

# PUBLIC

**THE HOUSE OF ASSEMBLY GOVERNMENT ADMINISTRATION COMMITTEE B  
MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON FRIDAY,  
4 APRIL 2025.**

## **SHORT INQUIRY INTO THE TASMANIAN GOVERNMENT'S RESPONSE TO SERIOUS ALLEGATIONS WITHIN HARNESS RACING**

**The Committee met at 9.16 a.m.**

**CHAIR** (Ms Haddad) - Good morning and welcome to today's hearing of the Tasmanian Parliament's short inquiry into the Tasmanian Government's response to serious allegations within harness racing. Thank you for giving us your time today. Could I ask that you please state your name and the capacity in which you are appearing before the Committee?

**Mr HELMICH** - Justin Mark Helmich, and I'm the former Director of Racing.

**CHAIR** - Thank you. Can I confirm that you've received and read the guide sent to you by the committee secretary?

**Mr HELMICH** - I have.

**CHAIR** - I'll just remind you of the pertinent part of that guide, which is that the hearing is covered by parliamentary privilege, which allows you to speak freely without any fear of being sued or questioned in any court or place outside of Parliament. That protection isn't accorded to you if statements that you make are defamatory or could be considered defamatory, and you repeat them or refer to them outside of these parliamentary proceedings. It's a public proceeding. That means people may be watching online. There could be members of the public attending in person as well, including the media.

I think you know all of the members on the Committee. My name is Ella Haddad. I'm a member for Clark and the Chair of the Committee. Mr Winter is member for Franklin, Mr Behrakis is member for Clark, Ms Johnston is also a member for Clark, and we have a few apologies today from other members. Could I ask you to make the statutory declaration on the card in front of you?

**Mr JUSTIN MARK HELMICH** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you very much. That's all the formalities undertaken. Did you want to start with an opening statement or go straight to questions?

**Mr HELMICH** - I would like to, thanks Chair. I'll just telegraph that the statement may be longer than the usual opening statement. However, there are some representations that have been made at previous hearings of this Committee that I feel I need to rebut in the opening statement before getting to questions, if that's okay. I seek some latitude on that, but I promise I'll keep it as close to 10 minutes as possible.

My name is Justin Helmich. I'm a senior public servant and I'm currently undertaking the role of the Director of Biosecurity Operations within Biosecurity Tasmania, where I'm responsible for all operational aspects in respect to the protection of Tasmania from threats

posed by biosecurity pests and invasive species, and in dealing with animal welfare and product integrity compliance. I have over 30 years' experience in law enforcement, government regulatory compliance and integrity enforcement roles. I'm a person who takes great pride in upholding the law, enforcing legislation and delivering high standards of public service.

In September 2021 I took on the role of the position of General Manager of the Office of Racing Integrity and the statutory role of the Director of Racing. I won that role through a competitive process. I knew at the time of taking the position that it would not be ongoing because a review was planned in relation to the Office of Racing Integrity (ORI) and indeed the role of the Director of Racing. I was already aware that it would be a challenging role. In the role I was well supported by a team of experienced stewards, in particular Mr Ross Neal, as well as a team of dedicated administrators. I would like to take this opportunity to thank them all publicly for their efforts and support during my tenure.

Together, we dealt with some challenging issues, such as the delivery of a workplace culture program to provide the group with resilience to deal with an impending restructure through the new legislation. We managed through the COVID pandemic, including the reopening of the borders, where we were able to achieve zero disruption to the race program on account of COVID-related absences, and throw in a few significant investigations, in particular in the greyhound code. In addition, we undertook a business improvement program, such as the implementation of an electronic complaints management system in late 2022, and an electronic stable inspection information management system in early 2023. As a team within the Office of Racing Integrity, it's my view that we did our job well.

My time at ORI ended at the end of 2023 when I chose not to seek another contract due to the ongoing impact of the inquiries upon my young family. Over the duration of the inquiries, I consider that myself and other members of the Office of Racing Integrity were not afforded procedural fairness in relation to allegations made. These matters played out publicly and in the media. In any other workplace such circumstances would likely be considered to be bullying and/or occupational violence.

There have been many allegations made, most of them have been dealt with through the inquiries. However, there are some new claims that I'm aware have been made through this inquiry that I think need to be addressed.

In particular, the first one of those is in relation to the removal of Ms Ainscow from the harness racing roster. It's my view that a conflict of interest was enlivened as soon as Ms Ainscow made the decision to post on social media in relation to the Ben Yole Racing stables. The fact that she is a direct neighbour exacerbates that issue. It was my decision and it's my view that it was the correct decision. The Australian Harness Racing Rules prohibit a steward from having a conflict of interest, and in my view this was a clear conflict of interest. Those same rules require that a steward with a conflict of interest must be removed from their position as a steward under the Harness Racing Rules by the controlling body. As the Director of Racing, I was the controlling body in relation to harness racing.

In addition, it was crucial, from my perspective, to ameliorate any risk associated with a potential positive swab emanating from Ben Yole Racing being successfully appealed in the Tasmanian Racing Appeal Board on the basis of bias or an allegation of tampering.

Ms Ainscow was offered other duties in the tri-code arrangement. To clarify what that is, the Office of Racing Integrity undertook integrity duties across all three codes of racing: the greyhound racing code, the thoroughbred racing code and the harness racing code. Ms Ainscow declined, as was her right under the employment contract, to undertake duties within the greyhound racing code. If posed with the same issue again, I would make the same decision again.

