

1. BACKGROUND

This Policy is made under s.102(1)(b) of the [Racing Act 2002](#) (Qld) (“the Act”), which authorises the Racing Queensland Board (“RQ”), as the control body for all codes of racing in Queensland, to make policies for good management.

2. POLICY NAME

This policy is named the *No Fault Stand Down Policy* (“Policy”) and applies to all codes of racing.

3. DATE MADE & DATE OF EFFECT

This Policy is made on **DATE** and takes effect on the same day.

4. PURPOSE

The purpose of this Policy is to:

- (a) Ensure that a Senior Club Representative charged with a Prescribed Offence does not continue to represent the racing industry;
- (b) Protect the image, welfare, reputation and interests of all codes of racing in Queensland; and
- (c) Promote community expectations of the racing industry’s commitment to uphold standards of behaviour and accountability, without derogating from the presumption of innocence and the right to a fair trial in accordance with the law.

5. WHO IS AFFECTED BY THE POLICY?

- (a) This Policy applies to all Senior Club Representatives, across all codes of racing.
- (b) To remove any doubt, it is declared that:
 - (i) The Policy applies to Prescribed Offences or charges in relation to such offences occurring before the Policy was made;
 - (ii) The conduct or behaviour relating to a Prescribed Offence to which this Policy applies does not need to relate to any Industry Participant or Licensed Club or any venue where racing activities occur and may have no connection to the racing industry; and
 - (iii) To the extent compliance with this Policy would be contrary to any other law or order of any court, this Policy does not apply.

6. APPLICATION

6.1. No Performance of Representative Duties

- (a) Where a Senior Club Representative is charged with a Prescribed Offence, that Senior Club Representative must not perform any Representative Duties pending a final verdict or Conviction.
- (b) Where a Senior Club Representative is charged with a Prescribed Offence, where the Licensed Club has actual knowledge of that charge they must not allow that Senior Club Representative to continue to perform any Representative Duties pending a final verdict or Conviction.
- (c) No Licensed Club may knowingly appoint any person charged with a Prescribed Offence to the position of a Senior Club Representative or to perform Representative Duties, pending a final verdict or Conviction.
- (d) Unless the person is Convicted, this Policy ceases to apply in relation to an Affected Person if the person is no longer charged with a Prescribed Offence.

6.2. No restrictions or limits

Where an employee of a Licensed Club is an Affected Person, nothing in this Policy restricts or limits the Licensed Club’s rights with respect to that employee.

6.3. Financial Contribution

As a measure of assistance and support to a Licensed Club in discharging its obligations under this Policy, RQ agrees to pay to the Licensed Club a financial contribution in accordance with the following subparagraphs:

- (a) the maximum amount that RQ will pay is 50% of the base salary, excluding any bonuses or other incentives, of the Affected Person; and

- (b) any payments from RQ will be made monthly in arrears (prorated for those days in a month on which a Licensed Club stood down an Affected Person from Representatives Duties); and
- (c) payments made under this Policy may be paid at the same time as other funding of the Licensed Club by RQ but are separate from and additional to any other such funding; and
- (d) RQ will commence making payments to a Licensed Club upon receipt of evidence of the Licensed Club's compliance with its obligations under this Policy and will continue to make such payments until the earlier of:
 - (i) a final verdict or Conviction being reached with respect to the Prescribed Offence that the Senior Club Representative was charged with; or
 - (ii) 24 months from the date that the Affected Person was charged with the Prescribed Offence; and
- (e) should a final verdict or Conviction not be reached with respect to the Prescribed Offence within 24 months from the date that the Affected Person was charged with the Prescribed Offence, RQ and the Licensed Club will negotiate terms upon which RQ will continue making a financial contribution to the Licensed Club until a final verdict or Conviction is reached.

