

TASMANIAN RACING APPEAL BOARD

Appeal No 12 of 2025-26

Panel:	Ms Amber Cohen (Chair) Ms Wendy Kennedy (Member) Mr Rod Lester (Member)	Appellant:	Mr Todd Balfour
Adviser:	N/A	Rules:	AHRR 90. Refusal to grant licence
Appearances:	Mr Dominic Deayton on behalf of Tasmanian Integrity Unit		Mr Finlay Davis on behalf of the Appellant, Mr Todd Balfour
Heard at:	Conference Room Prospect Government Offices 171 Westbury Road Prospect TAS	Penalty:	N/A
Date:	17 December 2025	Result:	Dismissed

REASONS FOR DECISION

Background

1. On 15 March 2025, Mr Todd Balfour (the appellant/Mr Balfour) made an application to the Tasracing Integrity Unit (TIU) for a Thoroughbred Stable Employee (Trackwork Rider) licence (the application).
2. On 5 September 2025, the Tasracing Integrity Unit (TIU) conducted a Licensing Panel interview in respect to the application. The Licensing Panel was made up of the Chief Racing Integrity Officer, Ms Heidi Lester, and the General Manager of TIU Operations, Ms Angela Barrett.
3. On 17 October 2025, Ms Lester wrote to Mr Balfour with the outcome of the application. The decision of the Licensing Panel was to refuse his application (the decision).
4. On 29 October 2025, Mr Balfour appealed the decision based on the following ground of appeal:

To be licensed

5. Following the first directions hearing held on 19 November 2025, the appellant, through his legal counsel, provided a further ground of appeal, on 20 November 2025, as follows:

The determination made by the Licensing Panel of Tasracing & approved by The Racing Integrity Committee that Todd Balfour is not a fit & proper person to hold a stablehand licence & trackrider licence in Tasmania has been made against the weight of all relevant evidence and/ or is made with conduct which is unfair & biased against Todd Balfour. As such the conduct is against the rules of natural justice & an abuse of process.

6. On 17 December 2025, the Board heard the appeal.
7. The amended ground of appeal was allowed at the hearing pursuant to section 79(6). To put the grounds of appeal in other words, the two primary issues in contention at the hearing were:
 - (a) Whether the appellant had been denied procedural fairness by the Licensing Panel; and
 - (b) Whether there was an error on the part of the Licensing Panel in determining the question of whether the applicant satisfied the fit and proper person test.

Material before the Board

8. The Board had before it the following material:
 - (a) Appeal application dated 29 October 2025;
 - (b) Letter advising of Licensing Panel decision dated 17 October 2025;
 - (c) Licensing Panel Meeting Agenda – 5 September 2025;
 - (d) Licensing Panel Agenda Item – Todd Balfour – 5 September 2025 and 6 attachments, listed as;
 - a. Licence application
 - b. National Police Record Receipt
 - c. Medical
 - d. Offence Record
 - e. Inquiry SA
 - f. Appeal Decision SA
 - (e) Tasmanian Thoroughbred Licence Application Requirements – 2025/2026;
 - (f) Text message from appellant to Angela Barrett (member of the Licensing Panel) of 5 September 2025;
 - (g) Document titled “Licensing Panel Decisions”, dated 19 September 2025 (described by the TIU when providing the information to this Board as “Interim decision of Licensing Panel”);
 - (h) Letter from Ms Lester, Chief Racing Integrity Officer, to Racing Integrity Committee of 24 September 2025;
 - (i) Email response from Tasmanian Racing Integrity Committee to Ms Lester, Chief Racing Integrity Officer, of 24 September 2025;
 - (j) Witness statement from Mr Todd Balfour dated 4 December 2025, with attachments;
 - (k) Witness statement from Mr John Keys dated 4 December 2025;
 - (l) Statement from Ms Angela Barrett dated 20 November 2025;
 - (m) Supplementary statement from Ms Angela Barrett, undated;
 - (n) Article from “The Advertiser” dated 2 May 2025; and
 - (o) Email from appellant to “Operations” at Tasracing Integrity, dated 15 October 2025.
9. During the appeal, Mr Balfour sought to admit the email to him from TIU, advising him of his Licensing Panel interview details dated 1 September 2025, as well as three character evidence statements in support of him, from Lisa Coffey, Eric Musgrove and Gregory Jenkins. That material, along with the items listed at (a),(b) (f)-(o) were allowed by the Chairperson pursuant to s81(3) of the Act, as having relevance to the decision.

