b>		
Net cost of services	(350)	(7,198)
(Increase)/decrease in assets:		
Interest receivable	3	80
Increase/(decrease) in liabilities:		
Payables	324	(4,705)
Accrued Tribunal members' fees	4,479	(4,813)
Net GST receipts/(payments)	(45)	0
Change in GST in receivables/payables	<u>(3)</u>	<u>299</u>
Net cash provided by/(used in) operating activities	<u>4,408</u>	<u>(16,337)</u>

**7. REMUNERATION OF MEMBERS OF THE ACCOUNTABLE AUTHORITY**

The number of members of the Accountable Authority whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands:

	<b>No.</b>	<b>No.</b>
\$0 - \$10,000	6	5
\$30,001 - \$40,000	0	1
\$40,001 - \$50,000	<u>1</u>	<u>0</u>
	<u>7</u>	<u>6</u>

	<b>2001/02</b>	<b>2000/01</b>
	<b>\$</b>	<b>\$</b>
The total remuneration of the members of the Accountable Authority is:	<u>62,445</u>	<u>46,118</u>

The superannuation included here represents the superannuation expense incurred by the Authority in respect of members of the Accountable Authority.

No members of the Accountable Authority are members of the Pension Scheme.

**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 2002	
		\$	\$	\$	
<b>i) Financial assets</b>					
Cash assets	4.966%	21,152		21,152	16,744
Interest receivable			291	291	294
Receivables			48	48	0
Total financial assets		21,152	339	21,491	17,038
<b>ii) Financial liabilities</b>					
Payables			8,569	8,569	8,245
Total financial liabilities			8,569	8,569	8,245

**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.

	<b>2001/02</b>	<b>2000/01</b>
	<b>\$</b>	<b>\$</b>
<i>Tribunal members' expenses</i>	57,743	42,754
<p>The increase of \$14,989 was due to a larger than expected amount of appeals lodged and dealt with by the Tribunal. This resulted in an increase in time spent by members on appeals.</p>		
<i>Superannuation</i>	4,702	3,364
<p>The increase of \$1,338 was attributed to the increase in fees paid to members.</p>		
<i>Other expenses from ordinary activities</i>	93,970	100,344
<p>The decrease of \$6,374 was mainly attributable to a decrease in charges for support services provided by the Department of Racing, Gaming and Liquor.</p>		
<i>Operating income</i>	154,717	137,521
<p>The increase of \$17,196 was the result of greater funding from the Totalisator Agency Board and increased appeal fees throughout the year.</p>		
<i>Interest revenue</i>	1,348	1,743
<p>The decrease of \$395 was the result of lower interest rates throughout the year.</p>		

**(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. Variations which have been explained in part (a) of this note have not been repeated here in the interests of concise reporting.

All variations between estimates and actuals have been explained in part (a) of this note and have not been reported here in the interests of concise reporting.

	2001/02	2000/01
	\$	\$
<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>3,500</u>	<u>2,800</u>

**11. OUTPUT INFORMATION**

The only output of the Tribunal is *Functions Performed for the Racing Industry*. The details disclosed in the Statement of Financial Performance represent all details of expenses and revenues from ordinary activities for this output.

**12. CAPITAL COMMITMENTS**

At 31 July 2002, 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.

6. FINANCIAL STATEMENTS (cont.)

## FINANCIAL STATEMENTS

### STATEMENT OF CERTIFICATION

The accompanying financial statements of the Racing Penalties Appeal Tribunal of Western Australia 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 ending 31 July 2002 and the financial position as at 31 July 2002.

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.



Dan Mossenson  
**CHAIRPERSON**  
18 September 2002



Terry Ng  
**PRINCIPAL ACCOUNTING OFFICER**  
18 September 2002



Patrick Hogan  
**MEMBER**  
18 September 2002



AUDITOR GENERAL

To the Parliament of Western Australia

**RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA  
FINANCIAL STATEMENTS FOR THE YEAR ENDED JULY 31, 2002**

**Matters Relating to the Electronic Presentation of the Audited Financial Statements**

This audit opinion relates to the financial statements of the Racing Penalties Appeal Tribunal of Western Australia for the year ended July 31, 2002 included on the Department of Racing, Gaming and Liquor's web site. The Department is responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. The audit opinion refers only to the statements named below. It does not provide an opinion on any other information which may have been hyperlinked to or from these statements. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial statements to confirm the information included in the audited financial statements presented on this web site.

