



Racing Penalties Appeal Tribunal of Western Australia 2012/13 Annual Report

TABLE OF CONTENTS

CONTACTS.....	2
STATEMENT OF COMPLIANCE.....	3
OVERVIEW OF TRIBUNAL.....	4
OPERATIONAL STRUCTURE.....	5
PERFORMANCE MANAGEMENT FRAMEWORK.....	10
TRIBUNAL PERFORMANCE.....	11
EXAMPLES OF APPEALS BEFORE THE TRIBUNAL.....	16
APPEAL NO. 748 – PETER HALL.....	16
APPEAL NO. 751 – BRUCE STANLEY.....	18
SIGNIFICANT ISSUES AND TRENDS IMPACTING THE TRIBUNAL.....	20
FINANCIAL STATEMENTS.....	21
CERTIFICATION OF FINANCIAL STATEMENTS.....	21
ADDITIONAL KEY PERFORMANCE INDICATOR INFORMATION.....	42
OTHER LEGAL AND GOVERNMENT POLICY REQUIREMENTS.....	50

CONTACTS

Office location: Level 1
87 Adelaide Terrace
East Perth WA 6004

Postal address: PO Box 6119
East Perth WA 6892

Telephone: (08) 9425 1888

Facsimile: (08) 9325 1041

Toll free: 1800 634 541

Internet: www.rpat.wa.gov.au

Email: seema.saxena@rpl.wa.gov.au

Availability in other formats

This publication can be made available in alternative formats such as compact disc, audiotape or Braille. The report is available in PDF format at www.rpat.wa.gov.au.

People who have a hearing or speech impairment may call the National Relay Service on 133 677 and quote telephone number (08) 9425 1888.

STATEMENT OF COMPLIANCE

Hon. Terry Waldron, MLA
MINISTER FOR RACING AND GAMING

In accordance with section 61 of the *Financial Management Act 2006*, I 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 2013.

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



Dan Mossenson
CHAIRPERSON

20 September 2013

OVERVIEW OF TRIBUNAL

It is with pleasure that I present the Annual Report of the Racing Penalties Appeal Tribunal for the year ended 30 June 2013.

The report details the significant issues that the Tribunal faced throughout the reporting period, and is designed to satisfy the Tribunal's statutory reporting requirements.

The Tribunal continues to maintain industry confidence in the enforcement of the various racing rules by providing an impartial judicial forum for the hearing of appeals against Racing and Wagering Western Australia's stewards' determinations. Through its activities, the Tribunal ensures the integrity of the State's racing industry is not compromised.

During the financial year, two appeals were carried over from the previous reporting period, and twelve new appeals were lodged with the Tribunal. Of these, nine were determined and five were carried over into the next financial year.

All appeal determinations can be viewed at www.rpat.wa.gov.au.

I acknowledge and thank the members of the Tribunal for their contributions during the year, as well as the support of the Tribunal's Registrar, and Tribunal Support Officers.



Dan Mossenson
CHAIRPERSON

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.

Executive 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 (RWVA).

RESPONSIBLE MINISTER

As at 30 June 2013, the Minister responsible for the Racing and Gaming Portfolio was the Honourable Terry Waldron MLA, Minister for Sport and Recreation; Racing and Gaming.

APPEALS WHICH MAY BE HEARD BY THE TRIBUNAL

A person who is aggrieved by a determination of RWVA, a steward or a committee of a racing club may appeal to the Tribunal within 14 days of the determination date. The Tribunal can hear the following matters:

- the imposition of any suspension or disqualification, whether of a runner or of a person;
- the imposition of a fine; or
- the giving of a notice of the kind commonly referred to as a warning-off.

In addition, the Tribunal may grant leave to appeal in relation to a limited range of other matters.

APPEALS WHICH ARE OUTSIDE THE JURISDICTION OF THE TRIBUNAL

The jurisdiction of the Tribunal does not extend to a determination of a steward, a racing club, or a committee in matters regarding:

- any protest or objection against a placed runner arising out of any incident occurring during the running of a race;
- the eligibility of a runner to take part in, or the conditions under which a runner takes part in, any race; or
- any question or dispute as to a bet.

These matters are dealt with by RWWA, with the exception of a betting dispute which is dealt with by the Gaming and Wagering Commission, should any party be aggrieved by the decision of the racing stewards.

DETERMINATION OF APPEALS

The Tribunal is required to hear and determine an appeal based upon the evidence of the original hearing, but may allow new evidence to be given or experts to be called to assist in its deliberations.

When determining an appeal, the Tribunal may make the following orders:

- 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 of the appropriate racing club take further action in relation to any person; or
- such other order as the member presiding may think proper.

Decisions of the Tribunal are final and binding.

ADMINISTERED LEGISLATION

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

OTHER KEY LEGISLATION IMPACTING ON THE TRIBUNAL'S ACTIVITIES

The Tribunal complied with the following relevant written laws in the performance of its functions:

- 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;
- Public Interest Disclosure Act 2003;
- Public Sector Management Act 1994;
- Salaries and Allowances Act 1975;
- State Records Act 2000; and
- State Supply Commission Act 1991.

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. An appeal may be heard by the Chairperson, Acting Chairperson or member presiding sitting alone where the Regulations so provide.

The composition of the Tribunal as at 30 June 2013 was as follows:

Mr Dan Mossenson - Inaugural Chairperson

Mr Dan Mossenson was admitted to practice law in 1970 and specialises in liquor licensing, hospitality and tourism law. Mr Mossenson became a partner of Lavan and Walsh in 1973, subsequently a founding partner and Chairman of Partners of Phillips Fox and Lavan Legal, and currently is an Emeritus Partner of Lavan Legal. Mr Mossenson chaired both the WA State Government Gaming Inquiry in 1984 and the Land Valuation Tribunal of Western Australia from 1985 to 1997, was founding Vice-Chairman of the National Association for Gambling Studies, board member of the Australian Institute of Gambling Studies, the Indian Ocean Tourism Organisation

and the Tourism Council Western Australia Limited and its predecessor body for 14 years. Mr Mossenson was President of the Perth Hebrew Congregation Inc, is board member of Yirra Yaakin Aboriginal Corporation and founder and secretary of the Small Bar Association of W.A. Inc.

Mr Patrick Hogan - Inaugural Member

Mr Patrick Hogan is a barrister admitted to the Supreme Court of Western Australia and the High Court of Australia in June 1982. Mr Hogan worked as a barrister and solicitor with the Legal Aid Commission of Western Australia practising in civil and criminal law, then in private practice as a barrister with Howard Chambers.

Mr Hogan was appointed as a part-time Magistrate of the Children's Court of Western Australia in September 1999 and President of the Gender Reassignment Board of Western Australia in 2007.

Mr John Prior - Member

Mr John Prior is a barrister practising with Francis Burt Chambers Perth, specialising in criminal and civil litigation in the areas of sports law and liquor licensing.

Mr Prior has served on many committees including President of the Criminal Lawyers' Association of Western Australia, Convenor of the Law Society of Western Australia Criminal Law Committee, Magistrates' Courts Liaison Committee, Ministry of Justice Advisory Council, Reduction of Delay in Criminal Jurisdiction of the District Court, Unrepresented Litigants Scheme Committee Supreme Court and chaired the Ministerial Taskforce on Drug Law Reform.