Grounds regarding denial of Procedural Fairness

10. At the hearing of the appeal, the appellant addressed further the ground of appeal based on a denial of procedural fairness, detailed at paragraph 5 above. Some of the issues relevant to these grounds, identified by the appellant and counsel for the appellant at the appeal included:
 - (a) The Licensing Panel did not record the interview;
 - (b) The appellant was not adequately informed of the Licensing Panel interview as the email sent to him was from email address “Operations”, which he did not recognise and was not expecting it to come from, so he dismissed it as spam;

- (c) The licence application process has taken an excessive amount of time, noting he applied in March 2025 and was not advised of the outcome until 17 October 2025;
 - (d) The appellant was asked inappropriate questions in the Licensing Panel interview, including whether his relationship breakdown was the result of him having cheated on his ex-partner;
 - (e) The Licensing Panel took into account matters which were many years ago and therefore, were not relevant to this decision and resulted in an unfair bias.
11. Counsel for the appellant put to the Board that there had been an abuse of process by the TIU in respect to the application. When pressed, however, he stated that his submission was that the appellant was denied procedural fairness based primarily on the excessive delay in processing the application and in respect to the consideration of irrelevant historical matters.
 12. As to the lack of recording or available transcript of the Licensing Panel interview, the TIU submitted to the Board a statement from Ms Angela Barrett dated 20 November 2025, and a further undated supplementary statement from Ms Barrett, detailing her recollection of the Licensing Panel interview of 5 September 2026 and the circumstances leading up to it. Ms Barrett confirmed that the interview was not recorded due to an “earlier malfunction with the voice recorder”.
 13. The appellant’s evidence to the Board in respect to issues of procedural fairness, in summary, was that the delay in the processing of his application had caused him frustration, which may then have been evident in his language and attitude at the Licensing Panel interview of 5 September 2025.
 14. The appellant said that he had submitted his application in March but he had not been able to obtain his National Police Check until 18 June 2025. He described having driven to Launceston for the first scheduled Licensing panel interview (originally to be held on 8 August 2025) only to be advised that the Chief Racing Integrity Officer was held up and the interview would be rescheduled. He explained that the next contact he was aware of was a phone call he had received on the day of the Panel interview of 5 September 2025 advising him that he was late for the rescheduled interview. As to the email advising of the rescheduled interview, he said that he had dismissed it as he had believed it would be coming from a particular person at the TIU, not from the “Operations” address. He conceded at the appeal hearing that it was his own fault that he had not seen that email.
 15. The appellant explained that he was upset to find that he had missed the scheduled interview but “raced” to attend the interview later that day, where he felt he was unfairly questioned. He described becoming agitated and upset in the context that he had been advised by another staff member of the TIU that the interview was just a formality. He said he was advised the interview was being recorded, he saw the equipment being turned on and does not believe that the recording was not available. He explained that he felt the meeting was a “trap” set for him to become abusive. He described the meeting causing him a huge amount of stress and anxiety and conceded he was upset throughout it. He believed that the interview went for no longer than 15 minutes. He described believing that the Chief Racing Integrity Officer, had made up her mind about him and the outcome of the meeting before the interview had commenced.

TIU’s submissions regarding procedural fairness grounds

16. On behalf of the TIU, Mr Deayton submitted that the appellant’s argument in respect to a breach of procedural fairness was that the process had been unfair and biased. He said there had been no case presented to demonstrate there was a lack of procedural fairness, nor any bias, and that there was an absence of any proper particularisation of that allegation. He submitted that the criticism made on Mr Balfour’s behalf of the TIU, including that any person had engaged in an abuse of process in respect to the licence application, ought to be rejected.
17. The TIU relied upon Ms Barrett’s statement of 20 November 2025, and undated supplementary statement, as to what occurred at the interview. Ms Barrett also gave evidence

at the hearing of the appeal and was cross examined by counsel for the appellant. In summary, Ms Barrett gave evidence that a Licensing Panel interview had been originally scheduled for 8 August 2025 in Launceston. She said Mr Balfour had presented for that meeting in a manner that led her to conclude he may be anxious or uncomfortable. Ms Barratt explained that Ms Lester had been held up in another commitment and that Mr Balfour was advised the interview would need to be rescheduled. She was not aware of the appellant having been told the interview was just a formality but said the person who allegedly said that, was no longer with the TIU.

18. Regarding the interview of 5 September 2025, Ms Barrett explained that the interview had been scheduled for 12 noon. Mr Balfour did not attend. She had phone contact with him at 12:15pm, at which time, he had stated that he was not aware of the meeting. He expressed frustration that there would be further delay to his application and that the delay was costing him thousands of dollars. It was arranged that Mr Balfour's interview could occur at 1pm. Mr Balfour agreed to attend. Ms Barrett described Mr Balfour as having presented well, although he appeared agitated and "used unnecessary swear words and sexual references". She formed the view that based on his demeanour, he may have been under the influence of alcohol and drugs. Ms Barrett's evidence was that Mr Balfour had been questioned on several matters arising from his application, including (as taken directly from Ms Barrett's statement):
 - a. *He stated on his license application that Mr Scott Brunton was his cousin. During the interview, he advised that this was not true, but that Mr Brunton was a close friend he considered family.*
 - b. *When asked about an intervention order disclosed on his National Police Check, he described circumstances involving his ex-partner engaging in sexual activity with his best friend.*
 - c. *When asked about his recent assault conviction, he said words to the effect that the allegation was made by a woman he had met at a bar. He stated that he had taken her to the beach where they "made love in the sand" and he gave her a "love bite". He said he believed the woman reported the incident to police because she was embarrassed or regretful.*
19. Ms Barrett said in her opinion, the appellant's detailed sexual references during the Licensing Panel were "highly unprofessional, inappropriate and unnecessary". She also explained that later that day, the appellant sent her a text message which read: "Are you in Hobart for the weekend, considering I am not licensed would you like to have a drink?". To which Ms Barrett responded "No thanks". The Board were provided a copy of that text message.
20. Ms Barrett confirmed that the interview on 5 September 2025 was not recorded due to an earlier malfunction. She said both herself and Ms Lester asked multiple questions of Mr Balfour at that interview and that at no time was Mr Balfour spoken to in an unprofessional manner.

