

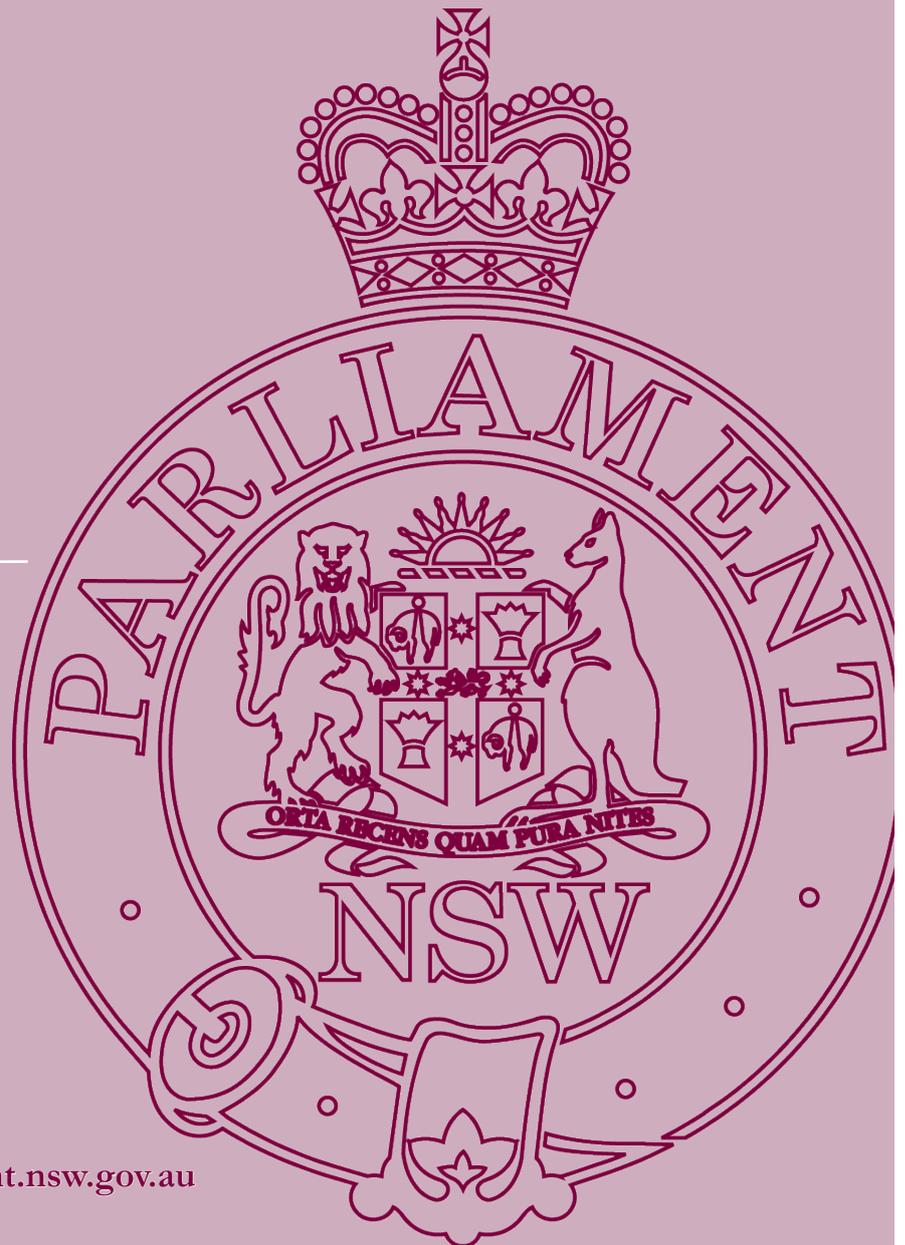


LEGISLATIVE COUNCIL

SELECT COMMITTEE ON THE GREYHOUND WELFARE AND INTEGRITY COMMISSION

# Greyhound Welfare and Integrity Commission

December 2022



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Select Committee on the Greyhound Welfare and Integrity  
Commission

# **Greyhound Welfare and Integrity Commission**

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Greyhound Welfare and Integrity Commission.

Chair: Hon Robert Borsak MLC

"December 2022".



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## Terms of reference

That a select committee be established to inquire into and report on the Greyhound Welfare and Integrity Commission (the Commission) as the independent regulator of the greyhound industry in New South Wales, and in particular:

- (a) the policies, procedures, mechanisms, and overarching principles of the Commission in relation to industry participants,
- (b) the appropriateness of disciplinary action for those industry participants breaching legal requirements as set out by the Commission,
- (c) the options for appeal by industry participants who breach legal requirements as set out by the Commission,
- (d) the combined relationship of the Commission, the industry operator Greyhound Racing NSW, and industry participants in relation to the overall greyhound racing industry,
- (e) the existing funding agreement between the Commission and Greyhound Racing NSW with a view to considering recommended options,
- (f) the actions, conduct and effectiveness of the Commission and GRNSW, in particular in relation to its role in improving the welfare of greyhounds, and
- (g) any other related matter.

The terms of reference were referred to the committee by the Legislative Council on 23 September 2020.<sup>1</sup>

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<sup>1</sup> *Minutes*, NSW Legislative Council, 23 September 2020, pp 1367-1368.

## Committee details

### Committee members

<b>The Hon Robert Borsak MLC</b>	Shooter, Fishers and Farmers Party	<i>Chair</i>
<b>Ms Abigail Boyd MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Lou Amato MLC</b>	Liberal Party	
<b>The Hon Wes Fang MLC</b>	The Nationals	
<b>The Hon Courtney Houssos MLC*</b>	Australian Labor Party	
<b>The Hon Mark Latham MLC **</b>	Pauline Hanson's One Nation	
<b>The Hon Taylor Martin MLC***</b>	Liberal Party	
<b>The Hon Mark Pearson MLC</b>	Animal Justice Party	
<b>The Hon Mick Veitch MLC</b>	Australian Labor Party	

\* The Hon Courtney Houssos MLC replaced the Hon Walt Secord MLC as substantive member of the committee from 21 June 2021.