There was another allegation made within the previous hearings in relation to a member of the racing fraternity applying cocaine to a horse for a race. In her evidence before this Committee, Ms Ainscow testified that in 2023, she was given information that Mr Nathan Ford had applied cocaine to horses sublingually prior to racing, and that doing so improves performance. She reported that information to me at the Office of Racing Integrity - sorry, she gave evidence to this Committee that she reported that information to me. She indicated that she only ever reports things to the Director, that she did so by email, and that she had that in writing. She indicated in her evidence that no-one ever came back to her and that no-one ever asked her where that information came from. She also testified that she got the feeling that reporting stuff was irrelevant and that the Office of Racing Integrity didn't want to hear from her.

This part of my opening statement might shortcut some questions. I have searched my records. I could not find any email from Ms Ainscow on this issue. If the Committee is in possession of an email record, I ask that you provide it to me so that I can reconcile why I don't have that. I did, however, find other records of this issue, and they do not accord in any way with the evidence provided by Ms Ainscow. I'm aware that Ms Ainscow provided information referred in her evidence to a cadet steward on 1 October 2023 whilst at the Devonport thoroughbred meeting, and followed that up with another member of ORI on 2 October 2023 by email. As a matter of interest, the horse in question that was alleged by Ms Ainscow to have been given cocaine was reported as being a horse by the name of Ruby Baby, which was the winner of race 2 at Launceston on Sunday 3 September 2023.

The report - the email to me - sorry, the email indicated that an unnamed person had witnessed cocaine being placed under the tongue of a horse. The case was entered into the Office of Racing Integrity investigation management system, which is a system called COMTRAC, as case CR23000143. I believe that I became aware of the issue through an email on 2 October 2023 at 11.35 a.m., having been forwarded such by the Principal Stipendiary Steward, Mr Ross Neal.

On the same date, at 11.53 a.m., I directed that several actions be undertaken in relation to the issue by the stewards. As a result of that direction, it's my understanding that on 2 November 2023, two stewards attended Ms Ainscow's residence in relation to this and another issue that she has raised, specifically that a greyhound participant, Mr Anthony Bullock, was allegedly working for Ben Yole whilst disqualified. As I understand, an audio-recorded statement was taken from Ms Ainscow by the stewards. In this statement, Ms Ainscow provided the name of the original informant. The informant was contacted by Ms Ainscow at the stewards' request, and the informant agreed at that time to be interviewed by the stewards at Ms Ainscow's property on 9 November 2023. On 8 November 2023, the informant called the stewards and declined to be interviewed. I left the Office of Racing Integrity before the matter was fully resolved, but I understand it was finalised. However, in my professional opinion it would be extraordinarily difficult to proceed without the alleged eyewitness to the matter.

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As a sideline issue in relation to the other reason that the stewards attended Ms Ainscow's premises, this attendance related to a complaint that Mr Bullock, at the time a disqualified greyhound participant, was working for Ben Yole driving the jogger. Ms Ainscow had been definitive in her viewpoint, offering to provide a statutory declaration that the person was Anthony Bullock. Upon attending Ms Ainscow's premises on 2 November 2023, it's my understanding that Ms Ainscow identified a person who was driving the jogger at that time as Anthony Bullock. Stewards attended the Yole premises and identified the person who was driving the jogger as another licensed participant, not Mr Anthony Bullock. Broadly, in relation to Ms Ainscow's claims that her allegations were dismissed, I reject that assertion.

**CHAIR** - Thank you for that statement. We'll open the Committee up for questions.

**Mr WINTER** - Thank you for the opening statement. That does provide some clarity. I accept, in the case of the cocaine issue, you then left the Office of Racing Integrity, which makes it difficult to follow here. Maybe something we can follow up down the track.

I might start from the start. In part of your opening statement you talked about the competitive process you went through to be appointed. What experience did you have in racing before you became the Director of Racing? Had you been to the races before? Had you been involved in the industry in any way?

**Mr HELMICH** - Specific to my role as the Director of Racing, as I said in my opening statement, I've got 30 years of experience as a regulator within a government and a law enforcement environment.

**Mr WINTER** - Had you been to the races before?

**Mr HELMICH** - I had been to the races before, yes.

**Mr WINTER** - What was the level of your involvement in racing before you took on the role?

**Mr HELMICH** - I would say it would be low.

**Mr WINTER** - Do you think that lack of experience in racing made it more difficult to perform in that role? How would you think about - if someone was thinking about taking on a role like that in the future, would you recommend that they did a role like that without having experience actually in racing?

**Mr HELMICH** - Chair, I don't consider that experience in racing is required to be the Director - to undertake the role of the General Manager of the Office of Racing Integrity or the Director of Racing. The importance around the role, from my perspective, is the capacity to undertake regulatory activities.

**Mr WINTER** - In a lot of the cases that we've heard, particularly from the participants - it sounds like you've been following along in terms of some of the evidence that's been provided - was that they were frustrated at the performance of stewards and raising issues and trying to elevate them. At some points they raised it all the way to the Minister. I assume they elevated things to your level. Can you tell us the approximate number of times that participants

tried to elevate issues around racing integrity to you? What processes did you go through when they did that?

**Mr HELMICH** - Chair, I wouldn't be able to provide an approximate on that. I can perhaps talk generally to the -

**Mr WINTER** - When I say - obviously, you're not going be able to recall straight away, you can't tell us as 100 or 11 or whatever, but are we talking 15 or 20? Are we talking 50 to 100?

**Mr HELMICH** - Again, it would be difficult for me to say. It would more than 10. I can probably provide that. Other than that, I think I'd be guessing. I wouldn't like to put information on the record here that's not accurate. Mr Winter, the second part of your question was what?

**Mr WINTER** - What was the process you went through - given you've outlined that you had experience as a regulator in other industries, but not much in the racing industry. Obviously, the participants are coming to you with specific issues about race tactics or that sort of thing. When they're elevating issues above the stewards to you, what process did you go through to ensure that their concerns were being properly heard?