Principles of Procedural Fairness

21. This Board has considered the issue of procedural fairness on a number of occasions in past determinations and has most recently revisited those principles in the case of TRAB Appeal No. 11 of 2025/2026 (Mr Matthew Cooper). Some of what follows repeats what has been stated in that decision but it is of equal relevance to this matter and is repeated again for convenience.
22. In the case of TRAB Appeal No. 17 of 2024/2025 (Mr Wayne Yole), the Board considered an appeal in respect to a restriction imposed upon a Trainers licence, and in which the appellant was not given any forewarning that conditions were being considered or were to be imposed.
23. The Board in that case observed that the lack of notice had the resultant effect that at no stage was the appellant given the opportunity to respond to any concerns held by the decision maker. The Board considered that the issues for consideration in respect to the ground of

appeal based on denial of procedural fairness were whether the failure by the respondent in that case to advise the appellant of their concerns breached any tenets of natural justice or procedural fairness – and if so – were the breaches so egregious so as to justify upholding the appeal. The Board observed that within several past determinations, the Board has

repeatedly expressed the importance of and how the tenets of natural justice and procedural fairness are enlivened within the processes in which a decision maker investigates, determines, imposes and notifies an interested party of their penalty or decision.

24. The Board in that case cited with approval the case of *Day v Harness Racing NSW* [2-24] NSWCA 423¹. In that case it was found that if a statutory power will prejudice or affect a particular person's right or interests, there is a duty to accord procedural fairness to that person unless it has been excluded by plain words of necessary intentment.
25. Thus, as this Board has previously noted, a key principle of natural justice includes whether the person whose rights may be impinged has been afforded the opportunity to be heard. The Board observes that would require not only holding a Licensing Panel interview, but advising the applicant what the decision maker's concerns were, providing the applicant a copy of any information the decision maker had before it in the making of the decision and giving genuine and un-bias consideration to the application, the content of discussions at the interview and any further material provided at or following the interview.
26. In the case of Yole, the TRAB found that the actions of the respondent in that case fell short of the requirements of procedural fairness but stated that before conclusively determining the ground in its entirety, consideration was to be had as to what the appellant may have submitted if given such an opportunity. The Board continued "it is relevant to consider such submissions and consider a possibility that nothing the appellant could have submitted would have or could have possibly changed the actions taken by the respondent." The question posited was whether the appellant was "in a position where he was in essence bowing to the inevitable and nothing the appellant could submit would materially change the inescapable outcome." A broad range of factors were considered relevant in forming that view.

Licensing Panel determination

27. In the outcome letter of 17 October 2025, the TIU advised that the Licensing Panel had refused the Thoroughbred Stablehand / Trackwork Rider licence on the basis that Mr Balfour did not, at that time, meet the requisite standards of a fit and proper person to be licensed. In that letter, the TIU had noted:

Recent Licensing and Disciplinary History.

- 07/04/2012 Fined \$1,000 for knowledge of false signatures on lodged horse documents.*
- 09/11/2013 Reminded of obligations as a Trainer due to being reported he was drunk at a race meeting*
- 17/11/2017 Fined \$400 for misconduct*
- 16/02/2024 Disqualified for 5 years for misconduct, exposed a Steward in public. Reduced to 4.5 months on appeal. Expired 13/07/2024.*

¹ at [99]-[101] and [104] - [115].

Recent Police Record

- 22/09/2021 Drive with excess blood alcohol – Fined \$900, driver’s license disqualified 6 months.
- 26/04/2023 Contravene intervention order terms – Good behaviour bond \$600 & 6 months
- 02/05/2025 Commit assault – Fined \$800, good behaviour bond \$500

28. The Licensing Panel then expressed their reasons for refusing the appellant’s licence, as follows:

Panel Consideration

The Panel carefully considered your submissions and the matters disclosed during the interview. While noting your extensive industry experience, proposed employment arrangements and steps taken to address personal issues, including counselling for alcohol consumption, the Panel also had regard to the seriousness and recency of the conduct outlined, including the 2023 breach of an intervention order, the 2024 disqualification imposed by the South Australian Stewards, and the 2025 assault charge. Additionally, the Panel was mindful that you were detected riding trackwork for Mr. John Keys in 2025 when not a registered person. As a person with numerous years of experience in the racing industry, the Panel was not satisfied that you were unaware of the requirement to be licensed, as you stated during your interview. The Panel determined that these matters are relevant to your character, integrity and overall suitability to hold a license within the Tasmanian racing industry.

Panel Determination

Having considered all information before it, including your submissions, and relevant integrity and criminal history, the Panel was not satisfied that you presently meet the requisite standards of a fit and proper person to be licensed. Accordingly, the Panel determined to refuse your applications. You are advised that a further application may be considered for the 2026/27 season, should sufficient evidence be provided of sustained compliance, and adherence to all relevant legal and industry requirements.

