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### THE GOVERNMENT ADMINISTRATION COMMITTEE B SHORT INQUIRY INTO THE TASMANIAN GOVERNMENT'S RESPONSE TO SERIOUS ALLEGATIONS WITHIN HARNESS RACING MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE HOBART ON TUESDAY, 9 DECEMBER 2025.

**The Committee met at 9.02 a.m.**

**CHAIR** (Ms Haddad) - Welcome to today's hearing of the short inquiry into the Tasmanian Government's response to serious allegations within harness racing. Thank you for attending today. I need to swear in Mr Jacobi and Ms Wilson. I know you've appeared before, but because we're a new parliament I need to re-swear you in using a special script because you're online.

Could I ask each of you to introduce yourselves, say your name and title and the capacity in which you are appearing today?

**Mr JASON JACOBI**, SECRETARY, AND **Ms DEIDRE WILSON**, CHIEF OPERATING OFFICER, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA, WERE CALLED, TOOK THE STATUTORY DECLARATION AND WERE EXAMINED VIA TEAMS.

**CHAIR** - I think you know everybody here on the Committee. You have, joining you online, Roger Jaensch, member for Braddon; you have two members for Franklin, Mr Winter and Mr George; and two members for Clark, myself, Ms Haddad, and Ms Johnston; and we have apologies from Rob Fairs and Cecily Rosol this morning. Thank you for joining us. Did you want to make an opening statement, Minister?

**Ms OGILVIE** - I don't think so. I want to be helpful, so if there's particular questions you'd like to get to, let's go straight there. That would be my view.

**CHAIR** - Thank you. I will open up questions to the Committee.

**Mr WINTER** - Thanks for being here with us this morning as we seek to conclude what's been a marathon short inquiry. Some of the questions we've been asking have related not just to - we're looking backwards into what happened and part of that, Minister, is into your time as Minister for Racing as part of the concerns that were raised by the harness racing industry and the response that was provided by Government.

I want to start with the letter that you received on 9 September 2022, which is a letter from the Breeders, Owners, Trainers and Reinspersons Association (BOTRA) raising concerns about the standard of stewarding, amongst other things, and it recommended, at the end, an investigation of Roger Brown, a former steward, and Justin Helmich. Can you outline to the Committee what actions you took in relation to that recommendation that came from the harness racing industry itself?

**Ms OGILVIE** - To make sure that those who might be dialling in are aware that I addressed this matter at the time, so there is obviously a bit of information on the record, but I'm happy to do it again for the benefit of those who might be new to the discussion.

I'm informed that the Secretary referred the letter from BOTRA and the response provided by NRE Tasmania to Mr Murrehy and asked him specifically, in accordance with his terms of reference, to review each of the allegations raised, in particular the way in which the then Office of Racing Integrity (ORI) managed those complaints. Mr Murrehy provided advice and recommendations on complaints handling in his interim and final reports. I also note that Mr Murrehy, on page 36 of his final report found that:

In the current system, the review finds an absence of any truly independent avenue to which to complain regarding matters involving ORI personnel, performance and accountability. This is a structural issue because of the way that ORI sits in the legislative regime.

That significant structural issue has been addressed through the *Racing Regulation and Integrity Act 2024*. You will recall all the hard work that was done on that. With the Office of the Tasmanian Racing Integrity Commission now in place, the new Tasmanian Racing Integrity Commissioner, Mr Sean Carroll, would be best placed to talk to his complaints management improvements, which I understand are quite extensive.

**Mr WINTER** - The concerns raised at the time with you as the Minister were particularly around the standard of stewarding, but that was pretty extraordinary letter from BOTRA that suggested that there should be investigation into the Director of Racing and the Chief Harness Steward. Were there any actions taken, particularly at that time, to investigate either of those individuals?

**Ms OGILVIE** - I might ask Mr Jacobi if he could comment more deeply on the operation side, if that's acceptable?

**Mr JACOBI** - Thanks, Minister, through you. Yes, when we saw the BOTRA complaint, we immediately commenced investigations and I referred that matter to Mr Murrehy specifically for him to address in detail as part of his review.

**Mr WINTER** - Mr Murrehy wasn't appointed until six months later. Can you outline to the Committee what - you said 'immediate investigation' - what was the immediate investigation that predated Mr Murrehy?

**Mr JACOBI** - Well, there was nothing in the BOTRA letter that actually warranted a specific investigation other than through what Mr Murrehy would conduct as part of his review. There were complaints and management issues that were raised and I raised those directly with the then Director of Racing, Mr Justin Helmich, and complaints management improvements were made very soon after that BOTRA letter was received.

**Mr WINTER** - But quite specifically, the letter outlined concerns. It says, 'BOTRA has provided a written request and invitation for a stewards' representative to attend their AGM.' No steward, no answers were provided to written questions. It raises specific examples of what are considered to be concerning behaviour during racing and a failure of stewards to uphold racing rule 166, at least two specific examples that are considered to be against the Rules of Racing. Was there anything done to investigate those races themselves, and secondly, the reason why they hadn't been properly investigated in the first place?

**Mr JACOBI** - Mr Winter, I've attended this hearing twice now. This is my third time and I believe I've answered this question already a number of times. The matters that were raised in the BOTRA letter were complex. They intersected with a number of different events and allegations made by a number of different representatives from the racing industry. They were of a complex nature that required and warranted being investigated by Mr Murrihy specifically as part of his review.

**Mr WINTER** - Yes, I understand that answer, but as I pointed out to you only a few moments ago, the allegations were received in September 2022, Mr Murrihy wasn't appointed and the terms of reference didn't come out until the 1 April 2023, which is a huge gap. You mentioned earlier that there was an immediate investigation and after having asked these questions, as you know many times, I'm still none the wiser as to what actually happened. That's the question. What did NRE or the Minister do at that point in time to investigate the allegations?

**Mr JACOBI** - Mr Winter, I did refer the concerns raised by BOTRA about the behaviour of stewards to the then Director, Mr Justin Helmich, and I understand you have also made inquiries -

**Mr WINTER** - But that's who the complaint was about.

**Mr JACOBI** - No, that was one. There were a number of complaints made in that BOTRA letter. The complaints in relation to stewards were referred to Mr Helmich. He did have a role and a responsibility to address those particular complaints. They were referred to him and I have absolute confidence that Mr Helmich would have dealt with those complaints appropriately. In fact, I'm positive that he did.

**Mr WINTER** - Can you outline to the Committee how he did that?

**Mr JACOBI** - Mr Winter, you have already asked this question of Mr Helmich in previous hearings, as I understand. I think it would be unhelpful for me to make further comment to a response that the then Director of Racing has already replied to. Again, I will just reiterate this was dealt with through the Murrihy review in the fullness of the investigation that Mr Murrihy was afforded and his ability to receive far-reaching and widespread concerns from both industry in anonymity and confidentiality, but also based on facts of what he was able to determine from investigating particular races and those being largely the races that were raised in the ABC report.

**Mr WINTER** - You're right, I have asked these questions a lot of times and, in some cases, we've asked the same question more than a dozen times without having an answer and I will go to that point, which is probably the key question today to you, Minister. The establishment of the Murrihy review, in that establishment you announced Mr Murrihy would do that review on 29 March, and the terms of reference were released on 1 April. Did you, at that point in time, believe or understand that Mr Murrihy would be empowered to press any necessary charges and that he would do so at the end of the review, if required?

**Ms OGILVIE** - The details I have in front of me - just for those who might be listening - the terms of reference were released on 1 April 2023. That was soon after the allegations were raised in the ABC report. The terms of reference were prepared by the Department in consultation with the Department of Premier and Cabinet. I would ask that

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Mr Jacobi speak directly to that point. If you're still not satisfied with the answer, I'm happy to contribute more.

**Mr JACOBI** - Thank you, Minister. Mr Winter, I appreciate the number of times that you have asked this question, and I do apologise that I wasn't at the last hearing. I was on leave and Ms Wilson was acting as the Secretary at that time. I appreciate also that Ms Wilson made the best endeavours to respond to your question, but wasn't actually in a position to answer it. That is because Ms Wilson was not responsible for the drafting of the terms of reference. I was actually responsible.

**Ms WILSON** - Well, I helped with drafting, but I wasn't responsible -

**Mr JACOBI** - Ms Wilson helped with drafting, and wasn't responsible for any discussions with Mr Murrihy. The only person who I think can really answer your question is me, so I intend to answer it. I think it was probably unreasonable to continue to ask Ms Wilson an additional number of times to answer that question when she wasn't able to. If you give me a minute, I will actually answer your question.

**Ms WILSON** - Thank you, Mr Jacobi.

**Mr JACOBI** - Just to be clear, I was largely responsible for preparing the terms of reference, and I engaged with Mr Murrihy on those terms of reference. On 31 March, I actually wrote to Mr Murrihy to seek his confirmation of the terms of reference for the review were appropriate. Now, I don't profess to be an expert in drafting terms of reference for these particular types of reviews, which is why I sought his advice when it was clear that he was going to be the nominated reviewer. Mr Murrihy confirmed his support on that same day for the terms of reference that were prepared.

Prior to that correspondence, so in the period of time between - I think it was 28 March and 1 April - prior to that correspondence on 31 March, I had also engaged with Mr Murrihy, and Mr Murrihy did not request the power to lay charges.

I think it is really important in this matter - and I have given this a lot of consideration, because you have raised it so many times that I have turned my mind, again, to whether in fact it would've been appropriate for him to be asked to lay charges. And I would not do anything differently. In fact, I'm even more convinced that, given the very broad, sweeping nature of the allegations in relation to the harness industry, it would've been entirely inappropriate to have appointed Mr Murrihy as the judge, the jury and the executioner. That would have been the wrong thing to do, and I believe, in my heart, that this always had to be a two-stage process. Mr Murrihy needed to have terms of reference which were broad enough, but not too broad - broad enough for him to conduct a number of inquiries and receive anonymous and confidential comments from industry and from stakeholders and from animal welfare advocates, in relation to what was happening in the harness industry.

I believe, and I still believe, that to then in a terms of reference ask the same person to proceed with laying charges would have ultimately led to a case of a bias. That would've been challenged down the track, and it would've jeopardised the ability for any of those investigations to stick.

As you know, as soon as the Murrehy review was concluded, we did exactly what Mr Murrehy recommended in his report, which was to appoint an independent panel of stewards. We did that at arm's length from Tasmania. The normal thing would be for stewards in Tasmania to conduct many of these reviews, but we did it at arm's length, by appointing specialist experienced stewards from interstate. As you know, the time that it took them to delve into the specifics and to make their own inquiries in relation to all the allegations that were made was considerable. I don't believe that we would have received a timely and comprehensive, broad, sweeping review by Mr Murrehy had we, at any point in time, asked him to also lay charges.

Once again, I remain of the view that the two-stage process that we adopted was entirely appropriate, and Mr Murrehy confirmed with me at the time that he had no concerns with the way the terms of reference were drafted.

**Mr WINTER** - Just to clarify, no one at NRE, ORI or the Minister, at any point in time, asked Mr Murrehy to lay charges? Is that correct?

