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THE JOINT SELECT COMMITTEE ON GREYHOUND RACING IN TASMANIA MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON FRIDAY 20 NOVEMBER 2015

Mr TONY MURRAY, DIRECTOR OF RACING, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Ms O'Connor) - Mr Murray, before you begin giving your evidence, I would like to ask whether you received and read the guide sent to you by the committee secretary.

Mr MURRAY - I did.

CHAIR - A committee hearing is a proceeding in Parliament. This means it receives the protection of parliamentary privilege, which is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of Parliament. It is important to be aware that this protection is not accorded to statements that may be defamatory or repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing, which means your evidence may be reported, although there are no members of the media present. It is important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

Mr Murray, we have called you back because it has been a while since we spoke to you. We have had evidence given to the committee and we want to follow up on that evidence. We also thought it would be useful to get an update on the recommendations of the review and how they are being implemented. Do you want to start with the review?

Mr MURRAY - Yes, I can. Can I make a few comments up front first, Chair, because, as you say, it has been a while since I have come along. A number of things have occurred since the *Four Corners* program, since the setting up of this inquiry, and also since I appeared before the inquiry in August. I will make a brief couple of statements.

It is now over nine months since the *Four Corners* program went to air. The disgusting images shown in that program remain very vivid, despite the passage of time. Indeed, it is probable that no period of time will fully erase what we saw. Of course we must move forward. This inquiry, and those in other jurisdictions, have very important roles to play in determining the future of the greyhound industry.

Despite my role as Director of Racing being responsible for the integrity of all codes of racing in Tasmania, it is fair to say that the majority of my time since February has been spent on greyhound racing, starting with the review and report undertaken by the Chief Veterinary Officer and myself, and followed up by the implementation of recommendations from that report, which I will address shortly.

Interestingly, though, a number of the outcomes that have been identified actually resonate across all three codes of racing, and I would like to share some of these with the committee today. The three categories I would like to briefly talk about are licensing, rule

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enforcement and the support for the regulator, each of which are relevant to the current greyhound issue but also relevant to all codes of racing in Tasmania. I think by looking at some of the issues we can confirm and sure up the integrity delivery across all three codes.

Mrs RYLAH - Could you just read those three categories again, licensing -

Mr MURRAY - Licensing, rule enforcement and support for the regulator.

Mrs RYLAH - Thank you.

Mr MURRAY - Licensing is something I absolutely believe in, and I have said numerous times that a licence to participate in the racing industry is a privilege. It is not a right. An applicant wishing to be licensed in the racing industry must be subject to significant review and scrutiny. The licence should be earned by someone with a good overall knowledge of racing or the ability to acquire such. The person should be of good character. When seeking to be licensed, the person agrees to be bound by the rules of racing. This is a shared agreement as the regulator, when licensing a person, has an expectation that that person will abide by those rules. If at any time the licence holder acts in a way which is contrary to the rules, the privilege of the licence should be immediately reviewed. In more serious cases or repeat offenders, that privilege should be revoked. The concept of a licence being a privilege I think is an absolute one. Nobody forces anybody to be licensed. Nobody forces anybody to apply for a licence. But by applying for a licence, a person agrees to be bound by the rules of racing.

The second category is rule enforcement. The reviews already completed in Victoria and Queensland have identified the need to have integrity operations separate from commercial considerations. Of course that is the model we already have in Tasmania and have had for a period of time.

It is quite astonishing to me that it took the *Four Corners* program and the subsequent reviews to come to this conclusion. The concept of the regulator in any significant industry being separate and independent is commonplace and accepted in society as being the most appropriate model. It is therefore more than reasonable for the racing industry or those charged with the review of such to form a very strong view that integrity should be separate.

To put this further into perspective, if we were given the job to start the racing industry tomorrow, if we had no tradition to rely upon and we were told that racing was going to start tomorrow and we were asked to develop a best practice model, I am sure the delivery of integrity would be entirely separate to the commercial operation. To put it even more into perspective in the Tasmanian environment, if we were charged with the task of starting up racing tomorrow with the majority of funding coming from the public purse, as it is in Tasmania, I submit we would not only require integrity to be separate, but we would also be subject to an overwhelming community view that the industry be properly regulated through a separate integrity function.

The third area I would like to talk about is support for the regulator. The job of the regulator continues to be more and more difficult. Not only are they constantly seeking to identify and prosecute those persons not operating within the rules, but they are faced with an ever-changing environment where those of a mind to gain and benefit from unfair

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advantage continue to push the envelope to boundaries not seen previously. It is getting more and more difficult to catch those of a mind to do the wrong thing. We only need to look at the evolution of the drugs in use, synthetic drugs. The regulator forever is playing a catch-up game. It is becoming more and more difficult because people are becoming more and more smart about cover up and stay ahead of the regulator. Of course, after the regulator has done all their work, gained conclusive proof of a wrongdoing and imposed the necessary penalties, their decisions can be set aside by an appeal board until such time as a hearing is conducted. Even then, quite often at the appeal hearing the penalty is significantly reduced.

There are two things that can happen. A regulator has to go through a whole range of processes to prove a person guilty under the rules. They then consider the penalty. That person can appeal to an appeal board and at the stroke of a pen can be given a stay of proceedings and continue to operate within that industry until such time as the appeal is heard. Sometimes it is soon, sometimes it is quite a period of time.

Mr BACON - What kind of period would it be?

Mr MURRAY - It varies on the case.

Mr BACON - Yes.

Mr MURRAY - We have one at the moment where an appeal was lodged in October where somebody was disqualified for three years and 10 months. They were granted a stay of proceedings and the appeal is going to be heard on 17 December. They are able to carry on their activity within the industry until such time as the appeal.

CHAIR - What was the matter for which they were suspended?

Mr MURRAY - The person was disqualified for - stewards proved that the person substituted human swab samples that they were required to provide to the stewards. That is just an example where stewards took - and I don't want to go too much into the case because it is subject to appeal - a lot of time to get a whole range of scientific and other evidence to reach a conclusion, and from that conclusion, disqualified the person on what would be deemed to be a serious offence once proven. Now that person is able to continue within the industry until such time as the appeal gets served.

I have previously discussed this matter with this committee about the cobalt reading which was the highest in Australia, by far, and I revoked that person's licence and had that overturned by an appeal board. We don't always get it right but we don't make decisions lightly, and we are required to consider a range of evidence and facts and come to a conclusion.