Ground of appeal relating to fit and proper person test.

29. The appellant submitted, through his counsel, in summary, that the Licensing Panel erred in finding that he was not a fit and proper person by giving too much weight to historical matters, in circumstances where many of those historical matters should have been considered entirely irrelevant, and giving inadequate weight to the appellant’s significant experience and value to the industry.
30. The appellant provided character references from persons involved with the industry in support of his character, in the form of written statements submitted to the Board, as well as by Mr John Keys, who was called as a witness in support of the appellant’s application. The character evidence was to the effect that:
- the appellant would be an asset to any training organisation;
 - the appellant’s recent actions in issue were out of character and a manifestation of his recent personal challenges;
 - the appellant is an exceptional horseman, dedicated to the industry and the welfare of horses; and
 - the appellant is “remorseful for his minor wrongdoings” and with the right support would be an asset to the industry – with this referee going on to suggest that he be granted a conditional licence requiring ongoing counselling.

31. The appellant gave evidence to the Board, by way of statement dated 4 December 2025, detailing his significant experience in the industry, the personal difficulties he experienced leading to the disciplinary matters and criminal offending noted by the Licensing Panel, and his perspective of each of those matters, and his surprise at the focus of the Licensing Panel interview. He said that he had thought the Licensing Panel interview would be a formality. He did not agree that he felt he had a right to a licence. He said he accepted it is a privilege but he felt that he had waited for some time after his recent offending conduct. He had taken time to work out where he wanted to be, and felt that with his history of helping people in the industry, including training apprentices and working with people with disability, that he should be given a licence.
32. At the hearing, the appellant, through questioning, expanded on these matters. He explained that he had genuinely not been aware of the reschedule interview time and date as he had seen the email but as it came from the "Operations" address, which he did not recognise, he dismissed it without reading it. In respect to the 2023 entry on his criminal offence record of breaching an intervention order, the appellant conceded that he had been served with the intervention order, knew of its terms and breached it. In his statement, he explained that he had breached the order by texting his ex-partner. He said that since that breach, he had not breached the order again. In respect to the major disciplinary issue in South Australia involving exposing a steward, noted by the panel in his licensing and disciplinary history, the appellant explained that at a time when he was experiencing significant personal distress, in difficult circumstances, he had drunk to excess and become highly intoxicated. He was very embarrassed about his conduct and although he did not remember the incident, he was not proud of it and had sincerely apologised to the steward concerned, who had been a personal friend of his.
33. As to the assault for which he was convicted in 2025, the appellant explained that there was a misunderstanding about what actually happened. He had given the person a "love bite" during consensual relations but she had changed her mind and reported him to police. He said that he did not consider it to be an assault. Upon questioning about the fact that he had pleaded guilty to the offence, he conceded that he had pleaded guilty to the charge, and admitted to particulars of the charge that he now claims to be untrue. He said his lawyer had told him that would be the quickest way to deal with the matter and so that he would not need to return to South Australia again to face the charges. He conceded that what he instructed his lawyer to do in South Australia was different to what he put to the Licensing Panel at the interview and that it made him "look worse" that he had instructed his lawyer to proceed in that way.
34. The appellant was asked at the Licensing Panel hearing about having been seen riding track work for Mr Keys in 2025 when unregistered, which he had conceded, but said that he had not been aware that he required a licence to do that. At the appeal hearing, he was asked about the issue further. He explained that he had told Mr Keys that he had missed the horses and that he thought there would be no harm in riding them. He said that he was unsure but had not heard of needing a licence to ride. It was not until after he was detected that he made enquiries about it. He said he had not known the rules in Tasmania prior to making those enquiries. He said that he had never touched a horse on a race day.
35. At the hearing of the appeal, counsel for the appellant submitted that, had the Licensing Panel understood the circumstances of the appellant at the time of the Licensing Panel interview, they may have viewed his presentation differently. He also submitted that it was important to note the personal relationship the appellant had with the Steward involved in the incident in South Australia, as once that relationship is understood, it can then be understood that deterrence should not have been a factor in the penalty imposed for that disciplinary offence as protection of the public was not in issue.
36. Counsel for the appellant also submitted that the Licensing Panel should not have taken into consideration the appellant's text message to Ms Barrett following the Licensing Panel

interview, inviting her to have a drink with him. Under cross examination, the appellant had conceded that it was inappropriate that he made that contact.

37. Further, counsel for the appellant said that it was “grossly unfair” for the licensing and disciplinary history from 2012 to 2017 to have been part of the Panels’ consideration in this instance given that Racing Victoria had known about those instances and had not considered them a reason not to license the appellant. He said that until 2023/2024, there had been no major issues that the appellant had confronted with any racing authority in Australia or in the world. He said that the appellant is a world class rider and trainer who loves and has a natural empathy for horses. Finally, he said it was nonsense for the TIU to refuse his licence whilst inviting him to show compliance, when he cannot work in the industry.
38. In order to consider that ground of appeal, and before turning to the submissions of the TIU in respect to this issue, it is necessary to first consider the legal basis for that test arising. That involves a consideration of the TIU’s power to grant or to refuse to grant a licence.