**Mr JACOBI** - I'm not aware of anybody asking Mr Murrehy to lay charges. I was the one having conversations with Mr Murrehy ultimately about the terms of reference, and the final terms of reference that were announced on 1 April. I sought his advice as to whether those terms of reference were appropriate.

He had raised concerns with me about: 'If the scope of your responsibilities is too great, Jason, then you'll never finish this thing. If you want it conducted quickly and appropriately but diligently, I need to have a broad enough scope that enables me to make the enquiries that I require.' That's why I appointed him as a stipendiary steward, so he had some of those powers.

If we had also even contemplated having him lay the charges, then I come back to the fact that he would have been the judge, the jury and the executioner. I think that would've resulted in a significant bias in his investigations, which would've then been appealed, and would've then put at risk any of the charges that might have arisen from his review being laid.

**Mr WINTER** - Mr Jacobi, do you understand that this is what stewards do? Stewards investigate, they lay charges against participants. That's standard practice for stewards. You've said that it would be inappropriate for stewards to be judge, jury and executioner, but in the former Office of Racing Integrity and now within the Racing Integrity Unit, that's how stewarding operates. How do you reconcile saying that it would've been inappropriate for Mr Murrehy to lay charges when stewards, as standard practice, investigate and then lay charges?

**Mr JACOBI** - Mr Winter, time and again over the last two years, you have mentioned both under parliamentary privilege and on the public record, on social media and outside of parliamentary privilege, your concerns about the integrity of the stewards in Tasmania. How do you think I could possibly put stewards in charge of an investigation when you have routinely raised concerns about their integrity? It would be entirely inappropriate.

The reason we appointed Mr Murrehy was because he was independent and experienced, and I gave him the stewards' powers, stipendiary stewards' powers, so that he had some of the powers under the previous legislative roles to make the enquiries that he needed to make.

We could have put a lawyer in charge of this particular review and, in fact, maybe in retrospect that might have been a good thing to have done. But at the time we wanted somebody who understood, in depth, the way the harness racing industry operated, and who could get to the bottom of the very broad allegations that were being made. I hope with my response, you understand why I took that position, but I don't think I really had any other option but to have an independent person conduct this inquiry.

**Mr WINTER** – No one suggested that you shouldn't have had an independent inquiry. What I asked was, do you acknowledge that stewards, every single day, investigate and lay charges? You've said that it would be inappropriate for Mr Murrihy to both undertake the investigation and then press charges, but do you understand that's what stewards do as standard practice?

**Mr JACOBI** - Mr Winter, I find your question so patronising. Of course I know that. I've been in charge of the Office of Racing Integrity for quite some time now. I know exactly what stewards do, and I know that every day, at every race, they make determinations. Those determinations that stewards so often make around particular matters that are clearly evident during the course of a race event - they are not like the nature of the allegations that were made in the ABC reporting, or subsequently in the conduct of Ray Murrihy's review. They were far broader than just what a particular trainer or racegoer - and I find you asking me that question a bit unusual.

**Ms JOHNSTON** - I, too, agree with Mr Winter. I'm rather confused about the responses you've given, Mr Jacobi, because it is very clear that stewards are judge, jury and executioner every day of the week when they are conducting race meets.

I understand that Mr Murrihy was appointed as an independent steward in this particular place, and I recognise that you wouldn't want someone within the Tasmanian context to be conducting that interview given the serious concerns around integrity that were raised in the ABC and by BOTRA. I'm struggling, however, Mr Jacobi, to understand the rationale for not providing Mr Murrihy with a full suite of powers that would normally occur.

I'm assuming that I won't get a different answer from you, Mr Jacobi, so I might ask my question of the Minister, in relation to what your thought process was during this period. As we know on 26 March 2023, the ABC reported serious allegations about the integrity of harness racing. There had been concerns raised for months prior to that, in parliament and in the media, but the 26 March report was really the straw that broke the camel's back, if you like, and the Government immediately announced the investigation on 27 March.

Given that harness racing seemed to be in tatters at that point, you had the industry itself, the participants themselves crying out for intervention to protect the integrity of the industry. You had the broader community calling out saying, 'This is disgraceful, what's happening?' Did you not inquire with Mr Jacobi or others in your office about the appropriateness of the terms of reference and whether it would be looking forward to the outcome of a report, the possibility that there might need to be charges laid? Did you ask questions about whether it would be appropriate to have that power given to Mr Murrihy?

**Ms OGILVIE** - That was a very long question with a very long preamble, but I'm happy to address it.

**Ms JOHNSTON** - Just trying to refresh your memory, Minister.

**Ms OGILVIE** - Right. Two things were happening at that time. First, we were already starting to restructure the regulation of the industry, which is what we've landed now and it's working well, and we've made the appropriate appointments. A huge amount of work was already underway. I was comfortable with the approach we were taking with an independent report. I think Mr Jacobi is quite right when he says that an independent report that was so broad in scope, which is what people were asking for, was the course that we took.

I also agree that, for the rules of natural justice - which, I think you have some legal training, Ms Johnston, you will understand - given the scope of what it was, it is entirely appropriate that an independent steward's panel was appointed after that report.

To do an investigation, it's important that people feel free to come forward and speak and I think that the approach Mr Jacobi took was really helpful. In relation specifically to the final report - this goes to your question on the terms of reference. As I said this morning, they were developed in collaboration with the Department of Premier and Cabinet, they were based on advice, and Mr Murrihy in his final report does make the following point and I refer you to page 9, you might like to have a look at it:

The culmination of the ToR [terms of reference] is to provide a report to the Government. This investigation and review was not directed to lay and determine charges in respect of potential instances of non-compliance with the AHRR. The review has therefore not proceeded to determine formal charges and issue penalties.

That's the answer.

**Mr JACOBI** - If I may also, Minister. I think it's important to get the Department's submission on the record as well. This is our submission to this inquiry:

It is noted that despite in-depth scrutiny of industry and ORI in the last three years, no findings of corruption or deliberate inaction by stewards of ORI have been found, nor has any race fixing allegations by industry members been substantiated. Of all the allegations and assertions made, four matters were deemed to warrant the laying of charges by the Independent Stewards Panel. Of these matters, two races had been previously considered by ORI stewards but were reconsidered by the independent expert stewards panel. In reconsidering one race, the ISP laid a driving related charge, which is subject to appeal.

A full review of the records has verified the animal welfare matters (wash bay, tongue tie and administration of substances) had not been the subject of a formal complaint to ORI prior to the Murrihy report.

These were all matters that arose after Mr Murrihy was appointed through the subject of his lengthy investigations and inquiries.

**Ms JOHNSTON** - My question was to the Minister about your curiosity at the time when this announcement was made that there would be this review and investigation by Mr Murrehy. It seems to me, Minister, that it's a bit strange that, given the public concern, you didn't turn your mind to what the future might hold for the industry and the need to provide certainty and what an outcome might be. When you're drafting terms of reference, of course, you think about what we need, what's the end point we need to get to and what are the different scenarios.

Minister, you referred me to page 9 of the report which talks about the fact that he wasn't directed to lay and determine charges. Further, on page 10, he talks about the process that he might have undertaken had he been given the power to lay and determine formal charges. I'm curious, Minister, as to what you thought would be achieved through this review if Mr Murrehy had found something was wrong - as he did - and what the next steps would be? What were you trying to achieve?

**Ms OGILVIE** - I find that also to be a little bit of an odd question, so we can go over it again. I'm very comfortable with the approach that we took. Inquiring into the harness industry was, as you yourself pointed out, something that the community wanted. I thought it was a good idea and we announced the approach. I'm comfortable with the approach that we took, but I also feel, from an animal welfare perspective, and I think it's worth putting this on the record that, in doing the report, we uncovered things that weren't great and they were the subject of action. If we hadn't done the report, we wouldn't have known that, so that in itself is a good thing, I think.

I know we all care about animal welfare and you've been quite vocal on this in the past, Ms Johnston, as have I. We all care about animals. That in itself is a good outcome. I'm comfortable with the process we took. I back my Department and I also would like to underscore that the huge amount of work that we did to restructure the integrity organs of racing has landed. We've delivered that. It was the most major piece of work that anybody had tackled in the racing sector, I think in decades probably. I took that on to deliver integrity improvements, and we've done that.

There are parallel paths here. One is to fix the overarching framework of integrity for racing, which hadn't been touched for a long time. Reflecting on the complaints and the changes that we'd heard, we did that. At the same time, taking on board the very real concerns that people in racing had and have around animal welfare and other matters, the Murrehy report and the approach we took I believe was the correct one. I would like to concur with Mr Jacobi that for, I think, the rules of natural justice and to ensure that, ultimately, any charges that may be laid would stick, that a two-stage process is absolutely appropriate, and that's where we landed.

I think we took the correct approach.

**Ms JOHNSTON** - Just to be simple then, Minister, did you ever ask Mr Jacobi, 'Are the terms of reference appropriate to lay charges if we do need to at the end of this investigation and review period?'

**Ms OGILVIE** - No, I don't believe I did because that wasn't the purpose of the investigation. Mr Jacobi can speak to that as well but, of course, we have an operation and an entity that is able to lay charges and once the information is uncovered, it could have been dealt with in that way.



**Mr JACOBI** - I don't recall any discussions with the Minister, or any ministers for that matter, about the development of the terms of reference. I conducted the development of those terms of reference in consultation with my colleagues in the Department and Premier and Cabinet who are specialised at this sort of thing, based on advice about particular legal matters that might apply to the terms of reference. I took that advice on board and I note that under the *Racing Regulation and Integrity Act 2024*, the same approach as the Murrihy inquiry would likely happen if significant concerns were raised about the industry or particular integrity management at this point in time.

The new TasRIC, the Tasmanian Racing Integrity Commissioner, has broad-ranging powers to undertake an investigation or inquiry but, as I'm informed, cannot lay charges under the Rules of Racing, which is a matter for Tasracing. Now these may be questions you'd like to refer to the TasRIC when he comes to speak later today, but the *Racing Regulation and Integrity Act 2024* introduces more improved processes than those that applied previously when Mr Murrihy's inquiry was investigating and which the Secretary, Acting Chief Operations Officer can outline later.

**Ms JOHNSTON** - If I understand you correctly, Mr Jacobi and Minister, you're suggesting that the Murrihy review was part of a two-step process, that first there was the process of investigation and then there'd be a second process which would lay charges subsequent to the Murrihy report and prosecute and determine those matters. Did you receive advice, either verbally or in writing, prior to the establishment of the terms of reference of the Murrihy review, that said we need to set up a two-step process here and this is the first part of the process?

