



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 0064-17
Applicant's Name:	R Johnston-Bell
Original Decision:	Extension of apprenticeship to 31 October 2017
Original Decision Makers:	S Roberts, QRIC Licensing Department
Date of Original Decision:	4 August 2017
Internal Review Decision:	Original decision confirmed
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	12 September 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Rick Johnston-Bell, is a fourth year apprentice with his apprenticeship commencing on 7 January 2013 with an original expiry date on 7 January 2017.</p> <p>The Applicant has been granted two extensions since commencing his apprenticeship. The Applicant submitted an application to Queensland Racing Integrity Commission, Licensing Department to extend his jockey apprenticeship indentures for a further nine months. The basis of the application was due to time missed through the cancellation of his apprenticeship between January 2014 and August 2014 and injury claims on 9 February 2016 (5 days) and 8 March 2016 (58 days).</p> <p>Upon the recommendation of the Chief Steward (Thoroughbreds) and the Racing Queensland Education Department, the Queensland Racing Integrity Commission approved an extension to the Applicant's apprenticeship to 31 October 2017, being a period of three months.</p> <p>The Applicant sought a review of the decision on the following basis:</p> <ol style="list-style-type: none">1. The Applicant has had in excess of twelve months absence from his apprenticeship;2. The Applicant's apprenticeship commenced in January 2013 and, taking into account the twelve month period the Applicant was not engaged in his apprenticeship, the normal period of expiration should be January 2018, not October 2017, and therefore the Applicant should be indentured until at least 31 January 2018 not taking into account time off for injury;3. The Applicant has had time away from his apprenticeship due to injury which has not been taken into account.	



PART 4: Reasons for Internal Review Decision

The Applicant requested an extension of his apprentice jockey indentures until 1 April 2018, being a period of nine months.¹ The Queensland Racing Integrity Commission (QRIC) resolved to approve an extension of three months, not the requested nine months to expire on 31 October 2017.²

This decision was recommended and supported by the Chief Steward (Thoroughbreds) and QRIC Licensing Department. Racing Queensland's Education Department (RQED) recommended an extension of four months stating *"that he uses this time to finalise his required study to achieve his cert IV jockey qualification and also attend Apprentice School."*³

The Applicant's submissions in summary note his apprenticeship commenced in January 2013, which under the normal four year term of apprenticeship would expire in January 2017. During this period, the Applicant was absent for twelve months due to cancelling his apprenticeship and in addition was absent a further three and a half months due to injury. The Applicant is a fourth year apprentice that has not been provided with the requisite time to complete his apprenticeship and further has not completed all the (Certificate IV in Racing – Jockey Qualification) requirements. The submissions state the Applicant's application is based on these factors *"it is appropriate to extend the apprenticeship until 31 March 2018 to allow sufficient time to complete any outstanding assessments and to sufficiently account for time the Applicant was not actively engaged in his apprenticeship"*.⁴

The reviewer acknowledges an apprenticeship term is a four year period. The Applicant commenced as a country apprentice jockey on 7 January 2013 with an original expiry date of 7 January 2017. The Applicant cancelled his apprenticeship indentures on 24 January 2014 and was relicensed on 14 August 2014 a period of six months and 21 days not being actively engaged in his apprenticeship. The Applicant's WorkCover injury claims dated 9 February and 8 March 2016 note an absence of 5 and 58 days respectively, totaling 63 days. This calculates a period of approximately nine months the Applicant was absent during the four year term of his apprenticeship.

The QRIC Standard for Licensing Scheme Thoroughbreds at (Part 21) 'Extension of Apprenticeships' in summary states *"extensions of apprenticeships may be granted under certain circumstances, including time lost through injury or illness or other reasons deemed acceptable---."*

The Applicant previously sought and was granted a six month extension of his apprenticeship in February 2017 due to expire on 19 July 2017 and received a further three month extension (the subject of this review) to expire on 31 October 2017, a collective period of nine months extension.

The reviewer finds the three month extension will provide the Applicant an extended period of time to complete the outstanding Certificate IV units of competency. This will further provide the Applicant with an extended period of apprenticeship to capitalise on opportunities and complete the Certificate IV training units to be eligible to apply for a senior rider's licence at completion of the extended apprenticeship.

In weighing up the evidence and submissions, the reviewer is satisfied the Applicant received adequate compensation for time lost through the cancellation of his indentures and injury and finds the further extension requested is not proven in the circumstances. Therefore, in the circumstances the reviewer is satisfied the three month extension is appropriate and accordingly confirms the original decision.

¹ Application to Extend Jockey Apprenticeship Indentures dated 10 July 2017

² QRIC Letter of Decision dated 4 August 2017

³ RQED email dated 12 July 2017

⁴ Internal Review Application dated 16 August 2017



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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