The TIUs power to refuse to grant a licence

39. The Board again repeats the following outline of the granting of licences in Tasmania.
40. Pursuant to section 59(2)(k) of the *Racing Regulation and Integrity Act 2024*, the TIU is responsible for granting licences under the Rules of Racing. The Tasmanian Local Rules of Racing, at TLRR.19, provide the TIU with broad powers to grant licences for stable employees and trackwork riders for such periods or upon such terms and conditions as it thinks fit and may refuse a licence without assigning any reason.
41. Upon the commencement of the 2024 Act, there is now an explicit legislated requirement that the TIU may only approve an application for a licence if it is satisfied that the applicant is a fit and proper person. The particular wording at s 60(2) is:
 - (2) *Tasracing may only approve the following applications under the Rules of Racing:*
 - (a) *an application for a licence or for the renewal of a licence;*
 - (b) *an application for registration or re-registration – if satisfied that the applicant is fit and proper to hold such a licence or registration.*
42. In the past, this Board has determined that there were no particular criteria pertaining to either a driver licence or a stablehand licence category “that would give rise to the expectation that the meaning of fit and proper should be defined differently for each”.² However, this Board observes the specific reference in s60(2) to the words “fit and proper to hold such a licence...” (our emphasis). In the Board’s view that wording imports a requirement that the decision maker must consider the specific licence, or category of licence, for which the applicant is applying and as a result, suggests that being a fit and proper person to hold one category of licence, such as a Driver licence may be a different test to being a fit and proper person to hold another category of licence, such as a stablehand licence. The Board further observes that might only be the case where there is some identifiable difference in the duties permitted by each category that would lead to a different test applying. That said, the Board observes that the integrity of the industry must be given primacy in the consideration of every licence application, regardless of the category. If there is to be a different standard across different licence categories, as indicated by the words “to hold such a licence”, it would be a fine line and requires careful consideration to avoid undermining the high standards of integrity that are essential to the industry.
43. Section 59(2)(a), states that the TIU is responsible for developing policies, procedures and guidelines in respect of its functions, that are conducive to integrity, and animal welfare, in racing. The TIU has developed a set of criteria that is applied when considering licence

² TRAB Appeal No 12 of 2015/16 (Mr Scott Ford) at 23

applications. Those criteria are set out in the Tasmanian Thoroughbred Licence Application Requirements 2025/26 (the Requirements).

44. Under the section “Licence Categories” and the heading “Stable Employee (Trackwork Rider)” the Requirements state:

The holder of a Stable Employee (Trackwork Rider) Licence may, under the supervision or instructions of a licensed trainer, assist with the training, management, care and control of horses and assist with pre-race preparation of, and post-race procedures affecting a horse. The holder of this licence may also perform trackwork duties for any licensed trainer after being assessed as competent to do so by the TIU Stewards.

45. It is in this context that the test of fitness and propriety must be considered in this case, whilst bearing in mind our observations in paragraph 42 above.

46. Under the heading “Suitability of Licence Holders”, the Requirements provides guidance as to how an applicant is to be assessed as a fit and proper person to be granted or continue to hold a licence. The Requirements specify the following criteria that are considered when assessing whether a person is fit and proper:

“Fit”

To be considered “fit” a person must:

- *Be physically fit to perform the duties of a particular license category;*
- *Have the stated skills and knowledge required for a licence;*
- *Be able to demonstrate sufficient financial resources to maintain operations in line with the purpose of the licence.*
- *Be able to display the appropriate level of mental fitness to make correct decisions in relation to behaviour by demonstrating a continuing moral commitment to good behaviour and good character.*

The Tasracing Integrity Unit may require an applicant to provide appropriate evidence of their fitness, skills and knowledge through testing, training and assessment or other means.

“Proper”

The requirements to be considered “proper” relate to the general level of integrity of the person. It is primarily concerned with general behaviour and conduct. The following will be taken into consideration when evaluating the applicant inclusive of:

- *History;*
- *Reputation;*
- *Integrity;*
- *Honesty;*
- *Character;*
- *Regard to laws and community values.*

Propriety will be assessed based on general behaviour and conduct by an applicant, or an executive officer of an applicant, including any evidence of:

- *An applicant’s previous racing disciplinary history;*
- *Any previous acts of dishonesty by the applicant or an executive officer of the applicant;*
- *Improper behaviour towards an official or employee of Tasracing or a club and other licensed participants or animals;*
- *Any conduct or statement made by the applicant, or an executive officer of the applicant, that would impact on the applicant’s reputation and more broadly on*

the reputation of other licence holders, the Tasracing Integrity Unit, an official or employee of Tasracing, a Club or the racing industry as a whole;

- An ability of the applicant, or any executive officer of the applicant, to consistently operate within the requirements of the racing legislation, a standard, policies of Tasracing, the Rules of Racing and any other laws and regulations in the State of Tasmania, another State or the Commonwealth, including any gambling and gaming legislation;*
- Unsatisfactory behaviour and/or misconduct by the applicant, or an executive officer of the applicant, including police records, court records and letters of complaint regarding the licence holder;*
- A failure to adequately demonstrate sufficient and acceptable financial means to fulfil the requirements of the licence;*
- Where a licence holder or applicant for a licence has been convicted of or pleaded guilty to an offence in Tasmania or any state or territory of Australia or in any other country.*

Exclusion due to certain convictions

The Tasracing Integrity Unit may at any time, including on application, request that a licence holder or applicant provide a current (dated within the last 3 months) National Police Certificate. Where a corporation is the applicant, all executive officers of the corporation may be required to submit such certificates.

