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LEGISLATIVE COUNCIL OF TASMANIA

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SESSIONAL COMMITTEE GOVERNMENT ADMINISTRATION 'B'

## Office of Racing Integrity

### Short Inquiry

#### Members of the Committee

**Hon Rosemary Armitage MLC**  
(Deputy Chair)

**Hon Rob Valentine MLC**

**Hon Jane Howlett MLC**

**Hon Josh Willie MLC**

**Hon Tania Rattray MLC**  
(Chair)

**Hon Meg Webb MLC**

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# Committee Resolution

Legislative Council Sessional Government Administration Committee ‘B’ (the Committee) was established by resolution of the Legislative Council (Council) and its operation is governed by Sessional Orders agreed to by the Council.

On 28 March 2023, in accordance with Sessional Order 5 (14), the Committee resolved to establish a Short Inquiry Process (SIP) into the role and functions of the Office of Racing Integrity with the following terms of reference:

1. To review and report on the functions of the Office of Racing Integrity, including:
  - a. the regulation of the State’s racing codes including how the Rules of Racing are effectively enforced and investigated; and
  - b. monitoring of the conduct of race meetings statewide;
2. Progress on implementing the recommendations covered by the Review of the Racing Regulation Act 2004: Securing the Integrity of the Tasmanian Racing Industry (the Monteith Review); and
3. Any other matter incidental thereto.

In the interest of public transparency the following statements have been made by Committee members with respect to their connections with the Tasmanian racing industry:

*As Chair of the Inquiry, I place on the public record a disclosure of my connections to the racing industry, as the subject of this inquiry. Members of my extended family are involved in the racing industry and in representative bodies for that industry, however I have no direct or indirect financial benefit from the industry. I am known to be a long-term supporter and advocate for the industry, having provided sponsorship for events.*

*During the conduct of this short inquiry into the Office of Racing Integrity, I was open about these interests with the Committee and actively monitored the proceedings for any instances in which they may have presented a conflict. If such an instance had arisen in which there was an actual or perceived conflict of interest from my connections to the racing industry, I would have excused myself accordingly from that part of the proceedings. No such instances arose.*

***Hon Tania Rattray MLC (Independent Member for McIntyre)***

*For the Hansard record, I am noting for the Committee's consideration that I, Jane Howlett, Liberal Member for Prosser, did serve in the current Government as the Minister for Racing from January 2020 to 25 February 2022.*

*Whilst I am comfortable in actively participating in this current short inquiry into the Office of Racing Integrity, as per the Committee's terms of reference before us, should there come a point in ... proceedings that I feel is an actual or perceived conflict of*

*interest from my former role as the Minister for Racing, I will excuse myself accordingly from that part of the proceedings.*

*I would also like to place on the public record that some of my family members are involved in the racing industry. I have no direct or indirect financial benefit from the industry.<sup>1</sup>*

***Hon Jane Howlett MLC (Liberal Member for Prosser)***

*For disclosure the Chairwoman of the Tasmanian Turf Club, Ms Alison Archer, is both a personal friend and occasional fill in temporary staff member in the Legislative Council electorate office.*

***Hon Rosemary Armitage MLC (Independent Member for Launceston)***

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<sup>1</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.1

## Abbreviations and Acronyms

<b>ABC</b>	Australian Broadcasting Commission
<b>BOTRA</b>	Tasmanian Harness Racing Breeders, Owners, Trainers and Reinspersons Association
<b>Committee</b>	Legislative Council Sessional Government Administration Committee 'B'
<b>Council</b>	Legislative Council of Tasmania
<b>DNRET</b>	Department of Natural Resources and Environment Tasmania
<b>GAP</b>	Greyhound Adoption Program
<b>HAD</b>	Higher duties allowance
<b>MLC</b>	Member of the Legislative Council of Tasmania
<b>Monteith Review</b>	Review of the Racing Regulation Act 2004: Securing the Integrity of the Tasmanian Racing Industry
<b>MP</b>	Member of Parliament
<b>ORI</b>	Office of Racing Integrity
<b>RSPCA</b>	Royal Society for the Prevention of Cruelty to Animals Tasmania
<b>RTI</b>	Right to information
<b>SIP</b>	Short inquiry process
<b>TasRIC</b>	Tasmanian Racing Integrity Commission

## Executive Summary

This inquiry was established from an own motion by the Committee following the concerns raised in the community questioning the level of public confidence in the Tasmanian racing industry. Racing is an industry that requires the highest of integrity.

The Committee established a narrowly focused Terms of Reference (see [Committee Resolution](#)) for the inquiry process to examine aspects of regulation, monitoring and Government action in relation to the racing industry. It is noted the Government had also announced a broad-ranging independent inquiry by investigator Ray Murrhiy into the State's harness racing industry, following allegations of team driving and animal welfare concerns, some raised by members of the industry.

The Office of Racing Integrity (ORI) has the important role of monitoring and maintaining the integrity of all aspects of the racing industry in our state. It is also expected to deliver the highest standards of animal welfare. Without a strong monitoring and compliance regime the integrity of the industry will not meet community expectations.

Through the inquiry the Committee focused on the roles and functions of ORI and its current administrative processes, to appropriately address issues and concerns with upholding the integrity and welfare of animals in the Tasmanian racing industry.

Released in March 2021 the Monteith Report to Government recommended a number of changes to the Industry. These changes are yet to be progressed through the Parliament.

The 23 findings and 7 recommendations in this report should assist in delivering greater compliance and integrity within the Tasmanian racing industry to meet community expectations. The Committee acknowledges the commencement of legislative reform to increase the independence of the Office of Racing Integrity. This should be expedited as a matter of priority.

I sincerely thank my fellow Committee members for their commitment to this inquiry and on behalf of all Members acknowledge and thank the Committee Secretariat and Parliamentary Research Services for their excellent support through dedicated and investigative work to assist the Committee.



**Hon Tania Rattray MLC**  
**Chair**

27 September 2023

## Summary of Findings

At the time of this Report, the Committee found that:

Area	Finding
Background	<p>F1. Significant public concerns were generated after the 26 March 2023 ABC investigative report raised serious allegations relating to the Tasmanian harness racing industry.</p> <p>F2. The Tasmanian Government launched the Murrihy Investigation in response to the allegations raised by the ABC report.</p> <p>F3. At the time of this Report, the Murrihy Investigation was expected to be delivered to the Government by 31 August 2023, noting that matters relating to Terms of Reference 1 and 2 of the investigation were still being progressed.</p>
Loss of Confidence in the Tasmanian Harness Racing Industry	<p>F4. The Tasmanian Harness Racing Breeders, Owners, Trainers and Reinspersons Association had publicly stated their loss of confidence in the Director of Racing.</p> <p>F5. Notwithstanding the loss of confidence by some racing industry stakeholders and the instigation of an independent review into Office of Racing Integrity, the Director of Racing remains active in his role.</p> <p>F6. The Government's review of the <i>Racing Regulation Act 2004</i> was expected to replace the Office of Racing Integrity with an independent racing integrity commissioner with powers to set integrity and animal welfare standards, comprehensive audit compliance and undertake investigatory functions.</p> <p>F7. The Government's intention was to have a new oversight and racing integrity structure in place upon commencement of the new racing regulation legislation.</p>
Functioning of the Office of Racing Integrity	<p>F8. The Government has commenced legislative reform to increase the independence of the Office of Racing Integrity.</p>
Animal Welfare Legislation	<p>F9. In response to the Monteith Review, the Government is in the process of reforming animal welfare legislation specific to the racing industry.</p> <p>F10. There is a suite of compliance instruments that cover Tasmanian animal welfare matters within the racing industry including (but not limited to):</p> <ul style="list-style-type: none"> <li>a. <i>Animal Welfare Act 1993</i></li> <li>b. <i>Animal Welfare (Dogs) Regulations 2016</i></li> <li>c. Tasmanian Equine Welfare Guidelines (September 2008)</li> <li>d. Australian Rules of Racing</li> <li>e. Harness Racing Whip Rules and Guidelines</li> <li>f. Greyhound Animal Welfare Manual</li> <li>g. Tasmanian Greyhound Rules of Racing</li> <li>h. Recommended Standards of Care of Greyhounds</li> <li>i. Management Care for Each Stage in the Lifecycle of a Greyhound.</li> </ul> <p>F11. Depending on the particular racing code, there may be a complex range of mandatory and discretionary animal welfare requirements</p>

Area	Finding
	covered by the applicable legislation, policies, codes of practice, guidelines, standards and rules.
TasRIC and Tasracing Members' Statement of Expectations	F12. It is not clear the extent to which an updating of the Members' Statement of Expectations for Tasracing will be aligned with or inclusive of the <i>Animal Welfare Act 1993</i> .
Summary of Animal Welfare across Tasmanian Racing Codes	F13. The Director of Racing had commenced publishing quarterly reports of greyhound breeding, retirement and injury statistics in relation to the Tasmanian greyhound racing industry.
Greyhound Adoption Program	F14. The Greyhound Adoption Program attracts the bulk of industry funding for rehoming of former racing greyhounds.
Animal Welfare Funding	F15. As at 30 June 2022, Tasracing recorded funding for animal welfare was \$1.76 million which included funding for other expenses, including overheads.
The Role of RSPCA Tasmania	<p>F16. The existing animal welfare legislation includes RSPCA Tasmania animal welfare officers as authorised officers: their role specific to registered horses and greyhounds is through an administrative arrangement with the Department of Natural Resources and Environment Tasmania.</p> <p>F17. RSPCA Tasmania receives core inspectorate funding under the Primary Industries and Water portfolio and project funding for tasks relating to the Racing portfolio.</p> <p>F18. RSPCA Tasmania advocacy functions are not funded by Government.</p>
Ministerial Accessibility	F19. The Minister for Racing's diary, as provided to the Committee for the period April 2022 to May 2023, showed meetings with a number of racing industry stakeholders: the Minister did not meet with all stakeholder groups during the period.
Ministerial Complaint Handling	<p>F20. The complaint handling process between the offices of the then Minister for Racing and the Department breached general conflict of interest principles.</p> <p>F21. Perceptions of conflict of interest in complaint handling processes may deter industry participants and the community from lodging complaints.</p>
Staffing of ORI	F22. No evidence was provided to the Committee to indicate Office of Racing Integrity staff positions require role-specific training.
Government's Progress against Monteith Review Recommendations	F23. The Government is progressing the recommendations of the Monteith Review.



## Summary of Recommendations

The Committee made seven (7) recommendations:

Area	Recommendation
Background	R1. The Murrphy Report in its entirety be publicly released in full as soon as practicable. R2. Legislative reform should be expedited to increase the independence of the Office of Racing Integrity.
Animal Welfare Legislation	R3. The Monteith Review recommendations to improve animal welfare outcomes within Tasmania's racing industry be further progressed by the Government as a priority.
TasRIC and Tasracing Members' Statement of Expectations	R4. The existing Members' Statement of Expectations for Tasracing should be contemporised to include compliance with the <i>Animal Welfare Act 1993</i> .
Greyhound Adoption Program	R5. The Government should ensure Tasracing has sufficient resources to fully fund retired greyhound rehoming services across industry and private providers.
The Role of RSPCA Tasmania	R6. Ensure funding agreements with the RSPCA Tasmania include funding for advocacy activities related to Government policy and legislative development.
Ministerial Complaint Handling	R7. Ensure complaint handling processes between the Office of the Minister and the Department are clearly defined in relation to conflicts of interest.

## Conduct of Review

On 28 March 2023, the Committee resolved to commence a short inquiry into the role and functions of Office of Racing Integrity: subsequently, the Committee presented to the Council a Special Report on a Resolution to Commence Inquiry in accordance with Sessional Order 5(14).

In line with the usual practice for a short inquiry, the Committee resolved not to take any public submissions.

On 29 March 2023, the Committee wrote to the responsible minister Hon Madeleine Ogilvie MP (Minister for Racing) to inform her of the Inquiry and invite the Minister and departmental representatives to a public hearing.<sup>2</sup>

### Thursday, 13 April 2023 (Hobart)

**Hon Madeleine Ogilvie MP**  
**(Minister for Racing)**

Department of Natural Resources and Environment Tasmania (DNRET)

**Mr Jason Jacobi (Acting Secretary)**  
**Ms Deidre Wilson (Deputy Secretary)**

Office of Racing Integrity (ORI)

**Mr Russell Hunter (Acting Director of Racing and General Manager ORI)**

On 17 April 2023, the Committee wrote to Minister Ogilvie with a number of questions on notice and/or further questions from the Committee that were unable to be covered during the hearing. Whilst the majority of the requested responses was received for the Committee's consideration on 29 June 2023, an outstanding response was not received by the Committee until 4 September 2023. The Committee notes timely responses to questions asked of Ministers and their departments is paramount to it being able to report back to the Legislative Council in a judicious manner.

Another public hearing with Minister Ogilvie and departmental representatives was held on Friday, 30 June 2023:

### Friday, 30 June 2023 (Hobart)

**Hon Madeleine Ogilvie MP**  
**(Minister for Racing)**

Department of Natural Resources and Environment Tasmania

**Mr Jason Jacobi (Acting Secretary)**  
**Ms Deidre Wilson (Deputy Secretary)**

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<sup>2</sup> Both public hearings held in Committee Room 2, Parliament House, Hobart.

Tasracing Representative

**Mr Andrew Jenkins (Chief Executive Officer)**

Office of Racing Integrity (ORI)

**Mr Justin Helmich (Director of Racing and General Manager ORI)**

During the Inquiry, the Committee noted that as part of the Cabinet reshuffle by Premier Rockliff on 24 July 2023, the Hon Madeleine Ogilvie MP was replaced by Hon Felix Ellis MP as Minister for Racing.

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## Background

On 26 March 2023, ABC News published an investigative story relating to the harness racing dominance of Mr Ben Yole's operations in Tasmania. In particular, allegations were made regarding team racing, race fixing, serious animal welfare concerns and the integrity of a number of racing meets.<sup>3</sup>

On 27 March 2023, Minister Ogilvie announced an independent review of those matters raised from within the harness racing industry. On 29 March 2023 the Government announced racing and national integrity expert, Mr Ray Murrphy would undertake the investigation.<sup>4</sup> The Terms of Reference for the Murrphy Investigation were as stated:<sup>5 6</sup>

*The independent investigation and review is to:*

- 1. Conduct an investigation of all circumstances surrounding the races referred to in the ABC media report of 26 March 2023 to determine compliance with the Australian Harness Racing Rules.*
- 2. Conduct an investigation into any other harness races from the past three years that may demonstrate team driving and/or race fixing that have not previously been subject to a decision by the Tasmanian Racing Appeals Board or other independent assessment (e.g. the Tasmanian Ombudsman or Tasmanian Integrity Commission) to determine compliance with the Australian Harness Racing Rules.*
- 3. Conduct an investigation into animal welfare conditions at the Yole Sidmouth racing stables to determine compliance with the Australian Harness Racing Rules.*
- 4. Review the adequacy of the Office of Racing Integrity's management of allegations by industry participants (such as drivers, stablehands and trainers) and a casual steward in 2022 concerning team racing and/or race fixing and any other matters in the ABC media report of 26 March 2023 as the investigator sees fit and make any relevant recommendations.*
- 5. Review the adequacy of complaints management by the Office of Racing Integrity relating to allegations of team driving and/or race fixing in the harness racing industry in the past three years and make any relevant recommendations.*
- 6. Advise on any matters that could be included in the proposed Tasracing Code of Practice for equine welfare and management, and any other opportunities to improve horse welfare. The independent reviewer is to consult with the RSPCA Tasmania, the Chief Veterinary and Animal Welfare Officer at Tasracing and the Chief Veterinary Officer in the Department of Natural Resources and Environment Tasmania in undertaking this review.*
- 7. Advise on any other matter relating to animal welfare, team driving and/or race fixing in the Tasmanian harness racing industry that the independent reviewer determines relevant.*

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<sup>3</sup> See Ben Yole Harness Racing Dominance in Tasmania, ABC News, <https://www.abc.net.au/news/2023-03-26/ben-yole-harness-racing-dominance-in-tasmania/102122922>

<sup>4</sup> See Independent expert for racing review announced, Madeleine Ogilvie, Liberal Party Press Release (Wednesday, 29 March 2023)

<sup>5</sup> See Racing Investigation Terms of Reference (<https://nre.tas.gov.au/Documents/Racing%20Investigation%20Terms%20of%20Reference.pdf>), DNRET website [Accessed 28 June 2023]

<sup>6</sup> In response to a question on notice the final draft Terms of Reference were provided to the Minister's Office on 1 April 2023.