\*\* The Hon Mark Latham MLC is a participating member from 10 December 2020 for the duration of the inquiry.

\*\*\* The Hon Taylor Martin MLC replaced the Hon Sam Farraway MLC as substantive member of the committee from 25 January 2022.

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Kate Bogatova, Administration Officer

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## Chair's foreword

The greyhound racing industry has been subject to both scrutiny and instability in the last decade. Multiple media reports and inquiries resulted in a ban on the sport in 2016 which was subsequently reversed. The Greyhound Welfare and Integrity Commission (GWIC) was then established in 2018, as an independent regulatory body. This significant change understandably was met with hesitation and scepticism by some in the industry.

This Select Committee was established following concerns which emerged soon after GWIC commenced operations. Of particular note were allegations that GWIC was taking a heavy-handed approach to regulation, such that its relationship with the greyhound racing industry was characterised by negativity and mistrust. There were also concerns that GWIC had a tense relationship with Greyhound Racing NSW (GRNSW), which formerly held responsibility for regulation of the industry.

The committee's inquiry was held over two years, bringing a much needed focus on these concerns. The length of the inquiry meant that the committee could observe GWIC's response to industry concerns. It was promising to see GWIC's relationship with GRNSW improve and its progress in making disciplinary processes more accessible for racing participants.

However, improvements are still needed to ensure that GWIC better supports and works with the industry. Accordingly, the committee found that GWIC's role is the regulation and enforcement of animal welfare and that further work needs to be done to empower racing participants and ensure the continued growth of the greyhound racing industry. This is reflected in our first recommendation that the core function of GWIC, as the independent regulator, should be to promote and protect the welfare of greyhounds, in line with community expectations, working collaboratively with the greyhound industry and its participants.

Evidence to this inquiry suggested that further accountability is needed for GWIC, particularly given it is a public service agency. We made three recommendations in this regard. First, that the NSW Government consider appointing an independent statutory commissioner to oversee and review the activities and expenditure of GWIC every three years. Second, that the NSW Government appoint a ministerial advisory panel to meet every three months to inform decisions about the industry and feed into the independent commissioner's review. Third, that both GRNSW and GWIC be required to appear before the relevant Legislative Council Portfolio Committee for a specific hearing a least annually.

I thank all those who participated in the inquiry, particularly those racing industry participants who shared with the committee their personal experiences of GWIC. Their evidence suggested that greyhound racing - a working class, family sport with roots in regional New South Wales - is at risk of decline. The findings and recommendations in this report should go some way in better supporting the industry to ensure its growth and viability.

I also thank the committee for their contributions, and the secretariat and Hansard for their assistance in this inquiry.



Hon Robert Borsak MLC  
**Committee Chair**

## Findings

- Finding 1** 40  
That the Greyhound Welfare and Integrity Commission's role is the regulation and enforcement of animal welfare. Further work needs to be done on empowering racing participants and ensuring the continued growth of the greyhound racing industry, with proper consideration of the impact on the welfare of participants.
- Finding 2** 40  
That there have been cultural and financial issues in the rapid establishment of the Greyhound Welfare and Integrity Commission.
- Finding 3** 40  
That the Greyhound Welfare and Integrity Commission has not understood the culture of the greyhound industry, and that its relationship with the industry has been characterised by negativity and mistrust. However, this has begun to improve over the last 12 months.
- Finding 4** 43  
That the initial funding model for the Greyhound Welfare and Integrity Commission created tension with Greyhound Racing NSW, which was responsible for funding the Greyhound Welfare and Integrity Commission without any oversight.
- Finding 5** 43  
That the issues with the initial funding model for the Greyhound Welfare and Integrity Commission have been somewhat addressed by the NSW Government's announcement in the 2021-2022 budget.
- Finding 6** 43  
That the greyhound racing industry has been disadvantaged for many years by funding inequities between the three racing codes, as a result of historic commercial decisions.
- Finding 7** 44  
That the Greyhound Welfare and Integrity Commission has lacked sufficient industry knowledge, skills and expertise.
- Finding 8** 55  
That the Greyhound Welfare and Integrity Commission must cooperate better with new and old participants to ensure fairness and consistency in all regulatory matters.
- reviewing the list to determine the scientific basis for the inclusion of prohibited substances (such as cobalt), the reasons for their inclusion and the relative detection levels upon which prosecutions are commenced
  - publishing the outcomes of any research and the review
  - adjusting the prohibited substances list based on the outcomes, if needed
  - ensuring that the rationale for the inclusion of each prohibited substance, and in what quantities, is communicated clearly to industry participants.

## Recommendations

- Recommendation 1** **40**  
 That the core function of the Greyhound Welfare and Integrity Commission, as the independent regulator, should be to promote and protect the welfare of greyhounds, in line with community expectations, working collaboratively with the greyhound industry and participants.
- Recommendation 2** **40**  
 That the Greyhound Welfare and Integrity Commission build an open and collaborative relationship with racing industry participants.
- Recommendation 3** **41**  
 That the NSW Government consider appointing an independent statutory commissioner to oversee and review the activities and expenditure of the Greyhound Welfare and Integrity Commission every three years, with the first year to focus on:
- role and culture
  - financial efficiency
  - procedural fairness during investigations.
- Recommendation 4** **41**  
 That the NSW Government appoint a ministerial advisory panel consisting of representatives from the Greyhound Welfare and Integrity Commission, Greyhound Racing NSW, Greyhound Breeders Owners and Trainers Association and industry participants, to meet every three months to inform:
- decisions about the regulation and operation of the industry
  - the independent commissioner's three yearly reviews, as per Recommendation 3.
- Recommendation 5** **41**  
 That both Greyhound Racing NSW and the Greyhound Welfare and Integrity Commission be required to appear before the relevant Portfolio Committee for a specific hearing at least annually.
- Recommendation 6** **42**  
 That the Greyhound Welfare and Integrity Commission improve the accessibility of its processes to industry participants by:
- conducting greater outreach and education programs
  - ensuring options for the dissemination of information are available to those who do not have ready access to technology, especially in regional New South Wales.
- Recommendation 7** **43**  
 That the NSW Government conduct a review into funding arrangements for the three racing codes, including but not limited to the point of consumption tax, Tabcorp distributions and tax harmonisation.
- Recommendation 8** **44**  
 That the Greyhound Welfare and Integrity Commission:
- introduce specialised training and accreditation of veterinarians and inspectors to improve understanding of racing greyhounds

- make recommendations for the adoption of national standards for veterinarians and inspectors in greyhound racing.