**Mr HELMICH** - The standard process, Chair, would be that I would seek counsel from a steward independent of the issue that was the subject of the concern. Under normal circumstances that would be the Principal Stipendiary Steward. Throughout the majority of my time at the Office of Racing Integrity that was Mr Ross Neal. There were few instances where I had to go outside of that process where Mr Neal was indeed on the panel. I should say there were very few instances where that occurred. I would seek Mr Neal's counsel and his advice in relation to whether or not there were issues with the stewards' analysis of a race.

The important thing to consider here from my perspective is that there is a detailed framework and a really clear framework, talking from a first principles perspective. There's a detailed framework under which the Director of Racing operates - or operated under the previous legislation - regarding what action could be taken by the Director in instances where there was a perception from a member of the public or a participant in relation to what action can be taken. There is no capacity for the Director of Racing to overrule those types of matters. That really is the purview of the Tasmanian Racing Appeal Board.

**Mr WINTER** - In any of those cases where industry participants came to you, did any of them result in the reopening of investigations or anything of that nature?

**Mr HELMICH** - Look, it would be difficult for me to - it's some time since I've been in - it's almost a year and a half since I've been within the Office of Racing Integrity. I'd have to go back and have a look at my records as to whether there were any that did.

**Mr WINTER** - Could you come back to the Committee and provide that to us at a later time?

**Mr HELMICH** - If the Chair is happy to take that on notice, I'm happy to provide that information.

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**Mr WINTER** - Thank you. Going forward from there, there gets to a point where participants are frustrated. They're frustrated about the level of stewarding. They're frustrated that they are elevating even all the way to the Minister and they're not getting very far. Eventually they snap and go to the ABC and do this ABC report. The ABC report comes out and the immediate response from the then-Minister, Minister Ogilvie, was to say that she would ask ORI to investigate. Can you take us through that initial response and the conversations that were being held between yourself and the Minister?

**Mr HELMICH** - I wouldn't like to reflect on what the Minister has said in that space.

**Mr WINTER** - She hasn't given evidence to the Committee at this stage.

**Mr HELMICH** - I think your question is regarding what the Minister did and I don't think I can provide evidence on that.

**Mr WINTER** - I mean, your engagement with the Minister, from your perspective. Obviously there's an ABC report that's come out and it's raising some very serious concerns, with one of your own stewards speaking with senior people in the industry, Kent Rattray and Chester Bullock. Can you take us through that initial response where, publicly anyway, the Minister was saying she would ask ORI to investigate? What, at that point in time, was going on from your perspective in the Office of Racing Integrity? What were you being asked to do?

**Mr HELMICH** - I don't recall specifically. Again, we're talking about conversations that occurred almost two years to the day. I don't recall what the conversations were or the detail of the conversations. I'm happy to take that on notice if the Committee would like me to do so.

**Mr WINTER** - Sure. Thank you.

**Mr HELMICH** - Look, I did ask for the scope on the proposed questions for today to be identified and narrowed if possible, and I understand that didn't occur. I don't think I've got a suitable recollection of the issue to be able to provide you a response fit for the Committee's purpose in this instance.

**Mr WINTER** - I appreciate that you'll try to come back to us. I'm trying to get to the points that sit around the Murrihy review and the response. We're getting to the point where the next question is around the initiation of the independent review. Who made the decision that we would need to hold an independent review? From your perspective, what was happening at that time?

**Mr HELMICH** - That occurred separately to me.

**Mr WINTER** - How were you informed that there would be an independent review?

**Mr HELMICH** - I don't recall how specifically I was informed, but I became aware that there was going to be an independent review. I don't recall specifically how that occurred.

**Mr WINTER** - Did you feed into the terms of reference for that independent review?

**Mr HELMICH** - I don't believe so, no.

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**Mr WINTER** - Are you aware of whether Mr Murrihy was asked to lay charges if he felt that that was required?

**Mr HELMICH** - Chair, that all happened independent of me and appropriately independent of me.

**Mr WINTER** - Are you aware of whether Mr Murrihy was asked to lay charges in relation to any findings he made?

**Mr HELMICH** - Look, in relation to the Murrihy review, the only input that I've had into that is the evidence that I provided Mr Murrihy, and subsequent to that the reading of the Murrihy report. I don't have any other oversight.

**Mr WINTER** - Are you aware of whether Mr Murrihy was asked to lay any relevant charges?

**Mr HELMICH** - I think I've just answered that question.

**Mr WINTER** - I don't think you have. This is, I think, the 19th time I've asked it during these hearings. Are you aware of whether Mr Murrihy was asked to lay any relevant charges?

**Mr HELMICH** - I'm not aware of any discussions that occurred between the Department and Mr Murrihy. As I said, I was independent of that. It was independent of me and appropriately independent of me. As I say, I think I answered the question by virtue of the fact that I had no input into it. I'm not sure I can provide any more evidence for you, Mr Winter.

**Mr WINTER** - Alright, I take it you weren't consulted about the terms of reference, you're not aware of whether Mr Murrihy was asked to lay charges. That's the 20th time I've asked and we still don't know the answer to that. I'll keep going.

**Mr HELMICH** - Look, I would just say there, I've been very clear in terms of my evidence though, Mr Winter. I haven't -

**Mr WINTER** - Your opening statement was extremely helpful and we really appreciate the clarity in which you provided, particularly on some of that evidence provided by Ms Ainscow. I think from your answer you're not aware. The issue for me is I still don't know and I'm trying to find the answer.

Why don't we keep going just around Ms Ainscow's evidence? Ms Ainscow contends that she asked you - and I think Mr Neal - to come to her property or Mr Yole's property, which are side by side. During that visit you effectively told her that she was being stood down from harness racing. Is her evidence accurate in terms of what happened that day?

