

Government Response to the Independent Review undertaken into Harness Racing in Tasmania- Murrihy Final Report- January 2024

The independent investigation and review into alleged team driving, race fixing and animal welfare concerns, and the management of those issues by the Office of Racing Integrity (ORI), was announced by the Tasmanian Government on 27 March 2023. It followed reports of these issues in the media, as well as concern across the wider community.

The Government thanks Mr Murrihy for his Final Report on the Independent Review undertaken into Harness Racing in Tasmania, received on 28 November 2023.

Matters of integrity are vital to the continued success of the harness racing industry within Tasmania, the Government has accepted the Final Report on all seven of the Terms of Reference. The Summary Table of Recommendations and Government Response form the considered response and actions the Tasmanian Government has taken and will continue to take to strengthen integrity and trust in the racing industry.

The Tasmanian Government is grateful to all who have taken the time to make submissions. Further, it wishes to support the acknowledgement in the Final Report that Tasmanian harness racing has a long and distinguished history of champion horses and horse persons. The Government Response is made to ensure those traditions can continue and flourish.

The gravity of the findings contained in the Final Report requires constant oversight and action so that participants and the community can rebuild trust in the harness racing industry.

This Final Report, along with the Monteith Report, demonstrates a need for an overhaul in the integrity framework for racing in Tasmania. The most critical part of this is the Racing Regulation and Integrity Bill that has been tabled in Parliament. This Bill introduces a new Tasmanian Racing Integrity Commissioner and abolishes the Office of Racing Integrity – critical reform that cannot come soon enough.

The Government committed to a full and considered response to the Final Report and public release, in full. To ensure ongoing oversight and transparency, the Government commits to quarterly progress reports that will be published on the Department of Natural Resources and Environment Tasmania website. The first report will be delivered on 31 March 2024.

These reports will continue until all findings contained within the Murrihy Final Report are addressed in full.

Summary Table of Recommendations and Government Response

ToR 1 – Races referred to in the ABC media report of 26 March 2023		
#	Finding	Government Response
1	<p><u>Race 2 on 7 October 2022 at Burnie</u>: The investigation determined that there has been non-compliance with AHRR 240 (a)(i) and (ii) by Ben Yole, Nathan Ford and Mitch Ford, in respect to race 2 The Find Us On Facebook stakes conducted at Burnie on 7 October 2022, in that the evidence supports that they acted in concert with instructions or arrangement that may have caused Juniper to be unlawfully advantaged and On My Oath to be unlawfully disadvantaged.</p>	<p>The Department of Natural Resources and Environment Tasmania has commenced a process to establish an independent stewards' panel to consider the formal laying of charges. Race 2 on 7 October 2022 at Burnie will be referred to this independent stewards' panel.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p> <p>The Government has tabled the Racing Regulation and Integrity Bill 2023 and the Racing Regulation and Integrity (Consequential Amendments) Bill 2023. This legislation will strengthen governance, animal welfare matters and integrity across all three codes of racing in the State.</p>
2	<p><u>Race 9 on 22 January 2023 at Burnie</u>: The investigation determined that there is insufficient evidence capable of supporting a determination of non-compliance with AHRR 240 (a)(i) and (ii) by Ben Yole, Nathan Ford and Cody Crossland. The investigation, having examined recent race patterns found no credible basis for an expectation that Be Good Benny, which drew barrier 1, and Star Rocker, which drew barrier 2, would or should have contested the lead.</p>	<p>The Government notes the insufficient evidence capable of supporting a determination of non-compliance with the AHRR in respect to Race 9 on 7 October 2022 at Burnie.</p> <p>The Government has tabled the Racing Regulation and Integrity Bill 2023 and Racing Regulation and Integrity (Consequential Amendments) Bill 2023. This legislation will strengthen governance, animal welfare matters and integrity across all three codes of racing in the State.</p>
3	<p>The investigation has considered race 8 on 10 February 2023 at Burnie relating to "Reds Good to Go" under ToR 4 "adequacy of ORI management", under the heading "Form Reversal of Reds Good to Go."</p>	<p>The Government notes that the matter of Race 8 on 10 February 2023 at Burnie is addressed under ToR 4.</p>
ToR 2 – Races from the past three years		
4	<p><u>Summary response to ToR 2</u>: The investigation, due to time and resource constraints, identified two of these races for closer examination. A</p>	<p>The Government notes the findings in respect to ToR 2 and has referred the identified list of 15 races to the newly appointed Director of Racing to determine if</p>