If I can continue on, decisions can be set aside by an appeal board until such time as a hearing is conducted. Even then, quite often, at the appeal hearing the penalty is significantly reduced.

Quite rightly, the decision of the regulator must be subject to an independent review. However, the question must be asked as to whether the body undertaking the review properly understands the concept of a privilege of a licence, the agreement of the licensed

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person to abide by the rules, and most importantly, the fact that the penalty should not only be a deterrent to those of a mind to do the wrong thing but equally as important, a recognition of those who operate within the rules and justifiably seek a level playing field.

Racing regulators strive to ensure the integrity, safety and welfare of the industry. The majority of the industry supports the regulator in achieving these outcomes. We, as regulators, must be accountable and transparent in our decision-making and we respect that our decisions can be reviewed. But as much as the industry expects the regulator to deliver outcomes consistent with high levels of integrity, safety and welfare, it is not unreasonable that the industry, the community and the regulator expect appeal boards to do the same.

If you would like me to go onto an update on some of the recommendations now -

CHAIR - We might leave the recommendations for a minute and talk to you about that particular issue. Do you want to talk about the makeup of the appeal board?

Mr MURRAY - It is all within legislation so it has a Chair and two Deputy Chairs, each of known have to have been legal persons of at least five years' standing, and there are three members.

CHAIR - In other jurisdictions, do you have that same regulatory structure where a person can be disqualified and then have the disqualification suspended until there is a hearing?

Mr MURRAY - Yes, absolutely. The structures in each jurisdiction are quite different and that has been raised nationally. I know that the national harness body, for example, has raised continually the issue of differences in appeal structures across Australia where a person who had an action taken against them in a particular jurisdiction may be treated differently to another jurisdiction.

Even this week in Victoria, decisions were handed down in relation to cobalt usage and one person got three years and one person got five years disqualification. They have appealed to the High Court - Beacon? I think it is - so they have been granted a stay until Tuesday until such time as consideration of their appeal is given.

So straight away, steward discipline has been ongoing for the stewards in Victoria for many, many months. They come to a decision, they disqualify the persons but it has been set aside. It is quite common. I have difficulty with it and people say that everyone is entitled to a presumption of innocence. Well, first of all, stewards do not lightly come to a decision of guilt. Whenever there is a balance there, they will always be conservative in their decision-making. They will generally be quite certain that a person is guilty. We are not talking about whether they are guilty of careless riding, careless driving or what would be deemed as a traffic offence in terms of the running of a race, we are talking about a drug case -

Mr BACON - Deliberate cheating.

Mr MURRAY - Deliberate cheating.

Mrs TAYLOR - And factual, you have facts to back them, you have data.

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Mr MURRAY - When we reach a conclusion in those terms, it is after a great deal of investigation. People say you are entitled to a presumption of innocence. If I look at the laws of the land, it is not uncommon for a person charged with a serious offence to be refused bail. They may at a later time be found not guilty and they would have served some time in custody when they were not guilty. The same could occur in the racing industry but when you have a high-level offence and you believe that it warrants disqualification from the industry, one has to think about whether that is reasonable then to allow that person to continue on.

Mr BACON - It is only for high-level offences, like very serious ones?

Mr MURRAY - A stay can be granted under any circumstances. If a jockey is suspended on Wednesday night at the races for three race meetings when they want to ride next Wednesday they might seek a stay of proceedings to allow them to continue that activity. That is a different type of stay from a serious offence, which has resulted in disqualification. Disqualification means a person cannot undertake any activity to do with the racing industry, whatsoever. That is a most serious offence. A stay of proceedings means that decision is set aside, and you can continue to undertake whatever activity is allowed by your licence.

CHAIR - What do you think would be the mechanism for ensuring the rules of racing, the integrity of the industry, and the decisions that are made by stewards are effective? When a steward, or the integrity body, makes a decision about a serious offence, how do we make sure that it has weight and meaning in terms of animal welfare and standards for the industry? I have looked at appeal board decisions, and almost without exception, the penalties are substantially reduced, if not - in some cases - dismissed on appeal.

Mr MURRAY - We are looking at two things. The stay I was talking about - if you are talking about the penalty itself -

CHAIR - If there is a disqualification, what is the mechanism? Is it regulation? Is it the rules of racing?

Mr MURRAY - Within thoroughbreds, and to a degree, harness, they are going to minimum penalties, which is a good thing. If we find someone guilty for a particular offence listed within the rules, there is a minimum penalty. We need to move forward with that. It is a difficult thing, because that reduces the flexibility given to stewards. Some might argue it reduces the flexibility of a person who believes they are not guilty, or have been too severely penalised. It may hinder their right to a hearing where that penalty may be reduced.

I accept the fact that an independent appeal board can review all the facts of the case and can come to a different determination of the stewards. That is reasonable, as long as their reasons are in a manner that supports the facts of the case. Regulators, stewards, Australia wide - a common theme would be when we do all the work, we are looking for some support when it goes to appeal. Not to be proven right all the time, but when we have done our job well and identified a high-level integrity issue that warrants disqualification, it is not just service of deterrent to those doing the wrong thing. It is very important we state the majority of the industry are fair-minded, reasonable persons who seek a level playing

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field. We should not tarnish the rest of the industry by the actions of a few. But as much as it is a deterrent to those wishing to do the wrong thing, it should also be a recognition of those who are doing the right thing. People who are doing the right thing want us, as regulators, to catch - and I will use the word - those cheats, and they want us to punish them severely. Even after they serve their disqualification, we are faced with, 'Do we allow them back into the industry?' If we choose not to allow them back to the industry, they then have a right to appeal and will probably come in through the appeal mechanism.

There have been people to whom I have said 'No' for Licensing Tasmania, who have been serial offenders, who have gone to other jurisdictions to seek a licence. In whatever way, there should be more support for the regulator. It would be not only supported by industry, but by the wider community.

CHAIR - I am trying to get to the bottom of what you mean by more support.

Mr MURRAY - More support could be legislative amendment in relation to stays, for example. That is one option, a stay of proceedings in serious cases.

CHAIR - Is that a change to the Animal Welfare Act, or a change to the racing regulations?