Submissions for the Murrihy Investigation opened on Tuesday, 4 April 2023 and closed at 5:00 pm, Tuesday, 2 May 2023.<sup>7</sup> The then Minister for Racing announced on 26 June 2023 that an eight week extension had been granted by the Government for the final report to 31 August 2023 (originally 30 June 2023).<sup>8</sup>

The Committee understands that Mr Murrihy advised the Secretary of DNERT at a meeting on 22 June 2023, that the current timeframe would be insufficient to complete the investigation as per the terms of reference (and having regard to procedural fairness where relevant). Subsequently, at that meeting, the Secretary of the Department and Mr Murrihy verbally agreed to an extension until the end of August 2023. Mr Murrihy then formally requested the extension from the Premier in a letter of 23 June 2023.<sup>9</sup>

Hon Felix Ellis MP (new Minister for Racing) in a public media release stated:

*Mr Murrihy has confirmed that he is still on track to deliver a report by 31 August, and that this report will respond and make recommendations for the majority of the Terms of Reference, including policy matters relating to Office of Racing Integrity functions and complaint management, animal welfare matters, and the proposed Tasracing Code of Practice for equine welfare and management.*

*However, Mr Murrihy has requested an extension so that matters that have arisen as part of the investigations relating to Terms of Reference 1 and 2 can be delivered following the conclusion of that investigation process.*

*Terms of Reference 1 and 2 are investigation-related matters and it is extremely important that Mr Murrihy completes his investigation and that procedural fairness is applied to all parties.<sup>10</sup>*

In this context, the Committee limited its scope to matters covered in the Terms of Reference of this Inquiry. Of note, the Monteith Review of the Tasmanian Racing Regulation Act 2004 and the Government's response to that review may be found on the DNRET website.<sup>11</sup>

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<sup>7</sup> See Independent racing investigation (<https://nre.tas.gov.au/about-the-department/independent-racing-investigation>), DNRET website [Accessed 28 June 2023]

<sup>8</sup> See Extension granted for independent investigation into racing allegations, Madeleine Ogilvie, Liberal Party Press Release (Monday, 26 June 2023)

<sup>9</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.1

<sup>10</sup> Strengthening the integrity of Tasmanian racing, Hon Felix Ellis MP (Minister for Racing, 15 August 2023, [https://www.premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/strengthening-the-integrity-of-tasmanian-racing](https://www.premier.tas.gov.au/site_resources_2015/additional_releases/strengthening-the-integrity-of-tasmanian-racing) {Accessed 18 August 2023]

<sup>11</sup> See Government Response to the Review of the Racing Regulation Act 2004 (<https://nre.tas.gov.au/about-the-department/government-response-to-the-review-of-the-racing-regulation-act-2004>), DNRET [Accessed 28 June 2023]

**Committee Findings**

- F1. Significant public concerns were generated after the 26 March 2023 ABC investigative report raised serious allegations relating to the Tasmanian harness racing industry.
- F2. The Tasmanian Government launched the Murrihy Investigation in response to the allegations raised by the ABC report.
- F3. At the time of this Report, the Murrihy Investigation was expected to be delivered to the Government by 31 August 2023, noting that matters relating to Terms of Reference 1 and 2 of the investigation were still being progressed.

**Committee Recommendations**

- R1. The Murrihy Report in its entirety be publicly released in full as soon as practicable.
  - R2. Legislative reform should be expedited to increase the independence of the Office of Racing Integrity.
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## Evidence

At the 13 April 2023 public hearing, Minister Ogilvie provided the Committee with an update on a range of racing industry reforms in progress:

*Ms OGILVIE - ... With respect to the Racing Regulation Act, the Government has received and publicly released the independent review into Tasmania's Racing Regulation Act and is taking action to strengthen and enhance animal welfare in the industry. Today I will refer to this as the Monteith Review.*

*The Government noted and supported in principle the recommendations within the Monteith Review report, and has previously publicly released a detailed response to each of the recommendations. Considerable work has been done and completed already.*

*Two streams of work are underway and work is continuing - the first being the work required to draft a bill to implement these changes, which will go out for full consultation. We are on track to table legislation this year.*

*This new legislation will provide a key role for the RSPCA in animal welfare assurance, and retains the power for independent investigation of animal welfare matters, with additional funding. The new legislation will create a Tasmanian Racing Integrity Commissioner with powers to set integrity and animal welfare standards, and comprehensive audit, compliance and investigatory functions.*

*A second stream of work is also underway to assist with the transition of the Office of Racing Integrity to what is known as TasRIC - that is, the new TasRIC - and the expanded functions of Tasracing across all three codes.*

*As the Committee will undoubtedly appreciate, this is a significant reform to the operation of racing in the State, and one that needs to be carefully managed so as to maintain staffing and support the industry while legislative changes are given effect.*

*As a final note, we have already announced that the Office of Racing Integrity will also employ a betting analyst to assist across all three codes of racing, to provide real-time access to information to assist stewards in their inquiries, as well as providing the opportunity to proactively review trends in relation to betting on Tasmanian racing.*

*I very much look forward to progressing this new chapter for racing integrity, probity and animal welfare in Tasmania. ...<sup>12</sup>*

### Loss of Confidence in the Tasmanian Harness Racing Industry

The Committee noted that Tasmanian Harness Racing Breeders, Owners, Trainers and Reinspersons Association (BOTRA) had publicly stated in a letter to the Minister for Racing

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<sup>12</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.3

its concerns with the current Director of Racing and that at a meeting on 28 March 2023 a no confidence motion to that effect was passed.<sup>13 14</sup>

With respect to this loss of confidence in the Tasmanian racing industry, the Committee heard of the Government's intended legislative reform from Minister Ogilvie and DNRET representatives, Mr Jacobi (Acting Secretary) and Ms Wilson (Deputy Secretary):

*Ms WEBB - ... Minister, what is your observation as to how we have arrived at this point, where there are fairly resounding voices raised, not with disgruntlement about particular decisions necessarily, but with a loss of confidence in the industry, in the Office of Racing Integrity and your oversight of it?*

*Ms OGILVIE - I have been Minister for Racing for a year, the Racing Act has not been reviewed for 20 years. In the time that I have had this portfolio, I've been able to bring forward that review. ... We have moved to a full drafting of legislation and that is happening now.*

*As I get about the industry, I don't necessarily see that there is broad scale loss of confidence. What I see is a particular issue that has been raised with new information by the ABC and we have acted immediately to do an independent investigation on that through Mr Murrihy. As we all know we need to do, we are moving to improve our legislative model, to improve the oversight of the industry, to improve the funding and powers of the RSPCA, to improve our integrity structures. That is good work, but it is hard work, and I keep reminding people that reform is difficult, it is 'hard yards'. We need the industry and frankly, we need our political class to come with us on this. This is work that needs to be done, it is underway and I'm pushing that forward.*

*Our Review of the Racing Regulation Act 2004 does look to strengthen and enhance those integrity functions. Under the new structure, ORI really becomes an independent commission, and with further powers, it would actually give further powers to the appropriate regulatory authorities as well, and that is very important.*

*We will create that Tasmanian independent racing integrity commissioner, which is a really substantial step forward. They will have powers to set integrity and animal welfare standards, comprehensive audit compliance and investigatory functions. I accept the premise of your comment, because that is why we are doing the review, and we are moving well towards that. ...*

*Ms WEBB - In terms of that restructure, the first step is the legislation that is currently being drafted. Have draft instructions been issued to the OPC?*

*Ms OGILVIE - Yes.*

*Ms WEBB - The expectation you have put on the public record is that it will be tabled by the end of the year.*

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<sup>13</sup> See [Tasmanian racing has endured one of its worst weeks in memory](#), The Advocate 31 March 2023 [Accessed 19 July 2023]

<sup>14</sup> See [Labor: Gag Order by Director of Racing Beggars Belief](#), Tasmanian Times 30 March 2023 [Accessed 19 July 2023]



*Ms OGILVIE - Absolutely.*

*Ms WEBB - Not necessarily passed by the end of the year.*

*Ms OGILVIE - We have consultation.*

*Ms WEBB - My question is, we may be looking into 2024 before legislation is passed - and then presumably after that, there is an implementation period. What is your expectation about the timetable and the date by which we will actually see this much talked about new restructure come about - and I presume be able to deliver confidence to people at a greater level than we are seeing now? When will that actually happen?*

*Ms OGILVIE - ...The bill is currently being drafted, and it is absolutely essential and incredibly important that consultation occurs properly.*

*...*

*Ms OGILVIE - ... It is my expectation that we will be able to table that bill this year, and I hope we will be able to get that through. ...*

*Ms WEBB - I am asking when full implementation of what is being proposed will come about - given that we may be into next year before we have a bill passed, and then a process of implementation, presumably. Are we 18 months away? Are we two years away?*

*Ms OGILVIE - ... The bill is currently being drafted. We have targeted stakeholder engagement, as I have spoken to this morning. NRE Tasmania is working to address the implementation piece that you are asking about; it is very important.*

*Some of this can happen in parallel. They are work streams that are underway. They are well resourced by NRE Tasmania, with project oversight and governance provided by the review of the Racing Regulation Act Steering Committee. I want to give you the sense that these things are happening at the same time. There should not be a sense that we will propose a bill and then start work on implementation. It is a package of work with work streams. ...*

*Mr JACOBI - ... I am incredibly impressed with the amount of work that has already been achieved - which is also ongoing. This is a very complicated transition bill, moving an existing functional area to a completely new format, when over two decades have passed since the legislation was last reviewed. ...We are certainly on track for the tabling of the bill later this year.*

*I would like to think we could move as fast as possible, but as the Minister pointed out, there are a number of other complexities, which also include the transitional arrangements for all of the staff and ORI; we are bound by award conditions and other entitlements. It is important that we get those transition arrangements right, so that the employment conditions for those people can be recognised when we transfer across.*

*...*

*Ms WILSON - ... subject to the parliamentary process, we are hoping the bill will be enacted this year.*

*In terms of the transition ... is that we have, as has been indicated, a Racing Regulations Act Steering Committee that sits within the Agency. We have two streams of work: both the development of the bill, consultation on the bill, which is critically important - but also our people stream. Our intent is, through that work that we are ready to implement, upon commencement of the Act ...*

*Ms WEBB - So the new structure would be in place when the bill is enacted, and then the new act?*

*Ms WILSON - That is our intent. There will be no lag.<sup>15</sup>*

### **Committee Findings**

- F4. The Tasmanian Harness Racing Breeders, Owners, Trainers and Reinspersons Association had publicly stated their loss of confidence in the Director of Racing.
- F5. Notwithstanding the loss of confidence by some racing industry stakeholders and the instigation of an independent review into Office of Racing Integrity, the Director of Racing remains active in his role.
- F6. The Government's review of the *Racing Regulation Act 2004* was expected to replace the Office of Racing Integrity with an independent racing integrity commissioner with powers to set integrity and animal welfare standards, comprehensive audit compliance and undertake investigatory functions.
- F7. The Government's intention was to have a new oversight and racing integrity structure in place upon commencement of the new racing regulation legislation.

### **Functioning of the Office of Racing Integrity**

At the public hearings, the Committee heard from the Minister for Racing with respect to her confidence in ORI conducting its functions in its present form:

*CHAIR - ... Are you confident that the functions that are being carried out by the Office of Racing Integrity are adequate to underpin the integrity of the racing industry until the new model is put in place? Are you comfortable that is happening right now and into the future? The new model or new structure that you talk about could be some time away. I want to know whether you are confident in that.*

*Ms OGILVIE - It's fair to say it is some time away. It is a large restructure - both the bill coming forward and structural changes. The Office of Racing Integrity is a core service that provides the integrity and also work that underpins race days. What I see as I get about in racing circles and as I attend events is that racing continues, racing is well run, Tasracing does an excellent job and our Department does an excellent job.*

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<sup>15</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.7-11

*We have had allegations raised: they are being addressed through an independent inquiry and that is the appropriate course of action. We are bringing forward a bill that is the biggest reform in racing in 20 years, and I have been leading and driving that. I am absolutely certain that we can improve what we do in racing, from an integrity, animal welfare and probity perspective, and we are working across all of those fronts. ORI does the job that we ask them to do. From my perspective, they are doing an excellent job. Now, I have been very open and very transparent: we can all do better. I want to see Tasmanian racing have the most contemporary model for its running and management that we can have. I have reached out, and we have reached out, across the nation to look at other jurisdictions and what they do. If we are able to deliver this reform, we will have the most contemporary and best-run racing sector in the nation.*

*In the meantime, as I am out and about I see race day fun still being had everywhere we go.*

*CHAIR - So, the answer is yes, you are confident?*

*Ms OGILVIE - I am confident that ORI will be able to do what they need to do whilst we are implementing reforms.<sup>16</sup>*

### **Committee Finding**

F8. The Government has commenced legislative reform to increase the independence of the Office of Racing Integrity.

## **Animal Welfare within the Tasmanian Racing Industry**

The Monteith Review<sup>17</sup> outlined the following recommendations with respect to improving animal welfare in the Tasmanian racing industry:

- That TasRIC's functions include (but not limited to):
  - requiring an Animal Welfare plan and budgets, from Tasracing, for each of the three codes
  - facilitating co-operation between Tasracing, NRE Tas (Biosecurity Tasmania) and RSPCA on the co-ordination and reporting on animal welfare initiatives
  - creation of Industry Integrity and Welfare Standards
  - advice to the Minister on Tasracing's integrity and animal welfare policies and their implementation and compliance
  - audit of integrity and animal welfare processes and systems
  - creation of mandated Integrity Standards Oversight of Tasracing's animal welfare inspections, including stable/kennel inspections.
- Existing Tasracing animal welfare functions and animal re-homing be incorporated within Tasracing Integrity.

<sup>16</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.34

<sup>17</sup> See Review of the Racing Regulation Act 2004 Report - Securing the Integrity of the Tasmanian Racing Industry, <https://nre.tas.gov.au/Documents/Review%20of%20the%20Racing%20Regulation%20Act%202004%20Report%20-%20Securing%20the%20Integrity%20of%20the%20Tasmanian%20Racing%20Industry.PDF>, p.11-15

- The *Racing Regulation Act 2004*, be amended to provide for RSPCA to have a role with animal welfare in the racing industry.
- RSPCA to represent registered community groups involved with animal welfare matters relating to racing.
- TasRIC to chair bi-annual consultative meetings with NRE Tas (Biosecurity Tasmania), RSPCA and Tasracing (including Tasracing Integrity).
- Consideration be given as to whether the general functions and powers of Tasracing (currently described in section 11 of the Act) should be expanded to incorporate consultation with RSPCA, in addition to current requirements for its adherence to the Rules of Racing.
- State Government to consider RSPCA's role and powers under the Tasmanian *Animal Welfare Act 1993* to investigate all issues within the racing industry.

The Government either supported (or supported in principle) all of the aforementioned animal welfare recommendations.<sup>18</sup>

### **Animal Welfare Legislation**

With respect to animal welfare legislation, the Committee heard evidence from Minister Ogilvie and Mr Hunter (Acting Director of Racing and General Manager ORI) around the animal welfare legislation that binds the Tasmanian racing codes:

*Ms HOWLETT - ...Minister, can you provide an update on how animal welfare is being strengthened by the RSPCA?*

*Ms OGILVIE - ... As Minister for Racing, I am committed to implement the Government's response to the Monteith Review, ... I'm hopeful we will table that bill this year - and some of the key recommendations of the report, specifically in relation to animal welfare....*

*Some of those key recommendations include creating a Tasmanian racing integrity commissioner, with the powers to set integrity and animal welfare standards, comprehensive audit compliance and investigatory functions; enhancing integrity governance within Tasracing, with Tasracing to become operationally responsible for all three codes of racing, and pre-race day and race day management - including, importantly, stewards, and animal daily welfare; and providing a role for the RSPCA in animal welfare and retaining the power for independent investigation of animal welfare matters.*

*The new model proposes that the Tasmanian Racing Integrity Commissioner (TasRIC) will have extensive powers to set standards and oversight of both Tasracing and the racing industry in general.*

*In terms of supporting animal welfare, we, as a government, also consider that in addition to the reforms proposed in the Monteith Review, TasRIC has staffing with*

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<sup>18</sup> See Tasmanian Government Response to the Independent Review of the Racing Regulation Act, <https://nre.tas.gov.au/Documents/Tasmanian%20Government%20Response%20to%20the%20Independent%20Review%20of%20the%20Racing%20Regulation%20Act.pdf>, p.3-14

*animal welfare policy and regulatory experience: importantly the Monteith Review proposes to retain the power for independent investigation of animal welfare matters under the Animal Welfare Act.*

...