	<p>condensed list of a further 15 races was compiled and will be confidentially provided to Government for such further scrutiny as is deemed appropriate.</p> <p><u>Race 7 on 15 April 2022 at Hobart</u>: The investigation determined that there is insufficient evidence capable of supporting a determination of non-compliance with AHRR 240(a)(i) and (ii) by Ben Yole trainer of Lifes a Jungle and Bettor Sport and Mark Yole driver of Lifes a Jungle.</p>	<p>a further historical assessment of races is warranted.</p> <p>The Government notes the insufficient evidence capable of supporting a determination of non-compliance with AHRR in respect to Race 7 on 15 April 2022 at Hobart.</p>
5	<p><u>Race 3 on 19 August 2022 at Launceston</u>: The investigation determined that there has been non-compliance by Ben Yole and Nathan Ford with AHRR 240(a)(i) and (ii) in that the evidence supports that in concert with Nathan Ford, Ben Yole gave instructions to Corey Bell driver of Southshore (NZ) that may have unlawfully advantaged Eippermill and unlawfully disadvantaged Southshore (NZ).</p>	<p>The Department of Natural Resources and Environment Tasmania has commenced a process to establish an independent stewards' panel to consider the formal laying of charges. Race 3 on 19 August 2022 will be referred to this panel</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>
Terms of Reference 3 & 6 - Conditions at the Yole Sidmouth training establishment		
6	<p><u>Failure to care for two-year-old gelding Blings on Fire</u>: the investigation determined that there has been non-compliance by trainer Ben Yole with AHRR 218 in that as the trainer of Blings on Fire during the period 28 August 2022 and 3 September 2022, he failed to comply with his responsibilities to properly care for the welfare of that two-year-old.</p>	<p>The Government notes the determination of non-compliance with AHRR 218 and has referred this matter to the RSPCA.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>
7	<p><u>Mistreatment of horses in the wash bay on race days at Sidmouth property</u>: The investigation determined that there has been non-compliance with AHRR 218A(1) by trainer Ben Yole and the stable foreman Tim Yole in that the evidence supports that they mistreated horses in the wash bay at the Sidmouth property on race mornings regardless of whether the horses were actually contacted with the whip.</p>	<p>The Government notes the determination of non-compliance with AHRR 218 and has referred this matter to the RSPCA.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>

8.	<p><u>Race day administration of medication:</u> The investigation determined that there has been non-compliance with AHRR 193(3) and (8) by trainer Ben Yole, and stable foreman Tim Yole, in that the evidence supports a finding that they systematically administered, or caused to be administered by stable employees, medication in the form of oral pastes, given over the tongue to multiple horses prior to their loading onto the horse transports to be taken to race that day at Tasmanian harness race meetings.</p>	<p>The Department of Natural Resources and Environment Tasmania has commenced a process to establish an independent stewards' panel to consider the formal laying of charges. This matter will be referred to the panel.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>
9.	<p><u>Administration of injections to horses within one clear day of the race:</u> The investigation determined that there has been non-compliance with AHRR 196B(1) by trainer Ben Yole, and stable foreman Tim Yole, in that the evidence supports a finding they both did systematically administer, and Ben Yole caused Tim Yole to administer, intravenous injections to horses nominated to race either on race day and/or within one clear day of such race.</p>	<p>The Department of Natural Resources and Environment Tasmania has commenced a process to establish an independent stewards' panel to consider the formal laying of charges. This matter will be referred to the panel.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>
10	<p><u>Administration of intra-articular injections to horses within eight clear days of the race:</u> The investigation determined that there has been non-compliance with AHRR 196D(1) by trainer Ben Yole in that the evidence supports that he did administer intra-articular injections to horses nominated to race within eight clear days of the commencement of their races.</p>	<p>The Department of Natural Resources and Environment Tasmania has commenced a process to establish an independent stewards' panel to consider the formal laying of charges. This matter will be referred to the panel.</p> <p>The full Murrphy Report has been referred to the newly appointed Director of Racing to consider further actions that can be taken under the Australian Harness Racing Rules (AHRR).</p>
ToR 3 & 6 – Animal welfare conditions at the Sidmouth property and compliance with rules		
11	<p><u>Measurable minimum standards:</u> Recommendations are made in this report for inclusion as measurable minimum standards for harness training properties in the Code of Practice being developed by Tasracing. Many recommendations will address those animal welfare conditions currently found of concern with respect to the Sidmouth training property. Recommendations of this report include that</p>	<p>The Government acknowledges Mr Murrphy's advice on the draft Equine Code of Practice for the care of thoroughbred and harness racehorses and its recommended enforcement under the AHRR and supports the progression of a Code of Practice that provides measurable standards, and the formation of enforceable rules, noting these matters are being considered by Tasracing as the entity responsible under the <i>Racing Regulation Act 2004</i> for the AHRR.</p>