Mr MURRAY - It is a change to the regulations. That is one example. At the moment, it is at the discretion of the chairman of the board as to whether a stay is granted. Often, stewards will submit that they oppose a stay, and we are then provided a decision. The appellant is given the chance to put their case, and a decision is made. The presumption of innocence is important because an appeal board has to look at matters to determine whether the steward has it right or not. In very serious matters, if I take drug cases, the rule is absolute. You are guilty of an offence across the three codes if you present a racing animal not free of prohibited substances. It is absolute. Your discretion generally comes into what the penalty will be. If you have an absolute rule to say, if it is proven through analytical analysis by, generally, two approved laboratories, why would you allow that person to continue operating within the industry until such time -

Mr BACON - Has their appeal been about the suspension, or the length of suspension?

Mr MURRAY - It can either be conviction, or conviction and penalty. A person could either appeal against the fact the steward has it wrong in finding them guilty of the rule, they can appeal against the fact that the penalty was too harsh, or they can appeal both.

Mr BACON - If they are appealing against the length of the penalty, can they get a stay of proceedings?

Mr MURRAY - No. If it is penalty only, there is no stay of proceedings.

Mr BACON - Thank you.

Ms RATTRAY - A question in relation to what discussion you might have had with the minister around this matter you are raising with the committee.

Mr MURRAY - There was an independent review undertaken of the appeal board in the last 18 months. That was by Mr Rutherford, Deputy Secretary of DIER at stage, Leigh Sealy,

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the Solicitor-General, and Tom Cox, the chairman of the board. That review called for submissions from a variety of people. Myself and the stewards provided some information on our views to that committee.

Ms RATTRAY - Similar to what you have provided to the committee today?

Mr MURRAY - Not dissimilar. If I am being frank, I probably did not go as strong as I have today. This is an evolving story, when we see what is happening in greyhounds, the movement of drugs, and the difficulty with the regulator. We can never stay in the one spot in terms of regulation. Our views must continue to evolve. We must be mindful of the situation. What I have said today is stronger than what I would have put back then.

As part of this greyhound issue I have had more communication with regulators interstate than what I normally would. Normally our communication good. This general level of frustration is quite common.

CHAIR - What were the findings?

Ms RATTRAY - Obviously they rejected yours.

Mr MURRAY - We put our views. They did strengthen it up to some degree, in terms of 'An appeal should be heard within a particular time.' They were the changes that were put through four or five years ago. It was a mandatory review of those changes after three years. They found the changes were reasonable. I was the architect of those changes. We are now looking at changes that were enacted five years ago. There has been a lot of change since then.

CHAIR - Mr Murray, we have the correspondence from you in relation to positive swabs. Has the Office of Racing Integrity noticed any trend shift in the number of positive swabs? Has the testing regime increased or changed in any way recent years?

Mr MURRAY - It is cyclic in terms of trends. It seems to go between codes. If you asked for this three years ago, I would have said harness was our biggest code of concern with drug usage. It moved to greyhounds in 2014-15, and thoroughbreds have been getting more in recent times. The trend is cyclic.

In terms of swabbing, we continue to try to be smarter in the way we swab. The cost of swabbing continues to increase. In the last 12 months we have been faced with having to have testing done for new substances such as cobalt and arsenic. With that comes a cost.

Mr VALENTINE - Arsenic?

Mrs RYLAH - Testing for arsenic - arsenic has been used in racing for hundreds of years.

Mr MURRAY - We have a couple of inquiries at the moment in relation to notifications of irregularities in relation to arsenic. The cost of swabbing - when cobalt particularly came on the scene and it was a new drug being used, the traditional racing laboratories that we use, certainly Racing Analytical in Victoria and also the laboratory in Victoria and Queensland did not have the facility to test for that so the testing had to go a laboratory in Western Australia and also in Newcastle, New South Wales.

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Fortunately the laboratory we use in Victoria now is able to test for the inorganic substances such as cobalt and arsenic, but the cost has gone up. We are faced, as is any regulator, with increasing costs in trying to maintain swab levels at a reasonable level. I know in real terms our number of swabs this financial year will decrease.

Mr VALENTINE - The cost of the swab?

Mr MURRAY - We have two types of swabs. If you want a test-all, if you like, for all substances, a blood or urine sample will cost in round figures \$194 per swab. If you test for what we call total carbon dioxide, TCO₂, which has been a problem particularly in the harness industry over the years, that is about a \$31 testing fee. I think that \$194 was, in round figures, about \$150 not long ago, probably in the last couple of years. We continue to be faced with the challenges of having to keep our levels where possible, in real terms, at least at the same level, but it is unrealistic we will be able to increase them any time soon.

To that extent, I did do - and it is on a commercial in-confidence arrangement with the testing laboratory in Victoria - about three years ago to address the increasing costs. I was able to negotiate a deal which is ongoing, which puts us in a better position than we would have been in the absence of that negotiation.

CHAIR - Tony, we are trying to understand the data we have before us. It looks like there has been an increase in positive swabs. The question to my mind is: has there been an increase in testing? Does this strike you as a spike in positive swabs, given that there was only one positive swab in the 2013-14 financial year and there were six in the 2014-15 year, and so far one in the 2015-16 year?

Mr MURRAY - It is hard to put any clarity around it. We undertake the swabbing and it is random. In a number of cases it is targeting some, but we are still limited by the number of swabs we can do. As I said before, it is cyclic across the three codes. It is disappointing with the greyhound racing in 2014-15. I cannot sit here and say this course is vital, but we did change the way we did our swabbing in the last 12 months. It was always, with greyhounds, post-race swabbing. You wait for the greyhound to compete and then you swab it after the race.

We have now started - and we have for the last 12 months - when the greyhounds come out of the kennels prior to the race, getting some samples off them, thinking that the sample may be less diluted than what it is after they exert the energy in exercise. Then again, talking to people in a couple of other jurisdictions, they brought it to my attention that some of their positives have been as a result of pre-race swabbing. Of course, with that intelligence, we implemented that.

Some of these were as a result of the pre-race swabbing but certainly not all. Does it mean that there is increased drug use in the industry? The figures would say yes. I don't necessarily have that view that there is an increased use of drugs but, of course, if we tested more we would get a lot clearer picture across the codes. It worries me, the number of positive swabs we have had across the three codes in recent years. That is for both animal and human - unfortunately there has been a number of human positives in the harnessing

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and thoroughbred codes in recent years and that is generally as a result of use of recreational drugs. That is a concern as well.