*Mr HUNTER - ... I thought [it] might be useful to describe is the current regulatory framework for animal welfare, as it applies to the racing industry in Tasmania. I do know, from being a regulator in that space, that the framework for animal welfare in Tasmania is well established, and it is the Animal Welfare Act 1993 that is the legislative basis for all animal welfare monitoring and enforcement in this State.*

*The rules of racing, for each of the three codes, contain elements that relate to animal management and welfare. Also, and importantly, underneath the Animal Welfare Act, the Animal Welfare (Dogs) Regulations 2016 applies specifically to the care and management of dogs.*

*Those elements of the regulatory framework contain outcomes-based provisions; that is those provisions that promote or prevent a certain act, omission or state of being of consequence. They apply to all people and all animals in Tasmania.*

*There are some more prescriptive provisions included in the act and its regulations, which can sometimes apply to specific circumstances. That Animal Welfare Act and its regulations are enforced by people appointed as authorised officers under that act. That currently includes people who are employed by the Office of Racing Integrity, NRE Tasmania more generally, RSPCA Tasmania and Tasmania Police. A memorandum of understanding exists between some of those agencies. For example, RSPCA Tasmania and NRE Tas, within which the Office of Racing Integrity sits. RSPCA Tasmania has recently been granted \$200,000, part of which is to modernise and strengthen -*

...

*Mr HUNTER - ... The rules of racing apply to the licensing and conduct of persons, administration of races and aspects of management and welfare of animals in the racing industry. Where there is a suspicion of a breach of any element of the framework - that is the rules-based element of that framework - where there is a suspicion of breach of any element of that framework it is dealt with by the relevant regulator, which may be the stewards, or an animal welfare officer, or a collaborative effort among regulators.*

*For example, and this is a current framework, if ORI has a suspicion of a breach of an animal welfare-related provision of the rules, or the Animal Welfare Act, however, it is detected, referred to them or they have observed it, stewards may consider if any inquiry or other action under the rules is required. The Director of Racing may consider whether any referral to or collaboration with another regulator is required. If that referral is made, the receiving organisation would determine how to manage the assessment and the investigation of any issue. For example, in the case of the RSPCA, that might be the CEO and/or the Chief Inspector who makes that determination.*

...

*Ms WEBB - ... We have had the RSPCA say in the public domain that our Animal Welfare Act is significantly outdated and in need of review. That is the act under which the RSPCA can perform its functions. You have just described they have a role to play with the industry. What have you done to progress a review and update of our Animal Welfare*

*Act so that it best meets the needs of the industry, given that the industry is governed by it to some extent?*

*Ms OGILVIE - ... You are quite right to identify that animal welfare does sit across two acts. That is the Minister, Ms Palmer's dialogue that she is having with the RSPCA. I can say from the racing perspective, it has been identified clearly in the Monteith report. Certainly, as a part of the drafting instructions that we put forward that the RSPCA should hold an enhanced role in our legislative framework going forward. That role will provide them with more powers specific to racing and that is a good thing.*

*Now, when you are providing more powers of course there needs to be more funding. The Monteith report recommended some 18 months ago, that as we move forward to this new framework that funding should come forward. A \$200,000 commitment has been made based on the request from the RSPCA and a deed has been negotiated and signed and we were able to speak about it this week. ....*

*Ms WILSON - As noted, the Animal Welfare Act 1993 sits with the Ms Palmer's portfolio but I also look after Biosecurity Tasmania which is responsible for the act. With your indulgence, the Animal Welfare Act, as the acting Director of Racing has indicated, is actually a robust piece of legislation but it is subject to continual review.*

*It was updated significantly in 2015, particularly in terms of powers of officers and the penalties that apply. You would recall, the most recent reforms were just passed through Parliament and they increased powers of officers in emergency entry to take possession of animals where authorised officers believed the animal to be at imminent risk and multiple changes to assist welfare inspectors and courts in gaining information to assist in securing a prosecution.*

*In relation to horse welfare, the Animal Welfare Act is framework legislation and sitting under the framework legislation are regulations - which are sometimes called standards - and guidelines. In the case of horses, there is a horse welfare guideline, but at the moment in the horse racing industry there is a gap that is currently being filled by the work that is being done on the code of practice for equine welfare.*

*My understanding is that once that code of practice is put in place it will apply through the rules of racing, which will then be enforceable. That will provide greater guidance for equine welfare in the horse racing industry and will provide the regulators such as Office of Racing Integrity, RSPCA and Biosecurity Tasmania, with standards. ...*

*Ms WEBB - ... Will that code of practice deliver a higher level of protection in animal welfare to animals in the industry than is delivered currently under the arrangements that are in place?*

*Ms OGILVIE - When you say 'the industry', the racing industry specifically? That is the goal. ...*

*Under the proposed reforms and the work we are doing now, TasRIC has a couple of new elements that they will be implementing. They must establish and share a biannual*

*consultative meeting with an integrity and animal welfare Committee. The integrity animal welfare Committee will include TasRIC, Tasracing integrity director, representatives from the Department of Natural Resources and Environment Tasmania, including Biosecurity as you have just heard, and from the RSPCA. It may also include representatives from the Tasracing Integrity Committee...*

*Mr HUNTER - ...the Animal Welfare Act as it stands is framework legislation. As I mentioned, it has outcomes-based provisions that either promote a state of being or prevent a consequence or an omission in that case.*

*In my context as a relatively experienced animal welfare regulator, I can say that the opportunity presented by developing a tailored code of practice that is industry specific gives people, the industry and the community a meaningful basis to reflect on when working with those specific animals.*

*Ms Wilson has also mentioned that, and as has been made public by Tasracing, this is a process being led by Tasracing and Dr Martin Lenz of Tasracing. Once developed, it is intended that that code of practice will be linked to the rules. As part of the complex regulatory framework that racing is subject to, that is the mechanism by which participants in the racing industry and the community can be comfortable that they will be standards or rules that apply specifically to the racing industry.*

*In my substantive role inside the Office of Racing Integrity, I am supporting and advising Tasracing's effort to develop that equine code of practice and I am confident that through those means we can craft something that is specific to the industry.*

*Ms WEBB - Minister, what I did not hear Mr Hunter say then was that his expectation is that we would be delivered with a higher standard or level of protection, in terms of animal welfare, under that new code to be developed. Perhaps you would like to confirm that would be the case?*

*Ms OGILVIE - That is absolutely my intention. ... I would also say that under the proposed new legislation that we are drafting at the moment ... there will be more power within that act to develop instructions for improvements in our animal welfare and how we go about those. I think that has been a missing piece of the puzzle.*

*Two elements to this, from my perspective, at the structural layout. First, truly embed the RSPCA with that leadership role, truly embed their voice into this sector, to do more animal protection in racing specifically. Then make sure they have the funds to do that; we have moved on that already.*

*...*

*Mr HUNTER - ... By virtue of what they are doing, and targeting it as an industry-specific code of practice, it's my expectation that it will be more tailored, and above and beyond the base provisions of the Animal Welfare Act.*

*There are analogies in other industries - again, from my experience in livestock production and welfare regulation. For example, in the chicken meat industry, there are codes of practice or industry-specific standards that have been adopted by industry as a*

*whole, that are not enshrined in legislation, but provide for greater welfare outcomes in that industry.*

*CHAIR - So, are they in regulations then?*

...

*Mr HUNTER - Chair, are you referring to the code of practice?*

*CHAIR - Well, you said the legislation is going to have a framework. But what about the actual standards, or regulation?*

*Mr HUNTER - What I was referring to is that the Animal Welfare Act itself is the basis for animal welfare regulation in this state. Tasracing, in its role as custodian of the rules of racing in Tasmania, has the ability to link that code of practice to the rules. If they do that, then it becomes a feature of the rules, which the stewards can enforce.<sup>19</sup>*

### **Committee Findings**

F9. In response to the Monteith Review, the Government is in the process of reforming animal welfare legislation specific to the racing industry.

F10. There is a suite of compliance instruments that cover Tasmanian animal welfare matters within the racing industry including (but not limited to):

- a. *Animal Welfare Act 1993*
- b. *Animal Welfare (Dogs) Regulations 2016*
- c. *Tasmanian Equine Welfare Guidelines (September 2008)*
- d. *Australian Rules of Racing*
- e. *Harness Racing Whip Rules and Guidelines*
- f. *Greyhound Animal Welfare Manual*
- g. *Tasmanian Greyhound Rules of Racing*
- h. *Recommended Standards of Care of Greyhounds*
- i. *Management Care for Each Stage in the Lifecycle of a Greyhound*

F11. Depending on the particular racing code, there may be a complex range of mandatory and discretionary animal welfare requirements covered by the applicable legislation, policies, codes of practice, guidelines, standards and rules.

### **Committee Recommendation**

R3. The Monteith Review recommendations to improve animal welfare outcomes within Tasmania's racing industry be further progressed by the Government as a priority.

### **TasRIC and Members' Statement of Expectations for Tasracing**

The Committee heard from Minister Ogilvie as to her expectations of the proposed Tasmanian Racing Integrity Commission (TasRIC) on animal welfare issues and the updating of the Members' Statement of Expectations for Tasracing:

<sup>19</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.16-20



*Mr VALENTINE - My question goes back to the Members' Statement of Expectations<sup>20</sup> ...*

*Mr VALENTINE - ...When I read through that Members' Statement of Expectations, I don't see the Animal Welfare Act mentioned. Now you may well say, I don't administer the Animal Welfare Act, but for Tasracing, animals are 100 per cent central to what they do. Are you intending to revisit this statement of expectations and strengthen the animal welfare aspects? ...*

*Ms OGILVIE - ... The Member's Statement of Expectations ... is dated September 2012, jointly approved by Bryan Green MP, Minister for Racing and Lara Giddings MP, Premier, Treasurer, Member, dated 23 October 2012. Obviously, quite some time ago. As I have said and I am absolutely wedded to this, we are bringing forward a contemporary model. It is a root and branch review that we have done. We will be implementing that. The legislation is being prepared as we speak.*

*Mr VALENTINE - We had the greyhound inquiry in 2016 which came out with all sorts of recommendations and it still has not been updated.*

*Ms OGILVIE - ... the Tasracing integrity Committee that will be established will monitor and make recommendations to the Tasracing Board about the implementation of TasRIC's animal welfare and integrity standards. I would presume that the work that needs to be done would include this work here.*

*The Tasracing Integrity Committee will also oversee appointments to the Tasracing integrity unit, stewards, better supervisors - that all goes to the animal welfare issue particularly on race day - handicappers and graders. It will oversee the command of that unit under the Tasracing Integrity Director.*

*The new act ... will give Tasracing integrity and animal welfare functions and powers in addition to its existing functions and powers. It is my expectation that it would flow through to a revised look at a Member Statement of Expectations.*

*Mr VALENTINE - One that includes the Animal Welfare Act?*

*Ms OGILVIE - This document and how we interact between each organ of the racing industry would be made contemporary with the new legislation.<sup>21</sup>*

### **Committee Finding**

F12. It is not clear the extent to which an updating of the Members' Statement of Expectations for Tasracing will be aligned with or inclusive of the *Animal Welfare Act 1993*.

<sup>20</sup> See <https://tasracingcorporate.com.au/wp-content/uploads/2012/11/MSE1.pdf> [Accessed 24 April 2023]

<sup>21</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.24

### **Committee Recommendation**

R4. The existing Members' Statement of Expectations for Tasracing should be contemporised to include compliance with the *Animal Welfare Act 1993*.

### **Current Swabbing Protocols**

With respect to the current swabbing protocols undertaken by the authorities, the Committee heard from Minister Ogilvie and Mr Hunter (Acting Director of Racing and General Manager ORI):

*CHAIR - ... I am interested in the steps, that audit process, and the steps when ORI receives, for instance, the swabs that are taken ... Is that something that is available? How many swabs are taken, what the paperwork looks like beside that, are they countersigned when they are taken by whoever is the handler of a particular animal? I am interested in that, and can I have that detail for the last two years if that is available?*

*...*

*Mr HUNTER - I can talk in general terms about the functions and activities of duly appointed stewards on race day and the like.*

*...*

*Mr HUNTER - ... It is common practice for such things, particularly items of evidence like swabs, to be taken very seriously, and usually in combination with other stewards. There is a step process that the stewards name, firstly they are guided by exercising their functions and powers under the rules, and depending on the code of racing, they may stipulate certain processes that must be followed. Regardless, there are general practices about evidence and handling of evidence that are also applied. ...*

*CHAIR - There would never be a case where you would lose a number of swabs. That wouldn't happen, that couldn't happen. Is that a fact?*

*Ms OGILVIE - Have you had somebody concerned?*

*CHAIR - No I am just asking about the processes and it couldn't be a misplacement of that type of thing.*

*Ms OGILVIE - Well, I have some other information that might go to that, or help.*

*ORI stewards conduct random and targeted testing during race meets trials, property inspections, including out of competition testing, I am sure you are aware of that. Samples taken can consist of blood, urine, saliva and hair, taken from both animals and humans involved in racing in Tasmania. ORI has recently moved to a human drug screening program, which allows screening samples to be taken in a similar way to a roadside drug test undertaken by police, and that will, or is, significantly increasing the number of tests.*

*This work is done at race meetings and elsewhere, and the Tasmanian samples are tested by Racing Analytical Services Limited, I think that helps, RASL in Victoria. RASL is continually undertaking research and development on the detection of drugs, and is only*

*one of four worldwide reference laboratories used in the International Federation of Horse Racing, as their results are both highly reliable and credible. ...*<sup>22</sup>

The following process was submitted by the Minister for Racing in response to a question on notice in relation to how relevant evidence is gathered, securely handled and contained (e.g. swabs, drug tests etc.) by ORI staff and/or third parties:<sup>23</sup>

*Evidence gathering and management is done in accordance with accepted practice.*

*All relevant Office of Racing Integrity staff are required to undertake training towards achieving a Certificate IV in Government Investigations.*

*Applicable rules and standards for evidence gathering and management in this context include:*

- *the Rules of Racing*
- *the Evidence Act 2001*
- *the Australian Government Investigation Standards, and*
- *the Department of Natural Resources and Environment Tasmania Compliance and Enforcement Policy and Procedures.*

*Specific guidance on certain activities is communicated to ensure compliance with provider requirements - for example samples to be submitted to the Racing Analytical Services Laboratory. ...*

*As part of ongoing improvement, ORI has procured and has adopted a class-leading Electronic Investigation Management System (called COMtrac) to improve and streamline investigations including evidence management. It has been rolled out incrementally since June 2022 (following successful roll out in other areas of DNRET). The roll out will continue until it captures the full scope of ORI investigations and inquiries. ORI employed a fixed-term officer dedicated to delivering on this activity.*

The Committee was provided with data that summarised outcomes of random and targeted tests undertaken by ORI staff and/or third parties for the period 1 July 2021 to 31 March 2023. Of the 594 post blood and 2,157 post urine tests undertaken, a total of 21 tests were found to be drug positive, with 15 of those tests resulting in either a disqualification period and/or monetary penalty being applied (see [Appendix A](#)). Further details of recent Stewards decisions may be found on the ORI website.<sup>24</sup>

The Committee also noted that under the Australian Rules of Racing, Australian Harness Rules of Racing and Greyhound Australasia Rules (collectively and in combination with any Local Rules) provide Stipendiary Stewards with the authority to conduct hearings and impose penalties for offences of those Rules. Stewards have no authority to impose any penalty not provided for under those Rules.

