

**RACING PENALTIES APPEAL TRIBUNAL
OF WESTERN AUSTRALIA**

ANNUAL REPORT

2002/2003

STATEMENT OF COMPLIANCE

HON NICK GRIFFITHS LLB MLC
MINISTER FOR RACING AND GAMING

RACING PENALTIES APPEAL TRIBUNAL ANNUAL REPORT 2001/2002

In accordance with section 66 of the *Financial Administration and Audit Act 1985*, we submit for your information and tabling in Parliament, the Annual Report of the Racing Penalties Appeal Tribunal of Western Australia (the Tribunal) for the year ended 31 July 2003.

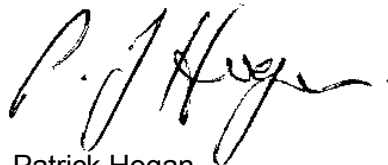
The report has been prepared in accordance with the provisions of the Financial Administration and Audit Act 1985.

The report summarises the Tribunal's functions and objectives, presents an overview of achievements and includes financial statements for the year.

The Tribunal's success in meeting its objectives has been significantly influenced by the dedication and commitment of the employees of the Department of Racing, Gaming and Liquor. We take this opportunity on behalf of the Tribunal to express appreciation for their efforts.



Dan Mossenson
CHAIRPERSON
23 September 2003



Patrick Hogan
MEMBER
23 September 2003

**STATEMENT OF COMPLIANCE
WITH RELEVANT LAW**

ENABLING LEGISLATION

The Racing Penalties Appeal Tribunal is established under the *Racing Penalties (Appeals) Act 1990*. The Tribunal was established to confer jurisdiction in respect of appeals against penalties imposed in disciplinary proceedings arising from, or in relation to, the conduct of thoroughbred racing, harness racing and greyhound racing, and for related purposes.

LEGISLATION ADMINISTERED

Racing Penalties (Appeals) Act 1990.

LEGISLATION IMPACTING ON ACTIVITIES

In the performance of its functions, the Tribunal complies with the following relevant written laws:

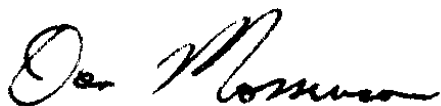
- *Financial Administration and Audit Act 1985;*
- *Public Sector Management Act 1994;*
- *Salaries and Allowances Act 1975;*
- *Public and Bank Holidays Act 1972;*
- *Equal Opportunity Act 1984;*
- *Library Board of Western Australia Act 1951;*
- *Occupational Health and Safety Act 1984;*
- *Freedom of Information Act 1992;*
- *Industrial Relations Act 1979;*
- *Workplace Agreement Act 1993;*
- *Minimum Conditions of Employment Act 1993;*
- *Workers' Compensation and Rehabilitation Act 1981;*
- *State Supply Commission Act 1991;*
- *Anti Corruption Commission Act 1988; and*
- *Disability Services Act 1993.*

In the financial administration of the Tribunal, the Tribunal has complied with the requirements of the *Financial Administration and Audit Act 1985* and relevant written law. It has exercised controls which provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of public property and incurring of liabilities have been in accordance with legislative provisions.

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

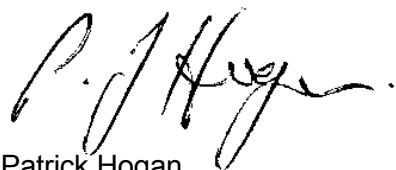
At the date of signing we are not aware of any circumstances which would render the particulars included in this statement misleading or inaccurate.



Dan Mossenson
CHAIRPERSON
23 September 2003



Terry Ng
PRINCIPAL ACCOUNTING OFFICER
23 September 2003



Patrick Hogan
MEMBER
23 September 2003

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1. The Tribunal
2. Tribunal Membership
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6. Financial Statements
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1. THE TRIBUNAL

Purpose of the Tribunal

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

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

Equity, Access and Customer Focus

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

As such, the Tribunal does not maintain plans for –

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

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

Responsible Minister

The Minister for Racing and Gaming is responsible for the Racing and Gaming portfolio. At 31 July 2003 the Minister for Racing and Gaming was the Hon Nick Griffiths, LLB MLC.

