



Department of
**Local Government, Sport
and Cultural Industries**



Racing Penalties Appeal Tribunal

2024-25 Annual Report



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Acknowledgement of country and peoples

The Racing Penalties Appeal Tribunal acknowledges Aboriginal people throughout Western Australia as the Traditional Owners and Custodians of the lands, waters, and communities in which we operate. We pay our respects to all Aboriginal people and their cultures, and to Elders past and present.

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Statement of compliance

Hon Paul Papalia CSC MLA
Minister for Racing and Gaming

I am pleased to submit, for your information and presentation to Parliament, the Annual Report of the Racing Penalties Appeal Tribunal for the financial year ended 30 June 2025.

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

The financial statements comply with Australian Accounting Standards – Simplified Disclosures issued by the Australian Accounting Standards Board.



Robert Nash
Chairperson

2 September 2025

Executive summary

It is with pleasure that I present the Annual Report of the Racing Penalties Appeal Tribunal (Tribunal) of Western Australia (WA) for the year ended 30 June 2025.

During the year, there were 16 appeals before the Tribunal, with 11 new appeals lodged and 8 determined. This is similar to the previous year, in which there was 16 appeals, which included 13 new lodgements and 11 determinations.

The Tribunal notes that in recent years there has been a tendency for matters to be conducted with an increased legal rigour to what has historically been the case. In many cases detailed written legal submissions will be received by the Tribunal prior to an appeal hearing. It is also increasingly common for the Tribunal to list matters for preliminary directions and determinations, prior to the substantive appeal hearing taking place. Tribunal members are, accordingly, spending significantly more time in preparation for appeal hearings than has been required in the past.

I thank the Tribunal members for their efforts and commitment to the work of the Tribunal over the past year.

I express the Tribunal's appreciation to the State Administrative Tribunal for the continued use of their facilities to conduct Tribunal hearings.

Finally, I thank the staff of the Department of Local Government, Sport and Cultural Industries (DLGSC), for the provision of executive services in 2024-25 in support of the operations of the Tribunal, and their commitment to supporting the Tribunal to meet its corporate, financial and statutory obligations.



Robert Nash
Chairperson

2 September 2025

Operational structure

Enabling legislation

The Tribunal is established under the *Racing Penalties (Appeals) Act 1990* (Act). 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.

Responsible Minister

During 2024-25, the Minister responsible for the Tribunal was Hon Paul Papalia CSC MLA, Minister for Emergency Services; Corrective Services; Defence Industries; Veterans; Racing and Gaming.

Purpose of the Tribunal

The aim of the Act 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.

DLGSC provided executive support for the Tribunal in 2024-25. On 31 March 2025, the Premier of Western Australia, the Hon Roger Cook MLA, announced targeted reforms involving nine departments which came into effect on 1 July 2025. The reform included reshaping the Department of Local Government, Sport and Cultural Industries (DLGSC). The local government and racing, gaming and liquor functions of DLGSC joined the industry regulation and safety functions (remit of the Department of Energy, Mines, Industry Regulation and Safety) to form the Department of Local Government, Industry Regulation and Safety. Accordingly, as of 1 July 2025, the Department of Local Government, Industry Regulation and Safety (LGIRS) provides executive support for the Tribunal.

DLGSC recouped the cost of providing these services from the Tribunal through a service level agreement which is funded by Racing and Wagering Western Australia (RWAA), the statutory authority established by the *Racing and Wagering Western Australia Act 2003* to regulate the thoroughbred, harness and greyhound racing codes as the Principal Racing Authority in WA.

Appeals which may be heard by the Tribunal

A person who is aggrieved by a determination of RWAA, 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 that are dealt with by RWAA 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.

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; and
- such other orders as the member presiding may think proper.

Decisions of the Tribunal are final and binding.

Organisational structure

Sections 5 and 6 of the Act provides that the Tribunal consists of a Chairperson and other members as determined by the Minister for Racing and Gaming. The Schedule to the Act specifies terms of appointment not exceeding three years, with an eligibility for reappointment.

The Tribunal is constituted by the Chairperson (in the absence of the Chairperson, an acting chairperson or a member presiding) and two members sitting to hear appeals. An appeal may be heard by the Chairperson, an acting chairperson or member presiding sitting alone where the Regulations allow.

As of 30 June 2025, the Tribunal consisted of six members.

Mr Robert Nash - Chairperson

Mr Nash was appointed Chairperson in August 2022. He is a barrister admitted as a practitioner of the Supreme Court of WA and the High Court of Australia and is a General Public Notary. During the course of his career, Mr Nash has served in a non-executive capacity on several councils, committees, and charitable and non-charitable boards, including as Chairman of Australian Silica Quartz Group Limited, Councillor for the Town of Mosman Park, Chairman of the WA Soccer Disciplinary Tribunal, Council Member of the Law Society of WA, Convenor of the Education Committee of the Law Society of WA, Counsel Assisting the Royal Commission into the City of Wanneroo, Member of the Professional Conduct Committee, Ethics Committee, and Elder Law & Succession Committee of the Law Society of WA, Head of the WA Legal Panel of the Royal Australian Navy, and Council Member of the WA Bar Association Council.

