

Department of Natural Resources and Environment Tasmania

OFFICE OF THE SECRETARY

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Our ref D25-292052/007



Mr Michael Barnier
Committee Secretary
Standing Committee on Government Administration B
assemblygab@parliament.tas.gov.au

Dear Mr Barnier

Question on Notice – Public hearing of the Standing Committee on Government Business Administration B

I refer to the letter from Ms Haddad MP, Chair of Standing Committee on Government Administration B regarding a Question on Notice following my appearance with Minister Ogilvie before the Standing Committee on 9 December 2025.

The Question on Notice was:

Please provide copies of correspondence between you and Ray Murrphy, together with versions of the draft terms of reference shared between you and Mr Murrphy over the relevant four-day iterative process (displaying any track changes if possible), to settle the final terms of reference for the Murrphy Review?

In response, please find enclosed the following email correspondence:

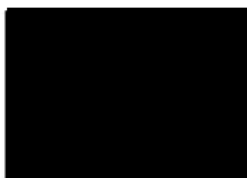
- Email of 28 March 2023 (at 4:37 pm) from me to Mr Murrphy attaching a first draft of the potential terms of reference (refer to Enclosure 1). Noting that this email is provided in part with redaction regarding details of Mr Murrphy's appointment.
- Email response of 28 March 2023 (at 7.06 pm) from Mr Murrphy to me in which he suggested a change to substitute "recommending" for "determining" in respect to charges" along with other proposed changes (refer to Enclosure 2). Noting that this email is provided in part with redaction regarding the details of Mr Murrphy's appointment and the name of a third party.
- Email of 28 March 2023 (at 11.43 pm) from me to Mr Murrphy attaching revised terms of reference (refer to Enclosure 3). Noting that this email is provided in part with redactions regarding details of Mr Murrphy's appointment and the name of a third party.
- Advice was sought on the terms of reference, engaging the Department of Premier and Cabinet.
- Email of 29 March 2023 (at 1:36 pm) from Mr Murrphy to me advising that he was "fine" with the draft terms of reference (refer to Enclosure 4).

- Email of 31 March 2023 (at 12:45 pm) from me to Mr Murrihy providing him with a confidential penultimate version of the terms of reference (refer to Enclosure 5).
- Email of 31 March 2023 (at 2:12 pm) from Mr Murrihy to me providing his response (refer to Enclosure 6). Noting that this email is provided in part with Mr Murrihy's personal address details redacted.
- Email of 1 April 2023 (at 10:10 am) from me to Mr Murrihy providing him with the final terms of reference (refer to Enclosure 7).

I would also note for the information of the Standing Committee that Mr Murrihy outlines in his Final Report at page 9 "the investigation and report was not directed to lay and determine charges in respect of non-compliance with AAHR." In his Final Report he further notes at page 10:

"Had ToR 1 to 3 specifically required the exercise of powers to lay and determine formal charges under the AHRR and proceed to issue penalties, a quite separate process to an investigation (for the purpose of preparing a report to the Government) would have been undertaken. If serious charges are laid under the AHRR (such as those relating to race fixing), then before the charges are determined the relevant steward(s) conduct an open hearing to provide the opportunity for the accused to cross-examine the witnesses on which the stewards rely. The accused may call their own witnesses to give evidence. This investigation and review under the ToR had a much broader scope and was not conducted in this way. The determination of charges relating to race fixing can have serious consequences, including disqualification for those concerned. It is important that if charges are to be laid, they are heard and determined in a separate forum to this more general and wide-ranging inquiry."