Appeals which may be heard by the Tribunal

A person who is aggrieved by a determination of an appropriate controlling authority of a racing club, or of any committee or stewards may, within 14 days of the determination, appeal to the Tribunal. The matters that can be appealed against are those determinations or findings -

- (a) imposing any suspension or disqualification, whether of a runner or of a person;
- (b) imposing a fine;
- (c) which result, or may result, in the giving of a notice of the kind commonly referred to as a warning-off; or
- (d) in relation to other matters, where the Tribunal gives leave to appeal.

1. THE TRIBUNAL (cont.)

Determination of Appeals

The Tribunal is required to hear and determine an appeal upon the evidence of the original hearing but may allow new evidence or call on experts to assist in its deliberations.

When determining an appeal, the Tribunal may -

- order the refund or repayment of stakes paid in respect of a race to which the appeal relates;
- refer the matter to the appropriate controlling authority, race club, committee or stewards for re-hearing;
- confirm, vary or set aside the determination or finding appealed against or any order or penalty imposed to which it relates;
- recommend or require that the appropriate controlling authority, racing club, committee or stewards take further action in relation to any person; and
- make any other order that the Chairperson or Presiding Member may think proper.

The decision of the Tribunal is final and binding.

2. TRIBUNAL MEMBERSHIP

Sections 5 and 6 of the Act provide that the Tribunal shall consist of a Chairperson and a panel of members, each appointed by the Minister. The Schedule to the Act specifies terms of appointment shall not exceed three years with eligibility for reappointment. The Tribunal, constituted by the Chairperson, Acting Chairperson or Presiding Member and two members, sitting together hear the majority of appeals. Where the Regulations provide, an appeal may be heard by the Chairperson, Acting Chairperson or Presiding Member sitting alone.

The composition of the Tribunal as at 31 July 2003 is as follows:

Mr Dan Mossenson (current term expires 28 February 2006*)	Inaugural Chairperson - initial appointment 1 March 1991
Mr Patrick Hogan (current term expires 28 February 2006*)	Inaugural Member - initial appointment 1 March 1991
Mr John Prior (current term expires 28 February 2006*)	Member - initial appointment 1 March 1994
Ms Karen Farley (current term expires 28 February 2005*)	Member - initial appointment 1 March 1997
Mr Andrew Monisse (current term expires 28 February 2005*)	Member - initial appointment 1 March 1997
Mr Robert Nash (current term expires 28 February 2005*)	Member - initial appointment 1 March 1997
Mr Steven Pynt (current term expires 28 February 2005*)	Member - initial appointment 1 March 1997
Ms Gillian Braddock SC (current term expires 28 February 2006*)	Member - initial appointment 6 June 2000
Mr William Chesnutt (current term expires 28 February 2006*)	Member - initial appointment 6 June 2000

* Appointments will cease on the dates indicated above or upon commencement of the State Administrative Tribunal, whichever occurs first.

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

3. REPORT ON OPERATIONS

APPEALS

This year 23 appeals or leave to appeal were lodged with the Tribunal and six were carried over from the previous year. During the year the Tribunal determined 25 appeals or leave to appeal with four pending at the end of this year. These appeals or leave to appeal are summarised by racing code as follows:

APPEALS LODGED AND DETERMINED							
RACING CODE	Appeals Lodged 2001/02	Appeals Determined 2001/02	Hearing Days Occupied 2001/02	Appeals Carried Over To 2002/03	Appeals Lodged 2002/03	Appeals Determined 2002/03	Hearing Days Occupied 2002/03
Thoroughbred	22	22	7.75	2	17	18	9.50
Harness	14	15	3.00	2	2	3	2.00
Greyhound	5	6	2.75	0	4	4	2.00
Total	41	43	13.50	4	23	25	13.50