**Mr HELMICH** - I think perhaps the inflection that's been placed upon Ms Ainscow's evidence is probably inaccurate. I've got a timeline in relation to the discussions that I had with Ms Ainscow. It does reflect on some other people and I would wonder whether - I'm happy to discuss this with the Committee, but I wonder whether or not it's something that might go *in camera* just to make sure that we -

**Mr WINTER** - How many times did you visit Mr Yole's property approximately?

**Mr HELMICH** - At least five.

**Mr WINTER** - The concerns being raised with you, were they primarily around animal welfare or were there other issues as well?

**Mr HELMICH** - Animal welfare was one of the matters that was being raised, yes.

**Mr WINTER** - The concerns that came out of the Murrihy report, in particular around the way the animals were being fed, the number of horses being held in relatively small confines, the competition for feed, raised some serious concerns. Yet, your stewards and Ms Ainscow contend that you didn't see a problem with this. Is that accurate? How did you find the conditions there at the Yole property at the time?

**Mr HELMICH** - What I can say is that regular inspections were conducted at the stables by stewards and indeed by inspectors of the RSPCA. The conditions there were not found to breach either the *Animal Welfare Act 1993*, the Australian Harness Racing Rules or the relevant policies that were at the time in place under Tasmanian Harness Racing Rules -

**Mr WINTER** - Did you think they were appropriate though?

**Mr HELMICH** - At some point in time I sought a tri-agency inspection in relation to the Yole premises under the *Animal Welfare Act*. It's my view that the issue was more around the suitability of the rules that were in place rather than the - by any measure, people can see the photographs and they raise concern. There's no doubt about that. They certainly raised concern for me as well. Ultimately -

**CHAIR** - Did that occur? That *Animal Welfare Act* -

**Mr WINTER** - The tri-agency investigation?

**Mr HELMICH** - Yes, there was a tri-agency inspection between the Office of Racing Integrity and, as I understand, Biosecurity Tasmania and the RSPCA attended. There were no findings from that in relation to breaches of the *Animal Welfare Act*.

**CHAIR** - Is it your view that those standards were not high enough? You said that anybody looking at those conditions would have concerns about it and you mentioned earlier that you thought the rules were too - I can't remember the phrase you used, but perhaps too light or too loose?

**Mr HELMICH** - Going back to first principles in terms of the functions of the Director of Racing, one of those functions is to regulate the industry. I took a good portion of that as understanding the community sentiment in terms of issues that were affecting racing and identifying circumstances where community expectations were not being met by the rules. I believe that it was made clear in Mr Murrihy's report the fact that the rules that were in place for animal welfare were unsatisfactory and were insufficient. The stewards in my view, and I've been to the property as well and reviewed the rules carefully, the rules did not elicit any issues in terms of the conditions on the premises. With that in mind, I think the community's expectations of the conditions on premises were probably higher than the rules allowed for.



**Ms JOHNSTON** - You just outlined that a part of your role was to look at community expectation and you had concerns, albeit that the rules themselves couldn't address those concerns. Did you raise that with anyone? The Minister or someone in relation to the limitation of the rules as you saw it and raise those concerns that it wasn't meeting community expectation?

**Mr HELMICH** - I might answer that in this way, Chair. In relation to welfare, Murrihy wrote in his report:

There are currently no harness rules setting measurable minimum standards for stables and training properties, and the Tasmanian Equine Welfare Guidelines 2008 are only indicative standards and are not enforceable.

He also wrote:

Recommendations are made in this report for inclusion as measurable minimum standards for harness training properties in the Code of Practice being developed by Tasracing.

The issue is, and this is not Mr Murrihy anymore, this is my response. The issue regarding the welfare rules and the deficiency of those came as no surprise to me. It was a topic that I regularly discussed with the CEO of the RSPCA. On the back of the discussions with the RSPCA in early 2023, I had discussions with Harness Racing Australia and then subsequently with Tasracing in relation to the need, in my view, for the development of an enforceable Welfare Code of Practice. These discussions culminated in a determination by Tasracing, supported by the Office of Racing Integrity, to develop an Equine Code of Practice and I'm pleased to see that it has progressed.

**Ms JOHNSTON** - Did you ever raise it with the Minister's office? You've raised it with RSPCA. They don't have the ability to make rules in relation to harness racing or laws for that matter. Did you ever raise it with the Minister's office as the ultimate overseer of the racing industry?

**Mr HELMICH** - I think it's important to understand that in the framework that was in place, that the responsible authority for the generation of rules was Tasracing and remains Tasracing. The Minister has no role in the generation of those rules. I would have had discussions, certainly, in relation to this matter, or I expect, with Ministers or Ministers' advisers. I don't think it is any surprise that the welfare concerns that were raised in relation to some of the footage and those sorts of things that were being put into the public realm in that space were causing concern. It certainly would have been something that was discussed by me. Regarding what was discussed, I don't have details that I can provide the Committee at this point in time.

**Mr WINTER** - Regarding Ms Ainscow's ongoing work in the harness code, what happened first? So, you visited the site with Ms Ainscow and then you decided she had a conflict of interest because of the complaint. You also referenced social media posts. What was the actual cause of her not working in harness anymore? Was it the complaint about Mr Yole to you or was it the social media posts that led you to make that determination?

**Mr HELMICH** - The reason I made that determination, I believe I said it in my opening statement, was that I determined that there was a conflict of interest. The conflict of interest was initially brought to my attention through social media posts. The fact that she was a neighbour and had raised complaints - I don't think the fact that she was a complainant had anything to do with it. The fact that she was a neighbour exacerbated that issue from my perspective. The reason for her to be taken off the harness racing roster was because she had a conflict of interest and I was required under the Rules of Racing to take action.