Ms Karen Farley - Member

Ms Karen Farley is a barrister and solicitor specialising in Legal Aid assistance and a councillor for the Shire of Peppermint Grove. Ms Farley was a totalisator operator at Ascot and Belmont Racecourses between 1978 and 1982.

Ms Farley has served on several boards and committees including Chairperson of the Board of Visitors to Alma Street Centre, Fremantle Hospital, Board of Visitors to Heathcote Hospital, Member of the Criminal Law Association, Vice-President of the Criminal Law Association, Secretary of the Criminal Law Association, Committee Member of the Pro Bono Committee of Law Society and Committee Member of the Legal Aid Committee of Law Society. She is also currently Chair of the Council of Management, St Hilda's Anglican School for Girls.

Mr Andrew Monisse - Member

Mr Andrew Monisse was admitted as a barrister and solicitor of the Supreme Court of Western Australia in December 1990 after completing articles at Mallesons Stephen Jaques. His employment experience has included working as a solicitor assisting counsel at the WA Inc Royal Commission in 1991 and as a prosecutor for the Commonwealth Department of Public Prosecutions in the Perth office between 1992 and 1998. Since July 2000 he has worked as a barrister. He practises predominantly in criminal law at Quarry Chambers. Mr Monisse is a member of the Perth Legal Panel of the RAAF Specialist Reserve with the rank of Squadron Leader.

Mr Robert Nash - Member

Mr Robert Nash is a barrister admitted as a practitioner of the Supreme Court of WA and the High Court of Australia, and also is a general public notary.

Mr Nash has served on several councils, committees and directorships, including Director of Bauxite Resources Ltd and North West Property Holdings Pty Ltd, Chairman of the WA Soccer Disciplinary Tribunal, Council Member of the Law Society of WA, Convenor Education Committee of Law Society of WA, Counsel Assisting the Royal Commission into the City of Wanneroo, Member of the Professional Conduct Committee of Law Society, Consultative Committee to the District Court on Civil Reforms in the District Court, the Ethics Committee of Law Society, Legal Panel of the Royal Australian Navy, resident tutor in law at St George's College, Council Member of WA Bar Association Council, Director WA Bar Chambers Ltd and Tutor in Civil Procedure at University of WA.

Mr William Chesnutt - Member

Mr William Chesnutt is a barrister and solicitor engaged in conducting general litigation matters with exposure to a wide variety of commercial and criminal matters. Mr Chesnutt has tutored in company law and legal framework of business subjects.

PERFORMANCE MANAGEMENT FRAMEWORK

TRIBUNAL LEVEL GOVERNMENT DESIRED OUTCOME

Broad government goals are supported by this Tribunal via specific outcomes. The Tribunal delivers services to achieve these outcomes. The following table illustrates the relationship between the Tribunal's services and desired outcomes, and the government goal the Tribunal contributes to.

GOVERNMENT GOAL	DESIRED OUTCOME OF THE TRIBUNAL	SERVICES DELIVERED BY THE TRIBUNAL
Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	To provide an Appeal Tribunal in relation to determinations made by racing industry Stewards and controlling authorities.	Processing appeals and applications in accordance with statutory obligations.

CHANGES TO OUTCOME BASED MANAGEMENT FRAMEWORK

The Tribunal's Outcome Based Management Framework did not change during 2012/13.

SHARED RESPONSIBILITIES WITH OTHER AGENCIES

The Tribunal did not share any responsibilities with other agencies in 2012/13.

TRIBUNAL PERFORMANCE

REPORT ON OPERATIONS

Actual Results versus Budget Targets

FINANCIAL TARGETS	TARGET¹	ACTUAL	VARIATION²
	\$	\$	\$
Total cost of services (expense limit) (sourced from Statement of Comprehensive Income)	287,637	217,262	70,375
Net cost of services (sourced from Statement of Comprehensive Income)	0	68,441	68,441
Total equity (sourced from Statement of Financial Position)	218,703	342,728	184,425
Net increase (decrease) in cash held (sourced from Statement of Cash Flows)	0	68,311	68,311
	No.	No.	No.
Approved full time equivalent (FTE) staff level ³	0	0	0

The table below provides a summary of key performance indicators for 2012/13. A detailed explanation is provided on pages 44 and 45.

SUMMARY OF KEY PERFORMANCE INDICATORS	TARGET	ACTUAL	VARIATION⁴
Total number of stay applications received	8	3	5
Number of stay applications determined same day	3	0	3
Indicator	38%	0%	38%
Average cost of processing an appeal	\$31,960	\$24,140	\$7,820

1 As specified in the budget statements for the year in question.

2 Explanations for significant variances are contained in Note 12 'Explanatory Statement' to the financial statements (page 40).

3 Executive support for the Commission is provided by the Department of Racing, Gaming and Liquor

4 Explanations for the variations between target and actual results are presented at page 44& 45

MAJOR ACHIEVEMENTS FOR 2012/13

During the year, two appeals were carried over from 2011/12 and 12 new appeals were lodged with the Tribunal. As at 30 June 2013, the Tribunal determined 9 appeals and 5 were carried over to 2013/14.

These appeals, together with appeals from the previous year, are summarised by racing code as follows:

APPEALS LODGED AND DETERMINED							
Racing Code	2011/12				2012/13		
	Appeals carried over to 2011/12	Appeals Lodged	Appeals Determined	Appeals carried over to 2012/13	Appeals Lodged	Appeals Determined	Appeals carried over to 2013/14
Thoroughbred	2	8	9	1	5	5	1
Harness	0	2	2	0	6	2	4
Greyhound	0	3	2	1	1	2	0

The results of the determinations in respect of the racing codes for the years 2011/12 and 2012/13 are summarised below.

APPEAL RESULTS BY RACING CODE						
Results	2011/12			2012/13		
	Thoroughbred	Harness	Greyhound	Thoroughbred	Harness	Greyhound
Allowed in Full	0	0	0	1	1	0
Allowed in Part (Penalty Reduced)	0	0	0	2	1	1
Allowed in Part (Penalty NOT reduced)	0	0	0	0	0	1
Referred Back to Stewards (RWWA)	0	0	0	0	0	0
Dismissed	5	2	2	1	0	0
Withdrawn	3	0	0	0	0	0
Leave to Appeal Refused	1	0	0	1	0	0
TOTAL	9	2	2	5	2	2

The table below is a summary of appeals to be carried over to 2013/14.