2002/03 APPEAL RESULTS			
	Thoroughbred Racing	Harness Racing	Greyhound Racing
Allowed in Full	1	1	0
Allowed in Part (Penalty Reduced)	1	0	1
Dismissed	12	1	3
Withdrawn	4	1	0
Total	18	3	4

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

3. REPORT ON OPERATIONS (cont.)

2002/03 APPEALS AWAITING DETERMINATION			
	Thoroughbred Racing	Harness Racing	Greyhound Racing
Reserved	1	0	0
Yet to be Heard	1	2	0
Total	2	2	0

STAYS OF PROCEEDINGS

Section 17(7) of the Act deals with the suspension of the operation of any order or pecuniary or other penalty imposed, or any consequence arising from any determination or finding. This stay of proceedings provision brings into consideration factors such as prejudice to an appellant due to the passage of time from a conviction until the Tribunal has determined the appeal, and circumstances where the appellant's capacity to earn a livelihood is interrupted.

An application for a suspension of the operation of a penalty must be in writing. The Stewards of the relevant code are invited to respond and provide written submissions. A stay of proceedings is generally granted when the Stewards do not oppose the application. In those instances where the Stewards oppose the granting of an application, the Registrar invites the appellant to respond to the submission made by the Stewards.

The Chairperson or presiding member determines each application on all of the available material. Where a suspension of the operation of a penalty is granted, the Chairperson or presiding member also determines the conditions under which the stay will operate.

In 2002/03 there were 14 applications for a stay of proceedings compared to 17 last year. The Chairperson or presiding member made the determinations as follows:

2002/03 APPLICATIONS FOR STAYS OF PROCEEDINGS		
RACING CODE	Stays Granted	Stays Refused
Thoroughbred	10	3
Harness	1	0
Greyhound	0	0
TOTAL	11	3

3. REPORT ON OPERATIONS (cont.)

2001/02 APPLICATIONS FOR STAYS OF PROCEEDINGS		
RACING CODE	Stays Granted	Stays Refused
Thoroughbred	14	0
Harness	2	1
Greyhound	0	0
TOTAL	16	1

MATTERS HEARD AND DETERMINED BY TRIBUNAL

The following is a summary of the matters heard and determined by the Tribunal during 2002/03 by reference to each racing code.

Thoroughbred Racing

Licensed Trainers

- 3 – prohibited substance detected in a horse presented for a race

Jockeys/Apprentices

- 7 – careless riding in a race
- 1 – failing to obtain the best possible placing in a race
- 1 – refusal of Committee to renew Apprentice License due to apprentice's hearing impairment
- 1 – failing to ride horse out to the end of a race
- 1 – prohibited substance detected in a jockey

Harness Racing

Licensed Trainers

- 1 – prohibited substance detected in a horse presented for racing
- 1 – assaulting a trainer

Greyhound Racing

Licensed Trainers

- 3 – greyhound fighting during a race
- 1 – leading more than two greyhounds in a public street

3. REPORT ON OPERATIONS (cont.)

LEGISLATION IMPACTING ON THE TRIBUNAL

Racing and Wagering Western Australia

The *Racing and Wagering Western Australia Act 2003* and the *Racing and Gambling Legislation Amendment and Repeal Bill 2003* were assented to on 26 June 2003 to establish Racing and Wagering Western Australia (RWWA).

This legislation merged the principal club functions of the Western Australian Turf Club, Western Australian Trotting Association and Western Australian Greyhound Racing Authority, together with the off-course betting activities of the TAB, into a single controlling authority known as RWWA.