CHAIR - That raises a question. Is it possible that a dog that has had, for example, amphetamine-type stimulants detected has ingested that drug through the drug use of their owner or trainer?

Mr MURRAY - That can well be argued by the person who has been charged as a defence. My understanding of these ones is, the levels that were recorded would not support that but in any regard, whether it is by what we would call 'passive' means or not, there are rules and people cannot present their animals with those prohibitive substances. I think that that is unlikely. Even with caffeine we have 'Oh, I had a bit of chocolate on my hand' or something like that.

The absolute responsibility lies with the trainer or the person in charge of that animal to present it free of prohibitive substances. To be quite honest, how it got there, in our view, is -

Mrs TAYLOR - Immaterial.

Mr MURRAY - Yes, immaterial to an extent. Is there an offence under the rules is what we are looking at.

CHAIR - Did you want to talk about what levels, for example, of amphetamine were found in these three instances?

Mr MURRAY - No, the testing laboratories have their own testing procedures and they record and notify us if they are satisfied that the levels signify a positive sample under the rules of racing. It is up to the laboratories to determine how they do that testing. I certainly do not have the scientific expertise. I know the laboratories talk to each other but there is a level where they are comfortable to report the positive and then for the stewards to take action under the rules.

CHAIR - Off the back of that, these three instances of amphetamine detection were high enough for the laboratory to mark them as quite a high level of amphetamine in the dog?

Mr MURRAY - Correct.

Mrs RYLAH - Tony, is it possible to create a graph which shows us the number of swabs or instances of swabbing historically, month by month, and the negative findings so we can see what is the trend in swabbing and the trend in negative outcomes in swabbing?

Mr MURRAY - In our annual report each year and in the budget papers we report the number of swabs taken and the percentage of positive swabs for each year. I am not sure if our records go back to code by code because in recent years the recording has become a lot more intense - probably not the right word but intense in terms of the information that we are gathering.

Mrs RYLAH - Complex perhaps?

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Mr MURRAY - Yes. Certainly, we report the number of swabs each year and we report the number of positives each year.

Mrs RYLAH - What we are trying to determine is: have people gone from live-baiting to using other drugs as a consequence of the focus that was put on this industry from *Four Corners*?

Mr MURRAY - If you look at the dates, for example, I think you would find that all these inquiries, even though the inquiries were heard in March, April and May, they would refer to presenting greyhounds prior to the *Four Corners* program.

Mrs RYLAH - Really?

Mr MURRAY - Because there is a period of time that we send the testing away; a urine test, say, for greyhounds, would generally take somewhere between three and six weeks for us to be reported. We then have to notify the participants. The sample is then tested a second time. We then get the confirmatory analysis sent to us. We then notify the participant and give them all the paperwork around both tests. We then set up an inquiry. From the time the sample is taken, if I am calculating off the top of my head, , it could take two to three months from the time the sample is taken until the inquiry is set up.

Mrs RYLAH - It is that the date that is shown?

Mr MURRAY - That says 'inquiry date' there. I can go back and provide to the committee the date of the offence, which would put your question in perspective.

Mrs RYLAH - Thanks, Tony.

CHAIR - If this is the inquiry date, does that mean it is possible that there have been more detections outside of this set of numbers that are yet to go to the inquiry date?

Mr MURRAY - I changed the policy earlier this year in terms of notification of irregularities. Previously, we would not notify any information in relation to a positive swab until such time as the inquiry was completed. The general view was somebody is entitled to their day in court before it gets out there. In discussing with the industry and looking at what happened elsewhere, I changed that policy, probably three months ago. We now put on our website what we call a 'weekly wrap' of all the positives that we have with inquiries pending.

From memory, the one that is here and which is number 6, that is the only outstanding one in greyhound racing. There are no others that we have been notified that I can think of at this stage.

CHAIR - Are there any more questions on the drug swab issue?

Ms RATTRAY - No, thank you, Madam Chair.

CHAIR - Any more questions at the moment from anyone else?

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Mr VALENTINE - I have questions on the review. 5.1 in that paper, live baiting. Under point 6, you say, 'A recommendation to investigate the construction of bullrings on registered trial tracks under the control of Tasracing, with 24/7 CCTV monitoring, which is only available to Racing Services Tas stewards or RSPCA officers. If this recommendation is adopted, consider the banning of all private bullrings.'

How feasible is that, do you think? Will not registration just simply force it underground? Covert operations out in the scrub somewhere, out of the eye of the control?

CHAIR - That is what they are now, is it not?

Mr VALENTINE - Well, they might be, although some argue that it is because they do not want their dogs being stirred by the yelping and carrying on of other dogs. That is the reason given, is it not? I am interested to know whether that is likely to work effectively, and the process.

Mr MURRAY - In talking to the industry, they are very much of the view that the bullrings serve a legitimate and reasonable purpose for the education of greyhounds. In talking about this recommendation, we have heard concerns raised about welfare issues for the greyhounds, in having to transfer them *en masse* at a young age to these - if you like - public training tracks at particular times of the day or the year, where they can become highly excitable when they are outside of their comfort zone. They would rather educate them at home, in their own bullring.

If I can take you back to about the registration of the bullrings. We have gone in and inspected the bullrings. We have done a complete profile on each of the bullrings. We have taken photos.

Mr VALENTINE - Twenty-eight of them?

Mr MURRAY - Twenty-nine, I think. We have created an in-house profile on each of those bullrings - about their structure, what they look like, what is being used in the training of the greyhounds, who uses the property. Now that we have that profile, the next step is that I will move to registering each of those bullrings and setting up a requirement of a permanent inspection. It is also my intention to link the registration of the bullrings to a requirement to attend educational sessions. One has to think whether, with all those processes, will it be necessary to require all those people to go to a central educational property? Are we creating another potential welfare issue? Remembering that if people have litters of pups, they might have 20 or 30 pups which would have to be transported to and from the tracks. There would probably be multiple trips. Left in vehicles while others are being educated. We have to make sure we are looking at a holistic approach to this, whilst never underestimating or devaluing what we saw, and how bad and disgusting it was.