**Ms OGILVIE** - I will ask Mr Jacobi to respond directly to that and then I'm happy to add if we need more information.

**Mr JACOBI** - No, I don't recall getting specific advice that it should be a two-stage process. Given the nature of the timeframe in which we wanted this review conducted, we needed advice quickly but done thoroughly. It seemed absolutely logical to me that if we had then asked Mr Murrihy to undertake all those inquiries, investigations and consultations and receive submissions from the entire industry and then proceed to the detail of investigations that a stewards panel would normally conduct with the view to then laying charges, the inquiry would probably still be underway because those things take a long period of time. We had a very short time in which to formulate the terms of reference. I'll say it again. I've thought about this a lot and whether I would do anything differently and I would not. I would do things exactly the same as we did.

To answer your question, I don't recall specifically getting advice about a two-stage process, but it seemed absolutely obvious to me that the first and most important imperative was for Mr Murrihy to get to the bottom of those inquiries, and as I've said before on the record, by providing Mr Murrihy with the terms of reference to confirm that he was comfortable with them, and he was.

**Mr WINTER** - Minister, did any participants ever make direct complaints or allegations to you about race fixing, team driving, or general breaches of the rules? If so, can you outline how those complaints were made and around when they happened?

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**Ms OGILVIE** - This was some years ago and I don't recall that anybody made - maybe BOTRA, in a meeting, but I can't recall if anybody specifically said anything. Having said that, I was very aware of the community dialogue, the media reports, and from parliamentary dialogue as well, particularly in question time, I was certainly aware that there was community concern.

**Mr WINTER** - Are you able to tell the Committee about that meeting with BOTRA where they raised those concerns with you?

**Ms OGILVIE** - I would have to check my records; it was some time ago. More broadly, I think it would be fair to say that I was more aware of the media reporting, what was happening in parliament and the conversations. Years ago, I think we had regular meetings with BOTRA, but I'd have to check my records. I'd have to take that on notice, Mr Winter.

**Mr WINTER** - What was the nature of the concerns raised by BOTRA in that meeting?

**Ms OGILVIE** - I'd have to check my records.

**CHAIR** - Are you formally taking that on notice, Minister?

**Ms OGILVIE** - I'm happy to check my records.

**Mr WINTER** - One of the allegations -

**Ms OGILVIE** - Sorry, just a second. What exactly do I need to take on notice? I'm really here to try to be helpful, but could you be specific about the question?

**CHAIR** - You offered to provide information about your regular meetings with BOTRA. Mr Winter, did you want to explain that?

**Ms OGILVIE** - I think the question was whether BOTRA had raised in a meeting with me allegations of team racing - is that it?

**CHAIR** - Or if anybody had raised allegations of race fixing and team driving? I think you mentioned it may have been BOTRA.

**Mr WINTER** - The date on which this meeting with BOTRA occurred, the nature of the allegations that were made by BOTRA and the response by yourself and NRE to those concerns.

**Ms OGILVIE** - What I'm proposing to take on notice is to check my records to see whether any of that actually occurred. I'm very happy to do that and come back to you.

**Mr WINTER** - Minister, given the findings by Mr Murrihy, do you acknowledge it's very likely that race fixing, team driving and animal welfare abuses were occurring while you were Minister?

**Ms OGILVIE** - Mr Winter, what I am interested in is a fair process that is guided by integrity, proper reporting, the inquiry by Mr Murrihy, the Rules of Racing and the application of the stewards' powers appropriately. We have heard this morning that an appeal is on foot, so

I want to be very careful not to prejudice any discussion around that. We are also very concerned to make sure that the rules of natural justice are applied. I think it's inappropriate for me to opine as to what may or may not have been happening. When I ordered a review, the review was conducted, the results have now been provided and the processes are underway.

**Mr WINTER** - You ordered the inquiry by Mr Murrihy and his report found animal welfare abuse. He found that horses were being abused in a wash bay which had been regularly checked by stewards under ORI. He found that a horse had a tongue tie on for days which led to severe animal welfare issues, and a loss in a race of over 200 metres. He found team driving, which constitutes race fixing. Given those findings, do you acknowledge that those activities were happening while you were Minister?

**Ms OGILVIE** - Mr Winter, what I understand is that even though this entire issue was triggered, as Ms Johnston said, by the last straw of the ABC report, there were no findings that came out of those particular races. However, what was found and what came after the review was information in relation to animal welfare, which touches all of our hearts, and I am pleased that that has happened and it's able to be addressed. But again, my understanding is it's subject to appeal and it's not appropriate for me to prejudice that conversation.

**Mr WINTER** - Ms Ainscow is a former steward and she made a number of allegations here, including that she reported, during this period that you were the Minister, that stewards had betting accounts and they were betting on races. It's since been found by the new regime that that was true. Were you aware of those allegations at the time, and if so, what did you do about it?

**Ms OGILVIE** - You're asking about operational matters, Mr Winter, and employment matters are the responsibility of the Secretary of the Department of Natural Resources and Environment and not a matter for ministers. I'm happy for you to refer that question if you wish. I'm very happy to support that.

**Mr JACOBI** - Would you like me to answer that, Mr Winter?

**Mr WINTER** - Sure.

**Mr JACOBI** - I believe you've already asked this question of Mr Helmich, the previous Director of Racing, and he responded under oath to similar questions on this matter in relation to the investigations that he made.

As I also responded to you recently, we are cooperating with the Tasmanian Racing Integrity Commissioner on all investigations that he is conducting. I don't think that I should make any comment about any of those investigations while they are on foot. I reiterate that I am not aware of any of Ms Ainscow's allegations having yet been proven. I think it's appropriate for the Racing Integrity Commissioner to conclude his investigations. Then, if he deems appropriate, he can provide you with advice on the outcome of that as it relates to any complaints or allegations that Ms Ainscow may have raised.

**Mr WINTER** - Specifically to what happened at the time, Ms Ainscow has given evidence that she raised concerns about stewards having betting accounts. What investigations took place when she made those allegations?

**Ms OGILVIE** - Do you want me to answer that?

**Mr JACOBI** - No, I can answer that. Mr Winter, they were referred to Mr Murrihy for him to conduct and investigate in detail as part of his review. You would be aware that he did some analysis of betting records and drew his own conclusions. There were no findings against ORI or stewards as a consequence of that review. Then the Independent Stewards Panel also took those matters up. That has, I believe, led to the work that Mr Carroll, the Racing Integrity Commissioner, is now conducting. He is continuing to follow through those lines of inquiry.

Again, you may wish to refer that to Mr Carroll when he appears, but I suspect given that it's a live investigation, he may be concerned about how much he can share with the inquiry.

**Mr WINTER** - In terms of the allegations specifically from Ms Ainscow, she was a steward within the ORI set-up and she raised concerns that stewards were betting on races. I understand that they were referred through the Murrihy review, but at the time, what did ORI do? What processes did ORI go through in order to investigate Ms Ainscow's concern and complaint?

**Mr JACOBI** - Mr Winter, you've already asked this question of Mr Helmich under oath, and he has responded. I can't give you any more than his response.

**Mr GEORGE** - I'm sorry to interrupt. I only have a brief question. I'd like to go back to the terms of reference on the Murrihy report. My question is, I guess, through the Minister to Mr Jacobi, which is: did Mr Murrihy ever suggest a different approach or an alternative approach to the terms of reference - one which would have proceeded to charges if evidence was so indicated as a result of his report? Did he ever express concerns that he did not have sufficient remit to be able to move on to the next stage?

**Mr JACOBI** - Thank you for the question, Mr George. Can I suggest, Chair, that we go *in camera*, because we just keep getting the same questions about this matter. I really need to understand what's driving this. If we go *in camera*, maybe we can just have a more free conversation between us and the inquiry.

I want to be able to help the inquiry to get to the bottom of this particular issue. I feel incredibly frustrated that I've done my best to answer this question time and again. No disrespect, Mr George, I think it's great that you're on this inquiry and you bring a new perspective, so please don't take my request to go *in camera* as anything else, but let's find a way that we can discuss this.

**Mr GEORGE** - If I may say, I'm simply following up on the questions that Mr Winter and Ms Johnston have asked. It seems to me like it's a fairly straightforward yes or no, just for my own clarity; if Mr Murrihy was happy with the terms of reference as provided by DPAC and by you, that's fine. If there was negotiation, it would be interesting to know what the background to it was.

**Mr JACOBI** - Look, let's just put an end to this and I'll read ad verbatim from an email that I've got.

**Mr GEORGE** - Sure, thank you.

## PUBLIC

**Mr JACOBI** - Mr Murrihy wrote to me in response to an email I wrote to him. His email is dated 29 March 2023 at 1.36 p.m.

Jason, the terms of reference are fine. If you're able to send the final approved version when they become available.

Signed,  
Ray Murrihy

**Ms WILSON** - Then on March 31?

**Mr JACOBI** - Then on 31 March at 2.11 p.m., in response to a follow-up email that I wrote to Mr Murrihy checking that he was happy with the terms of reference:

Seems fine, Jason, but do we perhaps need to stipulate the complaints regarding ORI management are also restricted to the past three years?

So that was in specific reference to a particular terms of reference.

Is that enough to demonstrate that Mr Murrihy was accepting of the terms of reference? I thought it was.

**Mr GEORGE** - My question was simply whether he was happy with the first terms of reference and there was no further negotiation, but if your answer indicates that you provided the terms of reference, he immediately accepted them and you proceeded to the report, then that's a sufficient answer. Thank you.

**Mr JACOBI** - There were draft terms of reference which I shared with Mr Murrihy, so it was an iterative process over a course of four days but, yes, I'm absolutely satisfied with Mr Murrihy's response that he was comfortable with the final terms of reference.

Through you, Chair, would the inquiry please provide me with something that suggests otherwise, because I'm not aware of any correspondence or any discussions with Mr Murrihy that indicate that he was not happy with these terms of reference. The way this particular line of questioning keeps getting raised leads me to suspect that you know something that I don't, and I would love to see it.

**Ms JOHNSTON** - I have two quick questions. Firstly, you spoke about an iterative process between yourself and Mr Murrihy in establishing the terms of reference. Are you able to table that correspondence just so we know what they started off with and where they ended up, so we can see the changes? Perhaps with Track Changes, if there is a track-changed version of it. Are you able to table that for the committee's consideration, please?

**Mr JACOBI** - Look, there are a couple of people's names and addresses and phone numbers that would need to be redacted and I would need to consider that.

**Ms JOHNSTON** - That's fine. That's our normal committee process.

**Mr JACOBI** - I am more than happy to provide that.

**Ms JOHNSTON** - Thank you. Following on from Mr George's question, did Mr Murrihy ever ask for a change in the terms of reference after the investigation or inquiry commenced? Did he ever raise concerns about the limitations of the terms of reference when the conduct of the review was underway? Did he ever come back and say, 'I've come up with this issue and it's limiting the scope of my review.' Has he ever raised those concerns?

**Mr JACOBI** - Absolutely not with me. I'm not aware, at any point in time after the terms of reference were landed, that any concerns were raised with those terms of reference or the scope of Mr Murrihy's review and powers.

I did have a team of people who were working and supporting Mr Murrihy directly, and it's important for the inquiry to understand this. These types of inquiries generate a huge volume of work, and this inquiry did. There was a lot of correspondence incoming to Mr Murrihy from across the whole industry and animal welfare lobby sector and animal welfare organisations and individuals that had to be coordinated and managed. Advice had to be sought in relation to the particular allegations that were being made.