APPEALS CARRIED OVER TO 2013/14	Thoroughbred Racing	Harness Racing	Greyhound Racing
Reserved Decision	0	1	0
Yet to be heard	1	3	0
Total	1	4	0

STAYS OF PROCEEDINGS

In 2012/13 there were three applications for stays of proceedings, compared to eight in the previous year, resulting in the following outcomes:

APPLICATIONS FOR STAYS OF PROCEEDINGS						
	2011/12			2012/13		
Results	Thoroughbred	Harness	Greyhound	Thoroughbred	Harness	Greyhound
Stays Granted	0	0	0	0	0	0
Stays Refused	4	2	1	1	1	0
Withdrawn	1	0	0	0	1	0
TOTAL	5	2	1	1	2	0

The following table provides a summary of the number, nature and outcome of matters before the Tribunal during 2012/13. Full determinations are available on the Tribunal's website at www.rpat.wa.gov.au

APPLICATIONS HEARD AND DETERMINED IN 2012/13					
Case No.	Name	Nature of Appeal	Hearing Date	Determination Date	Outcome
741	Malcolm Byas v RWWA Thoroughbred Stewards	Appeal against the disqualification of SYDNEY BUSINESSMAN pursuant to Rules 47(3) and 53A(5) of the RWWA Rules of Thoroughbred Racing	24/4/2012	24/7/2012	Appeal upheld
746	Bradley Cook v RWWA Greyhound Stewards	Appeal against convictions for breaches of Rules 86(d) and (e) of the RWWA Rules of Greyhound Racing and imposing two concurrent periods of 12 months disqualification	5/11/2012	5/2/2013	Appeal against conviction under Rule 86(d) dismissed; Appeal against conviction under Rule 86(e) upheld
747	Kyle J Harper v RWWA Harness Stewards	Appeal against five weeks suspension of his reins person's licence pursuant to Rule 149(2) of the RWW Rules of Harness Racing	22/8/2012 and 28/8/2012	28/8/2012; reasons published on 17/10/2012	Appeal against conviction dismissed; Appeal against penalty upheld
748	Peter Hall v RWWA Thoroughbred Stewards	Appeal against 3 months suspension of his jockey's licence pursuant to Rule 135(b) of the RWWA Rules of Thoroughbred Racing	3/10/2012	5/10/2012; reasons published on 6/11/2012	Appeal upheld and penalty reduced
749	Mark Reed v RWWA Harness Stewards	Appeal against 2 year disqualification pursuant to Rule 190(1) of the RWWA Rules of Harness Racing	11/3/2013 and 24/4/2013	N.A	Hearing adjourned
750	Gavin Slater v RWWA Thoroughbred Stewards	Appeal against 12 months disqualification pursuant to Rule 178G of the RWWA Rules of Thoroughbred Racing	18/12/2012	24/4/2013	Appeal upheld and penalty reduced
751	Bruce Stanley v RWWA Harness Stewards	Appeal against 17 day suspension for breach of Rule 163(1)(b) of the Rules of Harness Racing	19/12/2012	19/12/2012; reasons published on 22/4/2013	Appeal upheld
752	Clint K Harvey v RWWA Thoroughbred Stewards	Appeal against refusal during the course of an inquiry to allow an independent testing of a sample	1/2/2013	1/2/2013; reasons published 3/7/2013	Appeal dismissed
753	William Pike v RWWA Thoroughbred Stewards	Appeal against a 30 day suspension for breach of Rule 137(a) of the Rules of Thoroughbred Racing	31/1/2013	31/1/2013	Appeal dismissed

755	David Menaglio v RWWA Greyhound Stewards	Appeal against a 12 month disqualification for breach of Rule 86(o) of the RWWA Rules of Greyhound Racing	28/5/2013	13/6/2013	Appeal upheld and penalty reduced
757	Callan Suvaljko v RWWA Harness Stewards	Appeal against 9 months disqualification for breach of Rule 243 of the Rules of Harness Racing	8/5/2013	3/7/2013	Appeal upheld and penalty reduced

EXAMPLES OF APPEALS BEFORE THE TRIBUNAL

The following pages provide an insight into the nature of appeals heard before the Tribunal. Copies of determinations handed down since 1 January 2010 are available on the Tribunal's website at www.rpat.wa.gov.au

APPEAL NO. 748 – PETER HALL

In the matter of an appeal by Mr Peter Hall against the determination made by the RWWA stewards of Thoroughbred Racing on 10 September 2012 imposing three months suspension of his jockey's licence pursuant to Rule 135(b) of the RWWA Rules of Thoroughbred Racing.

Mr Peter Hall rode the second favourite YSMAEL in Race 7 at Belmont on 5 September 2012. YSMAEL came second. The favourite won by about half a length. YSMAEL was vetted after the race and found to have no medical issues. Mr Hall's ride was the subject of an inquiry by the stewards.

The stewards' inquiry involved an analysis of the quality of Mr Hall's ride on the day of the race as well as a comparison of that ride with some of Mr Hall's earlier rides. After establishing what riding instructions had been given to Mr Hall, the Chief Thoroughbred Steward who chaired the inquiry suggested that Mr Hall rode with an insufficient degree of vigour, purpose and urgency when it was both reasonable and permissible to do so.

Mr Hall stated YSMAEL was difficult to ride as the horse was riding too close to the fence. Further, Mr Hall asserted that if he had used the whip during the final length of the race, the horse would have slowed down. Therefore, in assessing the best way to get the most out of the horse, Mr Hall decided not to use the whip as *"I just felt like the best thing to do was to ride him that way, you know, that's the feeling he gave me when I straightened up, so I just rode him accordingly to how he felt on the day."*

The trainer, Mr B Watkins, gave evidence in the inquiry that he had no issues with the way the horse was ridden. Mr Watkins endorsed Mr Hall's decision not to apply the whip. He acknowledged that the winner was the favourite and that YSMAEL was beaten by a better horse.

The Chairman suggested that in the light of Mr Hall's experience as a senior rider, his performance in this race was substandard.

Stewards adjourned the inquiry to review the evidence then resumed proceedings on 10 September 2012. After the race films were shown, Mr Hall was asked to comment on the horse's head movement. The Chairman of the inquiry then commented that being in the middle of the track meant there was room for Mr Hall's horse to shift. Mr Hall expressed concern that had he allowed the horse to shift he thought it would go slower.

Despite Mr Hall's explanations and Mr Watkins' support of the jockey's ride, the stewards decided to lay a charge for breach of Rule 135(b) of the Rules of Thoroughbred Racing for failing to ride YSMAEL "*with an insufficient degree of vigour, purpose and urgency when it was both reasonable and permissible to do so*". Mr Hall pleaded not guilty to the charge.

Stewards subsequently imposed a three month suspension for failing to take all reasonable permissible measures to win or achieve the best possible place in the field.

Mr Hall appealed against the conviction on the grounds that the stewards' determination was "*in error*", and "*contrary to Law*". The penalty was also appealed on the basis that it was too severe.

The Tribunal heard the matter on 3 October 2012.

Mr Hall's counsel presented a veterinarian's report regarding his examination of YSMAEL conducted 10 days after the race, and DVDs of a number of Mr Hall's races. Some of the race footage revealed Mr Hall employing the whip but on other occasions it showed he did not. Mr Hall also gave some commentary on various race films which were shown including the race in question.

Mr Hall's counsel submitted that special weight should be given to Mr Watkins' evidence as at no stage in the proceedings was Mr Watkins critical of Mr Hall's ride. Despite the fact that Mr Watkins had the most to lose from the outcome of the race, he nevertheless considered the quality of Mr Hall's ride to have been appropriate or acceptable.

Further, this was a case where a senior experienced jockey had relied on his own judgment which led him to ride in the manner he considered to be most appropriate on the day. There were good reasons not to use the whip, namely the risk of the horse veering in and the fact it was going as fast as it could and potentially would lose momentum.

Senior Counsel for stewards referred to the fact that each of the stewards who comprised the inquiry panel knew Mr Hall's riding style. It was submitted YSMAEL was not tested due to Mr Hall's failure to use the whip. The real issue was the insufficiency of vigour employed by Mr Hall on this occasion compared to some of his other races.