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<sup>22</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.30-32

<sup>23</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 29 June 2023), p.7-8

<sup>24</sup> See ORI – Stewards Inquiries Decisions (<https://nre.tas.gov.au/racing/stewards-inquiries-decisions>) [Accessed 26 July 2023]

### **Summary of Animal Welfare Matters across Tasmanian Racing Codes**

At the public hearings, the Minister for Racing spoke to the progress of equine traceability within the harness racing industry:

*Ms OGILVIE - ... ORI and Tasracing are working with Harness Racing Australia and other jurisdictions because it's a national issue to ensure equine traceability rules and retirement processes are in line across those jurisdictions to meet, what I will say is a growing social expectation of the racing industry.*

*Trainers and owners are bound by the rules of racing regarding that retirement process, that is the life cycle issue. Currently, registered horses that have been retired or a decision is made to not race, the owner or trainer must notify the registrar within one month of the horse's retirement, and then there are rules about time frames with those things. ...*

*I will say that the thoroughbred industry has come together to announce a strategy to develop a national horse welfare regime: this is important work. Harness Racing Australia is developing digital tracking technologies - that is really important as well - to enhance and complement traceability initiatives, to complement those federal expectations. These new initiatives will directly assist Tasmania in tracking the location of horses.*

*We have those national traceability reforms happening. Now agricultural Ministers, because we flow into that area as well, in December 2022 considered the final report of the National Horse Traceability Working Group: again that is Ms Palmer's area. However, I can give you a bit of information, and that national horse traceability implementation taskforce will oversee the implementation and operation of the traceability service.<sup>25</sup>*

With respect to the provision of animal welfare across all Tasmanian racing codes, before, during and after their racing life, the following was submitted by the Minister for Racing in response to a question on notice:<sup>26</sup>

*Programs of work targeted at animal welfare are managed at different levels and for different purposes.*

*ORI oversees and delivers the following activities relating to animal welfare:*

- *active enforcement of relevant aspects of the animal welfare framework in Tasmania, including the Rules of Racing:*
  - *the Rules of Racing, which apply to the licencing and conduct of persons and administration of races, contain provisions relating to the management and welfare of animals in the racing industry*

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<sup>25</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.36

<sup>26</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 29 June 2023), p.8-11

- *the Rules are nationally consistent and managed by Tasracing, but enforced by Stewards appointed under the Racing Regulation Act 2004 and who are working within ORI.*
- *regular property inspections throughout the state, ensuring racing animals are properly cared for and licenced participants are complying with animal welfare legislation and the racing rules:*
  - *ORI stewards have the authority under the Rules of Racing to enter at any time, any property under the control of a licenced person. Several stewards are also appointed as authorised officers under the Animal Welfare Act 1993.*
  - *Stewards have the power to inspect and search the premises, examine any horse or greyhound on the property and seize anything considered necessary.*
  - *inspections can be routine, random or targeted and all inspections are recorded on the national database for the relevant racing code.*
  - *all new licence applications must have a satisfactory inspection conducted by the stewards before the granting of a licence.*
  - *inspections include a review of:*
    - *registered animals, focusing on animal welfare*
    - *treatment areas and treatment logbooks*
    - *stables, yards, kennels and runs*
    - *fencing, feed rooms, water reticulation and air circulation.*
  - *the location of registered greyhounds and horses is monitored by ORI and Stewards use a check list of physical infrastructure and indicators of individual animal welfare when conducting a kennel or stable inspection.*
- *Close and ongoing engagement with RSPCA Tasmania, supporting more formal structures like the Memorandum of Understanding in place between NRE Tas and RSPCA Tasmania: an example of this is when ORI collaborated with RSPCA to rehome eight greyhound puppies that were born with congenital vision impairment. ORI funded laboratory analysis and veterinary advice leading to a decision by RSPCA Tasmania that they would undertake to rehome the puppies. All puppies were adopted during the first few months of 2023.*
- *Ongoing engagement with Tasracing about welfare matters, including making relevant recommendations from time to time in the context of the functions of the Director of Racing (provided by the Racing Regulation Act 2004).*
  - *For example, ORI is supporting and advising Tasracing's effort to develop an Equine Welfare Code of Practice that they intend to link to the Rules of Racing.*
  - *ORI is supplying animal welfare regulatory expertise to this effort.*
- *Collaboration with fellow regulators when detections of potential breaches of animal welfare rules or legislation occur:*
  - *In 2018, ORI supported Biosecurity Tasmania to conduct an investigation into animal welfare issues on a property connected to the racing industry at Tea Tree by providing staff skilled in horsemanship and data relating to the people and property. Biosecurity Tasmania successfully prosecuted that person for offences under the Animal Welfare Act 1993.*

*Tasracing delivers a range of functions and programs directed at supporting industry participants to improve animal welfare outcomes. I am advised by Tasracing that these include:*

- *making and adopting of Rules*
  - *Tasracing, as custodian of the Rules of Racing as per the Racing Regulation Act 2004, has the capacity to make or adopt rules specifically to support animal welfare. Examples include (but are not limited to):*
    - *AR231 in the Australian Rules of Racing (Thoroughbred Code)*
    - *AHRR213 - 213C, 218 and 218A in the Australian Harness Rules of Racing (Harness Code)*
    - *Part 4 of the Tasmanian Greyhound Rules of Racing (Greyhound Code)*
  - *The Racing Equine Welfare Code of Practice (currently in development, with the support of ORI) will be linked to the Rules.*
- *general processes and functions:*
  - *commissioning the 'Tasracing Animal Welfare Review' by David Sykes in 2022*
  - *the appointment at a senior executive level of a Chief Veterinary and Animal Welfare Officer role in mid-January 2023*
  - *recruitment for a Principal Veterinary Officer currently underway.*
- *specific programs:*
  - *Off the Track Tasmania is designed to promote the versatility of retired racehorses by encouraging those involved in equine pursuits to consider acquiring a retired racehorse and to recognise and reward existing owners of retired Tasmanian racehorses for their achievements beyond racing*
  - *Greyhound Adoption Program Tasmania is part of a national initiative operated by Tasracing in Tasmania preparing and promoting retired greyhounds as pets*
  - *Greyhound Recovery Rebate Scheme involves Tasracing contributing to funding (up to a maximum of \$3,000 including GST) towards all veterinary costs for injured Greyhounds with eligible injuries*
  - *Greyhound De-sexing Program to fund the costs of de-sexing of all greyhounds retiring from the industry to enable retired greyhounds to transition to pet life as early as possible (a rebate for dental examination and treatment to be included soon)*
  - *StrideSafe is an innovative system that uses data captured by sensors located in a horse's saddlecloth during racing to relay information about the horse's movement and stride quality, providing veterinarians and Stewards early warning of potential injuries and other conditions – this system is currently undergoing validation*
  - *development of a race day Standard Operating Procedure to guide stewards, on-track veterinarians and greyhound participants in the treatment of serious musculoskeletal injuries in greyhounds*
  - *establishing a network of after-hours emergency clinics (in close proximity to greyhound race tracks) to facilitate the referral of race-track casualties for further assessment (including radiography, where indicated) and treatment*
  - *updating the Racing in Hot Weather policy in time for the next Summer Racing Carnival*
  - *developing and fine-tuning equine race day policies and protocols.*

The Committee also heard from Mr Helmich (Director of Racing and General Manager, ORI) with respect to the proposed improvements to reporting on greyhound deaths related to racing:

*Ms WEBB - ... picking up on a discussion we had during Estimates, about an initiative that seemed to be in train about reporting more thoroughly on greyhound deaths that occurred within 14 days of receiving injuries on the track. That wasn't something that's nationally required in terms of data reporting, but it sounded very positive that there were plans with the Chief Veterinary and Animal Welfare Officer and the Director of Racing to meet to put a plan in place to collect those data and report on them...*

*Mr HELMICH - I have had discussions with my team in relation to that aspect and a number of other reporting criteria about greyhound welfare, and I have put together a draft template in relation to that. On 15 July 2023, I will release publicly, and on the website, the first quarterly report on it. It is a similar quarterly report that is undertaken in New South Wales and Queensland, and I have discussed that in those jurisdictions. We will be using a very similar template that is used there. It will be a consistent approach. The only difference will be the reporting of the greyhounds that have died within 14 days of receiving an injury. That will be included in our reporting, but it is not included in reporting by other jurisdictions.*

*Ms WEBB - Thank you, it's positive to hear that's progressing. Can I check what quarter will be reported on in that data that is released on 15 July [2023]?*

*Mr HELMICH - It will be the March to June quarter.<sup>27</sup>*

At the time of this report, the Committee noted the Director of Racing had commenced publishing quarterly reports of greyhound breeding, retirement and injury statistics relative to the Tasmanian greyhound racing industry. The indicative timeframe for publication of quarterly reports was approximately two weeks after the end of the relevant quarter.

The Committee noted that for the quarter April to June 2023, one greyhound was reported as being euthanised within 14 days after track injury.<sup>28 29</sup>

### **Committee Finding**

F13. The Director of Racing had commenced publishing quarterly reports of greyhound breeding, retirement and injury statistics in relation to the Tasmanian greyhound racing industry.

### **Greyhound Adoption Program**

At the public hearing, the Committee was informed of the current greyhound adoption program (GAP) and its potential expansion to other providers, through the Minister for Racing and Mr Jenkins (Chief Executive Officer, Tasracing):

<sup>27</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.18

<sup>28</sup> See ORI Quarterly Breeding, Retirement and Injury Reports, <https://nre.tas.gov.au/racing/greyhound-racing/quarterly-breeding-retirement-and-injury-reports>

<sup>29</sup> See ORI Greyhound Breeding Injury retirement Report – Q4 April – June 2023, [https://nre.tas.gov.au/Documents/Greyhound%20-%20Breeding\\_Injury\\_Retirement%20Report%20-%20Q4%20April%20-%20June%202023%20%28amended%2018-07-2023%29.pdf](https://nre.tas.gov.au/Documents/Greyhound%20-%20Breeding_Injury_Retirement%20Report%20-%20Q4%20April%20-%20June%202023%20%28amended%2018-07-2023%29.pdf), p.4



*Mr VALENTINE - During Estimates, we talked about the Greyhound Adoption Program. One area I was interested in was the number of greyhounds that exit as a result of having passed away as opposed to being euthanised. I don't think we ended up getting the figures for that and I don't think it was put on notice through the process. You talked about the number of exits and how well the program was operating. My question was in relation to how many are not exiting through adoption.*

...

*Ms OGILVIE - Brightside and others?*

*Mr VALENTINE - Yes, well, there was a question mark over whether Brightside was being funded appropriately, but my question was to do with the number of dogs that go into the adoption program that aren't adopted out, that don't make it through the system. What happens to them?*

...

*Mr JENKINS - To the best of my knowledge we have not had a dog euthanised in my time through the adoption program. Dogs are either going through or participating in a behavioural program toward domestic rehoming, participating in foster care to assist their acclimatisation and becoming used to a domestic environment. I would have to check detailed statistics regarding dogs that have become ill. We have not had any instances in my time of euthanasia due to behavioural concerns or being inappropriate for rehoming.*

*Mr VALENTINE - That means that every dog that enters the adoption program has managed to be retrained for adoption and has been adopted out appropriately?*

*Mr JENKINS - That is right, Mr Valentine.*

*Mr VALENTINE - Do we have the figures on that or is that in your annual report? The number of dogs that have gone in and the number of dogs that have gone out.*

*Mr JENKINS - Yes, we do. It is a matter of public record through our annual report.*

...

*Mr VALENTINE - ...Regarding Brightside and others, are they getting a fair access to funds to be able to carry out a greyhound adoption? The GAP seems to receive the majority of funds. Is that equitable when you consider the number of people who are trying to do this successfully?*

...

*Mr JENKINS - ... as a racing industry, we see ourselves as having a primary responsibility for rehoming the majority, if possible, of greyhounds after their racing career. We also recognise the significant value and importance of alternative rehoming operators that typically operate of a private nature.*

*Historically, Tasracing has not engaged in a funding mechanism outside GAP. I'm pleased to share that since the recent appointment of our chief veterinary and animal welfare officer, Dr Martin Lenz, we are currently scoping rehoming grants. Based against a set of pre agreed criteria, we will open up a public expression of interest and invite appropriate and registered entities to apply for alternative funding.*



*We hold primary responsibility and we recognise that, but we do balance and recognise that there are alternatives. It's what's best for the greyhounds.*

*Mr VALENTINE - Is that new funding?*

*Mr JENKINS - It will be through the existing animal welfare budget...*

*Ms WEBB - Are those grants what we spoke about in Estimates the Racing and Animal Welfare grants scheme, the RAW grants scheme?*

*Mr JENKINS - It is.*

*Ms WEBB - And that will provide some opportunity for private rehoming services to access funding?*

*Mr JENKINS - That is correct.*

*Ms WEBB - What would be the amount per dog that would be available to them?*

*Mr JENKINS - We are still in the preliminary development stage. I cannot give you a figure.*

*Ms WEBB - When is the time line then for the completion of development of that scheme and then its rollout?*

*Mr JENKINS - There isn't a specific time line. I'd expect that in the next three to six months it is something that we would be in a position to finalise and release publicly.*

*Ms WEBB - Within the next three to six months?*

*Mr JENKINS - Yes.*

*Ms WEBB - There's not a requirement for a new Minister as to when this should come on board, knowing that those private rehoming services are currently struggling to provide the service, which can't be provided through GAP, because GAP can't meet the full need. We are leaving them out to dry for another three to six months, at least.*

*Ms OGILVIE - Well, I don't agree with the characterisation of leaving things out to dry. I don't think that's a fair summary. ... From my perspective, we have a system that is doing the best it can with our current state of play. ... We have responded to the request of the broader sector to work something out in relation to funding.*

*That's at the policy level. At the operational level, where Tasracing is charged with implementing new models, the time lines, the resourcing, the funding, the operationalising of this policy are within their remit.*

*Ms WEBB - ... you don't have an expectation, as Minister, for when this grant scheme should be put in place, and therefore money available to the private rehoming services?*

*Ms OGILVIE - My expectation is that Tasracing will implement this with all due haste given the resources that they have to manage. I take their advice in relation to what they're able to achieve. My hope is that everybody is able to access grants and further funding and support as quickly as possible.*

*Ms WEBB - What's the trigger for the decision to begin establishing this grant scheme? Whose decision was that?*

*Ms OGILVIE - The trigger for establishing our grants scheme is because we have been listening to providers and to the industry. We take great care, as an industry, to manage animal welfare. GAP in itself is a remarkable and a good thing. I understand it was Ms O'Connor who helped kick-start this.*

*Ms WEBB - ...The question is about the decision to establish the grant scheme and when that occurred. Was it your decision?*

*...*

*Ms OGILVIE - Whose idea was it? Is that what you're asking?*

*Ms WEBB – Yes: and was the direction, say, provided to Tasracing to start looking into this? ...*

*Ms OGILVIE - My recollection ... is that it's an initiative that's come from Tasracing.*

*...*

*Mr JENKINS - That is correct. The initiative was driven, as I think I mentioned earlier, by Dr Martin Lenz since joining the organisation back in January. So, within a matter of 8 to 12 weeks, Dr Lenz had already touted such an initiative in recognition of the fact, as I've mentioned previously, that we recognise the importance of alternative rehoming providers.*

*I might also add ... that Tasracing already provides funding to private re-homers. For example, we fund the Greyhound Desexing Program and we are also about to extend that funding to dental work. We do provide a level of existing funding and we've looking forward to extending that.<sup>30</sup>*

*...*

*Ms WEBB - ... Is the RSPCA the only stakeholder that you're consulting with in terms of the development of the grants program?*

*Mr JENKINS - No, I would expect not. As I mentioned earlier, we are in a preliminary development stage, but I would logically suspect that we will consult more broadly with a number of relevant stakeholders, inclusive of the RSPCA.*

*Ms WEBB - At this stage, do you have an idea about what the quantum of funding is or the parcel that you have to make available to the grants program?*

*Mr JENKINS - No, we haven't quarantined or carved off the specific amounts of funding as yet. That will be part of the consultation process. We are working within the overall animal welfare budget in excess of \$1 million. We are satisfied that we have sufficient*

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<sup>30</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.15-18

*funds available to us that we can re-divert toward the grants program. We feel that, rather than make a commitment to a specific amount of funding at this point in time, all that has been informed by what the options are out there in the private rehoming space and then that can, in turn, inform the likely requirement for budget. So, it is going to depend on how many organisations want to participate, how many can meet the criteria that we establish behind the grants, and we will make funding decisions accordingly.*

*Ms WEBB - In terms of that, are you going through a formalised assessment process currently or an identification process about the financial support needs that are there, amongst the private providers? Is a formal assessment of that need being undertaken?*

*Mr JENKINS - That will be, but that is not a specific part of the development as yet. It is likely that it will be, but I would suspect that through the expressions of interest process, we will be seeking information from interested parties, to inform our likely funding.<sup>31</sup>*

With respect to GAP, the Committee noted that during the financial year ending 2022, there were 81 adoptions for the reporting period, with zero greyhounds euthanised and 14 greyhounds returned. The following figures with respect to GAP were presented in the 2022 Tasracing Annual Report and updated to include 2022/2023 data provided by the Minister for Racing in response to a question on notice:<sup>32 33</sup>

Financial Year	Entered	Adopted	Failed Assessment – Euthanised <sup>34</sup>	Failed Assessment – Returned to Owner <sup>35</sup>
2019/2020	102	138	3	1
2020/2021	76	98	1	0
2021/2022	66	81	0	0
2022/2023	61	72	2	0

### Committee Finding

F14. The Greyhound Adoption Program attracts the bulk of industry funding for rehoming of former racing greyhounds.

### Committee Recommendation

R5. The Government should ensure Tasracing has sufficient resources to fully fund retired greyhound rehoming services across industry and private providers.