**Recommendation 9** **44**

That the Greyhound Welfare and Integrity Commission continue to adequately fund training, cadetships, development and educational opportunities to maintain industry knowledge, upskill existing staff and engage new recruits.

**Recommendation 10** **55**

That the Greyhound Welfare and Integrity Commission review its policies, in collaboration with industry representatives, to ensure that they are suitable for racing greyhounds.

**Recommendation 11** **56**

That the NSW Government advocate through National Cabinet for an overhaul of the national rules on prohibited substances by:

- reviewing the list to determine the scientific basis for the inclusion of prohibited substances (such as cobalt), the reasons for their inclusion and the relative detection levels upon which prosecutions are commenced
- publishing the outcomes of any research and the review
- adjusting the prohibited substances list based on the outcomes, if needed
- ensuring that the rationale for the inclusion of each prohibited substance, and in what quantities, is communicated clearly to industry participants.

**Recommendation 12** **56**

That the Greyhound Welfare and Integrity Commission replace swab testing with blood tests to ensure that testing for prohibited substances is as accurate as possible.

**Recommendation 13** **57**

That the NSW Government take action to enable the Greyhound Welfare and Integrity Commission to implement:

- a tiered system that reflects the seriousness of any breach, whereby low-level offences can be managed with appropriately scaled punishments
- practices that ensure greater procedural fairness and timeliness in their investigations and prosecutions.

**Recommendation 14** **57**

That the NSW Government:

- introduce a tribunal system, independent of the Greyhound Welfare and Integrity Commission, to adjudicate on breaches of the greyhound racing rules in a less formal, less costly and more accessible manner
- provide for any appeal from the tribunal system to be to the local court.

## Conduct of inquiry

The Select Committee on the Greyhound Welfare and Integrity Commission was established by the Legislative Council on 23 September 2020.

The committee received 88 submissions, 6 supplementary submissions and 794 online questionnaire responses.

The committee held 8 public hearings: four at Parliament House in Sydney and one each in Newcastle, Bathurst, Temora and Goulburn. The committee also held public forums at each of these locations.

Inquiry related documents are available on the committee's website, including submissions, the online questionnaire report, hearing transcripts, tabled documents and answers to questions on notice.



# Chapter 1 Background

The establishment of the Greyhound Welfare and Integrity Commission (GWIC) in 2018 as an independent regulator was a significant development in the greyhound racing industry in New South Wales, following public debate and government action to improve animal welfare and racing integrity. This chapter provides a brief timeline of events, including key inquiries and media reports, that led to GWIC's establishment. The chapter also outlines how GWIC is operated and funded, including an overview of the agency's policy framework and disciplinary processes. It sets the scene for the following chapters, which explore the various issues examined in detail during this inquiry.

## Key developments leading to the establishment of GWIC

- 1.1 Since July 2018, the greyhound racing industry has been overseen by two key organisations as outlined below.
- **GWIC**, an independent body responsible for the regulatory functions of the greyhound racing industry. GWIC's responsibilities include registering and licensing greyhounds and participants, administering and enforcing the greyhound racing rules, conducting stewards' inquiries and investigations of potential breaches of the rules, and developing and implementing policies relating to the welfare of greyhounds.<sup>2</sup>
  - **Greyhound Racing NSW (GRNSW)**, a statutory-owned corporation responsible for the greyhound racing industry's commercial functions, including conducting race meetings, registering greyhound racing clubs, developing safety standards for licensed racecourses, and managing greyhound adoption programs.<sup>3</sup>
- 1.2 Prior to July 2018, GRNSW was the sole governing body for the greyhound racing industry, responsible for both the commercial and regulatory functions. The establishment of GWIC effectively separated the regulatory and commercial arms of the greyhound racing industry.<sup>4</sup>
- 1.3 The NSW Government's decision to establish GWIC was a major reform for the industry. The decision followed a series of inquiries and media reports between 2013 and 2018 which raised questions about the standards of animal welfare and racing integrity. This section provides a timeline of the key developments leading to GWIC's establishment, including:
- the NSW Legislative Council Select Committee on Greyhound Racing in New South Wales
  - a significant media report by Four Corners on animal welfare in greyhound racing
  - the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, established by the NSW Government and led by former High Court Justice Michael McHugh QC AC

<sup>2</sup> Office of Racing, Greyhound Racing, NSW Government, (2022), <https://www.nsw.gov.au/office-of-racing/greyhound-racing>.

<sup>3</sup> Office of Racing, Greyhound Racing, NSW Government, (2022), <https://www.nsw.gov.au/office-of-racing/greyhound-racing>.

<sup>4</sup> Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 5.

- the Greyhound Industry Reform Panel, established by the NSW Government and led by former Premier Morris Iemma.