Yours sincerely



Jason Jacobi
SECRETARY

13 January 2026

Enclosures

- 1 Email of 28 March 2023 (at 4:37 pm) from Jason Jacobi to Ray Murrihy – attachment included
- 2 Email of 28 March 2023 (at 7.06 pm) from Ray Murrihy to Jason Jacobi
- 3 Email of 28 March 2023 (at 11.43 pm) from Jason Jacobi to Ray Murrihy – attachment included
- 4 Email of 29 March 2023 (at 1:36 pm) from Ray Murrihy to Jason Jacobi
- 5 Email of 31 March 2023 (at 12:45 pm) from Jason Jacobi to Ray Murrihy – attachment included
- 6 Email of 31 March 2023 (at 2:12 pm) from Ray Murrihy to Jason Jacobi
- 7 Email of 1 April 2023 (at 10:10 am) from Jason Jacobi to Ray Murrihy – attachment included

From: Jacobi, Jason [REDACTED]

Sent: Tuesday, 28 March 2023 4:37 PM

To: ray.murrihy [REDACTED]

Cc: Wilson, Deidre [REDACTED] McKenzie, Namidja
[REDACTED]

Subject: CONFIDENTIAL - INDEPENDENT REVIEW - ABC Media: Internal and deliberative

Hi Ray,

Thankyou for taking my call this evening.

Please find attached draft Terms of Reference for the independent inquiry.

I would appreciate your urgent review of the ToR's.

Please note that is desirable to conclude this investigation within three months.

I would hope to receive a preliminary report from you by no later than 30 June 2023.

I would appreciate your advice as to whether you think this is feasible.

[REDACTED]

If you need to access expert advice from another party to inform your inquiries, this would be acceptable.

You will need to nominate the person and advise of any other potential costs.

I look forward to your assistance in this inquiry.

Regards,

Jason



Jason Jacobi

A/SECRETARY

Department of Natural Resources and Environment Tasmania

Level 9, 134 Macquarie Street, Hobart TAS 7000

GPO Box 44, Hobart TAS 7001

E: [REDACTED]

W: nre.tas.gov.au



In recognition of the deep history and culture of this island, I acknowledge and pay my respects to all Tasmanian Aboriginal people; the past and present custodians of the land.

I often work irregular hours to balance my work and family commitments. Please do not feel any obligation to respond to an email that you may receive from me outside of normal office hours.

Unless marked as urgent, it can wait until you are best able to respond.

DRAFT – Terms of Reference

INDEPENDENT REVIEW INTO MATTERS OF ALLEGED TEAM DRIVING AND RACE FIXING, AND ANIMAL WELFARE CONCERNS IN THE TASMANIAN HARNESS RACING INDUSTRY AND THE INVESTIGATION OF THESE ISSUES BY THE OFFICE OF RACING INTEGRITY

Background

Probity and integrity are critically important in the racing industry and underpins confidence in harness racing.

Minister for Racing, Madeleine Ogilvie, has announced an independent review into matters of alleged team driving and race fixing, and serious animal welfare concerns that have been aired in the media in late March 2023.

The independent investigator will be appointed by the Acting Secretary of the Department of Natural Resources and Environment as a steward, allowing the investigator to use the powers under *Racing Regulation Act 2004*.

The review will be undertaken under AHRR 181: *The Stewards may, and when directed by the Controlling Body shall, conduct inquiries or investigations in such manner as they think fit into any occurrence or matter at or arising out of or connected with a meeting, race or event, or into any aspect of the harness racing industry, or into anything concerning the administration or enforcement of these rules.*

Proposed Terms of Reference

1. Conduct a review of all races referred to the ABC investigation report (27/3/23), with a view to determining if charges under the Australian Harness Racing Rules are warranted to any person.
2. Conduct a review into any other harness races from the past three years that the independent reviewer considers may demonstrate team driving and race fixing that has not previously been subject to a decision by the Tasmanian Racing Appeals Board or any other independent assessment (e.g. the Tasmanian Ombudsman or Tasmanian Integrity Commission).
3. Conduct a review of conditions at harness racing stables raised in the ABC investigation report to determine if there are any charges warranted under AHRR 218. This review is to take into consideration the decisions and investigations previously undertaken by the Office of Racing Integrity and the RSPCA Tasmania. The independent reviewer is to consult with the RSPCA, the Chief Veterinary Officer and Animal Welfare Manager at Tasracing and the Chief Veterinary Officer in the Department of Natural Resources and Environment Tasmania in undertaking this review. The reviewer is to provide advice on any matters that could be included in the proposed Tasracing Code of Practice for equine welfare and management, and any other opportunities to improve horse welfare.

