

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 0103-17
Applicant's Name:	K Gruenefeld
PART 2: Decision History	
Original Decision:	Refusal of an Application for a Thoroughbred Trainer's Licence (Restricted)
Original Decision Makers:	S Roberts, Queensland Racing Integrity Commission - Licensing Department
Date of Original Decision:	11 December 2017
Internal Review Decision:	Original decision set aside - Application for a Thoroughbred Trainer's Licence (Restricted) granted
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	11 January 2018
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Kathleen Gruenefeld, submitted an Application for a Thoroughbred Trainer's Licence (Restricted) with the Queensland Racing Integrity Commission on 15 August 2017.</p> <p>On 11 December 2017, the Queensland Racing Integrity Commission's Licensing Department resolved to decline such licence application. It was determined by the Queensland Racing Integrity Commission's Licensing Department that the Applicant did not meet the minimum requirements and pre-requisites to be eligible for a thoroughbred restricted trainer's licence as:</p> <ol style="list-style-type: none"> 1. the Applicant did not provide sufficient evidence to the Queensland Racing Integrity Commission of her capability to meet the relevant experience and criteria for the relevant licensing category; 2. the Applicant did not provide evidence of adequate experience in the racing industry, that being the requirement of formal experience in the racing industry of at least six (6) months as a stable-hand; 3. the Applicant did not provide references to the required standard from industry participants relating to her ability to train thoroughbred horses; 	



4. the Thoroughbred Chief Stipendiary Steward did not support the Applicant's Application at that time; and
5. the Queensland Racing Integrity Commission was not satisfied that the Applicant had the stated skills and knowledge to be granted a Thoroughbred Trainer's Licence at that time.

Specifically, the Applicant did not provide references from racing participants, had not previously held a stable-hand licence and the supporting documentation did not provide adequate evidence of the Applicant's knowledge and experience in the racing industry. It was recommended by the Queensland Racing Integrity Commission's Licensing Department that the Applicant apply for a stable-hand licence to gain racing knowledge and experience to demonstrate her ability to work with thoroughbred racehorses.

The Applicant sought a review of the decision to decline her Application for a Thoroughbred Trainer's Licence on the following basis:

- the Applicant does not believe the site inspection was undertaken adequately;
- the Applicant does not believe the Queensland Racing Integrity Commission has adequately tested the Applicant's capabilities to train thoroughbred racehorses;
- the Applicant has provided examples of her care of horses, maintenance of paddocks and cleaning regimes of horses stalls and horse gear;
- the Applicant has provided examples of her veterinary first aid experience and knowledge;
- the references provided by the Applicant confirm the Applicant's care of horses and her ability to judge a horse's health, manners and education;
- the Applicant submits that it is not a rule that all incoming trainers *must* have been a licenced stable-hand for 6 months;
- the Applicant currently has in her possession five (5) thoroughbred racehorses, three (3) of which she wishes to race; and
- the Applicant has not been provided the opportunity to demonstrate and of the required knowledge or skill.

PART 4: Reasons for Internal Review Decision

The Applicant, Mrs Kathleen Gruenefeld, submitted an (incomplete) restricted Thoroughbred Trainer's Licence Application to the Queensland Racing Integrity Commission on 15 August 2017. Subsequent to a review of the Application, the Queensland Racing Integrity Commission's Licensing Department informed the Applicant such Application was declined on 27 August 2017. The Application, in brief, was declined due to the Applicant not meeting the licence requirement of holding a stable-hand licence for six (6) months or providing evidence of adequate experience in the racing industry and the requirement to provide three industry participant references.



The Queensland Racing Integrity Commission's Licensing Department recommended the Applicant apply for a stable-hand licence to gain racing knowledge and experience to demonstrate an ability to work with thoroughbred racehorses. The decision to decline the Application was supported by the Queensland Racing Integrity Commission's Chief Steward (Thoroughbreds).

On 4 October 2017, the Applicant requested a further evaluation of her Application. Subsequently, the Queensland Racing Integrity Commission's Licensing Department informed the Applicant, via email on 9 October 2017, that *"To progress your application further we need a complete application and this entails the following information that is currently missing from your application:*

- *Evidence of your identity e.g. certified copy of passport, birth certificate, driver license;*
- *Picture of your stables, and any additional information outlined in this form;*
- *Written approval from the training facility you are proposing to train;*
- *One recent passport sized photograph of yourself; and*
- *Track-work rider medical form if you intend to ride track-work.*

Once we receive a full and complete application we will initiate a stable inspection with an interview with stewards."

The email did not reference a requirement for any additional racing industry experience or that of three industry participant references. The Applicant responded the same day with the additional information requested, including outstanding requirements of the Queensland Racing Integrity Commission.

