



Racing Penalties Appeal Tribunal 2014/15 Annual Report

Table of Contents

Contacts.....	2
Statement of Compliance.....	3
Overview of Tribunal.....	4
Executive Summary.....	4
Operational Structure	5
Performance Management Framework.....	11
Report on Operations.....	12
Examples of Appeals before the Tribunal	16
Application for Leave by Terrence Colin Rolfe	16
Appeal by Shane Allen Edwards	17
Significant Issues and Trends Impacting the Tribunal	20
Disclosures and Legal Compliance.....	21
Financial Statements	21
Key Performance Indicator Information	42
Other Legal and Government Policy Requirements.....	49

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. Colin Holt, MLC
Minister for Housing; 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 2015.

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



Dan Mossenson
Chairperson

15 September 2015

Overview of Tribunal

Executive Summary

It is with pleasure that I present the Annual Report of the Racing Penalties Appeal Tribunal for the year ended 30 June 2015.

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.

During the reporting period, the Tribunal continued 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, one appeal was carried over from the previous reporting period, and 10 new appeals were lodged with the Tribunal. Of these, six 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. I also thank the Department of Racing, Gaming and Liquor for its ongoing provision of executive services, and the Supreme Court of Western Australia for permitting the Tribunal to use its facilities. It would not be possible for the Tribunal to conduct its activities in an effective, efficient manner without this invaluable support.



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 to 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 (RWWA).

Responsible Minister

As at 30 June 2015, the Minister responsible for the Racing and Gaming Portfolio was the Honourable Colin Holt MLC, Minister for Housing; Racing and Gaming.

Appeals Which may be Heard by the Tribunal

A person who is aggrieved by a determination of RWWA, 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.

Additionally, 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.

Determination of Appeals

The Tribunal is required to hear and determine an appeal based on 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 2015 was as follows:

Mr Dan Mossenson - Inaugural Chairperson

Mr Dan Mossenson was admitted to practise 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 of Phillips Fox and Lavan Legal, and currently is the 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 is the Past President of the Perth Hebrew Congregation Inc and past vice-president of Carmel School Inc. Mr Mossenson is currently a 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. Mr Prior is also a Commissioner of the Legal Aid Commission of Western Australia.

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. He is also a Chairman of a public company and Head of the WA Navy Legal Panel.

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 Director of Public Prosecutions in the Perth office between 1992 and 1998. Since July 2000 Mr Monisse has worked as a barrister and since October 2000 has been a member of the WA Bar Association. He practises predominantly in Criminal Law at Quarry Chambers. Mr Monisse is also a member of the Perth Legal Panel of the RAAF Specialist Reserve with the rank of Squadron Leader.

Ms Karen Farley SC - Member

Ms Karen Farley is a senior appeal consultant at Legal Aid WA and has served on several boards and committees including Criminal Lawyers Association, Childcare Services Board and Boards of Visitors to Heathcote and Alma St Centre. She is a member of the Criminal Law Committee of the Law Society and Legal Practice Board. Ms Farley is also a Councillor of Peppermint Grove Shire and Deputy Chair of the Council of Management of St Hilda's ASG.

Mr William Chesnutt - Member

Mr William Chesnutt is a barrister 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

Agency Level Government Desired Outcome

Broad government goals are supported by the 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 2014/15.

Shared Responsibilities with Other Agencies

The Tribunal did not share any responsibilities with other agencies in 2014/15.

Report on Operations

Actual Results versus Budget Targets

Financial Targets	Target	Actual	Variation
Total cost of services (expense limit) (sourced from Statement of Comprehensive Income)	\$256,940	\$215,669	(\$41,271)
Net cost of services (sourced from Statement of Comprehensive Income)	\$0	(\$41,697)	(\$41,697)
Total equity (sourced from Statement of Financial Position)	\$378,509	\$441,588	\$63,079
Net increase (decrease) in cash held (sourced from Statement of Cash Flows)	\$0	\$43,849	\$43,849
	No.	No.	No.
Approved full time equivalent (FTE) staff level	N/A	N/A	N/A

The table below provides a summary of key performance indicators for 2014/15. A detailed explanation is provided later in the report.

Summary of Key Performance Indicators	Target	Actual	Variation
Total number of stay applications received	7	4	(3)
Number of stay applications determined same day	7	1	(6)
Average cost of processing an appeal	16,035	21,567	5532

Performance Summary for 2014/15

During the year, one appeal was carried over from 2013/14 and 10 new appeals (including a leave to appeal application) were lodged with the Tribunal. As at 30 June 2015, the Tribunal determined seven appeals, including one from the previous year, with five appeals being carried over to 2015/16. One of the appeals was determined with reasons yet to be published (at the time of this report being published). These appeals, together with appeals from the previous year, are summarised by racing code:

Racing Code	Appeals carried over to 2014/15	Appeals Lodged	Appeals Determined	Appeals carried over to 2015/16
Thoroughbred	1	2	2	1
Harness	0	4	3	1
Greyhound	0	4	2	3

The results of the determinations in respect of the racing codes for the years 2013/14 and 2014/15 are summarised below.