Effective 1 August 2003:

- RWWA is to be the controlling authority for thoroughbred, harness and greyhound racing in Western Australia;
- the Western Australian Turf Club, the Western Australian Trotting Association and the Western Australian Greyhound Racing Authority each remain as racing clubs, responsible for the conduct of racing activities at their respective venues; and
- the TAB will be abolished and RWWA will assume responsibility for the conduct of off-course betting.

Section 24 of the *Racing Penalties (Appeals) Act 1990* was amended in respect of the estimates of the total anticipated cost of operation of the Tribunal for the ensuing financial year of the Tribunal. The Registrar is now required to submit to the Minister for approval the amount to be paid by RWWA (previously the TAB), after allowing for adjustments from the previous year. There is no longer the requirement to apportion this amount to each of the three codes of racing.

State Administrative Tribunal

The *State Administrative Tribunal Bill 2003* and the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003* was introduced into Parliament on 24 June 2003.

The legislation, if passed, will establish the State Administrative Tribunal (SAT). The proposed date of commencement of SAT is 1 January 2004. Under the Bill, the functions of the Tribunal will transfer to SAT on its commencement.

TRIBUNAL LIBRARY

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

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

3. REPORT ON OPERATIONS (cont.)

In respect of the two horse racing codes, the index is further divided into the following sub-sections:

- (i) Conduct
- (ii) Prohibited Substances
- (iii) Protests
- (iv) Leave to Appeal
- (v) Nominal Index

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

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

The index is now available on the web site of the Department of Racing, Gaming and Liquor at www.rgl.wa.gov.au.

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

A copy of every determination is forwarded to the Supreme Court of Western Australia Library.

Also available for perusal free of charge are the Racing Appeals Reports. These reports are a digest of rulings, observations and comments of Australian and New Zealand statutory appeals tribunals for the three codes of racing. Again, photocopies are available on request (subject to copyright laws) on payment of a small fee.

4. BUDGET INFORMATION

Summary Information

	Estimate 2003/04 \$	Estimate 2002/03 \$	Actual 2002/03 \$	Actual 2001/02 \$
Expenses from Ordinary Activities				
Fees Paid to Tribunal Members	47,500	60,417	36,628	57,743
Other Expenses from Ordinary Activities	110,839	108,109	106,439	98,672
Total Cost of Services	158,339	168,526	143,067	156,415
Revenues from Operating Activities				
Operating Income	134,185	158,874	155,850	154,717
Interest	1,265	1,342	1,781	1,348
Total Revenues from Ordinary Activities	135,450	160,216	157,631	156,065
Net Cost of Services	22,889	8,310	(14,564)	350
Total Changes in Equity Other Than Those Resulting from Transactions with WA State Government as Owners	(22,889)	(8,310)	14,564	(350)

GOVERNMENT EXPENDITURE 2002/03 - COMPLIANCE WITH SECTION 175ZE OF THE ELECTORAL ACT 1907

During the reporting year, the Tribunal did not incur any costs in respect of advertising.

5. OUTPUT, OUTCOME PERFORMANCE INFORMATION

During the reporting year, output and outcome measures were established in respect of quantity, quality, timeliness and cost.

Quantity

Number of appeals processed

2002/03 Target	2002/03 Actual
42	25

Quality

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

2002/03 Target	2002/03 Actual
100%	96%

Timeliness

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

2002/03 Target	2002/03 Actual
75%	57%

Cost

Average cost of processing an appeal

2002/03 Target	2002/03 Actual
\$4,013	\$5,723

6. FINANCIAL STATEMENTS (cont)

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1. Financial Statements
2. Notes to the Financial Statements
3. Statement of Certification
4. Opinion of the Auditor General

