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Racing Penalties Appeal Tribunal of Western Australia

2006-07 Annual Report

HON LJILJANNA RAVLICH MLC
MINISTER FOR RACING AND GAMING

In accordance with section 61 of the *Financial Management Act 2006*, I hereby submit, for your information and presentation to Parliament, the Annual Report of the Racing Penalties Appeal Tribunal of Western Australia for the financial year ended 30 June 2007.

The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.



Dan Mossenson

Chairman, Racing Penalties Appeal Tribunal of Western Australia

5 September 2007

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Overview of the Racing Penalties Appeal Tribunal of Western Australia

Operational Structure

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.

Purpose of the Tribunal

The aim of the *Racing Penalties (Appeals) Act 1990* 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 from the profits of Racing and Wagering Western Australia (RWWA).

Responsible Minister

The Minister responsible for the Racing and Gaming Portfolio is the Honourable Ljiljana Ravlich MLC, Minister for the Racing and Gaming; Local Government; Multicultural Interests and Citizenship; Government Enterprises; Minister Assisting the Minister for Planning and Infrastructure; Goldfields-Esperance; Youth.

Appeals Which May Be Heard By the Tribunal

A person, who is aggrieved by a determination of RWWA, or of a steward or a committee of a racing club, may within 14 days after the making of the determination, appeal to the Tribunal. The matters that can be appealed against are those determinations or findings —

- imposing any suspension or disqualification, whether of a runner or of a person;
- imposing a fine;
- which results, or may result, in the giving of a notice of the kind commonly referred to as a warning-off; or
- in relation to any other matter, 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 any stakes paid in respect of a race to which the appeal relates;
- refer the matter to RWWA, the stewards or the committee of the appropriate racing club for rehearing;
- 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 RWWA, the stewards or the committee or of the appropriate racing club, take further action in relation to any person; and
- make such other order as the member presiding may think proper.

Decisions of the Tribunal are final and binding.

Administrative Structure

Sections 5 and 6 of the *Racing Penalties (Appeals) Act 1990* 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 (or the acting Chairperson or member presiding) and two members, sitting together hear 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 30 June 2007 is as follows:

Mr Dan Mossenson (current term expires 28 February 2009)	Inaugural Chairperson – initial appointment 1990
Mr Patrick Hogan (current term expires 28 February 2009)	Inaugural Member - initial appointment 1991
Mr John Prior (current term expires 28 February 2009)	Member - initial appointment 1994
Ms Karen Farley (current term expires 28 February 2008)	Member - initial appointment 1997
Mr Andrew Monisse (current term expires 28 February 2008)	Member - initial appointment 1997
Mr Robert Nash (current term expires 28 February 2008)	Member - initial appointment 1997
Mr Steven Pynt (current term expires 28 February 2008)	Member - initial appointment 1997
Mr William Chesnutt (current term expires 28 February 2009)	Member - initial appointment 2000

Ms Tanya Panizza was appointed **Registrar** and **Executive Officer** to the Tribunal on 27 October 2006.

Administered Legislation

The Racing Penalties Appeal Tribunal is responsible for administering the *Racing Penalties (Appeals) Act 1990*.

Other Key Legislation Impacting on the Tribunal's Activities

In the performance of its functions, the Racing Penalties Appeal Tribunal of Western Australia complied with the following relevant written laws:

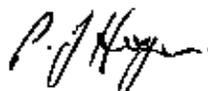
- *Auditor General Act 2006*
- *Corruption and Crime Commission Act 2003*;
- *Disability Services Act 1993*;
- *Electoral Act 1907*;
- *Equal Opportunity Act 1984*;
- *Electronic Transactions Act 2003*;
- *Financial Management Act 2006*;
- *Freedom of Information Act 1992*;
- *Industrial Relations Act 1979*;
- *Parliamentary Commissioner Act 1971*;
- *Public and Bank Holidays Act 1972*;
- *Public Interest Disclosure Act 2003*;
- *Public Sector Management Act 1994*;
- *Salaries and Allowances Act 1975*;
- *State Superannuation Act 2000*;
- *State Records Act 2000*;
- *State Supply Commission Act 1991*; and
- *Workers' Compensation and Injury Management Act 1981*.

In the financial administration of the Racing Penalties Appeal Tribunal of Western Australia, we have complied with the requirements of the *Financial Management Act 2006*, and every other relevant written law, and exercised controls which provide reasonable assurance that the receipt and expenditure of moneys and the acquisition and disposal of public property and incurring of liabilities have been in accordance with legislative provisions.