Appeals Results by Racing Code						
Results	2013/14			2014/15		
	Thoroughbred	Harness	Greyhound	Thoroughbred	Harness	Greyhound
Allowed in Full	0	0	0	0	1	0
Allowed in Part (Penalty Reduced)	0	2	1	0	0	0
Referred Back to Stewards (RWWA)	0	0	0	0	0	0
Dismissed	2	0	1	2	1	2
Withdrawn	1	0	2	0	0	0
Leave to Appeal Refused	0	0	0	0	1	0
Total	3	2	4	2	3	2

Appeals Carried Over to 2015/16	Thoroughbred Racing	Harness Racing	Greyhound Racing
Reserved Decision	1	0	1
Reserved Decision on penalty only	0	0	0
Reasons to be published	0	0	1
Yet to be heard	0	1	1
Total	1	1	3

STAYS OF PROCEEDINGS

In 2014/15 there were four applications for stays of proceedings, compared to seven in the previous year. The Chairperson made the determinations as follows:

Stays of Proceedings 2014/15			
Results	Thoroughbred	Harness	Greyhound
Stays Granted	0	1	0
Stays Refused	1	1	1
Withdrawn	0	0	0
Total	1	2	1

The following table provides a summary of the number, nature and outcome of matters before the Tribunal during 2014/15. Full determinations are available on the Tribunal's website at www.rpat.wa.gov.au

Applications Heard and Determined in 2014/15					
Case No.	Name	Nature of Appeal	Hearing Date	Determination Date	Outcome
770	Shane Edwards	Appeal against disqualification of three years for breaching Australian Rule of Racing (AR) 175A, six months for breaching AR 175(gg), three years for breaching AR 175(g) and a fine of \$1500 for breaching AR175(a)	26 August 2014 and 21 October 2014	30 June 2015	Appeal dismissed
771	Tim Mullany	Appeal against a disqualification of six months and three months (to be served concurrently) for offences under AR86(ah) of RWWA Rules of Greyhound Racing	On Papers	15 October 2014	Appeal dismissed; reasons to be published
772	Linda Hulsinga	Disqualifications of six months and 18 months (to be served concurrently) for breaches of Rule 86(ah) of the Rules of Greyhound Racing.	23 January 2015	11 February 2015	Appeal against penalty and conviction dismissed
773	Clint Harvey	Appeal against 12 month disqualification for breach of Australia Rule of Racing 175(a)	6 January 2015		Reserved decision
774	Terrence Colin Rolfe (Leave to Appeal)	Leave to appeal against the decision of Albany Harness Racing Club Inc to refuse membership	19 February 2015	26 March 2015	Application refused
775	Linda Joy Britton	Appeal against disqualification of 18 months for two breaches of Rule 83(2)(a) of the Rules of Greyhound Racing	13 April 2015		Reserved decision
776	Bruce Stanley	Application for stay against suspension for breach of Rule 183(d) of the Rules of Harness Racing	27 March 2015	27 March 2015	Application for stay refused
777	Gary Edward Hall	Appeal against an 11 day suspension for breach of Harness Rule of Racing 163(1)(b)	13 April 2015	13 April 2015	Appeal allowed; fee refunded

Examples of Appeals before the Tribunal

The Tribunal heard a number of appeals throughout the course of the reporting period. Below are examples of the types of matters which regularly come before the Tribunal.

Application for Leave by Terrence Colin Rolfe

Application by Mr Terrence Colin Rolfe for leave to appeal to the Racing Penalties Appeals Tribunal pursuant to section 13(3) of the Racing Penalties (Appeals) Act 1990 against the decision made by Albany Harness Racing Club Inc to reject Mr Rolfe's membership application.

On 19 October 2014 at the Albany Harness Racing Club's annual general meeting, an incident occurred where a previously disqualified club member, Mr Graeme Meston, questioned the Club's president Mr Terry Dymock as to why he had been disqualified. When Mr Dymock refused to answer the applicant, Mr Rolfe, who was present at the meeting, stated the Club was constitutionally bound to answer Mr Meston's question. Following the meeting, Mr Rolfe told Mr Dymock that if Mr Meston's appeal was not dealt with, then upon becoming a member of the club the applicant would organise a meeting of members to "deal" with the appeal.

On 8 December 2014 at a meeting of the Club's Committee, Mr Rolfe's application for membership was rejected. The application was unanimously rejected by the Committee and no reason was given to the applicant for that decision. Mr Rolfe unsuccessfully attempted to lodge appeals with Racing and Wagering Western Australia and the Equal Opportunity Commission.

The Tribunal heard Mr Rolfe's leave to appeal application on 19 February 2015. The applicant argued that he was entitled to be privy to reasons for the rejection of his application and implied that he and Mr Meston were victims of undue influence or unconscionable conduct as a result of their earlier conflict with the Club.

After hearing the arguments presented at the appeal hearing, the Tribunal reserved its decision and the reasons for dismissing the appeal are outlined below.

The Tribunal considered the incorporation of the Albany Harness Racing Club in accordance with the *Associations Incorporations Act 1987 (WA)* which requires the association to provide for the qualification of members in its Rules. The Club's rules give the Club jurisdiction to control conduct of persons taking part in the sport of trotting and stipulate that any person over the age of 18 is eligible to be elected as a full member, by way of a vote of the majority of members of the Club's committee. The Tribunal determined that no evidence had been presented to suggest that the Club's rules do not comply with the *Associations Incorporations Act*.

Section 13(1) of the *Racing Penalties (Appeals) Act 1990* allows the Tribunal to grant leave to appeal “on any matter”, however the Tribunal determined that this discretion is limited to appeals of determinations concerning punishments, fines, suspensions or disqualifications flowing from disciplinary proceedings.