6. FINANCIAL STATEMENTS (cont)

Racing Penalties Appeal Tribunal

Statement of Financial Performance

for the year ended 31 July 2003

	Note	2002/03 \$	2001/02 \$
COST OF SERVICES			
Expenses from ordinary activities			
Tribunal members' expenses	8, 10(i)	36,628	57,743
Superannuation	1(g), 8, 10(i)	3,297	4,702
Other expenses from ordinary activities	1(c), 10(i)	103,142	93,970
Total cost of services		143,067	156,415
Revenues from ordinary activities			
Revenue from operating activities			
Operating income	1(h)	155,850	154,717
Revenue from non-operating activities			
Interest revenue	10(i)	1,781	1,348
Total revenues from ordinary activities		157,631	156,065
NET COST OF SERVICES	7(b)	(14,564)	350
CHANGE IN NET ASSETS		14,564	(350)
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS		14,564	(350)

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

6. FINANCIAL STATEMENTS (cont.)

Racing Penalties Appeal Tribunal

Statement of Financial Position

as at 31 July 2003

	Note	2002/03 \$	2001/02 \$
Current Assets			
Cash assets	2, 7(a), 9(a)	31,591	21,152
Receivables	1(e), 3, 9(a)	36	48
Other assets	4, 9(a)	415	291
Total Current Assets		32,042	21,491
Total Assets		32,042	21,491
Current Liabilities			
Payables	1(e), 5, 9(a)	9,139	8,569
Accrued Tribunal members' fees		0	4,583
Total Current Liabilities		9,139	13,152
Total Liabilities		9,139	13,152
NET ASSETS		22,903	8,339
Equity			
Accumulated surplus	6	22,903	8,339
TOTAL EQUITY		22,903	8,339

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

6. FINANCIAL STATEMENTS (cont.)

Racing Penalties Appeal Tribunal

Statement of Cash Flows

for the year ended 31 July 2003

	Note	2002/03 \$ Inflows (Outflows)	2001/02 \$ Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Tribunal members' expenses		(41,211)	(53,264)
Superannuation		(3,709)	(4,499)
Payments to suppliers		(102,160)	(93,852)
GST paid on purchases		(553)	(465)
Receipts			
Receipts from customers		155,850	154,717
Interest		1,657	1,351
GST receipts on sales		53	27
GST received from taxation authority		512	393
Net cash provided by operating activities	7(b)	10,439	4,408
Net increase in cash held		10,439	4,408
Cash assets at the beginning of the financial year		21,152	16,744
Cash assets at the end of the financial year	2, 7(a)	31,591	21,152

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

6. FINANCIAL STATEMENTS (cont.)

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 31 July 2003

1. SIGNIFICANT ACCOUNTING POLICIES

The financial year of the Racing Penalties Appeal Tribunal is 1 August to 31 July, as determined by the Racing Penalties (Appeals) Act 1990.

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated, these policies are consistent with those adopted in the previous year.

(a) General

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect, are disclosed in individual notes to these financial statements.

(b) Basis of accounting

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, except for certain assets and liabilities which, as noted, are measured at fair value.

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

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

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

6. FINANCIAL STATEMENTS (cont.)

(d) Cash

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

(e) Receivables and Payables

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

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised where some doubts as to collection exist and in any event where the debt is more than 60 days overdue.

Payables, including accruals not yet billed, are recognised when the Tribunal becomes obliged to make future payments as a result of a purchase of goods or services. Payables are generally settled within 30 days.

(f) Insurance

Personal accident insurance for Tribunal members is arranged through Riskcover by the Department of Racing, Gaming and Liquor.

(g) Employee benefits

(i) Annual and Long Service Leave

The Racing Penalties Appeal Tribunal does not employ staff. The Tribunal utilises the staff and facilities of the Department of Racing, Gaming and Liquor. The cost of the services provided by the Department of Racing, Gaming and Liquor is recouped from the Tribunal as a service fee. Accordingly, provisions have not been made for annual and long service leave.

(ii) Superannuation

The Tribunal members of the Racing Penalties Appeal Tribunal are non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. The superannuation expense comprises employer contributions in respect of Tribunal members which are payable to the West State Superannuation Scheme by the Tribunal.

