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THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION
COMMITTEE B MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE,
HOBART, ON THURSDAY 13 APRIL 2023

SHORT INQUIRY INTO THE ROLE AND FUNCTIONS OF THE OFFICE OF RACING INTEGRITY

Ms MADELEINE OGILVIE, MINISTER for RACING, WAS CALLED, MADE THE
STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Ms RATTRAY) - Welcome, Minister. I appreciate your time at relatively short notice on this important matter.

I will introduce the Committee members around the table: Josh Willie, myself Tania Rattray, Jane Howlett, Rob Valentine and Meg Webb. We have an apology from Rosemary Armitage.

Thank you again. I will ask Ms Howlett if she would like to make an opening statement.

Ms HOWLETT - Thank you Chair. 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 today's 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. It is certainly well known that I have been a very strong supporter of all three codes. As I mentioned before, for that period of time, I was also the Minister.

CHAIR - Thank you very much. In the interest of full disclosure, I also share the surname of people connected to the racing industry, and that is my entire connection - a surname. For open transparency, I think it is important to put this on the record, because there have been some questions raised in regard to that.

Following on from the Member for Prosser's statement, should we require it, the Committee will suspend while the Honourable Member discusses any matter that she feels, or she may just leave. That is something the Committee has the prerogative to do.

I appreciate your indulgence with that, Minister. I invite you to introduce your team at the table, and then, if you have a brief opening statement, we welcome that.

Ms OGILVIE - Thank you, yes, I do have an opening statement, and hopefully people will appreciate the information we have within that.

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I have Jason Jacobi, Acting Secretary of the Department of Natural Resources and Environment (NRE) to my left. I also have Deidre Wilson, Deputy Secretary of NRE Tasmania, and Russell Hunter, Acting Director of Racing and General Manager of the Office of Racing Integrity. Thank you all for your time.

I will move straight to my opening statement and keep my opening remarks as brief as possible. I am very pleased to be here today as Minister for Racing to respond to the Short Inquiry to the Role and Functions of the Office of Racing Integrity.

Probity and integrity are critically important to the racing industry and underpin confidence in racing across all three codes in the state. We will not compromise on integrity and animal welfare. That is why we have undertaken an independent review of the Racing Regulation Act, and announced also an independent review into allegations of team driving, race fixing and animal welfare concerns in the harness racing industry, and the management of those issues by the Office of Racing Integrity (ORI).

This investigation needs to be independent of the ORI, and as the Committee would already be aware, racing integrity expert Mr Murrihy has agreed to take on this review.

The terms of reference have been developed and are publicly available, and Mr Murrihy provided advice on those terms.

It is important that the terms and scope of this investigation are practical and realistic, so that timely advice and information is received by government. Mr Murrihy has been tasked with making findings and recommendations by the end of June, and I appreciate very much Mr Murrihy's acceptance of that task.

Of note is that Mr Murrihy has been afforded specific powers under the racing regulations that enable him to make inquiries into matters as if he were a steward.

I also urge any person who has information or evidence of allegations of team driving, race fixing and animal welfare concerns to come forward and provide them to Mr Murrihy.

I expect today that you may ask questions that will be specifically addressed and dealt with through Mr Murrihy's investigation. Whilst I and the team at the table wish to respond in detail to specific questions asked today, I am advised that there may be issues raised that could prejudice or interfere with his investigations. Much like your side, either I or the Departmental officers accompanying me here today may seek liberty to take advice on how best to respond or to take questions on notice.

I also appreciate that the Committee may have questions in relation to specific races or allegations made about employees of the Office of Racing Integrity. I am very keen to support the Committee and to provide as much information as possible. I must also respect that some of these questions may go to private matters or matters that are of an employment nature between the individual and the Department. I will seek the advice of the Acting Secretary in relation to these matters. I hope that you will appreciate the importance of affording them natural justice and managing information in a way that avoids or prevents harm or reputational damage.

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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. I thank the Chair and members of the Committee for their time.

CHAIR - Thank you very much, Minister. I appreciate that. I will ask Mr Willie to commence the line of questioning. We take on board your points around being able to answer questions. It is not the Committee's intention to drill down into the detail, as you will read from the terms of reference. That is not on employment - not that part.

Ms OGILVIE - Not on employment matters. Thank you.

Mr WILLIE - Thank you, Chair. I would like to raise an issue of trust and confidence. Minister, last time you were in front of this Committee, we asked you questions about the departure of Mr Eriksson, who was the CEO of Tasracing.

You had, in July last year, issued a statement saying Mr Eriksson had returned to Sydney to spend more time with his family. You told this Committee - my clear recollection is:

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The advice I received is that he would return for family reasons.

Minister, last month you told the House of Assembly that, in fact, you had been told Mr Eriksson had been sacked in June - before you made that public statement.

How can this Committee have any confidence in what you are going to say today, when you have previously misled us?

Ms OGILVIE - Thank you. We are here today to talk about the independent investigation that Mr Murrell is conducting into racing, in relation to the ABC's reports. It is important that we allow that integrity investigation to occur, and we are here today to speak about that.

In relation to issues of personal information, particularly those that fall within the purview of the Personal Information Protection Act, as I have said in my opening statement, I will be managing those extremely carefully. They go to reputational issues and Mr Willie, you may not like the answers that I give, and I understand you are looking for a bit of a 'gotcha' moment, but natural justice is important. Due process is important and when it comes to complying with our obligations, particularly from an employment and HR perspective under the Personal Information Act, that is also important.

Mr WILLIE - The conventions of Parliament are important too, Minister, and this is about the confidence of this Committee in what you are saying today when we have previously been misled.

Minister, the Breeders Owners Trainers Reinspersons Association (BOTRA) is the peak body for harness participants. It has advised you it has had no confidence in the Director of Racing. Why are you asking these participants to continue to operate in an environment where they have no confidence in the Director of Racing? Has the Director of Racing been stood down?

Ms OGILVIE - I will just seek that advice. The Government is a very strong supporter of the Tasmanian racing industry and we know that it makes a vital contribution to our economy, \$185 million across the State, particularly to rural and regional areas. It is important that this industry thrives; it is important to all of us. It is important that we have the highest standards of probity, integrity and animal welfare. Probity and integrity, in particular, are critically important in the racing industry that underpins everything we do.

I have been the Minister for a year and in that year, I have progressed the Review of the Racing Regulation Act; we are bringing that work forward. It has been 20 years since we have had a review of that act and we know that this industry needs to be positioned on a footing that is contemporary and has the latest legislation and the best thinking from this sector.

We are establishing an independent integrity commissioner. That work has been underway for some time. We are progressing towards that. The question is one of an HR nature. The Director's current employment arrangements are a matter for the Assistant Secretary of the Department and I would ask if you have something to add?

CHAIR - I will ask that the people, if they are going to actually be speaking at the table, they need to be sworn in.