<sup>31</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.27

<sup>32</sup> See Tasracing 2022 Annual Report, [https://tasracingcorporate.com.au/wp-content/uploads/2022/10/CC001864\\_Tas%20Racing%20Annual%20Report%2021-22%20e-version.pdf](https://tasracingcorporate.com.au/wp-content/uploads/2022/10/CC001864_Tas%20Racing%20Annual%20Report%2021-22%20e-version.pdf), p.15

<sup>33</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.4

<sup>34</sup> Unsuitable for rehoming: euthanised on behavioural grounds (does not include euthanasia on medical grounds)

<sup>35</sup> Unsuitable for rehoming: greyhound returned to owner

## **Animal Welfare Funding**

At the public hearing, the Minister for Racing and Mr Jenkins (Chief Executive Officer, Tasracing) informed the Committee in general terms of animal welfare funding provided within the Tasmanian racing industry:

*Ms WEBB - I think you mentioned Tasracing has \$1 million, or something in the vicinity, available for animal welfare funding. Given that you have said that this grants program is going to come from that same parcel, looking ahead, can you provide us with a breakdown of how, say, in the previous financial year, that funding was allocated? And then, what that might look like going forward? If you are then reallocating some of that to the grants program, what else will potentially be funded less across that parcel of money? Are you able to give us that information?*

...

*Ms WEBB - I am interested to know how the animal welfare funding, prior to this grant scheme being in place, that has previously been allocated and spent, knowing [how] ... it will change since the grants will be coming out of it, too.*

*Mr JENKINS - Annual report figures are available. There is a significant investment and funding allocation per year into the Greyhound Adoption Program, our Off the Track program and our related partnerships and sponsorships. We will be intending to develop a more detailed animal welfare strategy, inclusive of a funding plan. I am working through that process at present with our Chief Veterinary and Animal Welfare Officer. So, as part of that exercise, we will be able to make a firm set of decisions around where funding is allocated.*

*It would be fair to say that over the past 12 months, while we have been going through the process of appointing a Chief Veterinary and Animal Welfare Officer and wanting to have a sound strategy and programmatic sequencing to ensure the best value from every animal welfare dollar that is spent, we do have some funding that is sitting available for new and incremental programs. The RAW grants would fall squarely into that category. What I am saying is that I do not feel that we are at any risk of needing to rob Peter to pay Paul in funding the grants under our existing animal welfare funding envelope.*

*Ms WEBB - To better understand that, I am interested to have a breakdown of the animal welfare money allocated in your budget. How is it being spent? How is that being divvied up, because I do not think that level of detail is available in the annual report...?<sup>36</sup>*

The Minister for Racing submitted a detailed breakdown for each of the past three financial years of the animal welfare funding expenditure by Tasracing (see [Appendix B](#)).<sup>37</sup>

### **Committee Finding**

F15. As at 30 June 2022, Tasracing recorded funding for animal welfare was \$1.76 million which included funding for other expenses, including overheads.

<sup>36</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.27-28

<sup>37</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.5

### **The Role of the RSPCA Tasmania**

The Committee noted under the Monteith Review, it was advocated there should be a role for RSPCA Tasmania in animal welfare and retaining the power for independent investigation of animal welfare matters. At the public hearings, the Committee heard from the Minister for Racing and Ms Wilson (Deputy Secretary, DNRET) on the future involvement of RSPCA Tasmania with respect to animal welfare and advocacy matters:

*Mr VALENTINE - What level of consultation has occurred with RSPCA in relation to the draft bill you are talking about? Could you walk us through that and how keenly they have been involved?*

*Ms OGILVIE - I am very aware as a Minister at a policy level the RSPCA does an incredible job with the resources they have. What we are asking the RSPCA to do and what they are coming on the journey with us is having a larger and more defined role under the new act which will include additional powers. From my perspective, it would be unfair to ask the RSPCA to do more without additional funds and we have announced some additional funds already. As we implement the structural changes, the RSPCA is at the table for that.*

*As I have said and noted here, and you have seen in my diary, I meet regularly with Jan Davis from the RSPCA. We have each other's phone numbers and speak regularly. I have made a commitment to her and she has been great and is at the table with us as part of the review process. The Department obviously has a Committee working with those stakeholders at that operational layer, but at a political layer I also have my own conversations underway. ....*

*Ms WILSON - ... I have met with the CEO of the RSPCA and with our drafting instructor, who is helping instruct the Office of Parliamentary Counsel internal to NRE Tasmania. I met with her and then there was a follow-up meeting with the drafting instructor. We intend to go back to her because we have advanced the drafting of the bill. Our attempt would be to engage them in the near future about where we are with the drafting of the bill, because there are nuances and that happens when drafting is progressed. We do see them along with our other stakeholders as a critical entity we need to engage with, as the Minister has said, because there will be a policy role under the act for the RSPCA.*

*Mr VALENTINE - What level of embedding of the RSPCA is there likely to be in the bill?*

*Ms OGILVIE - Certainly a broader and more rigorous role. We want to make sure, as I am always very concerned with using our resources wisely if we have that perspective on what we do, then I must afford that to the RSPCA also. I understand they do their work really effectively and efficiently, but the funding issue does matter and we need to resource them to take up what will be a broader role within the act...*

*Ms WILSON - There has also been consultation between Biosecurity Tasmania, the Office of Racing Integrity and the RSPCA on the \$200,000 funding to help them set up for, hopefully, the passing of the bill and the new model. We have continued to engage in that process. In terms of the bill and the drafting instructions, we are looking to embed in*

*the bill a Committee which will provide animal welfare advice to the new TasRIC to inform things like animal welfare standards and integrity standards. It is an integral part of the new model.*

*Mr VALENTINE - One thing that niggles me in terms of the RSPCA's involvement is that, clearly, they are very concerned as they are a lobby group on occasions and yet we are going to engage them in the legislation. How do you propose seeing that being effectively managed? If you are funding them, they do not wish to feel beholden to the Government because they are getting money and fettered in their capacity as a lobbyist.*

*...*

*Ms OGILVIE - It is a balance many organisations have to strike between having a voice for advocacy and - those who will have new regulatory functions within the racing sector. When it comes to confidence, we could not do better than have the RSPCA at the table. It is really important. They work with us already visiting sites, Tasracing works with them, I work with them. They are the premium and best-known group for animal welfare.*

*...*

*Mr VALENTINE - There is no way you would be expecting them in any way to fetter their concern for animals and coming to you with concerns.*

*Ms OGILVIE - No, of course not and I currently believe that. I would no more try to direct the RSPCA than any other regulatory organisation. We are very grateful to the RSPCA for the work they do. ... I hope the RSPCA, as part of our new organisation, will feel they can still be bold and strong about animal welfare, bring forward recommendations, help guide the future and to make sure we give everybody a true picture of the racing sector, how much people love their animals in this industry and what great care is taken by so many people who are part of this important industry. The RSPCA is an integral part of that. ...*

*...*

*Ms OGILVIE - It is a philosophical question you are asking. There will not be any fetters placed on them in that regard. I have engaged with them very early in the process of negotiation of the potential bill and their role. The resourcing issue is a real one and is something we are certainly very alive to. Whatever I can do and whatever our Government can do to make sure animals are well cared for, looked after, managed and protected - including with the RSPCA's input - but all of the other elements of what we do as part of racing integrity and animal welfare, I will do.*

*Mr VALENTINE - You will obviously have proper service agreements in place to be able to manage that relationship.*

*Ms OGILVIE - That is right. That is a good way of looking at it, but not only that, in relation to having them involved in the drafting of the bill we could not get more integrated than that.*

*Ms WEBB - The \$200,000 recently provided to the RSPCA for various things is not operational funding, is it? It is not core funding?*

*...*

*Ms OGILVIE - Is it project-based funding? Is that what you are asking?*

*Ms WEBB - Does the Government fund the RSPCA in a core sense, operationally?*

*Ms OGILVIE - Yes.*

*Ms WEBB - And when you expect them to undertake, potentially, more functions under the new legislation, are you going to be increasing not just potentially project funding or task funding, but core funding to the organisation?*

*Ms OGILVIE - ... The RSPCA has a number of functions that sit across a number of portfolios and not just mine, so it is a larger question, but it does sit with the Department. ...*

*Ms WILSON - I'll come at this from the sense of core funding first. The core funding for the RSPCA sits under another Minister's portfolio - Ms Palmer's [Minister for Primary Industries and Water] - but I can answer the question that the core funding is for RSPCA inspectorate services and it's \$550,000 per annum. That funds the core inspectorate services.*

*The \$200,000 funding was for readiness for the new integrity model. It goes towards access to an investigation management system for the RSPCA animal welfare officers, to align with the Office of Racing Integrity and Biosecurity Tasmania. It was support for modernising the memorandum of understanding between the RSPCA and other relevant animal welfare regulators in Tasmania - that is what the Member was going to earlier, how do we make sure we have good, strong understanding about relationships between parties. We have an existing MOU between the RSPCA and Biosecurity Tasmania which has stood the test of time. We regularly review it and we are in the process of reviewing it now.*

*Another arm of that funding was analysis by the RSPCA of options for lifetime traceability for greyhounds and adoption processes and linkages to local government. It was to look at options: it wouldn't necessarily be about implementing something like that, because that's a far greater exercise. That's what that project funding was for.*

*In terms of the role of the RSPCA under the new integrity model, obviously, we're still engaging with them. There are two aspects. One is the policy role in terms of the new Committee. The RSPCA already has a representative role on the Animal Welfare Advisory Committee for example, so there's a well-understood model about how that operates and how we support them in those roles -*

*Ms WEBB - Undertaking those sorts of roles - are we funding them to do that? For example, with the advocacy - when they're involved with you, discussing development of legislation, or when they sit on a body to provide their expert input into an advisory group, those functions take resources: people, time and more. Is that an element that's funded, and if so, how is that funded? Given that these are in the racing area, is it funded through the racing area? Or is it part of the funding they receive through the other portfolio area?*

*Ms WILSON - We have various boards and committees and the remuneration depends on the particular board and committee and the legislative framework that's set up. In the*

*case of the Welfare Advisory Committee, many members are state servants and don't get any remuneration. ...*

*...*

*Ms WILSON- ... More often than not, expenses are covered. In the case of what we're developing with this new bill, we've not got to that level of detail. But, as I say, there are standard practices across boards and committees where remuneration of expenses to participate -*

*Ms WEBB - That's not what I'm asking. For example, whoever the RSPCA sends to sit on that Committee, do you pay their wage for that period of time, as an expense?*

*Ms OGILVIE - Like a sitting fee?*

*Ms WEBB - The RSPCA has to provide someone to go and sit on that Committee. 'Expenses being covered' might mean the petrol it took for them to get there; or does it mean the value of that person for the half-day it took to go and sit in that meeting? I'm pointing it out because my background is in the NGO sector. You're generally expected to do far more than you are funded to do from Government because you have to be involved in consultations, you have to go and sit on that committee or that group. Those things, while expected by Government, aren't generally funded by Government. I'm trying to identify whether that's the case here.*

*Ms OGILVIE - The Deputy Secretary has advised me that sometimes there are sitting fees and sometimes there are sitting fees and travel expenses.*

*Ms WEBB - I'm asking about the RSPCA, in this instance.*

*Ms OGILVIE - That's what I'm saying.*

*Ms WILSON - I'm indicating that the bill is being drafted. The model that will be put in place for the Committee will be determined and guided by the bill, but the standard practice across boards and committees is for a sitting fee with remuneration for out-of-pocket expenses: sometimes it's out-of-pocket expenses. That's the standard practice.*

*Ms WEBB - ... Currently, RSPCA sit on an advisory group: correct? My question is, is that funded? And I would like you to describe to me whether it is. I don't need to know the general approach about sometimes sitting fees, sometimes reimbursement. I want to know, is the position the RSPCA holds on that advisory group funded?*

*...*

*Ms WILSON - I'll go back a step. There are statutory roles for people appointed under the conditions of the act. In terms of funding of particular entities, we provide core funding to the RSPCA of \$550,000 per annum, which is for the inspectorate services. It is not for their advocacy services.*

*Ms WEBB - ... That's clarified they're not funded by the Government for their advocacy services, such as sitting on that advisory group: that's not funded?*



Ms WILSON - The Animal Welfare Advisory Group? Yes, that is correct.<sup>38</sup>

### **Committee Findings**

- F16. The existing animal welfare legislation includes RSPCA Tasmania animal welfare officers as authorised officers: their role specific to registered horses and greyhounds is through an administrative arrangement with the Department of Natural Resources and Environment Tasmania.
- F17. RSPCA Tasmania receives core inspectorate funding under the Primary Industries and Water portfolio and project funding for tasks relating to the Racing portfolio.
- F18. RSPCA Tasmania advocacy functions are not funded by Government.

### **Committee Recommendation**

- R6. Ensure funding agreements with the RSPCA include funding for advocacy activities related to Government policy and legislative development.

### **Progress of Report Recommendations – Greyhound Racing in Tasmania**

The Committee noted the Joint Select Committee on Greyhound Racing in Tasmania Report (No. 1 of 2016)<sup>39</sup> made 31 recommendations. In responding to a question on notice, the Minister for Racing advised the following:<sup>40</sup>

*The Tasmanian Government in consultation with Tasracing, ORI, the RSPCA and other interested parties provides annual updates of progress on the recommendations made by [that] Committee.*

DNRET publishes the most recent annual update reports on its website.<sup>41</sup>

## **Ministerial Oversight of Tasmanian Racing Industry**

### **Ministerial Accessibility**

At the 13 April 2023 public hearing, Minister Ogilvie was asked of her meeting commitments with the various racing codes in the previous year:

*CHAIR - ... I expect that you have met with each of the codes in the last 12 months. Is that correct?*

*Ms OGILVIE - That is right, of course.*

<sup>38</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.28-33

<sup>39</sup> See Final Report - 14 September 2016, [https://www.parliament.tas.gov.au/\\_data/assets/pdf\\_file/0026/56573/final20report20tabled201420september202016.pdf](https://www.parliament.tas.gov.au/_data/assets/pdf_file/0026/56573/final20report20tabled201420september202016.pdf)

<sup>40</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 29 June 2023), p.11-12

<sup>41</sup> See Response to the Joint Select Committee Report into Greyhound Racing, <https://nre.tas.gov.au/racing/greyhound-racing/response-to-the-joint-select-committee-report-into-greyhound-racing> [Accessed 26 July 2023]

*CHAIR - What about the Northern members?*

*Ms OGILVIE - I can't remember the exact number, but I have been to many, many, many clubs' events.*

*CHAIR - That is interesting, because I have advice that you have not actually been to any.*

*Ms OGILVIE - Any what?*

*CHAIR - Any of the greyhound. You have not met with any of the three clubs ... How do you know, if you are not meeting with those clubs?*

*Ms OGILVIE - ... I am at as many events as I can. I do not have the actual number, but I have been around. I have certainly been at the greyhound races here in Elwick, and have been handing out awards and all sorts of things.*

*...*

*In relation to being out and about in industry, I can assure you I work so hard to do that. I have regular meetings with our organisations...<sup>42</sup>*

*...*

*Mr WILLIE - ... We were talking about assurances and a lot of these questions about Ministerial oversight. I know we have requested a document of the meetings of the stakeholders, but it is worth testing some of this in the hearing as well.*

*We have heard that there are three greyhound racing clubs that have not met with the Minister in 12 months. Minister, it's a very simple question, have you ever met with the Launceston Pacing Club or been to a Mowbray harness racing event?*

*Ms OGILVIE - I will need to have a conversation with Mr Jacobi.*

*Mr WILLIE - It's a very simple yes or no.*

*Ms OGILVIE - Certainly. I will take that on notice and provide dates. I think you have already asked for some information on who I have met with, when and how. We are happy to do that.*

*Mr WILLIE - Have you ever met with the Burnie Harness Racing Club, or been to a Burnie harness racing event?*

*Ms OGILVIE - I have just committed to provide you with that information, and we are happy to do that.<sup>43</sup>*

*...*

*Ms OGILVIE - ... Firstly, I would like to circle back and confirm that you are quite right that I might not have met with every greyhound club. Absolutely. Nonetheless, I am working very hard across the sector and industry...<sup>44</sup>*

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<sup>42</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.26

<sup>43</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.32

<sup>44</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.27

A question on notice was put to the Minister for Racing to provide details of her engagement with industry from the time she commenced in the role:

1. *all meetings or briefings (in person, by phone or online) the Minister and/or her relevant advisors have held with racing industry stakeholders, representative groups, animal welfare entities, including any briefing documents prepared for those meetings, notes or minutes taken, issues raised and follow-up actions or responses*
  - a. *all racing events attended by the Minister, and*
  - b. *all site visits the Minister has made to racing fixtures, animal welfare facilities, or racing industry-related businesses or properties.*

The Minister's response was 'Due to the voluminous nature of this question the table at Attachment 1 is not exhaustive and incorporates official meetings and race meets only ...' <sup>45</sup>

A table of meeting dates and locations indicated that the Minister had 62 diary occasions recorded in her capacity as Minister for Racing. These included attendance at racing industry events, meetings with stakeholders, and appearances at Parliamentary Committee and Budget Estimates public hearings. A copy of the information is provided in [Appendix C](#).