The liabilities for superannuation charges under the West State Superannuation Scheme are extinguished by payment of employer contributions to the Government Employees Superannuation Board (GESB).

The note disclosure required by paragraph 6.10 of AASB 1028 (being the employer's share of the difference between employees' accrued superannuation benefits and the attributable net market value of plan assets) has not been provided. State scheme deficiencies are recognised by the State in its whole of government reporting. The GESB's records are not structured to provide the information for the Tribunal. Accordingly, deriving the information for the Tribunal is impractical under current arrangements, and thus any benefits thereof would be exceeded by the cost of obtaining the information.

6. FINANCIAL STATEMENTS (cont.)

(h) Operating income

Operating income mainly comprises funding from the Totalisator Agency Board, appeal fees and transcription fees. This income is received pursuant to the Racing Penalties (Appeals) Act 1990.

(i) Net fair values of financial assets and liabilities

Net fair values of financial instruments are determined on the basis of carrying amounts of current assets and current liabilities as those amounts are considered to approximate net market value.

(j) Comparative figures

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

	2002/03 \$	2001/02 \$
2. CASH ASSETS		
Cash assets are represented by funds held at the Commonwealth Bank of Australia		
	<u>31,591</u>	<u>21,152</u>
3. RECEIVABLES		
GST receivable	<u>36</u>	<u>48</u>
4. OTHER ASSETS		
Interest receivable	<u>415</u>	<u>291</u>
5. PAYABLES		
Payables for goods and services received	<u>9,139</u>	<u>8,569</u>
6. EQUITY		
Accumulated surplus		
Opening balance	8,339	8,689
Change in net assets resulting from operations	<u>14,564</u>	<u>(350)</u>
Closing balance	<u>22,903</u>	<u>8,339</u>

6. FINANCIAL STATEMENTS (cont.)

	2002/03 \$	2001/02 \$
7. NOTES TO THE STATEMENT OF CASH FLOWS		
(a) 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 assets	31,591	21,152
	<u>31,591</u>	<u>21,152</u>
(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities		
Net cost of services	14,564	(350)
(Increase)/decrease in assets:		
Other assets	(124)	3
Increase/(decrease) in liabilities:		
Payables	570	324
Accrued Tribunal members' fees	(4,583)	4,479
Net GST receipts/(payments)	12	(45)
Change in GST in receivables/payables	0	(3)
Net cash provided by operating activities	<u>10,439</u>	<u>4,408</u>

8. REMUNERATION OF MEMBERS OF THE ACCOUNTABLE AUTHORITY

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

	No.	No.
\$0 - \$10,000	8	8
\$30,001 - \$40,000	1	0
\$40,001 - \$50,000	0	1
	<u>9</u>	<u>9</u>

	2002/03 \$	2001/02 \$
The total remuneration of the members of the Accountable Authority is:	<u>39,925</u>	<u>62,445</u>

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

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

6. FINANCIAL STATEMENTS (cont)

Racing Penalties Appeal Tribunal
Notes to the Financial Statements
for the year ended 31 July 2003

9. ADDITIONAL FINANCIAL INSTRUMENTS DISCLOSURES

a) Interest rate risk exposure

The Tribunal's exposure to interest rate risk and effective interest rates on financial instruments are:

	Weighted average effective interest rate	Floating interest rate	Non-interest bearing	Total 31 July 2003	Total 31 July 2002
		\$	\$	\$	\$
i) Financial assets					
Cash assets	4.784%	31,591		31,591	21,152
Receivables			36	36	48
Other assets			415	415	291
Total financial assets		31,591	451	32,042	21,491
ii) Financial liabilities					
Payables			9,139	9,139	8,569
Total financial liabilities			9,139	9,139	8,569

b) Credit risk exposure

All financial assets are unsecured. Amounts owing by other government agencies are guaranteed and therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represent the Tribunal's maximum exposure to credit risk in relation to those assets.