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Ms OGILVIE - Yes, we should have done that.

CHAIR - I think that we probably need to do that now so thank you.

Mr JACOBI - Would you like us all to do that, Chair?

CHAIR - Yes, I think it would be easier if we do it all.

WITNESSES SWORN

Ms DEIRDRE WILSON, DEPUTY SECRETARY, **Mr JASON JACOBI**, ACTING SECRETARY, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT; AND **Mr RUSSELL HUNTER**, ACTING DIRECTOR OF RACING AND GENERAL MANAGER OF THE OFFICE OF RACING INTEGRITY, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - I might go back to your response, Mr Jacobi.

Mr JACOBI - I thank the member for the question and I will take the opportunity to note that Mr Helmich, who is the Director of Racing, was unable to attend today. I know he wanted to be here but he had a personal commitment as a swimming trainer and coach of a number of youths.

I also put on the record that Mr Helmich is an extremely capable and respected regulator. He is experienced, he is qualified, he is well respected. He is a man of integrity and I have trusted his judgment many times.

I have not stood Mr Helmich down. Mr Helmich remains appointed to the position of both the General Manager of the Office of Racing Integrity and the Office of the Director of Racing Integrity. While I would not normally comment on staff matters - it has been reported in the *Mercury* that the Director is also the Hobart Aquatic Club coach, which I mentioned before - I have not been presented with any evidence that would suggest there were any reasonable grounds to stand Mr Helmich down. In fact, I am of the view that if you go to first principles, and the first principle here is that I am bound by the *State Service Act 2000*.

The State Service Act outlines a number of employment directives that I must follow, and the key employment directives require me to assess an individual against a number of specific criteria. Having assessed those criteria, I have not been presented with any evidence to suggest there are any reasonable grounds on which to stand Mr Helmich down.

Mr WILLIE - Minister, how is it possibly tenable for the Director of Racing to continue in that role when you have the peak organisation for harness participants expressing no confidence?

CHAIR - This is not about the person; this is the position. Make that very clear.

Ms OGILVIE - I also request that Mr Jacobi answer that question then I would be happy to add to it if we need to.

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Mr JACOBI - Again, I reiterate that Mr Helmich is a well-respected regulator. It is not unusual when you are regulating an industry or policing an industry, that you make decisions from time to time that are not accepted by the participants. It is an incredibly difficult and challenging role and I will take my hat off to anybody in that position, given the number of decisions that they have to make and the advice that they take from the stewards at each individual race. It is reasonable to expect that there will be people who are unhappy with a decision that a steward, or Mr Helmich, have been involved with.

There are a multitude of avenues for a particular race person, trainer, harness driver to make a complaint, and I am pleased to provide you with an outline of those options. As I said before, I have to assess Mr Helmich's performance against that State Service Act and there have been - there is no information before me which suggest any breach of the Code of Conduct. I have to have reasonable grounds on which to make a decision to stand Mr Helmich aside and on the information before me at this time, I have no reason to do that.

Mr WILLIE - One of the issues BOTRA raised was Mr Helmich's interview with Leon Compton, where he said he had no knowledge of the Burnie Race 9 betting plunge. The letter states that in fact a member of the BOTRA executive and another from the Launceston Pacing Club had met with Mr Helmich to raise those exact concerns. How do you explain Mr Helmich's insistence that he knew nothing about these matters when they were raised with him so directly?

Ms OGILVIE - Thank you, I will make a couple of comments but again I think that goes to the issue of employment. The comment I would like to make, and this is at that meta level that you asked us to contribute to. We have an independent investigation underway, so these matters will undoubtedly be traversed as part of Mr Murrihy's investigation.

Mr Willie - I am sure we are going to hear that a lot of today.

Ms OGILVIE - I want to remind us that it is occurring and it has a broad scope, those terms of reference. Secondly, it is really important to remember, for all of us to remember, that we are dealing with allegations. Due process has to happen; natural justice is important. As we have heard from Mr Jacobi, there is legislation that we always consider, including the Personal Information Protection Act, that I am very aware of because we are dealing with real people and an investigation is underway. Having said that, I will ask Mr Jacobi if he could add some detail.

Mr JACOBI - It is important to recognise that there had been a number of issues that have been raised. A series of issues was raised by BOTRA as far back as 9 September [2022], and as recently as 30 March [2023] I received another letter from BOTRA raising a number of other issues. In relation to the 9 September [2022] issues, they were addressed by the Department. The Department undertook an internal complaints assessment process of the issues that were raised in that letter and a response was provided to BOTRA on 15 December [2023] by the then Acting Secretary of NRE Tas. The Director of Racing also provided a response to the issues that were particularly relevant to his purview.

Both the letters of 9 September and the letters of 30 September, I have referred to Mr Ray Murrihy. I have provided those letters to him as they contain a number of allegations and I have asked him specifically, in accordance with his terms of reference, to review each of those issues and, in particular, the way in which the Office of Racing Integrity managed and

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handled those complaints. I expect that through that process, he will either confirm the decisions that have already been made or he will identify other issues which I am then most pleased to address.

Mr WILLIE - Minister, what investigations were undertaken into Burnie Cup Day Race 9?

Ms OGILVIE - Again, that is at an operational level but I will say I do want to get you that information and I will, through Mr Jacobi, ask Russell to talk through that.

Mr HUNTER - Thank you, Minister. I can say that the - and just clarifying you are referring to Race 9 at Burnie on 22 January 2023, and the matters raised in relation to the horse 'Written In Silk'? I can confirm that concerns were raised by some participants in relation to that matter, and I'll echo Mr Jacobi's sentiments that it is not uncommon for participants' views to be divergent from those of the stewards. In my capacity as acting director, I am informed that the stewards did not share the concerns raised by the participants, and any further investigation into that particular issue will be a matter for Mr Murrihy's investigation.

CHAIR - Are you happy to share?

Mr WILLIE - You can come back to me.

CHAIR - I'll definitely come back, so thank you, Ms Webb.

Ms WEBB - I will follow up on a couple of items that we have just covered, if I may. Going back to the question that was asked by the Member for Elwick about the loss of confidence from the industry. I appreciate the comments that have been made that people are often disgruntled by decisions made, or have a divergent opinion to what stewards may have thought.

It would be my observation that what we have heard in recent times is not just disgruntlement with particular decisions but a more broad and overarching loss of confidence from the industry, quite clearly, and very divergent parts of the industry too. 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. Just to sketch that out for you, because I will go exactly to your question, the Monteith Review, that I mentioned in my opening statement, has been responded to, we've given details of that. 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. I may ask Mr Jacobi to speak specifically about what that restructure will - what we anticipate it will look like, and that may help you as well.

Ms WEBB - Well that's not an answer to the question that I had. There will be other questions on that no doubt. Can I continue a line of questioning with you, Minister, rather than go to something that wasn't directly related?