4. Conduct an inquiry in relation to allegations raised by drivers in the ABC investigation report and the Office of Racing Integrity's handling of complaints.
5. Conduct an inquiry in relation to complaints management by the Office of Racing Integrity relating to allegations of team driving and race fixing.

ENDS

Confidential Draft

From: ray.murrihy [REDACTED]
Sent: Tuesday, 28 March 2023 7:06 PM
To: Jacobi, Jason [REDACTED]
Subject: Re: CONFIDENTIAL - INDEPENDENT REVIEW - ABC Media: Internal and deliberative

Hi Jason,

Jason I believe that the deadline date of June 30 is achievable.

[REDACTED] Also perhaps within the current Office of Racing staff some assistance in the form of secretarial support plus a person familiar with the Stewards equipment and operations. It has been suggested that [REDACTED] be brought abroad for his racing and legal expertise. It would be worthwhile running the terms of reference quickly past [REDACTED] in the first instance as they are always difficult to draft with precision.

I have had a brief glance at the terms and make a couple of suggestions using the same sequential numbering:

- 1 Substitute "recommending" for "determining" in respect to charges.
2. Include "and/or" team driving.
4. Substitute "participants" for drivers as some parties were not licensed drivers. Also ensure reference to the Office of Racing Integrity includes reference to its Stewards.
- 4 & 5 Include "making any relevant recommendations" to both terms.
- 6 Consider an additional term (6) "Conduct an inquiry into the adequacy of Stewards actions in respect to races the subject of this review into team driving and/or race fixing", as inaction of the Stewards was a central criticism.

Please feel free to call me anytime.

Regards,

Ray Murrihy

From: Jacobi, Jason <[REDACTED]>
Sent: Tuesday, 28 March 2023 11:43 PM
To: ray.murrihy <[REDACTED]>
Cc: McKenzie, Namidja <[REDACTED]> Wilson, Deidre <[REDACTED]>

Subject: RE: CONFIDENTIAL - INDEPENDENT REVIEW - ABC Media: Internal and deliberative
Importance: High

Hi Ray,
Thankyou for your fast response and advice.
Attached is an updated TOR, slightly modified and amended to include your advice.

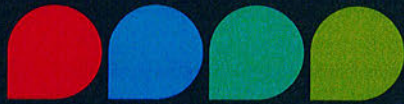
Can you please review again [REDACTED]

Regards,

Jason



Jason Jacobi
A/SECRETARY
Department of Natural Resources and Environment Tasmania
Level 9, 134 Macquarie Street, Hobart TAS 7000
GPO Box 44, Hobart TAS 7001
E: [REDACTED]
W: nre.tas.gov.au



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DRAFT – Terms of Reference

INDEPENDENT REVIEW INTO MATTERS OF ALLEGED TEAM DRIVING AND RACE FIXING, AND ANIMAL WELFARE CONCERNS IN THE TASMANIAN HARNESS RACING INDUSTRY AND THE INVESTIGATION OF THESE ISSUES BY THE OFFICE OF RACING INTEGRITY

Background

Probity and integrity are critically important in the racing industry and underpins confidence in harness racing.

Minister for Racing, Madeleine Ogilvie, has announced an independent review into matters of alleged team driving and race fixing, and serious animal welfare concerns that have been aired in the media in late March 2023.

The independent investigator will be appointed by the Acting Secretary of the Department of Natural Resources and Environment as a steward, allowing the investigator to exercise powers under the *Racing Regulation Act 2004*.

The review will be undertaken under AHRR 181: *The Stewards may, and when directed by the Controlling Body shall, conduct inquiries or investigations in such manner as they think fit into any occurrence or matter at or arising out of or connected with a meeting, race or event, or into any aspect of the harness racing industry, or into anything concerning the administration or enforcement of these rules.*