We have to take a sensible approach to it and try and come up with a reasonable solution. Whatever regulations we put in place, people can always find a way around it. It is better to work with the people and set up some strong regulatory structures as part of moving forward with this. If we profile them all, we know exactly where they are, what they are, what they use, how they look. We know who uses them. We will now move to registration, regular inspections, and obviously, unannounced inspections at any time. We will link that

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to education. That is going to be a significant step. That is the next phase of the process with bullrings.

Mr VALENTINE - Yes. That statement you made just then about unannounced inspections - that is going to happen into the future?

Mr MURRAY - I am jumping around a little bit with the recommendations, but one of the recommendations was to employ an additional steward investigator. That has occurred. That person is positioned in the south. That person has worked in Tasmania Police for, I think, in excess of 20 years. He brings significant skills, which will add to our investigative role. He is based in the south now. Previously, we had one investigator in the north. We now have one in the north and one in the south, which enables us to be on the spot and doing the unannounced inspections far more than what we could previously.

Mr VALENTINE - What about the problem of people not being home? I suppose some might say the issue, even if you are a member of the community, police have to have a warrant to search your premises. What is your comment on some of that?

Mr MURRAY - The rules give the stewards the power to attend and inspect at any time of any day. This is really important - people say, 'The police cannot do that, or other people cannot do that. Even RSPCA inspectors cannot do that.' The rules allow for that to occur. If we go back to my previous comments, in applying for a licence, people agree to be bound by the rules. They make an individual choice to apply for a licence and be bound by the rules. If there is something in that rule book that they are not happy with, or they do not want to happen to them, the simple answer is, 'Do not be licensed.'

Mrs TAYLOR - Inspectors can go in even if the person is not at home?

Mr MURRAY - Yes.

Mrs TAYLOR - And they do?

Mr MURRAY - We have had occasions where people have locked themselves in their house pretending not to be home, where we have seen them. Now, what do people expect us to -

Mrs TAYLOR - Pretending not to be home.

Mr MURRAY - Yes, sorry. Pretending not to be home. What do people expect us to do? Just walk away in the absence of thinking that nobody is home? We are going to go away and say, 'We see you are up to some wrongdoing,' but they will get away with it. I make no apologies. Some of the industry have come to me concerned about, 'You can't be going through our cupboards and everything when we are not there.' Well, there are boundaries there. I say to the stewards, 'I do not want you going into areas where it is unreasonable for you to go. I do not expect you to go into a garage which is open, and start pulling things out of tubs. However, if there is a reason to do so, do it.'

Mr VALENTINE - If you are looking for drugs or -

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Mr MURRAY - If you are worried about welfare, or you are worried about the animal itself, do it. Generally, if nobody is home, we will go in and have a look around just to sight the greyhounds, make sure they are in decent condition. The welfare matter up the north west coast that we found 12 months ago - and it is still before the court so I will just go with what the stewards did - the stewards took action to disqualify the person. There was nobody home when they turned up. They went around the back and they viewed the greyhounds. They viewed a greyhound in pain and suffering, in their mind. Would it have been right for them to say, 'Nobody is home and we will turn around,'? That greyhound still would have continued to be in pain and suffering.

I am willing to argue the high level here is that, yes, some of your rights and privileges may be compromised. However, you agreed to be bound by these and you know what is in there and by signing up to them, I am sorry, we are going to put the integrity and the welfare above your concerns and we might enter when you are not there.

Mr VALENTINE - When you do those inspections, how closely are the dogs looked at? Is it just their general housing you look at or do you examine dogs to see if they infested or whatever?

Mr MURRAY - The stewards will generally just look around and mainly look at the accommodation of the dogs, make sure they have proper water, which is very important, especially in the summer. They make sure the area in which they are housed is appropriate. They make sure the greyhounds are generally well looked after.

Mr VALENTINE - Do you work in conjunction with the vets to do that in terms of health of the dogs?

Mr MURRAY - No. In the case of the one on the north-west coast I referred to, the stewards immediately rang me to report their concerns and I rang the RSPCA. They didn't have a person in that area on that day so I looked up the White Pages, found a local vet and rang the local vet and asked him to attend the property, and that is how that evolved. Where necessary, we will call for expert help.

Mr VALENTINE - Thanks for that.

Mrs RYLAH - I would like to go back to the bullring situation. You obtain the current registration, is there anything in your rules that is going to cause an offence if someone creates a secret, unregistered bullring or is that yet to evolve?

Mr MURRAY - That is a good question. Off the top of my head I don't know if there is a rule but there is a general rule there about bringing the industry into disrepute and acting not in accordance with the best interests of the industry. There are generally cover-all rules. What occurred is that after the *Four Corners* program we sent a survey out to each trainer and required them to give us all the details of any bullrings and trial tracks, and we would then follow that up. The simple answer to your question is: if we found one which had not been reported to us, we would undertake an inquiry under somebody giving us false and misleading evidence and we can take action under the rules.

Mrs RYLAH - Could that be appealed?

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Mr MURRAY - Anything we do can be appealed.

Mrs RYLAH - We need to make that clear. This inquiry can maybe conclude that a bullring is a high-risk location for live baiting?

Mr MURRAY - There is no doubt it is. I don't think anyone is walking away from the fact that it is a high-risk location. But in the absence of allowing a bullring, you will find the person up over the hill and in the back fence or whatever. It is better to regulate and put a whole range of structure around it than just push people underground. That has been proven across a whole range of industries. It is really important as we move forward that we make sure we have all that information.

What I was thinking when you said that is, don't think for one minute that I don't think our decision should not be appealed. If we make a decision which impacts on a person, it is quite proper they have the right of appeal. I would not ever want to get to the stage where we take away that right of appeal.

Mrs RYLAH - Did you say that on the appeal board there is no-one who has racing experience, that they are all lawyers?

Mr MURRAY - Three of them are lawyers. One of the members is a vet who works in the department and the other two have racing knowledge and experience. I am not necessarily saying that you need racing experience to sit on the appeal board. You obviously need the skills of being able to listen to the evidence and weigh up the facts before you. There are advisers to the board from each code but they are more in relation to 'traffic offences', the running of the races. I don't necessarily think the lack of racing knowledge of the appeal board is the problem.

Mrs RYLAH - What do you think is the problem?

Mr MURRAY - We are subject to review and we have to be transparent and accountable. I think that should apply at all levels.

Mrs TAYLOR - Chair, can I ask a supplementary on the registration of the bullrings and the trial tracks? Have you found any since the registration process? You were saying if you found one then that would be a subject of inquiry. You haven't found any?