In accordance with providing the additional aforementioned information, the Queensland Racing Integrity Commission's Stewards subsequently conducted a stable inspection of the Applicant's property on 17 October 2017. The inspection included an interview to allow the Applicant the opportunity to explain her ability to train race horses and be assessed. A file note of the inspection conducted by Mr Martin Knibbs, Senior Stipendiary Steward of the Queensland Racing Integrity Commission, was provided to the Queensland Racing Integrity Commission's Licensing Department on 30 November 2017 stating *"Found to be satisfactory although no stables only yard for horses. The facilities, shed and feed set up were okay for training purposes. Her knowledge of my interview seemed sufficient for an owner trainer applicant"*. The assessment did not include any formal demonstration of saddling, bridling, parading or general husbandry activities with the racehorse.

Subsequent to a review of the additional information, the Queensland Racing Integrity Commission's Licensing Department declined the Application a second time, which was again supported by the Queensland Racing Integrity Commission's Chief Steward. The Application was declined on similar grounds to the initial Application, noting the Applicant did not meet the minimum requirements and pre-requisites to be eligible for a thoroughbred restricted licence. This was based on the Applicant not providing references from racing participants and having not previously held a stable-hand licence. The reviewer notes the Applicant provided three references and contacts from industry stakeholders, namely Dr Cameron Hoskings (Veterinarian), Dr Debbie Thorne (Veterinarian) and Mr Steve Riggs (Master Farrier).



Applications for a Thoroughbred Trainer's Licence are assessed in accordance with the terms of the Queensland Racing Integrity Commission's Standard for Licensing Scheme - Thoroughbreds. The Licensing Scheme Policy is a statutory instrument pursuant to Section 81(c) of the *Racing Act 2002* (Qld) and the *Racing Integrity Act 2016* (Qld).

Section 81 of the *Racing Act 2002* (Qld) requires the control body to have a policy about its licensing scheme. Section 86 states the purposes of the control body licensing scheme are 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 or training.

The Licensing Scheme Policy provides for a system for assessing applicants seeking to participate in the Queensland racing industry and a system for ensuring the ongoing suitability of licensees to remain licensed.

The Standard for Licensing Scheme - Thoroughbreds provides requirements on being eligible for licence categories. Schedule 2 of the Standard for Licensing Scheme - Thoroughbreds states that all first time applicants for an Owner-Trainer/Restricted Trainer's Licence must demonstrate their knowledge through an assessment process. An applicant for an Owner-Trainer/Restricted Trainer's Licence must also meet the following criteria:

- formal experience in racing of at least six (6) months as a stable-hand is required; an assessment of equivalent experience maybe considered in related areas such as breeding, pre-training or similar occupation.

The Applicant's submissions outlined a significant amount of information in support of her industry experience, which included the caring, training and rehabilitating of ex-racehorses. The Applicant, in brief, stated *"Thoroughbred racehorses have been a constant part of my life since I was 4 years old, I grew up with them as a very big part of my life--."* The Applicant's mother was the caretaker of a number of thoroughbred studs and agistment properties. The Applicant added *"From as young as I can remember my life has revolved around the rhythm of taking care of horses, feeding, grooming, cleaning paddocks, stalls, water troughs and gear. Before I was 10 I could prep a mare or bring on a teaser and help with hand serving or clean up the mares or stallions. I was given my first thoroughbred at the age of 8. He was a green broken 2 year old with lots of attitude and he was the first horse I actively trained independently. At 11 I started from scratch and completed the entire breaking and training process on my own. Plenty of advice thrown at me, I was also very lucky in that my grandfather was ex cavalry and thoroughly enjoyed teaching me everything he knew."* The Applicant received coaching from Ms Lyn McDonald (Olympic coach for the equestrian team in 1980). Through her coaching with Ms McDonald, the Applicant completed a level one coaching certificate through Equestrian Australia at age 15 and commenced to actively teach students methods to fix problem horses. The Applicant provided supportive evidence of before and after pictures and references of ex-racehorses which she trained and rehabilitated. The Applicant's daughter is currently a licensed stable-hand working in Caloundra and has previously worked in stables in Victoria and New South Wales.



The reviewer finds the aforementioned Standard for Licensing Scheme - Thoroughbreds is not mandatory upon the Applicant completing a period of at least six (6) months as a stable-hand to gain an Owner-Trainer/Restricted Trainer's Licence. The Standard provides a discretionary clause, whereby an assessment of equivalent experience may be considered in related areas such as breeding, pre-training or similar occupation.

In weighing up the evidence, the reviewer finds the Applicant's application demonstrates many years' experience of an equivalent standard which would outweigh undertaking a period of six (6) months experience as a stable-hand. The reviewer acknowledges the references and contacts provided by the Applicant are from experienced racing stakeholders and the reviewer accepts the difficulties the Applicant faced in obtaining references from licensed trainers when the Applicant has not previously held a licence. The reviewer acknowledges Mr Knibbs' assessment of the Applicant's experience and is supportive of such Application. Based on the evidence, the reviewer is satisfied the Applicant meets the minimum requirements of the Standard for Licensing Scheme - Thoroughbreds to grant the licence to the Applicant and therefore sets aside the original decision of the Queensland Racing Integrity Commission's Licensing Department.

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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au