

1. PURPOSE

The purpose of the Club Complaint Procedure (“the **Procedure**”) is to set out the principles and processes that Racing Queensland (“**RQ**”) has adopted to manage complaints received in relation to specific services provided by, issues relating to, or actions taken by, Clubs.

2. SCOPE

2.1. General Scope

The Procedure applies where a complaint relates to:

- (a) an alleged breach by a Club of:
 - (i) the Rules, to the extent that:
 - A. RQ, and not the Queensland Racing Integrity Commission, is responsible for the enforcement of the relevant rule; and
 - B. the Rules do not otherwise provide a mechanism for an individual to make a complaint relating to an alleged breach of the relevant rule;
 - (ii) the Act;
 - (iii) any order or direction of RQ; or
- (b) a failure to comply with a Club Obligation.

2.2. Exclusions

Notwithstanding the points above, the procedure will not apply where the complaint relates to:

- (a) individuals (including, without limitation, complaints relating to the licensing of jockeys and trainers);
- (b) animals (including, without limitation, complaints relating to animal welfare or integrity (which are the responsibility of the Queensland Racing Integrity Commission));
- (c) a claim for damages, compensation for loss or any other monetary amount sought by the Complainant;
- (d) club facilities; or
- (e) the condition of the track,

unless the complaint made in respect to 2.2(a), 2.2(d) or 2.2(e) relates to a failure of the Club to comply with a Club Obligation or a breach referred to in section 2.1.

3. PROCEDURE DETAIL

3.1. Dealing with Complaints in the first instance

In the first instance, the complaint must be reported to the Club that is the subject of the complaint and a genuine attempt must be made by both the Complainant and the Club to resolve the complaint independent of RQ. As set out in section 3.3(e) below, if this step is not taken, RQ may assess the complaint as being an Ineligible Complaint.

3.2. Referral of complaints to RQ

- (a) If the complaint has not been able to be resolved between the Complainant and the Club despite their respective genuine attempts, the Complainant may refer the complaint to RQ.
- (b) A complaint is to be referred to RQ by the Complainant completing the online complaints form available at <https://www.racingqueensland.com.au/Corporate/Contact-Us/Complaints> with the “Licensing Issues” selected from the drop down box with the heading “Complaint Details”. The Complainant must provide copies of his or her correspondence with the Club as part of the genuine attempt at resolution referred to at section 3.1.
- (c) By referring the complaint to RQ, the Complainant consents to RQ contacting the Club about the matters detailed in the complaint as part of the assessment undertaken by RQ in section 3.3 to determine whether the complaint is an Eligible Complaint.

3.3. Assessment of Complaints by RQ

(a) Assessment of Scope

RQ will undertake an assessment of any complaint referred to RQ in accordance with section 3.2 to determine whether the complaint is an Eligible Complaint.

(b) Timeframe for Assessment

RQ will endeavour to complete the assessment at section (a) of the complaint referred to RQ within 14 days of receipt or such other timeframe as may be agreed between RQ and the Club or RQ and the Complainant.

Where RQ considers that further information is required to assess the complaint, RQ will endeavour to complete its assessment within 14 days of receiving the further information requested by RQ in accordance with section (c).

(c) Further Information

If RQ considers that it has insufficient information to determine whether the complaint it has received is an Eligible Complaint, RQ will contact the Complainant by email and request any such further information it reasonably requires to complete its assessment.

The Complainant must comply with a request for further information within 14 days of receiving such a request.

(d) Eligible Complaints

In the event that, upon completion of the assessment referred to in section (a), RQ determines that the complaint is within the Scope as set out in section 2 ("**Eligible Complaint**"), RQ will:

- (i) within 7 days of completion of the assessment, notify the Complainant by email that it has determined the complaint is an Eligible Complaint within the scope of the Procedure;
- (ii) within 7 days of completion of the assessment, notify the Club by email that it has received the complaint, provide the Club with details of the complaint, and notify the Club that the complaint will be investigated;
- (iii) within 14 days of completion of the assessment, commence an investigation into the Eligible Complaint in accordance with section 3.4 ("**Investigation**");
- (iv) request any further information RQ considers (in its absolute discretion) necessary or desirable to investigate the Eligible Complaint; and
- (v) within 7 days of the commencement of the Investigation, inform the Complainant and the Club about the next steps that will be taken as part of the Investigation.

(e) Ineligible Complaints

In the event that, upon completion of the assessment referred to in section (a), RQ determines that the complaint is not an Eligible Complaint ("**Ineligible Complaint**"), RQ will:

- (i) within 7 days of completion of the assessment, notify the Complainant by email that the complaint is an Ineligible Complaint;
- (ii) not commence an Investigation into the Ineligible Complaint; and
- (iii) where reasonably practical to do so, communicate potential alternative avenues that may be open to the Complainant in order to progress the complaint.

RQ may assess the complaint to be an Ineligible Complaint where, without limitation:

- (iv) the complaint referred to RQ is not within the scope of the Procedure set out in section 3 above;
- (v) the Complainant has referred a complaint to RQ before attempting to resolve the complaint directly with the Club in the first instance;
- (vi) RQ believes in good faith that a Complainant has knowingly made an untrue complaint or the Complainant is vexatious or malicious; or
- (vii) the Complainant has not responded to a request from RQ for further information within 14 days of receiving a request.

(f) Multiple Complaints

- (i) Where a complaint includes more than one identifiable issue or complaint or Complainant or Club, RQ may, but is not obliged to, treat them as more than one complaint.
- (ii) Where under section (a), RQ assesses part of a complaint as an Eligible Complaint and part of a complaint as an Ineligible Complaint, RQ will treat them as separate complaints.