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



Dan Mossenson
Chairman, Racing Penalties Appeal
Tribunal of Western Australia
5 September 2007



Patrick Hogan
Member, Racing Penalties Appeal
Tribunal of Western Australia
5 September 2007



Terry Ng
Chief Finance Officer
5 September 2007

Performance Management Framework

Outcome Based Management

Agency level Government Desired Outcome

The Racing Penalties Appeal Tribunal of Western Australia operates under the broad high level government strategic goal of “Governance and Public Sector Improvement”, to develop and maintain a skilled, diverse and ethical public sector (and the people who deliver its services), serving Government with consideration of the public interest.” In this respect, the long title of the *Racing Penalties (Appeals) Act 1990* provides that it is an Act “...to confer jurisdiction in respect of appeals against penalties imposed in disciplinary proceedings arising from, or in relation to, the conduct of greyhound racing, horse racing and harness racing, and for related purposes.”

Changes to Outcome Based Management Framework

The Tribunal’s Outcome Based Management Framework did not change during 2006-07.

Shared Responsibilities with Other Agencies

The Racing Penalties Appeal Tribunal of Western Australia did not share any responsibilities with other agencies in 2006-07.

Agency Performance - Report on Operations

Major Achievements for 2006-07

2007 Australasian Racing Appeals Tribunals Conference

The Chairperson and members P Hogan and A E Monisse attended the conference on 18-20 April 2007 at Gold Coast, Queensland.

Appeals

This year 15 appeals were lodged with the Tribunal, with six appeals carried over from 2005/06. During the year, the Tribunal determined 19 appeals, with the determination on three appeals yet to be published and two pending as at 30 June 2007. These appeals, together with appeals from the previous year, are summarised by racing code as follows:

Appeals Lodged and Determined							
Racing Code	Appeals Lodged 2005/06	Appeals Determined 2005/06	Hearing Days Occupied 2005/06	**Appeals Carried Over To 2006/07	Appeals Lodged 2006/07	Appeals Determined 2006/07	Hearing Days Occupied 2006/07
Thoroughbred	15	11	3.00	4	7	10	7.00
Harness	4	3	3.00	2	7	5	4.50
Greyhound	2	2	1.00	0	1	1	1.50
Total	21	16	7.00	6	15	16	13.00

**These figures include 3 determinations which had been made where reasons were yet to be published.

The results of the determinations for the respective racing codes for the years 2006/07 and 2005/06 are summarised below.

2006/07 Appeal Results			
	Thoroughbred Racing	Harness Racing	Greyhound Racing
Allowed in Full	0	0	0
Allowed in Part (Penalty Reduced)	4	3	0
Referred Back to Stewards (RWWA)	0	0	0
Dismissed	6	5	1
Withdrawn	0	0	0
Total	10	8	1

2005/06 Appeal Results			
	Thoroughbred Racing	Harness Racing	Greyhound Racing
Allowed in Full	0	0	0
Allowed in Part (Penalty Reduced)	2	1	0
Referred Back to Stewards (RWVA)	0	1	0
Dismissed	5	1	2
Withdrawn	4	0	0
Total	11	3	2

Appeals to be Carried Across to 2007/08			
	Thoroughbred Racing	Harness Racing	Greyhound Racing
Reserved Decision	1		0
Reserved Decision on penalty only	0	1	0
Reasons to be published	1	2	0
Total	2	3	0

Stays of Proceedings

In 2006/07, there were 3 applications for stays of proceedings compared to 8 the previous year. The Chairperson made the determinations as follows:

2006/07 Applications for Stays of Proceedings		
Racing Code	Stays Granted	Stays Refused
Thoroughbred	1	
Harness		2
Greyhound		
Total	1	2

2005/06 Applications for Stays of Proceedings		
Racing Code	Stays Granted	Stays Refused
Thoroughbred	0	4
Harness	0	4
Greyhound	0	0
Total	0	8

Matters Heard and Determined by the Tribunal

The following is a summary of the matters heard and determined by the Tribunal and the results of those determinations during 2006/07 by reference to each racing code.

Thoroughbred Racing

Trainers	
<i>Bradley Graham</i> Appeal 656	Disqualified for 6 months for breach of Rule 175 (gg) for making a false statement to the RWWA Stewards. Appeal dismissed and should Mr Graham make an application seeking visitation rights to the Integrity Assurance Committee ("IAC"), it should consider the matter on its merits.
<i>Luigi Luciani</i> Appeal 668	Fined \$5,000 under Rule 175(j) for improper behaviour. Penalty varied suspending \$2,500 of \$5,000 for 12 months on the condition that Mr. Luciani provide a written apology to the Stewards within 2 weeks of the date of the decision and not commit an offence against the same rule or any similar provision of the Rules during the 12 month period.

