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08/09/2008 11:04 AM

cc Michael Kelly/OR/QTreasury@QTreasury

bcc

Subject QRL constitution advice

Barry

Please find attached a request for urgent advice as discussed. Please call me if you require anything further.

Regards Carol



Clayton Litz request.doc



QTO-02989 QRL amendments to Constitution.doc



QRL Amendment to Constitution Process.doc



Minutes of Class A members meeting.pdf



Notice of Class A members meeting.pdf



FINAL Signed Constitution of QRL.pdf



Approval.pdf

Attached are the following documents by way of background:

- QRL approval notice
- QRL constitution
- Outline of the voting process
- Brief re independent recruitment company
- Class A members meeting

Advice is required on:

1. Can the Minister decide to approve the application to amend the QRL constitution if the Queensland Country Racing Committee (the Committee) has not followed the process contained in the *Racing Act 2002* (see section 76).

The Chair of the Committee did not call a meeting of the members and did not obtain the written agreement of at least 3 of its members as to how he should vote at the Class A members meeting.

The Chair of the Committee consulted verbally with a number of members of the Committee and had their verbal approval to vote.

The Chair of the Committee attended the Class A members meeting and voted on behalf of the Committee.

The argument advanced by QRL is that if there is non-compliance with the requirements of section 76 of the *Racing Act*, the vote of the Committee can be disregarded and the votes of the other Class A members relied on. QRL use the analogy of non-compliance with electoral requirements during a general election – does not require the whole election to be conducted again.

QRL also contend that as the *Racing Act* is silent on the specific powers of the Chair of the Committee, the Chair is able to exercise their vote without reference to other members of the Committee – no resolution is required by the Committee.

2. Can the Minister refuse the application on the ground that the removal of an independent recruitment company to prepare a short list of directors has the potential to undermine the integrity of the recruitment system.