Mr MURRAY - No, we haven't; the industry has been very good in working with us. I have been pleased with the cooperation that they have provided. It indicates to me that they understand the gravity of the situation and they want to work with us. That is very pleasing.

CHAIR - Can Racing Integrity take a decision of the appeal board to the Supreme Court, for example?

Mr MURRAY - It is possible, or I could take it to a review under the Judicial Review Act.

CHAIR - That is a very large step, though, the judicial review.

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Mr MURRAY - There is one recently where I considered it. It was probably a step too far, but it was the first time I had ever considered seeking a review of the appeal board decision. I do know that in Victoria, for example, they have levels of appeal. After the first level, either side can appeal to the next level. That has occurred in the past and maybe will occur in the future as well.

CHAIR - What is the structural change that could be examined here?

Mr MURRAY - To be honest, I don't know. The appeal board is a statutory board under the act and obviously independent. The act says that the decision of the appeal board becomes the decision of the stewards. I have asked the question in recent times and I seriously considered it. It is an interesting scenario when a statutory officer takes a statutory board for review. It is probably not a step that I would take too easily. As I said, for the first time I can say that I was considering it.

CHAIR - Tony, do you think there is an argument for looking at the structure of bullrings and private training tracks in order to make it less possible to conceal what is going on behind the walls of the bullring? Transparent materials, something like that so that they are not such high risk places for live baiting?

Mr MURRAY - Without a doubt, if they were more visible there would be less incentive for somebody wanting to do the wrong thing. Again, we come back to the scenario of Mr Valentine's that if you do that they will find somewhere else to do it. That is a problem. It was interesting to go out and review the bullrings to start with and see the corrugated iron fences around them all. One of my staff asked the question, and it was a very smart question, to one of the first trainers we went to, 'Why do you use that?' 'It is just the way we have always built them.' It is an obvious question to ask: why do you need that lack of visibility in there?

Remember, most of these were built probably decades ago. They are in back properties. If you were starting today - I will come back to my previous comment - if we were setting up racing tomorrow, would you allow bullrings? If it could be argued that it is necessary for the proper and reasonable education of a greyhound, you would consider it. I don't think you would necessarily straightaway say 'No, we won't have them'. But you would then set up a whole range of parameters around those bullrings. One would be visibility, one would be access by the regulator. One could potentially could be the CCTV footage. If you were starting tomorrow and you formed the view that bullrings are a reasonable training tool, you would have them looking completely different to what you have them now.

Mrs RYLAH - And the height of the fence, you could make it a lot lower. I understand greyhounds don't jump, or rarely jump.

Mr MURRAY - Some of the access to the regulator is the ongoing issue. I have outlined that previously when I have appeared, that a lot of them are in the back paddock. We have to go through a number of fences, at times there are Alsations and all sorts of things before we can get there. If you were setting them up, you would be setting them up in a completely different manner than the one in which you currently have them. Is it reasonable to require those with a bullring now to change to such a degree? That can be considered.

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Mr VALENTINE - Presumably the registration would involve your officers being able to safely access it, rather than being confronted with dogs?

Mr MURRAY - Yes, but participants will argue the dogs are there to protect their greyhounds.

Mr VALENTINE - No, I mean in your registration of a bullring -

Mr MURRAY - If we were starting tomorrow, yes, I would say, 'You make sure there is an access to that bullring, free of any impediments for the regulator'. But the way they are currently set up is that there are some properties where they have Alsatians for a proper reason.

Mr VALENTINE - I understand that.

Mr MURRAY - If you look in investigative units in Victoria - this is more thoroughbreds than harness - they have been faced with people locking their gates. The regulator cannot get through the gates to be able to get down to the stables. There have been requirements that people give them a key. Through various associations, that was argued that was unreasonable to give the keys to your property.

Again, I come back to people becoming smarter about how to deter proper regulation. That is why it is a bit of a cry from me. In spite of all that, we continue to do a good job, we continue to want to catch the cheats, we continue to catch the cheats. Please give us a bit of help once we do it.

Mr GAFFNEY - The issue with bullrings, especially on properties and farms, they are used for other things other than for training of greyhounds. If you have a property, you might have a grate for breaking calves away from the mothers.

So on a farm property where they were built some years ago, if you have greyhounds, it is also used for more than just greyhounds. If it is just a greyhound facility breeder, then you have a different case.

Mr VALENTINE - The argument put forward about the solid fencing before is the dogs get distracted if they can see through it. They need to keep their focus.

CHAIR - Tony, the conflict at times between the national rules and the local rules. Did you want to talk about that? It has come to evidence before the committee that national rules can be set and if the industry, if Tasracing, wants to get around some provision in the national rules, they will write local rules that potentially weaken animal welfare protections.

Mr MURRAY - Addressing the latter first, I have not seen any evidence of Tasracing weakening welfare. They have been quite proactive with that. Going back to the national rules versus local rules. As you know, we regulate thoroughbred, harness, and greyhounds. With thoroughbreds and harness, the national rules prevail over local rules. There is a spirit of cooperation at the national level for people to agree to national rules, even if some individual states may, at times, not agree to something. Even as late as last night - I am on the National Harness Rules Committee and we had a two-hour meeting to finalise some

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changes to Harness National Rules. It came to our attention that, on some of the rules, a particular state may oppose what was being put forward, but they were agreed to and will go to the AGM of Harness Racing Australia next month. I am sure they will be agreed to, and will become national rules that everyone enforces. That is the way it should work.

Then we move to greyhound racing. Greyhound racing, for whatever reason, has never been able to agree that the national rules should prevail and there should be a national approach. You make your national rules; however, states identify their individual circumstances and are able to make local rules. Where there is a conflict with the local rules and the national rules, the local rules prevail.

Mrs RYLAH - What is the stumbling block?

Mr MURRAY - It is probably the states taking an approach on a national level that they will accept that national rules need to be made. They will accept them, but at times, they may not necessarily agree with the final determination of the national rules. One of the real impediments to the industry moving forward is that they have to take a national approach on these things, and they have to be strong. There has been movement since February. I have sensed greater cooperation between the states in wanting to take the national approach to it.