6. FINANCIAL STATEMENTS (cont)

10. EXPLANATORY STATEMENT

(i) Significant variations between actual revenues and expenditures for the financial year and revenues and expenditures for the immediately preceding financial year

Details and reasons for significant variations between actual results with the corresponding items of the preceding year are detailed below. Significant variations are considered to be those greater than 5% or \$20,000.

	2002/03 \$	2001/02 \$
<i>Tribunal members' expenses</i>	36,628	57,743
The decrease of \$21,115 was due to a smaller than expected amount of appeals lodged and dealt with by the Tribunal. This resulted in a decrease in time spent by members on appeals.		
<i>Superannuation</i>	3,297	4,702
The decrease of \$1,405 was attributed to the decrease in fees paid to members.		
<i>Other expenses from ordinary activities</i>	103,142	93,970
The increase of \$9,172 was mainly attributable to an increase in charges for support services provided by the Department of Racing, Gaming and Liquor.		
<i>Interest revenue</i>	1,781	1,348
The increase of \$433 was the result of a higher bank balance throughout the year.		

(ii) Significant variations between estimates and actual results for the financial year

Section 42 of the Financial Administration and Audit Act requires statutory authorities to prepare annual budget estimates. Treasurer's Instruction 945 requires an explanation of significant variations between these estimates and actual results. Significant variations are considered to be those greater than 5% of budget or \$20,000. Variations which have been explained in part (i) of this note have not been repeated here in the interests of concise reporting.

6. FINANCIAL STATEMENTS (cont.)

	2002/03 \$	2001/02 \$
11. REMUNERATION OF AUDITOR		
The total of audit fees paid or due and payable to the auditors of the Tribunal for the financial year is as follows:		
Fees to the Auditor General:		
- for external audit	<u>4,000</u>	<u>3,500</u>
12. OUTPUT INFORMATION		
The only output of the Tribunal is <i>Functions Performed for the Racing Industry</i> . The details disclosed in the Statement of Financial Performance represent all details of expenses and revenues from ordinary activities for this output.		
13. OTHER COMMITMENTS		
As at 31 July 2003 the Tribunal did not have any other material capital or expenditure commitments.		
14. CONTINGENT LIABILITIES AND CONTINGENT ASSETS		
The Tribunal is not aware of any contingent liabilities and assets as at balance date.		
15. EVENTS OCCURRING AFTER REPORTING DATE		
We are not aware of any matters or circumstances that have arisen since the end of the financial year to the date of this report which has significantly affected or may significantly affect the activities of the Tribunal, the results of those activities or the state of affairs of the Tribunal in the ensuing or any subsequent financial year.		
16. RELATED BODIES		
The Tribunal does not provide any assistance to other agencies which would deem them to be regarded as related bodies under the definitions included in Treasurer's Instruction 951.		
17. AFFILIATED BODIES		
The Tribunal does not provide any assistance to other agencies which would deem them to be regarded as affiliated bodies under the definitions included in Treasurer's Instruction 951.		

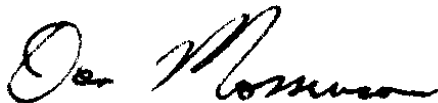
6. FINANCIAL STATEMENTS (cont.)

FINANCIAL STATEMENTS

STATEMENT OF CERTIFICATION

The accompanying financial statements of the Racing Penalties Appeal Tribunal of Western Australia have been prepared in compliance with the provisions of the Financial Administration and Audit Act 1985 from proper accounts and records to present fairly the financial transactions for the year ending 31 July 2003 and the financial position as at 31 July 2003.

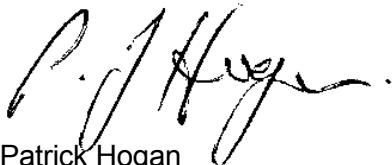
At the date of signing we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.