This was a big inquiry requiring a lot of resourcing, and I set up a small team in my office to work directly with Mr Murrihy on a day-to-day basis. That involved a person with some legal experience; it involved some administrative capacity. We contracted an external third party, an independent specialist lawyer, to support Mr Murrihy in his deliberations.

There were discussions that were happening every day. Well, not every day, but a lot, over the course of the Murrihy review. I was not privy to each and every one of those conversations, but I can categorically say to you, I'm not aware at any point in time that questions were brought to me that the terms of reference were in any way inappropriate. They landed on 1 April, they were announced, they were done so on the basis that Mr Murrihy told me he was comfortable with them. I had no reason at any point in time to think that they needed to be changed.

**Mr WINTER** - One last question, on a slightly different component to this. On 26 June 2023, Minister, you announced that you were giving Mr Murrihy an extension of time for his review by eight weeks. Can you take the Committee through the reasons why Mr Murrihy requested the additional eight weeks at that point in time? We can go through Mr Ellis for what happened after that.

**Ms OGILVIE** - I believe it was actually Mr Ellis made that announcement.

**Mr WINTER** - No, 26 June was you, Minister - 26 June 2023, extension granted for independent investigations, a media release with your name on it.

**Ms OGILVIE** - I have a bit of a timeline here which I think might be helpful. Let me just run through this and see if this answers your question.

On 1 April, the terms of reference to the Murrihy inquiry were released. On 4 April, Mr Murrihy was engaged, the independent reviewer, with a report on the investigation and review to be provided by 30 June 2023. On 23 June a request for extension was received from Mr Murrihy, and on 26 June, as you quite correctly point out, Mr Winter, there was a media release announcing an eight-week extension for the Murrihy review. Mr Murrihy had been due to report back to the Government by 30 June but would now report by 31 August.

Then on 31 August Mr Murrihy provided an interim report to the Government and requested an extension of time to provide his final report. The Government agreed to an extension to ensure procedural fairness -

**Mr WINTER** - Sorry, we only have a short amount of time. You're now getting into a part where you weren't Minister.

**Ms OGILVIE** - in relation to the process of the independent review.

**Mr WINTER** - What were the reasons given when Mr Murrihy wrote to you as to why he needed an eight-week extension?

**Ms OGILVIE** - I believe he wrote to the Premier. However, I can give you a bit more information. The request for an extension of eight weeks was to ensure that matters outlined in the terms of reference could be fully investigated.

**Mr WINTER** - Were there any specifics to that, though? What specifically did he require more time on?

**Ms OGILVIE** - I have the quote here.

It is important to allow Mr Murrihy adequate time to thoroughly complete his due diligence of all the matters before him in the interests of procedural fairness.

**Mr WINTER** - Could we get a copy of that letter? Would that be possible to save time here?

**Mr JACOBI** - What letter?

**Mr WINTER** - The letter from Mr Murrihy to the Premier.

**CHAIR** - The letter from Mr Murrihy to the Premier.

**Ms OGILVIE** - We will take that on notice.

**CHAIR** - Thank you. We have reached the end of our time.

**Ms OGILVIE** - I have one last comment if I could, please. I would like to say, for the benefit of the Committee, I truly appreciate the fact that we are all on the same page in relation to wanting a well-run racing industry, that the integrity of the industry is incredibly important, and that the work we have done to inform the changes and improvements to integrity are very important. In relation to this matter, Mr Winter, I understand your concerns, but I feel that the fact that ultimately we did find animal welfare issues which were then able to be addressed appropriately was a very good thing and, despite the many allegations that had been made on the way through, that in itself was a good outcome. I would like to leave with that comment and appreciate your time and hope we've been helpful.

**CHAIR** - Thanks, Minister.

# **PUBLIC**

**The witnesses withdrew.**

**The Committee suspended from 9.55 a.m. to 10.00 a.m.**



**Tasmanian Government**

**CHAIR** - Welcome. Minister Ellis, did you want to start with an opening statement?

**Mr ELLIS** - Thank you, Chair. As mentioned, we have Jason Jacobi and Deidre Wilson in the room from the Department of Natural Resources and Environment Tasmania, and with me here in Ulverstone is Adam Foster, my Chief of Staff, who won't be taking questions.

I am grateful to have served as Minister for Racing from 25 July 2023 to 10 April 2024. During my time as Minister, the Government advanced the most significant reforms in racing in decades with the release of the draft Racing Regulations and Integrity Bill 2023 and the associated draft Consequential Amendments Bill for public consultation and subsequent tabling of the Bills in November 2023. During my time as Minister, the independent Murrihy inquiry was progressed, with the interim and final Murrihy reports released and the Independent Stewards Panel formed.

Where there have been questions raised in previous hearings concerning the Murrihy inquiry terms of reference, I understand Ms Ogilvie, as Racing Minister during this time, will be or has appeared before the Committee. I want to acknowledge that it was an incredibly difficult period for the harness racing industry and participants, given the serious allegations raised and the close-knit nature of the sector.

In terms of the matters I can address today, I would point out to the Committee that I won't be commenting on matters relating to periods when I was not Minister in the portfolio, given the appearance of other relevant ministers. Employment matters at the time I was Minister were and remain a matter for the Department to address in accordance with the appropriate policy and procedure, and I will pass to the Department at the appropriate times on that. There are matters within the Committee's terms of reference that are subject to appeal to the Tasmanian Racing Appeal Tribunal, or TRAB, or may well be considered by the Tasmanian Racing Integrity Commissioner and it would not be appropriate for me to provide commentary on those matters.

Finally, Mr Murrihy strongly supported the implementation of the recommendations of the Monteith review through legislative reform and the creation of a new regulatory model, including the creation of the Tasmanian Racing Integrity Commissioner, or TasRIC, to provide oversight, accountability and transparency. That's what the Government has delivered with the significant reforms to the integrity system in Tasmania taking effect from 1 February 2025, which provides Tasmania with a modernised, effective and fit-for-purpose model for regulation and integrity in the racing industry.

**CHAIR** - Thank you. I'll open the Committee for questions.

**Mr WINTER** - I thank the Department and Minister Ellis for being with us again. We really appreciate it as we look to finalise the work of this Committee that's been going on for some time. We've just heard from Minister Ogilvie and got through the timeline up to where she announced an eight-week extension of the Murrihy work. This might frustrate Mr Jacobi, but I'll ask you. Minister, were you of the impression or the view that Mr Murrihy would be laying charges, if appropriate, at the conclusion of his review?

## PUBLIC

**Mr ELLIS** - I think the terms of reference were laid out as they were. Mr Murrihy obviously provided recommendations to establish an independent stewards panel, which is what we did. We worked through that process in the usual way. There was a need to make sure there was a high degree of accountability and transparency in the process. I'll pass over to Mr Jacobi if there's anything further to add on that.

**Mr WINTER** - Minister, it was specifically to you. To clarify, I think the answer is that you didn't believe Mr Murrihy would be pressing charges. Is that correct?

**Mr ELLIS** - Well, as I mentioned, the terms of reference that were outlined to us were established before my time, but we worked through those. Obviously, Mr Murrihy made the recommendations that an independent stewards panel would be formed and we worked through that process.

**Mr WINTER** - To your knowledge, did anyone ever ask Mr Murrihy to lay charges if required as part of the review?

**Mr ELLIS** - Not that I'm aware of, but I'm happy to take it on notice.

**Mr WINTER** - That's fine. We can move on from that line of questioning with that answer, which I appreciate very much. As part of this review, did you ever meet with Mr Murrihy directly or speak to him on the phone?

**Mr ELLIS** - Not that I'm aware of. I don't think I've met with him. It was an independent review, so Mr Murrihy was working through those matters and it was important that they be managed at arm's length so he could work through the serious nature of the allegations that were made without interference from the Government. Obviously, Mr Murrihy wrote to us about extensions and I think he was provided support from the Department to do his work, but it was a process that we allowed to take its course.

**Mr WINTER** - During this period, did you ever receive allegations of conduct outside of the racing rules - sorry, I will start that again. During this period, did you ever receive allegations from harness racing participants about race fixing, team driving, or animal welfare breaches and, if so, what were they?

**Mr ELLIS** - Look, happy to take that on notice.

**CHAIR** - Okay. We will get correspondence to you about that.

**Mr WINTER** - On 29 November, you announced that you had received the final report from Mr Murrihy, but it wasn't until 31 January that you released the final report. Can you take the Committee through the deliberations you were undertaking at that time and why it took more than two months for the report to be released?

**Mr ELLIS** - Yes, that's right. So, we received the report 29 November. We issued a media statement advising the report has been received and that we were then considering the report and our commitment to a further statement regarding the report and its findings and to release the report in the future. As we have said at the time, that Government supported, in principle, all recommendations in the interim report from Mr Murrihy, noting that matters of

industry competitiveness and code of practice are largely matters for Tasracing to consider within the integrity framework.

As we then mentioned, we will now consider all recommendations made against the terms of reference in the final report. Once this has occurred, a further statement will be made and the report will be available to the public. So, in the intervening period, appropriate advice was sought from NRE Tasmania over December and January on whether the report could be released in full without impacting on matters to be investigated and appropriate levels of procedural fairness.

Further advice was sought to support the formation of an independent stewards panel in accordance with the Australian Harness Racing Rules and the governing *Racing Regulation Act 2004*.

During that period of December and January, racing jurisdictions across Victoria, New South Wales, Queensland, and Western Australia were approached and engaged with to identify appropriately qualified and experienced stewards to form an independent stewards panel.

On 24 December 2023, Robin Thompson was appointed as the Director of Racing and for the period of 26 December to 21 June 2024. I understand that on 5 January, the Secretary of the Department of NRE wrote to the RSPCA and the General Manager of Biosecurity Tasmania concerning animal welfare matters in the report. On 22 January, the Panel was briefed and agreed to form.

The Independent Stewards Panel initially comprised Mr Dayle Brown as Chair, Mr Larry Wilson and Mr Barry Delaney, who are all well experienced people in the regulation of harness racing in Australia. On 23 January, the stewards' contract was then executed. Then, on 24 January, the direction from the Director of Racing was issued to the three panel members and I will pass over to the Department of NRE if there's anything further to add.

**Mr JACOBI** - Thank you. Can I first correct the record? I may have misheard, but my understanding is that the final report was provided by Mr Murrehy on 28 November because I received a copy of the report on the 28th.

**Mr WINTER** - I said 29, I think - I don't know how - I might've missaid it.

**Mr ELLIS** - Yes, that's right. It was received 28 November.

**Mr WINTER** - So, it was received on the 28th and announced on the 29th.

**Mr JACOBI** - Yes, that's correct. I don't have anything else to add at this point.

**Mr WINTER** - So, you've outlined there that the Panel was briefed and formed on 22 January and you wrote to the RSPCA or the Department wrote to the RSPCA on 5 January; why is it that these were occurring before Tasracing was able to see the report? As I understand it, Tasracing only saw the final version of the report on the day it was released, which is 31 January.