Although the Tribunal commented that Mr Rolfe, on the face of the evidence, appeared to represent a valuable addition to the Club’s membership base with an impressive record in the sport of harness racing, it is not the role of the Tribunal to make findings as to the general validity or lawfulness of the Club’s rules or procedures for the admittance of members.

The application for leave to appeal was dismissed by the Tribunal.

Appeal by Shane Allen Edwards

Appeal by Mr Shane Allen Edwards against the determination made by thoroughbred racing stewards imposing disqualifications of three years and an additional six months to be served concurrently, and a fine of \$1500 for breaches of Rules 175A, 175(gg), 175(g) and 175(a).

Mr Edwards is a registered trainer who, for the period from September 2010 until November 2012, exported race horses to Mr Desmond Koh, a trainer in Singapore, where they were then registered without authority under different ownership and engaged in racing. Mr Edwards failed to inform the Western Australian owners of the horses of the animals’ activities and movements. On 7 July 2014 he was charged by RWWA stewards of thoroughbred racing with various offences under the rules outlined below.

Charge 1 (Rule AR175A)

Stewards found that Mr Edwards, as a licensed trainer, engaged in conduct prejudicial to the image and interests of racing in his dealings with clients and others, and failed to act honestly and openly in relation to financial and other aspects of those dealings.

In particular, Mr Edwards, having organised arrangements for horses in his care to be transported to Singapore, failed to ensure that the interests of the horses’ owners were properly protected and failed to ensure that the owners of the horses were kept informed of their animals’ progress. Mr Edwards also failed to monitor the actions of Mr Koh with respect to transfers of ownership of the horses and failed to ensure that the WA owners were informed of the deletion and subsequent fate of their horses in a timely and appropriate manner. No proper records were maintained in relation to the arrangements and agreements in respect of the horses.

Stewards found that Mr Edwards had failed to inform one owner his horse was to be serviced by a stallion outside of the terms of their agreement, and further failed to adequately inform the owner as to other matters concerning his horse and its progeny, which resulted in the owner relinquishing his interests in these horses to settle debts, which were in fact accumulated by Mr Edwards.

Mr Edwards authorised the transfer of three horses to new interests other than the registered Western Australian owners, without notifying or advising those persons of the transfers. He further failed to take action when he became aware that Mr Koh was not complying with his agreement in respect of the remittance of prize money, and was not passing on the proceeds from the sale of multiple horses.

Charge 2 (Rule AR175(gg))

The specifics of this charge were that during an interview conducted by a RWWA investigator, stewards found that Mr Edwards denied knowledge of another shareholder in a particular horse, which constituted a misleading statement in respect of a matter in connection with the control of racing.

Charge 3 (Rule AR175(g))

Under this rule, stewards may penalise any person who gives false or misleading evidence during an inquiry. During a stewards' inquiry on 20 November 2013, stewards found that Mr Edwards gave misleading evidence when he denied any knowledge of the transfers of various horses.

Charge 4 (Rule AR175(a))

Mr Edwards was charged under this rule for nominating a horse for a race meeting with no intention of racing the horse. Instead, stewards found that the horse was nominated simply to ensure that there were sufficient numbers of horses for the race to proceed, to benefit another of Mr Edwards' horses. In the opinion of stewards, this constituted an improper practice in connection with racing.

On 7 July 2014 stewards wrote to Mr Edwards advising that the penalty in respect of charges 1 and 2 was three years disqualification, for charge 3 the penalty would be six months disqualification, and in respect of charge 4 a \$1500 penalty would apply. All disqualification periods were to be served concurrently.

The Appeal

On appeal before the Racing Penalties Appeal Tribunal, counsel for Mr Edwards argued that in relation to charge 1, stewards erred as they made a number of irrelevant and improper considerations. Counsel stated that AR175A does not require Mr Edwards to keep owners fully informed of their horses' progress as he was no longer the registered trainer. Furthermore, counsel disputed the claim that the particulars of each charge constituted offences under AR175A.

In respect of charges 2, 3 and 4, counsel argued that stewards' findings that the appellant had acted in a misleading and improper way were in error.

Counsel for stewards argued that the roles and responsibilities of trainers are such that strict liability provisions are required under the rules to make trainers responsible for rule breaches even when not directly or indirectly responsible for the rule breach. This is required for the racing industry to function properly and to ensure a relationship of trust and integrity exists between owners and trainers at all times.

Decision

After hearing the arguments presented at the appeal hearing, the Tribunal reserved its decision; the reasons for dismissing the appeal are outlined below.

The Chairperson, in his reasons, emphasised the fact that RWWA stewards are best equipped to conduct inquiries as they have specialist knowledge and understand the practical application of the rules in the racing industry. The Tribunal found that it was not the role of the Tribunal to make a fresh determination to replace that of the stewards simply because the Tribunal may have arrived at a different outcome in the first instance.

The Chairperson also noted that the sport of racing is a sensitive industry, and largely relies on the confidence of the betting public in the integrity of that industry. Breaches of rules or suspicion of malpractice can directly impact on this confidence, and therefore the sport is required to be subject to close vigilance and unstinting scrutiny. As a key and integral part of the industry, stewards are ideally positioned to determine what actions prejudice the image of racing.

Further, as stewards had the advantage of observing, hearing, questioning and testing the witnesses, they are in the best position to decide issues of credibility. The Chairperson reiterated that as the rule is couched in the wording "in the opinion of the stewards" it is not appropriate for the Tribunal to interfere unless it is of the opinion that the Stewards have fallen into error.