- 1.4** In August 2013, the NSW Legislative Council established the Select Committee on Greyhound Racing in New South Wales. The committee examined the economic viability of the greyhound racing industry, the financial performance of the industry, the effectiveness of industry regulation, the conduct of GRNSW, the incidence of doping, the welfare of animals, and other related matters.<sup>5</sup>
- 1.5** The committee's first report was released in March 2014 and found that the structure and sources of revenue within the industry were unsustainable. The committee made a number of recommendations to improve the future viability of greyhound racing and to reinvigorate the industry. The report also called for a restructure of the board and management of GRNSW.<sup>6</sup>
- 1.6** The second report was released in October 2014. It considered five scenarios put forward by industry participants to improve the economic viability and long-term sustainability of greyhound racing. The report made two recommendations, one regarding changes to the fee cap, and the other to reduce taxation rates on wagering to ensure that New South Wales greyhound racing was competitive with other states.<sup>7</sup>
- 1.7** Also in October 2014, the NSW Government provided its response to the first report, supporting all but two of the eighteen recommendations.<sup>8</sup>
- 1.8** In February 2015, the Australian Broadcasting Corporation program *Four Corners* shed light on animal welfare breaches within the greyhound industry, including the practice of 'live baiting',<sup>9</sup> that is, the illegal practice of using live animals tied to a mechanical lure to train greyhounds.<sup>10</sup> The revelations led to six registered trainers being stood down, and the resignation of the board members and Chief Executive Officer of GRNSW.<sup>11</sup>
- 1.9** In April 2015, the NSW Government responded to the Select Committee's second report, noting that since the release of the two reports there had been 'major developments' concerning the greyhound racing industry. The government added that, as a result, it would establish a Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales led by former High Court Judge Michael McHugh QC AC to identify issues in relation to

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<sup>5</sup> Select Committee on Greyhound Racing in NSW, NSW Legislative Council, *Inquiry into Greyhound Racing in New South Wales*, First Report (2014), p iv.

<sup>6</sup> Select Committee on Greyhound Racing in NSW, NSW Legislative Council, *Inquiry into Greyhound Racing in New South Wales*, First Report, (2014), p xxi.

<sup>7</sup> Select Committee on Greyhound Racing in NSW, NSW Legislative Council, *Inquiry into Greyhound Racing in New South Wales*, Second Report, (2014), p ix.

<sup>8</sup> Government response to the inquiry into Greyhound Racing in New South Wales, September 2014, p 3.

<sup>9</sup> See, *Four Corners*, ABC, 'Making a Killing', Caro Meldrum-Hanna, 16 February 2015; Submission 36, Animal Liberation, p 13.

<sup>10</sup> *Prevention of Cruelty to Animals Act 1979*, s 21.

<sup>11</sup> ABC News, 'Greyhound Racing NSW board dismissed amid revelations of live baiting', (19 February 2015), [https://www.abc.net.au/news/2015-02-19/entire-board-of-nsw-greyhound-racing-dismissed/6144352?utm\\_campaign=abc\\_news\\_web&utm\\_content=link&utm\\_medium=content\\_shared&utm\\_source=abc\\_news\\_web](https://www.abc.net.au/news/2015-02-19/entire-board-of-nsw-greyhound-racing-dismissed/6144352?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web).

governance, integrity, animal welfare standards and the future of the sport within New South Wales.<sup>12</sup>

- 1.10** The Special Commission of Inquiry released its report (the McHugh Report) in July 2016, making recommendations on animal rights abuses in the greyhound industry. In addition, the report documented concerns relating to the management and governance of the greyhound racing industry.<sup>13</sup> Later in July 2016, the NSW Government accepted the McHugh Report's first recommendation to ban greyhound racing and established the Greyhound Transition Taskforce to transition the industry to closure.<sup>14</sup>
- 1.11** After extensive consultation with industry stakeholders and the public, the Taskforce Coordinator-General, Dr John Keniry AM, informed the government in October 2016 that there had been a 'major shift' in the industry's attitude since the announcement of the ban. Dr Keniry advised that the industry was willing to change and recommended the ban be reversed if the industry was able to meet strict animal welfare standards and regulatory guidelines.<sup>15</sup>
- 1.12** Following the McHugh Report and Dr Keniry's recommendation, the NSW Government established the Greyhound Industry Reform Panel in October 2016, led by former Premier Morris Iemma. The Panel's role was to make recommendations on how greyhound racing could continue to operate in New South Wales.<sup>16</sup> Its aim was to put the protection of animal welfare 'at the centre' of new industry arrangements and to impose the 'strictest measures' to address animal cruelty. In its report (the Iemma Report) released in February 2017, the Panel stated that this was 'crucial to the future of greyhound racing in New South Wales and to build the community's confidence in its integrity'.<sup>17</sup>
- 1.13** A key recommendation of the Iemma Report was the establishment of GWIC as an independent regulator of the greyhound racing industry, with a core focus to protect the welfare of greyhounds.<sup>18</sup>
- 1.14** The report also recommended that GRNSW be reconstituted as a statutory state-owned corporation with the NSW Treasurer and Minister for Finance as shareholder ministers and the Minister for Racing as the portfolio minister.<sup>19</sup> The report stated that GRNSW 'will have

<sup>12</sup> Correspondence from the Hon Troy Grant MP to the Clerk of the Parliaments, providing government response to the Second Report of the Select Committee on Greyhound Racing in New South Wales, 16 April 2015.

<sup>13</sup> See, GWIC, History and Greyhound Reform, <https://www.gwic.nsw.gov.au/about/history-and-greyhound-reform>; Submission 36, Animal Liberation, p 13.

<sup>14</sup> NSW Government, Greyhound Racing Act Statutory Review Report April 2021, p 6.

<sup>15</sup> NSW Government, Greyhound Racing Act Statutory Review Report April 2021, p 6.

<sup>16</sup> See, Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 4; NSW Government, Greyhound Racing Act Statutory Review Report April 2021, p 6.

<sup>17</sup> Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 4.

<sup>18</sup> See, Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 1; Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 24.