Even when they have brought in some policies about restricting breeding, there is some variance in how they will apply that within the states. I do not understand why they cannot - especially in view of the fact that their whole industry is under threat and it continues to be under threat. One only has to look at some of the issues raised at the New South Wales inquiry. The counsel assisting the commissioner has basically put the industry on notice that we may or may not have a greyhound industry, or recommendations of a continuation of the greyhound industry. One would have thought that the industry, faced with its future being at risk, would get together and say, 'Enough is enough. We need to adopt a national approach.'

Mr VALENTINE - Especially in Tasmania where 40 per cent of the take is through greyhounds, which means if greyhounds do not exist, the whole racing industry is at threat, as opposed to just greyhounds.

Mr MURRAY - Yes. As I said, Tasracing has taken a good approach on the welfare. It might be that, at times, it might have to lessen its standard to the national level. For the want and will of a national approach to things, you would go into that forum and fight the fight, put your arguments up, and you should accept the decision of the majority. That decision is going to be a lot easier to accept these days, because everybody is aware of what the real issues are and the need to address those issues. More than ever, I think there would be cooperation at a national level.

Mr VALENTINE - Is it the case at this state level that there might be rules set at a national level, that a small jurisdiction like Tasmania cannot easily implement? I cannot think of examples. Is it possible that there is an argument that state rules do need to be there and override national rules because of the size and makeup of the state's industry?

Mr MURRAY - The first response to that is, if the thoroughbred and harness codes can do it, and it has been done effectively -

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Mr VALENTINE - Why can not greyhounds?

Mr MURRAY - The second response to that is, as regulators, we use two words regularly - they are 'common sense'. If there is a national rule which cannot reasonably be enforced due to what you have just gone through, we will use common sense with that. The fact that the national rule is there gives people an understanding of what the requirement is. We will work with the industry to get it complying with that national rule. It might be at times - nationally, they might say, 'It comes in tomorrow.' We will say to the industry, 'We will work with you to assist you to comply with that rule.'

Mr VALENTINE - I am thinking of something like, for instance, a vet has to undertake certain things before certain actions are allowed to be taken by a trainer. In Tasmania, you have so few vets that might be involved in the industry that it is just not practical. It is that sort of -

Mr MURRAY - Yes, but if you deem it to be what you consider necessary from a welfare viewpoint at a national level to bring in that rule, we would expect and require compliance.

CHAIR - Tony, one of the issues that is part of the reference of the inquiry is the issue of wastage. There has been discussion. We have talked to you about the breeding rules. Do you want to update us on what is happening there?

Mr MURRAY - The new breeding rules are coming into place, which restrict a bitch from having more than two litters per 18 months, having any litters above age eight, or having more than three litters in total, except if approval is given under very specific requirements. Until now, there were basically no limits on the number of litters a bitch could have. Now, bitches are restricted to three in total and up to the age of eight, unless they meet certain criteria. That criteria relates to a correlation between a review of previous litters - the number of greyhounds whelped compared to the number that were named, the number that started, and the success rate of those that started. They have to meet very strict criteria before they are given approval to breed an additional litter. It is only an approval to breed from one more litter and then if they want to breed again, they have to go through the same process.

CHAIR - When did those changes come into effect?

Mr MURRAY - Over the last couple of months, I can't tell you the date.

CHAIR - Has the breeders' bonus been dealt with?

Mr MURRAY - Yes. Obviously you asked Dr Forbes those questions because that is his jurisdiction, but the breeders' bonus was scrapped, yes. What we found, since this came in we have had, I think, five to six applications for approval to breed in excess of the limits. Each of those have met the criteria. We do that as Office of Racing Integrity, it comes under my jurisdiction as statutory officer that I approve them subject to them strictly meeting the criteria. It is working.

Mrs RYLAH - There have been successful bitches?

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Mr MURRAY - The requests we have all had have all met the required standards. By looking at the other side, the mere fact that people are not seeking approval with bitches that won't meet the criteria means that they understand that the limitations are now there and they cannot continue to breed unless they meet the requirements. That will have a significant positive effect, moving forward.

Mr GAFFNEY - That is a higher standard than most purebred dogs. I think it is good they are having just three litters, because it means that the person will probably spread that over a longer period of time than having two in 18 months, which is harder on the bitch.

Mr MURRAY - Yes. It also means that, as I said, in Tasmania 50 per cent of the greyhounds whelped have to have been named. Of those that are named, 80 per cent have to have started, and of those that have started, there needs to be a 50 per cent win rate. It is clearly putting the onus on the success of the bitch to give approval to breed more than three litters, whereas up until now there was no requirement whatsoever. When I say whatsoever, obviously the greyhound had to be in good health, but you could breed an unlimited number.

The manner in which the national body in each jurisdiction has addressed the breeding wastage issue has been very strong and prompt.

CHAIR - But the tracking of those dogs is still an issue, isn't it, from birth through to whenever the point of the end of their life is.

Mr MURRAY - As I said before to this committee, I started that process a couple of years ago, well in advance of this issue in terms of tracking those greyhounds. It is a huge task and it is generally a manual task. One of my staff unfortunately has just left us. She was spending a lot of her time on that particular project. I now have to reallocate that resource within the organisation. Fortunately the national software system that is used by all states but Victoria, Auschase, continues to make a number of enhancements to their software which will improve the tracking and the knowledge of the welfare of the animals. They see that as a high priority in terms of upgrading their software.

Mrs RYLAH - That registers microchips, does it?

Mr MURRAY - Yes, the current system.

Mrs RYLAH - They can look at the reader, check it against the software?

Mr MURRAY - We do that identification all the time. The stewards carry around the tools to be able to read the microchips. Yes, the system itself has been built, or the complexity of it is being increased, to be able to look at the tracking or welfare issues. Again, with that comes a cost. Each jurisdiction has to contribute to the cost of the software development. With progress and with improvements also come costs. It is like what I said before with swabbing, we are continually faced with increased costs, but we must meet those increased costs and continue to provide high level regulation.

Mr VALENTINE - Is there any known capacity for people to covertly undermine the microchipping process?

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Mr MURRAY - No, all the microchips are registered and they have to be implanted by an approved person. We keep a database. We, at Office of Racing Integrity, are approved as a host body for that information. They are strictly regulated. There have been some thoughts elsewhere - I am not sure whether they were proven - where someone might have substituted a microchip. It is quite extreme.

Mr VALENTINE - That is pretty extreme.