Proposed Terms of Reference

1. Conduct a review of all circumstances surrounding the races referred to in the ABC investigation report (27/3/23), with a view to determining if charges under the Australian Harness Racing Rules are warranted to any person.
2. Conduct an inquiry in relation to allegations raised by participants in the ABC investigation report regarding the adequacy of Stewards actions and/or the Office of Racing Integrity's handling of complaints and make any relevant recommendations.
3. Conduct a review into any other harness races from the past three years that the independent reviewer considers may demonstrate team driving and/or race fixing that has not previously been subject to a decision by the Tasmanian Racing Appeals Board or any other independent assessment (e.g. the Tasmanian Ombudsman or Tasmanian Integrity Commission).
4. Conduct an inquiry in relation to complaints management by Stewards and the Office of Racing Integrity relating to allegations of team driving and/or race fixing and make any relevant recommendations.
5. Conduct a review of conditions at harness racing stables raised in the ABC investigation report to determine if there are any charges warranted under AHRR 218. This review is to take into consideration the decisions and investigations previously undertaken by the Stewards and the Office of Racing

Integrity and the RSPCA Tasmania. The independent reviewer is to consult with the RSPCA, the Chief Veterinary Officer and Animal Welfare Manager at Tasracing and the Chief Veterinary Officer in the Department of Natural Resources and Environment Tasmania in undertaking this review. The reviewer is to provide advice on any matters that could be included in the proposed Tasracing Code of Practice for equine welfare and management, and any other opportunities to improve horse welfare.

ENDS

Confidential Draft

From: ray.murrihy [REDACTED]

Sent: Wednesday, 29 March 2023 1:36 PM

To: Jacobi, Jason [REDACTED]

Subject: Re: CONFIDENTIAL - INDEPENDENT REVIEW - ABC Media: Internal and deliberative

Jason the draft terms are fine if you are able to send the final approved version when they become available.

Ray Murrihy

From: Jacobi, Jason [REDACTED]
Sent: Friday, 31 March 2023 12:45 PM
To: ray.murrihy [REDACTED]
Subject: Fwd: Confidential TOR

Sending again.
Regards,

Jason

Jason Jacobi
A/Secretary

Department of Natural Resources and Environment Tasmania
Lands Building, 134 Macquarie Street, Hobart
GPO Box 1751 Hobart TAS 7001
Email: [REDACTED]

INDEPENDENT INVESTIGATION AND REVIEW INTO ALLEGATIONS OF TEAM DRIVING AND RACE FIXING AND ANIMAL WELFARE CONCERNS IN THE TASMANIAN HARNESS RACING INDUSTRY AND THE MANAGEMENT OF THOSE ISSUES BY THE OFFICE OF RACING INTEGRITY

Background

Probity and integrity are critically important in the harness racing industry and confidence.

The Government has announced an independent review into matters of alleged team driving and/or race fixing, and serious animal welfare concerns relating to the harness racing industry.

Terms of Reference

The independent investigation and review is to:

[Stewards Investigation under direction (AHHR 181)]

1. Conduct an investigation of all circumstances surrounding the races referred to in the ABC media report of 27 March 2023 to determine compliance with the Australian Harness Racing Rules.
2. Conduct an investigation into any other harness races from the past three years that may demonstrate team driving and/or race fixing that have not previously been subject to a decision by the Tasmanian Racing Appeals Board or other independent assessment (e.g. the Tasmanian Ombudsman or Tasmanian Integrity Commission) to determine compliance with the Australian Harness Racing Rules.
3. Conduct an investigation into animal welfare conditions at Sidmouth racing stables referred to in the media report of 27 March 2023 to determine compliance with AHRR 218.

[CROWN PREROGATIVE REVIEW]

4. Review the adequacy of the Office of Racing Integrity's management of allegations by industry participants (driver, stable hand and trainers) and a casual steward in 2022 concerning team racing and/or race fixing and any other matters in ABC media report of 27 March 2023 as the investigator sees fit and make any relevant recommendations.
5. Review the adequacy of complaints management by the Office of Racing Integrity relating to allegations of team driving and/or race fixing in the harness racing industry and make any relevant recommendations.
6. Advise on any matters that could be included in the proposed Tasracing Code of Practice for equine welfare and management, and any other opportunities to improve horse welfare. The independent reviewer is to consult with the RSPCA Tasmania, the Chief Veterinary Officer of Tasmania and Animal Welfare

Manager at Tasracing and the Chief Veterinary Officer in the Department of Natural Resources and Environment Tasmania in undertaking this review.