<sup>19</sup> Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 19.

significant autonomy in determining how to structure the industry to achieve commercial sustainability'.<sup>20</sup> In total, 108 of the 122 recommendations of the Iemma Report were subsequently adopted.<sup>21</sup>

**1.15** The NSW Parliament passed the *Greyhound Racing Act* in April 2017, embodying significant changes to the governance, oversight and regulation of the greyhound racing industry,<sup>22</sup> including the establishment of GWIC as the regulatory body and the reconstitution of GRNSW as the commercial body for the greyhound racing industry.<sup>23</sup> The objects of the Act are set out below:

- (a) to provide for the efficient and effective regulation of the greyhound racing industry,
- (b) to protect the interests of the greyhound racing industry and its stakeholders,
- (c) to facilitate the development and operation of a sustainable and viable greyhound racing industry,
- (d) to ensure the integrity of greyhound racing and associated betting in the public interest,
- (e) to provide for the functions of regulatory bodies,
- (f) to provide for the protection and promotion of the welfare of greyhounds.<sup>24</sup>

**1.16** The legislation required the Act to be reviewed after three years. A report on the outcome of that review was tabled in Parliament in April 2021. The review found that the policy intent of the *Greyhound Racing Act* remains valid, and the legislation is appropriate. However, the review recommended some amendments to the Act to improve the greyhound racing regulatory framework, including that:

- the NSW Government ensure GWIC is sustainably funded
- the NSW Government determine whether GRNSW's governance and operating structure remains relevant and appropriate to manage compliance
- the Operating Licence of GRNSW, which is granted by the NSW Government for the operation of the industry, be made publicly available
- GWIC implement an enhanced registration scheme, and training and accreditation of registered participants.<sup>25</sup>

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<sup>20</sup> Morris Iemma, Simon Draper, Brenton Scott, Steve Coleman, and Christine Middlemiss, *Recommendations of the Greyhound Industry Reform Panel*, February 2017, p 5.

<sup>21</sup> Answers to questions on notice, Greyhound Welfare and Integrity Commission, p 7, 30 June 2021.

<sup>22</sup> NSW Government, *Greyhound Racing Act Statutory Review Report*, April 2021, p 6.

<sup>23</sup> *Greyhound Racing Act 2017*.

<sup>24</sup> *Greyhound Racing Act 2017*, s 3A.

<sup>25</sup> NSW Government, *Greyhound Racing Act Statutory Review Report*, April 2021, pp 3-5.

## The operation of GWIC

**1.17** As mentioned earlier, one of the objects of the *Greyhound Racing Act* is to provide for the functions of the industry's regulatory bodies.<sup>26</sup> This section provides an overview of GWIC's operations with particular focus on the:

- objectives, functions, governance and staffing of GWIC
- *NSW Greyhound Welfare Code of Practice* and other key policies, developed by GWIC
- disciplinary processes of GWIC, including options for appeal
- relationship between GWIC and GRNSW and funding arrangements.

### Objectives, functions, governance and staffing

**1.18** The objectives, functions and governance arrangements of GWIC are set out in the *Greyhound Racing Act*. According to section 11 of the Act, GWIC's objectives are:

- (a) to promote and protect the welfare of greyhounds,
- (b) to safeguard the integrity of greyhound racing and betting,
- (c) to maintain public confidence in the greyhound racing industry.<sup>27</sup>

**1.19** Under section 12, GWIC's functions are:

- (a) to control, supervise and regulate (subject to this Act) greyhound racing in the State,
- (b) to initiate, develop and implement policies relating to the welfare of greyhounds,
- (c) to undertake research and investigation into any aspect of the breeding of greyhounds and of greyhound racing generally,
- (d) to consult with animal welfare bodies in developing changes to legislation relating to the welfare of greyhounds,
- (e) to provide the Minister with such information, advice or reports as the Minister may request,
- (f) to inform the Minister about any event or matter that may adversely affect the integrity of greyhound racing,
- (g) such other functions as are conferred or imposed on the Commission by or under this or any other Act.<sup>28</sup>

**1.20** Section 5 of the Act also sets out GWIC's governance framework. GWIC is governed by a Chief Commissioner and two other commissioners appointed by the Governor on the recommendation of the Minister for Better Regulation and Innovation and the Minister for

<sup>26</sup> *Greyhound Racing Act 2017*, s 3A.

<sup>27</sup> *Greyhound Racing Act 2017*, s 11.

<sup>28</sup> *Greyhound Racing Act 2017*, s 12.

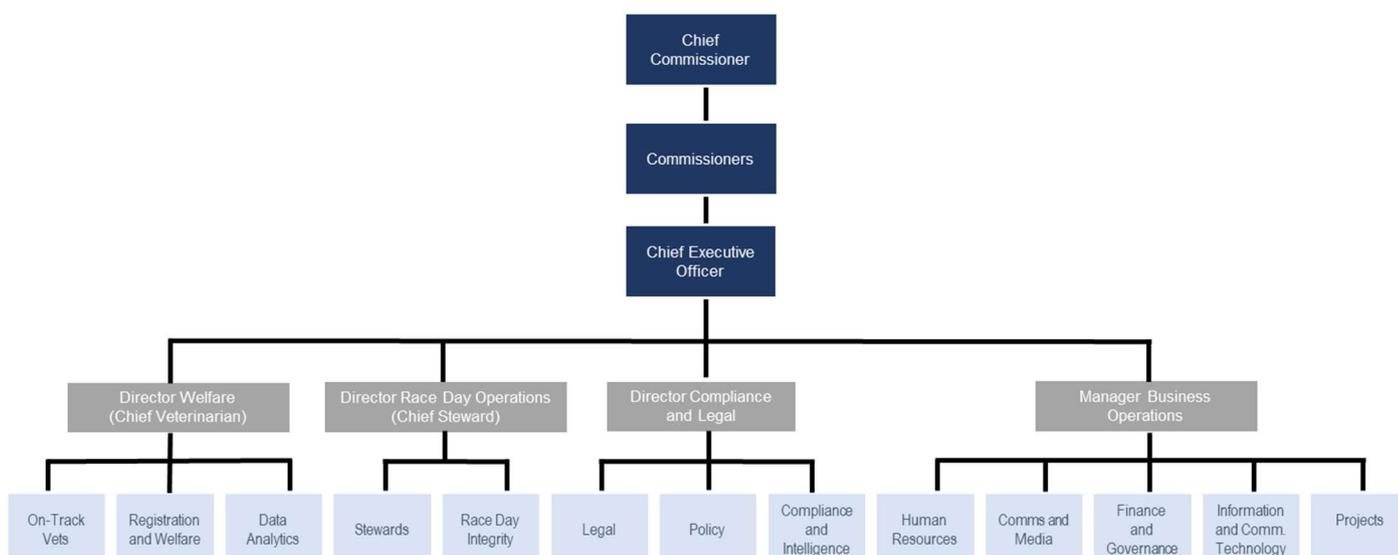
Primary Industries. At least one Commissioner must have been an Australian lawyer for a minimum of seven years.<sup>29</sup>

