



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0032-16
Applicant's Name:	S. Laxon
PART 2: Decision History	
Original Decision:	Refusal of application for trainers licence
Original Decision Makers:	Queensland Racing Integrity Commission Licensing Department
Date of Original Decision:	27 September 2016
Internal Review Decision:	Original decision of the Queensland Racing Integrity Commission Licensing Department is set aside and the Applicant is granted a trainers licence subject to strict terms and conditions.
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	7 November 2016
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Shelia Laxon, submitted an application for a trainer's licence with the Queensland Racing Integrity Commission (QRIC) on 16 August 2016.</p> <p>On 27 September 2016, the QRIC licensing department resolved to decline the Applicant's application for a trainer's licence. In summary the decision was based on the fact that the Applicant was unable to meet the general requirements of a fit and proper person, is bankrupt and this matter is directly related to racing activities, a history of not adhering to payment terms in Queensland and the findings of <i>Butler & Anor v JSL Racing Pty Ltd & Ors</i> [2014] VSC 509 (10 October 2014).</p> <p>The Applicant sought a review of the decision to refuse her application for a trainer's licence. The Applicant submitted documentation in support of her application for an internal review.</p>	
PART 4: Reasons for Internal Review Decision	
<p>The Applicant, Ms Sheila Laxon, submitted an application to the QRIC for a trainer's license on 16 August 2016. On 27 September 2016, following a review of the licence application, the QRIC licensing department informed the Applicant such application was refused. The refusal was based on the following:</p> <ul style="list-style-type: none">• the Standard for a Licensing Scheme, endorsed by the QRIC on 1 July 2016, states that an applicant must be assessed as a fit and proper person to be granted a license, including assessment of the ability to display general behavior, honesty and acceptable financial means to fulfil the requirements of the licence;• the application states the Applicant is bankrupt;• the amount associated to the bankruptcy is substantial and is directly related to racing activities;• the Applicant had previously failed to adhere to payment terms in Queensland; and• the findings of the <i>Butler & Anor v JSL Racing Pty Ltd & Ors</i> [2014] VSC 509 (10 October 2014) indicate that you submitted false, inaccurate and unreliable evidence on a number of occasions during proceedings.	



The Applicant became bankrupt following a defeat in the Supreme Court of Victoria into a lengthy civil matter with past close friends Mr & Mrs Frank Butler over the ownership of many horses. The bankruptcy was a direct result of the court decision awarded against the Applicant, inclusive of legal fees. The reviewer notes the Applicant was previously placed on Racing Queensland's Forfeit List due to an unpaid debt, related to an entry fee for the Queensland Oaks in 2011. This entry fee related to a horse that was the subject to the aforementioned court case.

The Applicant submitted supporting documentation as part of the review, which noted the following:

- JSL Racing (Australasia) purchased JSL Racing Pty Ltd in October 2014;
- Esprit Racing formally JSL Racing (Australasia) is 100% owned by Director Mr Michael Kirby;
- the Applicant will be an employee of Esprit Racing for training purposes only and will not be involved in the finance aspect of the business;
- Mr Kirby will go personal 'Financial Guarantee' against any and all liabilities as they may relate to racing through Esprit Racing and the Applicant;
- Mr Kirby's company XO Accounting Pty Ltd, a practice with offices in Melbourne, Sydney and Auckland (NZ) is responsible for maintaining company records, payroll, debt collection and tax related matters;
- Mr Luke Klein a senior business and taxation consultant with XO Accounting Pty Ltd and horse owner, will assist with his racing industry knowledge in operating the business; and
- several references and testimonies were supplied in support of the Applicants good character.

The reviewer notes, succeeding the court proceedings and subsequent bankruptcy, the Applicant was granted a joint training partnership licence with Mr John Symons in Victoria. The training partnership licence was subject to strict terms and conditions being implemented, which included, but not limited to, the Applicant being a paid employee of JSL Racing (Australasia) for training purposes only. The reviewer acknowledges Racing Victoria granted such licence following full disclosure of the court proceedings.

The reviewer acknowledged, Mr Kirby provided a personal Financial Guarantee against any and all liabilities as they may relate to racing through Esprit Racing and the Applicant in her role as employed trainer with Esprit Racing.

The Applicant, prior to the court case had an unblemished disciplinary history within the horse racing industry spanning over 30 years and trained with great success, most notably ETHEREAL'S Melbourne and Caulfield Cup triumphs.

In considering all the circumstances and the Applicants submission, the reviewer is satisfied based on the evidence, to set aside the original decision of the QRIC licensing department. The reviewer is satisfied based on the evidence provided to issue the Applicant a trainers licence subject to strict terms and conditions. The terms and conditions agreement will include, but not limited to, the licence being strictly subject to the Applicant being an employee of Esprit Racing for training purposes only and not to have any involvement in the finance aspect of the business. The terms and conditions of such licence being granted, is to be signed by all relevant parties and a witness and will be reviewed by the QRIC at the end of the current racing season.



PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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