Ms Johanna Overmars

Mr Overmars was appointed to the Tribunal in March 2018. She practices in the Wills, Estates and Family Law. Ms Overmars holds a Bachelor of Laws and Bachelor of Arts from the University of Notre Dame Australia and was admitted as a Barrister and Solicitor of the Supreme Court of WA in 2005. She has had a varied career working for Legal Aid WA, Women's Legal Service WA and in private practice in the areas of Family Law, Criminal Law, Restraining Orders and Wills and Estates. Ms Overmars successfully operated her own legal firm, Hills Hope Legal Pty Ltd in Mundaring, for a period of six years. Ms Overmars is a horse owner, with a keen interest in horsemanship.

Mr Phillip Gleeson

Mr Gleeson was appointed to the Tribunal in August 2022. He is a founding Director of Percy Kakulas Gleeson Injury Lawyers. He specialises in all aspects of plaintiff litigation, advocacy and advice across medical negligence, historical sexual abuse, work and industrial accidents and disease, motor vehicle accidents, product liability, and superannuation and group insurance claims. Mr Gleeson is listed by the prestigious Doyles Guide as a leading lawyer for work injury compensation nationally as well as in WA, and for medical negligence, motor vehicle accident and public liability compensation in WA.

Ms Natalie Sinton

Ms Sinton was appointed to the Tribunal in August 2022. She works as a State Prosecutor at the Office of the Director of Public Prosecutions for WA. She completed a Bachelor of Science and Master of Forensic Science before graduating with a Bachelor of Laws with Honours in 2007. Ms Sinton was a Judge's Associate at the Court of Appeal for two years before commencing as a solicitor in the Criminal Law Division at Legal Aid in 2010, initially in the Duty Lawyer team and in 2012 she joined the Criminal Appeals team. Ms Sinton was the Secretary of the Criminal Lawyers' Association from 2015 to 2019.

Mr Benjamin Willesee

Mr Willesee was appointed to the Tribunal in December 2023. He works at Francis Burt Chambers where he practices in commercial litigation and arbitration. He has acted for clients in disputes in State and Federal courts, administrative tribunals, international and domestic arbitrations as well as a range of alternative dispute resolution procedures. Mr Willesee has a broad commercial practice with experience in complex disputes in the energy, resources, transport and infrastructure sectors. Prior to joining the Bar, Mr Willesee was a Senior Associate in the dispute resolution team of Ashurst in Perth and London. He had previously been Associate to the Hon Justice Pritchard at the Supreme Court of WA.

Ms Kelly Zhang

Ms Zhang was appointed to the Tribunal in December 2023. She is a barrister at Francis Burt Chambers in 2023, where she accepts briefs on a wide range of matters, with recent experience in commercial litigation, especially construction matters. Ms Zhang has acted on matters concerned with insurance claims, class actions, white collar and corporate crime, family property disputes, and wills and estates. Prior to being called to the Bar in WA, Ms Zhang was a senior associate at Johnson Winter & Slattery in Perth. Ms Zhang has experience in criminal and family law at the New Zealand Bar, and is a barrister admitted as Practitioner of Supreme Court of WA, of the High Court of Australia and of the High Court of New Zealand.

Administered legislation

The Tribunal is responsible for administering the Act.

Other legislation impacting Tribunal 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*
- *State Supply Commission Act 1991*

Performance management framework

Outcome-based management framework / agency level government desired outcome

Broad WA 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 |
|---|---|---|
| Safe, Strong and Fair Communities: Supporting our local and regional communities to thrive. | 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 has not changed in 2024-25.

Shared responsibilities with other agencies

The Tribunal has not shared any responsibilities with other agencies in 2024-25.

Report on Tribunal performance and operations

Actual results versus budget targets

The table below provides a summary of key financial targets for 2024-25. A detailed explanation is provided in the financial statements.

| Financial Targets | Target (\$) | Actual (\$) | Variation (\$) |
|--|-------------|-------------|----------------|
| Total cost of services (expense limit) (sourced from Statement of Comprehensive Income) | 274,300 | 229,046 | 45,254 |
| Net cost of services (sourced from Statement of Comprehensive Income) | 57,866 | -15,431 | 73,297 |
| Total equity (sourced from Statement of Financial Position) | 23,960 | 62,192 | -38,232 |

| | | | |
|--|---------|---------|--------|
| Net increase (decrease) in cash held (sourced from Statement of Cash Flows) | -57,866 | -16,148 | 41,718 |
| Approved salary expense level* | 0 | 0 | 0 |

* DLGSC provided executive support for the Tribunal in 2024-25.

The table below provides a summary of key performance indicators for 2024-25. A detailed explanation is provided later in the report.

| Summary of Key Performance Indicators | Target | Actual | Variation |
|---|----------|----------|-----------|
| Total number of stay applications received | 6 | 3 | 3 |
| Number of stay applications determined as per KPI | 6 | 1 | 2 |
| Average cost of processing an appeal | \$22,858 | \$57,262 | \$34,404 |

Performance summary for 2024-25

During the year, two appeals were carried over from 2022-23, three appeals were carried over from 2023-24 and 11 new appeals were lodged with the Tribunal.