**Mr WINTER** - As a steward, she's complaining about the conditions at the property. If you stood down every steward who raised concerns about the operations of someone in racing, you'd be standing down pretty much every steward from the code. It seems to me that she was punished for raising the concern about the animal welfare conditions. Everyone could see, certainly the public could see, that the conditions were extremely poor. The person who complains about those conditions is stood down from their role. The person who actually enables and creates those conditions was able to continue to operate in the industry for what - at least - well, for a considerable period of time afterwards. How do you think that's fair on the staff working inside, on Ms Ainscow?

**Mr HELMICH** - I understand your question, Mr Winter. I think the important thing here is to understand that as the regulator I operate within a framework. That framework required me, once a conflict of interest had been identified - when I'm talking about a conflict of interest, I'm talking about social media posts that were directly critical of a member of the racing industry. It generated a conflict of interest. I was required to take action under the Rules of Racing. In addition to that, it was important for me to, as I said in my opening statement, ameliorate any risk that any positive swab that emanated from or allegedly emanated from the Ben Yole stable would not be the subject of a ruling in relation to potential bias or potential misconduct. It's important that I do that because otherwise I would be - if I hadn't have done that and the circumstances existed where a positive swab did emanate from the Ben Yole stables, and Ms Ainscow was the deliberating steward there - and that argument was made in relation to the TRAB - I'd be at this table being asked a different set of questions.

**Mr WINTER** - In terms of the evidence given by Ms Ainscow, we've touched on the cocaine issue. I've never seen - you weren't there at the end, so I'm asking more of a process question rather than one that's specifically about the cocaine, because you weren't there at the commencing. The investigation was commenced. Where's the transparency around issues like that? How is that reported? How would it be reported that the issue had actually been completed?

**Mr HELMICH** - There is - I guess it's a difficult one. I wasn't there for the conclusion of that but I suppose talking from a principles perspective, if there were an inquiry that had commenced in relation to it, that would be reported. The investigation that was undertaken and the actions that were taken in relation to this issue, I suspect, ameliorated the need for a full inquiry or a stewards inquiry in relation to it, because there was a lack of evidence as a result of the person who initially reported the matter allegedly to Ms Ainscow not wishing to participate with the stewards.

**Mr WINTER** - In the end, out of the Independent Stewards report that followed the Murrihy report, the finding that they made was about Priddy Sublime in race 9 on 26 February 2023 where they made findings against Mr Nathan Ford. If I go back to the Stewards report on 26 February for race 9, the Stewards report says an inquiry will be

conducted into Priddy Sublime shifting ground up the track at the 500 metres mark - which is effectively in the independent stewards - what happened to that inquiry? Why can't I find it on the website? I'll give you a copy of the Stewards report, if you like. The Stewards report, race 9, says that there will be an inquiry held into Priddy Sublime. That ended up being the one thing they found on Nathan Ford during - where do I find the report about the inquiry?

**Mr HELMICH** - I understand the question. Thanks, Mr Winter. My understanding and my recollection - I'll be necessarily vague because I don't want to lock myself into something - is that with the Priddy Sublime inquiry, there was an initial reference in the steward's report. Then, at a subsequent time, it was detailed at the bottom of another steward's report, which was usual process, I'm not sure if that's still the process. If there was something that was dealt with through - because Mr Ford, I expect, would have been brought into the steward's inquiry during a race meeting - if there were findings from that, it would have been dealt with in the steward's report of that race meeting.

**Mr WINTER** - Presumably, they found no wrongdoing and that's why it would have never been on an inquiry report?

**Mr HELMICH** - I'd probably have to take that on notice, Mr Winter. I don't know exactly. My understanding was -

**Mr WINTER** - I appreciate you taking it on notice. I'm just running out of time. One of the other allegations from Ms Ainscow was that the stewards had betting accounts and she raised that. Can you take us through what happened with that?

**Mr HELMICH** - I don't think that occurred during my time, Mr Winter.

**Mr WINTER** - You had never had that complaint by Ms Ainscow to you around stewards. No-one ever brought that to you?

**Mr HELMICH** - I don't believe so, no.

**Mr WINTER** - I can keep going, but I understand that others - in terms of the evidence that's been provided or the questions on notice taken by Tasracing, they've raised some pretty significant concerns - well, I won't paraphrase. I'll give you a copy of their question on notice. The question on notice was, did Tasracing raise concerns about the performance of the Office of Racing Integrity over the course of the last two years? They've named up eight times in which they raised concerns about the performance of the Office of Racing Integrity. Not all of them - in fact, they're in 2024, so I can't really ask you about that.

Probably, I can ask you in 2023, Mr Helmich. In terms of that relationship with Tasracing, particularly I want to go back to 2023 and the interaction between yourself and the Office of Racing Integrity following the concerns about workers compensation insurance. After the hearings in which we participated in through parliament, there were concerns raised about who was actually responsible for ensuring that workers compensation insurance was held. Can you run us through what happened in terms of deliberating whether or not you would undertake that work or Tasracing? What was the nature of those discussions?

**Mr HELMICH** - I'll try to lift that up. My responsibility as the Director of Racing was to assess in accordance with the licensing requirements put in place by Tasracing. The licensing

requirements put in place by Tasracing did not, in relation to harness racing, reference the need for workers compensation insurance. It did in the thoroughbred code.

Early in my tenure I sought and received advice in relation to my responsibilities as the Director of Racing in relation to workers compensation insurance. The advice was that I only had a role in enforcing workers compensation compliance, albeit even then a tenuous one, if it was a part of a licensing deliberation.