Ms OGILVIE - Yes, sorry, I was trying to answer your question.

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 OPC¹?

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.

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 - I am very pleased that the premise of your question is the improved confidence that we are seeking to deploy through this process. The bill is currently being drafted, and it is absolutely essential and incredibly important that consultation occurs properly. You may have noticed I was with Jan Davis of the RSCPA yesterday.

Ms WEBB - My question is pretty clear.

¹ Office of Parliamentary Counsel

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Ms OGILVIE - We are in deep conversation, and it goes to your question. We are somewhat in the hands of those who are going to be built into the Act, and those conversations. That is very important to us. 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. In the time line, you asked specifically about that.

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 - I will just quickly run through the time line, which should get to your answer. On 30 November 2022, the Government confirmed our support for the new model - that is, enhancing the integrity in governance model that you have spoken about - and it is important to recognise that we are restructuring the power and the role of the RSCPA as part of this bill.

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. I will ask Mr Jacobi if he would like to add to that.

Mr JACOBI - Thank you. Through the Minister, 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. I believe we are on track. 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 WEBB - Excellent. Now, I would like an answer to the question, if I may, Minister - even a ballpark answer. The question specifically - to reiterate it for the third time - is, when is your expectation that this will be fully implemented? We know that the bill -

Ms OGILVIE - In terms of restructure?

Ms WEBB - That is exactly what I have asked you three times now. The bill will be there by the end of the year, it may get passed at some point, implementation will be completed. When should we expect that to occur?

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Ms OGILVIE - Thank you. Mr Jacobi can answer the implementation question because it does go to the issue of the restructure transfer employees' HR matters. If I could ask you to do that?

Mr JACOBI - Through the Minister, thank you for the question. I will refer to Deidre, who is specifically in charge of the legislation program.

Ms WILSON - Thank you very much for the question. First of all, you would appreciate that the enactment of the bill will be subject to the parliamentary process. We cannot put a time line on what your actions will be and the process in parliament.

As the Minister has said, we are looking to table the bill - that is why we have used the word 'table' the bill, because we don't make presumptions about the legislative process. We do think the Monteith Review and the recommendations will establish a new integrity and probity model, which will be of benefit to industry and build confidence in the community.

To the question of what our plans are in terms of commencement and transition, we -

Ms WEBB - I am after a date, or an expected time line.

Ms WILSON - Through you, Minister, and through you Chair, as indicated, we are intending to table this year -

Ms WEBB - No, I am not asking - I am sorry Chair, I am just trying to be clear about my question. Through you, Minister, the question is really clear. We know the bill is going to be tabled this year; it's not about the bill. We know there are implementations already underway alongside preparation of the bill - you have made that clear.

My question is, when is it expected? All things being equal, and the bill passing Parliament relatively straightforwardly - let's assume that's going to be the case - when are we expecting this to be fully implemented, and the new model to be in place?

Ms OGILVIE - I will ask Deidre to continue, because she is in charge of that work package -

Ms WEBB - I am after that time, not a description.

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

In terms of the transition, which I think was the second part of your question - through you, Chair - 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, so hopefully that's -

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

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Ms WILSON - That is our intent. There will be no lag.

Ms WEBB - Goodness, that was like pulling teeth. That took up far too much time. May I ask another question, or would you like to come back to me?

CHAIR - You can ask one more, then I'll go down table.

Ms WEBB - Minister, 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? The actions you took, or response you made.

Ms OGILVIE - Thank you. 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 - 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.

I will again ask Mr Jacobi to give you some deeper details about how that communication flow happens, and I hope that will then answer your question.

Ms WEBB - Minister, before we move on to that, 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 - Yes, I understand it is the communication with the department. I am seeking some advice and again I want to be careful to get it correct. 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 process applies and we have had RTIs. We have responded to them appropriately and we are always happy to 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 - Yes, certainly. 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. Yes, through you, Chair, 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.

Ms WEBB - No, I am actually requesting a log and there are two ways that could be dealt with in relation to sensitive information, private names and whatnot. Either it could be provided to us redacted or, as we are a Parliamentary Committee, we can take it in camera and we won't necessarily use that information in a public way if we have taken it in camera. We are able to see it and to see the detail in it and how the process has functioned.

Ms OGILVIE - I have just taken some advice on the process, the system that we use is called myDAS. Mr Jacobi could assist with this conversation if I could ask him to.

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

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subsequently referred to a higher authority such as the Ombudsman or the Integrity Commissioner.

Ms WEBB - Thank you Mr Jacobi that would be fine for you to provide that to the Committee. I am sure we have other questions that relate to the complaints process within the Department.

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. I am happy to provide you on notice with a better visual of our process if that would assist.

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. However, I would also like to do a bit of scene setting. I meet regularly with key stakeholders in the industry, both in Hobart and as I get around the state, the key themes are brought forward through the various organisations that I engage with, whether it is in the thoroughbred code, harness or greyhounds. Also, across integrity, animal welfare and those areas that we have traversed this morning. The themes are clear; the themes are very clear.

The Review of the Racing Regulation Act, the work we are doing to progress this to deliver a contemporary model for integrity and probity and, importantly, animal welfare is essential. I have been a Minister for a year and I have accelerated this. I have put my foot on the pedal to make this happen and as you have heard, it is well underway.

CHAIR - Mr Willie has a supplementary to this.

Mr WILLIE - Yes.

CHAIR - You have an example.

PUBLIC

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 whistleblowers to the Office of Racing Integrity. I have a specific example here.

On 9 September last year, Shaun Kennedy 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 - As I have said, and I will specifically address your question. 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 - 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. 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 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 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?

PUBLIC

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

Mr JACOBI - Thank you. Through the Minister, I have reviewed the letter of 9 September. 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 - Thank you. Through the Minister, 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 - 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 whistleblowers in the industry.

Ms OGILVIE - We need to tread carefully here. I have heard that whistleblower 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.

CHAIR - Thank you. I will go to Ms Howlett now, and then Mr Valentine.

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

Ms OGILVIE - Yes, the Government - our government - and I are a strong supporter of the Tasmanian racing industry, which makes such a vital contribution to our economy and employment, particularly in regional Tasmania.

In May 2022, the Tasmanian Liberal Government was pleased to receive and publicly release the independent review into Tasmania's *Racing Regulation Act 2004*. The Government noted and supported, in principle, the recommendations within the report, and in late November 2022, publicly released a detailed response to each of the recommendations - and that work is continuing.

A bill is being drafted and will go out for full consultation, and I do, as I said, want to work very closely with the industry on these important changes.

As Minister for Racing, I am committed to implement the Government's response to the Monteith Review, and as I've said today, 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. I know this is an issue we all feel incredibly concerned about; it's very important.

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 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.

