

INTERNAL REVIEW FACT SHEET

Internal reviews are a standard process within the Queensland Government, which allows individuals to request a review of a decision or penalty imposed upon them. Internal reviews are conducted by a single reviewer appointed by the Queensland Racing Integrity Commission (**QRIC**). The reviewer is independent of stewards and other officials, and the role requires knowledge of the racing industry and a legal background.

The review model, prior to 31 March 2023, comprised the original decision made by QRIC, including a steward's decision, internal review by QRIC, and (if an applicant was not satisfied) external review by the Queensland Civil and Administrative Tribunal (**QCAT**). Since 31 March 2023, the arrangements for review of original decisions made by QRIC, such as licensing decisions, continue to be subject to the previous arrangements for internal review by QRIC and external review by QCAT. The Queensland Racing Appeals Panel (**QRAP**) commenced on 31 March 2023. One of the Panel's functions is to hear and decide an application for review of a racing decision of a steward.

Key Facts

- The internal review is an independent review of the original decision made 'on the papers'. The reviewer will consider all of the relevant facts and all evidence that was before the original decision-maker.
- The reviewer may contact the applicant to gather further information about the matter.
- An application for an internal review **must** be submitted to QRIC within **14 days** after notification of the decision.
- A racing decision of a steward is **NOT** an original decision, and therefore cannot be internally reviewed by QRIC.
- An application for an internal review does not 'stay' the original decision. If you wish to request a stay, you must apply directly to QCAT. However, you must first submit an internal review application to QRIC before you can apply to QCAT for a 'stay' of the decision.
- There is no fee associated with submitted an application for internal review; however, there is a fee associated with filing an application to QCAT for an external review of the internal review decision.

Application for internal review

Pursuant to section 243 of the *Racing Integrity Act 2016* (Qld) ('RIA'), a person may apply to QRIC for a review of an original decision.

An original decision is a decision to do any of the following:

- refuse to grant or renew a licence;
- take disciplinary action relating to a licence;
- censure the holder of a licence;
- take an exclusion action against a person;
- impose a monetary penalty on a person;
- impose any other non-monetary penalty on a person;
- seize, under the RIA or warrant, an animal or other thing, unless the seizure was in a circumstance mentioned in section 184(1)(a) or (b) of the RIA;
- forfeit, under section 187(1) of the RIA, an animal or other thing;
- give an animal welfare direction;
- another decision prescribed by regulation.

An example of a type of decision that can be internally reviewed by QRIC is a decision made by QRIC to refuse to grant a licence pursuant to QRIC's licensing standard.

Matters that cannot be internally reviewed

There are some decisions made by QRIC that cannot be internally reviewed. These are set out in section 240(2) of the RIA.

For example, a racing decision of a steward is **NOT** an original decision, and therefore cannot be internally reviewed by QRIC. A person dissatisfied with a racing decision of a steward may apply to QRAP for a review of the racing decision.

Making an application

An application for internal review must be made in the approved form. An application may be submitted via email to Internalreview@qric.qld.gov.au or by post to QRIC.

The application form requires information about you, the original decision the subject of the internal review application, the date the decision was made, the date you were notified of the decision, and the grounds of the internal review application. An important requirement for your application for internal review is that your claim must be based on evidence. This means that you must provide clear reasons for disagreeing with the decision. If you are unable to provide any evidence, the reviewer may reject your application on the grounds of 'no evidence provided'. Therefore, it is important to ensure that your application is fact-based, and objective.

An application for an internal review **must** be submitted within **14 days** after notification of the decision. There is no fee associated with submitting an application for internal review of the original decision to QRIC.

Late applications

QRIC may decide to extend the time for accepting an internal review application that is not made within 14 days after the day the person is given notice of the original decision.

QRIC may ask you to provide reasons as to why you have made your application for internal review after the 14 days in order for QRIC to decide whether to accept your application or not.

A 'Stay' of the Penalty

An application for an internal review does not 'stay' the original decision. If you wish to request a stay, you must apply directly to QCAT. However, you must first submit an internal review application to QRIC before you can apply to QCAT for a 'stay' of the decision.

The Decision

QRIC must decide an application for internal review relating to an original decision within 20 business days after the application for internal review is received.

Under section 245 of the RIA, QRIC must review the original decision and make a decision to:

- confirm the original decision; or
- amend the original decision; or
- substitute another decision for the original decision.

Once the decision has been internally reviewed, you will receive a notice advising of the internal review decision in writing, by email.

Pursuant to section 245(8) of the RIA in circumstances where QRIC has not given you a notice advising of the internal review decision within the requisite 20 business days after receiving the application for internal review, the QRIC is taken to have confirmed the decision.

Appeal to Queensland Civil and Administrative Tribunal (QCAT)

If you are not satisfied with the outcome of the internal review decision you can apply to QCAT for an external review of the internal review decision. QCAT is an independent tribunal that resolves disputes and reviews decisions on a wide range of issues.

An external review is commenced by lodging the appropriate application in the approved form with QCAT and paying the applicable fee. An application for an external review of an internal review decision must be filed within **28 days** from the day the internal review decision is provided to you. Further information can be found at: <http://www.qcat.qld.gov.au/>

Help and Assistance

For assistance, please contact QRIC at 1300 087 021, available Monday to Friday from 8:30am to 4:00pm or visit the QRIC website at: www.qric.qld.gov.au