Jockeys/Apprentices	
<i>John Claite</i> Appeal 663	Suspended for 22 days under Rule 137(a) for careless riding in a race. Appeal dismissed, penalty confirmed.
<i>Patrick Carbery</i> Appeal 669	Suspended for 2 months under Rule 175(q) for improper conduct. Appeal dismissed, penalty confirmed.
<i>Clint Harvey</i> Appeal 670	Suspended for 23 days under Rule 137(a) for careless riding in a race. Appeal dismissed, penalty confirmed.
<i>Jason Brown</i> Appeal 672	Suspended for 16 Days under Rule 137(a) for careless riding in a race. Appeal dismissed, penalty confirmed.

Unlicensed persons	
<i>Raymond Miller</i> Appeal 661	Warned Off by RWWA IAC pursuant to section 44(1)(e) of the <i>Racing and Wagering Western Australia Act 2003</i> and regulations. Appeal dismissed.

Harness Racing

Owner/Trainer	
<i>Colin Reeves</i> Appeal 662	Fined \$5,500 under Rule 273(7) not ensuring the correct horse is presented to race. Appeal as to penalty upheld, penalty varied to \$3,250.
<i>Peter Lodding</i> Appeal 666	Disqualified for 9 months for presenting a horse with a prohibited substance (<i>TC02</i>) in its system under Rule 190(a). Appeal dismissed.
<i>Francesco Vitanza</i> Appeal 665	Disqualified for 6 months for presenting a horse with a prohibited substance (<i>Caffeine and its metabolites theophylline, theobromine and parazanthine</i>) in its system under Rule 190(1). Appeal dismissed.

Trainer/Driver	
<i>Daniel Voak</i> Appeal 659	Fined \$4,000 and horse disqualified from race in question for racing with a prohibited substance (<i>Heptaminol</i>) in its system under Rule 190. Appeal dismissed.

Drivers	
<i>Sheri Sheehy</i> Appeal 658	Disqualified for 6 months under Rule 238 for failure to comply with orders. Appeal upheld, penalty varied to 4 months disqualification.
<i>Richard Polak</i> Appeal 664	Suspended for 4 months under Rule 149(1). Appeal against conviction dismissed. Appeal as to penalty upheld, penalty varied to 3 months suspension.
<i>Kody Charles</i> Appeal 673	Suspended for 22 days under Rule 163(1)(a) for causing interference. Appeal dismissed.
<i>Thomas Sheehy</i> Appeal 671	Suspended for 33 days under Rule 163(1)(a) for causing interference. Appeal dismissed.

Greyhound Racing

<i>Trainer</i>	
<i>Albert Van de Klashorst</i> Appeal 660	Disqualified for 12 months for presenting a greyhound for racing with drugs (<i>Caffeine, Theophylline, Theobromine and Paraxanthine</i>) under Rule 122. Appealed as to penalty only. Appeal dismissed, penalty confirmed.

Significant Issues and Trends

2008 Australasian Racing Appeals Tribunals Conference

In 2008 the Racing Penalties Appeal Tribunal Western Australia will be hosting the conference of Australasian Racing Appeals Tribunals.

Changes in Written Law

Changes to Acts

Racing and Wagering Legislation Amendment Act 2007

Assented to 28 March 2007, the *Racing and Wagering Western Australia Act 2003* amended a number of Acts, including section 24(10) of the *Racing Penalties (Appeals) Act 1990*, to alter the financial year of the Racing Penalties Appeal Tribunal so that it ends on 30 June each year.

Changes to Regulations

New fees and charges effective 1 January 2007 were introduced by amendments to the *Racing Penalties (Appeals) Regulations 1991*.

Disclosures and Legal Compliance

This part of the annual report provides the means by which Parliament and other interested parties can be informed, not only of what the Department has achieved during the financial year, but also of the reasons behind those achievements.

Ministerial Directives

There was no Ministerial Directive received during the financial year.

Contracts with Senior Officers

At the date of reporting, other than normal contracts of employment, no Senior Officers, or firms of which Senior Officers are members, or entities in which Senior Officers have substantial interest had any interests in existing or proposed contracts with the Racing Penalties Appeal Tribunal of Western Australia and Senior Officers.

Freedom of Information

As a statutory authority, the Tribunal is an “agency” for the purposes of the *Freedom of Information Act 1992*. Decision-makers in respect of all Tribunal related access applications are senior officers within the Department of Racing, Gaming and Liquor’s and the internal reviewer is the Chairman of the Tribunal.

Recordkeeping Plans

Section 19 of the *State Records Act 2000* requires every Government agency to have a Recordkeeping Plan. The Recordkeeping Plan is to provide an accurate reflection on the recordkeeping program within the agency and must be complied with by the agency and its officers. The records of the Tribunal are maintained by the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor’s Annual Report contains the information on that department’s Recordkeeping Plan.