I would truly like to thank everybody in the industry who has contributed to the Monteith Review to help us set the course for this going forward. I understand it was an extensive

consultation, with 50 individual stakeholders and 31 written submissions addressing the discussion paper. I thank Mr Monteith for that.

We do have Russell here, so I would ask if he would like to make a contribution, as I know it's such an important topic.

Mr HUNTER - Thank you. Through you, Minister, just by way of context, I've spent six or so years now in livestock welfare regulation across Victoria and Tasmania, and I've been working with the Office of Racing Integrity for not quite a full year now.

Again, through you Minister, what I thought 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 -

CHAIR - Like yesterday?

Mr HUNTER - Sorry, Minister, I will continue. 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.

CHAIR - Thank you. Ms Webb, did you have a supplementary?

Ms WEBB - I have a follow-up on the same topic, but I am mindful that the Member for Hobart has not had -

Mr VALENTINE - I am more than happy for the Member to go and I can follow on.

CHAIR - If we are on this line, then we need to finish this line.

Ms WEBB - I am interested in a couple of things about animal welfare, Minister, in particular, the relationship between the Animal Welfare Act and this industry, which is an interesting one. 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 - Thank you. 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. I think Deidre has additional information and I might ask you to contribute.

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. As I am not the expert in terms of animal welfare I would defer to the Acting Director.

Ms WEBB - May I insert a question into that which might be able to be part of the answer we receive? Will that code of practice deliver a higher level of protection in animal welfare to animals in the industry then 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. I will ask Mr Hunter to speak to it in a moment but if I could just add some information as well.

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.

It is the work that needs to be needs to be done. We are pushing forward with those reforms. It is not a simple task; it is a complex industry, but animal welfare is absolutely at the forefront, particularly of my mind. Mr Hunter, you could add some additional information.

Mr HUNTER - As Ms Wilson has mentioned, 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.

PUBLIC

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. Mr Hunter may wish to make another contribution, but I would also say that under the proposed new legislation that we are drafting at the moment - as I have said, we have drafting instructions that are pretty detailed and specific - 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. That's my contribution, but I think Mr Hunter had a bit more to add.

CHAIR - Make it brief, please. I am always mindful of time in this role. Thank you.

Mr HUNTER - Look, it would be my expectation - and as I say, I am helping to support that process. As Deirdre says, we have some framework legislation, and that provides a basis for animal welfare regulation in this state. Tasracing, it goes without saying, is not part of the legislature, and cannot amend that. 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?

Ms OGILVIE - Standards.

CHAIR - Well, same thing - regulations, standards. Is it expected? That it would be in regulation?

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, if you like?

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.

Ms WEBB - Chair, I have one more question on animal welfare, but I can come back to it - or would you like me to keep going now?

CHAIR - One more on animal welfare, then we come back at the end, if we have time.

Ms WEBB - It is in relation to what can and cannot be included in the Murrihy review, because you did mention it before. You pointed, I think, to point seven of the terms of reference - any other matters relating to animal welfare, et cetera.

In terms of issues that have been raised in the public domain - and also within the parliamentary context with you, Minister - that you then directed to the Murrihy review for consideration - and I am thinking of things like the live-baiting matters that were raised, and about issues between the two codes, between greyhound and harness. Are all those matters that have been raised with you - for example in parliament - able to be dealt with and looked at under the Murrihy review under point seven?

Ms OGILVIE - Well, allegations require evidence, don't they? So, issues were raised -

Ms WEBB - My question is whether the Murrihy review has the scope to do that? To cover matters that have been raised of live baiting, of intersections between codes of racing - greyhound and horseracing. I believe in parliament you directed those allegations to the Murrihy review. Is it, in fact, true that they can be covered by that review?

Ms OGILVIE - I said two things when I heard that horrifying account. In fact, I was so upset it almost brought me to tears. What a terrible thing. I could see the member who asked that question was also horrified. Terrible. Those issues are ones that ought to be taken straight to the police, straight to the RSPCA - and if anybody has any information, to Mr Murrihy.

Now, Mr Murrihy has to work within the scope of his terms of reference. Mr Murrihy is aware that if he feels the terms of reference are not broad enough, that is something that can be addressed.

What I can say is this. I have worked with the department to reach out to the member who brought those allegations forward, to seek information, to seek evidence, and to encourage that member to take that forward to the police.

CHAIR - What came forward?

Ms OGILVIE - Nothing. It was terrible.

Ms WEBB - Just to clarify my question, which was whether the Murrihy review has the scope for matters relating to, say, live-baiting allegations, or matters relating to the crossover between codes like greyhound and horseracing. That can be covered by the Murrihy review, point seven?

Ms OGILVIE - The terms of reference are specific to the allegations that have been raised in the ABC report. It is my absolute expectation that anybody with any information about any animal that is being maltreated would immediately refer that to the authorities. If that does not happen, that is a very concerning issue indeed. I understand our department has reached out on that matter, and it may well be that we will receive a response -

CHAIR - Is the Minister aware that the footage that came with that story was a NSW track?

PUBLIC

Ms OGILVIE - I take allegations seriously, no matter where they happen. Nonetheless -

CHAIR - Has the Minister investigated that?

Ms OGILVIE - I have asked my department and they have indeed reached out on that. I will ask Mr Jacobi to speak to this; it is an important issue.

Mr JACOBI - Thank you, through the Minister. I have reached out. I have written to the person who made the allegations relating to animal welfare. Personally, I am appalled by those allegations, but there has been, to date, no evidence brought forward that provides the department with any opportunity to fully investigate this matter. I would encourage anybody who is aware of, or has evidence that relates to these sorts of animal welfare acts, to please come forward.

We are prepared to accept evidence anonymously, but it is important to come to the department, and to report through the RSPCA in the first instance, so that investigations can be conducted covertly.

CHAIR - The greyhound industry publicly reached out as well.

Ms OGILVIE - That is right. We are in agreement. They feel the same.

CHAIR - They are not hiding.

Ms WEBB - Minister, back to my question, can I just clarify - when those matters were raised with you in Parliament, your response in both instances - in relation to the question about live-baiting, in relation to questions about intersections between greyhound racing and harness racing and some unfortunate matters there - in both instances in Parliament, you said those matters could be covered and could be referred to the Murrihy review. Was that correct? Or was it incorrect?

Ms OGILVIE - The terms of reference for the Murrihy review -

CHAIR - I think it is a pretty simple question -

Ms WEBB - It is a pretty simple question.

Ms OGILVIE - I am answering it, if I may. At that moment in time, the terms of reference for the Murrihy review were in draft and were being negotiated. They were finalised. It is my view that paragraph seven allows anybody to bring anything forward. Whether Mr Murrihy believes that fits within his scope of review is actually a judgment for him, but I have had a conversation with him. I reached out to him when he arrived, and welcomed him to this role. We are lucky that he has come. If there is a need to do more, he will undoubtedly ask.