All convictions, whether against a law in Tasmania or another State, stated in a national police certificate, will be considered relevant to the application for a licence. An offence committed over 10 years ago may also be considered relevant to the broader assessment of whether and applicant is “fit and proper” to be granted a licence.

The Tasracing Integrity Unit may deem that a person is not a “fit and proper” person and thus revoke or not grant a licence if:

- The applicant has been convicted of an offence (the conviction), and the conviction remains on the licence holder’s criminal record, against a law in Tasmania or another State or Country which relates to:*
 - Dishonesty, fraud, forgery, match fixing;*
 - Animal welfare or cruelty to animals;*
 - Trafficking or supply of drugs, illicit or illegal substances;*

Where a conviction is recorded, the Tasracing Integrity Unit may request an interview with the applicant to discuss the conviction.

TIU’s submissions regarding the Fit and Proper Person test

47. Counsel for the TIU submitted, in summary, that the decision made and advised in the letter of 17 October 2025 was correct. As to the issue of whether a different test would apply across different licence categories, counsel submitted that the same standard applies “across the board” of licence categories. Counsel said that the TIU rejected the suggestion that a stablehand licence is somehow a less serious licence. He submitted that section 60 of the Act states clearly that the TIU may only grant a licence if satisfied that the applicant is a fit and proper person.
48. Counsel said that the factors the Licensing Panel took into account in making its decision, as outlined in the letter of 17 October 2025, were all relevant factors. He said there was no question about the appellant’s significant experience but that it follows that there is an extensive history of offences, which is not uncommon. The older disciplinary matters noted were matters of honesty and were relevant, albeit the Panel gave little weight to it, as can be seen in the decision.
49. As to the major disciplinary matter involving exposing a steward in 2024, counsel for the TIU said that the Board ought not accept any submission that diminished the responsibility of the

appellant or the seriousness of the offence. Further, he submitted that the Board should consider that the excessive use of alcohol was an aggravating factor, more so than a mitigating factor.

50. Regarding the criminal history considered by the Panel, counsel submitted that was clearly relevant to the question of whether the appellant was a fit and proper person. He said the criminal history regarding the intervention order shows a persistent unwanted contact. He submitted the Board should consider it a serious matter that the appellant breached the court order and that it speaks to his future regulatory compliance. In respect to the assault conviction in 2025, counsel for the TIU submitted that it would not necessarily of itself disqualify a person. The critical issue is the inconsistent accounts given. What we heard was that what the appellant instructed his lawyer to submit was completely different to the version he asked the Panel, and now the Board, to accept. He submitted this inconsistency should be of significant concern to the Board. It also demonstrates that the appellant continued to drink alcohol to excess at the time of the offence after saying he had reduced his drinking following the incident with the steward in 2024.
51. Finally, as to the character references provided to the Board, counsel for the TIU observed that one of the referees refers to the appellant's past "minor wrong doings". That suggests that the referee was not aware of the full history, as if she were aware, it would not be described as "minor". He submitted this indication of a lack of knowledge of the history colours the references provided.

The appeal

52. This appeal before the Board is pursuant to s.77(1)(a) of the Act. The onus is on the appellant to demonstrate that the TIU's decision to refuse him a licence was in error. In considering this appeal, the Board is not limited to the materials that were before the Director when the decision was made, but may have regard to all the material before it at the hearing, including evidence given during the course of the appeal itself.
53. As noted, s60(2) provides that the TIU may only approve an application for a licence if satisfied that the applicant is a fit and proper person to hold such a licence.
54. In *Australian Broadcasting Tribunal v Bond*, the High Court considered what was meant by the term "fit and proper person". At [36] of the joint decision of Toohey and Gaudron JJ, their Honours stated as follows:

The expression "fit and proper person", standing alone, carries no precise meaning. It takes its meaning from its context, from the activities in which the person is or will be engaged and the ends to be served by those activities. The concept of "fit and proper" cannot be entirely divorced from the conduct of the person who is or will be engaging in those activities. However, depending on the nature of the activities, the question may be whether improper conduct has occurred, whether it is likely to occur, whether it can be assumed that it will not occur, or whether the general community will have confidence that it will not occur. The list is not exhaustive but it does indicate that, in certain contexts, character (because it provides indication of likely future conduct) or reputation (because it provides indication of public perception as to likely future conduct) may be sufficient to ground a finding that a person is not a fit and proper person to undertake the activities in question.

55. The context in which the appellant seeks to operate is the thoroughbred racing industry. He has applied for a stable employee (trackwork rider) licence. If granted, the licence would permit the appellant to perform the duties, as detailed at paragraph 44 above.

