

**RACING APPEALS TRIBUNAL
QUEENSLAND
NOTICE OF DECISION**

APPEAL NO: RT001-09
DATE: 20 February 2009
APPELLANT: Michael Ernest William Pearson
RESPONDENT: Queensland Racing Licensing
APPEARANCES: Mr Pearson on his own behalf and
Mr Peter Smith the Licensing and
Training Manager for Queensland
Racing

REASONS FOR JUDGEMENT

Mr Brockwell Miller – Deputy Chairman

This is an appeal by Michael Ernest William Pearson against the decision of the Respondent to refuse to issue a licence to enable the appellant to be classified as a Trackwork Rider. By letter of 13 January 2009 Mr Peter Smith the Licensing and Training Manager for Queensland Racing notified Mr Pearson in the following terms:

Following a number of discussions and meetings with you regarding your background in relation to dates, travel, residence in Australia and abroad, your NPC and other matters, the Licensing Committee continues to find that there is inconsistency and lack of clarity in your records and statements. This is sufficient to conclude that a Licence cannot be issued.

Against the decision this appeal was lodged and the Grounds of Appeal stated therein are:

The Appellant was denied natural justice in that he has supplied immigration reports confirming he was not in Australia for a number of years between 1989 and 2001. He has

also supplied a Report from Q.C.S. confirming that he has never been in Corrective Custody, still his Trackwork Rider's permit has been refused. Although there are trainers and jockeys being granted licences with jail terms.

In his appearance before this Tribunal Mr Pearson pointed to a number of matters that had been the subject of discussion in the transcript of interview between he and Mr B Turner a senior steward. He also referred to various discussions he had with Mr Peter Smith the Licensing and Training Manager and letters that passed between them. He alleges that in all the circumstances he has been denied natural justice because the representatives of Queensland Racing failed to take into account the representations that he made.

It was apparent to this Tribunal that Mr Smith, from Queensland Racing had gone to great lengths in an attempt to assist Mr Pearson but neither he nor other representatives of Queensland Racing had been supplied documentation sufficient, in the opinion of Queensland Racing, that would identify Mr Pearson or adequately prove that he was who he alleged to be. He had no passport, no licence or no other reasonable means of identification. He did provide a card he suggested was a proof of identity card but that was of little persuasive value to the Licensing Committee. On each occasion Mr Pearson sought assistance he was afforded same. It cannot therefore be said that he was denied natural justice. The opposite in fact appears to this Tribunal to be true. It is apparent that were he to be capable of providing proper identification as to his true identity and to his whereabouts on various salient dates the licence which he is seeking may be granted. He has simply not been able to provide any form of satisfactory evidence and believes that this Tribunal should simply overrule the Licensing Committee based on his oral evidence.

This Tribunal has identified on many occasions that Committees must act properly and in accordance with the rules of natural justice and must take into account all details and documents that are provided to it by any person seeking to be licensed under its control. Were that to have

been the position here then this Tribunal would have little difficulty in ordering that Mr Pearson be granted a licence.

Having reviewed all of the evidence that has been supplied both to Queensland Racing and to this Tribunal it is apparent that Mr Pearson has failed to properly identify any reasonable document or identity or give any reasonable explanation of the matters into which the enquiry was opened. For that reason this Tribunal is bound to find that this appeal must fail and so orders. The appeal is dismissed and the deposit is forfeit.

Mr Brockwell Miller

Deputy Chairman