As at 30 June 2025, the Tribunal determined 8 appeals, with 8 carried over to 2025-26. These appeals, together with appeals from previous years, are summarised below by racing code:

| Racing Code | Appeals carried over from 2022-23 | Appeals carried over from 2023-24 | Appeals Lodged | Appeals Determined | Appeals carried over to 2025-26 |
|--------------|-----------------------------------|-----------------------------------|----------------|--------------------|---------------------------------|
| Thoroughbred | 1 | 0 | 6 | 3 | 4 |
| Harness | 1 | 3 | 3 | 3 | 4 |
| Greyhound | 0 | 0 | 2 | 2 | 0 |
| TOTAL | 2 | 3 | 11 | 8 | 8 |

The results of the determinations for the year 2024-25 are summarised below:

| Results | Thoroughbred | Harness | Greyhound |
|-----------------------------------|--------------|----------|-----------|
| Allowed in Full | 0 | 0 | 0 |
| Allowed in Part (Penalty Reduced) | 0 | 1 | 0 |
| Referred Back to Stewards (RWWA) | 0 | 0 | 0 |
| Dismissed | 1 | 2 | 1 |
| Withdrawn/not progressed | 2 | 0 | 1 |
| Leave to Appeal Refused | 0 | 0 | 0 |
| Total | 3 | 3 | 2 |

| Appeals Carried Over to 2025-26 | Thoroughbred | Harness | Greyhound |
|-----------------------------------|--------------|----------------|-----------|
| Reserved Decision | 0 | 2 ¹ | 0 |
| Reserved Decision on penalty only | 0 | 0 | 0 |
| Reasons to be published | 0 | 0 | 0 |
| Yet to be heard | 4 | 2 ² | 0 |
| Total | 4 | 4 | 0 |

The number of appeals determined over a 10-year period is summarised in the following table:

| Racing Code | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 |
|--------------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| Thoroughbred | 4 | 0 | 3 | 2 | 3 | 2 | 1 | 2 | 5 | 3 |
| Harness | 6 | 5 | 11 | 5 | 4 | 5 | 7 | 5 | 5 | 3 |
| Greyhound | 4 | 2 | 6 | 2 | 3 | 0 | 2 | 2 | 1 | 2 |
| TOTAL | 14 | 7 | 20 | 9 | 10 | 7 | 10 | 9 | 11 | 8 |

Stays of proceedings

In 2024-25, there were three applications for stays of proceedings. The Chairperson or the presiding member made the determination on the applications as follows:

| Stays of Proceedings 2024-25 | | | |
|------------------------------|--------------|----------|-----------|
| Results | Thoroughbred | Harness | Greyhound |
| Stays Granted | 0 | 0 | 1 |
| Stays Refused | 2 | 0 | 0 |
| Withdrawn | 0 | 0 | 0 |
| Discontinued | 0 | 0 | 0 |
| Total | 2 | 0 | 1 |

The following table provides a summary of the number, nature and outcome of matters before the Tribunal during 2024-25. Full determinations are available from the Tribunal's website: [Racing Penalties Appeal Tribunal](#).

| Applications Heard and Determined in 2024-25 | | | | | |
|--|--|--|--------------|--------------------|------------------|
| Appeal No. | Name | Nature of Appeal | Hearing Date | Determination Date | Outcome |
| 864 | Constance Cheng (carried over from 2022-23FY) | Appeal against a disqualification of STAR PRESENT for breaches or Rule AR 242(b) and AR 248(4) of the Rules of Thoroughbred Racing | 29/1/2024 | 26/8/2024 | Appeal dismissed |

¹ Two appeals from FY2023-24 are carried over

² One appeal from FY2022-23 is carried over

| Applications Heard and Determined in 2024-25 | | | | | |
|--|--|--|--------------|--------------------|--|
| Appeal No. | Name | Nature of Appeal | Hearing Date | Determination Date | Outcome |
| 877 | Callan Suvaljko (carried over from 2023-24 FY) | Appeal against a disqualification period of six months each for two charges, served concurrently, for breaches of Rule 190(1), (2) and (4) of the Rules of Harness Racing | 9/7/2024 | 22/8/2024 | Appeal dismissed |
| 878 | Gary Hall Jnr | Appeal against a suspension of five weeks each for two charges, of which two weeks is served concurrently, for breaches of Rule 149(2) of the Rules of Harness Racing | 17/7/2024 | 24/7/2024 | Appeal against first charge dismissed. Appeal against conviction of second charge dismissed. Appeal against penalty of second charge allowed, total penalty of suspension reduced to 6 weeks suspension. |
| 879 | Ricky Valenti | Appeal against impose a fine of \$4,000 for breach of Rule 156(f)(ii) of the Rules of Greyhound Racing | 29/10/2024 | 19/2/2025 | Appeal dismissed. |
| 881 | Tony Triscari | Appeal against a fine of \$10,000 for breach of Rule AR 240(2); and disqualification of PREMIUM GIRL for breaches of Rule AR 240(1), Rule AR 242(b) and Rule AR 248(4) of the Rules of Thoroughbred Racing | N/A | N/A | Appeal withdrawn |
| 882 | Phillip Duggan | Appeal against a disqualification period of six months each for two charges, to be served concurrently, for breaches of Rule HRR 213(b) and HRR 218 of the Rules of Harness Racing | 25/10/2024 | 11/12/2024 | Appeal dismissed |
| 883 | David Smith | Appeal against a disqualification of MAGICASH for breaches of Rule AR 240(1), AR 242(b) and AR 248(4) of the Rules | N/A | N/A | Appeal withdrawn |

| Applications Heard and Determined in 2024-25 | | | | | |
|--|-------------|---|--------------|--------------------|------------------|
| Appeal No. | Name | Nature of Appeal | Hearing Date | Determination Date | Outcome |
| | | of Thoroughbred Racing | | | |
| 886 | Shane Beard | Appeal against a disqualification period of 9 months for breach of Rule 21(1)(d) of the Rules of Greyhound Racing | N/A | N/A | Appeal withdrawn |

Disclosures and legal compliance

Audit opinion



Auditor General

INDEPENDENT AUDITOR'S REPORT

2025

Racing Penalties Appeal Tribunal of Western Australia

To the Parliament of Western Australia

Report on the audit of the financial statements

I have audited the financial statements of the Racing Penalties Appeal Tribunal of Western Australia (Tribunal) which comprise:

- the statement of financial position as at 30 June 2025, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended
- notes comprising a summary of material accounting policies and other explanatory information.