Dan Mossenson
CHAIRPERSON
23 September 2003



Terry Ng
PRINCIPAL ACCOUNTING OFFICER
23 September 2003



Patrick Hogan
MEMBER
23 September 2003

6. FINANCIAL STATEMENTS (cont.)



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA FINANCIAL STATEMENTS FOR THE YEAR ENDED JULY 31, 2003

Audit Opinion

In my opinion,

- (i) the controls exercised by the Racing Penalties Appeal Tribunal of Western Australia provide reasonable assurance that the receipt, expenditure and investment of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Tribunal at July 31, 2003 and its financial performance and cash flows for the year ended on that date.

Scope

The Tribunal's Role

The Tribunal is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and the Notes to the Financial Statements.

Summary of my Role

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

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

A handwritten signature in dark ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
October 17, 2003

7. PERFORMANCE INDICATORS

CONTENTS

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

7. PERFORMANCE INDICATORS (cont.)

OUTCOME: To provide an Appeal Tribunal in relation to determinations made by racing industry stewards and controlling authorities.

STRATEGY: To ensure that a timely and effective appeal forum is provided at minimum cost to the racing industry.

EFFECTIVENESS INDICATOR:

STAY OF PROCEEDINGS

Under the Act, an appellant may apply for a suspension of the operation of a penalty when lodging an appeal. It is essential to the racing codes, trainers, owners and the general public that these applications are dealt with expeditiously. These determinations impact directly on the eligibility of riders, drivers and runners to fulfil prior engagements.

The aim of the Tribunal is to endeavour to finalise applications for stays on the same day as they are lodged.

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

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

2002/03

Number of stay applications received	14
Number of stay applications determined same day	8

INDICATOR: 57.1%

2001/02

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

INDICATOR: 58.8%

2000/01

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

INDICATOR: 36.4%

7. PERFORMANCE INDICATORS (cont.)

1999/00

Number of stay applications received	29
Number of stay applications determined same day	21
INDICATOR:	72.0%

1998/99

Number of stay applications received	25
Number of stay applications determined same day	13
INDICATOR:	52.0%

OUTPUT: Functions performed for the racing industry.

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

EFFICIENCY INDICATORS:

COST OF APPEALS

	2002/03	2001/02	2000/01	1999/00	1998/99
Average cost per appeal	\$5,723	\$3,638	\$5,858	\$3,979	\$3,317

7. PERFORMANCE INDICATORS (cont.)

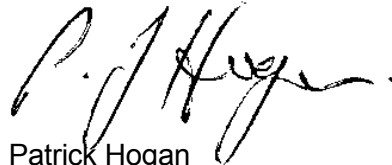
PERFORMANCE INDICATORS

STATEMENT OF CERTIFICATION

We certify that the performance indicators presented here are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Racing Penalties Appeal Tribunal of Western Australia, and fairly represent the performance of the Tribunal for the financial year ended 31 July 2003.



Dan Mossenson
CHAIRPERSON
23 September 2003



Patrick Hogan
MEMBER
23 September 2003

7. PERFORMANCE INDICATORS (cont.)



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

**RACING PENALTIES APPEAL TRIBUNAL OF WESTERN AUSTRALIA
PERFORMANCE INDICATORS FOR THE YEAR ENDED JULY 31, 2003**

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Racing Penalties Appeal Tribunal of Western Australia are relevant and appropriate to help users assess the Tribunal's performance and fairly represent the indicated performance for the year ended July 31, 2003.

Scope

The Tribunal's Role

The Tribunal is responsible for developing and maintaining proper records and systems for preparing performance indicators.

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

Summary of my Role

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

A handwritten signature in dark ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
October 17, 2003

8. ACKNOWLEDGEMENTS

Compilation

Doug Smith

**Department of Racing, Gaming and
Liquor**

Financial Statements

Terry Ng

**Department of Racing, Gaming and
Liquor**

Racing Penalties Appeal Tribunal

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