Compliance with Public Sector Standards and Ethical Codes

The Tribunal does not employ staff, but has a net appropriation agreement with the Department of Racing, Gaming and Liquor relating to functions carried out on behalf of the Tribunal by staff of that Department. Accordingly, the Tribunal does not report on compliance with the Public Sector Standards. The Department of Racing, Gaming and Liquor’s Annual Report contains the relevant information.

Corruption Prevention

(Premier’s Circular 2005/02: Corruption Prevention)

The Tribunal meets its obligations for Corruption Prevention through arrangements with the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor’s Annual Report contains the information on how that department has complied with the obligations imposed under *Premier’s Circular 2005/02*.

Substantive Equality

The Commission meets its obligations for the elimination of systemic racial discrimination from all policies and practices, in accordance with the Policy Framework for Substantive Equality, through arrangements with the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor's Annual Report contains the information on how that department has complied with the obligations imposed under *Premier's Circular 2005/02*.

Advertising and Sponsorship

(*Electoral Act 1907*, s. S175ZE)

In accordance with section 175ZE of the *Electoral Act 1907*, the Racing Penalties Appeal Tribunal of Western Australia incurred the following expenditure in advertising, market research, polling, direct mail and medial advertising:

Total expenditure for 2006-07 was nil.

Sustainability

(*Premiers Circular 2004/14: Sustainability Code of Practice for Government Agencies*)

Through the State Sustainability Strategy, the Western Australian Government has defined sustainability as meeting the needs of current and future generations through integration of environmental protection, social advancement, and economic prosperity.

The Racing Penalties Appeal Tribunal of Western Australia meets its obligations Premier's Circular 2004/14, through arrangements with the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor's Annual Report contains the information on how that department has complied with its sustainability obligations.

Summary of Publications Available to the Public

The following publications are available to assist the public of Western Australia and the industries regulated by the Gaming and Wagering Commission.

General Publications

- Annual Report of the Racing Penalties Appeal Tribunal.

Tribunal Library

To assist persons who may wish to utilise 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 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:

- Conduct
- Prohibited Substances
- Protests
- Leave to Appeal
- 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.

Any person 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. Photocopies are available on request (subject to copyright laws) on payment of a small fee.

Financial Statements

The aim of these Financial Statements is to present to the Parliament details of revenue and expenditure for the Commission.

This part of the Annual Report contains:

- the financial statements;
- accompanying notes; and
- certification of the financial statements.

Certification of Financial Statements

For The Year Ended 30 June 2007

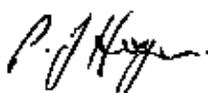
The accompanying financial statements of the Racing Penalties Appeal Tribunal of Western Australia have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the 11 months ended 30 June 2007 and the financial position as at 30 June 2007.

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



Terry Ng
Chief Finance Officer

22 August 2007



Patrick Hogan
Member, Racing Penalties Appeal
Tribunal of Western Australia

22 August 2007



Dan Mossenson
Chairman, Racing Penalties Appeal
Tribunal of Western Australia

22 August 2007

Racing Penalties Appeal Tribunal
Income Statement
for the 11 months ended 30 June 2007

	Note	2007 \$	2006 \$
COST OF SERVICES			
Expenses			
Tribunal members' expenses	15	50,620	40,383
Superannuation	15	4,556	3,634
Supplies and services		<u>135,686</u>	<u>123,391</u>
Total cost of services		<u>190,862</u>	<u>167,408</u>
Income			
Revenue			
Operating income	5	177,821	143,092
Interest revenue	6	<u>5,108</u>	<u>4,522</u>
Total revenue		<u>182,929</u>	<u>147,614</u>
NET COST OF SERVICES	12	<u>7,933</u>	<u>19,794</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		<u>(7,933)</u>	<u>(19,794)</u>

The Income Statement should be read in conjunction with the accompanying notes.

Racing Penalties Appeal Tribunal
Balance Sheet
as at 30 June 2007

	Note	2007 \$	2006 \$
Current Assets			
Cash and cash equivalents	7	19,441	20,777
Receivables	8	245	0
Other current assets	9	879	160
Total Current Assets		<u>20,565</u>	<u>20,937</u>
Total Assets		<u>20,565</u>	<u>20,937</u>
Current Liabilities			
Other current liabilities	10	7,583	22
Total Current Liabilities		<u>7,583</u>	<u>22</u>
Total Liabilities		<u>7,583</u>	<u>22</u>
NET ASSETS		<u>12,982</u>	<u>20,915</u>
Equity	11		
Accumulated surplus/(deficiency)		<u>12,982</u>	<u>20,915</u>
TOTAL EQUITY		<u>12,982</u>	<u>20,915</u>

The Balance Sheet should be read in conjunction with the accompanying notes.