In my opinion, the financial statements are:

- based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Tribunal for the year ended 30 June 2025 and the financial position as at the end of that period
- in accordance with Australian Accounting Standards (applicable to Tier 2 Entities), the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my report.

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

Responsibilities of the Tribunal for the financial statements

The Tribunal is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (applicable to Tier 2 Entities), the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as it determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Tribunal is responsible for:

- assessing the entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Tribunal.

Auditor's responsibilities for the audit of the financial statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf

Report on the audit of controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Tribunal. The controls exercised by the Tribunal are those policies and procedures established 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 the State's financial reporting framework (the overall control objectives).

In my opinion, in all material respects, the controls exercised by the Tribunal are sufficiently adequate to provide reasonable assurance that the controls within the system were suitably designed to achieve the overall control objectives identified as at 30 June 2025, and the controls were implemented as designed as at 30 June 2025.

The Tribunal's responsibilities

The Tribunal is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and were implemented as designed.

An assurance engagement involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

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

Limitations of controls

Because of the inherent limitations of any internal control structure, it is possible that, even if the controls are suitably designed and implemented as designed, once in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the audit of the key performance indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Tribunal for the year ended 30 June 2025 reported in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions (legislative requirements). The key performance indicators are the Under Treasurer-approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators report of the Tribunal for the year ended 30 June 2025 is in accordance with the legislative requirements, and the key performance indicators are relevant and appropriate to assist users to assess the Tribunal's performance and fairly represent indicated performance for the year ended 30 June 2025.

The Tribunal's responsibilities 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 internal controls as the Tribunal determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Tribunal is responsible for identifying key performance indicators that are relevant and appropriate, having regard to their purpose in accordance with Treasurer's Instruction 3 Financial Sustainability – Requirement 5: Key Performance Indicators.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 3 - Requirement 5 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments, I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

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

My independence and quality management relating to the report on financial statements, controls and key performance indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQM 1 *Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements*, the Office of the Auditor General maintains a comprehensive system of quality management including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Other information

The Tribunal is responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2025, but not the financial statements, key performance indicators and my auditor's report.

My opinions on the financial statements, controls and key performance indicators do not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, controls and key performance indicators my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and key performance indicators or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to those charged with governance and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

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 2025 included in the annual report 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, controls and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from the annual report. 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 contact the entity to confirm the information contained in the website version.



Aram Madnack
Acting Senior Director Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
4 September 2025

Financial statements

The aim of these financial statements is to inform the Parliament and other interested parties, not only of what the Racing Penalties Appeal Tribunal has achieved during the financial year, but also of the reasons behind those achievements.

**Racing Penalties Appeal Tribunal of Western
Australia****Financial Statements**

For the year ended 30 June 2025

Disclosures and legal compliance

Racing Penalties Appeal Tribunal of Western Australia

Certification of financial statements

For the reporting period ended 30 June 2025

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 reporting period ended 30 June 2025 and the financial position as at 30 June 2025.

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



Daniel Norman
Chief Finance Officer

1 September 2025



Robert Nash
Chairperson

1 September 2025



Benjamin Willesee
Member

1 September 2025



30 June 2025

Nexia Perth Audit Services Pty Ltd

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| 7.6 | Remuneration of auditors | 17 |
| 7.7 | Supplementary financial information | 17 |

Racing Penalties Appeal Tribunal of Western Australia
Statement of comprehensive income
For the year ended 30 June 2025

| | Notes | 2025 \$ | 2024 \$ |
|---|-------|-----------------|----------------|
| COST OF SERVICES | | | |
| Expenses | | | |
| Tribunal members' expenses | 2.1 | 11,183 | 23,220 |
| Supplies and services | 2.2 | 217,863 | 213,228 |
| Total cost of services | | 229,046 | 236,448 |
| Income | | | |
| User charges and fees | 3.2 | 2,377 | 3,853 |
| Interest income | 3.3 | 4,929 | 6,606 |
| Total income | | 7,306 | 10,459 |
| NET COST OF SERVICES | | 221,740 | 225,989 |
| Income from State Government | | | |
| Income from other public sector entities | 3.1 | 206,309 | 253,740 |
| Total income from State Government | | 206,309 | 253,740 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | | (15,431) | 27,751 |
| TOTAL COMPREHENSIVE INCOME/(LOSS) FOR THE PERIOD | | (15,431) | 27,751 |

The Statement of comprehensive income should be read in conjunction with the accompanying notes.