## PUBLIC

**Mr ELLIS** - Obviously, working with investigatory bodies, establishing the Stewards Panel, but I will pass over to Mr Jacobi to add further.

**Mr JACOBI** - To note, Tasracing had seen the interim report.

**Mr WINTER** - They had?

**Mr JACOBI** - The interim report was published. The reason that the final report was not released and it took some time with it, there were significant matters that were raised by Murrihy that warranted very careful consideration and advice on how those matters should progress and what it would mean in terms of jeopardising a future appeal if they were to be made public at that point in time. I wrote to the RSPCA in very early January to alert them to specific matters that were raised in the final Murrihy report that I felt we couldn't afford to sit on. They needed to be dealt with.

I acknowledge that four weeks passed between the date that the report was received and when I wrote to the RSPCA. I had my own concerns about four weeks passing, but it was very important that, because they were historic events, these matters were carefully investigated and progressed because the investigation could easily have been jeopardised had all that material just been released to the public early on. It was in the best interests of withstanding an appeal to get good advice and for me to write to the RSPCA to raise my concerns, so that they had prior time ahead of the report being released publicly.

**Mr WINTER** - I can see why you would let the RSPCA know as soon as possible, but what I'm trying to understand is why Tasracing wasn't afforded that same early advice. For example, as I understand it, the evidence we've heard is that Tasracing received, it may not have been this Committee, Tasracing received the final version of the report at the same time as the public did. Why is it that Tasracing wasn't provided with the report ahead of time, as other organisations like the RSPCA were, as well as the formation of the stewards' panel?

**Mr ELLIS** - I am happy to pass to Mr Jacobi.

**Mr JACOBI** - I'm not aware of anything in that report that warranted specific referral to Tasracing at that point.

**Mr WINTER** - Tasracing obviously did because they proceeded to then warn off the participants on 2 February. It went from two days later, they get a copy about midday, from my recollections, about midday on 31 January. By 2 February they were actively warning off participants named in the Murrihy review. Obviously, they had a view that they had a role to play here. The question is why they weren't given it earlier?

**Mr JACOBI** - Again, I was acting on advice about the specific nature of the allegations and ensuring that before it was released publicly, and that includes to Tasracing and to ORI - because ORI wasn't provided with a copy of the report either until it was released publicly - that it was important that had full awareness of the implications to a future investigation by the Independent Stewards Panel once that document was made public.

**Mr WINTER** - Tasracing's evidence to this Committee has been that they didn't ask for a copy of the Murrihy review at any point in time. Can you confirm that's correct as far as you are aware?

**Mr JACOBI** - I'm not aware of having received any advice from Tasracing about that.

**Mr WINTER** - To run this through, the Minister announces he's received the report on 29 November and it gets all the way through the majority of the summer racing carnival before the public is given access to the final report, which is the first time Tasracing is ever given a copy of the final report. Perhaps through you, Minister, what were your discussions, with Tasracing at the time around what their response would be?

**Mr ELLIS** - Happy to take it on notice.

**Mr WINTER** - It's a pretty big period of time for you, I would have thought. Can you outline, did you speak to the CEO of Tasracing or the Chair at the time to discuss how this should be handled by Tasracing?

**Mr ELLIS** - As I mentioned, happy to take it on notice. It was a couple of years ago. We were very keen to make sure that we worked through the process in a methodical way as the Secretary has outlined. We had a number of discussions with Tasracing as the racing GBE over that period, but as far as the Murrihy report - happy to take that on notice.

**Mr WINTER** - Tasracing on 2 February, did they announce they were warning off participants? Did they speak to you, Minister, ahead of making that decision?

**Mr ELLIS** - Happy to take that on notice in terms of the timeframe.

**Mr WINTER** - You can't recall if that happened or?

**Mr ELLIS** - As I mentioned, it was two years ago. I'm happy to double-check our records. You, of course, were open to write to me and put these questions, Mr Winter. You chose not to. I will have to follow up and get some further advice.

**Mr WINTER** - Perhaps then, to the Department, can you explain what the communications were between Tasracing and the Department during that period of time?

**Mr JACOBI** - Yeah, I can. I'm not aware of any communications between the Department and Tasracing. There may have been some communications between the specific team that I set up with the Murrihy review, but I'd have to go back and look at that and take that on notice. I think it is important to note that the particular warning off notices that were issued by Tasracing immediately following the release of the Murrihy report were overturned on appeal. This just goes to show and demonstrates the risk that, if you don't have your ducks lined up and have a comprehensive approach to how you intend to investigate a matter and prosecute it, you risk it being appealed. That was probably one of the most important concerns and considerations that I had from the very beginning of receiving the Murrihy report and the allegations that were made in that. There was a process that needed to be conducted by an independent stewards panel to run those allegations right through to a conclusion where an appeal could be held.

**Mr WINTER** - You had the report for two months. You said you've taken advice, which is entirely appropriate that you should do. Tasracing, just to confirm, they didn't contact NRE and seek any of that advice before they made the decision they did?

**Mr JACOBI** - I'm just not aware of that, no. Again, I could go back and check and I'd have to make enquiries and see whether there was any correspondence, but I don't believe that there was any contact with me about that.

**Ms JOHNSTON** - Can I ask the Minister, given what Mr Jacobi just outlined then that there was two to three days between the report being released publicly and Tasracing taking action to warn off those particular participants. I recognise what Mr Jacobi said about the need to put all your ducks in a row before you act. Do you think Minister, that it would have been appropriate to have perhaps given Tasracing, in confidence, a briefing on the findings so that they could get their ducks in a row?

Tasracing, you could argue in their conduct on 2 February, I think it was, were trying to protect the industry's integrity and act swiftly to ensure that there wasn't mass concern about the ongoing integrity of racing in Tasmania. Do you think it would have been wise to have briefed Tasracing in confidence prior to the release of the report publicly, so they could have sought more legal advice, or better legal advice about what to do next, as a matter of urgency?

**Mr ELLIS** - Yeah. I mean, as we mentioned, we needed to work through a process to ensure that any action withstood scrutiny, particularly on appeal. We worked through that process in a diligent way, and we wanted to make sure that we delivered the appropriate outcomes for the racing industry. Certainly, the advice that we received about the importance of working through it in a thorough and methodical manner - as far as referrals, I think the Secretary has already answered that, but happy to pass back to you, Mr Jacobi, if there's anything further to add.

**Mr JACOBI** - Just with your indulgence, Minister, and the indulgence of the Chair. I might just refer to Ms Deidre Wilson, who has a little bit more information about that.

**Ms WILSON** - When it came to the determination of the TRAB, there were two warning offs. There was the initial one, which was overturned by TRAB and the TRAB made a determination, or at least, they alluded to the fact that Tasracing may not have powers. Getting the Murrehy report ahead of that decision would have made no difference to the TRAB, I think, considering the jurisdiction of Tasracing. That was a matter that had never been tested before. That went to the Supreme Court, the Supreme Court found that they did have standing. They then reissued, based on the advice of the TRAB, on natural justice principles and taking into account Supreme Court matters and the TRAB still overturned the warning off notice. The reason for that was, in their decision:

Accepting that the determinations relate to serious conduct, the limitations of those determinations as referred to in the Murrehy report, together with the additional matters outlined in their decision, warrant a more cautious approach than that undertaken by Tasracing in issuing the warning off notices. The TRAB is not satisfied that those determinations with their limitations constitute sufficient grounds to exercise such power, particularly in light of the other circumstances and matters identified in these reasons.

The then Director of Racing would have been considering exactly the same matters that the TRAB just referred to. It's important to note that the then Director, subsequently issued a warning off notice when charges were laid by the Independent Stewards Panel, so he undertook

action based on the relevant information when it was actually at the stage of charges, which the TRAB decision indicates was appropriate at the time.

**Mr JACOBI** - If I could, just for the record, I don't want my comments about ducks in a row to be misinterpreted; I wasn't suggesting Tasracing didn't have their ducks in a row. I was reinforcing how important it was, in order for an appeal to stick, you have to do a lot of due diligence, and that was one of the primary roles of the Independent Steward Panel was to run all those investigations right through to the very end.

**Ms JOHNSTON** - I suppose, Minister, I'm interested - and I recognise what Ms Wilson just said about the process of the TRAB hearings and the overturning of the warning off notices. But, from an industry perspective, and you were responsible for the industry, would it not have been better to take in Tasracing into your confidence about the outcome, so that they could have managed the fallout of the release of the report publicly from an industry-wide perspective? Because when the report was released publicly on 31 January, there were grave concerns about the integrity in racing at the time and everyone was calling on Tasracing to do something about this. I recognise that there were things happening behind the scenes in relation to Independent Steward Panel, but Tasracing were called on publicly to do something about this. Would it not have been better, Minister, do you think, for the integrity of the industry to at least have given Tasracing an ability to make a plan, if nothing else than a communication strategy, to talk about the ongoing integrity and how that would be protected within Tasmania?

**Mr ELLIS** - Obviously, we were working through a process, and we wanted to do that with due diligence. I don't think it's quite right to say that the Independent Stewards Panel is happening in the background, I think we announced that on the day that we announced the response to the inquiry, I think I have that right. I will just look to Mr Jacobi and Ms Wilson in terms of that timing when they're finished conferring. I was just saying, Mr Jacobi, I think it's not quite right to say that the Stewards Panel was happening in the background. I think that was announced on the day that we announced the response to the Murrihy report, is that correct?

**Mr JACOBI** - I don't think Ms Johnston was suggesting that the Independent Stewards Panel was happening in the background -

**Ms JOHNSTON** - It wasn't happening in secret, no; it was just happening.

**Mr JACOBI** - I think her comment was that lots of stuff was happening in the background.

**Mr ELLIS** - Oh, okay, sorry, I'm with you.

**Ms JOHNSTON** - I suppose my point is, Minister, Tasracing, on behalf of the entire industry, and you, as a Minister for the industry, on 31 January had a report released which was damning about integrity within the industry. Whilst the Department, as I understand, were undergoing steps in placing the Independent Stewards Panel and all that kind of thing, Tasracing were being called upon to do something. Now, they issued warning off notices, but would it not have been a good idea to have briefed them prior to that, to be able to put a communications plan? People were going to be betting within days of that report being released. Why would people be betting in the industry, if the integrity was in tatters? Surely, as Minister, you could understand that and as the Minister responsible for Tasracing you'd

understand that Tasracing would need to at least have a communications plan about how to ensure that there is integrity or a sense of integrity within the industry?

**Mr ELLIS** - I suppose there's different ways that you can look at it, but certainly if the industry was provided advanced copies of the report, there would be some who would argue, of course, that that could potentially undermine the integrity of the report. There are a range of different factors that we had to consider at the time and acting on the best advice.