Counsel for Mr Hall argued he had a good riding record as his only other breach of the rule in question had occurred over 17 years previously. As Mr Hall had been refused a stay of his penalty he had already served what amounted to a month of suspension from riding. This, it was submitted, should be adequate punishment in all circumstances. Although stewards had concluded the offence was at the upper end of the scale of severity, the horse was only beaten by half a length. Consequently, it was not at the upper end of the scale.

Counsel for stewards emphasised the fact that towards the end of the race Mr Hall had been in contention for a relatively long period of time. Given its position, YSMAEL had genuine prospects of winning had Mr Hall rode the horse with vigour, but he failed to do so.

The Tribunal concluded the fresh evidence was neither relevant nor persuasive so far as the films and Mr Hall's explanations were concerned. Consequently, it made no difference to the outcome of the hearing.

The Tribunal concluded that Mr Hall's riding performance in the race was not an error of judgment which was made or had occurred reflexively in the heat of the moment. Rather, the decision not to apply the whip was a deliberate act on the part of an experienced rider who had the benefit of enough time to evaluate the situation and make an appropriate and reasoned decision. The absence of such action meant that it was appropriate to conclude that the horse had not done or been allowed to do its best in the circumstances. This was supported by the footage of the race.

The Tribunal was satisfied that there was merit in the conclusion of the stewards that the rider's conduct fell short of objective standards reasonably expected of a jockey of Mr Hall's experience. The Tribunal determined there was no merit in the grounds of the appeal against the conviction.

However, the Tribunal disagreed with the stewards' conclusion that Mr Hall's riding tactics over the concluding stages of the race amounted to a serious breach of the rules. The Tribunal found that Mr Hall's explanation of his riding tactics was plausible, although it did not exonerate him of the charges. Further, it was supported by the evidence of Mr Watkins. In evaluating the seriousness of the breach, Mr Hall's position was also aided by the fact that he is both a versatile and busy rider who enjoys a very good record. The Tribunal was satisfied the penalty was severe and upheld the appeal against the penalty.

On 5 October 2012, the Tribunal issued its determination to dismiss the appeal against the conviction and to uphold the appeal against the penalty. Mr Hall's penalty was reduced to a two month suspension from riding. The reasons were published on 6 November 2012.

APPEAL NO. 751 – BRUCE STANLEY

In the matter of an appeal against the determination made by the RWWA Stewards of Harness Racing imposing a suspension of 17 days for breach of Rule 163(1)(b) of the Rules of Harness Racing

On 11 December 2012 RWWA stewards of Harness Racing conducted an inquiry into an incident which occurred during the running of Race 4 on that day at Gloucester Park. Both Mr Bruce Stanley and Mr Gary Hall Junior who drove in the race were called before stewards to answer questions in relation to the matter.

At the outset a steward described his observations of the race which were made from where he was positioned in the tower located close to where the incident allegedly occurred. The steward reported on the movement of the two drivers' respective horses and the fact that Mr Hall was obliged to race three-wide whilst proceeding out of the back straight and towards the front straight. Mr Hall agreed with the steward's description and also gave his own version of what had occurred. The footage of the race was played. Mr Delaney asserted that the video confirmed the steward's assessment of the race. Despite Mr Stanley having responded by presenting a different version of events, the stewards proceeded to issue a charge against Mr Stanley under Rule 163(1)(b). Mr Stanley pleaded not guilty but was convicted and as a consequence suspended for 17 days.

Mr Stanley appealed on the basis that he did not believe that he had made another horse race three wide out of the back straight. The Tribunal heard the matter on 19 December 2012.

In arguing his case, Mr Stanley asserted he was already in the onewide lane at the relevant time and the horse in question was following him. Further, he believed he kept a straight line all the way. The horse on his outside went three-wide of its own volition and he had not forced it into that position. Mr Stanley backed up his argument by referring to the footage of the race.

Counsel for stewards relied on the wording of Rule 163(4) which makes it an offence when the stewards are of the opinion that a driver has failed to comply with the requisite standards of driving during a race. The key phrase in the rule, "*in the opinion of the stewards*", ensured that in order for a person to succeed in such a matter, it must be shown that the decision of the stewards was so unreasonable that no reasonable body of stewards, armed with all of the relevant material, could have arrived at it.

Counsel for stewards asserted that the incident in question had in fact occurred at a different place in the race from where Mr Stanley had described it had taken place. However, as counsel proceeded to develop his assertion on this point it became obvious to him that he was in error. This then led him to concede that "*he got it wrong*" and "*Mr Stanley is right*". As a consequence the Tribunal then determined to uphold the appeal.

SIGNIFICANT ISSUES AND TRENDS IMPACTING THE TRIBUNAL

CHANGES TO ACTS

There were no amendments to the *Racing Penalties (Appeals) Act 1990* for the year under review.

CHANGES TO REGULATIONS

The *Racing Penalties (Appeals) Amendment Regulations 2011* provided new fees and charges under the *Racing Penalties (Appeals) Act 1990*. The new fees and charges came into effect on 1 January 2013.

LIKELY DEVELOPMENTS AND FORECAST RESULTS OF OPERATIONS

It is expected that the workload of the Racing Penalties Appeal Tribunal for 2013/14 will remain steady. Indications are that the Tribunal is adequately resourced to efficiently carry out its functions.

DISCLOSURES AND LEGAL COMPLIANCE


FINANCIAL STATEMENTS

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

CERTIFICATION OF FINANCIAL STATEMENTS

The accompanying financial statements of the Racing Penalties Appeal Tribunal 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 financial year ending 30 June 2013 and the financial position as at 30 June 2013.

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.



Terry Ng
Chief Finance Officer

13 September 2013



Dan Mossenson
Chairperson
Racing Penalties Appeal Tribunal
16 September 2013



Andrew Monisse
Member
Racing Penalties Appeal Tribunal
16 September 2013

Racing Penalties Appeal Tribunal

Statement of Comprehensive Income

for the year ended 30 June 2013

	Note	2013 \$	2012 \$
COST OF SERVICES			
Expenses			
Tribunal members' expenses	13	38,971	49,994
Superannuation	13	3,496	4,514
Supplies and services		174,795	166,536
Total cost of services		217,262	221,044
Income			
<i>Revenue</i>			
Operating income	4	271,822	263,890
Interest revenue	5	13,881	15,606
Total Revenue		285,703	279,496
NET COST OF SERVICES	10	(68,441)	(58,452)
SURPLUS/(DEFICIT) FOR THE PERIOD		68,441	58,452
OTHER COMPREHENSIVE INCOME			
Total other comprehensive income		0	0
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		68,441	58,452

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

Racing Penalties Appeal Tribunal

Statement of Financial Position

as at 30 June 2013

	Note	2013 \$	2012 \$
ASSETS			
Current Assets			
Cash and cash equivalents	6, 10	341,185	272,874
Receivables	7	<u>2,792</u>	<u>3,169</u>
Total Current Assets		<u>343,977</u>	<u>276,043</u>
TOTAL ASSETS		<u>343,977</u>	<u>276,043</u>
LIABILITIES			
Current Liabilities			
Payables	8	<u>1,249</u>	<u>1,756</u>
Total Current Liabilities		<u>1,249</u>	<u>1,756</u>
TOTAL LIABILITIES		<u>1,249</u>	<u>1,756</u>
NET ASSETS		<u>342,728</u>	<u>274,287</u>
EQUITY			
Accumulated surplus/(deficit)	9	<u>342,728</u>	<u>274,287</u>
TOTAL EQUITY		<u>342,728</u>	<u>274,287</u>