Ms WEBB - At what date were the terms of reference finalised?

Ms OGILVIE - We made those public.

Ms WEBB - Yes, but what date were they finalised?

PUBLIC

Ms OGILVIE - Let me just seek that information. I do have that. Just a moment. They were released on 1 April.

Ms WEBB - Thank you, I can find that on the public record. What date did you sign off on them as being finalised, Minister?

Ms OGILVIE - The terms of reference are between the Department and Mr Murrehy. I will ask Mr Jacobi to talk you through the time line.

Mr JACOBI - Thank you. Through the Minister, the terms of reference were developed by myself in consultation with Mr Murrehy, with the assistance of the Deputy Secretary, Deirdre Wilson. The terms of reference evolved over a course of approximately four or five days or less -

CHAIR - On the run.

Mr JACOBI - No, a lot of consideration was given to them, Chair. They were carefully considered. One of the key issues that I discussed at length with Mr Murrehy was the scope of the terms. He expressed concern that if the scope was too broad - he wanted them to be broad-reaching, in particular in relation to the allegations that were made, but his concerns were if they extended across all three codes and all matters in relation to animal welfare, that this would become an inquiry or an investigation that could extend for a considerable period of time. He was concerned that he wouldn't be able to complete the inquiry expeditiously and we agreed that it was very important to get to the heart of these matters quickly, and to have them resolved. That is why I negotiated with Mr Murrehy a deadline of 30 June [2023] to complete the review and the investigation.

Ms WEBB - My question to you Minister, perhaps Mr Jacobi can answer it though, is on what date were the terms of reference finalised? Perhaps it would help to ask, on what date Minister, did you receive the final version of the terms of reference?

Mr JACOBI - I will take that on notice. I would have to check exactly what date the final draft was finalised and when it was provided to your office.

Mr VALENTINE - Just to follow through on that, Minister you said that it was a matter for Mr Jacobi as to whether it would be included in the investigation, that significant issue, which is of great public concern, as animal welfare always is. Why would it be up to Mr Murrehy to decide that it was either in or out? Surely you would decide whether it's in or out, and if Mr Murrehy had concerns about the length of time it might take, then he might voice those, but it's not up to him, is it?

Ms OGILVIE - He has been asked to do a piece of work that directly relates to the ABC's investigation, which was publicly released, to conduct that investigation and the circumstances surrounding the races referred to in the ABC media report of 26 March 2023, and to determine compliance with the Australian Harness Racing Rules. Quite specifically, the investigation is in relation to harness, it is in relation to the ABC reports, and those specific races.

Again, I will say, like you, I was absolutely horrified when I heard those issues raised. The power I have is the same in this situation as the power we all have. If I can please implore everybody and anybody who has any concern in relation to animal welfare, pick up the phone to the RSPCA or the police.

Ms Webb says quite correctly that I mentioned Mr Murrihy's investigation in this, that it is specific to harness for the reasons Mr Jacobi has mentioned. Should we have allegations that are provided with evidence, that we need to do more in the greyhound industry, of course we will do it.

Ms WEBB - So it's incorrect what you said in parliament.

Mr VALENTINE - My question goes back to the Member's Statement of Expectations², and I'll actually hand this out to my colleagues because they may not have it.

CHAIR - Done our homework for us, Honourable Member?

Mr VALENTINE - That's all right. When I read through that Member's 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? As I read that, unless you can point me to it, I don't see any major mention of animal welfare there. It might be second row back in the regulations or something but given the level of community concern that's out there in relation to animal welfare, I would have thought that the member's statement of expectations would have had it front and centre.

Do you care to comment on that?

Ms OGILVIE - Thank you. The Member's Statement of Expectations that you have just provided me with a copy, and everybody at this table, 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.

We know that the integrity functions including animal welfare and probity, which are defined in the Racing Regulation Act have not really been substantively reviewed for 20 years and that includes this piece of the puzzle. The Tasracing Integrity Commission -

Mr VALENTINE - It was from 2012 and yet -

Ms OGILVIE - Yes, and we are now 2023.

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 - As I was saying, and I do want to just roll through this very quickly if I could, 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.

² See <https://tasracingcorporate.com.au/wp-content/uploads/2012/11/MSE1.pdf> [Accessed 24 April 2023]

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, just to deep-dive on that very quickly on animal welfare issues 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.

Mr VALENTINE - My follow-up question and it goes to the member for Nelson's questions earlier about the systems that are in place and dealing with correspondence. You mentioned a system called myDAS, I think probably that is an updated version of the old MinEMail system, many years ago. I did not implement MinEMail but it was around when I was in the State Service and I have been in five different departments. I am assuming myDAS that you are talking about is a standard Ministerial mail tracking system for all Ministers; it is not just for your office. Is that correct?

Ms OGILVIE - It is a Departmental system.

Mr VALENTINE - Given the Member's Statement of Expectations exists, what systems are in place to collate information associated with Tasracing so that you can be satisfied that it is performing or where it is not performing and for you to be able to effectively report on that as the Minister? What systems exist within your Ministerial office that give you the information you need to be able to report on it under this Minister's statement of expectations?

Ms OGILVIE - Thank you. The way the process works is at a Ministerial level, as the portfolio Minister, I operate at a strategic level. I work with the board of Tasracing to prepare a strategic plan. The strategic plan guides and provides the direction for Tasracing across the year and the annual report reports on that. I use those documents as the cornerstone of managing the strategic direction of Tasracing. I meet with Tasracing regularly and we have regular fortnightly meetings. We are in direct contact on those issues.

Again, I want to be really careful and quite open with you that, as a Minister, my operation is across the strategic layer. Operational issues are according to our legislation and according to this document we have before us. Operational issues are matters for Tasracing. When I say operational: race day, animal welfare, stewards' work, employment matters - all those things that sit below that CEO level. At a strategic layer, what I do is manage the strategic direction of the organisation through the annual report and managing or signing-off on the strategic documentation of that organisation. That is how it works.

Mr VALENTINE - As a Minister, quite clearly, Tasracing indeed may well provide you with lots of information, but you have to decide whether the information you are being given meets the expectations. Is there any other system - apart from what Tasracing is providing to you - that you use or have in place to actually collect relevant information, whether it be public

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information that is coming in to you from different quarters? What system do you have in place that actually assists you in deciding whether the information you are being given by Tasracing is relevant, and indeed satisfies you that they are performing properly?

Ms OGILVIE - I think what we are going to is what assurance measures might be in place?

Mr VALENTINE - Call it what you will.

Ms OGILVIE - I think that is really where you are going. How can I be assured that what Tasracing is doing is what they are reporting?

Mr VALENTINE - What information do you collect to make sure that you can be assured that what they are providing to you is accurate?

CHAIR - For instance, each of the codes. 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.