The Chairperson concluded that the actions of Mr Edwards were well beyond domestic or private disputes, taking into account the number of horses and owners involved, Mr Edwards' position of authority in the industry, and the fact that a significant number of owners lost their rights of ownership once the horses were exported overseas. There was also local publicity in the press and some owners resorted to legal action. The implications and seriousness of this misconduct took the matter beyond the private into the public realm.

While Mr Edwards was authorised by the owners to export the horses to Singapore, the Tribunal held that this did not justify passing ownership of a horse to another person without the owner's consent. Horses were registered under different names and prize money was received by the appellant, all without the knowledge of the original owners. The evidence before stewards established that there was industry knowledge that this had happened and that these actions went beyond the bounds of propriety and amounted to serious misconduct.

In respect to charge 1, the Chairperson concluded that stewards had not erred by determining that Mr Edwards was required to (a) keep owners informed as to their horses' progress, (b) account to the owners within a reasonable time frame, (c) keep management records, (d) honour stud arrangements, (e) protect ownership rights and (f) obtain authority before setting off debts from proceeds received on behalf of others. Ground one was accordingly dismissed.

In respect to charges 2 and 3, the Tribunal was satisfied that it was open to stewards on the evidence to conclude that the appellant had misled stewards and the principal investigator and therefore these grounds of appeal were dismissed.

In relation to charge 4, the Tribunal agreed with stewards that they could not ignore Mr Edwards' conduct in view of the consequences and the blatant manner in which it was discussed and admitted to by the appellant. Ground 4 was also dismissed.

The Tribunal considered the arguments made by the parties in regards to the penalty and concluded that stewards were aware of the impact disqualification would have on Mr Edwards' personal circumstances. However, due to the seriousness of his misconduct, stewards determined that the gravity and nature of his actions outweighed the effect on his then current personal and commercial situation.

The Tribunal determined that stewards were not in error in arriving at any of the penalties which they imposed, and that the punishments all fell within the discretionary ranges open to stewards in each case. The appeal against the penalty was dismissed.

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

Likely Developments and Forecast Results of Operations

It is expected that the workload of the Racing Penalties Appeal Tribunal for 2015/16 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 for the Year Ended 30 June 2015

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 financial year ending 30 June 2015 and the financial position as at 30 June 2015.

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.



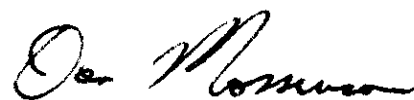
Terry Ng
Chief Financial Officer

14 September 2015



Patrick Hogan
Member
Racing Penalties
Appeal Tribunal

14 September 2015



Dan Mossenson
Chairperson
Racing Penalties
Appeal Tribunal

14 September 2015

Racing Penalties Appeal Tribunal

Statement of Comprehensive Income

for the year ended 30 June 2015

	Note	2015 \$	2014 \$
COST OF SERVICES			
Expenses			
Tribunal members' expenses	13	27,719	25,260
Superannuation	13	2,616	2,354
Supplies and services		185,334	179,742
Total cost of services		215,669	207,356
Income			
<i>Revenue</i>			
Operating income	4	243,552	252,721
Interest revenue	5	13,814	11,798
Total Revenue		257,366	264,519
NET COST OF SERVICES	10	(41,697)	(57,163)
SURPLUS/(DEFICIT) FOR THE PERIOD		41,697	57,163
OTHER COMPREHENSIVE INCOME			
Total other comprehensive income		0	0
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		41,697	57,163

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 2015

	Note	2015 \$	2014 \$
ASSETS			
Current Assets			
Cash and cash equivalents	6, 10	440,360	396,511
Receivables	7	<u>2,770</u>	<u>3,380</u>
Total Current Assets		<u>443,130</u>	<u>399,891</u>
TOTAL ASSETS		<u>443,130</u>	<u>399,891</u>
LIABILITIES			
Current Liabilities			
Payables	8	<u>1,542</u>	<u>0</u>
Total Current Liabilities		<u>1,542</u>	<u>0</u>
TOTAL LIABILITIES		<u>1,542</u>	<u>0</u>
NET ASSETS		<u>441,588</u>	<u>399,891</u>
EQUITY			
Accumulated surplus/(deficit)	9	<u>441,588</u>	<u>399,891</u>
TOTAL EQUITY		<u>441,588</u>	<u>399,891</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 2015

	Note	Contributed equity \$	Reserves \$	Accumulated surplus/ (deficit) \$	Total equity \$
Balance at July 2013	9	0	0	342,728	342,728
Changes in accounting policy or correction of prior period errors		0	0	0	0
Restated balance at 1 July 2013		<u>0</u>	<u>0</u>	<u>342,728</u>	<u>342,728</u>
Surplus/(deficit)		0	0	57,163	57,163
Other comprehensive income		0	0	0	0
Total comprehensive income for the period		<u>0</u>	<u>0</u>	<u>57,163</u>	<u>57,163</u>
Transactions with owners in their capacity as owners:					
Other contributions by owners		0	0	0	0
Distributions to owners		0	0	0	0
Total		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance at 30 June 2014		<u>0</u>	<u>0</u>	<u>399,891</u>	<u>399,891</u>
Balance at 1 July 2014		<u>0</u>	<u>0</u>	<u>399,891</u>	<u>399,891</u>
Surplus/(deficit)		0	0	41,697	41,697
Other comprehensive income		0	0	0	0
Total comprehensive income for the period		<u>0</u>	<u>0</u>	<u>41,697</u>	<u>41,697</u>
Transactions with owners in their capacity as owners:					
Other contributions by owners		0	0	0	0
Distributions to owners		0	0	0	0
Total		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance at 30 June 2015		<u>0</u>	<u>0</u>	<u>441,588</u>	<u>441,588</u>