### **Committee Finding**

F19. The Minister for Racing's diary, as provided to the Committee for the period April 2022 to May 2023, showed meetings with a number of racing industry stakeholders: the Minister did not meet with all stakeholder groups during the period.

### **Ministerial Complaint Handling**

With respect to how the Minister keeps track of matters of concern, interest and/or complaints raised by interested parties, the Committee heard from Minister Ogilvie and Mr Jacobi (Acting Secretary, DNRET):

*Ms WEBB - ... since you have been Minister, I imagine you have had people, groups, stakeholders come to you at different times to raise matters of concern or interest or complaint directly. Do you keep a log, as Minister, of issues brought to you - or your senior advisers in this area - of complaints, concerns, matters raised? Can you provide us with that log, and the responses you gave in relation to each instance? ...*

*Ms OGILVIE - ... My office is incredibly busy. You would imagine the racing industry is broad and deep and wide. We have constant communications into our office, and we do indeed have a process in place. That process does relate particularly to issues of complaint, which are taken seriously.*

*You would, of course, appreciate that each possible complaint or comment or piece of information is in its own context and is different. Some issues are raised with me directly*

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<sup>45</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 29 June 2023), p.1

*- in person, through social media, telephone, you name it. That's how these issues can come forward, and I'm at events where people talk to me about all things at all times. Others are raised directly with my office. Other matters are formally put to me in writing: I might get a letter.*

*Broadly speaking, the established process is that correspondence is referred to the relevant department, and in this case - the case of racing - the Department is NRET...*

*Ms WEBB - ... I'd again like to come back to my actual question to you - and that is, in your office, the record-keeping process for matters that are raised with you in this portfolio area, and a record of what your responses or actions - or of your office - were in relation to that, and whether you can provide that information to the Committee? That is about your office, not about the Department.*

*Ms OGILVIE - ... The information that comes into our office can be very broad in scope and it is almost constant daily. We have a departmental liaison officer who manages that information. It is all managed quite carefully and scrupulously through our Government systems and processes. The RTI<sup>46</sup> process applies and we have had RTIs. We have responded to them appropriately and we are always happy to do so.*

*In relation to queries and complaints that come through, there is a process. That process is referral to the Department and the Department makes a judgment about complaints, information, queries, what sort of category those questions come through. As far as providing a log, that that is probably not what we would do but if you have a specific question about specific issues -*

*Ms WEBB - My question is about your processes in your office and your accountability as Minister for how your office deals with matters brought to it. It is a structural question and I believe my question and my request is valid, that you provide to the Committee documentation about how matters raised with your office, and you, are actioned and dealt with so that we can see how that occurs. You have said it is done scrupulously, excellent, but you are accountable to Parliament and we can ask you to demonstrate that to us as a Committee, which is what I am doing.*

*Ms OGILVIE - ... I am always happy to try to provide you with all the information I can. We do have processes in our office. That process is pretty straightforward, which is when these emails come in, emails, WhatsApp, social media: I make a note, I send it through. It goes to the Department and the Department effectively triages that. That is the process. If you would like, we can provide more information by taking that on notice. Are you looking for a document?*

*Ms Webb - Absolutely. ... I am requesting a document.*

*Ms OGILVIE - I am not in a position to provide you with a log because there is personal information protection, privacy issues, those sorts of things, but if you are talking about a process then that is perhaps something I can help with.*

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<sup>46</sup> Right to information

...

*Ms OGILVIE - I have just taken some advice on the process, the system that we use is called myDAS. ...*

*Mr JACOBI - As the Minister outlined, every document that is forwarded to the Department by the Minister's office is put into a system. It is called the myDAS system and it is a workflow documentation system that we use to track and record incoming correspondence and the response that is provided. There is no document of that system that I can provide you but the system operates in a way such that every document is tracked, and it is assigned to a particular officer, and we make decisions based on the nature of the correspondence about who and how that correspondence should be dealt with.*

*For example, if it is a non-controversial issue, it will go straight to the appropriate officer to draft a response. If the documentation contains a complaint or an issue which is sensitive, then it might be dealt with in an entirely different manner. That could be that it is referred directly to the Integrity Commissioner; it could be referred to the Ombudsman; it might be that it is handled by our internal complaints policy and process.*

*I would suggest if your question is about how do we deal with complaints, I could provide you with the Department's complaints handling policy and process, which would give you some assurance about the context in which we deal with complaints, and how a complaint is subsequently referred to a higher authority such as the Ombudsman or the Integrity Commissioner.*

*Ms WEBB - ... My question is directed to the Minister because my question is about what happens in the Ministerial office and the record keeping at that end of things, not what happens once it arrives in the department. That is a separate situation. I am back to the Minister asking you, are you able to provide us with documentation that details your Office's handling of complaints in terms of what has come in and what you have passed on?*

*Ms OGILVIE - We would have email trails of that, but I want to be really careful, again, to circle back to how I opened initially with the answer. As I have said, the racing industry is huge, enormous, deep and broad, and everywhere I go people talk to me. I can have someone come up to me at a race meet and say something, or I can have a formal letter. The scope of information that comes into our office is enormous. It is really a large amount of our work, dealing with inquiries, questions, complaints as they may be, et cetera*

*Those that go through to NRE are handled in the way that we have said, but issues that may come in on social media, by telephone, in social settings, I endeavour to bring those forward as well. The volume is large. That is the answer. ....*

*Ms WEBB - I am definitely interested, because you have oversight of this industry and your office assists you with that. Given the broad range of ways that material comes to you and things are raised with you, I am interested that you would not have a way of centrally logging that and keeping track of it and potentially also tracking key themes or*

*key things that might come up that need to be looked at more intensively by you in terms of oversight. You do not have a central system where you log those things?*

*Ms OGILVIE - Yes, so we do. We manage our office very carefully and as I have said I will take that on notice and provide you with that process... <sup>47</sup>*

In relation to a specific complaint against the Director of Racing, the Committee heard about how the Department dealt with the complaint internally:

*Mr WILLIE - I have an example, but this whole independent investigation is about trying to restore trust, and one of the accusations that is in the public domain is that processes used by your office have revealed whistle-blowers to the Office of Racing Integrity. ...*

*On 9 September last year, Shaun Kennedy [President, BOTRA] wrote to you on behalf of BOTRA with a very long series of complaints as well as attachments from participants raising concerns about how they were treated. The letter even mentioned intimidation tactics that one participant felt were designed to stop them from making a complaint. Among other things, the letter asks that the Director of Racing be investigated. What did you do with that letter?*

*Ms OGILVIE - ... The racing industry and its specific legislation and its regulations and its geographic and business scope is technical and complex in nature. Mr Murrihy will look at all those issues that you have raised and I do have-*

*Mr WILLIE - Including your office?*

*Ms OGILVIE - Well, I do have in front of me paragraph 7 of Mr Murrihy's terms of reference - allow him look at whatever he needs to look at. Now, that is a broad scope of reference and I am sure he will do that.*

*In relation to the complaints management process, on 9 September [2022] - the dates I think you have already identified - I received a letter via email from the president of BOTRA outlining a number of concerns and allegations in regard to the Office of Racing Integrity. I acknowledged that correspondence on 13 September [2022]. I referred the correspondence to the Secretary of the Department of Natural Resources and Environment for investigation through their complaints handling process. I am advised that an investigation was undertaken by the Department's external complaints investigation area, and the complainant was advised in writing of the outcomes on 15 December [2022] by the Secretary of NRE Tasmania.*

*That complaint contained a number of matters which fall within the purview of the Director of Racing to respond to as the industry regulator. The Director of Racing, acting in his statutory position, responded to allegations specific to ORI on the same day. I can confirm that the President of BOTRA was advised by NRE Tasmania that, should he be unsatisfied with the investigation and the response provided to his complaint, he may*

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<sup>47</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.11-13

wish to make a further complaint to the Ombudsman, and was provided with a link to the Ombudsman's website to do this.

*As noted, the BOTRA issues relating to specific races and complaints management by the Director of Racing will be subject to the Murrihy Review. Can I also say, I am trying to drive reform - and that includes reform, if we need to, of our processes for complaints management.*

*Mr WILLIE - We can see the problem here, Minister, and maybe why people have reservations about coming forward with complaints. You have confirmed that the Director of Racing was able to see that complaint and respond, in his role. Did it include the details of the people who made the complaints?*

*Ms OGILVIE - It is an important issue, and I will ask Mr Jacobi to speak to how that was managed.*

*Mr JACOBI - ... I have reviewed the letter of 9 September [2022]. It contains quite a significant number of issues and attachments that relate to the conduct of employees in my Department, the handling of complaints, but also issues relating to specific races.*

*I am advised that the Director, when he was informed of this correspondence, immediately referred it back to the Department, because he recognised there were issues in that document that needed to be managed appropriately and sensitively. Accordingly, there were issues that were referred to the Director to specifically address and deal with.*

*The nature of the way the correspondence was provided, it was almost impossible to separate individual issues. The Director dealt with those particular complaints around race allegations. The Department separately managed the complaints around the conduct and behaviour of employees. Both the Director, and the Acting Secretary at the time, provided separate responses back to BOTRA in relation to the allegations that they specifically had the purview to deal with.*

*Mr WILLIE - Minister, do you think it is appropriate that the Director of Racing received that correspondence in full, when we have just heard that he then referred that back to the Department? He has seen all of those complaints and the information contained in that document. Do you think that is appropriate?*

*Ms OGILVIE - I think what is appropriate is that we move forward with the restructure of the act, as I have foreshadowed, because we all know that we need to resolve these issues. These issues have been around -*

*Mr WILLIE - My specific question is about this letter, Minister.*

*Ms OGILVIE - I will turn to that. These issues have been something that the Monteith Review has looked at. We have had recommendations about improvement. That is the work that we are doing. In relation to that specific issue, I think Mr Jacobi has another comment.*

*Mr JACOBI - ... I have every confidence that the Director has the integrity to deal with complaints that are received, even if they are about him. Knowing Justin [Helmich] - and I trust his judgment - he immediately referred that back to the Department, because he recognised there were sensitivities in that letter.*

*As I said before, the way in which the letter was presented, it was impossible to dissect specific issues. There were allegations made about races that only the Director of Racing really could comment and provide advice to the Department on. I am entirely comfortable that the Director behaved appropriately, with integrity, and dealt with the matter following due process.*

*Mr WILLIE - Minister, my question is specifically to you. Do you think it is appropriate that the Director of Racing saw the content of that letter that contains specific allegations about his own conduct? What confidence does that give anybody in the future, coming forward with a complaint? You have outed whistle-blowers in the industry.*

*Ms OGILVIE - We need to tread carefully here. I have heard that whistle-blower phrase being used, but what we were dealing with was a series of complaints, and we've heard from Mr Jacobi that they were integrated into one letter. My personal view is that this matter was dealt with appropriately. The advice I have received is that there are matters in the complaint that needed to be brought to the attention of the Director of Racing in order for investigation to be conducted. The advice I received - and I think we've heard the Acting Secretary confirm this - is that the complaint was dealt with appropriately.<sup>48</sup>*

In a response to a question on notice, the Minister for Racing provided a deidentified record of all complaints received (or concerns raised) directly to the Minister or ministerial advisors from any stakeholders in the racing industry (from 4 March 2022 to 6 April 2023). The Committee noted that the Minister's Office had received 56 correspondence items over the period (see [Appendix D](#) for details) and most had been dealt with. The Minister for Racing further noted that complaints were defined by the DNRET 'as a formal expression of dissatisfaction with an action taken, decision made or service provided, or a delay or failure in providing a service, taking an action, or making a decision, which has been lodged and where a response is expected'.<sup>49</sup>

The Minister for Racing in a response to a question on notice provided a 'process map' of how complaints and concerns were received, dealt with and followed up by the Minister's Office around racing matters that are referred to the Department for action (see [Appendix E](#)).<sup>50</sup>

In responding to a question on notice as to how the Minister satisfied herself that a referred complaint or concern on racing matters was dealt with appropriately, the Minister for Racing submitted the following:

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<sup>48</sup> See Transcript of Evidence, [Public Hearings 13 April 2023](#), p.14-16

<sup>49</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 29 June 2023), p.2

<sup>50</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.1-3



*In line with the information outlined above<sup>51</sup>, where I am informed of the findings of any investigation of a complaint from the Department, I will closely examine the information to satisfy myself that all parts of the matter raised by the complainant are comprehensively addressed and seek clarification or additional information if some aspects are unclear.*

*It is to be noted that when a complaint or concern requires a regulatory investigation or inquiry, it is not appropriate for me to be kept informed of the details of how that investigation or inquiry is proceeding. I have every confidence in the Department and relevant authorised officers discharging their powers and functions appropriately.*

*I may, in general terms, be provided with information by the Department or the Director of Racing that helps me understand themes or emerging issues relevant to the Racing portfolio. This may take the form of verbal briefings at regular meetings or through written briefing material.<sup>52</sup>*

### **Committee Findings**

- F20. The complaint handling process between the offices of the then Minister for Racing and the Department breached general conflict of interest principles.
- F21. Perceptions of conflict of interest in complaint handling processes may deter industry participants and the community from lodging complaints.

### **Committee Recommendation**

- R7. Ensure complaint handling processes between the Office of the Minister and the Department are clearly defined in relation to conflicts of interest.

## **Role of the Office of Racing Integrity**

At the public hearing, the Committee heard from the Minister for Racing a summary of what ORI does with respect to overseeing the Tasmanian racing codes:

*Ms HOWLETT - Minister, can you give the Committee an understanding of the role of ORI in the terms of ensuring that harness, thoroughbred and greyhound races are able to run week in, week out?*

*Ms OGILVIE - ... For context, it is good to understand a bit about the relevant functions of the Director of Racing in maintaining that integrity function and the integrity of racing year in, year out.*

*The Director of Racing is a statutory role created by the Racing Regulation Act 2004. The Director of Racing has specific and limited functions and responsibilities under the*

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<sup>51</sup> See [Appendix D](#)

<sup>52</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.4

*act. By the convention, the person appointed to manage the Office of Racing Integrity has been appointed the Director of Racing.*

*There are two specific functions of the director described by the Act. They are controlling race nominations, acceptances, field selections, handicapping, barrier draws and scratching in harness racing; and controlling race nominations, grading, field selections, box draws and scratching in greyhound racing. ORI is part of the Department: it employs staff with roles critical to the day-to-day operations of the racing industry and in support of the Director's functions.*

*Although it is away from the public eye, these staff we have provide efficient and effective customer service directly to industry participants and just one of those areas is handicapping and grading. Our ORI staff receive and process nominations for all races in the harness and greyhound codes. Tasracing manages the same process for the thoroughbred code. This task, as you would all appreciate, has strict deadlines because we are dealing with races and processes to ensure no person or horse or dog is given favour over another and the race fields can be published on time to facilitate participation by industry members, marketing by Tasracing and race preparation for animals.*

*This critical process is done with reference to the rules of racing for the relevant code and the eligibility conditions for the specific race set by Tasracing. There are also numerous relevant policies and procedures stipulated by Tasracing or the Director of Racing that apply to the process.*

*Then there is the close analysis of records of the status and characteristics of animals and people held on national databases for the relevant code. The volume we are dealing with in the industry in 2021-22, in the harness code, was 737 races were fielded, containing 11,734 starters, a good effort; in the greyhound code, 1,539 races were fielded, containing 11,734 starters. As you would see from the NRE annual report for that year, only 2.1 per cent and 0.58 per cent of those races in their respective codes required adjustments after publication. In raw numbers, that is 15 harness races and 9 greyhound races.<sup>53</sup>*

## **Staffing of the Office of Racing Integrity**

The Committee submitted questions on notice on the staffing at ORI. The following extract was submitted by the Minister for Racing:<sup>54</sup>

*The Racing Integrity and Stewards Manager leads the Stewards Branch. There are three Chairmen (one for each code), eight Stipendiary Stewards and three Cadet Stewards.*

The qualifications and training required for each level of employment aforementioned were contained in their respective Statement of Duties.