30 June 2025

Nexia Perth Audit Services Pty Ltd

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Racing Penalties Appeal Tribunal of Western Australia
Statement of financial position
As at 30 June 2025

| | Notes | 2025 \$ | 2024 \$ |
|----------------------------------|-------|---------------|---------------|
| ASSETS | | | |
| Current assets | | | |
| Cash and cash equivalents | 5.1 | 58,742 | 74,890 |
| Receivables | 4.1 | 5,657 | 5,748 |
| Total Current assets | | 64,399 | 80,638 |
| TOTAL ASSETS | | 64,399 | 80,638 |
| LIABILITIES | | | |
| Current liabilities | | | |
| Payables | 4.2 | 48 | 1,411 |
| Other liabilities | 4.3 | 2,159 | 1,604 |
| Total current liabilities | | 2,207 | 3,015 |
| TOTAL LIABILITIES | | 2,207 | 3,015 |
| NET ASSETS | | 62,192 | 77,623 |
| Equity | | | |
| Accumulated surplus | | 62,192 | 77,623 |
| TOTAL EQUITY | | 62,192 | 77,623 |

The Statement of financial position should be read in conjunction with the accompanying notes.



30 June 2025

Nexia Perth Audit Services Pty Ltd

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Racing Penalties Appeal Tribunal of Western Australia
Statement of changes in equity
For the year ended 30 June 2025

| | Notes | Accumulated surplus \$ | Total equity \$ |
|--|-------|------------------------------|--------------------|
| Balance at 1 July 2023 | | 49,872 | 49,872 |
| Surplus for the period | | 27,751 | 27,751 |
| Total comprehensive income for the period | | 27,751 | 27,751 |
| Balance at 30 June 2024 | | 77,623 | 77,623 |
| Balance at 1 July 2024 | | 77,623 | 77,623 |
| Deficit for the period | | (15,431) | (15,431) |
| Total comprehensive income for the period | | (15,431) | (15,431) |
| Balance at 30 June 2025 | | 62,192 | 62,192 |

The Statement of changes in equity should be read in conjunction with the accompanying notes.



30 June 2025

Nexia Perth Audit Services Pty Ltd

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Racing Penalties Appeal Tribunal of Western Australia
Statement of cash flows
For the year ended 30 June 2025

| | Notes | 2025 \$ | 2024 \$ |
|---|-------|------------------|------------------|
| Cash flows from State Government | | | |
| Funds from other public sector entities | | 206,309 | 253,740 |
| Net cash provided by State Government | | 206,309 | 253,740 |
| <i>Utilised as follows:</i> | | | |
| Cash flows from operating activities | | | |
| Payments | | | |
| Tribunal members' expenses | | (12,505) | (23,293) |
| Supplies and services | | (217,769) | (213,183) |
| GST payments on purchases | | (21,743) | (21,283) |
| GST payments to taxation authority | | (13,135) | (20,751) |
| Receipts | | | |
| User charges and fees | | 2,878 | 4,487 |
| GST receipts on sales | | 20,599 | 25,339 |
| GST receipts from taxation authority | | 14,139 | 16,607 |
| Interest received | | 5,079 | 6,178 |
| Net cash used in operating activities | | (222,457) | (225,899) |
| Net increase/(decrease) in cash and cash equivalents | | (16,148) | 27,841 |
| Cash and cash equivalents at the beginning of the period | | 74,890 | 47,049 |
| Cash and cash equivalents at the end of the reporting period | 5.1 | 58,742 | 74,890 |

The Statement of cash flows should be read in conjunction with the accompanying notes.

Racing Penalties Appeal Tribunal of Western Australia

Notes to the financial statements

For the year ended 30 June 2025

1 Basis of preparation

The Racing Penalties Appeal Tribunal of Western Australia (the Tribunal) is a Government not-for-profit entity controlled by the State of Western Australia, which is the ultimate parent.

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements. These annual financial statements were authorised for issue by the Accountable Authority of the Tribunal on 28 August 2025.

Statement of compliance

The financial statements are general purpose financial statements which have been prepared in accordance with Australian Accounting Standards – Simplified Disclosures, The Conceptual Framework and other authoritative pronouncements issued by the Australian Accounting Standards Board (AASB) as modified by Treasurer's Instructions. Some of these pronouncements are modified to vary their application and disclosure.

The *Financial Management Act 2006* and Treasurer's Instructions, which are legislative provisions governing the preparation of financial statements for agencies, take precedence over AASB pronouncements. Where an AASB pronouncement is modified and has had a significant financial effect on the reported results, details of the modification and the resulting financial effect are disclosed in the notes to the financial statements.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. All values are rounded to the nearest dollar.

Accounting for Goods and Services Tax

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- a) amount of GST incurred by the Tribunal as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and
- b) receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

Comparative information

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

Services performed for the Tribunal by the Department of Local Government, Sports and Cultural Industries

The Department of Local Government, Sports and Cultural Industries (DLGSC) provides support to 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 DLGSC are made on a monthly basis under a net appropriation determination.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

2 Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the Tribunal's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Tribunal in achieving its objectives and the relevant notes are:

| | Notes |
|----------------------------|-------|
| Tribunal members' expenses | 2.1 |
| Supplies and services | 2.2 |

2.1 Tribunal members' expenses

| | 2025 | 2024 |
|---|---------------|---------------|
| | \$ | \$ |
| Board fees | 10,025 | 20,943 |
| Superannuation - defined contribution plans | 1,158 | 2,277 |
| Total Tribunal members' expenses | 11,183 | 23,220 |

Board fees includes wages and salaries for board members.

Superannuation is the amount recognised in profit or loss of the Statement of comprehensive income that comprises employer contributions paid to the Gold State Superannuation GSS (concurrent contributions), the West State Superannuation (WSS), the Government Employees Superannuation Board (GESBs), or other superannuation funds.