**Scope**

I have audited the accounts and financial statements of the Racing Penalties Appeal Tribunal of Western Australia for the year ended July 31, 2002 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 and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions so as to present a view which is consistent with my understanding of the Tribunal's financial position, its financial performance and its cash flows.

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

**Racing Penalties Appeal Tribunal of Western Australia  
Financial statements for the year ended July 31, 2002**

**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 acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Statement of Financial Performance, Statement of Financial Position, 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 and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Tribunal at July 31, 2002 and its financial performance and its cash flows for the year then ended.



D D R PEARSON  
AUDITOR GENERAL  
October 30, 2002

**7. PERFORMANCE INDICATORS (cont.)**

**CONTENTS**

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

**7. PERFORMANCE INDICATORS (cont.)**

**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:**

**STAY OF PROCEEDINGS**

Under the Act, an appellant 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 is only practicable when both the appellant (or the appellant’s counsel) and the Stewards of the relevant code of racing are contactable on that day to provide submissions and the material is available to be forwarded in sufficient time to be dealt with that day by the Tribunal. In those cases where the application is lodged at the Registry late in the day there is little prospect of it being determined until the next working day.

Stay of proceedings is the only process the Tribunal has control over in respect of a timeliness measurement. The appeal process in respect of timeliness is governed by many factors including the availability of counsel for both parties, the provision of the transcript of a Stewards’ inquiry, legal proceedings in other jurisdictions and the complexity of matters required to be determined.

**2001/02**

Number of stay applications received	17
Number of stay applications determined same day	10

**INDICATOR: 58.8%**

**2000/01**

Number of stay applications received	11
Number of stay applications determined same day	4

**INDICATOR: 36.4%**

**1999/00**

Number of stay applications received	29
Number of stay applications determined same day	21

**INDICATOR: 72.0%**

**7. PERFORMANCE INDICATORS (cont.)**

**1998/99**

Number of stay applications received	25
Number of stay applications determined same day	13
<b>INDICATOR:</b>	<b>52.0%</b>

**1997/98**

Number of stay applications received	26
Number of stay applications determined same day	16
<b>INDICATOR:</b>	<b>61.5%</b>

**OUTPUT:** Functions performed for the racing industry.

**OUTPUT DESCRIPTION:** Processing appeals/applications in accordance with statutory obligations.

**EFFICIENCY INDICATORS:**

**COST OF APPEALS**

	<b>2001/02</b>	<b>2000/01</b>	<b>1999/00</b>	<b>1998/99</b>	<b>1997/98</b>
Average cost per appeal	\$3,638	\$5,858	\$3,979	\$3,317	\$3,409



7. PERFORMANCE INDICATORS (cont.)

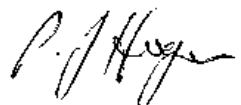
## PERFORMANCE INDICATORS

### STATEMENT OF CERTIFICATION

We certify that the performance indicators presented here are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Racing Penalties Appeal Tribunal of Western Australia, and fairly represent the performance of the Tribunal for the financial year ended 31 July 2002.



Dan Mossenson  
**CHAIRPERSON**  
18 September 2002



Patrick Hogan  
**MEMBER**  
18 September 2002



AUDITOR GENERAL

To the Parliament of Western Australia

**RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA  
PERFORMANCE INDICATORS FOR THE YEAR ENDED JULY 31, 2002**

**Matters Relating to the Electronic Presentation of the Audited Performance Indicators**

This audit opinion relates to the performance indicators of the Racing Penalties Appeal Tribunal of Western Australia for the year ended July 31, 2002 included on the Department of Racing, Gaming and Liquor's web site. The Department is responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. The audit opinion refers only to the performance indicators named below. It does not provide an opinion on any other information which may have been hyperlinked to or from these performance indicators. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited performance indicators to confirm the information included in the audited performance indicators presented on this web site.

**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, 2002 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, 2002.

Handwritten signature of D D R Pearson in black ink.

D D R PEARSON  
AUDITOR GENERAL  
October 30, 2002

**ACKNOWLEDGMENTS**

<b>Compilation</b>	<b>Doug Smith</b>	<b>Department of Racing, Gaming and Liquor</b>
<b>Financial Statements</b>	<b>Terry Ng</b>	<b>Department of Racing, Gaming and Liquor</b>

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**RACING PENALTIES APPEAL TRIBUNAL**

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