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

Racing Penalties Appeal Tribunal

Statement of Changes in Equity for the year ended 30 June 2013

	Note	Contributed equity \$	Reserves \$	Accumulated surplus/ (deficit) \$	Total equity \$
Balance at July 2011	9	0	0	215,835	215,835
Changes in accounting policy or correction of prior period errors		0	0	0	0
Restated balance at 1 July 2011		0	0	215,835	215,835
Surplus/(deficit)		0	0	58,452	58,452
Other comprehensive income		0	0	0	0
Total comprehensive income for the period		0	0	58,452	58,452
Transactions with owners in their capacity as owners:					
Other contributions by owners		0	0	0	0
Distributions to owners		0	0	0	0
Total		0	0	0	0
Balance at 30 June 2012		0	0	274,287	274,287
Balance at 1 July 2012		0	0	274,287	274,287
Surplus/(deficit)		0	0	68,441	68,441
Other comprehensive income		0	0	0	0
Total comprehensive income for the period		0	0	68,441	68,441
Transactions with owners in their capacity as owners:					
Other contributions by owners		0	0	0	0
Distributions to owners		0	0	0	0
Total		0	0	0	0
Balance at 30 June 2013		0	0	342,728	342,728

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

Racing Penalties Appeal Tribunal

Statement of Cash Flows

for the year ended 30 June 2013

	Note	2013 \$	2012 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Tribunal members' expenses		(39,418)	(49,286)
Superannuation		(3,548)	(4,435)
Supplies and services		(174,801)	(166,529)
GST paid on purchases		(14)	(20)
GST payments to taxation authority		(26,748)	(26,734)
Receipts			
Receipts from customers		271,822	263,890
Interest received		14,223	15,416
GST receipts on sales		26,748	26,734
GST receipts from taxation authority		47	14
Net cash provided by/(used in) operating activities	10	<u>68,311</u>	<u>59,050</u>
Net increase/(decrease) in cash and cash equivalents		68,311	59,050
Cash and cash equivalents at the beginning of the period		272,874	213,824
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	10	<u><u>341,185</u></u>	<u><u>272,874</u></u>

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

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2013**

Note 1. Australian Accounting Standards

General

The Authority's financial statements for the year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The Authority has adopted any applicable, new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The Authority cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Authority for the annual reporting period ended 30 June 2013.

Note 2. Summary of significant accounting policies

(a) General statement

The Authority is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB 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 impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had 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) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

(e) Income**Revenue recognition**

Revenue is recognised and 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.

Revenue is recognised for the major business activities as follows:

Sale of goods

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership transfer to the purchaser and can be measured reliably.

Provision of services

Revenue is recognised by reference to the stage of completion of the transaction.

Interest

Revenue is recognised as the interest accrues.

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the Authority obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

(f) 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 Comprehensive Income 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 determination.

(g) Financial instruments

In addition to cash, the Authority has two categories of financial instrument:

- * Receivables; and
- * Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- * Financial Assets
 - Cash and cash equivalents
 - Receivables

- * 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.

(h) Cash and Cash Equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent assets comprise cash on hand.

(i) Receivables

Receivables are recognised at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Authority 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.

(j) Payables

Payables are recognised at the amounts payable when the Authority 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 settlement is generally within 30 days.

(k) Employee BenefitsAnnual 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

The Government Employees Superannuation Board (GESB) and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

Tribunal members commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS 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). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider. The Authority makes contributions to GESB or other fund providers on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Authority's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the Authority to GESB extinguishes the agency's obligations to the related superannuation liability.

The Authority has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Authority to the GESB.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share.

(l) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), WSS, the GESBS, and other superannuation funds.

(m) Comparative figures

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

Note 3. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Authority has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2012 that impacted on the Authority.

AASB 2011-9	<i>Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]</i>	This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.
-------------	---	--

Future impact of Australian Accounting Standards not yet operative

The Authority cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Authority has not applied early any of the following Australian Accounting Standards that have been issued that may impact the Authority. Where applicable, the Authority plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 9	<i>Financial Instruments</i> This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i> , introducing a number of changes to accounting treatments. AASB 2012-6 <i>Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures</i> amended the mandatory application date of this Standard to 1 January 2015. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2015
AASB 10	<i>Consolidated Financial Statements</i> This Standard supersedes AASB 127 <i>Consolidated and Separate Financial Statements</i> and Int 112 <i>Consolidation – Special Purpose Entities</i> , introducing a number of changes to accounting treatments. Mandatory application of this Standard was deferred by one year for not-for-profit entities by AASB 2012-10 <i>Amendments to Australian Accounting Standards – Transition Guidance and Other Amendments</i> . The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2014
AASB 11	<i>Joint Arrangements</i> This Standard supersedes AASB 131 <i>Interests in Joint Ventures</i> , introducing a number of changes to accounting treatments. Mandatory application of this Standard was deferred by one year for not-for-profit entities by AASB 2012-10. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2014
AASB 12	<i>Disclosure of Interests in Other Entities</i> This Standard supersedes disclosure requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i> and AASB 131 <i>Interests in Joint Ventures</i> . Mandatory application of this Standard was deferred by one year for not-for-profit entities by AASB 2012-10. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2014
AASB 13	<i>Fair Value Measurement</i> This Standard defines fair value, sets out a framework for measuring fair value and requires additional disclosures about fair value measurements. There is no financial impact.	1 Jan 2013
AASB 119	<i>Employee Benefits</i> This Standard supersedes AASB 119 (October 2010), making changes to the recognition, presentation and disclosure requirements. The Authority does not have any defined benefit plans, and therefore the financial impact will be limited to the effect of discounting annual leave and long service leave liabilities that were previously measured at the undiscounted amounts.	1 Jan 2013

		Operative for reporting periods beginning on/after
AASB 127	<p><i>Separate Financial Statements</i></p> <p>This Standard supersedes AASB 127 <i>Consolidated and Separate Financial Statements</i>, introducing a number of changes to accounting treatments.</p> <p>Mandatory application of this Standard was deferred by one year for not-for-profit entities by AASB 2012-10. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2014
AASB 128	<p><i>Investments in Associates and Joint Ventures</i></p> <p>This Standard supersedes AASB 128 <i>Investments in Associates</i>, introducing a number of changes to accounting treatments.</p> <p>Mandatory application of this Standard was deferred by one year for not-for-profit entities by AASB 2012-10. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2014
AASB 1053	<p><i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial impact.</p>	1 Jul 2013
AASB 1055	<p><i>Budgetary Reporting</i></p> <p>This Standard specifies the nature of budgetary disclosures, the circumstances in which they are to be included in the general purpose financial statements of not-for-profit entities within the GGS. The Authority will be required to disclose additional budgetary information and explanations of major variances between actual and budgeted amounts, though there is no financial impact.</p>	1 Jul 2014
AASB 2010-2	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Int 2, 4, 5, 15, 17, 127, 129 & 1052]</i></p> <p>This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</p>	1 Jul 2013
AASB 2010-7	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Int 2, 5, 10, 12, 19 & 127]</i></p> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010.</p> <p>AASB 2012-6 amended the mandatory application date of this Standard to 1 January 2015. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2015
AASB 2011-2	<p><i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & 1054]</i></p> <p>This Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no financial impact.</p>	1 Jul 2013