Determination

56. As to the appeal grounds submitted regarding a denial of procedural fairness, the Board is not of the view that the TIU has failed in its duty to provide procedural fairness in the determination of this application. The appellant submitted that he was denied procedural fairness principally demonstrated by the TIU's delay in determining the application and in respect to the questions put to him, which indicated bias in the decision making. There was also a suggestion that the email from the TIU advising of the rescheduled Licensing panel interview from the "Operations" address was a "glaring omission" on behalf of the TIU in the manner of advising the appellant of the interview details.
57. The evidence before the Board was that the application for a licence was dated 15 March 2025. It was presumably lodged around that time. There is a stamp with "Tasracing Integrity Unit" and the date "24 March 2025" on the copy before the Board but there is nothing to confirm that as the date it was received. The appellant advised the Board that his National Police Check was obtained on 18 June 2025. A Licensing Panel interview was scheduled for 8 August 2025, in Launceston, which the appellant travelled to, to attend but on arrival, was advised it was to be rescheduled. The interview was rescheduled and an email was sent to the appellant on 1 September 2025 advising the interview had been rescheduled to 5 September 2025 at 12 noon. The appellant dismissed the email without noting its content, as having come from an address he did not recognise. The appellant was then contacted by telephone on 5 September 2025 when he did not attend the scheduled interview and it was arranged that the interview could occur at 1pm that same day. The interview was conducted as arranged. The appellant then received notice of his decision on 17 October 2025.
58. The Board observes that it took around 7 months from the date the appellant lodged his application to be determined by the TIU. That delay is very unfortunate, in the context of a person being unable to earn an income in their chosen vocation. However, in the circumstances, including that it took around 3 months for the appellant's National Police Check to be received, the Board does not find that the delay caused the appellant harm in the sense of resulting in an incorrect decision being made in the determination the application.
59. As to the issue of whether the TIU failed to give adequate notice to the appellant of the Licensing Panel interview of 5 September 2025, the Board has some sympathy for the appellant in that it is clear that he did disregard the email from TIU's "Operations" address and was therefore not aware of the rescheduled interview time. However, the Board does not accept the submissions made on behalf of the appellant that the conduct of the TIU was in any way inappropriate by sending the email informing the appellant of the interview by email from this address. The email was produced to the Board. It clearly denotes the subject heading "Licence Panel Interview – Stablehand / Trackwork Rider (updated with date)". The unfortunate mishap might have been avoided by the TIU seeking confirmation from the applicant of receipt of the information (for example, by seeking a "read receipt" on the email, or by a follow up phone call as a courtesy given the previously postponed interview). However, the Board does not find that the TIU's process lacked procedural fairness in this way, as alleged. Ultimately, the TIU allowed the interview to proceed at a later time that same day so whilst the appellant may not have been as prepared as he might have been if he had prior knowledge, he still had the opportunity to attend the interview, without further delay to his application.
60. We have referred above to some of the principles of procedural fairness that have been considered by this Board in past determinations and, in particular the decision of this Board in the matter of TRAB Appeal No. 17 of 2024/2025 (referred to in paragraph 22 above). As has been noted in other cases, a decision to refuse an applicant's licence is so significant as to affect most aspects of the applicant's life. This case is not different. We have heard from the appellant, through his evidence and through submissions from his counsel that the appellant's livelihood, personal circumstances and mental health are all affected by this decision.

61. For the benefit of any doubt, whilst it is appropriate that the Licensing Panel interviews are recorded, the Board does not find that there has been a failure of procedural fairness in the recording not having been made in this instance. However, in respect of the inconsistencies in the evidence and submissions as to the demeanour of the appellant at the Licensing Panel interview, and the demeanour of the Chief Racing Integrity Officer, the Board observes that it is most unfortunate that the Licensing Panel interview was not recorded. The evidence before the Board was inconsistent and the Board is not prepared to make findings as to those inconsistencies given the “he said, she said” evidence. For the avoidance of any doubt, the Board does not accept the evidence given by the appellant that the line of questioning engaged in by the Chief Racing Integrity Officer was inappropriate or demonstrative of “disdain” or a pre-judgment. It follows that the Board does not accept that the interview was a “trap” as alleged in the appellant’s evidence. The Board also does not accept that the appellant’s behaviour at the interview was demonstrative that the appellant was under the influence of alcohol or drugs. The Board was presented with significantly different accounts of those matters and without the benefit of the recording, the Board declines to accept either account. What has been accepted are the facts that appear to have been accepted by both the appellant and the TIU in evidence before the Board, which follow. It is also accepted that the appellant experienced frustration and was upset by the circumstances of the interview, given what was at stake.
62. The Board does not consider that it is necessary that a denial of procedural fairness is found before the Board can consider whether the decision maker erred in its decision to refuse the licence, albeit, it may alter the Board’s approach to that question.
63. The Board has recently found that whilst there are a wide range of factors relevant to that assessment, the most significant matters of relevance to the application are the recent disciplinary history and the criminal record, and, in order to assess what risks remain, what the applicant has done to take responsibility for and address such matters. It may be trite to add that the appellant’s conduct in respect to the application process itself is also relevant to that assessment.
64. Counsel for the appellant submitted that it was “grossly unfair” for the Licensing panel to have considered the disciplinary matters it noted from 2012 to 2017. The Board accepts that little weight should have been given to such matters in the context of the appellant having been licensed in the racing industry in other states since those incidents but observes that to have been the case, given those matters were not mentioned in the Panel’s consideration in the decision.
65. In this case, there is evidence before of the Board of criminal offending in South Australia, with a conviction for common assault in May 2025. That is after the making of the licence application, but before it was determined. The Licensing Panel, and then the Board, heard from the appellant that although he had pleaded guilty to that offence, he did not in fact feel that he had assaulted the victim and that the charge came about after the victim changed her mind about consensual personal contact. The appellant asked the Licensing Panel, and then the Board, to accept that regardless of the outcome in the South Australian Magistrates Court, he had actually not assaulted the victim of the offence. The Board declines to make that finding for reasons which should be uncontroversial. For the avoidance of doubt, the Board is not well placed, and it is not appropriate for the Board to make findings of fact in respect to a criminal prosecution heard and determined in another jurisdiction, where a Superior court had the benefit of all of the information in respect to the matter and the jurisdiction to determine it.
66. The appellant also gave evidence in respect to a criminal conviction for contravening the terms of an intervention order. He explained that the protected person under that order was his ex-partner and that he contravened the order by texting her after her had been served with and understood the terms of the order. Again, the Board is not in a position to assess the conduct which gave rise to that conviction and declines to do so. The Board notes the conviction and observes simply that it is evidence of a contravention of a court order which the appellant had knowledge of.