Probably the other thing to note, Ms Johnston, is that the racing integrity structures that we had at the time were deficient; that was the finding of the Monteith report. That was why we acknowledged that we needed to abolish the Office of Racing Integrity and establish the new Tasmanian Racing Integrity Commissioner and so we worked through a process. It was a challenging time in the industry and we acknowledged that. It's also exactly why we acted and delivered the legislation that's now passed through the House and I think quite broadly supported. Racing will hopefully benefit from those additional powers and better structures in the future but, as I mentioned, in terms of provision to Tasracing and other industry bodies, a judgment call has to be made about whether providing advanced copies to industry would actually be regarded as actually undermining the independence of the review, but we work through those things in a pretty challenging environment.

**Mr JACOBI** - I want to say I fully support the Minister's position on that matter.

**Mr GEORGE** - Going back to this two-month delay, it seems to me a very strong possibility that you thought that Tasracing having the document sometime over that two-month period meant you were worried about confidentiality and someone within Tasracing leaking it? Is that at least part of your thinking?

**Mr ELLIS** - I'm happy to pass over to the Department.

**Mr JACOBI** - No, that wasn't my thinking. My concerns were about maintaining the integrity of a future prosecution and appeal.

**Mr GEORGE** - Could you then explain why the integrity might have been undermined by the fact that Tasracing had the opportunity to review before publication?

**Mr JACOBI** - Again, I can't talk to legal advice that I receive because it's legal privilege, but if you read the actual Murrihy report -

**Mr GEORGE** - I have, yes.

**Mr JACOBI** - there was a whole range of allegations made, particularly around animal welfare, that we had not been aware of until Murrihy landed his report. There were certainly some specific animal warfare allegations that were very disturbing and I suppose they crossed over a number of different jurisdictional responsibilities, that of Tasracing and the Office of Racing Integrity at the time.

As the Minister has outlined, we clearly understood that the legislation at that time was not operating in the way it could have and that there were reforms that needed to be made, and I suppose it really boiled down to wanting to have the confidence that when the report was publicly released, we had done some work to get an Independent Stewards Panel in place and



we had momentum to that. That wasn't easy to form, either. Finding three stewards or more from interstate jurisdictions who had the experience required and the powers that were necessary and were actually available, having stewards who could devote their time to that size of an investigation, took some time, and that was one of the reasons we didn't actually end up going public with the final report until the end of January.

**Mr GEORGE** - I accept all that, I'm just curious. I can't see a rational reason why the integrity of the report and of your actions would have been undermined by taking Tasracing into your confidence about what was happening, but that's -

**Mr JACOBI** - Again, at the time Tasracing reported directly to the Minister. I didn't have a responsibility for Tasracing as the Departmental Secretary but I support the Minister's view on this. As the Minister has already outlined - and I don't think I need to go over it again - there were a lot of reasons and specifics in the nature of the allegations that required it to be carefully considered prior to being made public.

**Mr GEORGE** - Do you have anything to add to that, Minister?

**Mr ELLIS** - I think we've covered it reasonably well, Mr George, in terms of the thinking at the time. Given the strong concerns about integrity right across the industry - concerns about Tasracing, concerns about the Office of Racing Integrity and concerns about individual participants - it was important that the work was able to be established, be seen to be fair, and able to withstand scrutiny, particularly through an appeals process, and the more that document potentially provided privileged access to different parts of the industry which had broad concerns about the industry, it certainly could be argued that there would be a perception that it wasn't entirely independent. That was the thinking at the time. Obviously, Tasracing then took the action they did and work through a process with that.

**Mr GEORGE** - Do I read into that you actually were concerned that the more this document was distributed, the more chance there was of it leaking to the public?

**Mr ELLIS** - Not necessarily leaking. As I mentioned before, Mr George, it was more the perception of the public about who has access to the findings of an independent review before they're made public, and I'm sure you can appreciate that.

**CHAIR** - Minister, was there any consideration given to releasing a redacted version of the report so that Tasracing could prepare themselves for some of what was to come?

**Mr ELLIS** – Thanks, Ms Haddad. A quote from the Murrehy report said:

Following this report and noting matters in the report which are of some gravity, the Tasmanian Government may choose to refer these matters to an authorised appointee empowered to investigate specific matters and, if deemed appropriate, proceed to lay charges.

It was important prior to the release of the report that there were no matters in the report, if released in full, that could potentially prejudice the outcome of any future investigation and stewards inquiry. It was also critical in releasing the report that we could take action on the recommendations of Mr Murrehy to investigate those specific matters and we then worked through the appointment of the panel of stewards. There was significant work that needed to

be undertaken to determine the appropriateness of what information could be released. This is an investigatory process as well as a broader recommendations kind of report, but I'll pass to Mr Jacobi regarding work on redactions, et cetera.

**Mr JACOBI** - I don't think I've got anything more to add to that other than that, again, I wouldn't do anything differently. I think the approach that was taken was entirely appropriate given the nature of the allegations and the forming of the Independent Stewards Panel.

**Mr WINTER** - Minister, were you briefed by NRE around the legal advice and other matters concerning the release of the document before you released it on 31 January?

**Mr ELLIS** - Was I briefed about legal matters in relation to the report?

**Mr WINTER** - Yes, what were you briefed about? We've heard there was legal advice and there were concerns about process. How much of that were you aware of before you released the report on 31 January?

**Mr ELLIS** - Obviously that was behind our considerations. We wanted to make the release available as soon as we could in a way that would withstand scrutiny and had all the appropriate checks and balances in it to make sure the investigations could continue in a way that would be effective. We certainly would have received briefings about the legal consequences at the time, but I'm happy to follow up for more detail if you like, Mr Winter.

**Mr WINTER** - So following that and the release - you may have already taken this on notice, but I'm really trying to understand that Tasracing aspect - did you raise concerns with Tasracing ahead of them issuing warning off notices?

**Mr ELLIS** - As far as after the release of the report, or -

**Mr WINTER** - Presumably you must have been aware; I assume Tasracing would have told you they were going to issue these warning off notices. Did you raise concerns with them about the actions they were taking to not issue the warning off notices?

**Mr ELLIS** - To not issue the warning off notices?

**Mr WINTER** - Well, presumably they told you that they were going to issue warning off notices. When they informed you of that, did you raise any concerns about them doing that?

**Mr ELLIS** - Not that I'm aware of, but I'm happy to follow up.

**Mr WINTER** - Right. The other thing that was happening during this period of time was the announcement of Mr Ash Rushton as the new director of racing. He subsequently did not take up the role. On 15 December Mr Rushton was announced to take up the role on 26 December. Minister, why did Mr Rushton not take up the role of Director of Racing?

**Mr ELLIS** - Look, happy to pass to Mr Jacobi in terms of personal employment matters.

**Mr JACOBI** - Chair, can we go *in camera*, please?

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**Mr WINTER** - Can we come back at the end and do that? Perhaps I can ask that question. In terms of the appointment of Mr Rushton and Mr Thompson, Minister, can you outline the process that was undertaken in order to select those people for those roles?

**Mr ELLIS** - Yes, happy to pass to Mr Jacobi.

**Mr JACOBI** - Can I ask that we discuss that *in camera*, please?

**CHAIR** - Shall we consider any other questions the Committee has before considering that request?

**Mr WINTER** - I have another line of questioning, if that's okay. Minister, two of the participants named in the Murrihy review have since been charged with various offences and extradited to New South Wales around a major crime syndicate. Were you ever made aware, during your time as Minister, or did any allegations ever come to you, of the Tasmanian harness racing industry being used by a drug cartel for the import and export of money and drugs in and out of the state?

**Mr ELLIS** - Happy to take that on notice. Certainly, there were concerns about illegal drugs in the industry - I think that's on the public record - in terms of cocaine and other illegal substances, at the time. Obviously, police investigate these matters in the usual way, just as they do with all other allegations of drug trafficking and other matters.

**Mr WINTER** - Were any police referrals ever made from racing authorities or yourself?

**Mr ELLIS** - Look, happy to take that on notice and provide any information that would be appropriate. Obviously, there might be some matters that are still underway that have certain elements of confidentiality that are important for police investigations, particularly serious matters, but happy to follow up. I will look to Mr Jacobi if there's anything further to add.

**Mr JACOBI** - No, I've got no comment to make.

**Mr WINTER** - Were any of these matters raised with you personally in terms of the use and trafficking of illicit drugs within the Tasmanian harness racing industry and, if so, how were those allegations made?

**Mr ELLIS** - Look, happy to follow up. As I mentioned, there were matters that were on the public record at the time. So yes, Tasmania Police certainly take any accusations of drug trafficking, et cetera, very, very seriously. Hence part of the reason why charges have been laid.

**Mr WINTER** - Did you ever personally make referrals to Tasmania Police as a result of allegations you'd heard about drug use and trafficking within the Tasmanian harness racing industry?

**Mr ELLIS** - Look, happy to follow up and take it on notice in terms of my office.

**Mr WINTER** - I find it a bit strange that you're unable to answer that question. I think you would recall if you'd made a referral to police regarding drug use or drug trafficking within harness racing while you were Minister. Are you able to answer that question now?

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**Mr ELLIS** - Well, as I mentioned, Mr Winter, many of these matters were two years ago, and you could've written to me at any stage over the last 12 months to ask me these questions. I'm happy to follow up to make sure that we're accurate, because these are serious and important matters. We want to make sure that we're doing our due diligence and, certainly, I'm aware that allegations were made to my office about inappropriate conduct in racing during the time that I was Minister. I think most ministers would share that experience, and we had a very thorough process for making sure that all appropriate referrals were made as part of that. Obviously, I was and remain Minister for Police, so certainly, where there are criminal allegations made, we take any of those allegations very seriously.

**CHAIR** – Can we stop the broadcast please?

**The Committee suspended at 10.42 a.m.**

**The Committee resumed at 11.02 a.m.**

**Tasmanian Racing Integrity Commissioner**

**CHAIR** - Good morning and welcome to the hearing today of the inquiry into the Tasmanian Government's response to serious allegations within harness racing. Thank you for appearing today at this public inquiry. If I could please ask you to state your name and the capacity in which you are appearing today.

**Mr CARROLL** - My name is Sean Carroll and I am Tasmania's Racing Integrity Commissioner.

**CHAIR** - Thank you, Mr Carroll. Can I confirm that you received and read the guide sent to you by the Committee Secretary?

**Mr CARROLL** - Yes, I have.

**CHAIR** - Thank you. The Committee is covered by parliamentary privilege, which allows you to speak with freedom without fear of being sued or questioned in any court or place outside of parliament. This protection is not accorded if statements that you make may be defamatory and are repeated or referred to by you outside of these parliamentary proceedings.

This is a public hearing, which means media may be present. There's no one in the room right now, but they could be accessing this broadcast or reading the transcript online. Should you wish aspects of your evidence to be heard in private, please make that request to the committee and we can move into an *in camera* session.

**Mr SEAN CARROLL**, TASMANIAN RACING INTEGRITY COMMISSIONER, OFFICE OF THE TASMANIAN RACING INTEGRITY COMMISSIONER, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you. I will just briefly introduce the Committee. My name's Ella Haddad, I'm a member for Clark and the Chair of the Committee; joining online is Mr Jaensch, member for Braddon; Mr Winter is at the table, member for Franklin; Ms Johnston, member for Clark; and Mr George, member for Franklin. We do have two other committee members who are apologies today, Mr Fairs and Ms Rosol. Would you like to make a short opening statement?