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<sup>53</sup> See Transcript of Evidence, [Public Hearings 30 June 2023](#), p.12

<sup>54</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.2

The Committee noted that while all submitted Statement of Duties contained the selection criteria (knowledge, skills and experience), the requisite training for each position was not clearly detailed.

With respect to all current stewards employed at each level holding the minimum standard of qualification and training, the response provided indicated that ‘All current stewards hold any essential requirement that are deemed as mandatory to perform the functions of the role, with any appointments to roles within ORI (and broadly within DNRET) based on the merit principle’.<sup>55</sup>

The Committee noted the sole essential requirement that was common across all Statement of Duties was:

*The Head of the State Service has determined that the person nominated for this role is to satisfy a pre-employment check before taking up the appointment, promotion or transfer.*

*The following checks are to be conducted:*

*Crimes involving dishonesty including illegal betting or gambling*

*Serious traffic offences*

*Crimes of violence*

In the case of the Stipendiary Steward and Chairman of Stewards, the major essential requirement was that the incumbent had ‘a current motor vehicle driver’s licence’.

With respect to staff vacancies, as at 30 April 2023, ORI had four vacancies:

- 2 x Stipendiary Stewards (full time)
- 1 x Regulatory Veterinarian; and
- 1 x Operations and Support Officer.<sup>56</sup>

Of the four vacancies, two positions had been recruited with the successful candidates due to commence within the next couple of weeks (May 2023): (a Stipendiary Steward and an Operations and Support Officer). The duties of the Regulatory Veterinarian role were currently conducted by an experienced veterinary contractor.

With respect to staff establishment, ORI employed 42 staff. Of these staff, 24 were full-time (permanent or contract) and 18 were casual employees.<sup>57</sup>

With respect to cadet staffing, the following response was submitted:

*ORI is not understaffed. To meet the needs of the industry, ORI has a casual workforce that may be utilised flexibly to provide additional resources on top of fulltime staffing, particularly during periods of high demand such as spring and summer racing seasons.*

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<sup>55</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.3

<sup>56</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.3

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*There is at least one instance where a cadet has received a higher duties allowance (HDA) payment to undertake a more senior role to meet a short term absence (temporarily moving from Cadet Stipendiary Steward to Stipendiary Steward). The HDA is an appropriate way to manage staffing absences as well as provide an opportunity for junior staff to gain experience and ultimately transition into more senior roles.*

*As a part of the cadetship program, Cadet Stewards develop skills and experience in the various roles associated with race and non-race day activities under the guidance of highly qualified and experienced stewards.*

*In recognition of the need to foster workforce renewal, the 2022-23 Tasmanian Budget invested \$964,000 in additional funding to ensure that three cadet steward positions can continue for four years in ORI. As part of the 2023-24 Budget, the Government has now committed recurrent funding of \$241,000 for the program.*

*The Cadet Stewards program is an essential strategy for ensuring we have skilled and capable stewards to support the racing industry in Tasmania into the future.*

*Given the success of the Cadet Stewards program in providing career pathways for cadets to undertake other roles within ORI, a formal cadet training plan is currently being developed to map training requirements to ensure a consistent, accurate and current approach.*

*The roles are entry level positions and are paid at a salary equivalent to the Tasmanian State Service Award Band 1 level (\$50,143) which is commensurate with Cadet employment across the Tasmanian State Service.<sup>58</sup>*

With respect to whether stewards employed by ORI were precluded from concurrently holding roles in other aspects of the industry (e.g., Tasracing or a stable), the following response was submitted:

*Any steward appointed under the Racing Regulation Act 2004 is precluded from holding other roles within the industry.*

*Australian Harness Racing Rule 20 specifically prohibits a steward from undertaking an activity which creates a conflict of interest. Specifically, in relation to AH RR 20:*

- (1) No steward shall exercise any power conferred by these rules in respect of any matter in which the steward has a financial or family interest or which in any other way gives rise to a conflict of interest*
- (2) No steward shall bet or have a financial interest in any bet on a race.*
- (3) No steward shall be engaged, whether alone or in any type of association with others, in any business or activity involving the ownership, breeding, sale, lease, training, racing or management of horses connected with the harness racing industry.*
- (4) Unless the Controlling Body directs otherwise, the office of a steward is vacated if the steward does any of the things mentioned in this rule.*

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<sup>58</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.4

*(5) Unless the Controlling Body directs otherwise, a steward's office is vacated if the steward's spouse or domestic partner becomes involved in or acquires an interest in any business or activity described in sub-rule (3).*

*The Racing Stewards Code of Conduct, contained within the Instrument of Appointment for Stewards, includes the following clauses:*

- *"An employee must at all times behave in a way that does not adversely affect the integrity and good reputation of the Office of Racing Integrity (ORI)".*
- *"An employee must not hold a licence or have a financial interest in any code of racing".*
- *"An employee must disclose, and take all reasonable steps to avoid, any conflict of interest in connection with the employee's Office of Racing Integrity employment".*

*The same obligation is placed on all employees, regardless of engagement type (e.g. full time, part time or casual). Casual employees are engaged to manage seasonal demand and ensure adequate resourcing in circumstances where full time staff are not available.*

*In practice, to comply with the code of conduct (in its entirety, including the clauses noted above), a steward cannot be employed concurrently in any other aspect of the racing industry.<sup>59</sup>*

With respect to whether current ORI staff had previous employment with Tasracing, stables or other aspects of the industry, the following response was submitted:

*No current ORI employees have declared secondary employment with Tasracing, stables or other aspects of the industry. As far as DNRET is aware no previous employees were concurrently employed by Tasracing, stables or other aspects of the industry.<sup>60</sup>*

### **Committee Finding**

F22. No evidence was provided to the Committee to indicate Office of Racing Integrity staff positions require role-specific training.

## **Government's Progress against Monteith Review Recommendations**

With respect to the Monteith Review, the Minister for Racing submitted the following:

*The Monteith Review was released on 8 June 2022 during Budget Estimates Hearings, with in-principle support for the recommendations in the Review. The Government carefully considered the recommendations of the Review, releasing a position statement on each of the recommendations in November 2022.*

*DNRET is working to progress implementation of the Government's response to the Monteith Review under two dedicated workstreams: Regulatory Reform and People and*

<sup>59</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.5

<sup>60</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.6

*Transition. Both workstreams are well resourced by DNRET with project oversight and governance provided by the Review of the Racing Regulation Act Steering Committee.*

*In late March 2023, the Government approved the drafting of the Bill and detailed Drafting Instructions were submitted to the Office of Parliamentary Counsel. The Office of Parliamentary Counsel is expected to provide advice on the timing and complexity for drafting of the new Bill in the coming weeks [May 2023].*

*The new legislation is expected to be tabled later this year for consideration by both Houses of Parliament.<sup>61</sup>*

### **Committee Finding**

F23. The Government is progressing the recommendations of the Monteith Review.

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<sup>61</sup> Letter from Hon Madeleine Ogilvie MP to Chair (received 27 July 2023), p.6

## Appendix A – Summary of Drug Positive Penalties Applied (1 July 2021 – 31 March 2023)

Date	Decision Date	Substance	Penalty
06 Jul 21	10 Dec 21	Theobromine	3 months disqualification (6 weeks suspended)
21 Jul 21	28 Oct 21	Cobalt	\$2,500
05 Aug 21	01 Dec 21	Caffeine	4 month disqualification
26 Aug 21	25 May 22	Codeine and morphine	2 month disqualification
03 Nov 21	17 May 22	Cobalt	2 month disqualification
8 Dec 21	19 Jun 22	Arsenic	\$2,000 (\$1,000 suspended 12 months)
12 Jan 22	12 Feb 22	Aminorex	\$2,500 (\$1,500 suspended 12 months)
11 Feb 22	31 Oct 22	Methamphetamine	\$5,000
17 Feb 22	16 Feb 22	Phenylbutazone	\$4,000
25 Apr 22	9 Aug 22	Tapenadol	\$3,000
23 Mar 22	25 May 22	Meloxicam	\$3,000 (\$1,000 suspended for 12 months)
02 Jun 22	09 Aug 22	Arsenic	\$2,000
26 Jun 22	11 Aug 22	TC02	7 months disqualification
03 Jul 22	14 Sep 22	Hydrochlorothiazide	\$3,000
23 Sep 22	23 Mar 22	Atenolo	2 month disqualification
03 Oct 22		Theobromine	pending
15 Nov 22		Nandrolone	pending
6 Dec 22		Cobalt	pending
19 Feb 23		Guarfenesisin	pending
18 Mar 23		Levamisole, Aminorex and Compound 2	pending
19 Mar 23		Dibucaine	pending

## Appendix B – Tasracing Animal Welfare Expenditure – Financial Years Ending 2020 to 2022

### Tasracing Animal Welfare Operational Expenditure\*1

	2022	2021	2020
Employee Costs	587,179	625,158	281,570
Marketing and Events	153,665	66,684	17,814
Signage and Uniforms	7,018	1,434	1,572
Consultants Fees	-	-	2,025
Postage	-	-	17
Interest Expense - Leases	543	882	1,164
Amortisation - Right of Use Assets - Leases	31,492	20,781	19,270
Intrastate Travel & Accommodation	313	1,340	2,579
Interstate Travel & Accommodation	-	2,009	4,474
Carers Fees	209	1,900	3,630
Boarding	-	-	93,690
Greyhound Feed	27,235	41,375	16,592
Veterinary Fees	53,710	46,424	36,658
Coats/Rugs/Collars/Muzzles	10,428	7,339	6,696
Worming/Grooming	6,610	5,670	4,325
Printing/Stationery & Postage	6,634	4,864	5,168
Training/Conference Fees/Assessment	-	-	2,009
Equipment Costs	6,945	57	7,091
Microchip Transfer	946	1,378	1,303
Foster Carer Recognition	2,751	1,687	2,136
GAP Site Equipment Hire	21,812	19,944	13,890
Facility Hire & Catering	-	4,708	9,760
Re-education and Subsidised Lessons	35,827	55,927	93,901
Agfest & National Adoption Day	-	131	8,106
Industry Support	-	2,363	14,662
GAP Consumables & Miscellaneous Expenses	19,139	10,106	1,338
Greyhound Desexing	89,680	64,624	-
Behaviour Modification Program	3,884	-	-
Projects/Consultants	50,000	-	-
Unexpended Animal Welfare Code Funding	538,577	73,253	-
Licence Payment	-	73	559
Road Repairs	2,433	-	-
Maintenance - Buildings	1,764	-	710
Maintenance - Grounds	55,210	4,374	-
Maintenance - Other	-	1,018	-
MV - Petrol & Oil	9,546	3,613	3,444
MV - Registration	753	84	290
Maintenance - Vehicles	190	-	2,993
Electricity	8,871	7,200	1,284
Rates & Land Tax	3,025	2,178	1,724
Workplace Safety	2,721	1,055	-
Water Costs	1,660	2,100	1,127
Fire equipment	-	-	175
Waste Management	5,846	3,964	423
Plumbing & Gas Maintenance	12,087	793	-
Electrical Services	3,098	478	3,215
Fire Equipment Maintenance	-	590	-
Refrigeration Maintenance	587	-	-
COVID-19 Security, Health & Safety Initiatives	-	142	-
<b>Total Animal Welfare Expenditure*2</b>	<b>1,762,387</b>	<b>1,087,699</b>	<b>667,383</b>

\*1 Excluding any allocation for shared services eg Board and Executives, Finance, HR, Legal etc or Capital Investments

\*2 Includes Greyhound adoption program costs



# Appendix C – Minister for Racing Attendance – Official Meetings and Race Meets (April 2022 to May 2023)

Date	Time	Meeting	Location
<b>Apr-22</b>			
Friday 29th 2022	1:15pm-2:00pm	Meeting with Shaun Kennedy	4 Salamanca Place, Level 5, Suite 3
<b>May-22</b>			
Monday 16th May 2022	4:00pm-4:30pm	Discussion - Review of the Racing Regulation Act Minute	4 Salamanca Place, Level 5, Suite 3
Tuesday 17th May 2022	11:30am-12:15pm	Meeting with Kate Cuthbertson	4 Salamanca Place, Level 5, Suite 3
Wednesday 18th May 2022	1:30pm-2:00pm	Phone call with Dale Monteith	Phone Call
Sunday 22nd May 2022	11:30am-5:30pm	Aviso TAS Pink Cup Race Day	Elwick Racecourse, 6 Goodwood Road Glenorchy
Monday 30th May 2022	9:30am-10:30am	Estimates Briefing - Racing	4 Salamanca Place, Level 5, Suite 3
Tuesday 31st May 2022	12:30pm-2:00pm	Estimates Briefing - Racing	4 Salamanca Place, Level 5, Suite 3
<b>Jun-22</b>			
Tuesday 7th June 2022	1:00pm-2:00pm	Greyhounds Hobart Including Travel	Unsure
Wednesday 8th June 2022	9:00am-10:30am	Racing - Budget Estimates (Legislative Council)	Committee B (Committee Room No.2)
Thursday 9th June 2022	9:00am-10:00am	Racing - Budget Estimate (House of Assembly)	Committee B (Committee Room No.2)
Saturday 19th June 2022	11:30am-4:30pm	TRC Winter Feast	Ladbroke Park, 6 Goodwood Road Glenorchy
Tuesday 21st June 2022	10:00am-10:30am	Meeting with Barry and Nicholas Palmer	4 Salamanca Place, Level 5, Suite 3
Tuesday 21st June 2022	11:00am-11:30am	Deborah Flemming - Animal Welfare of Racing Animals	4 Salamanca Place, Level 5, Suite 3
Wednesday 22nd June 2022	1:15pm-1:45pm	Meeting with Rosie Saville - GREAT	4 Salamanca Place, Level 5, Suite 3
Thursday 23rd June 2022	9:00am-9:30am	Meeting with Devonport Showground Developer (Simon Want)	4 Salamanca Place, Level 5, Suite 3
Wednesday 29th June	5:00pm-6:30pm	Next Gen meeting	4 Salamanca Place, Level 5, Suite 3
Thursday, 30 June 2022	4:00 PM-4:30 PM	Discussion - proposal for training at DAPS	4 Salamanca Place, Level 5, Suite 3
<b>Jul-22</b>			
Friday 1st July 2022	11:00am-12:00am	RSPCA Meeting	4 Salamanca Place, Level 5, Suite 3
Friday 1st July 2022	12:00pm-12:30pm	Meeting with Jan Davis and Minister	4 Salamanca Place, Level 5, Suite 3
Thursday 7th July 2022	12:00pm-12:30pm	Visit to Ori	
<b>Aug-22</b>			
Tuesday 16th August 2022	4:00pm-4:45pm	Meeting with Dean Shannan	Parliament Sitting S2.2 Office
Sunday 21st August 2022	11:45am-4:00pm	Tasmanian Turf Club - Final race meeting for the season	Mowbray Race Course
Thursday 25th August 2022	3:00pm-3:30pm	Review of Racing Act Discussion	Parliament Sitting S2.2 Office
<b>Sep-22</b>			
Tuesday 13th September 2022	5:00pm-6:30pm	Next Gen meeting	4 Salamanca Place, Level 5, Suite 3
Wednesday 21st September 2022	10:00am-10:30am	TAN meeting pre-brief	Phone call
Wednesday 21st September 2022	11:00am-12:15pm	Thoroughbred Advisory Network (TAN)	Elwick Racecourse
Thursday 22nd September 2022	7:00pm-10:00pm	The Hobart Greyhound Racing Club Meeting	Elwick Racecourse
Wednesday 28th September 2022	12:00pm-1:00pm	RSPCA Meeting	Parliament Sitting S2.2 Office
<b>Oct-22</b>			
Saturday 1st October 2022	6:00pm-11:30am	2022 Thoroughbred Annual Awards and HOF Dinner	Hotel Grand Chancellor; Davey Street, Hobart TAS 7000
Saturday 15th October 2022	1:00pm-3:30pm	Tasmanian Hospitality Association Race Day	Elwick Racecourse
<b>Nov-22</b>			
Tuesday 1st November 2022	12:30pm-5:15pm	Melbourne Cup Day	Flemington Race Course
Thursday 24th November 2022	6:00pm-8:30pm	Cocktail Party for Ladbroke Chase	Ladbroke Park, Elwick
Friday 25th November 2022	2:00pm-4:00pm	GBE Pre-Briefing Tas Racing	4 Salamanca Place, Level 5, Suite 3
Friday 25th November 2022	6:30pm-8:30pm	Summer Racing Festival Launch 2022	The Henry Jones Art Hotel (25 Hunter Street, Hobart Tasmania 7000)
Wednesday 30th November 2022	11:30am-12:00pm	GBE Racing Prep	4 Salamanca Place, Level 5, Suite 3
Wednesday 30th November 2022	2:00pm-3:30pm	GBE - Tas Racing PTY LTD	Committee room No. 2
<b>Dec-22</b>			
Thursday 8th December 2022	10:00am-10:45am	Meeting with the TTC	4 Salamanca Place, Level 5, Suite 3
Saturday 10th December 2022	6:15pm-8:00pm	Hall of Fame Dinner	Ladbroke Park, Elwick
Thursday 15th of December 2022	1:00pm-1:30PM	Tas Racing AGM	4 Salamanca Place, Level 5, Suite 3
Thursday 15th December 2022	1:30pm-2:15pm	Meeting with the Greyhounds Australasia	4 Salamanca Place, Level 5, Suite 3
Thursday 15th December 2022	6:30pm-9:30pm	Hobart Thousand And Sponsors Dinner	Ladbroke Park, Elwick
<b>Jan-23</b>			
Friday 6th January 2023	4:30pm-5:30pm	ATTEND   Minister for Racing, MO to Elwick	Ladbroke Park, Elwick
Wednesday 11th January 2023	11:30am-4:30am	ATTEND   Devonport Cup as Minister for Racing	Devonport Race Course
<b>Feb-23</b>			
Saturday 4th February 2023	7:15pm - 9:45pm	ATTEND   Launceston Greyhounds, Launceston Cup - As Minister for Racing	Ladbroke Racing Centre Mowbray
Wednesday 8th February 2023	11:00am-12:00pm	ATTEND   2023 Ladbroke Hobart Cup Barrier Draw   Pull the names out of the Cup	The Conquering Room, Ladbroke Park Elwick
Wednesday 8th February 2023	6:00pm-7:00pm	ATTEND   Reception to celebrate the 2023 Hobart Cup Carnival	Government House
Friday 10th February 2023	12:00pm-4:30pm	ATTEND   Carbine Club and Tasmanian Derby Day   As Minister for Racing	Ladbroke Park, Elwick
Sunday 12th February 2023	12:00pm-6:00pm	ATTEND   Hobart Cup Day, As Minister for Racing	Ladbroke Park, Elwick
Tuesday 21st February 2023	12:00pm-2:00pm	ATTEND   Legends Lunch, attending as guest & Minister for racing	Hallams Waterfront
Tuesday 21st February 2023	5:30pm-9:00pm	ATTEND   2023 THA and Boag's Launceston Cup Eve event, attend as guest & Minister for Racing	James Boags Brewery
Wednesday 22nd February 2023	12:00pm-5:00pm	ATTEND   Launceston Cup, as Minister for Racing	Ladbroke Park, Elwick
Tuesday 28th February 2023	2:30pm-3:00pm	Meeting   Merv Hill, Chairman of TAN - Discuss Racing	Parliament Sitting S2.2 Office
<b>Mar-23</b>			
Wednesday 8th March 2023	3:30pm - 5:00pm	MEETING   Next Gen Meeting	4 Salamanca Place, Level 5, Suite 3
Thursday 16th March 2023	3:00pm-4:00pm	RSPCA Meeting	4 Salamanca Place, Level 5, Suite 3
Monday 20th March 2023	3:00pm-3:30pm	MEETING   Andrew Jenkins, Briefing on GAP Program	4 Salamanca Place, Level 5, Suite 3
<b>Apr-23</b>			
Monday 3rd April 2023	4:00pm-5:00pm	MEETING   Racing Review ACT Legislation	4 Salamanca Place, Level 5, Suite 3
Wednesday 12th April 2023	11:30am-1:00pm	BRIEFING   GAB - Short Inquiry Process into the Role and Functions of Office of Racing Integrity	4 Salamanca Place, Level 5, Suite 3
Friday 14th April 2023	5:00pm-6:30pm	ATTEND   Regular Harness Meet as Minister for Racing	Ladbroke Park, Elwick
Monday 17th April 2023	5:00pm-5:30pm	MEETING   Neil Tubb at Longford Race Track, RE: Discussing Upgrading Longford Race Track	Longford Race Track
Wednesday 19th April 2023	4:30pm-5:00pm	MEETING   Thirza White, discuss Office of Racing Integrity	4 Salamanca Place, Level 5, Suite 3
Friday 21st April 2023	7:00pm-9:00pm	ATTEND   Harness Racing Awards & Hall of Fame Dinner	Tailrace Centre (1 Waterfront Drive, Riverside Tasmania 7250)
<b>May-23</b>			
Tuesday 2nd May 2023	4:15pm-4:45pm	MEETING   Sandra Hills & Mr B. Rattray, BOTRA Harness Tasmania re: the Racing Review	4 Salamanca Place, Level 5, Suite 3