1.21 Other requirements include that a person cannot be appointed as a commissioner if they have been a greyhound racing industry participant, a proprietor of a greyhound track, or a director of the board or member of GRNSW at any time.<sup>30</sup>

1.22 GWIC's key staff include veterinarians, stewards and inspectors.

- **Veterinarians** are present at race meetings to provide advice to trainers and owners, to ensure all greyhounds are fit and healthy for racing. If a dog is injured during a race the vet can provide pain relief, medical assistance and advice for ongoing care.
- **Stewards** are responsible for safeguarding the integrity of racing. They ensure races are conducted fairly and in accordance with all the rules, and may initiate disciplinary action following detection of prohibited substances, participant misconduct, animal welfare matters, or other breaches of the *Code of Practice* (see paragraph 1.23)
- **Inspectors** carry out kennel inspections to ensure greyhounds are appropriately kept and cared for by their owners. They engage and educate participants to raise awareness of their obligations, and encourage compliance and investigate complaints and concerns.<sup>31</sup>

Figure 1 GWIC organisational structure<sup>32</sup>



<sup>29</sup> *Greyhound Racing Act 2017*, s 5.

<sup>30</sup> *Greyhound Racing Act 2017*, s 5.

<sup>31</sup> See, GWIC, 'Greyhound Welfare & Integrity Commission – What We Do', (21 April 2020), <https://www.youtube.com/watch?v=GU15IUycT8&t=2s>; GWIC, *Annual Report 2020/21*, p 15.

<sup>32</sup> GWIC, *Annual Report 2020/21*, p 30.

***NSW Greyhound Welfare Code of Practice and key policies***

- 1.23** Under section 35 of the *Greyhound Racing Act*, GWIC was tasked with developing and implementing a new *Code of Practice* (the Code), to set the welfare standards across the greyhound racing industry in New South Wales.<sup>33</sup>
- 1.24** The Code came into effect on 1 January 2021 following consultation with key stakeholders, including GRNSW, the Greyhound Breeders Owners & Trainers Association, the NSW Greyhound Industry Animal Welfare Committee, the RSPCA, and the Department of Primary Industries.<sup>34</sup>
- 1.25** The Code applies to all participants in the New South Wales greyhound industry and greyhounds kept by them, regardless of whether or not the greyhound is kept for the purpose of racing or as a breeding dog or pet. The Code does not apply to greyhounds kept by people who are not participants of the greyhound racing industry.<sup>35</sup>
- 1.26** The objectives of the Code are to protect the welfare and wellbeing of greyhounds kept by racing industry participants.<sup>36</sup> It sets out enforceable minimum standards, consistent with the objects of the *Prevention of Cruelty to Animals Act 1979* for the welfare of greyhounds, including standards for:
- nutrition and hydration – to ensure that every greyhound receives the food and water needed for optimal development, health, and wellbeing
  - health and wellbeing – to ensure that every greyhound enjoys optimal health and wellbeing
  - greyhound breeding – to ensure that greyhounds are bred in a safe and responsible manner, resulting in healthy greyhounds and puppies
  - housing and environment – to ensure that every greyhound is provided with housing that provides adequate space, shelter and comfort, having regard to the greyhound's age, size and behavioural needs
  - transportation – to ensure that greyhounds are transported in a safe and secure manner that provides for their wellbeing
  - exercise, socialisation and enrichment – to ensure that every greyhound is provided with adequate exercise, socialisation and enrichment to provide for its wellbeing
  - training, trialling and racing – to ensure that the welfare of greyhounds is protected in greyhound training, trialling and racing
  - rehoming greyhounds as companion animals – to optimise rehoming outcomes for greyhounds that are retired or otherwise unsuitable for racing.<sup>37</sup>

<sup>33</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, pp 1-2.

<sup>34</sup> See; Submission 31, Greyhound Welfare and Integrity Commission, p 8; Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 2.

<sup>35</sup> NSW Government, *NSW Greyhound Welfare Code of Practice*, July 2020, p 3.

<sup>36</sup> NSW Government, *NSW Greyhound Welfare Code of Practice*, July 2020, p 3.

<sup>37</sup> NSW Government, *NSW Greyhound Welfare Code of Practice*, July 2020, pp 5-17.

- 1.27** In circumstances where a participant is found to be in breach of the Code, GWIC may take disciplinary action. Section 59 of the Code details the forms of disciplinary action GWIC may take, such as imposing a fine or disqualification.<sup>38</sup>
- 1.28** The action GWIC takes against a participant in response to a breach of the Code is in accordance with GWIC's *Compliance & Enforcement Explanatory Guide*, which allows for graded responses according to the nature and seriousness of the breach.<sup>39</sup>
- 1.29** In addition to the Code, GWIC has introduced the following policies since 1 July 2018:
- *Code of Practice for Breeding, Rearing and Education* – which was rescinded when the NSW Greyhound Welfare Code of Practice came into effect
  - *Code of Practice for the Keeping of Greyhounds in Training* – which was rescinded when the NSW Greyhound Welfare Code of Practice came into effect
  - *Race Day Hydration and Hot Weather Policy* – which sets out specific requirements where racing in hot weather, and otherwise for the welfare of greyhounds while kept in race day kennels
  - *Swabbing Policy* – a key welfare and integrity strategy to prevent and detect the presence of banned substances within greyhounds, which details GWIC policy and procedures in relation to greyhound swabbing
  - *Trial Track Policy* – which details requirements that support the registration and operation of greyhound trial tracks
  - *Greyhound Rehoming Policy* – which seeks to promote rehoming of retired greyhounds and prevent unnecessary euthanasia, sets out minimum standards that participants must meet if rehoming greyhounds they do not wish to retain, and imposes restrictions on greyhound euthanasia.<sup>40</sup>
- 1.30** The *Greyhound Rehoming Policy* and associated rules about euthanasia were the subject of much evidence to this inquiry. GWIC explained that the purpose of the policy is to:
- maximise opportunities for rehoming greyhounds that are retired from, or otherwise unsuitable for racing
  - eliminate all unnecessary euthanasia of healthy greyhounds
  - ensure that, where it is necessary to euthanase a greyhound, euthanasia is conducted in a humane manner and under very specific conditions.<sup>41</sup>
- 1.31** The Coalition for the Protection of Greyhounds explained that under the policy, an owner of a greyhound no longer required for racing or breeding has the following options:
- retain the greyhound
  - privately rehome the greyhound to another person

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<sup>38</sup> NSW Government, *NSW Greyhound Welfare Code of Practice*, July 2020, p 4.