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 2015

	Note	2015 \$	2014 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Tribunal members' expenses		(25,889)	(26,826)
Superannuation		(2,482)	(2,460)
Supplies and services		(185,334)	(179,742)
GST paid on purchases		(1,289)	(1,117)
GST payments to taxation authority		(24,053)	(24,948)
Receipts			
Receipts from customers		243,552	252,721
Interest received		14,001	11,648
GST receipts on sales		24,053	24,948
GST receipts from taxation authority		1,290	1,102
Net cash provided by/(used in) operating activities	10	<u>43,849</u>	<u>55,326</u>
Net increase/(decrease) in cash and cash equivalents		43,849	55,326
Cash and cash equivalents at the beginning of the period		396,511	341,185
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	10	<u>440,360</u>	<u>396,511</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 2015**

Note 1. Australian Accounting Standards

General

The Authority's financial statements for the year ended 30 June 2015 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards 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*. Partial exemption permitting early adoption of AASB 2015-7 *Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities* has been granted. Aside from AASB 2015-7, there has been no early adoption of any other Australian Accounting Standards that have been issued or amended (but not operative) by the Authority for the annual reporting period ended 30 June 2015.

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 2006* 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 Authority 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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

(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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

(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 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

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

Superannuation expense is recognised in the profit or loss of the Statement of Comprehensive Income and 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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

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, or adopted, for annual reporting periods beginning on or after 1 July 2014 that impacted on the Authority.

<i>Int 21</i>	<i>Levies</i>	This Interpretation clarifies the circumstances under which a liability to pay a government levy imposed should be recognised. There is no financial impact for the Authority at reporting date.
<i>AASB 10</i>	<i>Consolidated Financial Statements</i>	This Standard, issued in August 2011, supersedes AASB 127 <i>Consolidated and Separate Financial Statements and Int 112 Consolidation – Special Purpose Entities</i> , introducing a number of changes to accounting treatments. The adoption of the new Standard has no financial impact for the Authority as it does not impact accounting for related bodies and the Authority has no interests in other entities.
<i>AASB 11</i>	<i>Joint Arrangements</i>	This Standard, issued in August 2011, supersedes AASB 131 <i>Interests in Joint Ventures</i> , introduces new principles for determining the type of joint arrangement that exists, which are more aligned to the actual rights and obligations of the parties to the arrangement. There is no financial impact for the Authority as the new standard continues to require the recognition of the Authority's share of assets and share of liabilities for the unincorporated joint operation.
<i>AASB 12</i>	<i>Disclosure of Interests in Other Entities</i>	This Standard, issued in August 2011, supersedes disclosure requirements in AASB 127 <i>Consolidated and Separate Financial Statements</i> , AASB 128 <i>Investments in Associates</i> and AASB 131 <i>Interests in Joint Ventures</i> . There is no financial impact.
<i>AASB 127</i>	<i>Separate Financial Statements</i>	This Standard, issued in August 2011, supersedes AASB 127 <i>Consolidated and Separate Financial Statements</i> removing the consolidation requirements of the earlier standard whilst retaining accounting and disclosure requirements for the preparation of separate financial statements. There is no financial impact.
<i>AASB 128</i>	<i>Investments in Associates and Joint Ventures</i>	This Standard supersedes AASB 128 <i>Investments in Associates</i> , introducing a number of clarifications for the accounting treatments of changed ownership interest. The adoption of the new Standard has no financial impact for the Authority as it does not hold investments in associates and joint ventures.
<i>AASB 1031</i>	<i>Materiality</i>	This Standard supersedes AASB 1031 (February 2010), removing Australian guidance on materiality not available in IFRSs and refers to guidance on materiality in other Australian pronouncements. There is no financial impact.
<i>AASB 1055</i>	<i>Budgetary Reporting</i>	This Standard requires specific budgetary disclosures in the general purpose financial statements of not-for-profit entities within the General Government Sector. 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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

