

Statement of Reasons

Ronald Joseph Jackson

Background

Introduction and Regulatory Framework

1. On 31 March 2014 Mr Ronald Jackson submitted an application to Racing Queensland for a Trainers Licence (**Application**).
2. Mr Jackson currently holds (and held at the time of submitting the Application) a Stablehand Licence issued by Racing Queensland on 31 November 2013.
3. Applications for Licences are assessed by RQL in accordance with the terms of RQL's Licensing Scheme Policy. The Licensing Scheme Policy is a statutory instrument made pursuant to s.81(c) of the Racing Act 2002 (**Act**).
4. Section 81(c) of the *Racing Act 2002* (Act) requires Racing Queensland to have a policy about its licensing scheme. Section 86 states the purpose of a control body's licensing scheme is to ensure:
 - a. The integrity of racing activities conducted as part of the code; and
 - b. The safety of persons involved in racing or training animals; and
 - c. The welfare of licensed animals while involved in racing or training, or activities associated with racing and training.
5. The Licensing Scheme Policy provides that:

“All licensees and applicants for licences must meet and continue to meet suitability requirements. These requirements address whether or not a licensee is a “fit and proper person” to be licensed.”
6. The Licensing Scheme then provides further criteria that are to be applied by Racing Queensland in assessing whether an applicant fulfils the suitability requirement as follows:

“Fitness”

 - A person must be fit and able to perform the duties of the relevant licence
 - Where a person is not physically fit to perform the duties of a particular license category in person, but is able to supervise and direct an exception may be considered provided there is no risk to other persons, animals or to the good conduct of racing and training. Such persons



would require the facilities, equipment, experience, knowledge, and other personal qualities necessary for successfully functioning in this manner.

- Fit also requires the person to have the stated skills and knowledge required for a licence. Racing Queensland may require appropriate evidence of skills and knowledge through testing, training and assessment or other means.
- Fit includes the person's mental fitness to make correct decisions in relation to behaviour by demonstrating a continuing moral commitment to good behaviour and good character.

“Propriety”

Propriety relates to the general level of integrity of the person. It is primarily concerned with general behaviour and conduct inclusive of:

- history
- reputation
- integrity
- honesty
- character

Propriety will be assessed on the basis of general behaviour and conduct, in particular:

- disciplinary history
- evidence of dishonesty
- behaviour towards officials and staff of Racing Queensland and other Queensland racing industry participants
- whether any conduct or statement likely to impact the person's reputation and more broadly on the reputation of other licensees, Racing Queensland, officials of Racing Queensland and the Queensland racing industry
- demonstrated ability to consistently operate within the rules and policies of Racing Queensland and any other laws and regulations applicable to the conduct of the industry and its participants including gaming laws
- evidence of bad behaviour and misconduct including police records, court records and letters of complaint regarding the licensee
- A history of indebtedness particularly as a result of mismanagement or gambling problems
- A failure to adequately demonstrate sufficient and acceptable financial means to fulfil the requirements of the license
- where a licensee or applicant for a licence has been convicted of or pleaded guilty to a criminal offence in any state or territory of Australia or in any other country.

All offences will be considered, particularly those considered to have a direct impact on an applicant's suitability such as offences relating to:



- dishonesty, fraud or forgery
- cruelty to animals
- aggravated assault
- sexual assault
- possession, use or supply of illegal substances
- serious crimes

In general crimes committed in the last 10 years will be considered relevant.”

Applicant's Licensing History

7. In addition to the Stablehand Licence currently held by Mr Jackson, Mr Jackson has previously held a Trainer's Licence (granted by the predecessor control bodies for Thoroughbred Racing in Queensland) during the period 2001 - 2010.
8. In October 2010, Racing Queensland Limited (the relevant control body at the time) became aware that the Applicant Mr Jackson (a licensed trainer at the time) had a conviction which had not previously been disclosed to the control body.
9. In accordance with the Licensing Scheme Policy, on 3 November 2010 the Licensing Committee (the Committee) issued Mr Jackson with a Show Cause Notice requesting that he show cause why his licence should not be withdrawn, suspended or have conditions placed upon it.
10. The grounds for the Show Cause as set out in the Notice dated 3 November 2010 were as follows:
 - a. That on 3 February 2005 Mr Jackson was convicted of a serious offence of a nature which may require Racing Queensland to exercise its duty of care to participants.
 - b. That having been convicted of a serious criminal offence Mr Jackson failed to notify Racing Queensland within a reasonable period of such a conviction.
 - c. That on two (2) license applications (Stablehand August 2005 and trainer August 2006) Mr Jackson falsely indicated that he had never been convicted of an offence.
11. On 17 November 2010 the committee cancelled Mr Jackson's trainer's licence on the basis of:
 - a. The serious nature of the offence for which Mr Jackson was convicted involved a person under the age of 16.
 - b. The repeated failure of Mr Jackson to advise Racing Queensland of the conviction as required by the Licensing Scheme Policy.
 - c. In this regard, Mr Jackson falsely indicated that he had not been convicted of an offence on two (2) license application forms.
12. On 5 September 2013 Mr Jackson applied for a Stablehand Licence and on 31 November 2013, Mr Jackson was issued with a Stablehand licence by Racing Queensland. In accordance with Local Rule 8(n), a Stablehand Licence permits the holder of the licence to be employed and assist with the training, maintenance, care and



control, and assist with the pre-race preparation of and post-race procedures affecting a horse.