6.4. Other Obligations Pending Outcome

- (a) RQ acknowledges that an Affected Person is presumed innocent while charges are pending and is entitled to a fair trial in accordance with the law.
- (b) All Licensed Clubs must use reasonable endeavours to ensure that their employees and representatives treat Affected Persons with dignity and respect at all times.
- (c) Upon request by an Affected Person, a Licensed Club must provide reasonable counselling services to an Affected Person, or if the Affected Person is unable to be provided counselling services by a Licensed Club, RQ will provide reasonable counselling services to the Affected Person in accordance with existing RQ policies.
- (d) Each Licensed Club that employs an Affected Person must ensure the workplace health and safety of each workplace under their management, including the use of appropriate control measures and records, in accordance with the law.
- (e) Nothing in this Policy restricts the ability of the owner or operator of a Licensed Club or the operator of any venue where racing activities occur to deny or restrict entry to any person in accordance with their respective policies.
- (f) Nothing in this Policy restricts a Licensed Club from exercising other rights consistent with the relevant terms of employment of an Affected Person.

6.5. Effect of Conviction

A Senior Club Representative Convicted of a Prescribed Offence is ineligible to perform Representative Duties for a period from the date the Conviction for the relevant offence is recorded as follows:

- (a) if the person was dealt with as a child for the Conviction, the period is 12 months;
- (b) if no term of imprisonment was imposed of the period for the Conviction, the period is 18 months;
- (c) if the person was imprisoned for 30 months or less for the Conviction, the period is 5 years;
- (d) otherwise, the period is 10 years.

7. RULES OF RACING

Rules of Racing will not be made for and do not apply to this Policy.

8. REFERENCES & RELATED DOCUMENTS

In this Policy:

- (a) Act means the [Racing Act 2002](#) (Qld).
- (b) Affected Person means a person charged with a Prescribed Offence who is affected by the operation of this Policy.
- (c) Conviction or Convicted means being found guilty of the offence, whether on a plea of guilty or otherwise, and whether or not a conviction is recorded, but excludes any conviction set aside or quashed.
- (d) Industry Participant means RQ and any person or entity holding a licence, approval or authority of any kind, or anyone registered for any purpose, under the Act or the [Racing Integrity Act 2016](#) (Qld), including but not limited to a club, trainer, jockey, driver, stablehand, trackrider, bookmaker, bookmaker's clerk, riders agents, promoter, attendant, breeder, studmaster, training track operator, owner, syndicate, syndicate manager, or managing owner;
- (e) Prescribed Offence means those prescribed offences in [Schedule 1C](#) of the [Penalties and Sentences Act 1992](#) (Qld), or equivalent or similar offences in any other jurisdiction, with a maximum prison sentence of 10 years or more;
- (f) Racing Venue means a 'licensed venue' as defined in the Act or any other premises owned by Racing Queensland.
- (g) Representative Duties means any role that involves any of the following whether performed at a Racing Venue or at another venue:
 - (i) Performing any duties or functions at a race meeting; or

- (ii) Appearing in any audio or visual broadcast covering or related to racing, on any platform and delivered through any technology; or
 - (iii) Speaking to the media in any interview, providing comment or editorial to any publication, acting as spokesperson for public comment, or posting on social media in relation to racing; or
 - (iv) Attending functions or industry events; or
 - (v) Acting in any official capacity or performing any official functions,
- but does not include participation in any recognised offender rehabilitation program.
- (h) Senior Club Representative means any person that:
- (i) occupies any of the following positions for a Licensed Club:
 - (1) an officer of an incorporated association; or
 - (2) a member of the committee,
 (each as defined in [Schedule 2](#) of the [Associations Incorporation Act 1981 \(Qld\)](#)); or
 - (ii) is an officer (as defined in [s9](#) of the [Corporation Acts 2001 \(Cth\)](#)) of a Licensed Club (regardless of whether a Licensed Club is a corporation or another type of entity).
- (i) Any capitalised terms in this Policy which are defined in the Act, the *Racing Integrity Act 2016*, or an instrument made under either of them, has the same meaning as set out in that legislation or instrument, except as otherwise stated in this Policy.

9. VERSION HISTORY

Current Version:	2023.01	CEO Approved:	X XXXXXX 2023
Enquiries to:	policies@racinqqueensland.com.au		
VERSION	EFFECTIVE	DEPARTMENT	CHANGES MADE
2023.01	X XXXXXX 2023	Policy	Policy created.