AASB 2011-7	<p><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></p> <p>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>. There is no financial impact for the Authority.</p>
AASB 2012-3	<p><i>Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]</i></p> <p>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.</p>
AASB 2013-3	<p><i>Amendments to AASB 136 – Recoverable Amount Disclosures for Non-Financial Assets</i></p> <p>This Standard introduces editorial and disclosure changes. There is no financial impact.</p>
AASB 2013-4	<p><i>Amendments to Australian Accounting Standards – Novation of Derivatives and Continuation of Hedge Accounting [AASB 139]</i></p> <p>This Standard permits the continuation of hedge accounting in circumstances where a derivative, which has been designated as a hedging instrument, is novated from one counterparty to a central counterparty as a consequence of laws or regulations. The Authority does not routinely enter into derivatives or hedges, therefore there is no financial impact.</p>
AASB 2013-8	<p><i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities – Control and Structured Entities [AASB 10, 12 & 1049]</i></p> <p>The amendments, issued in October 2013, provide significant guidance in determining whether a not-for-profit entity controls another entity when financial returns are not a key attribute of the investor’s relationship. The Standard has no financial impact in its own right, rather the impact results from the adoption of the amended AASB 10.</p>
AASB 2013-9	<p><i>Amendments to Australian Accounting Standards – Conceptual Framework, Materiality and Financial Instruments</i></p> <p>Part B of this omnibus Standard makes amendments to other Standards arising from the deletion of references to AASB 1031 in other Standards for periods beginning on or after 1 January 2014. It has no financial impact.</p>
AASB 2014-1	<p><i>Amendments to Australian Accounting Standards</i></p> <p>Part A of this Standard consists primarily of clarifications to Accounting Standards and has no financial impact for the Authority.</p> <p>Part B of this Standard has no financial impact as the Authority contributes to schemes that are either defined contribution plans, or deemed to be defined contribution plans.</p> <p>Part C of this Standard has no financial impact as it removes references to AASB 1031 <i>Materiality</i> from a number of Accounting Standards.</p>
AASB 2015-7	<p><i>Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities</i></p> <p>This Standard relieves not-for-profit public sector entities from the reporting burden associated with various disclosures required by AASB 13 for assets within the scope of AASB 116 that are held primarily for their current service potential rather than to generate future net cash inflows. It has no financial impact.</p>

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

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* or by an exemption from TI 1101. By virtue of a limited exemption, the Authority has early adopted AASB 2015-7 *Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities*. Where applicable, the Authority plans to apply the following 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. The mandatory application date of this Standard is currently 1 January 2018 after being amended by AASB 2012-6, AASB 2013-9, and AASB 2014-1 <i>Amendments to Australian Accounting Standards</i> . The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2018
AASB 15	<i>Revenue from Contracts with Customers</i> This Standard establishes the principles that the Authority shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2017
AASB 2010-7	<i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)</i> [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] This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The mandatory application date of this Standard has been amended by AASB 2012-6 and AASB 2014-1 to 1 January 2018. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2018
AASB 2013-9	<i>Amendments to Australian Accounting Standards Conceptual Framework, Materiality and Financial Instruments</i> Part C of this omnibus Standard defers the application of AASB 9 to 1 January 2017. The application date of AASB 9 was subsequently deferred to 1 January 2018 by AASB 2014-1. The Authority has not yet determined the application or the potential impact of AASB 9.	1 Jan 2015
AASB 2014-1	<i>Amendments to Australian Accounting Standards</i> Part E of this Standard makes amendments to AASB 9 and consequential amendments to other Standards. It has not yet been assessed by the Authority to determine the application or potential impact of the Standard.	1 Jan 2015
AASB 2014-3	<i>Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations</i> [AASB 1 & 11] The Authority establishes Joint Operations in pursuit of its objectives and does not routinely acquire interests in Joint Operations. Therefore, there is no financial impact on application of the Standard.	1 Jan 2016
AASB 2014-4	<i>Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation</i> [AASB 116 & 138] The adoption of this Standard has no financial impact for the Authority as depreciation and amortisation is not determined by reference to revenue generation, but by reference to consumption of future economic benefits.	1 Jan 2016
AASB 2014-5	<i>Amendments to Australian Accounting Standards arising from AASB 15</i> This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 15. The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2017
AASB 2014-7	<i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)</i> This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 9 (December 2014). The Authority has not yet determined the application or the potential impact of the Standard.	1 Jan 2018

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

		Operative for reporting periods beginning on/after
AASB 2014-8	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2014) – Application of AASB 9 (December 2009) and AASB 9 (December 2010) [AASB 9 (2009 & 2010)]</i></p> <p>This Standard makes amendments to AASB 9 <i>Financial Instruments</i> (December 2009) and AASB 9 <i>Financial Instruments</i> (December 2010), arising from the issuance of AASB 9 <i>Financial Instruments</i> in December 2014. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2015
AASB 2014-9	<p><i>Amendments to Australian Accounting Standards – Equity Method in Separate Financial Statements [AASB 1, 127 & 128]</i></p> <p>This Standard amends AASB 127, and consequentially amends AASB 1 and AASB 128, to allow entities to use the equity method of accounting for investments in subsidiaries, joint ventures and associates in their separate financial statements. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2016
AASB 2014-10	<p><i>Amendments to Australian Accounting Standards – Sale or Contribution of Assets between an Investor and its Associate or Joint Venture [AASB 10 & 128]</i></p> <p>This Standard amends AASB 10 and AASB 128 to address an inconsistency between the requirements in AASB 10 and those in AASB 128 (August 2011), in dealing with the sale or contribution of assets between an investor and its associate or joint venture. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2016
AASB 2015-1	<p><i>Amendments to Australian Accounting Standards – Annual Improvements to Australian Accounting Standards 2012–2014 Cycle [AASB 1, 2, 3, 5, 7, 11, 110, 119, 121, 133, 134, 137 & 140]</i></p> <p>These amendments arise from the issuance of International Financial Reporting Standard Annual Improvements to IFRSs 2012–2014 Cycle in September 2014, and editorial corrections. The Authority has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2016
AASB 2015-2	<p><i>Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049]</i></p> <p>This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. There is no financial impact.</p>	1 Jan 2016
AASB 2015-3	<p><i>Amendments to Australian Accounting Standards arising from the Withdrawal of AASB 1031 Materiality</i></p> <p>This Standard completes the withdrawal of references to AASB 1031 in all Australian Accounting Standards and Interpretations, allowing that Standard to effectively be withdrawn. There is no financial impact.</p>	1 Jul 2015
AASB 2015-6	<p><i>Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 & 1049]</i></p> <p>The amendments extend the scope of AASB 124 to include application by not-for-profit public sector entities. Implementation guidance is included to assist application of the Standard by not-for-profit public sector entities. There is no financial impact.</p>	1 Jul 2016