Racing Penalties Appeal Tribunal
Statement of Changes in Equity
for the 11 months ended 30 June 2007

	Note	2007 \$	2006 \$
Balance of equity at start of period	11	<u>20,915</u>	<u>40,709</u>
ACCUMULATED SURPLUS (RETAINED EARNINGS)	11		
Balance at start of period		20,915	40,709
Net adjustment on transition to AIFRS		<u>0</u>	<u>0</u>
Restated balance at start of period		20,915	40,709
Surplus/(deficit) or profit/(loss) for the period		(7,933)	(19,794)
Balance at end of period		<u>12,982</u>	<u>20,915</u>
Balance of equity at end of period		<u>12,982</u>	<u>20,915</u>
Total income and expense for the period ^(a)		<u>(7,933)</u>	<u>(19,794)</u>

(a) The aggregate net amount attributable to each category of equity is: deficit \$7,933 (2006: deficit \$19,794).

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Racing Penalties Appeal Tribunal
Cash Flow Statement
for the 11 months ended 30 June 2007

	Note	2007 \$	2006 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Tribunal members' expenses		(47,234)	(40,877)
Superannuation		(3,089)	(3,679)
Supplies and services		(132,979)	(124,871)
GST paid on purchases		(907)	(724)
GST payments to taxation authority		0	0
Receipts			
Receipts from customers		177,821	143,092
Interest received		4,390	4,874
GST receipts on sales		14	0
GST receipts from taxation authority		648	724
Net cash provided by/(used in) operating activities	12	<u>(1,336)</u>	<u>(21,461)</u>
Net increase/(decrease) in cash and cash equivalents		(1,336)	(21,461)
Cash and cash equivalents at the beginning of period		20,777	42,238
Cash and cash equivalents at the end of period	12	<u>19,441</u>	<u>20,777</u>

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

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the 11 months ended 30 June 2007**

1. Statement of accounting policies

The ending period of financial year of the Racing Penalties Appeal Tribunal has been changed from 31 July to 30 June in 2007, pursuant to section 24 of the Racing Penalties (Appeals) Act 1990. Accordingly, the financial results accounted for 11 months of financial activities in 2007.

**2. Australian equivalents to International Financial Reporting Standards
General**

The Tribunal's financial statements for the year ended 30 June 2007 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Tribunal has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the AASB and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The Tribunal cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the Tribunal for the annual reporting period ended 30 June 2007.

3. Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board 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 Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

Where modification is required and has a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

(c) Reporting Entity

The reporting entity comprises the Tribunal only.

(d) Income

Revenue recognition

Revenue is measured at the fair value of consideration received or receivable. Operating income mainly comprises funding from the Racing and Wagering Western Australia, appeal fees and transcription fees. This income is received pursuant to the Racing Penalties (Appeals) Act 1990.

Interest

Revenue is recognised as the interest accrues.

(e) 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 Income Statement under 'Supplies and services'. 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.

(f) Financial Instruments

The Tribunal has two categories of financial instrument:

- * Receivables (cash and cash equivalents, receivables); and
- * Non-trading financial liabilities (payables).

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(g) Cash and Cash Equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents comprise cash assets.

(h) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Tribunal will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(i) Payables

Payables are recognised at the amounts payable when the Tribunal becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

(j) Employee Benefits

Annual and Long Service Leave

The 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.

Superannuation

Tribunal members commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation Scheme (WSS). Tribunal members commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Tribunal makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

The note disclosure required by paragraph 121 of AASB 119 (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.

(k) Comparative Figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

4. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Tribunal has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 August 2006:

1. AASB 2005-9 'Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 & AASB 132]' (Financial guarantee contracts). The amendment deals with the treatment of financial guarantee contracts, credit insurance contracts, letters of credit or credit derivative default contracts as either an "insurance contract" under AASB 4 'Insurance Contracts' or as a "financial guarantee contract" under AASB 139 'Financial Instruments: Recognition and Measurement'. The Tribunal does not currently undertake these types of transactions, resulting in no financial impact in applying the Standard.

2. UIG Interpretation 4 'Determining whether an Arrangement Contains a Lease' as issued in June 2005. This Interpretation deals with arrangements that comprise a transaction or a series of linked transactions that may not involve a legal form of a lease but by their nature are deemed to be leases for the purposes of applying AASB 117 'Leases'. At balance sheet date, the Tribunal has not entered into any arrangements as specified in the Interpretation, resulting in no impact in applying the Interpretation.