2.2 Supplies and services

| | 2025 | 2024 |
|---|----------------|----------------|
| | \$ | \$ |
| Professional services | 190,064 | 184,528 |
| External audit fees | 27,300 | 26,000 |
| Other supplies and services | 499 | 2,700 |
| Total supplies and services expenses | 217,863 | 213,228 |

Supplies and services expenses are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Professional services comprise of expenses made to DLGSC for services provided to the Tribunal.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

3 Our funding sources

How we obtain our funding

This section provides additional information about how the Tribunal obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Tribunal and the relevant notes are:

| | Notes |
|------------------------------|-------|
| Income from State Government | 3.1 |
| User charges and fees | 3.2 |
| Interest income | 3.3 |

3.1 Income from State Government

| | 2025 \$ | 2024 \$ |
|--|----------------|----------------|
| Income received from other public sector entities during the period: | | |
| Contribution from Racing and Wagering Western Australia (RWVA) | 206,309 | 253,740 |
| Total income from State Government | 206,309 | 253,740 |

Income from other public sector entities is recognised as income when the Tribunal has satisfied its performance obligations under the funding agreement. If there is no performance obligation, income will be recognised when the Tribunal receives the funds.

Revenue is recognised at a point-in-time for contributions from RWVA. The agreement between the Tribunal and RWVA contains no obligation to provide any service to RWVA in exchange for its contribution. Therefore, the Tribunal recognises income in accordance with *AASB 1058 Income of Not-for-Profit Entities* at the time the funds are received.

3.2 User charges and fees

| | 2025 \$ | 2024 \$ |
|------------------------------------|--------------|--------------|
| User charges and fees | | |
| Stay of proceedings | 162 | 315 |
| Appeal fees | 2,215 | 3,046 |
| Transcription Fees | - | 492 |
| Total user charges and fees | 2,377 | 3,853 |

Revenue is recognised at the transaction price when the Tribunal transfers control of the services to customers.

Revenue is recognised for the major activities as follows:

Revenue is recognised at a point-in-time for stay of proceedings (to suspend penalties) in relation to greyhound and harness racing. The performance obligations for these user fees and charges are satisfied when services have been provided. Stay applications are typically determined within one working day of receiving the submission.

Revenue is recognised at a point-in-time for appeal fees (appeal against penalties imposed in disciplinary proceedings) in relation to greyhound and harness racing. The Tribunal typically satisfies its performance obligations in relation to these user fees and charges when the appeal is determined and revenue is then recognised.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

3.3 Interest Income

| | 2025 | 2024 |
|------------------------------|--------------|--------------|
| | \$ | \$ |
| Interest income | 4,929 | 6,606 |
| Total interest income | 4,929 | 6,606 |

Revenue is recognised at a point-in-time when the Department of Treasury informs the Tribunal of the transferring interest amount to its interest bearing account.

4 Other assets and liabilities

This section sets out those assets and liabilities that arose from the Tribunal's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

| | Notes |
|-------------------|-------|
| Receivables | 4.1 |
| Payables | 4.2 |
| Other liabilities | 4.3 |

4.1 Receivables

| | 2025 | 2024 |
|---|--------------|--------------|
| | \$ | \$ |
| Current | | |
| Interest receivable | 894 | 1,044 |
| Other receivable | - | 82 |
| GST receivable | 4,763 | 4,622 |
| Total receivables at end of the period | 5,657 | 5,748 |

Trade receivables are initially recognised at their transaction price and subsequently measured at amortised cost less an allowance for impairment.

The carrying amount of interest receivables is equivalent to fair value as it is due for settlement within 30 days.

4.2 Payables

| | 2025 | 2024 |
|--|-----------|--------------|
| | \$ | \$ |
| Current | | |
| Other payables | 48 | 54 |
| Accrued expenses | - | 1,357 |
| Total payables at end of period | 48 | 1,411 |

Payables are recognised at the amounts payable when the Tribunal becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value as settlement for the Tribunal is generally within 15-20 days.

Accrued expenses represent the amount due to the board members but unpaid at the end of the reporting period. Accrued expenses are settled within a fortnight after the reporting period. The Tribunal considers the carrying amount of accrued expenses to be equivalent to its fair value.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

4.3 Other liabilities

| | 2025 | 2024 |
|--|--------------|--------------|
| | \$ | \$ |
| Current | | |
| Income in advance | 2,159 | 1,604 |
| Balance at end of period | 2,159 | 1,604 |
| Opening balance | 1,604 | 1,023 |
| Additions | 1,086 | 1,093 |
| Revenue recognised in the reporting period | (531) | (512) |
| Balance at end of period | 2,159 | 1,604 |

Income in advance relates to appeal fees yet to be determined at the end of the reporting period. Typically, an appeal fee is received upfront upon submission of an application for review.

5 Financing

This section sets out the material balances and disclosures associated with the financing and cashflows of the Tribunal.

| | Notes |
|---------------------------|--------------|
| Cash and cash equivalents | 5.1 |

5.1 Cash and cash equivalents

| | 2025 | 2024 |
|---------------------------------|---------------|---------------|
| | \$ | \$ |
| Cash and cash equivalents | 58,742 | 74,890 |
| Balance at end of period | 58,742 | 74,890 |

For the purpose of the Statement of cash flows, cash and cash equivalent assets comprise cash at bank.

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

6 Financial instruments and contingencies

This note sets out the key risk management policies and measurement techniques of the Tribunal.