**Mr CARROLL** - Thank you. On 16 December 2024 I commenced in the role of the Tasmanian Racing Integrity Commissioner, as appointed by the Tasmanian Governor. I'm an independent statutory officer with the powers and functions as set out in the *Racing Regulation and Integrity Act 2024*.

I must state, and put on the record, I'm extremely privileged to serve as the inaugural Tasmanian Racing Integrity Commissioner following substantial reforms that have been initiated by this parliament and the introduction of the *Racing Regulation and Integrity Act 2024*, aimed at enhancing the integrity and welfare of the Tasmanian racing industry. I believe we're well on the way. The Act, which took effect on 1 February 2025, provides some of the strongest industry reforms in Australian sport and establishes a solid foundation from which my office can play its part in building the confidence of both participants and the community

in the Tasmanian racing industry, and to support the long-term prosperity of the industry of the people for Tasmania.

As highlighted by the Minister for Racing in the second reading speech, the reforms empower my office to refer information matters for investigation to Tasmania Police, the Tasmanian Integrity Commission, Tasracing and national racing bodies, enabling the Tasmanian racing industry to align and operate with the national racing integrity system. Whilst I cannot detail specific cases, this information has already been handed out to various agencies.

I thank you for inviting me to appear today before the short inquiry into the Tasmanian Government's response to serious allegations with harness racing. I've read its terms of reference and understand the scope of the inquiry. It relates to the Murrihy report, the Independent Stewards report, licensing and warning off of participants, the performance of the Office of Racing Integrity, and other matters incidental.

Whilst I may form an opinion of the Murrihy report, the Independent Stewards report, and the performance of the Office of Racing Integrity (ORI), it would be inappropriate for me to do so; to comment. I'm able to talk to my functions under the *Racing Regulation and Integrity Act* and the work my office has undertake since its establishment on 1 February 2025.

I acknowledge that there are individuals that provided information to the Murrihy review, and the Independent Stewards Panel may be frustrated by this position. However, it's important that I take up my role as Commissioner in line with the functions and powers afforded to me under the Act.

I also note my correspondence to this Committee on 9 September. I reserve my position to determine if any conduct that I have come across will form part of an inquiry that I may hold at a later date.

Part of my role as Commissioner is to oversee whether Tasracing has in place appropriate process and policies to ensure that any similar issues are addressed in a timely fashion and with the level of transparency and accountability that is expected of the Tasmanian racing community and the public. Already, my office has examined and addressed the number of policies and processes that have been transferred from ORI across to the Tasmania Racing Integrity Unit, and made recommendations of their review, updating and developing a number of policies and processes.

To this end, Tasracing have engaged well known and respected sports governance organisation Sports Integrity and Governance Partners (SIGPA) to conduct an organisational review of all integrity policies, to better align and address the requirements and standards of the new Tasmanian racing regulation reforms, in consultation with my office.

A new and accessible complaints framework has been established by my office for the Tasmanian racing industry, providing various avenues for all members of the public and participants to speak up and raise matters directly with my office that impact the integrity of racing or present concerns for animal welfare. Complaints can now be made directly to my office in a number of ways, including in person, by telephone, email, through an online portal, or contacting the Racing Integrity Hotline, which is a confidential hotline.

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Since established, my office has received hundreds of individual complaints contracts, which have resulted in 117 registered complaints cases within my office that have been triaged and dealt with through the appropriate agencies, and some of these matters remain ongoing.

The new Racing Industry Complaints Framework plays an essential role in maintaining the highest integrity and animal welfare standards in Tasmanian racing. This is achieved by ensuring that all complaints are received and triaged with my office and then responded to in a correct and timely fashion, ensuring confidence that our industry responds to complaints and issues raised by the public and participants.

I am conscious and respectful that members of the parliament are sometimes the first point of call by members of the public with complaints about our industry, and I take this opportunity again to encourage and remind all members of parliament to refer matters to my office under this framework whenever appropriate. This is to ensure that not only is my office aware of the matter, but also to ensure that further action be taken as required.

**CHAIR** - Thank you. Thanks for that statement and for the work that you're doing in this important new role. I'll open the Committee up for questions.

**Mr WINTER** - Thanks, Mr Carroll, and thank you for your opening statement. Normally in these situations, the opening statements are used to take up time and not very useful. What you've just provided is really helpful. I thank you for that.

You said you 'may form an opinion' on the Murrihy and Independent Stewards reports and the Office of Racing Integrity. Can you maybe delve into that a little further, as to whether you're currently considering these matters, or if you're just allowing yourself the option in the future to form a view about those three entities?

**Mr CARROLL** - I make no secret that a lot of these complaints and allegations were brought to my attention even prior to starting this role, and even in my former position as the Victorian Racing Integrity Commissioner. It's certainly something that I am considering. The issues of animal welfare remain a priority with my office, and I think I've stated that from day one. Whilst in some sense, I can't control what's occurred in the past as a result of allegations that are made regarding the Office of Racing Integrity or stewards, what I can do is make sure that the process and policies, and any potential investigations that need to be carried out, can be done appropriately and in a transparent way.

What I believe is necessary, and what we've done, is do a thorough assessment of the policies and processes that Tasracing inherited. I might put on the record that I can't speak highly enough of Tasracing and the way in which they've worked with my office to address the integrity process and policies. Through our recommendation, they've appointed SIGPA to essentially do a thorough review and rewrite their integrity process and policies that meet the requirements today of the Tasmanian racing industry.

**Mr WINTER** - In terms of where you're focusing, would you say that you're focusing more heavily on harness racing than the other two codes at this point?

**Mr CARROLL** - No. The reality is, whilst there's some individual nuances that may be appropriate to the individual three racing codes, the way in which - if I look at purely investigations and animal welfare, there's an overarching policy that would meet all those

standards. It would be fair to say that, in my opinion, some of them whilst in place are outdated and need updating or rewriting. That's what's going on at the moment.

**Mr WINTER** - We heard evidence from Janet Ainscow, a former steward, earlier this year, and there were a number of allegations made here. One of the allegations she made was around the - and I understand I've asked you a little bit about this during Estimates but just want to delve into it further. Following on from those allegations, you conducted the investigation that found that five stewards were conducting gambling on racing whilst they were stewards and actions were taken and they've been removed from their roles. Can you outline to the Committee how your investigation was conducted, how you found that they'd been conducting betting and any other information the Committee might be interested in?

**Mr CARROLL** - It would probably be inappropriate for me to go into the details of the investigation because some of those things we don't want to make public, but what I can say is that that we conducted an extremely thorough audit of all wagering service providers that provide services to the Australian markets on all members of the Office of Racing Integrity for a period of time - I don't want to declare that period of time - and found out which ones had wagering accounts and which ones didn't. In fairness to some of those stewards and employees, some of those stewards had established wagering accounts so they could watch in real time variances in the markets, which is a really important part of stewarding, but there'd been no wagering activity on those, so putting the direct allegations made by Ms Ainscow aside, there were some stewards who had betting accounts similar to the allegations made by Ms Ainscow but didn't have any wager activity on them.

**Mr WINTER** - Is it an offence to just have an account, or is it not a problem to just have an account?

**Mr CARROLL** - No, correct, and what probably wasn't clear is whether that provides a conflict of interest or not. We've tightened the conflict of interest policy within Tasracing as to what declarations have to be made and what don't. From that, when we had wager activity we would conduct an investigation. I don't want to go into details of the parameters of those investigations, but we would speak to various people associated with those accounts. We interviewed the stewards concerned, looked at what days they were working, whether there was any connection to stewards inquiries that were held regarding those races and whether we felt there was any impropriety to the bets they made compared to the races they were working on. We provided those results to Tasracing and then they made the employment decision.

**Mr WINTER** - So they made the decision rather than you around their employment?

**Mr CARROLL** - Correct. It would be inappropriate for me to make that as I'm not their employer.

**Mr WINTER** - Fair enough. You've undertaken analysis and found five of the stewards have been betting on races. Are you aware of whether the Office of Racing Integrity had ever conducted any investigations? To your knowledge, have they ever made any investigation like that?

**Mr CARROLL** - Going through documents held in my office, I believe that some of the allegations were raised and questions were asked of stewards. I can't say whether they were



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detailed investigations or not, but to my understanding there was no further analysis done of any wagering accounts or anything like that.

**Mr WINTER** - Do you think it's appropriate that questions were asked but there was no analysis done?

**Mr CARROLL** - I can't speak on their behalf, but what I would say is I'm very comfortable with the investigation we've conducted.

**Mr WINTER** - I am too.

**Mr CARROLL** - I can't speak for those before me as to why they made the decisions they did and didn't without speaking to them.

**Ms JOHNSTON** - Mr Carroll, you said in your opening statement that 117 formal complaints had been received since your time as Commissioner. Are you able to tell the Committee if any of those relate to the issues regarding harness racing that were canvassed by Mr Murrihy's report?

**Mr CARROLL** - Yes.

**Ms JOHNSTON** - And are they ongoing matters that you're investigating?

**Mr CARROLL** - Yes.

**Mr GEORGE** - To be clear in my mind, those five stewards to which we were referring who had gambling accounts and had gambled, were names that had been raised under the former Office of Racing Integrity and which you have taken forward - is that correct?

**Mr CARROLL** - No, they weren't names that had been raised in any complaint previously.

**Mr GEORGE** - Right, so these were complaints, that have been raised since you were in office.

**Mr CARROLL** - We had made a decision after consultation with Tasracing to conduct a wagering audit of all accounts and as a result of that audit those accounts came up as having waged on races.

**Mr GEORGE** - This was obviously a self generated investigation by you in consultation with Tasracing

**Mr CARROLL** - That's why I say I should, in this form, acknowledge the corporation that Tasracing has given my office. In some instances it would be quite intimidating to have an oversight body looking over your shoulder the entire time, but they've certainly worked very closely with my office to make sure that the standard of racing, not just stewarding, has improved significantly.

**Mr GEORGE** - I realise this is an investigation into harness racing, but I wondered if you can give a breakdown. Can you explain 117 cases and I think you said they have been

triaged and either dealt with or in the process of being dealt with, can you break that down in the different forms of racing, i.e. greyhounds?

**Mr CARROLL** - I don't have those in front of me, but it would be fair to say that it changes quite dramatically depending on what news stories are circulating at the time. In recent times we've had a significant increase in the number of complaints as far as greyhound racing is concerned. When I first started they were predominantly driven by harness racing. I can't sit here and say that one code provides more complaints than other. It would be fair to say that they are predominantly driven by animal welfare issues. During certain peak periods over the summer last year, the thoroughbred industry, we received the most complaints. The reality is it's driven a lot by the media circulation.

**Mr GEORGE** - Of those 117 cases which you've triaged, do you have a general idea of the percentage of those that you will dismiss and those that require further investigation?