3. UIG Interpretation 9 'Reassessment of Embedded Derivatives'. This Interpretation requires an embedded derivative that has been combined with a non-derivative to be separated from the host contract and accounted for as a derivative in certain circumstances. At balance sheet date, the Tribunal has not entered into any contracts as specified in the Interpretation, resulting in no impact in applying the Interpretation.

The following Australian Accounting Standards and Interpretations are not applicable to the Tribunal as they have no impact or do not apply to not-for-profit entities:

AASB Standards
and Interpretations

2005-1	'Amendments to Australian Accounting Standard' (AASB 139 - Cash flow hedge accounting of forecast intragroup transactions)
2005-5	'Amendments to Australian Accounting Standards [AASB 1 & AASB 139]'
2006-1	'Amendments to Australian Accounting Standards [AASB 121]'
2006-3	'Amendments to Australian Accounting Standards [AASB 1045]'
2006-4	'Amendments to Australian Accounting Standards [AASB 134]'
2007-2	'Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139]' - paragraph 9
UIG 5	'Rights to Interests arising from Decommissioning, Restoration and Environmental Rehabilitation Funds'
UIG 6	'Liabilities arising from Participating in a Specific Market - Waste Electrical and Electronic Equipment'
UIG 7	'Applying the Restatement Approach under AASB 129 Financial Reporting in Hyperinflationary Economies'
UIG 8	'Scope of AASB 2'

Future impact of Australian Accounting Standards not yet operative

The Tribunal cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Adoption of Australian Accounting Standards and Other Pronouncements'. Consequently, the Tribunal has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued but are not yet effective. These will be applied from their application date:

1. AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments. The Standard is considered to result in increased disclosures, both quantitative and qualitative of the Tribunal's exposure to risks, enhanced disclosure regarding components of the Tribunal's financial position and performance, and possible changes to the way of presenting certain items in the financial statements. The Tribunal does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007.
2. AASB 2005-10 'Amendments to Australian Accounting Standards (AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023, & AASB 1038)'. The amendments are as a result of the issue of AASB 7 'Financial Instruments: Disclosures', which amends the financial instrument disclosure requirements in these standards. The Tribunal does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007.
3. AASB 101 'Presentation of Financial Statements'. This Standard was revised and issued in October 2006 so that AASB 101 has the same requirements as IAS 1 'Presentation of Financial Statements' (as issued by the IASB) in respect of for-profit entities. The Tribunal is a not-for-profit entity and consequently does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007.
4. AASB 2007-4 'Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments (AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038)'. This Standard introduces policy options and modifies disclosures. These amendments arise as a result of the AASB decision that, in principle, all options that currently exist under IFRSs should be included in the Australian equivalents to IFRSs and additional Australian disclosures should be eliminated, other than those now considered particularly relevant in the Australian reporting environment. The Department of Treasury and Finance has indicated that it will mandate to remove the policy options added by this amending Standard. This will result in no impact as a consequence of application of the Standard. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.
5. AASB 2007-5 'Amendment to Australian Accounting Standard - Inventories Held for Distribution by Not-for-Profit Entities (AASB 102)'. This amendment changes AASB 102 'Inventories' so that inventories held for distribution by not-for-profit entities are measured at cost, adjusted when applicable for any loss of service potential. The Tribunal does not have any inventories held for distribution so does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

6. AASB Interpretation 4 'Determining whether an Arrangement Contains a Lease [revised]'. This Interpretation was revised and issued in February 2007 to specify that if a public-to-private service concession arrangement meets the scope requirements of AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007, it would not be within the scope of Interpretation 4. At balance sheet date, the Tribunal has not entered into any arrangements as specified in the Interpretation or within the scope of Interpretation 12, resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2008.

7. AASB Interpretation 12 'Service Concession Arrangements'. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the Tribunal if and when public-to-private service concession arrangements are entered into the future. At balance sheet date, the Tribunal has not entered into any public-to-private service concession arrangements resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2008.

8. AASB Interpretation 129 'Service Concession Arrangements: Disclosures [revised]'. This Interpretation was revised and issued in February 2007 to be consistent with the requirements in AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007. Specific disclosures about service concession arrangements entered into are required in the notes accompanying the financial statements, whether as a grantor or an operator. At balance sheet date, the Tribunal has not entered into any public-to-private service concession arrangements resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2008.