Notes

| | |
|---------------------------------|-----|
| Financial instruments | 6.1 |
| Contingent assets & liabilities | 6.2 |

6.1 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:

| | 2025 | 2024 |
|--|---------------|---------------|
| | \$ | \$ |
| Financial assets | | |
| Cash and cash equivalents | 58,742 | 74,890 |
| Financial assets at amortised cost ^(a) | 894 | 1,126 |
| Total financial assets | 59,636 | 76,016 |
| Financial liabilities | | |
| Financial liabilities at amortised cost ^(b) | 48 | 1,411 |
| Total financial liability | 48 | 1,411 |

(a) The amount of financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

(b) The amount of financial liabilities at amortised cost excludes GST payable to the ATO (statutory payable).

6.2 Contingent assets and liabilities

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

Racing Penalties Appeal Tribunal of Western Australia
Notes to the financial statements
For the year ended 30 June 2025

7 Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

| | Notes |
|--|--------------|
| Events occurring after the end of the reporting period | 7.1 |
| Key management personnel | 7.2 |
| Related party transactions | 7.3 |
| Related bodies | 7.4 |
| Affiliated bodies | 7.5 |
| Remuneration of auditors | 7.6 |
| Supplementary financial information | 7.7 |

7.1 Events occurring after the end of the reporting period

The Tribunal is 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.

7.2 Key management personnel

The Tribunal has determined key management personnel to include cabinet ministers, board members and senior officers of the Tribunal. The Tribunal does not incur expenditures to compensate cabinet ministers and those disclosures may be found in the *Annual Report on State Finances*.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for board members of the Tribunal for the reporting period are presented within the following bands:

Compensation band of members of the Tribunal

| | 2025 | 2024 |
|--|---------------|---------------|
| Compensation band (\$) | | |
| 10,001 – 20,000 | - | 1 |
| 0 – 10,000 | 6 | 5 |
| | \$ | \$ |
| Compensation of members of the Tribunal ^(a) | 11,183 | 23,220 |
| Total compensation of members of the Tribunal | 11,183 | 23,220 |

Compensation band of senior officers

| | 2025 | 2024 |
|---|-------------|-------------|
| Compensation band (\$) | | |
| 0 – 10,000 | 1 | 1 |
| | \$ | \$ |
| Compensation of senior officers ^(a) | - | - |
| Total compensation of members of senior officers | - | - |

(a) Total compensation includes the superannuation expense incurred by the Tribunal in respect of members and senior officers.

Racing Penalties Appeal Tribunal of Western Australia

Notes to the financial statements

For the year ended 30 June 2025

7.3 Related party transactions

The Tribunal is a wholly owned public sector entity that is controlled by the State of Western Australia.

Related parties of the Tribunal include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly-owned public sector entities);
- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employee's Superannuation Board (GESB).

Significant transactions with Government-related entities

In conducting its activities, the Tribunal is required to transact with the State and entities related to the State. These transactions are generally based on the standard terms and conditions that apply to all agencies. Significant transactions include:

- annual services fees payments to DLGSC for services received (Note 2.2);
- contribution received from Racing and Wagering Western Australia (Note 3.1); and
- remuneration for services provided by the Auditor General (Note 7.6).

Significant transactions with other related entities

- superannuation payments to GESB (Note 2.1).

Material transactions with related parties

Outside of normal citizen type transactions with the Tribunal, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

7.4 Related bodies

The Tribunal had no related bodies during the financial year.

7.5 Affiliated bodies

The Tribunal had no affiliated bodies during the financial year.

7.6 Remuneration of auditors

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

| | 2025 \$ | 2024 \$ |
|---|---------------|---------------|
| Auditing the accounts, financial statements, controls, and key performance indicators | 29,757 | 27,300 |
| | 29,757 | 27,300 |

7.7 Supplementary financial information

During the reporting period, \$82.48 (2024: Nil) was written off under the authority of:

| | 2025 \$ | 2024 \$ |
|--------------|------------|------------|
| The Tribunal | 82 | - |
| | 82 | - |

Key performance indicator information

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 of Western Australia, and fairly represent the performance of the Racing Penalties Appeal Tribunal of Western Australia for the financial year ended 30 June 2025.



Robert Nash
Chairperson
Racing Penalties Appeal Tribunal of
Western Australia

1 September 2025



Benjamin Willesee
Member
Racing Penalties Appeal Tribunal of
Western Australia

1 September 2025



Detailed information in support of key performance indicators

Government Goal: Safe, Strong and Fair Communities

Desired Outcome: To provide an appeal tribunal in relation to determinations made by racing industry stewards and controlling authorities.

Stays of Proceedings

Under 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 number of stay applications lodged is lower than the forecast target for the reporting period as fewer appellants chose to lodge a stay application.