		Operative for reporting periods beginning on/after
AASB 2011-6	<i>Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation – Reduced Disclosure Requirements [AASB 127, 128 & 131]</i>	1 Jul 2013
	This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity comply with Australian Accounting Standards or Australian Accounting Standards – Reduced Disclosure Requirements. There is no financial impact.	
AASB 2011-7	<i>Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 & 1038 and Int 5, 9, 16 & 17]</i>	1 Jan 2013
	This Standard gives effect to consequential changes arising from the issuance of AASB 10, AASB 11, AASB 127 <i>Separate Financial Statements</i> and AASB 128 <i>Investments in Associates and Joint Ventures</i> . For not-for-profit entities it applies to annual reporting periods beginning on or after 1 January 2014. The Authority has not yet determined the application or the potential impact of the Standard.	
AASB 2011-8	<i>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 & 132]</i>	1 Jan 2013
	This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as a result of issuing AASB 13 in September 2011. There is no financial impact.	
AASB 2011-10	<i>Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14]</i>	1 Jan 2013
	This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. There is no financial impact.	
AASB 2011-11	<i>Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements</i>	1 Jul 2013
	This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.	
AASB 2012-1	<i>Amendments to Australian Accounting Standards – Fair Value Measurement – Reduced Disclosure Requirements [AASB 3, 7, 13, 140 & 141]</i>	1 Jul 2013
	This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 13 and the consequential amendments implemented through AASB 2011-8. There is no financial impact.	
AASB 2012-2	<i>Amendments to Australian Accounting Standards – Disclosures – Offsetting Financial Assets and Financial Liabilities [AASB 7 & 132]</i>	1 Jan 2013
	This Standard amends the required disclosures in AASB 7 to include information that will enable users of an entity's financial statements to evaluate the effect or potential effect of netting arrangements, including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. There is no financial impact.	
AASB 2012-3	<i>Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]</i>	1 Jan 2014
	This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of "currently has a legally enforceable right of set-off" and that some gross settlement systems may be considered equivalent to net settlement. There is no financial impact.	

		Operative for reporting periods beginning on/after
AASB 2012-5	<p><i>Amendments to Australian Accounting Standards arising from Annual Improvements 2009-11 Cycle [AASB 1, 101, 116, 132 & 134 and Int 2]</i></p> <p>This Standard makes amendments to the Australian Accounting Standards and Interpretations as a consequence of the annual improvements process. There is no financial impact.</p>	1 Jan 2013
AASB 2012-6	<p><i>Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures [AASB 9, 2009-11, 2010-7, 2011-7 & 2011-8]</i></p> <p>This Standard amends the mandatory effective date of AASB 9 <i>Financial Instruments</i> to 1 January 2015. Further amendments are also made to consequential amendments arising from AASB 9 that will now apply from 1 January 2015 and to consequential amendments arising out of the Standards that will still apply from 1 January 2013. There is no financial impact.</p>	1 Jan 2013
AASB 2012-7	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 7, 12, 101 & 127]</i></p> <p>This Standard adds to or amends the Australian Accounting Standards to provide further information regarding the differential reporting framework and the two tiers of reporting requirements for preparing general financial statement. There is no financial impact.</p>	1 Jul 2013
AASB 2012-10	<p><i>Amendments to Australian Accounting Standards – Transition Guidance and Other Amendments [AASB 1, 5, 7, 8, 10, 11, 12, 13, 101, 102, 108, 112, 118, 119, 127, 128, 132, 133, 134, 137, 1023, 1038, 1039, 1049, & 2011-7 and Int 12]</i></p> <p>This Standard makes amendments to AASB 10 and related Standards to revise the transition guidance relevant to the initial application of those Standards, and to clarify the circumstances in which adjustments to an entity's previous accounting for its involvement with other entities are required and the timing of such adjustments.</p> <p>The Standard was issued in December 2012. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 2012-11	<p><i>Amendments to Australian Accounting Standards – Reduced Disclosure Requirements and Other Amendments [AASB 1, 2, 8, 10, 107, 128, 133, 134 & 2011-4]</i></p> <p>This Standard makes various editorial corrections to Australian Accounting Standards – Reduced Disclosure Requirements (Tier 2). These corrections ensure that the Standards reflect decisions of the AASB regarding the Tier 2 requirements.</p> <p>This Standard also extends the relief from consolidation and the equity method (in the new Consolidation and Joint Arrangements Standards) to entities complying with Australian Accounting Standards – Reduced Disclosure Requirements. There is no financial impact.</p>	1 Jul 2013

Note 4. Operating income

	2013	2012
	\$	\$
Fees and charges	4,342	4,200
Funding from Racing and Wagering Western Australia	267,480	259,690
	<u>271,822</u>	<u>263,890</u>

Note 5. Interest revenue

	2013	2012
	\$	\$
Interest revenue		
Commonwealth Bank of Australia	13,881	15,606
	<u>13,881</u>	<u>15,606</u>

Note 6. Cash and cash equivalents

	2013	2012
	\$	\$
Cash and cash equivalents are represented by funds held at the Commonwealth Bank of Australia	341,185	272,874
	<u>341,185</u>	<u>272,874</u>

Note 7. Receivables

	2013	2012
	\$	\$
<u>Current</u>		
Interest receivable	2,785	3,128
GST receivable	7	41
Total current	<u>2,792</u>	<u>3,169</u>

The Authority does not hold any collateral or other credit enhancements as security for receivables.

Note 8. Payables

	2013	2012
	\$	\$
<u>Current</u>		
Accrued expenses	1,249	1,756
Total current	<u>1,249</u>	<u>1,756</u>

Note 9. Equity

The Government holds the equity interest in the Authority on behalf of the community. Equity represents the residual interest in the net assets of the Authority.

Contributed equity

	2013 \$	2012 \$
Balance at start of period	0	0
<u>Contributions by owners</u>		
Transfer of net assets from other agencies	0	0
Total contributions by owners	<u>0</u>	<u>0</u>
<u>Distributions to owners</u>		
Transfer of net assets to other agencies	0	0
Total distributions to owners	<u>0</u>	<u>0</u>
Balance at end of period	<u>0</u>	<u>0</u>

Accumulated surplus/(deficit)

	2013 \$	2012 \$
Balance at start of period	274,287	215,835
Result for the period	68,441	58,452
Income and expense recognised directly in equity	0	0
Balance at end of period	<u>342,728</u>	<u>274,287</u>
Total Equity at end of period	<u>342,728</u>	<u>274,287</u>

Note 10. Notes to the Statement of Cash Flows

	2013 \$	2012 \$
Reconciliation of cash		
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 and cash equivalents	<u>341,185</u>	<u>272,874</u>
	<u>341,185</u>	<u>272,874</u>

Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

	2013 \$	2012 \$
Net cost of services	68,441	58,452
<u>(Increase)/decrease in assets</u>		
Receivables ^(a)	342	(191)
<u>Increase/(decrease) in liabilities</u>		
Payables ^(a)	(506)	796
Net GST receipts/(payments) ^(b)	34	(6)
Change in GST in receivables/payables ^(c)	0	(1)
Net cash provided by/(used in) operating activities	<u>68,311</u>	<u>59,050</u>

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This is the net GST paid/received, i.e. cash transactions.