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, but there is a meeting on 28 April 2023. How do you know, if you are not meeting with those clubs?

Ms OGILVIE - Let me be as careful and clear as I can. I attend many events, as I said very early on in this session. 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.

Now, I need to be really careful about two things. Firstly, Tasracing is an independent entity. It is a State-owned corporation. It is covered by the Australian Corporations Law, and must operate in compliance with the Australian Corporations Law. From an assurance perspective, that is very important. I rely on those mechanisms. As a Minister, I work at a strategic level with them to set the strategic direction, and that is reported against in the annual report.

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. I can also say that the department is a very important piece of this puzzle - particularly, around animal welfare.

I think Mr Jacobi was trying to get my attention to catch up on that conversation. Would you like to add how you interact with Tasracing?

Mr JACOBI - I will refer it, through the Minister, to give you Ms Wilson's response.

Ms WILSON - Thank you. The critical thing that we have been talking with Tasracing about - first of all, I will reiterate what -

CHAIR - Updating the member's statement of expectation might be the first one.

Ms WILSON - I might go to that first. Through you, Minister, and then the director would have the most engagement with Tasracing in terms of their statutory functions.

The objectives of the Tasracing Act are twofold, and are in the act itself - which are to exercise its powers to be a successful business, also to perform any functions conferred by the *Racing Regulation Act 2004*. That is the intersect.

The Monteith review and the new proposals that have been put forward are going to strengthen this assurance process. Under the model, the Minister will be able to direct TasRIC to develop, for example, integrity standards or animal welfare standards. TasRIC will be required to report to the Minister on the exercise of its functions and powers in its annual report.

So, there will be an additional reporting mechanism for TasRIC. That will be tabled in parliament.

CHAIR - What is the board of Tasracing going to be doing, if everybody else is doing all their work? What are they doing? They are almost negligent in their role.

Ms WILSON - Minister, I might just answer the question, then back to you?

CHAIR - My question is to the Minister.

Ms WILSON - Through you, Chair, I wasn't going to attempt to answer that one. In terms of the engagement of Tasracing, my primary engagement and the agencies - in my role, because I am not the Director of Racing - has been around the Monteith review, the project that we are advancing with the new legislation and those streams of work I mentioned before. In the interest of time I will pass over to you, Minister.

CHAIR - So, my question is to you, Minister. What is Tasracing, if this is the work that is going to be undertaken by TasRIC, with your oversight? What is the Board of Tasracing? What are they doing? Or are they asleep at the wheel?

Ms OGILVIE - I can assure you they are not asleep at the wheel. 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 -

CHAIR - My people don't give me false information.

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Ms OGILVIE - No, I wasn't suggesting that at all. I was just clarifying, because as you would appreciate, we are working very hard -

CHAIR - I know, but as we always say, there is more happening than what is just happening in the southern part of the State.

Ms OGILVIE - I agree with you, and I do refer to the very important regional nature of this. I couldn't agree with you more, Chair.

Sorry, we were going to talk about the board of Tasracing. What the Board does. So -

CHAIR - I know what they should be doing. I asked what they were and will be doing in the future. You might have a new answer for that.

Ms OGILVIE - Right. Under the new model?

CHAIR - Will they have a role?

Ms OGILVIE - Yes, the Board will have a role.

CHAIR - A very pared back one, I would expect.

Ms OGILVIE - Well, it is a restructure. In the context of the new structure, matters relating to the corporate activities of Tasracing obviously should be put to them, but I am happy to talk about it in general terms. In practical terms, regarding race meetings for all three codes of racing, Tasracing is and will be responsible for race programming, eligibility settings - that is, the number, dates and times, locations and types of race -

CHAIR - That's Tasracing. This is about the Board.

Ms OGILVIE - The Board manages Tasracing.

CHAIR - I know the structure. I am just saying the Board has the overarching responsibility. I am really concerned that we can't see what Tasracing have been doing in regard to probity and integrity, given we have reached this stage.

Ms OGILVIE - I will refer that back to Deidre, because this is about the structure. ORI is the integrity organisation at the moment that sits within that Department.

Ms WILSON - Through you Minister, one of the key elements of the current system - which will be retained under the revised model as proposed by the Monteith review and accepted by Government - is a separation between the integrity functions and the operations. That is a cornerstone of our current system.

That means the Board is responsible for Tasracing's operations, undertakes exercise - it must do so, but it must also comply in terms of race day management with the rules of racing. The stewards are there to ensure compliance with the rules of racing in terms of integrity of that race day management. But I will defer to the Director.

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Ms OGILVIE - Sorry, I was just getting some advice on that. Tasracing obviously needs to speak to their operations, but I think your answer was germane to this line of inquiry -

CHAIR - When you talked about the new model, it appeared to me there wasn't much left for the board of Tasracing to be doing, if that is the model. I do not know what the model looks like at this point in time because I have not seen the draft legislation.

Ms OGILVIE - No, well it is in progress at the moment. I could speak to it if you would like me to.

Mr VALENTINE -Yes please, I would like to hear a little bit that just paints a little bit of the picture.

Ms WEBB - Is it pretty much what is outlined in the response to the Monteith review? If it is essentially the elements in the Government's response to the Monteith review we have that.

Mr VALENTINE - Has it changed from that or not?

Ms OGILVIE - We have provided drafting instructions, so there is a little more detail. I am really happy to run through it now or later.

Ms WEBB - Perhaps you could table it?

Ms OGILVIE - Table what?

Ms WEBB - Table any information you have there about it.

Ms OGILVIE - It would be great if I could just read it.

Ms WEBB - Well no, we have not got time.

Ms OGILVIE - I am trying to answer the questions.

Ms WEBB - That was not so much a question as a request for information which could be tabled.

CHAIR - You could table what you have, Minister, and we can read that.

Ms OGILVIE - I am just getting some advice that a summary table could be prepared that we could do that for you.

Mr VALENTINE - I would appreciate that.

Ms WEBB - While we are on the subject of tabling something or a follow-up question, can I come back to something that you asked earlier which was about the Minister's meetings with industry representatives? I had noted here that perhaps subsequent to this hearing, it would be useful for the Minister to provide us with a schedule since she has been Minister in relation to the meetings or briefings that have been received by her or her office from the different elements and stakeholders? A schedule of those dates, and the matters if there was an agenda

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or minutes, matters discussed, those sorts of notes and any follow responses or actions that we take by the Minister? That would be useful to have for our reference.

CHAIR - That would be excellent. We know obviously that there will not be any from the north, but anyway, we will go there later.

Mr WILLIE - Cross codes I think.

CHAIR - Yes, a bit of cross codes for -

Ms WEBB - If we could request that. I do not mind writing that down for a question on notice.