<sup>39</sup> GWIC, *Compliance and Enforcement Explanatory Guide*, February 2020, p 11.

<sup>40</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 8.

<sup>41</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 33.

- rehome the greyhound through Greyhounds As Pets (GAP), a program run by GRNSW, or through a private rehoming organisation
- place the greyhound with an animal welfare organisation, such as the RSPCA or Animal Welfare League, or a local government pound
- euthanase the greyhound.<sup>42</sup>

**1.32** According to GWIC, the policy requires that 'the owner comply with strict minimum rehoming attempts before considering euthanasia'. If having followed the procedure, the owner intends to have the greyhound euthanased, the owner must provide GWIC with 10 days' notice before euthanasia can occur, providing GWIC 'with an opportunity to check the bona fides of the proposed euthanasia'.<sup>43</sup>

**1.33** GWIC added that the *Code of Practice* includes additional controls on euthanasia by making it an offence for a participant to:

- transfer a greyhound where the participant 'knows, or ought to know or has reason to believe that the greyhound may be euthanased'
- euthanase a greyhound or cause a greyhound to be euthanased other than in prescribed emergency circumstances.<sup>44</sup>

**1.34** GRNSW highlighted that it also plays a key role in rehoming by running GAP, a program to help participants rehome retired greyhounds. GRNSW submitted that since the commencement of the *Greyhound Racing Act*, there has been an increase in rehomed greyhounds via GAP and other recognised rehoming organisations. For example, in 2021-2022, a total of 2,014 greyhounds were rehomed through GAP compared with 729 in 2018-2019.<sup>45</sup>

**1.35** GRNSW noted that its Ministerial Operating Licence includes a target date of 1 July 2023 to achieve zero unnecessary euthanasia of greyhounds. GRNSW highlighted the following mechanisms it has implemented to help achieve this goal:

- the *Race Injury Rebate Scheme* which provides assistance with medical costs for greyhound racing injuries and ensures that a seriously injured greyhound receives the veterinary care it needs
- the expansion of GAP to improve regional rehoming, considering over 70 per cent of industry participants live outside of metropolitan Sydney
- introduction of the *Homing Assistance Scheme* which provides industry participants with a rebate of up to \$950 to prepare their retired greyhounds for life as pets
- monitoring breeding numbers to ensure a sustainable greyhound racing industry

<sup>42</sup> Submission 2, Coalition for the Protection of Greyhounds, p 5; Submission 26, Anti Greyhound Racing Network, p3.

<sup>43</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 34.

<sup>44</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 34.

<sup>45</sup> Submission 41a, Greyhound Racing New South Wales, p 1.

- racetrack maintenance programs to reduce on track injuries, research into racetrack design, and development of minimum racetrack standards as required by the Operating Licence
- the purchase of a 'world-first farm stay facility' to provide rehabilitation and domestication opportunities for greyhounds as a pathway to adoption.<sup>46</sup>

**1.36** Stakeholder views on GWIC's Code and policies, including the *Greyhound Rehoming Policy* are examined in detail in chapter 3.

### **Disciplinary processes**

**1.37** The *Greyhound Racing Act* governs GWIC's power to take disciplinary action. Under s 58(1), GWIC can take disciplinary action where a person:

- has contravened a provision of this Act, the regulations, the code of practice or the greyhound racing rules, or
- is not a fit and proper person to be registered (having regard in particular to the need to protect the public interest as it relates to the greyhound racing industry).<sup>47</sup>

**1.38** According to GWIC, most disciplinary matters arise from circumstances where a greyhound is presented for racing or undertakes out of competition testing producing a biological sample which is found to contain a permanently banned substance or a substance that is prohibited during racing. Other matters include misconduct at a race meeting and matters relating to welfare including trialing a greyhound without a registration, failure to comply with a requirement of a GWIC policy, or use of unapproved lures to train greyhounds.<sup>48</sup>

**1.39** GWIC stated that 'in accordance with the requirements of s 58(3), it is 'committed to applying a procedurally fair process when conducting disciplinary action'. This includes that participants are 'afforded a reasonable opportunity to provide a response after being made aware of all of the evidence, allegation(s) and the action proposed to be taken by the Commission'.<sup>49</sup>

**1.40** The processes for disciplinary action are summarised in the diagram on the following page.

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<sup>46</sup> Submission 41, Greyhound Racing New South Wales, pp 4, and 6-8.

<sup>47</sup> *Greyhound Racing Act* 2017, s 58(1). Submission 31, Greyhound Welfare and Integrity Commission, p 13.

<sup>48</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 13.

<sup>49</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 13.

Figure 2 Disciplinary processes<sup>50</sup>



<sup>50</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 14.

1.41 GWIC explained that disciplinary action can be undertaken by its stewards or office-based staff depending on the nature of the disciplinary matter.