In response to your question specific to the harness racing code, there was no responsibility for me to ensure that people were licensed under *Workers Rehabilitation and Compensation Act 1988* because there was no reference to it in the licensing documents. I think I provided that evidence previously.

**Mr WINTER** - Licensing documents were set by Tasracing, not by you.

**Mr HELMICH** - The licensing documents go through, testing my memory here, the Rules and Policy Committee within Tasracing that deals with all of those and approves all of those documents. The Office of Racing Integrity receives those documents and regulated in line with those licencing requirements.

**Mr WINTER** - There was a Friday night race at Elwick following those hearings where Tasracing had basically told Ben Yole Racing, 'Get workers compensation insurance or we're not letting you on the track'. Were you involved in setting that policy? Did you agree with it or did you raise any concerns about it?

**Mr HELMICH** - Look, I don't recall what discussions - there were a lot of discussions in relation to workers compensation insurance around that time. I'm sure everyone around the table is aware of that.

Again, it comes back to my role as a regulator that when I didn't have a specific role based on the advice that I received, I certainly had some discussions. I know that there were discussions in relation to how that would be dealt with by the stewards if Mr Yole was not allowed on the premises.

If you want to provide some specific questions, if the Chair is happy to take those, I'm happy to answer those on notice, but there'd need to be a bit of specificity on the questions, I expect.

**CHAIR** - We can do that because of the time - we've got about a minute left to go before our time together is over. Did you have any closing questions?

**Mr WINTER** - Where do I start? In terms of the finalisation of the Murrihy review, there was a decision made by the Minister at the time, Mr Ellis, not to release the report publicly. Were you part of those discussions and what were the reasons for that?

**Mr HELMICH** - No.

**Mr WINTER** - Did you see the report? When it arrived from Mr Murrihy, were you given a copy of the report?

**Mr HELMICH** - No.

**Mr WINTER** - Did you ever see a copy before it was publicly released?

**Mr HELMICH** - No.

**Mr WINTER** - It's incredible. At this stage, you were still in charge of the Office of Racing Integrity in Tasmania and you weren't given a copy of the Murrphy report that highlighted serious problems with integrity. No-one gave you a copy.

**Mr HELMICH** - I was an affected party obviously within that report and I was necessarily independent of it. I don't believe that I ever received a copy of that report prior to its release.

**Mr WINTER** - Did you raise concern about that? You're the Director of Racing in charge with upholding integrity and you've got this report from the steward who's just done an independent investigation. Did you ask for a copy?

**Mr HELMICH** - The report, as I understand, was the Premier's report. I think the Premier was the person who asked for that inquiry. Ultimately, I would receive that report once the Premier chose to release it to me.

**Mr WINTER** - The participants named in it were still, literally racing. You were in charge with upholding integrity and yet no-one told you what was in the report. You must have been frustrated. Did you ask someone, 'Can I see a copy of the report?'

**Mr HELMICH** - I didn't ask that, no.

**Mr WINTER** - Did your staff, did your stewards, think this was a problem in that they didn't have a copy of the report?

**Mr HELMICH** - Look, I think this was a very extended process and a very extended review that went on. It, obviously, went on for some time. The actions that I took in relation to my team were business-as-usual. We will regulate in accordance with the rules, we will regulate in accordance with the Act on the circumstances that we have in front of us. If other circumstances came in front of us as a result of the review and the inquiry, then we would deal with those, but they never came to me.

**Mr WINTER** - Have I got one more?

**CHAIR** - We've got to end. We're a few minutes over. Sorry.

Thank you, Mr Helmich, for giving us your time. You've agreed to take a number of questions on notice, which our Secretary, Michael, will provide to you. You've also agreed to receive other written questions; is my understanding correct around you being happy to receive written questions from the Committee?

**Mr HELMICH** - I'm happy to be as frank as you like. I did indicate during the process that I would be happy to provide some information *in camera*. We didn't get to that, obviously.

## PUBLIC

**CHAIR** - We've run out of time for that, but if you were willing to appear again before the Committee, that's an option that we would be open to. I can't speak on everyone's behalf, but as the Chair, we'd be interested in welcoming you back to the Committee table to provide either more public evidence or *in camera* evidence. Is that something you'd be willing to do?

**Mr WINTER** - We can also take evidence *in camera* that you provide in writing, I think.

**CHAIR** - You can request for written evidence provided to the Committee to also be kept confidential. That's ultimately then a decision for the Committee. It's a little different from in-person, *in camera* evidence. If you are willing to appear again or to provide further written evidence, we'd be grateful for that.

**Mr HELMICH** - Thanks, Chair. Can I take that away and make a decision on that?

**CHAIR** - Yes, you can. We'll be in touch with the questions that came through the evidence that you gave today but also provide further written questions to you.

**The witness withdrew.**

**The Committee suspended at 10.01 a.m.**

## PUBLIC

**The Committee resumed at 10.07 a.m.**

**CHAIR** - Good morning and thank you for attending today's hearing. Thank you for your written submission. Could I ask you to state your name please and the role in which you are appearing today?

**Mr SHINN** - My name is Steven John Shinn and I'm appearing as the former Chief Steward of Harness Racing for the Office of Racing Integrity.

**CHAIR** - Thank you. Can I confirm you've received and read the guide sent to you by Michael, our Committee Secretary?

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

**CHAIR** - Thank you. I'll just remind you that today's proceedings are covered by parliamentary privilege, which allows you to speak with freedom to us without fear of being sued or questioned in another place outside of parliament, including a court. That protection is not accorded to you if you make statements that could be considered defamatory and you repeat them or refer to them outside of these proceedings. This portion of your evidence, as we've agreed, according to your request, is a public broadcast. There might be people watching online, we may have members of the public attending in-person, and we'll move into an *in camera* session after 10 minutes as we've agreed to your request to do so as a committee.