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

Note 4. Operating income

	2015	2014
	\$	\$
Fees and charges	3,027	3,298
Funding from Racing and Wagering Western Australia	<u>240,525</u>	<u>249,423</u>
	<u><u>243,552</u></u>	<u><u>252,721</u></u>

Note 5. Interest revenue

	2015	2014
	\$	\$
Interest revenue		
Commonwealth Bank of Australia	<u>13,814</u>	<u>11,798</u>

Note 6. Cash and cash equivalents

	2015	2014
	\$	\$
Cash and cash equivalents are represented by funds held at the Commonwealth Bank of Australia	<u>440,360</u>	<u>396,511</u>

Note 7. Receivables

	2015	2014
	\$	\$
<u>Current</u>		
Interest receivable	2,750	2,937
Other receivable	0	422
GST receivable	<u>20</u>	<u>21</u>
Total current	<u><u>2,770</u></u>	<u><u>3,380</u></u>

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

Note 8. Payables

	2015	2014
	\$	\$
<u>Current</u>		
Accrued expenses	0	0
Other payable	<u>1,542</u>	<u>0</u>
Total current	<u><u>1,542</u></u>	<u><u>0</u></u>

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

Note 9. Equity

The Western Australian 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

	2015 \$	2014 \$
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)

	2015 \$	2014 \$
Balance at start of period	399,891	342,728
Result for the period	41,697	57,163
Income and expense recognised directly in equity	0	0
Balance at end of period	<u>441,588</u>	<u>399,891</u>
Total Equity at end of period	<u>441,588</u>	<u>399,891</u>

Note 10. Notes to the Statement of Cash Flows

	2015 \$	2014 \$
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>440,360</u>	<u>396,511</u>
Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities		
	2015 \$	2014 \$
Net cost of services	41,697	57,163
<u>(Increase)/decrease in assets</u>		
Receivables ^(a)	609	(574)
<u>Increase/(decrease) in liabilities</u>		
Payables ^(a)	1,542	(1,249)
Net GST receipts/(payments) ^(b)	1	(14)
Change in GST in receivables/payables ^(c)	0	0
Net cash provided by/(used in) operating activities	<u>43,849</u>	<u>55,326</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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

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:

	2015	2014
	\$	\$
Financial Assets		
Cash and cash equivalents	440,360	396,511
Receivables ^(a)	2,750	3,359
Financial Liabilities		
Financial liabilities measured at amortised cost	1,542	0

(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 2015

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	
			\$	\$	\$	\$	\$	
2015								
Cash and cash equivalents	440,360	440,360						
Receivables ^(a)	2,750		2,750					
	443,110	440,360	2,750	0	0	0	0	0
2014								
Cash and cash equivalents	396,511	396,511						
Receivables ^(a)	3,359		3,359					
	399,870	396,511	3,359	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 2015

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 \$	
2015												
<u>Financial Assets</u>												
Cash and cash equivalents	2.70	440,360		440,360		440,360	440,360					
Receivables ^(a)		2,750			2,750	2,750	2,750					
		443,110	0	440,360	2,750	443,110	443,110	0	0	0	0	0
<u>Financial Liabilities</u>												
Payables		1,542			1,542	1,542	1,542					
		1,542	0	0	1,542	1,542	1,542	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 2015

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 \$	
2014												
<u>Financial Assets</u>												
Cash and cash equivalents	2.81	396,511		396,511		396,511	396,511					
Receivables ⁽⁴⁾		3,359			3,359	3,359	3,359					
		399,870	0	396,511	3,359	399,870	399,870	0	0	0	0	0
<u>Financial Liabilities</u>												
Payables		0			0	0	0					
		0	0	0	0	0	0	0	0	0	0	0

⁽⁴⁾ 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 2015

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
2015	\$	\$	\$	\$	\$
<u>Financial Assets</u>					
Cash and cash equivalents	440,360	(4,404)	(4,404)	4,404	4,404
<u>Financial Liabilities</u>					
Total Increase/(Decrease)		(4,404)	(4,404)	4,404	4,404

	-100 basis points			+100 basis points	
	Carrying amount	Surplus	Equity	Surplus	Equity
2014	\$	\$	\$	\$	\$
<u>Financial Assets</u>					
Cash and cash equivalents	396,511	(3,965)	(3,965)	3,965	3,965
<u>Financial Liabilities</u>					
Total Increase/(Decrease)		(3,965)	(3,965)	3,965	3,965

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.

**Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015**

Note 12. Explanatory statement

Significant variances between estimates and actual results for 2015 and between the actual results for 2015 and 2014 are shown below. Significant variances are considered to be those greater than 10% or \$20,000.

(i) Significant variances between estimated and actual result for 2015

	<u>2015 Estimate \$</u>	<u>2015 Actual \$</u>	<u>Variation \$</u>
Tribunal members' expenses	60,000	27,719	(32,281)
Superannuation	5,700	2,616	(3,084)

Tribunal members' expenses

The variance of \$32,281 is mainly due to less appeals being lodged and dealt with than estimated in 2015.

Superannuation

The variance of \$3,084 is due to the impact of the decrease in the Tribunal members' expenses in 2015.