E&OE

## Appendix D – Summary of Complaints/Concerns Raised Actioned by Minister's Office

Date Complaint Received	Topic	Action by MO
4 Mar 2022	Greyhound racing – closure of the Devonport Showgrounds	Minister responded via correspondence with relevant information.
10 Mar 2022	Greyhound racing – leaked draft Anthony Bullock Investigation – Tah Bernard	Minister responded via correspondence and advised that the matter had been referred to ORI as it was an operational matter. ORI responded accordingly.
17 Mar 2022	Steward Inquiry	Minister responded via correspondence and encouraged the individual to reach out to ORI as this was an operational matter.
5 Apr 2022	North West tracks	Minister's office spoke directly with the individual and no further action required.
5 Apr 2022	Greyhound industry concerns	Minister provided a direct response to the complainant with relevant information.
26 Apr 2022	Greyhound industry – concerns against animal welfare activists	Minister provided a direct response to the complainant with relevant information.
12 May 2022	North West tracks	Minister provided a direct response to the complainant with relevant information and advised the matter had been raised with Tasracing for consideration.
16 May 2022	National Horse Traceability Register	Engagement with Minister Palmer Office regarding responsibility. No response recorded in this instance.
May 2022	Multiple letters to Premier – Greyhound industry – Tah Bernard Report	Minister's office provided relevant information to the Premier's office for his response.
2 Jun 2022	National Horse Traceability Register	Engagement with Minister Palmer Office regarding responsibility. No response recorded in this instance.
5 Jun 2022	Longford track	Correspondence was sent to Minister and Tasracing senior executive. As it was a Tasracing operational matter, Tasracing responded directly. Minister's office called the complainant directly to advise.

Date Complaint Received	Topic	Action by MO
6 Jun 2022	Greyhound racing – petition	No response recorded in this instance
5 Jun 2022	National Horse Traceability Register	Engagement with Minister Palmer Office regarding responsibility. No response recorded in this instance
7 Jun 2022	Greyhound racing concern	Minister provided a direct response to the complainant with relevant information.
16 Jun 2022	National Horse Traceability Register	Minister responded via correspondence with relevant information.
6 Jul 2022	Thoroughbred – field size and availability of jockeys	Correspondence was sent Tasracing, with a copy provided to the Minister. As it was a Tasracing operational matter, Tasracing responded directly.
7 July 2022	Racing – Jumps racing and risks to horse racing	Minister’s office spoke with the individual directly. No further action required.
12 Jul 2022	Greyhound racing – allegations of bullying by Stewards	Minister responded via correspondence and encouraged the individual to reach out to ORI as this was an operational matter. Further contact was made by ORI to the individual and the matter is now deemed resolved.
14 Jul 2022	Multiple emails – Greyhounds – ban of anti-bark muzzles	Minister provided a direct response to the complainants with relevant information.
21 Jul 2022	Ben Yole Racing Stables – Animal Welfare	Minister responded via correspondence and encouraged the individual to reach out to ORI as it was an operational matter. This matter remains under review.
1 Aug 2022	Horse euthanasia	The then Minister had responded previously to this complainant on this issue. Determined no further action required.
18 Aug 2022	Greyhound racing industry concerns	Minister provided a direct response to the complainant with relevant information.
5 Sep2022	Greyhound Racing – Swab decision reversal	This matter is currently under review.
8 Sep 2022	Suggestion for greyhound caddy	Minister’s office spoke directly with the individual. No further action required.

Date Complaint Received	Topic	Action by MO
8 Sep 2022	Complaint re ORI and Request for information regarding death of Thoroughbred horse Sir Da Vinci	This matter was referred to ORI for a review and direct response as it was operational. ORI responded directly to the complainant and provided them with the information that was appropriate to be released. The complainant was further referred to the RTI process for any further information to ensure privacy requirements were met. No RTI application has been made.
9 Sep 2022	Complaint re staff at ORI	Minister responded via correspondence and advised that the matter had been referred to the DNRET to be managed appropriately through the complaints management process. The matter was investigated in line with the Department's complaints management processes and the individual was responded to accordingly.
15 Sep 2022	Horse euthanasia	Minister provided a direct response to the complainant with relevant information.
19 Sep 2022	Greyhound racing – Bullock kennel application	Correspondence was sent to ORI with a copy to the Minister. The Director of Racing responded directly to the complainant and no further action was required.
26 Sep 2022	Longford track	Correspondence was sent to Minister and Tasracing senior executive. As it was a Tasracing operational matter, Tasracing responded directly.
8 Nov 2022	Greyhound rehoming	Correspondence was sent to Minister's office and ORI. The Director of Racing responded directly, and no further action required.
23 Nov 2022	Spreyton Racetrack – Animal welfare issue	Minister responded via correspondence and advised that the matter had been referred to ORI as it was an operational matter. ORI responded accordingly.
13 Dec 2022	Launceston race track	Minister's office referred to Tasracing for direct response as it related to a Tasracing operational matter.
23 Jan 2023	Greyhound racing industry – end of taxpayer funding	The Minister provided a direct response to the complainant with relevant information
27 Jan 2023	Spreyton Racetrack – Animal Welfare issue	Minister responded indicating matter subject of active investigation and not appropriate to

Date Complaint Received	Topic	Action by MO
		comment. Further, the Minister encouraged the complainant to discuss further questions with ORI. The complainant entered into a number of discussions with ORI who outlined the due process that had been followed.
29 Jan 2023	Greyhound racing – Australian national survey	The Minister provided a direct response to the complainant with relevant information
1 Feb 2023	Road accident involving pacers	Letter was addressed to the Director of Racing. As it related to operational matters, no further action required by the Minister's office.
21 Feb 2023	Ben Yole Racing Stables – Animal Welfare	Minister has provided a direct response in relation to this matter and referred the matter to the independent investigator as the complaint was received after the independent review was announced.
25 Feb 2023	Ben Yole Racing Stables – Animal Welfare	Minister responded via correspondence and advised that the matter had been referred to ORI as it was an operational matter. ORI responded to the complainant and encouraged them to raise concerns in relation to matters outside of ORI's remit with the appropriate regulators.
28 Feb 2023	Ben Yole Racing Stables – Animal Welfare	Minister responded via correspondence and advised that the matter had been referred to ORI as it was an operational matter. ORI have conducted inspections and matter is still under active investigation.
2 Mar 2023	Ben Yole Racing Stables -Animal Welfare	Minister responded via correspondence and advised that the matter had been referred to ORI as it was an operational matter.
2 Mar 2023	Death of Thoroughbred horse – Statue of Dreams	Matter referred to ORI as it is operational. ORI has written directly to the complainant and provided relevant background information.
Mar 2023	Multiple emails - greyhound racing industry	The Minister provided a direct response to complainants with relevant information.
22 Mar 2023	Greyhound Adoption Program	Correspondence was sent to Tasracing with a copy provided to the Minister. As the matter related to Tasracing operational matters,

Date Complaint Received	Topic	Action by MO
		Tasracing responded directly and no further action required.
26 Mar 2023	Ben Yole Racing Stables – ABC news article	The Minister provided a direct response to the complainant with relevant information.
26 Mar 2023	Ben Yole Racing – ABC news article	The Minister provided a direct response to the complainant with relevant information.
27 Mar 2023	Harness racing industry	The Minister provided a direct response to the complainant with relevant information.
27 Mar 2023	Harness racing industry integrity	Minister responded via correspondence and advised that the matter had been referred to the Acting Secretary, DNERT so that its content could be considered by the independent investigator. The Department responded to the complainant and advised that the contents had been referred to the independent investigator.
28 Mar 2023	Concerns with ORI inquiry and due process	Minister's office provided a direct response and advised that the matter had been provided to the Acting Secretary, DNERT and Tasracing for action. The Complainant was further advised that the matter had been forwarded by the Acting Secretary to the independent investigator.
29 Mar 2023	Independent investigation, Director of Racing	Minister responded via correspondence with relevant information.
29 Mar 2023	Anthony Bullock kennel application and GAP management	Minister responded via correspondence with relevant information.
29 Mar 2023	Concerns for the three racing codes	Referred to DNRET – Minister's Office awaiting draft reply.
31 Mar 2023	Greyhound Adoption Program	Correspondence was referred to Tasracing for a direct response.
31 Mar 2023	Greyhound racing industry	The Minister provided a direct response to the complainant with relevant information.
1 Apr 2023	Anthony Bullock racing	The Minister provided a direct response to the complainant with relevant information.
2 Apr 2023	Anthony Bullock kennels	The Minister provided a direct response to the complainant with relevant information.

Date Complaint Received	Topic	Action by MO
6 Apr 2023	Ben Yole Racing Stables participation in harness industry	No response recorded in this instance.

## Appendix E – Process Map for Complaint Management – Minister for Racing

*As stated in my evidence at the hearing on 30 June 2023, my Office routinely receives communication from a range of stakeholders with interests in the portfolios I hold. In the context of my portfolio of Racing, if the communication raises a complaint or concern, in general terms the following process is followed:*

1	My Office forwards the complaint to the Department for action. In limited circumstances where the matter relates to the purview of the Director of Racing (a statutory office) it may be referred directly to that Office Holder.
2	<p>Depending on the subject matter raised, the Department will:</p> <ul style="list-style-type: none"> <li>• Consider the matters raised</li> <li>• Objectively investigate the complaint and either resolve the issue or propose a resolution</li> </ul> <p>This is done in accordance with the Department's External Complaints Handling Policy and Procedure.</p> <p>OR</p> <ul style="list-style-type: none"> <li>• If there is a potential breach of a rule, standard or law and consideration by a regulator is required: <ul style="list-style-type: none"> <li>○ The Department will ensure that the relevant regulator is provided with the information to assess the complaint or concern, to consider whether any additional information is required, and make any findings or conclusions.</li> <li>○ If the matter has been referred directly to the Director of Racing, they will do the same.</li> <li>○ This may include enforcement action.</li> </ul> </li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• If the matter relates to a staff member's conduct: <ul style="list-style-type: none"> <li>○ The Department will consider the information and, where necessary, refer it to the appropriate person or people in accordance with the Department's policies, relevant Employment Directions and the <i>State Service Act 2000</i>.</li> <li>○ An example is where a staff member's use of social media brings the Department into disrepute through inappropriate behaviour or demonstrating conflicts of interest. These matters are resolved in accordance with established policies and procedures (e.g. Employment Direction No.5 'Procedures for the investigation and determination of whether an employee has breached the code of conduct') and/or an applicable employment contract (e.g. Stewards Instrument of Appointment).</li> <li>○ Should it be determined, under this Employment Direction or the applicable employment contract, that the code of conduct has been breached then the Head of Agency (as the Minister's delegate) may impose a sanction in accordance with section 10(1) of the <i>State Service Act 2000</i> or in accordance with the said employment contract.</li> <li>○ Where an employee's behaviour amounts to a conflict of interest that may impact upon their capacity to perform their regulated duties appropriately, the relevant Manager may take appropriate steps to manage and avoid that conflict. This may include directing a staff member to not operate or work in a code of racing upon which the conflict of interest relates to. Reference is made to the Budget Estimates House of Assembly Committee B Hearing conducted on 8 June 2023, specifically evidence given by the Secretary of the Department, Mr Jason Jacobi, on pages 11 through 14.<sup>62</sup></li> </ul> </li> </ul>

<sup>62</sup> See House of Assembly Estimates B - Thursday 8 June 2023 – Ogilvie, <https://search.parliament.tas.gov.au/search/isysquery/609992c1-41b5-41e3-93c5-02220122bf1b/1/doc/>



3	<p>The Department may advise me of the action the Department has taken to resolve the matter. However, this is not always the case having regard to the roles and functions of the Department and certain officers, and the requirements of relevant statutes (for example, the <i>State Service Act 2000</i>, the <i>Personal Information Protection Act 2004</i>, or the <i>Public Interest Disclosures Act 2002</i>).</p>
4	<p>Either I or the Department may communicate with the complainant to inform them of the findings and/or actions taken to pursue a resolution of their complaint. However, it is not always appropriate to provide full or, in some cases, any feedback to a complainant for the reasons mentioned in the previous point.</p>