67. The major disciplinary matter that the appellant addressed with the Board was the disqualification of his licence in South Australia in 2024 for exposing a Steward in public. He was originally disqualified for 5 years, but the penalty was reduced on appeal to 4.5 months and expired on 13 July 2024. The appellant did not appear to the Board to attempt to minimise the seriousness of that incident. Rather, he addressed the Board as to his deeply held remorse and embarrassment, his reflections as to why it had occurred (the excessive consumption of alcohol at a time when he was experiencing a period of deep personal affliction) and what he had done to address the root cause. He had spoken of these matters also with the Licensing Panel, including advising that he was undergoing counselling with respect to his alcohol consumption. The difficulty for the Board with respect to those matters was less so the disciplinary matter itself, for which he had been penalised in South Australia, but the evidence before the Board that, having apparently formed the view that he was likely facing an unfavourable decision in respect to his application for a licence, he then texted a member of the regulatory decision making body to invite her to “have a drink”. The Board views this as astonishingly insightful conduct where the appellant had just hours earlier attempted to convey to the Panel that he had taken appropriate steps to address behaviours in respect to dealing with the regulatory body and the consumption of alcohol.
68. The appellant also addressed a recent infraction in respect to having been detected riding trackwork without a licence. His response to the Licensing Panel when this was raised was that he had been unaware of the requirement to be licensed in order to ride horses at the trainer’s property. The Licensing Panel did not accept this explanation. The Board declines to make any finding in respect to that issue given the TIU has not identified what rule the appellant was in breach of and, as above, the Board does not have the benefit of the recording of the discussion as to that point.
69. Regardless, all of the above matters, taken as a whole demonstrate either a poor ability to operate within a regulated environment, or a carelessness about the appellant’s approach. The appellant has, of course, been penalised for each of the disciplinary and criminal offending referred to.
70. The Board has considered whether a refusal of licence may be viewed as an alternative, or an extension to, a disciplinary decision in respect to particular past conduct. As the Board has noted in a recent matter, the determination of a licence application is a separate regulatory power to the disciplinary sanctions available to the TIU in respect to specific conduct. An application for a licence requires a risk assessment based on broad factors, whereas a disciplinary action or decision may involve an element of punishment. In this case, there are a number of additional factors which, when taken as a whole indicate that the appellant is not currently well placed to operate within the tightly regulated racing industry. The Board finds that the TIU did not unreasonably form that view.
71. The Board has considered these factors in light of the new statutory framework that requires the decision maker to be satisfied that the person is a fit and proper person to hold such a licence. In this matter, the Board is not comfortably satisfied that the TIU erred in determining that the appellant is not currently a fit and proper person to hold the stable employee (trackwork rider) licence he had applied for.
72. The Board observes that the appellant appears to have much to offer the industry in terms of experience and skill. We are told by counsel for the appellant that the appellant will be a person of significant value to the industry, but who has recently experienced a series of misfortunes. The test of whether a person is a fit and proper person to hold a licence in the racing industry requires a consideration of broad factors, many of which have been addressed before this Board. Whilst some considerations may seem relatively minor, the decision maker is entitled to and, indeed, ought to consider all factors as a whole. Whilst it is finely balanced, the appellant has fallen short of demonstrating he is a fit and proper person on this occasion. That ought not be taken as a determination that the appellant cannot demonstrate that he is a fit and proper person in the future should he make a further application at an appropriate time.

73. The decision of the TIU to refuse the appellant's application for a stable employee (trackwork rider) licence is affirmed pursuant to s99(1)(a) of the Act.
74. In accordance with section 99(4) and (5)(a) of the *Racing Regulation and Integrity Act 2024*, 50% of the prescribed deposit is forfeited to the Secretary of the Department. In accordance with section 99(8) and (9)(a) of the *Racing Regulation and Integrity Act 2024*, 50% of the cost incurred in the preparation of the transcript is to be paid by the appellant to the Secretary of the Department.

DATED: 10 MARCH 2026