



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 0090-18
Applicant's Name:	Vishan Venkaya

PART 2: Decision History

Original Decision:	Refusal of Application for a Licence Upgrade
Original Decision Makers:	Nicole Elliott, Acting Manager, QRIC Licensing and Registration Department
Date of Original Decision:	6 September 2018
Internal Review Decision:	Original decision confirmed - Refusal of Application for a Licence Upgrade
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	3 October 2018

PART 3: Summary of Internal Review Application

The Applicant, Mr Vishan Venkaya, currently holds a Provincial Jockey Licence and sought an upgrade of such licence to a Metropolitan Restricted Jockey Licence.

Racing Queensland Education Department provided a review of five (5) recent races the Applicant participated in to the Queensland Racing Integrity Commission for their consideration. Further, the Acting Chief Steward (Thoroughbreds) of the Queensland Racing Integrity Commission provided a recommendation (based upon the advice of Racing Queensland's Education Department, Animal Welfare Manager Mr Maurice Logue, Senior Apprentice Coach Mr Shane Scriven and QRIC steward James Williamson) in response to the Applicant's Application.

Upon the recommendation of the Acting Chief Steward (Thoroughbreds) and the Racing Queensland Education Department, the Queensland Racing Integrity Commission refused the Applicant's request to upgrade his licence to a Metropolitan Restricted Licence. The decision to refuse such licence was based particularly upon the Acting Chief Steward (Thoroughbreds) and the Racing Queensland Education Department lack of support for the Applicant's Application for a Licence Upgrade due to the Applicant's race performance review which indicated the below findings:

- the Applicant does not ride to a metropolitan standard;
- the Applicant's riding technique particular to his judgment of pace during races was not satisfactory;
- the Applicant's riding technique requires a more skilled application of whip use which falls in line with the expectation of the rules; and
- the Applicant's racing strategy particular to the positioning of mounts in a race was not satisfactory.



The Applicant sought a review of the decision to refuse his Application for a Licence Upgrade on the following basis:

"I, Vishon Venkaya disagree on the opinion of judgment of pace during races due to this point if you go on all my races been riding, I always riding horses first time out "Babies" definitely these horses still learning how to race themselves and you have to educate them and they still green in their first race. If I was riding horses already know how to race, the circumstances will be different. Secondly, I disagree also for this point "Better positioning of mounts in a race" As I'm a professional jockey had 28 years' experience in racing. I've been in apprentice school in Durban South Africa. Been riding races in Mauritius, England, South Africa and Zimbabwe. If you go on my record in Racing Australia and see how many times I rode some horses, they been running good races with me, and when changed jockeys ran disappointing run and I never got these problems, "Better positioning of my mounts in Races" In my races I also need to follow the instructions of the trainers too. And for my whip use, its only one time in Deagon I used my in an excessive manner and wasn't repeat again and I had a fine for it. Sometime I got told off from jockeys without not my fault in races that also affect me, should respect each other, everyone makes mistake in races, so that there is Stewards for it. I would appreciate if you let me ride In these races, if there is anything I'm doing wrong I will be happy to get someone from Queensland Racing to help me too. As I'm always respect all the rules here and the stewards in racing."

The outcome sought by the Applicant was that the Applicant's licence be upgraded to Metropolitan Restricted Licence to allow the Applicant to take rides at mid-week Metropolitan race meetings.

PART 4: Reasons for Internal Review Decision

On 3 August 2018, the Applicant applied to the Queensland Racing Integrity Commission's Licensing and Registration Department seeking an upgrade of the Applicant's licence from a Provincial Jockey Licence to a Metropolitan Restricted Licence.