	the minimum standards be given the full authority of the rules so that they are enforceable.	
12	<p><u>Rehoming, euthanasia and slaughter of horses:</u> The review recommends as a priority that comprehensive rehoming and traceability rules be developed in Tasmania by the TasRIC and Tasracing - requiring owners and/or persons responsible to take a whole of life responsibility for the post racing welfare of their horses. This recommendation includes:</p> <ul style="list-style-type: none"> - Introduction of local rules concerning the retirement of horses; their retraining and rehoming and associated authorisations of euthanasia; - Specific Euthanasia and Slaughter sections within the proposed Code of Practice be the subject of Australian and local rules; and - Establishment of an appropriate traceability system. 	<p>The Government has tabled the Racing Regulation and Integrity Bill 2023 and Racing Regulation and Integrity (Consequential Amendments) Bill 2023. This legislation will strengthen governance, animal welfare matters and integrity across all three codes of racing in the State.</p> <p>The Government further acknowledges Mr Murrphy's advice on matters of rehoming, euthanasia and the slaughter of horses and notes these matters are being considered by Tasracing.</p>
ToRs 4 and 5 – The adequacy of the Officer of Racing Integrity (ORI)'s integrity management		
13	<p><u>Complaints Management systems:</u> The review found the current management system to be lacking in a truly independent avenue for filing complaints regarding ORI personnel and their accountability. Further ORI's approach to handling complaints from participants, particularly those regarding serious integrity matters, was found to be somewhat stilted, lacking in cohesion and often not attributed with the importance nor urgency that is warranted. The recommendation includes:</p> <ul style="list-style-type: none"> - Establishment of clear policies and procedures that dictate how complaints should be made and the times in which they should be dealt – both of which should be publicly promoted. - Policies and procedures should include, where possible, an investigation framework, such as a matrix, which will assist the regulator identify the threshold at which complaints should be investigated by stewards. Policies should also give guidance 	<p>The Government accepts Mr Murrphy's finding that <i>"The current governance model fails to deliver adequately on transparency, accountability and performance. The pathway forward is detailed in the Monteith Review, whereby enforcement and policy are housed together and the necessary safeguards put in place."</i></p> <p>The Government notes the need for improvements to ORI business systems, policies and processes. Some of this work has been completed, however the Government commits to undertake immediate improvement within this space to rebuild trust in the industry and across the community.</p> <p>Work that has currently been undertaken includes a new online complaint management portal and guided policy and process, with staff training to strengthen the operations of the ORI integrity system, currently supporting the industry. A further review of the current complaints process, including standards for the timely management of queries will be undertaken</p>