Mrs TAYLOR - Can I ask a question following up on the breeding? What percentage drop would you expect in the number of pups being whelped?

CHAIR - Or what is the target?

Mr MURRAY - I think the first target is to reduce wastage in breeding. By the mere fact of setting up those protocols, that will happen. To be honest, I am not on Greyhounds Australasia, I don't sit around and am not privy to those discussions. I am the one at the back end who gets the decisions and then I am given the task to enforce them. They are quite onerous requirements.

Mrs TAYLOR - I am thinking, for instance, do we have any idea of how many times a bitch would have been bred on average across the field? If we are now restricting it to three, except in exceptional circumstances, would that be half or not much?

Mr MURRAY - I really couldn't proffer a reasonable view, no.

CHAIR - Do we have any more questions?

Mr VALENTINE - I have one more, if I might. With regard to number 24 in the report,

Make it a requirement that any greyhound that travels interstate whilst under the care and control of a Tasmanian licensed person must be notified in advance to stewards, except in the case of a greyhound travelling to fulfil an interstate racing commitment.

Can you explain to me why that exception is there? Given the fact that they can go via a property where live baiting might be able to be provided, wouldn't that be the exact time when they would want to do that?

Mr MURRAY - The answer to that is that we know when a greyhound is going interstate for an interstate racing commitment. That is on the database that the greyhound is competing. We have that knowledge already. We don't have knowledge of other greyhounds going interstate at this stage.

Mr VALENTINE - I was thinking though, when they do go interstate, how do you track where that greyhound then goes prior to that race? It might be an opportunity for them to have live baiting exercise - if I could put it that way - outside the state.

Mr MURRAY - It reasonably becomes the responsibility of the host jurisdiction. If I could give you an example, the Hobart Thousand, which is the feature race coming up in December at Elwick, for interstate greyhounds, we will require the trainers to tell us where

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their greyhounds are going to be housed if they are staying in Tasmania. A lot of them fly in and fly out on the day and that is fine. If they are staying with a local trainer, we will require to be told where they are so we can go out and carry out any investigations that we need.

Mr VALENTINE - That is Racing Integrity Victoria or the equivalent thereof?

Mr MURRAY - They could do the same with our greyhounds going across.

Mr VALENTINE - Could do the same with our greyhounds. Okay.

CHAIR - What is the latest, Tony, on the recommendation 26 about the memorandum of understanding between Racing Services Tasmania, the RSPCA and Tasmania Police for information exchange?

Mr MURRAY - With the police, I have met with the assistant commissioner. A draft MOU has been exchanged between both parties. I believe that will be signed in the next week. We have provided the RSPCA with a draft in the last - probably 10 days, and we have asked them to come back to us before the end of November. Again, the discussions we have had with the RSPCA have been very cooperative. I believe that that will be signed certainly by the end of this year as well.

I already had an agreement with the Australian Crime Commission in place, an MOU. I would confidently say that within a very short period of time I will have an MOU with the Australian Crime Commission, Tasmania Police and the RSPCA, which means it will be at the highest levels of information exchange and intelligence than ever before, and that can only be a positive for this industry across the three codes.

CHAIR - Thank you, Tony. Any more questions?

Mrs RYLAH - Tony, can I make two comments in regard to what seems to be financial issues, the increase in swabbing costs and the loss of a staff member. You said that that staff member's tasks have been reallocated. Do you have a funding issue for the Office of Racing Integrity and knowing that I don't want you to say yes, you would like it, and the amount of money - that is not what I'm trying to get you to say. I am trying to understand. We want a properly regulated operandi of what is reasonable.

Mr MURRAY - In this year's Budget the Government supported the recommendations out of the review for funding for a Racing Integrity manager and an additional steward investigator, and that was hugely beneficial to the organisation.

There is no doubt that we as regulators are continually faced with increasing costs. I have already outlined today the increasing cost of swabs and the increased cost of movement in national software systems which we must agree to and move forward with. In real terms that will bring the number of swabs down this year significantly.

Could we do our job better with more money? Yes, we could. We could take more swabs, which would be the starting point. Do I recognise and acknowledge that government has a number of priorities and has quite rightly said that there will be no more money for the commercial arm of the industry. I acknowledge that and I acknowledge that Government

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has conflicting priorities under their responsibility. I can sit here and say with more money I could do more swabbing and I could catch more cheats, but is it reasonable for me to ask for more money in the whole responsibility of government? That is a matter for government to decide.

Mrs RYLAH - The issue in regard to wastage - which was a woman, as I understand - that was tracking and now you have said that task is - we have evidence about what is happening with the animals.

Mr MURRAY - Sorry, I probably didn't explain myself sufficiently there. That job was down here in Hobart and we are moving the position to Launceston. It is not a position that is going to be lost but it is a whole range of retraining. I had this person who was specialising in this task for the last two years. It was not solely what she was doing but she had a great deal of expertise with it. I am going to have to up-skill her on.

Mrs RYLAH - Thank you for that clarification.

CHAIR - Tony, thank you. Is there anything else you would like to say before we release you?

Mr MURRAY - Briefly, with the recommendations, a new grading schedule came in force on 1 October. That means that greyhounds can drop back even further in grade to be more competitive. There are now races being run with greyhounds with a lesser ability and there are now races being run with more mature-aged greyhounds. The industry has embraced that. It is very much giving greyhounds with limited ability more opportunity, so that is really important.

As I we have said previously, the two new positions, we have moved to the Department of Primary Industries and that is working really well. We are an excellent fit in the Department of Primary Industries. Our name change, as much as it might seem fairly basic, the Office of Racing Integrity has a lot more strength to it.

Mr VALENTINE - Yes.

Mr MURRAY - I think people are a lot more understanding of the separation. There have always been issues with people not understanding our role, what is in a name or what is in the name for us as people understand that we are delivering racing integrity and it has been really important in moving forward.

CHAIR - That is great, thank you, Tony. As you were advised at the commencement of your evidence, what you have said here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone including the media, even if you are repeating what you said to us.

Thank you so much for coming down again today and for your time, and your very thorough answers. We may bother you one more time in relation to the data for the swabs.

Mr MURRAY - I am not sure when the committee wraps up but if at any stage before that you need me back to give any more clarification, I think that is a good thing.

CHAIR - Thank you.

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THE WITNESS WITHDREW.