**Mr CARROLL** - I would say of the 117 overall complaints that we dealt with, at this stage 90 per cent have been closed out either by some form of action, whether that's a referral to an outside agency, whether that be Tasracing, Law Enforcement, RSPCA or any other group. The other 10 per cent remain ongoing. I think it's very important to note that my office is not a prosecution's office and we are very much, as I said, an oversight office that provide guidance and direction to Tasracing and provide the public a level of confidence as to how those complaints are being managed and triaged. That's why we've introduced a very stringent complaints framework with rigid timelines that we provide a response. Even if the matter is ongoing and being investigated, we'll contact the person that made the complaint and advise them that the investigation is ongoing and provide them a continual update to provide the level of confidence that it just, they haven't been forgotten about.

**Mr GEORGE** - You do find that the majority of cases or complaints that are made to you at least have some form of substance that's worthwhile progressing?

**Mr CARROLL** - When I say resolve, they've either been dismissed as being not substantiated.

**Mr GEORGE** - That's what I was looking for. Can you give an indication of those that you dismiss as not substantiated against those that are worth?

**Mr CARROLL** - In some of those instances, it's not for my office to dismiss or substantiate the complaint. That's up to Tasracing, All the RSPCA or Tasmania Police or whatever agency gets the complaint as far as the outcome is concerned, in the first instance will receive a complaint, we'll assess it, we'll see what agency is best suited. It may be that it stays within our office and what we will do is collate all the information. If I use this as a broad example, over a period of time, if we've seen similar allegations or complaints that have been made about a particular issue, I might decide to conduct an inquiry or investigation as to why that complaint is being raised continually. As far as the number of issues that are resolved or dismissed, that's up to the agency that deals with them, not with my office.

**CHAIR** - On that same issue, of the roughly 90 per cent that have been referred or dismissed, are most of them referred to another agency, either Tasracing or Tasmania Police or RSPCA?

**Mr CARROLL** - The majority would be, yes. As I said beforehand, our complaints line has received several hundred calls, but they may relate to the one complaint or one issue and so we'll collate those. I have a great team at work in my office analysing information and I have my own investigators, and we'll value-add to those complaints where we can so we can provide a referral to whatever agency it's going to with as much detail as possible before we hand it to them.

**CHAIR** - That's great. Do they need to report back to you?

**Mr CARROLL** - Yes, they do.

**Mr WINTER** - Who were the stewards who were identified and ceased their roles as stewards?

**Mr CARROLL** - I don't think that has been made public.

**Mr WINTER** - Given they're not stewarding anymore, it's going to be pretty obvious to people. We can do it *in camera*, perhaps, if you're more comfortable with that.

**Mr CARROLL** - I'm not sure of the agreements Tasracing had with those stewards as to the confidentiality of those details so it probably shouldn't be up for me to declare that.

**Mr WINTER** - Perhaps we could go *in camera* at the end, Chair, and have further discussion. Is former Acting Chief Harness Racing Steward Roger Brown still active as a steward in Tasmania?

**Mr CARROLL** - My understanding is that he's not.

**Mr WINTER** - Are you able to detail any reasons Mr Brown is not currently stewarding?

**Mr CARROLL** - That would be a question for Tasracing.

**Mr WINTER** - Okay.

**Ms JOHNSTON** - In relation to those complaints, I think you said there was a number of complaints that the ongoing investigation that arose from the Murrihy matters weren't canvassed. Are you able to say whether those complainants had previously made attempts to complain to the Office of Racing Integrity and didn't have their complaint dealt with, or the transition to the new office interceded? Is it something you're aware of, that those matters have been previously raised and it's now just a new form with a new structure?

**Mr CARROLL** - I think it's fair to say that some of those complaints had been made previously and there was a level of dissatisfaction as to how those complaints had been dealt with in the past. The reality is that that may be a management style. Some of those complaints had been dealt with. I don't know what communication had been given to those people who had made the complaints as to the outcome or not. One of the issues I faced when I first started was that some people had stated they hadn't received any result or feedback to their complaints. That's why we've put in place a rigid complaints framework now to make sure that people are updated as to the status of their complaint and what the outcome is.

**Ms JOHNSTON** - In terms of your investigations, do you have full access to records from ORI in terms of what they've done previously and correspondence and things like that? If you're dealing with issues with people who haven't had a response back from their original complaint to ORI or whatever it might be, do you have full access to that information?

**Mr CARROLL** - We have received a significant amount of information. I don't know whether it's all the information or not but it's what's being provided to us. It's fair to say - and I think I've said this in other committees I've appeared before and in Estimates - that we're looking at upgrading our intelligence and case management system to meet the needs of a busy racing industry that can analyse information that comes in and assist investigations as to what the outcome should be or, more importantly, assist in providing targets as to what areas should be concentrated on. The information that we had previously in the system that was in place didn't allow that to occur.

**Mr WINTER** - My question is probably for *in camera*, I think.

**Mr GEORGE** - I'm sorry, I wasn't at Estimates, so I may be asking you to repeat yourself. Are you satisfied with the resources and staffing levels that you have to handle the complaints that you have to deal with in the investigation?

**Mr CARROLL** - It's a very good question.

**Mr GEORGE** - Good. Thank you.

**Mr CARROLL** - What I would say, as I said before, the number of complaints that our office receives can fluctuate greatly. In some instances, I need to have a swell workforce that I can call upon, whether that's contractors or not, during busy periods. In establishing the office, not knowing what I was being confronted with before I started, in some ways, I tried to replicate the setup that I had in Victoria.

Clearly, there are issues that I need to address moving forward. We've altered what our office looks like in the short term. I'm also conscious of the fact that we're dealing with public funds, so I will work within those parameters. The greyhounds issue is putting significant strain on my office and that will form part of the budget bit moving forward to address those particular issues. But, in the day-to-day complaints we will need to make a thorough assessment as to what our staffing levels should look like, probably in the new year. I anticipate that there may be a request for more staff at this stage, but we will make that assessment in the new year.

**Mr GEORGE** - I would say that racing's gain seems to be diplomacy's loss with an answer like that. Can you briefly tell me, what staff do you have now and are you able to predict - this is a more difficult one - are you able to predict what you might require as time goes by?

**Mr CARROLL** - I think the reality is that our loss has been one of our staff member's gains. One of our staff members took an expression of interest to the deer management property. She was our Intelligence Analyst, so we've combined a role there with our Complaints Officer and our Intelligence Manager. We have a contract Investigator, Director of Legal and Policy and office support staff. I think that the reality is that we would need to increase our staff by at least one Investigator.

Part of the budget bid that we've made from the greyhounds is to provide extra legal support, so my Director of Legal and Policy is essentially the project manager for the working group moving forward. That's probably underestimated the amount of work that we need to - had to undertake in the assessment and development of policy within the racing industry and, as I said, we've worked very closely with Tasracing as far as that's concerned.

I think, primarily, that will be the focus of what we do in the next 12 months. As an industry we need to set ourselves up for success and making sure that the people that are carrying out those roles on the ground, actually know what they should be doing and what they shouldn't be doing and we have to have clear direction, policy, standard operating procedures and so forth that provide them direction and guidance.

**CHAIR** - Mr Carroll, is there any kind of formal or informal arrangement between your office and the Tasmanian Integrity Commission in the event that - I know their jurisdiction is entirely different - if they received a complaint from a member of the public who didn't understand those jurisdictional differences, are you confident that they're passing any such complaint onto your office?

**Mr CARROLL** - I am, I've met with their CEO and I'm very confident that there'd be an exchange of information.

**CHAIR** - I had no doubt. I thought I'd ask the question.

**Mr WINTER** - Back to your original statement. Are you saying you are going to review the Murrihy review, or you are reviewing the Murrihy review?

**Mr CARROLL** - We haven't reviewed the Murrihy review, as such. I suppose what I could say is, that as far as the Murrihy review is concerned, there are a lot of similarities with that review in gathering information that I did in my victim complaints and sexual abuse review in Victoria as a Commissioner there. I wasn't a prosecution office and what I did was invite people to come along and provide information and their previous concerns or incidents that had taken place, first to improve the outcomes of how the Victorian racing industry better dealt with those complaints moving forward, but also to gather that information and provide that to the appropriate authorities to see whether any investigations needed to take place. I look at the Murrihy review and essentially that was an information gathering to see whether any offences under the Rules of Racing had taken place and refer that to the appropriate authority because it wasn't set up as an evidence-gathering exercise.

**Mr WINTER** - I think we've learned that today. The industry at the time - I know this predates you - but believed that Mr Murrihy was going to lay charges and this is going to be the one report that was going to clean out the mess and the people that were doing the wrong thing. Unfortunately, that didn't happen and we're left with an industry that's still searching for answers about why some of the participants were still involved following that, even though the allegations were pretty damning, but they're not upheld in full by the Independent Stewards Panel. To that question, just bear in mind if you want to go *in camera*, we can't keep going like this for much longer. What's the current status of - I know you're not going to talk much about the criminal charges that have been laid, et cetera, but what's the current status of the participants Olivia Weidenbach, I think that's how you say her last name, and Mitch and Nathan Ford in relation to Tasmanian racing? Have they been disqualified or warned off?

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**Mr CARROLL** - My understanding is Ms Weidenbach is currently under a term suspension and stood down. I think she's appealing that before TRAB and my understanding is that Tasracing have served stand down notices on the ones that have currently received criminal charges.

**Mr WINTER** - We won't see those participating, which is good.

**Mr CARROLL** - They do have an appeal right, though.

**Mr WINTER** - Of course. Through the Tasmanian Racing Appeals Board, we spoke a little bit about that during Estimates. We don't need to go there again today. I think that's it for me in open session, Chair.

**CHAIR** - Mr Carroll, did you have anything else you'd like to share on the public record before we move into an *in camera* session?

**Mr CARROLL** - No, I'm fine. Thank you.

**CHAIR** - Mr Jaensch did you have anything you'd like to raise?

**Mr JAENSCH** - Chair, all I'd like to check on and for the benefit of Mr Carroll as well, is there any preamble to going *in camera* in terms of the witness's consent and obligations as a statutory officer in terms of what's in and out of bounds *in camera*? Usually when we go *in camera*, there is a bit of a process that we go through to establish the rules of in camera hearings.

**CHAIR** - Yes, I can do that. An *in camera* hearing will not be broadcast or shared. None of the information that you share *in camera* can be used by us as a committee in terms of contributing to report findings or recommendations. I believe that *Hansard* transcript is still taken, is that right, Henry?

**Mr JAENSCH** - Yes.

**CHAIR** - But not published or shared online in the normal way with *Hansard*. It basically gives you the freedom to speak to the Committee in whatever terms you would like.

I might lean on Michael, our Secretary, and I forgot to formally recognise and thank both Michael and Georgia for providing the secretariat support, and Henry for being here from *Hansard* today, I will do that now. There will also be a statement that I read to you when we do move *in camera*. Unless anybody has any other further comments about that we might stop the broadcast.

**The Committee suspended at 11.36 a.m.**