(ii) Significant variances between actual results for 2014 and 2015

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

	<u>2015 \$</u>	<u>2014 \$</u>	<u>Variance \$</u>
Interest revenue	13,814	11,798	(2,016)

Interest revenue

The decrease of \$2,016 is the result of lower interest rates throughout the year.

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 30 June 2015

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:

	2015	2014
Remuneration Band (\$)		
0 - 10,000	6	6
10,001 - 20,000	1	1
	\$	\$
Base remuneration and superannuation	30,335	27,614
Other benefits	0	0
The total remuneration of members of the accountable authority	30,335	27,614

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:

	2015	2014
	\$	\$
Auditing the accounts, controls, financial statements and key performance indicators	10,800	10,550

Note 15. Commitments

As at 30 June 2015 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.

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.

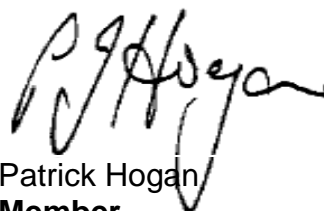
Certification of Key Performance Indicators

We hereby certify that the key 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 2015.



Dan Mossenson
Chairperson
Racing Penalties Appeal Tribunal

14 September 2015



Patrick Hogan
Member
Racing Penalties Appeal Tribunal

14 September 2015

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 industry¹.

Under the *Racing Penalties (Appeals) Act 1990* (the Act), an appellant may apply for a suspension of the operation of a penalty at the time of lodging the appeal (a stay). It is essential to the racing codes, trainers, owners and the general public that these stay 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 Racing Penalties Appeal Tribunal (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 an appeal with a stay 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.

The time involved in determining a stay application, is governed by many factors including the availability of counsel for both parties, the provision of the transcript of the stewards' inquiry and other supporting information, legal proceedings in other jurisdictions and the complexity of matters required to be determined.

Key Effectiveness Indicator	2011/12 Actual	2012/13 Actual	2013/14 Actual	2014/15 Target	2014/15 Actual
Total number of stay applications received	8	3	7	7	4
Number of stay applications determined the same day	3	0	0	7	1
Indicator	38%	0%	0%	100%	25%

¹ 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 were not processed the same day and highlights that factors beyond the Tribunal's control were responsible for such a delay.

Appeal No	Applicant	Explanation
A30/08/770	Shane Edwards v RWWA Stewards of Thoroughbred Racing	Appeal was lodged on 07/07/2014 at 2:47pm. Exchange of submissions between the counsels of the parties were finalised at approximately 8:30am on 10/07/2014. The application was determined on the same day at 6:50pm.
A30/08/771	Tim Mullany v RWWA Stewards of Greyhound Racing	Appeal was lodged on 27/08/2014 at 4:00pm. Exchange of submissions between the counsels of the parties got finalised at approximately 4pm on 28/08/2014. The application was determined on the same day at 5:28pm
A30/08/777	Gary Edward Hall v RWWA Stewards of Harness Racing	Appeal was lodged on 02/04/2015 at 12:50pm. Exchange of submissions between the parties got finalised at approximately 11:46am on 07/04/2015. The application was determined on the same day at 2:11pm.

Service: To perform functions for the racing industry.

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

The Tribunal was established 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 a determination, or a finding comprised in or related to a determination, of an appropriate controlling authority, of a racing club, or of any committee or stewards.

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

A person who is aggrieved by a RWWA decision, or a determination made by a steward/stewards or a committee of a racing club, may make an appeal to the Tribunal within 14 days of the decision being handed down.

The Registrar of the Tribunal must ensure that appeals and stay 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 average cost can change 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 heard in a given year the less it costs to process an application. Conversely, if fewer applications are heard in a given year then it costs more on average to process a stay application.

The reason for the discrepancy between the estimated average costs of processing a stay application versus the actual cost of processing a stay application in 2014-15 is due to the decrease in the actual cost of services provided to the Tribunal as well as number of stay applications heard.

Key Effectiveness Indicator	2011/12 Actual	2012/13 Actual	2013/14 Actual	2014/15 Target	2014/15 Actual
Average cost of processing an appeal ²	\$24,560	\$24,140	\$23,040	\$16,035 ³	21,567 ⁴

² 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.

³ This is based on 2014-15 budgeted total cost of services of \$240,525 divided by a target of 15 appeals.

⁴ This is based on 2014-15 actual total cost of services \$215,669 divided by actual 10 appeals with 4 stay applications and one withdrawn matter.



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 2015, 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 2015 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 2015.

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 2015.

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 2015.

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 2015.

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 2015 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 FINANCIAL AUDIT
Delegate of the Auditor General for Western Australia
Perth, Western Australia
16 September 2015

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 organisations providing services in relation to advertising, market research, polling, direct mail and media advertising. The Tribunal did not incur expenditure of this nature in 2014/15.

Remuneration of Members

During the reporting period, the following remuneration figures applied to Tribunal members.

Tribunal Member	All Earnings	Superannuation
William Chesnutt	\$1,869	\$178
Andrew Monisse	\$1,198	\$96
Dan Mossenson	\$16,478	\$1,565
Patrick Hogan	\$2,112	\$200
Robert Nash	\$1,270	\$121
John Prior	\$1,692	\$161
Karen Farley	\$1,692	\$161
Total	\$26,311	\$2,482

Other Government Policy Requirements

The Tribunal 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.