

18 August 2020

Hon Ivan Dean MLC  
Chair  
Parliamentary Standing Committee of Public Accounts

**Via Email:** [pac@parliament.tas.gov.au](mailto:pac@parliament.tas.gov.au)  
To Inquiry Secretary, Ms Natasha Exel

Dear Hon Dean MLC,

I refer to your request to provide a response to the two questions I took on notice at the Public Accounts Inquiry into the Government's response to the COVID-19 pandemic on 6 August 2020. Below is my response to the two questions on notice.

- Provide details on the number of approved standardbreds initially funded under the support program which subsequently exited the program. Provide those reasons why those standardbreds exited the support program.***

The following table sets out the information requested.

<b>Standardbreds at 1/4/2020</b>		<b>522</b>
Standardbreds at 1/4/2020 that subsequently exited to program	61	
To Spell	52	
Sent to Victoria	7	
Sent to NSW	1	
Sent to Victoria and subsequently returned	1	
<b>Standardbreds that entered the program after 1/4/2020</b>		<b>132</b>
<b>Total Standardbreds</b>		<b>654</b>

Standardbreds, similar to thoroughbreds come in and out of training depending on their training regime and racing program. A horse cannot be kept at the peak of its racing ability for an extended period of time. To do so would create welfare issues for the animal. As such it was fully expected that horses would come in and out of work over the course of the support package depending on when the Industry was able to resume racing.

522 standardbreds applied and were approved for support from the 1<sup>st</sup> April 2020. A further 132 applied for support after that date and were accepted. These additional 132 were not in work at the time the support package started.

Of the original 522 standardbreds, 61 exited the program at various dates. Of these 61, 52 exited to spell or refresh. 7 were sent to trainers in Victoria, 1 was sent to a trainer in NSW and 1 was sent to a trainer in Victoria and subsequently returned.

A subsequent clean-up of the data has identified horse name spelling errors across the 5,454 individual transactions that artificially inflated the number of horse paid but had no impact on the amount paid.

Stewards have subsequently approved a number of horses (8) to be paid. This has added a further \$2,520 and brings total Harness Support payments to \$1,468,285.

**2. *Provide a summary of discussions and events leading to the decision to close Devonport Showgrounds for the greyhound race meeting on Tuesday 31<sup>st</sup> of March 2020.***

We wish to provide you with the background to the dispute between Tasracing Pty Ltd (Tasracing) and the Devonport Agricultural & Pastoral Society Inc (**DAPS**) to put the lockout of the greyhound meeting on 31 March 2020 into context. We advise that Tasracing and DAPS have recently resolved to refer their dispute to arbitration and Tasracing is limited in providing full details of the dispute to preserve Tasracing's position in those proceedings.

**Background to the dispute between Tasracing and DAPS**

Tasracing and DAPS have been in dispute for a number of years over the Lease, which permits Tasracing to occupy parts of the Devonport Showgrounds for the purpose of conducting greyhound and harness meetings and ancillary activities, with it coming to a head following the proposed sale of the Showground site by DAPS in 2019. While Tasracing has attempted to negotiate with the proposed purchaser in good faith, the protracted negotiations and media campaign demonstrates that it is unlikely the parties can come to an agreeable position. The dispute will now be determined by lawful authority in due course through the arbitration process which has commenced.

Tasracing (and/or its predecessors) have occupied the Devonport Showgrounds for over 30 years. Tasracing's position is that it has a valid and enforceable lease at the Devonport Showgrounds until 2040. DAPS, the current owner of the Showgrounds, dispute this. Tasracing will not voluntarily relinquish the remaining 20-year lease term at the Showgrounds which holds 52-55 greyhound and 13-15 harness race meetings annually in addition to trials and offices for racing clubs to maintain racing in the North-West of Tasmania.

The Devonport Showgrounds is a critical piece of infrastructure for the racing industry, both for the North-West Coast and the State more broadly. Approximately 25% of harness and greyhound participants are located in and around the North West. The indicative costings for a greenfield development of a harness and greyhound facility range from \$16 million to \$9 million and \$9 million to \$6 million respectively. These are for stand-alone sites.

## Lock-out of Greyhound Meeting on 31 March 2019 – summary of events

In the lead up to the lockout of the greyhound race meeting on 31 March 2020, Tasracing and DAPS were in conflict with respect to DAPS' refusal to allow the racing clubs to undertake track maintenance works. Without maintenance works the tracks will not meet safety standards. Safety and welfare of the animals are of paramount priority to Tasracing. Tasracing also has contractual commitments to hold race meetings at the Showgrounds and will suffer financially if scheduled race meetings cannot be held.