(c) This reverses out the GST in receivables and payables.

Note 11. Financial instruments

(a) Financial risk management objectives and policies

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

Credit risk

Credit risk arises when there is the possibility of the Authority's receivables defaulting on their contractual obligations resulting in financial loss to the Authority.

The maximum exposure to credit risk at end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any allowance for impairment as shown in the table at note 11(c) 'Financial instruments disclosures' and note 7 'Receivables'.

Credit risk associated with the Authority's financial assets is minimal because the Authority trades only with recognised, creditworthy third parties. The Authority has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Authority's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Authority is unable to meet its financial obligations as they fall due.

The Authority is exposed to liquidity risk through its trading in the normal course of business.

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

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Authority's income or the value of its holdings of financial instruments. The Authority does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the interest rate sensitivity analysis table at Note 11(c), the Authority has no borrowings and its exposure to market risk for changes in interest rates relates primarily to cash and cash equivalents which are interest bearing.

(b) Categories of financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2013	2012
	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	341,185	272,874
Receivables ^(a)	2,785	3,128
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	1,249	1,756

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2013

Note 11. (c) Financial instrument disclosures

Credit risk

The following table discloses the Authority's maximum exposure to credit risk and the ageing analysis of financial assets. The Authority's maximum exposure to credit risk at the end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Authority.

The Authority does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

Aged analysis of financial assets

	Carrying Amount	Not past due and not impaired	Past due but not impaired					Impaired financial assets
			Up to 1 month	1-3 months	3 months to 1 year	1-5 years	More than 5 years	
	\$	\$	\$	\$	\$	\$	\$	\$
2013								
Cash and cash equivalents	341,185	341,185						
Receivables ^(a)	2,785		2,785					
	343,970	341,185	2,785	0	0	0	0	0
2012								
Cash and cash equivalents	272,874	272,874						
Receivables ^(a)	3,128		3,128					
	276,002	272,874	3,128	0	0	0	0	0

^(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2013

Note 11. (c) Financial instrument disclosures (contd)

Liquidity risk and interest rate exposure

The following table details the Authority's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analyses only the carrying amounts of each item.

Interest rate exposure and maturity analysis of financial assets and financial liabilities

	Weighted Average Effective Interest Rate %	Carrying Amount \$	Interest rate exposure			Nominal Amount \$	Maturity dates					
			Fixed interest rate \$	Variable interest rate \$	Non- interest bearing \$		Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$	
2013												
<u>Financial Assets</u>												
Cash and cash equivalent	3.40	341,185		341,185		341,185	341,185					
Receivables ^(a)		2,785			2,785	2,785	2,785					
		343,970	0	341,185	2,785	343,970	343,970	0	0	0	0	0
<u>Financial Liabilities</u>												
Payables		1,249			1,249	1,249	1,249					
		1,249	0	0	1,249	1,249	1,249	0	0	0	0	0

^(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2013

Note 11. (c) Financial instrument disclosures (contd)

Liquidity risk and interest rate exposure

Interest rate exposure and maturity analysis of financial assets and financial liabilities

	Weighted Average Effective Interest Rate %	Carrying Amount \$	Interest rate exposure			Nominal Amount \$	Maturity dates					
			Fixed interest rate \$	Variable interest rate \$	Non- interest bearing \$		Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$	
2012												
<u>Financial Assets</u>												
Cash and cash equivalent	4.71	272,874		272,874		272,874	272,874					
Receivables ^(a)		3,128			3,128	3,128	3,128					
		276,002	0	272,874	3,128	276,002	276,002	0	0	0	0	0
<u>Financial Liabilities</u>												
Payables		1,756			1,756	1,756	1,756					
		1,756	0	0	1,756	1,756	1,756	0	0	0	0	0

^(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2013**

Note 11. (c) Financial instrument disclosures (contd)

Interest rate sensitivity analysis

The following table represents a summary of the interest rate sensitivity of the Authority's financial assets and liabilities at the end of the reporting period on the surplus for the period and equity for a 1% change in interest rates. It is assumed that the change in interest rates is held constant throughout the reporting period.

	-100 basis points			+100 basis points	
	Carrying amount	Surplus	Equity	Surplus	Equity
2013	\$	\$	\$	\$	\$
<u>Financial Assets</u>					
Cash and cash equivalents	341,185	(3,412)	(3,412)	3,412	3,412
<u>Financial Liabilities</u>					
Total Increase/(Decrease)		(3,412)	(3,412)	3,412	3,412

	-100 basis points			+100 basis points	
	Carrying amount	Surplus	Equity	Surplus	Equity
2012	\$	\$	\$	\$	\$
<u>Financial Assets</u>					
Cash and cash equivalents	272,874	(2,729)	(2,729)	2,729	2,729
<u>Financial Liabilities</u>					
Total Increase/(Decrease)		(2,729)	(2,729)	2,729	2,729

Fair values

All financial assets and liabilities recognised in the Statement of Financial Position, 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.

Note 12. Explanatory statement

Significant variations between estimates and actual results for 2013 and between the actual results for 2012 and 2013 are shown below. Significant variations are considered to be those greater than 10% or \$20,000.

(i) Significant variances between estimated and actual result for 2013

	<u>2013</u> <u>Estimate</u> <u>\$</u>	<u>2013</u> <u>Actual</u> <u>\$</u>	<u>Variation</u> <u>\$</u>
Tribunal members' expenses	95,657	38,971	(56,686)
Superannuation	8,610	3,496	(5,114)

Tribunal members' expenses

The decrease of \$56,686 was mainly due to less appeals being lodged and dealt with than estimated in 2013.

Superannuation

The variance of \$5,114 was due to the impact of the decrease in the Tribunal members' expenses in 2013.

(ii) Significant variances between actual results for 2012 and 2013

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

	<u>2013</u> <u>\$</u>	<u>2012</u> <u>\$</u>	<u>Variance</u> <u>\$</u>
Interest revenue	13,881	15,606	1,725

Interest revenue

The decrease of \$1,725 was the result of lower interest rates throughout the year.

Note 13. 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:

	2013	2012
\$		
0 - 10,000	6	6
30,001 - 40,000	1	0
40,001 - 50,000	0	1
	\$	\$
Base remuneration and superannuation	42,467	54,508
Other benefits	0	0
The total remuneration of members of the accountable authority	<u>42,467</u>	<u>54,508</u>

The total remuneration includes the superannuation expense incurred by the Authority in respect of members of the accountable authority.

Note 14. Remuneration of auditor

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2013	2012
	\$	\$
Auditing the accounts, financial statements and key performance indicators	<u>10,300</u>	<u>9,900</u>

Note 15. Commitments

As at 30 June 2013 the Authority did not have any other material capital or expenditure commitments.

Note 16. Contingent liabilities and contingent assets

The Authority is not aware of any contingent liabilities and contingent assets as at the end of the reporting period.