I think you know the other members of the Committee. I'm Ella Haddad, the Chair of the Committee. We've got the member for Franklin, Dean Winter, member for Clark, Kristie Johnston, member for Clark, Simon Behrakis and there are a few apologies today. I'm going to swear you into the Committee. You don't need to read a statement because you're appearing online, but I'll read a statement to you and ask you to accept that statement.

**Mr STEVEN JOHN SHINN** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED VIA WEBEX.

**CHAIR** - Thank you very much. Over to you for 10 minutes for an opening statement, then we'll move into our *in camera* session as agreed.

**Mr SHINN** - Thank you, Chair. I have been a steward originally in Canada in around 1992. I was actually headhunted back to Australia from Canada to take up a stewarding role in Australia. I've been a senior steward in Harness Racing South Australia, Racing and Wagering Western Australia, the Queensland Racing Integrity Commission and was also the Chief Steward of Harness Racing in Tasmania, so I have immense experience as a steward.

I was a harness racing trainer and driver for a number of years. I did have the opportunity to drive some of the great champions in Australia prior to going to Canada and when I did arrive in Canada, I ultimately became the champion trainer and driver in western Canada on more than one occasion. I had an accident skiing at Whistler and smashed my leg up and that was the end of my horse racing career, and at that stage I shifted over to the integrity side of racing. That's just a bit of my background.

Now, I'd like to read in to evidence the response that I was invited to submit to the Committee, and this is a response to the submission of Ms Janet Ainscow to the Committee.

**CHAIR** - Go ahead.

**Mr SHINN** - Alright. I believe that the Committee would or has had the opportunity to read my submission and the format of my submission was to quote parts of Ms Ainscow's submission and then under that to respond with my response to the particular areas of her submission. I'll start that off.

This is Janet Ainscow, in her submission:

I was interviewed by Ray Murrehy and raised concerns about ORI and some of the staff, past and present, particularly, Steven Shinn, the former Chief Steward of Harness Racing.

She goes on:

The horse Bullys Delight won the \$75,000 Tasmania Cup final. Driven by Rhys Nicholson, trained by John Nicholson. The Chief Steward was Steven Shinn. Even though protests were lodged, stewards dismissed all protests and declared all-clear (assuring bets were paid out). The stewards then went on to suspend Nicholson for 2 months and fine him \$4000 on three different charges.

She goes on:

As Shinn and John Nicholson are close "associates" this is a conflict of interest, and Shinn should have excused himself from the panel to make any decisions on this race.

My response is:

Mr Nicholson and I were amongst dozens of other young harness racing participants who resided in Kilmore, Victoria which was at the time the principal harness racing training centre in the state, all socialised with each other from time to time e.g. playing cards, pool at the local pubs, clubbing. I left Australia in 1977 and lived in the USA for 6 years then Canada until returning to Australia in 2001. In all that time I had no contact with Mr Nicholson or any other of the other Kilmore boys. Since my return to Australia I had no contact with Mr Nicholson until he raced horses from time to time in Tasmania in 2019, 2020, 2021. I was Chief Steward - Harness at the time. I had zero social interaction with Mr Nicholson and any interaction would have been strictly professional. Ms Ainscow's contention that Mr Nicholson and I are close associates is bizarre considering I hadn't seen or had contact with him in over 40 years.

Regarding the Tasmania Cup protests I submit the official Steward Report for the race [which was attachment 1 in my submission]. In order to uphold protests stewards must be satisfied that had an incident not occurred the finishing order would have been different. As detailed in the Steward Report, the panel of three could not be comfortably satisfied and the protests were



dismissed. The egregious driving behaviour of Rhys Nicholson resulted in him receiving large fines and suspensions at inquiries later in the night. It must be noted that the Stewards Panel at the time of dismissing the protests advised the connections of the three horses concerned that they will be considering invoking [Australian Harness Racing Rule 174 part 1]. This could not be done until after Mr Nicholson was found guilty of offences.

I will just read to you that Australian Harness Racing Rule 174 (1) states:

- (1) Where a driver is found guilty of an offence under a rule contained in part 9 and the offence relates to the way in which the driver has driven or behaved or controlled or failed to control the driver's horse at the start or during a race, the stewards in relation to the race in which the offence occurred may give the driver's horse a lower placing or disqualify it for such period they think fit.
- (2) A disqualification under sub-rule (1) or alteration of placings does not affect settlement of bets or wagers.

Once Mr Nicholson had been found guilty of offences at a subsequent inquiry later in the night the consideration of Rule 174 (1) was enlivened. I arranged to have the inquiry at 2.00 p.m. on the following Monday as the owners of the winning horse had to be given the opportunity to speak to why their horse should not be disqualified and they were not present on the night. The ORI Director [at the time] Tony Latham advised me on the Monday that the arranged inquiry would not go ahead and that he was bringing an independent steward from the mainland to consider imposing Rule 174 (1). The inquiry was conducted by steward Ray Murrihy assisted by myself and steward Ben Plunkett resulting in the winner being relegated to last place.

Rule 174 (1) did not allow the relegation or disqualification of a runner prior to its driver being found guilty of an offence. At a subsequent National Stewards Meeting of Chairs of Stewards, they created new national rules to allow a horse to be disqualified without depending on the driver being found guilty of an offence.

Those rules were put in place to cover that we were unable to do that in this particular case.

I had put in attachments, the first one was that Stewards report from the night of the Tasmania Cup. I'll go on to part two of Ms Ainscow's allegations.

**CHAIR** - Just letting you know we are almost at 10 minutes, Mr Shinn. We're about a minute away but we're in your hands. It just will eat into your *in camera* time if we keep going now for more than a minute.