DAPS had increased compliance requirements as part of its COVID-19 response protocol by requesting Tasracing to complete an Activity Request Form for each racing event (trials and race meetings) 14 days in advance of the event, including identification of individuals who were to attend the site at each event (which were already limited to permitted licensed participants and essential race personnel only by Tasracing's own Covid-19 response measures). This high level of compliance requirement was DAPS' first time DAPS' had attempt to restrict Tasracing's use and enjoyment of the Showgrounds under the Lease in all of the time Tasracing has occupied the site. Tasracing agreed to the procedure (except identifying individuals who will attend the site in advance due to privacy and integrity issues) in the community spirit of working together to combat the health and financial impact of COVID-19.

Despite complying with their compliance requests DAPS continuously requested Tasracing to cancel/abandon the scheduled races and trials as they considered the events to increase the risk of COVID-19 spreading.

On Sunday 29 March 2020, the National Cabinet agreed to further limit indoor and outdoor non-essential gathering to 2 people. Tasracing sought clarification from the Tasmanian Premier's Chief of Staff on the operational implications of this announcement and whether an exemption was potentially required.

Tasracing had operated under the direction that the racing industry had not been identified as a non-essential service (i.e. the gathering rule did not apply to the racing industry as it is necessary for the normal business/commercial operation), which equally applied to all Principal Racing Authorities.

It was agreed with the Government that for clarity and certainty Tasracing would seek an exemption under the section 16 Direction. While Tasracing did not believe racing was included in the aforementioned limit on public gathering, it sought the exemption to provide Tasracing and the Tasmanian Racing Industry with greater certainty around its immediate future. The exemption was sought by Tasracing on Monday 30 March.

Tasracing maintains that its position on being an essential service did not change because it had sought an exemption.

The greyhound race meeting was scheduled to be held at 10am on Tuesday 31 March.

### 30 March

We understand that on 30 March, DAPS contacted the Tasmania Police (the Coronavirus Taskforce and the Regional Command) to enlist them to cease the race meeting. The Tasmania Police did not contact Tasracing to advise of their concern regarding the use of the site to conduct the race meeting on 31 March and of their preference that it cease.

### 31 March

At 8:15am on Tuesday 31 March, the Tasmania Police contacted the Director of Office of Racing Integrity (ORI) (a separate entity to Tasracing) advising him that the State Crisis Centre had deemed racing as a non-essential service.

At 8:25 am the Director of ORI advised the CEO of Tasracing of the State Crisis Centre's determination.

At 8:31 am the Director of ORI advised the Deputy Secretary at Department of Primary Industries, Parks, Water and Environment (DPIPWE) of the State Crisis Centre's determination.

At 8:39 am Tasmania Police emailed DAPS advising them that racing was not an essential service and the meeting was not permitted to be conducted without an exemption.

At 8:49 am the Secretary at DPIPWE was advised.

The gates to the Showgrounds were locked by DAPS at some point after 8.39am and the few participants and Club staff requested to leave the site.

At 9:23am the stewards arrived to find the gates locked which prevented them from entering the site. The stewards were shown the email from Tasmania Police by DAPS and the stewards cancelled the meeting. To date, Tasracing has not been provided with the email from Tasmania Police.

At 9:41 am the Director of ORI requested clarification from Tasmania Police as to their determination as he advised them that there was no list of essential services and the racing industry is a commercial operation to which the new restrictions did not apply.

Tasracing was granted an express exemption from the Director of Public Health which provided Tasracing with an exemption to the conduct racing in Tasmania from 31 March 2020 until (and including) 6 April 2020.

### 1 April 2020

On 1 April 2020, Tasmania Police acknowledged that the "advice has been clarified" to allow racing to proceed. This conclusion reinforced Tasracing's original position that seeking an exemption did not change its essential service status.

## Conclusion

Tasracing is not privy to the discussions between the Director of Health and the Premier with respect to the decision of shutting down racing on 2 April on health concerns. We can only speculate that it related to the outbreak of COVID-19 cases in the North-West region at the time of the decision.

Tasracing does not consider the impact of the cancelled greyhound meeting on 31 March as the catalyst for the shutdown of the racing industry on 2 April. As noted previously at the Committee hearing on 6 August 2020, Tasracing cancelled a Launceston Meeting on 25 March 2020 on the advice of a potential COVID-19 exposure for one of the jockeys scheduled to ride at that meeting. Subsequently, the jockey tested negative to COVID. It however demonstrates that meetings can be cancelled and rescheduled to mitigate COVID risks and does not result in an industry shutdown.

I trust that the response sufficiently addresses your questions. However, should you require further information please do not hesitate to contact me.

Your sincerely



Paul Eriksson  
**CHIEF EXECUTIVE OFFICER**