CHAIR - My question before we leave the drafting of the bill, Minister, you said that there is consultation, yet you have already given drafting instructions and we are going to get a copy of that. I am interested in how that consultation and those drafting instructions marry up. Is the consultation out with industry, or is that more internal? I am interested in that. I wrote that down very early.

Ms OGILVIE - Yes, it is a good question. We have done a deep dive into industry consultation through the Monteith Report. I am sure your colleagues would have participated in that.

CHAIR - My constituents.

Ms OGILVIE - Sorry, constituents. My apologies, quite correct.

CHAIR - I am only related in name.

Ms OGILVIE - No, I was not suggesting that.

We have done extensive consultation including meetings with 50 individual stakeholders and the assessment of 31 written submissions. That has built the picture for us. Then we have gone through that in detail and from that I think Ms Webb had a copy of the detailed response that we have given. Then we have taken that detailed response to become an enlarged intra-drafting instruction so the bill is now being drafted going through that process.

The next step is the consultation that we speak of, and I know I have gone heavy on the RSPCA consultation because I am really focused on animal welfare. That piece will happen, but that will be across the industry and from everybody. I welcome deep conversations, deep consultation. We will be listening. We will make our best effort at preparing good and robust legislation. But the consultation with draft legislation always delivers more than you thought you might need to think about. People come forward with good ideas. Good ideas can come from anywhere and we will be listening to that.

CHAIR - I know the member for Hobart touched on it, but I have a question about the systems that are already in place. I am interested in the steps, that audit process, and the steps when ORI receives, for instance, the swabs that are taken, that type of thing. 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?

Ms OGILVIE - I'll just take some advice. The way to approach the answer to this, because I want you to get the information, is to ask Mr Hunter to commence, and I think I have some further information to unpack.

Mr HUNTER - I can talk in general terms about the functions and activities of duly appointed stewards on race day and the like. Apologies, I've opened the wrong thing here.

CHAIR - It's all right, it can happen when you have pages and pages.

Mr HUNTER - My goodness, can it. With indulgence Chair, it's also my first time in a room like this -

CHAIR - Welcome.

Mr HUNTER - I hope you can appreciate the sweaty palms and stilted voice.

Members laughing.

Mr HUNTER - Again, I can talk about the general functions of stewards in race day operations, specifically about swabs that you referred to. 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. However, for fuller detail on the process, it is probably most appropriate to provide that information in writing.

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

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of four worldwide reference laboratories used in the International Federation of Horse Racing, as their results are both highly reliable and credible. I do have some numbers, which you might want on record.

CHAIR - I am fine, I am happy for you to table those. I am mindful that my colleagues might not be very happy if they don't get their questions.

Ms WEBB - Chair, were you asking for documentation that describes the processes, and any integrity or auditing processes that may go alongside it?

CHAIR - As much detail as possible about that process. It's really important because that's a lot to do with the confidence and the integrity that the member for Elwick spoke of as we opened these hearings.

Mr WILLIE - I want to circle back to a couple of things the Minister has said Chair, if that's all right. 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.

Mr WILLIE - As Minister, you would know if you have had those meetings.

Ms WEBB - When you provide that to us, could you also include any visits to rehoming programs that you have visited?

Mr WILLIE - Attendance of racing meets, too.

Ms OGILVIE - Just on the process, would you like to frame your question?

Ms WEBB - We will put it in writing.

CHAIR - We will send them all. We have great secretarial support.

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Mr WILLIE - Another thing, Chair. The Minister said she takes animal welfare very seriously and encourages people to contact the authorities. Minister, one of your staff members, a current steward, Janet Ainscow, did exactly that.

Ms OGILVIE - A staff member of mine?

Mr WILLIE - Well, of the Office of Racing Integrity. She is a current steward, and it was in relation to Yole property, which she lives next door to. She said in summer, in the paddocks, there is just dirt, nothing but dirt. She said there are times when those horses are just wandering around sifting through dust and are just eating faeces - and watched one time 20-30 horses going from one manure pile to another, eating faeces.

She invited ORI staff, the Director of Racing, to her own property, and they went and observed the animal welfare standards to see if they were appropriate. She has videos of the horses eating manure, and the response from the Office of Racing Integrity was to stand her down from stewardship of harness racing.

Here is an example of someone who has come to the authorities with animal welfare concerns, and they have been stood down. What is her current employment status in this?

Ms OGILVIE - I will ask Mr Jacobi to talk about the employment status and also this particular issue.

Mr JACOBI - I am aware of various accounts on social media that have alleged that Ms Ainscow has been stood down because of her criticism of Yole's operation. To be clear, though, this is not the case, and Ms Ainscow has not been suspended or stood down.

Mr WILLIE - So, she is currently undertaking her role? She is an employee?

Mr JACOBI - She is a casual steward.

Mr WILLIE - Is she getting work?

Ms WILSON - We would have to take that on notice. My understanding is that the casual stewards are casuals, and that they are rostered, and it will depend upon where you are in the year in terms of demand for races and casual stewards.

Mr WILLIE - Minister, there is an important question here. People are coming forward with animal welfare concerns. I believe she had other concerns, where a driver told her that he'd been asked to team-drive and he was prepared to make a statement, and that was never followed up by ORI. We have been told that she is casual, but it is -

Mr JACOBI - Through the Minister, these are allegations that are very serious, particularly the animal welfare ones.

Mr WILLIE - Well, so is race fixing. That is very serious.

Mr JACOBI - Absolutely, and with all of these matters, if there are specifics that can be provided to Mr Murrihy for him to investigate - or if anyone here is in contact with - I encourage them to make a submission to Mr Murrihy, but with detail and content.

There have been a number of statements made that lack detail and lack specifics, and it is very difficult for us to follow up without having some specific information.

I encourage anyone to come forward, provide that information to Mr Murrihy, and it will be addressed through his review.

Ms WEBB - May I follow up on that, Chair? In the instances described by the member for Elwick, it would appear that there is at least a perception that it is not necessarily safe, or in your own interests, to raise matters internally through the ways that you have invited people to raise matters. If the consequence may be that you lose work, or that you are somehow set aside, that is an inference that could be potentially drawn.

What is in place to ensure that internally raising issues is a safe process for staff to engage in, and to dispel any perception that there may have been instances where people have raised matters and then unfortunately suffered some form of consequence in relation to that?

Ms OGILVIE - You do raise an issue that does go to that employment structure and those relationships. I will also the Public Interest Disclosure Act provides some protections on matters of serious and deep integrity issues.

I will ask Mr Jacobi to speak about this as well. From a staff perspective, from an employment perspective, when somebody raises something, what are the processes, measures and protections in place?

Mr JACOBI - Thank you. Through the Minister, it all depends on the nature of the complaint. For a very serious allegation, there is an opportunity for a staff member or employee to use the public interest disclosure process to maintain confidentiality around the complaint and the nature of their allegations. That whole process allows for an investigation to be conducted with complete confidentiality around that entire process, and the people who the allegations are being made against. So, there is a direct avenue that employees could use.