The following Australian Accounting Standards and Interpretations are not applicable to the Tribunal as they will have no impact or do not apply to not-for-profit entities:

AASB
Standards and
Interpretations

AASB 8	'Operating Segments'
AASB 1049	'Financial Reporting of General Government Sectors by Governments'
AASB 2007-1	'Amendments to Australian Accounting Standards arising from AASB Interpretation 11 [AASB 2]'
AASB 2007-2	'Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139]' - paragraphs 1 to 8
AASB 2007-3	'Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 & AASB 1038]'
Interpretation 10	'Interim Financial Reporting and Impairment'
Interpretation 11	'AASB 2 - Group and Treasury Share Transactions'

	2007 \$	2006 \$
5. Operating income		
Fees and charges	4,413	5,845
Racing and Wagering Western Australia	173,408	137,247
	<u>177,821</u>	<u>143,092</u>
6. Interest revenue		
Interest revenue		
Commonwealth Bank of Australia	5,108	4,522
	<u>5,108</u>	<u>4,522</u>
7. Cash and cash equivalents		
Cash and cash equivalents are represented by funds held at the Commonwealth		
Commonwealth Bank of Australia	19,441	20,777
	<u>19,441</u>	<u>20,777</u>

	2007 \$	2006 \$
8. Receivables		
GST receivable	245	0
	<u>245</u>	<u>0</u>
9. Other current assets		
Interest receivable	879	160
	<u>879</u>	<u>160</u>
10. Other current liabilities		
Accrued expenses	7,583	22
	<u>7,583</u>	<u>22</u>
11. Equity		
Equity represents the residual interest in the net assets of the Tribunal. The Government holds the equity interest in the Tribunal on behalf of the community.		
Accumulated surplus/(deficit) (Retained earnings)		
Balance at start of year	20,915	40,709
Result for the period	(7,933)	(19,794)
Income and expense recognised directly to equity	0	0
Balance at end of year	<u>12,982</u>	<u>20,915</u>
12. Notes to the Cash Flow Statement		
<u>Reconciliation of cash</u>		
Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:		
Cash and cash equivalents	19,441	20,777
	<u>19,441</u>	<u>20,777</u>
<u>Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</u>		
Net cost of services	(7,933)	(19,794)
(Increase)/decrease in assets:		
Other current assets	(719)	353
Increase/(decrease) in liabilities:		
Payables	0	(1,502)
Other current liabilities	7,561	(518)
Net GST receipts/(payments)	(245)	0
Change in GST in receivables/payables	0	0
Net cash provided by/(used in) operating activities	<u>(1,336)</u>	<u>(21,461)</u>

13. Financial instruments**(a) Financial Risk Management Objectives and Policies**

Financial instruments held by the Tribunal are cash and cash equivalents, receivables, and payables. The Tribunal has limited exposure to financial risks. The Tribunal's overall risk management program focuses on managing the risks identified below.

Credit risk

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 addition, receivable balances are monitored on an ongoing basis with the result that the Tribunal's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Liquidity risk

The Tribunal has appropriate procedures to manage cash flows by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Cash flow interest rate risk

The Tribunal is not exposed to interest rate risk because cash and cash equivalents are non-interest bearing.

(b) Financial Instrument Disclosures*Interest Rate Risk Exposure*

The following table details the Tribunal's exposure to interest rate risk as at the balance sheet date:

	Weighted average effective interest rate	Floating interest rate	Non-interest bearing	Total 30 June 2007	Total 31 July 2006
		\$	\$	\$	\$
i) Financial assets					
Cash and cash equivalents	5.98%	19,441		19,441	20,777
Receivables			245	245	0
Other current assets			879	879	160
Total financial assets		19,441	1,124	20,565	20,937
ii) Financial liabilities					
Other current liabilities			7,583	7,583	22
Total financial liabilities			7,583	7,583	22

Fair Values

All financial assets and liabilities recognised in the balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

14. Explanatory statement

Significant variations between estimates and actual results for income and expense are shown below. Significant variations are considered to be those greater than 10% or \$20,000.

(i) Significant variances between actual results for 2006 and 2007

	<u>2007</u> <u>Actual</u> \$	<u>2006</u> <u>Actual</u> \$	<u>Variance</u> \$
<i>Tribunal members' expenses</i>	50,620	40,383	(10,237)
The increase of \$10,237 was due to an increase in the number of appeals which resulted in more time spent by members in determining appeals.			
<i>Superannuation</i>	4,556	3,634	(922)
The increase of \$922 was attributed to the extra fees paid to board members.			
<i>Supplies and services</i>	135,686	123,391	(12,295)
The increase of \$12,295 was due to an increase in the amount recouped by the Department of Racing, Gaming and Liquor for the provision of support services as a consequence of an increase in the Consumer Price Index.			
<i>Operating income</i>	177,821	143,092	34,729
The increase of \$34,729 was due to a higher contribution from Racing and Wagering Western Australia.			
<i>Interest revenue</i>	5,108	4,522	586
The increase of \$586 was the result of a higher bank balance throughout the period plus increasing interest rates.			