13. On 31 March 2014 Mr Jackson applied for an Open Trainer's licence with Racing Queensland. Pursuant to the Australian Rule of Racing a "Trainer" is defined as meaning a person licensed or granted a permit by a Principal Racing Authority to train horses, and includes any person licensed to train as a training partnership.
14. As part of his Application, Mr Jackson was required to provide a current National Police Certificate which included the following disclosables on his National Police Certificate:
 - a. Sexual Intercourse with person between the ages of 10 and 16 (03/02/2005); and
 - b. Failure to comply with reporting obligation (20/08/2012).
15. By letter of 10 June 2014 Mr Jackson was advised that Racing Queensland had refused his application for a trainers licence.

Evidence and other material before Racing Queensland

16. In making the decision not to grant Mr Jackson a Trainers licence, RQ had before it the following evidence:
 - a. The Rules of Racing;
 - b. RQ Licensing Scheme Policy;
 - c. Letter from RQ to Mr Jackson dated 3 November 2010;
 - d. Letter from RQ to Mr Jackson dated 17 November 2010;
 - e. File note of Interview between Mr Jackson and RQ Stewards dated 21 October 2010;
 - f. Application for Stablehand Licence dated 5 September 2013;
 - g. Application for Trainer's Licence by Ronald Jackson dated 31 March 2014;
 - h. Copy of a National Police Certificate for Ronald Joseph Jackson dated 26 September 2013.

Findings of Fact

17. The following findings of fact were made in relation to Mr Jackson's application for a Trainer's Licence:
 - a. Mr Jackson made an application for a Trainer's Licence on 31 March 2014.
 - b. Mr Jackson is currently (and was at the time of the Application) licensed as a Stablehand.
 - c. Mr Jackson has a criminal history relevant to the assessment of his suitability to hold an Open Trainer's Licence. Mr Jackson had previously been convicted and sentenced to 8 months imprisonment suspended with conditions for sexual intercourse with a person between 10 and 16 years of age.
 - d. Mr Jackson has previously failed to comply with his obligation to notify the control body in relation to the relevant conviction.



RACING
QUEENSLAND

- e. Mr Jackson was fined \$400 for failing to comply with a reporting order on 20 August 2012.
- f. In relation to his application for an Open Trainer's Licence, Mr Jackson did not fulfil the criteria of "proprietary" and therefore did not meet the suitability requirements outlined in the Licensing Scheme Policy.

Reasons

18. The reasons for the decision to refuse Mr Jackson's application for an Open Trainer's Licence are as follows:

- a. Applications for Licences are assessed in accordance with the terms of Racing Queensland's Licensing Scheme Policy.
- b. It is a requirement of the Licensing Scheme Policy that all licensees and applicants meet suitability requirements.
- c. In assessing whether a person meets the Suitability requirements, Racing Queensland must assess whether a person is a fit and proper person to hold the particular licence type. In assessing the application, the suitability requirements must be applied with reference to the licence type and the privileges and responsibility that attach to the relevant licence type.
- d. As a Licensed Stablehand, Mr Jackson is able to work in the industry in a supervised manner. However, an Open Trainer's Licence confers on the holder a far broader range of privileges and responsibilities. In the context of the suitability requirements, this relevantly includes the privilege and responsibility for supervising and employing other staff, who may potentially be under the age of 18.
- e. In accordance with s.86 of the Act, one of the primary purposes of Racing Queensland's Licensing Scheme Policy is to ensure the safety of persons involved in racing or training animals.
- f. Given Mr Jackson's prior conviction for a serious sexual offence involving a minor and his failure to comply with his obligation to notify the control body of his conviction, it was considered that granting Mr Jackson an Open Trainer's Licence posed a significant risk, including to the safety of other persons involved in racing or training thoroughbreds.
- g. Based on the criteria in the Licensing Scheme Policy and taking into account the primary purpose of the Licensing Scheme Policy (under s.86 of the Act), Racing Queensland determined that Mr Jackson did not meet the suitability requirements for an Open Trainers Licence.
- h. Accordingly, as Mr Jackson did not meet the suitability requirements contained in the Licensing Scheme Policy, Mr Jackson's application for an Open Trainer's Licence was refused.