I would be very concerned if there were suggestions that an employee did not feel comfortable about coming forward with a complaint, and that complaint being dealt with seriously. We have zero tolerance in the department to bullying, harassment, intimidation of any sort. I would act very strongly if I was provided with evidence that an employee had been treated inappropriately as a result of bringing forward information that was valid and legitimate.

Ms WEBB - Minister, in relation to that, we have just heard a description that sounds like somebody raised matters - not making a complaint that would require the public interest disclosure act, but actually raised a matter that is relevant to the industry, that they in their role as steward were well equipped to observe and then potentially raise as a concern, and who then - it could be perceived or seen - has suffered a consequence employment-wise as a result of it.

Does it concern you that this perception is there? What do you think needs to be done to dispel that perception, and what would you require of the department in dispelling that perception?

Ms OGILVIE - Of course. I think Mr Jacobi has just explained the processes internally that are at play and that they are able to deploy. I am very concerned to make sure that anybody

who brings forward a complaint or an issue is protected - whether it is a complaint, right through to those serious public interest disclosure level issues.

But it is an issue for how the stewards go about their job and about what they do and how they do it and those processes and the act. So, I will ask Mr Jacobi to speak to the employment processes and the management of that.

CHAIR - Unless it is different to what you have already explained, Mr Jacobi, about zero tolerance, I think we are just getting the same information.

Ms WEBB - I was just interested in what protections people might have, if it appears that if you raise something you no longer get work if you are a casual.

Mr WILLIE - Or the complaint goes to the person who is the subject of the complaint.

Ms WEBB - Perhaps you could rule that out, Minister? As you say you are quite concerned that people are able to come forward, perhaps you could explain what you are going to do to follow this up?

Ms OGILVIE - I am always happy to follow things up. What I can do at that strategic level - I know we circle right back to this again - is to ensure we have a contemporary structure for all of these issues.

ORI will become the independent commissioner; that is a step change of a seismic order for this industry. That is what we are going to do.

In relation to the specific matter that has been raised at this table, we are certainly happy to follow that up. We did flag early on, in my opening statement, that we do have to be careful around employment matters. Mr Jacobi is the right person to speak to that, if you are comfortable.

Mr JACOBI - Thank you. Through the Minister, as I said before, there's a range of different ways in which a complaint can be handled. If it is raised with the direct supervisor, and the employee is unsatisfied with the response, they can raise it with me. Or they can raise it through the department's complaints handling process. Or they can escalate it through a variety of other mechanisms. As I said, there is a zero-tolerance approach to this.

This employee has the opportunity to directly approach Mr Murrihy and to raise any concerns with him about how her complaint has been managed by the office or by the department. I encourage her to do that.

Ms WEBB - So, no ruling out that is what has occurred?

Mr VALENTINE - I have just realised that we have a very short amount of time. I am interested in a statement that was made today in the press, where it says that, 'Government is ensuring the welfare of racing animals in the state before, during and after their racing life'.

This is a question on notice so you don't have to do it right now. I would like to know and receive information that shows what you are actually doing to make sure that animal welfare is front and centre in the cycle of their life, racing animals in the state before, during

and after their racing life. I am particularly interested in horses, whether it be gallops or harness racing, if there is a different process for both of those, then provide that please.

Secondly, the inquiry into greyhound racing in Tasmania in 2016, your Government was in power at that particular time for a couple of years. In fact, it was the chair of this Committee who chaired that. There were a lot of recommendations, 31 recommendations as far as I am aware. What has the Government done in progressing any of those recommendations? If I could receive that in writing I would really appreciate that. I don't think I have to give you a copy but there you go.

Ms OGILVIE - No you don't need to give me a copy. I am able to provide you with a response to that and I am happy to do so. We have a table of progress across all of those issues. This was central work in the area of greyhounds, particularly with what was happening nationally at that time. I want to check that we are talking about the traceability issue, that is where my mind goes when you ask about the life cycle of both horses and greyhounds.

Mr VALENTINE - I am going to your statement in the paper this morning, 'Government is ensuring the welfare of racing animals in the state before, during and after their racing life'. It's not just about traceability; it's about their welfare specifically.

Ms OGILVIE - Sure, perhaps if I could just deal with the traceability one because that is where we have had some movement, and we are very pleased about that. 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 won't waste your time going through all of that, we can provide more information.

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.

Mr VALENTINE - We are talking about rehoming as well?

Ms OGILVIE - Yes.

Mr VALENTINE - I'm interested in top to bottom.

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Ms OGILVIE - I thought that would be helpful to you.

CHAIR - The member for Nelson has a question she would like to put on notice.

Ms WEBB - I'll just flag it. We will put it through on notice in writing. I have a series of questions relating to staffing within ORI, particularly about things to do with qualifications and training for stewards and other staff, the current complement of staff, positions in relation to the casualisation of staff, matters to do with staff leave and workers compensation, and matters to do with acting within roles or outside of roles. There is a series of questions there that I will put through in writing.

Ms OGILVIE - Thank you. Could I ask, is that just as of 2023? Is that what you are after?

Ms WEBB - Yes.

Ms OGILVIE - The current status?

Ms WEBB - Indeed. It will be clear in the way it is presented in that time frame.

Ms OGILVIE - Thank you very much.

CHAIR - Just a final statement from me before we wind up. Mr Hunter, we hope that you have found this process really enlightening and interesting.

Ms OGILVIE - He is still with us, so that is a good thing.

CHAIR - We do note your qualifications but seeing them in writing will be useful. Thank you. Minister, you have certainly provided some positive feedback to the Committee.

Ms OGILVIE - I have tried.

CHAIR - I am not going to tell you how to do your job. You are the Minister and I am not and never will be one but it is really important to engage with all levels of the industry.

Ms OGILVIE - I take that on board.

CHAIR - That is a key message here to instil that confidence and that integrity part that we all want to see for the industry. Without that engagement from their Minister, it is going to be difficult to have that - just a little bit of advice from someone who has been around the traps a long time.

Ms OGILVIE - I accept that. It is good advice and I appreciate that. Thank you so much, Chair.

CHAIR - Thank you to everyone who has been involved in this morning's hearings. The Committee will deliberate. If we need to have some follow up questions and do this again, then, as we are able to, we will ask you to come back again. We may well be able to have the director with us then.

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Ms OGILVIE - Always happy to provide as much information as we can.

CHAIR - We shall suspend and thank you, young man on *Hansard*. I apologise I did not grab your name before we commenced. Thank you for your work.

Mr VALENTINE - I think it is Henry.

CHAIR - Thank you, Henry. I should have asked the member for Hobart. He knows all that Hobart stuff. Thank you.

THE WITNESSES WITHDREW.

The Committee suspended at 12:32 p.m.