(ii) Significant variances between estimated and actual result for 2007

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

	2007	2006
	\$	\$
15. Remuneration of members of the Accountable Authority		
The number of members of the Accountable Authority, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year, fall within the following bands are:		
\$		
0 - 10,000	7	7
20,001 - 30,000	0	0
30,001 - 40,000	1	1
The total remuneration of members of the Accountable Authority is:	<u>55,176</u>	<u>44,017</u>
The total remuneration includes 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.		
16. Remuneration of auditor		
Remuneration payable to the Auditor General for the financial year is as follows:		
Auditing the accounts, financial statements and performance indicators	<u>5,800</u>	<u>5,800</u>
17. Commitments		
As at 30 June 2007 the Tribunal did not have any other material capital or expenditure commitments.		
18. Contingent liabilities and contingent assets		
The Tribunal is not aware of any contingent liabilities and contingent assets as at balance sheet date.		
19. Events occurring after the balance sheet 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.		
20. Related bodies		
Nil		
21. Affiliated bodies		
Nil		

Key Performance Indicators

Key Performance Indicators (KPIs) are required by section 62 of the *Financial Administration and Audit Act 1985* and are provided to assist interested parties such as Government, Parliament and community groups in assessing an agency's desired outcomes. KPIs measure the efficiency and effectiveness of an agency.

Desired 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.

Under the *Racing Penalties (Appeals) Act 1990*, an appellant may apply for a suspension of the operation of a penalty at the time of lodging the 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 potentially achievable when 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 later in the day there is virtually no prospect of it being determined until at least the next working day.

Stays of proceedings is the only process the Tribunal has some 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.

In 2006/07, none of the three applications for stay of proceedings was unable to be determined on the day of lodgement due to RWWA opposing the applications, which required the Registrar to seek further submissions from the parties. However, the applications were finalised on the day following lodgement, which resulted in two applications being refused and the other being approved, albeit for an interim period of four days only.

2006/07

Number of stay applications received	3
Number of stay applications determined same day	0
Indicator	00.0%

Comparative results for the previous four years are shown below.

2005/06

Number of stay applications received	8
Number of stay applications determined same day	0
Indicator	00.0%

2004/05

Number of stay applications received	11
--------------------------------------	----

Number of stay applications determined same day	4
Indicator	36.4%

2003/04

Number of stay applications received	8
Number of stay applications determined same day	3
Indicator	37.5%

2002/03

Number of stay applications received	14
Number of stay applications determined same day	8
Indicator	57.1%

Service: To perform functions for the racing industry.

Service Description: To process appeals/applications in accordance with statutory obligations.

Key Efficiency Indicator	2006-07	2005-06	2004-05	2003-04
	\$	\$	\$	\$
Average cost of appeals processed*	10,045	10,463	6,392	9,830

* As a result of changes to the reporting year for the Racing Penalties Appeal Tribunal, introduced by the Racing and Wagering Legislation Amendment Act 2006 and having effect as from 1 July 2007, the 2006-07 financial year for the Racing Penalties Appeals Tribunal ended on 30 June 2007, despite commencing on 1 August 2006.

Certification of Key Performance Indicators

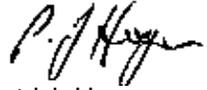
For the Year Ended 30 June 2007

We hereby certify that the performance indicators 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 11 months ended 30 June 2007.



Dan Mossenson
Chairman, Racing Penalties Appeal
Tribunal of Western Australia

22 August 2007



Patrick Hogan
Member, Racing Penalties Appeal
Tribunal of Western Australia

22 August 2007

Opinion of the Auditor General



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE 11 MONTHS ENDED 30 JUNE 2007

I have audited the accounts, financial statements, controls and key performance indicators of the Racing Penalties Appeal Tribunal of Western Australia .

The financial statements comprise the Balance Sheet as at 30 June 2007, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the 11 months then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

Tribunal's Responsibility for the Financial Statements and Key Performance Indicators

The Tribunal is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer "<http://www.audit.wa.gov.au/pubs/Audit-Practice-Statement.pdf>".

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

**Racing Penalties Appeal Tribunal of Western Australia
Financial Statements and Key Performance Indicators for the 11 months ended 30 June 2007**

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Racing Penalties Appeal Tribunal of Western Australia at 30 June 2007 and its financial performance and cash flows for the 11 months ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Tribunal provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Tribunal are relevant and appropriate to help users assess the Tribunal's performance and fairly represent the indicated performance for the 11 months ended 30 June 2007.



COLIN MURPHY
AUDITOR GENERAL
14 September 2007