The reason for the discrepancy between the number of stay applications received versus the number of stay applications determined are as follows:

- Appeal No 884 Gregory Beaglehole: the stay application was lodged on 14 October 2024 and paid on 17 October 2024. Initial submissions were received from the appellant on 31 October 2024 and Stewards submissions were received on 1 November 2024. No further submissions were received from the appellant despite requests from the Tribunal, and the submissions were referred to the Chairperson on 6 November 2024. The application was determined on 12 November 2024.
- Appeal No 887 Emily Quartermaine: the stay application was lodged on 16 April 2025, and upon receipt of all submissions the Acting Chairperson determined the application on 12 May 2025.

| Key Effectiveness Indicator | 2021-22 Actual | 2022-23 Actual | 2023-24 Actual | 2024-25 Target | 2024-25 Actual |
|---|----------------|----------------|----------------|----------------|----------------|
| Total number of stay applications received | 2 | 3 | 6 | 6 | 3 |
| Number of stay applications determined no later than one working day of receipt of final submissions being lodged by the parties to the proceedings | 2 | 0 | 3 | 6 | 1 |
| Indicator³ | 100% | 0% | 50% | 100% | 33% |

³ The effectiveness indicator for this activity is derived by dividing the number of stay applications determined no later than one working day of receipt of final submissions being lodged by the parties to the proceedings by the total number of stay applications received, then multiplying by 100.

Service: To perform functions for the racing industry.

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

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

The reason for the discrepancy between the estimated average cost of processing appeals during the financial year 2024-25 versus the actual cost incurred in processing the appeals is due to the Tribunal hearing fewer appeals than the budgeted estimate.

| Key Efficiency Indicator | 2021-22 Actual | 202-23 Actual | 2023-24 Actual | 2024-25 Target | 2024-25 Actual |
|---|----------------|---------------|----------------|-----------------------|-----------------------|
| Average cost of processing an appeal ⁴ | \$20,605 | \$27,692 | \$19,704 | \$22,858 ⁵ | \$57,262 ⁶ |

⁴ The average processing cost for each financial year is derived by dividing the total cost of services to the Tribunal by the number of appeals heard.

⁵ This is based on 2024-25 budgeted cost of services of \$274,300 divided by an estimated 12 appeals heard.

⁶ This is based on 2024-25 actual cost of services of \$229,046 divided by 4 appeals heard.

Significant issues and trends impacting the Tribunal

Current and emerging issues and trends

The Tribunal has noted a range of challenges in progressing matters from the lodgement of an appeal to a hearing. The Tribunal aims to consider, and resolve, appeals promptly to support public confidence in the integrity and efficiency of the racing industry.

Economic and social trends

Given the context of rising cost of living pressures, the Tribunal is cognisant that the average cost of processing and appeal has been increasing in recent years.

Changes in written law

The Racing and Gaming Regulations Amendment (Fees and Charges) Regulations 2024 increased the fees and charges under Section 4 of the Racing Penalties (Appeals) Regulations 1991, which came into effect on 1 January 2025:

- Application for leave to appeal relating to greyhound racing - \$175.00.
- Application for leave to appeal relating to other appeals - \$437.00.
- Notice of appeal relating to greyhound racing - \$166.50.
- Notice of appeal relating to other appeals - \$277.50
- Stay of proceedings - \$55.00.

Likely developments and forecast results of operations

It is expected that the workload of the Racing Penalties Appeal Tribunal for 2025-26 will remain steady.

Statutory, governance and legal requirements

Unauthorised use of credit cards

There have been no identified instances of unauthorised use of corporate credit cards.

Act of Grace payments

There were no act of grace payments made during the reporting period.

Advertising, market research, polling and direct mail

The Tribunal did not incur any expenditure in 2024-25.

Other legal, statutory and governance requirements

The Tribunal met its executive support requirements through arrangements with DLGSC. The DLGSC Annual Report contains information on the following requirements:

- | | |
|--|--|
| • Disability access and inclusion plan outcomes. | • Staff development. |
| • Compliance with public sector standards and ethical codes. | • Workers' compensation. |
| • Recordkeeping plans. | • Occupational safety, health and injury management. |
| • Employment and industrial relations. | • WA multicultural policy framework. |
| • Agency capability review requirements. | • Substantive equality. |
| | • Workforce inclusiveness requirements. |

Remuneration of members

Chairperson

The Chairperson is entitled to a remuneration of \$225.75 per hour for hearings/meetings.

Plus:

\$126 per hour for preparation time (i.e., one hour per day of hearing).

\$126 per hour for decision writing time (i.e., two hours for up to one day of hearing).

Members

The members are entitled to payment of:

\$494 per half day for hearings/meetings (under four hours); or

\$756 per day for hearings/meetings (for over four hours).

Plus:

\$105 per hour for preparation time (i.e., one hour per day of hearing).

\$105 per hour for decision writing time (i.e., two hours for up to one day of hearing).

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

| Position title | Member name | Type of remuneration | Period of membership | | Gross/actual remuneration for 2024-25 |
|----------------|-------------------|---|----------------------|-----------|---------------------------------------|
| Chairperson | Robert Nash | Sitting fees plus preparation and decision writing time | 1/7/2024 | 30/6/2025 | \$5,990.25 |
| Member | Phillip Gleeson | Sitting fees plus preparation and decision writing time | 1/7/2024 | 30/6/2025 | \$1,975.00 |
| Member | Natalie Sinton | Not applicable – Full-time public sector employee | 1/7/2024 | 30/6/2025 | Nil |
| Member | Johanna Overmars | Sitting fees plus preparation and decision writing time | 1/7/2024 | 30/6/2025 | \$459.27 |
| Member | Benjamin Willesee | Sitting fees plus preparation and decision writing time | 1/7/2024 | 30/6/2025 | \$809.00 |
| Member | Kelly Zhang | Sitting fees plus preparation and decision writing time | 1/7/2024 | 30/6/2025 | \$2,007.00 |
| Total | | | | | \$11,240.52 |

Racing Penalties Appeal Tribunal

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Website: www.lgirs.wa.gov.au