3.4. Investigation of Eligible Complaints

(a) Simple Complaints

- (i) Where the Eligible Complaint is, in RQ's reasonable opinion, simple, it may be resolved informally with the Complainant and the Club.
- (ii) Notwithstanding that the Eligible Complaint may be simple, RQ may elect, in its absolute discretion, to investigate it as if it were a complex Eligible Complaint.

(b) Complex Eligible Complaints

- (i) Where the Eligible Complaint is, in RQ's reasonable opinion, complex, it will be investigated in accordance with section 3.4(c) and based on the findings of the Investigation, RQ may make a recommendation in accordance with section 3.4(d).

(c) Investigation of complex Eligible Complaints

- (i) RQ may undertake such investigations it reasonably considers appropriate to determine whether a Club has complied with the Rules, the Act, a direction or order by RQ, or the Club Obligation, which is the subject of the Eligible Complaint.

The investigation undertaken by RQ may involve, without limitation, any or all of the following:

- (i) appointing an appropriate RQ employee to conduct the Investigation;
- (ii) taking confidential notes about the Eligible Complaint;
- (iii) ascertaining the facts of the Eligible Complaint and detailing these facts;
- (iv) determining the outcome/how the Complainant wants the Eligible Complaint resolved; and
- (v) providing possible options for the Complainant to resolve the Eligible Complaint.

RQ will endeavour to complete the Investigation into the Eligible Complaint within 60 days' of commencing the Investigation in accordance with section (iii) or such other timeframe as may be agreed between RQ and the Club or RQ and the Complainant.

(d) Recommendations

- (i) A written recommendation for the resolution of the Eligible Complaint, based on RQ's Investigations into the merits of the Complaint, may be provided to the Complainant, the Club and to any other parties involved in the Eligible Complaint agreed between RQ, the Complainant and the Club.
- (ii) RQ may recommend a Club taking action or refraining from taking action (in RQ's absolute discretion).
- (iii) Unless otherwise specified by RQ, any recommendation will be confidential.
- (iv) In some cases, an apology or an explanation to the Complainant may be sufficient to resolve the Eligible Complaint.
- (v) If RQ decides to provide a written recommendation for the resolution of the Complaint, RQ will endeavour to do so within 14 days of the Investigation being completed.

(e) Further action

In the event that a Club fails to comply with a recommendation made by RQ under section 3.4(d) within a reasonable timeframe, RQ may, at its absolute discretion, issue a Club Control Body Direction, or any other direction that it has authority to make, to a Club in connection with the recommendation.

4. RIGHTS OF REVIEW

- (a) If the Complaint is assessed by RQ to be an Ineligible Complaint under the Procedure, the Complainant may apply to RQ for a review of the decision.
- (b) An application for review must be made to RQ in writing within 7 days of RQ notifying the Complainant that the Complaint is an Ineligible Complaint under the Procedure.
- (c) The review cannot be undertaken by the same RQ officer who determined that the complaint was an Ineligible Complaint and must be undertaken by an RQ officer of the same or a higher level of seniority to that of the original decision-maker.
- (d) RQ will provide the Complainant with a written notice of the review decision and the review decision will be final.

5. VICTIMISATION

RQ will use its best endeavours to ensure that any Complainant is not subject to any threat, detriment or unfair treatment because the Complainant has made an Eligible Complaint or for supporting another Complainant making an Eligible Complaint.

6. APPLICATION OF THIS PROCEDURE

RQ may review, amend or discontinue this Procedure from time to time. RQ will notify you of any changes by posting an updated version of this Procedure or a notice on the RQ website.

7. RELATED DOCUMENTS

[Online Complaints Form](#)

[Rules of Racing \(Thoroughbred\)](#)

[Rules of Racing \(Harness\)](#)

[Rules of Racing \(Greyhound\)](#)

8. REFERENCES

In this Policy:

- (a) the **Act** means the [Racing Act 2002](#) (Qld).
- (b) **Club** means a licenced club or venue for any code of racing in Queensland;
- (c) **Club Obligation** means any one or more obligations owed by a Club to ensure:
 - (i) adequate safety, security, crowd control, traffic management or emergency procedures are procured at a Licenced Venue;
 - (ii) the procedures referred to at (i) are implemented at Race Meetings;
 - (iii) the Licensed Venue complies with any policies of RQ from time to time;
 - (iv) the Licensed Venue is prepared in a manner consistent with RQ's reputation for conducting and staging first class race meetings;
 - (v) the Licenced Venue is maintained in accordance with any Venue Repair and Maintenance Plan approved by RQ;
 - (vi) at all times the directors, officers and employees of the Club are of a high and good reputation and do not engage in any unethical or unbecoming conduct or conduct which is prejudicial or likely to be prejudicial to the interests of the Club, RQ or racing; or
 - (vii) the Club operates in accordance with and complying with any requirements set out in its constitution at all times.
- (d) **Complainant** means an individual making an Eligible Complaint about a Club under this Procedure.
- (e) **Control Body Direction** means a direction given to the Club by RQ under section 82(3) of the Act.
- (f) **Industry Participants** means Racing Queensland and anyone 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;
- (g) **Licensed Venue or Premises** means premises which are the subject of any licence, approval or authority of any kind under the Act or the [Racing Integrity Act 2016](#) (Qld).
- (h) **Rules** means the Rules of Racing made under the Act and applicable to the Club's code of racing.
- (i) any capitalised terms 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:	2021.11	CEO Approved:	3 November 2021
Enquiries to:	policies@racingqueensland.com.au		
VERSION	EFFECTIVE	DEPARTMENT	CHANGES MADE
2021.11	3 November 2021	Partnerships & Commercial Development	Policy created.