	<p>on the discretion to be exercised where a matter is unclear and, importantly, there should be detailed record keeping and reporting policies; and</p> <ul style="list-style-type: none"> - An integrity office needs clear policies and procedures in relation to the keeping of records and also the making of complaints, and how they will be dealt with, including policies and procedures on how information is to be stored and dealt with. 	<p>as a matter of priority by the Department of Natural Resources and Environment Tasmania working closely with ORI, whilst the current integrity model is in operation ahead of the proposed legislative reform in 2024.</p> <p>The Government welcomes Mr Murrphy's support of the <i>Review of Racing Regulation Act 2004: Securing the Integrity of the Tasmanian Racing Industry</i> (the Monteith Review) and the associated draft legislation and calls on Parliament to support the Racing Regulation and Integrity Bill 2023 and Racing Regulation and Integrity (Consequential Amendments) Bill 2023. This legislation will strengthen governance, animal welfare matters and integrity across all three codes of racing in the State.</p> <p>This new legislative and integrity framework will strengthen integrity and animal welfare even further, with avenues for complaint management and escalation through the proposed Tasmanian Racing Integrity Commission, supported by oversight from an Integrity and Animal Welfare Advisory Committee - a key cornerstone of this reform. This important reform will provide the independent avenue for complaints recommended by Mr Monteith and Mr Murrphy in their reports.</p> <p>The proposed establishment of an Integrity Unit within Tasracing will also include enhanced policies and procedures around steward investigations, auditing, information management and storage, and record keeping practices. All of which will be overseen by an independent Racing Integrity Committee with independent members and a chair appointed by Government. This strengthened governance, oversight and integrity administrative practices will seek to address the recommendations made by Mr Murrphy.</p> <p>Further, while the Government does not comment on specific employment matters, the Secretary of the Department of Natural Resources and Environment Tasmania is responsible for considering any potential breaches of employment-related Codes of Conduct.</p>
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ToR 7 - Competitiveness in Tasmanian harness racing		
14	<p>The racing model itself requires a major overhaul to improve competition on the race track as fierce competition in races is the industry's best safeguard against team driving and race fixing. Changes are recommended to ratings, programming and balloting systems, with a big picture objective of engendering more competitiveness, encouraging new investment and participation and arresting the most undesirable trend of Tasmania being a last stopping off point for older non-competitive mainland horses.</p>	<p>The Government notes the matters raised relating to industry competitiveness and that Tasracing will consider these matters and engage with industry as appropriate.</p>
ToR 7 – Performance of Stewards		
15	<p>(i) This review identifies opportunities to enhance training for stewards by utilising online delivery of established stewards training courses and short-term personnel exchanges with stewards from mainland states.</p>	<p>The Government has considered the matters put forward by Mr Murrphy in finalising the <i>Racing Regulation and Integrity Bill 2023</i> and the implementation of the new integrity model to ensure that this legislation will strengthen governance, animal welfare matters and integrity across all three codes of racing in the State.</p> <p>Under the integrity model proposed, the Tasmanian Racing Integrity Commissioner (TasRIC) will review annual integrity plans from Tasracing and will be able to give advice and make recommendations in relation to the training of people employed in the racing industry. Opportunities for short-term personnel exchanges may be considered by Tasracing when the new model is implemented.</p> <p>Current actions already occurring within ORI include:</p> <ul style="list-style-type: none"> • The implementation of a number of measures to strengthen its complaints handling processes, policies and procedures and staff training is continuing, noting the report recommends that the process include timelines / standards in which a complaint is to be dealt with; • A new policy to guide the decisions of stewards for sampling and testing;

		<ul style="list-style-type: none"> • The appointment of an intelligence and betting analysis provider to identify and support further action by stewards; • The completion of an Equine Code of Practice by Tasracing, taking into account the horse welfare matters specifically identified by Mr Murrhly; and • Formal declaration of any conflict of interest held by employees of both ORI and Tasracing.
	<p>(ii) The review identifies the monitoring, gathering, analysis and utilisation of betting data in Tasmania to be currently ad-hoc at best which does not allow stewards to take a balanced intelligence based approach or act in an informed way when identifying vulnerabilities. The new Integrity Unit requires resourcing with access to one of the mainland’s well-established bet-monitoring and analysis units, thus making available value added betting data, delivered in real time and with the advantage of insight into betting intelligence gathered on an Australia-wide basis.</p> <p>(iii)</p>	<p>The Government has considered the matters put forward by Mr Murrhly in finalising the Racing Regulation and Integrity Bill 2023 and the implementation of the new integrity model.</p> <p>Under the integrity model proposed within the legislation, the Integrity Unit to be established within Tasracing incorporates the appointment of betting supervisors, under the oversight of the Integrity Committee.</p>
	<p>(iv) The review recommends increased focus by the new Integrity Unit regarding medications in the possession of trainers and to include regular auditing of treatment records with all such stable inspections/audits being on an unannounced basis.</p>	<p>The Government has considered the matters put forward by Mr Murrhly in finalising the Racing Regulation and Integrity Bill 2023 and the implementation of the new integrity model.</p> <p>Government notes in the establishment of the new Integrity Unit within Tasracing consideration will be made to systems and processes for inspection protocols and the auditing of treatment records. Further, under the integrity model proposed within the legislation, the TasRIC will be able to conduct audits and reviews of the Tasracing Integrity Unit’s operations and practices.</p>