7. Advise on any other matter relating to animal welfare, team driving and/or race fixing that the independent reviewer determines relevant.

Reporting

A report to the XXX on the independent investigation and review to be provided by Friday 30 June 2023.

ENDS

Confidential Draft

From: ray.murrihy [REDACTED]
Sent: Friday, 31 March 2023 2:12 PM
To: Jacobi, Jason [REDACTED]
Subject: Re: Confidential TOR

Seems fine Jason or do we perhaps need to stipulate that complaints regarding ORI management are also restricted to the past three years.

[REDACTED]
Ray Murrihy

From: Jacobi, Jason [REDACTED]
Sent: Saturday, 1 April 2023 10:10 AM
To: ray.murrihy [REDACTED]
Cc: McKenzie, Namidja [REDACTED]; Wilson, Deidre [REDACTED]
[REDACTED] Dabner, Madeleine [REDACTED]
Subject: Approved Terms of Reference

Dear Ray,

Thankyou for your time yesterday.

Please find attached the approved and final Terms of Reference.

Your advice and feedback has been considered.

Our intention is to release these Terms of Reference this afternoon.

They will go live on our website with a dedicated page detailing the review and process as we discussed.

The link to the page is here: <http://nre.tas.gov.au/racing-investigation>.

Note that it is not "live" yet, but should be after 2pm today.

Thankyou again for all your assistance.

Regards,

Jason



Jason Jacobi

A/SECRETARY

Department of Natural Resources and Environment Tasmania

Level 9, 134 Macquarie Street, Hobart TAS 7000

GPO Box 44, Hobart TAS 7001

E: [REDACTED]

W: nre.tas.gov.au



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INDEPENDENT INVESTIGATION AND REVIEW INTO ALLEGATIONS OF TEAM DRIVING AND RACE FIXING AND ANIMAL WELFARE CONCERNS IN THE TASMANIAN HARNESS RACING INDUSTRY AND THE MANAGEMENT OF THOSE ISSUES BY THE OFFICE OF RACING INTEGRITY

Background

Probity, integrity and animal welfare are critically important in the harness racing industry to underpin confidence.

The Tasmanian Government has announced an independent review into matters of alleged team driving and/or race fixing, and serious animal welfare concerns relating to the harness racing industry.

Terms of Reference

The independent investigation and review is to:

1. Conduct an investigation of all circumstances surrounding the races referred to in the ABC media report of 27 March 2023 to determine compliance with the Australian Harness Racing Rules.
2. Conduct an investigation into any other harness races from the past three years that may demonstrate team driving and/or race fixing that have not previously been subject to a decision by the Tasmanian Racing Appeals Board or other independent assessment (e.g. the Tasmanian Ombudsman or Tasmanian Integrity Commission) to determine compliance with the Australian Harness Racing Rules.
3. Conduct an investigation into animal welfare conditions at the Yole Sidmouth racing stables to determine compliance with the Australian Harness Racing Rules.
4. Review the adequacy of the Office of Racing Integrity's management of allegations by industry participants (such as drivers, stablehands and trainers) and a casual steward in 2022 concerning team racing and/or race fixing and any other matters in the ABC media report of 27 March 2023 as the investigator sees fit and make any relevant recommendations.
5. Review the adequacy of complaints management by the Office of Racing Integrity relating to allegations of team driving and/or race fixing in the harness racing industry in the past three years and make any relevant recommendations.
6. Advise on any matters that could be included in the proposed Tasracing Code of Practice for equine welfare and management, and any other opportunities to improve horse welfare. The independent reviewer is to consult with the RSPCA Tasmania, the Chief Veterinary and Animal Welfare Officer at Tasracing and the Chief Veterinary Officer in the Department of Natural Resources and Environment Tasmania in undertaking this review.

7. Advise on any other matter relating to animal welfare, team driving and/or race fixing in the Tasmanian harness racing industry that the independent reviewer determines relevant.

Reporting

A report to the Premier on the independent investigation and review to be provided by Friday 30 June 2023.

ENDS