The Applicant was assessed by Racing Queensland Education Department in five race rides at Beaudesert on 28 July 2018, Sunshine Coast on 22 July 2018, and Deagon on 8 July 2018. The assessment incorporated five categories on 'Riding Technique' and four categories on 'Racing Strategy'. The Applicant was assessed as competent in 24 of the 45 'Riding Technique' and 'Racing Strategy' components. The assessor's recommendation stated:

"Unanimously agree Jockey Venkaya does not ride to a metro standard. We expect to see better judgement of pace during races, better positioning of mounts in a race and more skilled application of his whip use which falls in line with the expectation of the rule."

The aforementioned recommendation was supported by Mr Maurice Logue, Racing Queensland Education & Welfare Manager, Mr Shane Scriven, Racing Queensland Senior Apprentice Coach and Mr James Williamson, Senior Stipendiary Steward of the Queensland Racing Integrity Commission.

On 6 September 2018, the Applicant was informed in writing of the decision to refuse such licence upgrade based on the following grounds:

"The Standard for a Licensing Scheme, endorsed by the QRIC on 1 July 2016, states that an applicant must satisfy relevant competency levels for the role that they are performing as specified. Requests for the upgrade of a jockey licence to a higher category will be considered on its merits after the consideration of recommendations from the Stewards."



- *The Standard for a Licensing Scheme, endorsed by the QRIC on 1 July 2016, states that an applicant must satisfy relevant competency levels for the role that they are performing as specified. Requests for the upgrade of a jockey licence to a higher category will be considered on its merits after the consideration of recommendations from the Stewards.*
- *The matters that will be considered by the QRIC in upgrading a jockey's licence include the jockey's riding record, disciplinary history and technical skill level.*
- *The QRIC stewards and Racing Queensland Education Department are not satisfied that you have progressed to a level that is satisfactory to enter a higher class of race riding.*
- *A review of your most recent riding history has indicated that you need to work on the following:*
 - o *your judgement of pace during races;*
 - o *better positioning of mounts in a race;*
 - o *more skilled application of whip use, which falls in line with the expectation of the rules.*
- *As such, your existing capability, as demonstrated through your race riding history, is considered insufficient to support an upgrade to a Metropolitan Restricted licence at this time.”¹*

The *Racing Integrity Act 2016* (Qld) requires the Queensland Racing Integrity Commission to have a Standard Licensing Scheme for each code of racing. Subsection 63 of the Act states:

“The purposes of the licensing scheme for a code of racing are to ensure:

- *the integrity of racing activities conducted as part of the code; and*
- *the safety of persons involved in racing or training licensed animals; and*
- *the welfare of licensed animals while involved in racing or training, or activities associated with racing or training.*

The Queensland Racing Integrity Commission's Standard for Licensing Scheme (Thoroughbreds) provides a system for assessing applicants that are seeking to participate in the Queensland racing industry and a system for ensuring the ongoing suitability of licensed animals and participants to remain licensed.

Part 13 of the Standard 'Jockeys & Apprentices' notes five (5) categories for a jockey, namely Metropolitan, Metropolitan Restricted, Provincial, Provincial Restricted and Country. The Metropolitan Restricted licence states *“Enables the apprentice or jockey to ride at all meetings other than Metropolitan Saturday and Public Holiday meetings.”*

The Standard further states *“Requests for the upgrade of a jockey licence to a higher category will be considered on its merits after the consideration of recommendations from the stewards. The matters that will be considered by the Commission in upgrading a jockey's licence may include but not limited to:*

- *the jockeys' riding record;*

¹ Letter from the Queensland Racing Integrity Commission to the Applicant dated 6 September 2018



- *technical skill levels; and*
- *disciplinary records.*

The reviewer is satisfied, having considered the aforementioned factors and race footage that the Applicant at the present time is not of a standard required for a Metropolitan Restricted Licence. The reviewer accepts the aforementioned assessment report of the Applicant's race riding.

Accordingly, the reviewer confirms the original decision to refuse an upgrade of the Applicant's licence and recommends the Applicant continues to work with Racing Queensland Education Department with his continual development and growth in all relevant areas of race riding, and at the appropriate time seek a further review by Racing Queensland Education 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

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