Note 17. Events occurring after the end of the reporting period

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 Authority, the results of those activities or the state of affairs of the Authority in the ensuing or any subsequent financial year.

ADDITIONAL KEY PERFORMANCE INDICATOR INFORMATION

Key Performance Indicators (KPIs) are required by section 62 of the *Financial Management Act 2006* 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.

CERTIFICATION OF PERFORMANCE INDICATORS FOR THE RACING PENALTIES APPEAL TRIBUNAL FOR THE YEAR ENDED 30 JUNE 2013

I 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, and fairly represent the performance of the Racing Penalties Appeal Tribunal for the financial year ended 30 June 2013.



Dan Mossenson
Chairperson
Racing Penalties Appeal Tribunal

16 September 2013



Andrew Monisse
Member
Racing Penalties Appeal Tribunal

16 September 2013

DETAILED INFORMATION IN SUPPORT OF KEY PERFORMANCE INDICATORS

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.⁵

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 their 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 proceeding applications is the only process the Tribunal has some control over in respect of the length of time taken to process an appeal. The time involved in the processing of them is governed by many factors including the availability of counsel for both parties, the provision of the transcript of a Stewards' inquiry and other supporting information, legal proceedings in other jurisdictions and the complexity of matters required to be determined.

	2012/13 Target	2012/13 Actual	2011/12 Actual	2010/11 Actual	2009/10 Actual
Total number of stay applications received	8	3	8	2	8
Number of stay applications determined the same day	3	0	3	1	2
Indicator	38%	0%	38%	50%	25%

⁵ The effectiveness indicator for this activity is derived by dividing the number of stay applications determined the same day by the total number of stay applications received, then multiplying by 100.

The table below provides an explanation as to why the three stay applications lodged in the 2012/2013 financial year were not processed on the same day. It highlights that sometimes factors beyond the Tribunal's control can be responsible for such a delay.

Appeal No	Applicant	Explanation
747	Kyle J Harper v RWWA Harness Stewards	Appeal was lodged at 4pm on Friday, 10 August 2012. It was determined on Monday, 13 August 2012 at 3:50pm after submissions were received.
748	Peter Hall v RWWA Thoroughbred Stewards	Appeal was lodged at 12:50pm on Wednesday 12 September 2012. The parties took time to lodge submissions and the matter was determined at 12.40pm on Thursday, 13 September 2013.
757	Callan Suvaljko v RWWA Harness Stewards	Matter was expedited for hearing and the stay application fell away as a result.

Service: To perform functions for the racing industry.

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

The Racing Penalties Appeal Tribunal was created to maintain industry confidence in the enforcement of the various racing rules by providing the industry with an impartial quasi judicial forum for the hearing of appeals against Racing and Wagering Western Australia determinations.

The Tribunal is responsible for hearing and determining appeals against contraventions recorded and penalties imposed in disciplinary proceedings arising from, or in relation to, the conduct of thoroughbred, harness and greyhound racing.

A person who is aggrieved by a Racing and Wagering Western Australia decision, including those made by a steward/stewards or a committee of a racing club, may lodge an appeal to the Tribunal within 14 days of the decision being handed down.

The Registrar of the Racing Penalties Appeal Tribunal must ensure that appeals and applications are processed in accordance with the *Racing Penalties (Appeals) Act 1990* and the *Racing Penalties (Appeals) Regulations 1991*, whilst providing an effective and efficient service to the racing industry at minimal cost.

The fixed average cost can change marginally for each reporting year as a result of increases or reductions in the number of matters heard before the Tribunal, combined with annual increases to the total cost of providing services to the Tribunal to conduct its operations.

This means the more applications that are lodged in a given year then the less it costs on processing an application. Conversely, if fewer applications are lodged in a given year then it costs more on average to process an application.

The reason for the discrepancy between the estimated average cost of processing an application versus the actual cost of processing an application in 2012/13 is due to the decrease in the actual cost of services provided to the Tribunal for that financial year.

Efficiency Indicator	2012/13 Target	2012/13 Actual	2011/12 Actual	2010/11 Actual	2009/10 Actual
Average cost of processing an appeal ⁶	\$31,960 ⁷	\$24,140 ⁸	\$24,560	\$23,038	\$18,696

6 The average processing cost for each financial year was derived by dividing the total cost of services to the Tribunal by the number of appeals heard.

⁷ This is based on the 2012/13 budgeted cost of services of \$287,637 divided by 9 applications heard.

⁸ This is based on 2012/13 actual total cost of services \$217,262 divided by 9 applications heard.



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA

Report on the Financial Statements

I have audited the accounts and financial statements of the Racing Penalties Appeal Tribunal of Western Australia.

The financial statements comprise the Statement of Financial Position as at 30 June 2013, the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

Tribunal's Responsibility for the Financial Statements

The Tribunal is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Tribunal determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Tribunal's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Tribunal, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Racing Penalties Appeal Tribunal of Western Australia at 30 June 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

Report on Controls

I have audited the controls exercised by the Racing Penalties Appeal Tribunal of Western Australia during the year ended 30 June 2013.

Controls exercised by the Racing Penalties Appeal Tribunal of Western Australia are those policies and procedures established by the Tribunal to ensure 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.

Tribunal's Responsibility for Controls

The Tribunal is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Racing Penalties Appeal Tribunal of Western Australia based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Tribunal complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the controls exercised by the Racing Penalties Appeal Tribunal of Western Australia are sufficiently adequate to 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 during the year ended 30 June 2013.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Racing Penalties Appeal Tribunal of Western Australia for the year ended 30 June 2013.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

Tribunal's Responsibility for the Key Performance Indicators

The Tribunal is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Tribunal determines necessary to ensure that the key performance indicators fairly represent indicated performance.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Tribunal's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the key performance indicators of the Racing Penalties Appeal Tribunal of Western Australia are relevant and appropriate to assist users to assess the Tribunal's performance and fairly represent indicated performance for the year ended 30 June 2013.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and Australian Auditing and Assurance Standards, and other relevant ethical requirements.

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Racing Penalties Appeal Tribunal of Western Australia for the year ended 30 June 2013 included on the Tribunal's website. The Tribunal's management is responsible for the integrity of the Tribunal's website. This audit does not provide assurance on the integrity of the Tribunal's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



DON CUNNINGHAME
ASSISTANT AUDITOR GENERAL, ASSURANCE SERVICES
Delegate of the Auditor General for Western Australia
Perth, Western Australia
20 September 2013

OTHER LEGAL AND GOVERNMENT POLICY REQUIREMENTS

ADVERTISING AND SPONSORSHIP

Section 175ZE of the *Electoral Act 1907* requires public agencies to report details of expenditure to organisation providing services in relation to advertising, market research, polling, direct mail and media advertising. The Tribunal did not incur expenditure of this nature in 2012/13.

OTHER GOVERNMENT POLICY REQUIREMENTS

The Commission meets its requirements through arrangements with the Department of Racing, Gaming and Liquor. The Department's Annual Report contains information on how the Department meets the following requirements:

- Disability Access and Inclusion Plan Outcomes.
- Compliance with Public Sector Standards and Ethical Codes.
- Recordkeeping Plans.
- Substantive Equality.
- Occupational Safety, Health and Injury Management.