**Mr SHINN** - That's fine. I looked forward to being able to present this, so if I go over and the other one is cut off, well, too bad. This is so important to me.

**CHAIR** - Go ahead.

**Mr SHINN -**

**PART 2**

Ms Ainscow: Within 24 hours Tasmania's Office of Racing Integrity revealed it would hold an inquiry into the protest result and Nicholson's actions.

My response:

As previously noted, ORI Director Tony Latham vetoed my 2.00 p.m. Monday inquiry. This inquiry was NOT into the protest result but specifically whether to invoke Rule 174 (1) as the Stewards Panel on the night had advised.

**Part 3**

Janet Ainscow: This is what I reported to Ray Murrehy in April 2023 concerning Steven Shinn, when he was investigating the Yole Stable.

He was stood down without explanation in Tasmania.

My response:

I was never stood down from my position as Chief Steward - Harness in Tasmania. I have never been found to have misconducted myself in my role as Chief Steward - Harness in Tasmania regarding handling of swabs or anything else.

**Part 4**

Janet Ainscow: On three occasions, when I arrived very early at the Mowbray racecourse, 2-3 hours before the first race, I saw Mr Shinn and Mr Ben Yole in conversation. The first time, they were near the stewards' room and when I arrived, they looked at me and moved away together so I could not hear their conversation. The same happened a second time, and on the third occasion they were together, alone down near the stabling area.

My response:

When the races were at Mowbray I would always pick up what was needed from ORI headquarters and arrive at the track between 2 ½ and 3 hours prior to the scheduled starting time of the races. After transferring everything from my car into the stewards office I would then relax outside and have a cigarette.

By the way, I have quit smoking for the last two years.

**CHAIR** - Good on you. We can't actually see you. We can't see your face just at the moment, Mr Shinn. Do you want to just move the papers down a little that you're reading from so we can still see you?

**Mr SHINN** - I thought it might be less cruel for you to not see my face, to tell you the truth. There we go. I was just into when the races were in Mowbray.

Any licensees who were there early would often chat with me while they waited for their track secretary to open for them to sign in their runners. Mr Yole would often be one of the early ones as he usually had 20 plus runners and had arrived early. If he had anything to report such as why a horse had raced badly at the previous meeting or had racing inquiries it was a convenient time before things got busy. This would have been rare but strictly professional. Clearly, I have no reason to remember specifics of the three occasions mentioned by Ms Ainscow as they most probably were inconsequential - three times in three and a half years. I am surprised it wasn't much more and including any other licensees who were early at the track. Regarding speaking with Mr Yole in the birdcage area, it definitely could have happened. I would sometimes wander down to that area and the float park when I was very early and keep an eye on things.

### **Part 5**

Janet Ainscow: Mr Shinn implemented a new regime when checking swabs. Our practice was to have a second steward (usually not on the panel) to come and check the swabs off and seal them in security bags with the signed documents. Mr Shinn would not allow this to happen. He insisted that only he could check the swabs off, which was done after the last race and at the conclusion of any inquiries. He had access to swab numbers and the cards with the horses' names on them. When checking them, he referred to his race book and made notes.

My response:

I did not implement the new regime when checking swabs. This was introduced by the Director Tony Latham as he was sick of mistakes being made by the swabbing and birdcage stewards. This can be confirmed by my number two [at the time] Roger Brown and was a specific instruction from Mr Latham. Regarding referring to my race book and making notes this would have been part of the checking to confirm the swab paperwork was correct e.g. checking the horse's name, placing and race number against the same that I had written in my racebook.

### **Part 6**

Janet Ainscow: After he was stood down -

I have in brackets there and in bold that I was never stood down from my position as Chief Steward - Harness.

this practice of the Chief Steward checking swabs ceased.

after I was stood down. Again, I wasn't stood down.

No other Chief Steward before or after Steven Shinn implemented this practice. In early 2024, I was speaking to another former Yole employee (Employee B) who told me that on one occasion, when this person and another employee who did not have stable hand licences, hid when a steward's car pulled up out the front of the Yole property. Shortly after, Ben called out, "You can come out now, whatever name, it's only Shinnie".

My response is:

I have never had any interaction with Mr Yole but for professional reasons. I have never called Mr Yole anything but Mr Yole and he has always shown professional courtesy to me and has never called me anything but Mr Shinn. Clearly stewards have no control over nicknames given to them by participants but they would never be used face to face.

I give the example referring to Mr Winter and certainly no intent at any rudeness or whatever, but just to press the example, parliamentary interns may have 'the Snowman' as a nickname for Mr Winter, but would never refer to him as that to his face.

**Mr WINTER** - I think it's worse than that, Mr Shinn.

**Ms HADDAD** - They keep worse things for our faces.

**Mr SHINN** - Once again, Mr Winter, there was no ill will in that, but I really wanted to impress that we have no control over what someone wants to call us behind our back.

**Mr WINTER** - I enjoyed it, it's very good. It's a new one for me, I like it.

**CHAIR** - That's fine, thank you.

**Mr SHINN** - All right. Well, I mean, you know, I do get called 'Shinnie' by the way, by a lot of people, as friends, as an example. Often the name that - my name's Shinn, they say Shinnie.

My concluding statement to this was that if the Committee has any questions for me, I'm available to be reached via telephone or electronic means at the direction of the Committee. I swear that the information provided in my response above is true and correct to the best of my belief. I signed it as SJ Shinn. That's the end of my submission.

**CHAIR** - Thank you for providing that. It's also been published on the Committee's website. We do still have a few minutes. We'll move into the *in camera* session.

**The Committee moved into a private hearing at 10.25 a.m.**