- Stewards can take disciplinary action for breaches of Greyhound Racing Rules that occur on or at a racetrack. In 2019-2020, stewards issued 793 Notices of Disciplinary Action (NDAs). Of these, 389 related to the performance of a greyhound in a race (marring, failure to pursue or unsatisfactory performance) and 404 related to other breaches such as presenting an underweight or overweight greyhound. NDAs issued by stewards typically result in imposition of a fine.
- Office-based staff have delegated powers to take disciplinary action as a result of the detection of a prohibited substance or following an investigation. In 2019-2020, GWIC issued 183 charges against 93 participants with 11 charges not sustained and 172 charges proven.<sup>51</sup>

1.42 GWIC also highlighted the way penalties and suspensions operate.

- **Penalties:** Penalties are determined on an 'individual case by case basis' with each matter assessed on its merits. GWIC added that penalties are informed by precedent from within New South Wales and other jurisdictions, the particular circumstances of the offence and participant, the presence and weight of aggravating and/or mitigating factors, any submissions and evidence provided by or on behalf of the participant, and jurisprudence from the NSW Racing Appeals Tribunal. GWIC stated that its approach to penalties is 'protective rather than punitive'.
- **Suspensions:** Under the *Greyhound Racing Act* and greyhound racing rules, GWIC has the power to suspend a participant's registration pending the outcome on inquiry into a disciplinary matter. An interim suspension may be imposed when an alleged breach presents a serious or imminent risk to animal welfare, racing and betting integrity, or the reputation of the greyhound racing industry; and where the risk may be mitigated by the suspension. In 2019-2020, GWIC issued 21 interim suspensions against 20 participants (one was interim suspended in two matters). In the same time period, 15 matters were resolved with 14 resulting in final disciplinary action. In 2020-2021, five matters resulted in disciplinary action and one matter was still pending as at 12 November 2020.<sup>52</sup>

1.43 For participants who are not satisfied with a GWIC decision, there are two options for appeal: the NSW Racing Appeals Tribunal or internal review by GWIC. This arrangement aligns with other race codes.

1.44 Under the *Racing Appeals Tribunal Act 1983*, the Racing Appeals Tribunal has jurisdiction to hear an appeal regarding any decision of GWIC, including the decisions of GWIC stewards. The types of decisions which may be appealed are set out under Clause 9 of the *Racing Appeals Tribunal Regulation 2015*, which includes decisions:

- to disqualify or warn off a person
- to cancel the registration of, or to refuse to register, a person
- to cancel the registration of, or to refuse to register a greyhound (including registration of a greyhound as a sire and registration of a litter of greyhounds)

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<sup>51</sup> Submission 31, Greyhound Welfare and Integrity Commission, pp 15-16.

<sup>52</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 13 and 16; Answers to questions on notice, Greyhound Welfare and Integrity Commission, 30 June 2021, p 1.

- to cancel the registration of, or to refuse to register, a greyhound trial track
- to impose a condition on the registration of any person, greyhound, or greyhound trial track
- to fine a person an amount of \$200 or more
- to disqualify a greyhound, if the disqualification is made in conjunction with the imposition of a penalty on the appellant or any other person
- to suspend any licence, right or privilege granted under the Greyhound Racing Rules
- to suspend the registration of any person, greyhound or greyhound trial track
- to place an endorsement on the registration certificate of a greyhound for marring or failing to pursue the lure, that gives rise to a suspension of the greyhound for a period of more than four weeks, or
- relating to the application or operation of a provision of the Greyhound Welfare Code of Practice deeming greyhound housing areas used before the commencement of the Code to comply with the Code.<sup>53</sup>

**1.45** With regard to outcomes, the tribunal may:

- dismiss the appeal
- confirm the decision appealed against or vary the decision by substituting any decision that could have been made by the steward or the Commission
- make such other order in relation to the disposal of the appeal as the tribunal thinks fit.<sup>54</sup>

**1.46** Appeals must be lodged within seven days of GWIC's decision, however the Tribunal may consider appeals lodged outside of this time. Participants who lodge an appeal may apply to the Tribunal for a stay of penalty pending the Tribunal's determination of the appeal.<sup>55</sup>

**1.47** Under the *Greyhound Racing Act*, certain decisions made by GWIC can be internally reviewed in addition to or as an alternative to any right of appeal to the Tribunal. Decisions eligible for internal review include decisions made by a single Commissioner or a person acting under a delegation given by GWIC under the Act, where the decision is to:

- refuse to register a person, greyhound or greyhound trial track
- impose a condition on the registration of a person, greyhound or greyhound trial track
- take disciplinary action under the Act.<sup>56</sup>

**1.48** An application for an internal review must be made in writing within 28 days of the original decision and state fully the grounds of the application. Upon request by an applicant, GWIC may direct a stay of the original decision pending the outcome of the internal review.<sup>57</sup>

**1.49** Under the Act, internal reviews are to be dealt with by a commissioner or member of staff who was not substantially involved in making the original decision. Similar to the outcomes in a Tribunal, a reviewer may confirm, vary or revoke the original decision. Under GWIC's

<sup>53</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 17.

<sup>54</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 18.

<sup>55</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 17.

<sup>56</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 18.

<sup>57</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 18.

protocols, only the commissioners and Chief Executive Officer may determine an internal review application.<sup>58</sup>

1.50 GWIC's disciplinary processes are considered in more detail in chapter 3.

### Relationship with Greyhound Racing NSW and funding arrangements

1.51 As outlined earlier, GWIC is responsible for regulatory functions in respect of greyhound racing while GRNSW is responsible for commercial functions. The division of roles between GWIC and GRNSW is summarised in the table below.

**Table 1 Functions of GWIC and GRNSW<sup>59</sup>**

GWIC	GRNSW
<b>Industry registration</b>	
<ul style="list-style-type: none"> <li>registers participants</li> <li>registers greyhounds</li> <li>registers trial tracks</li> <li>registers greyhounds</li> </ul>	<ul style="list-style-type: none"> <li>registers greyhound racing clubs</li> </ul>
<b>Industry education</b>	
<ul style="list-style-type: none"> <li>sets registration requirements for participants</li> <li>provides advice and information in relation to GWIC policies and procedures</li> </ul>	<ul style="list-style-type: none"> <li>conducts education programs for participants</li> </ul>
<b>Greyhound racing tracks</b>	
<ul style="list-style-type: none"> <li>approves minimum track standards</li> <li>develops, implements and monitors trail track requirements</li> </ul>	<ul style="list-style-type: none"> <li>sets minimum track standards</li> <li>ensures compliance with minimum track standards</li> </ul>
<b>Greyhound race meetings</b>	
<ul style="list-style-type: none"> <li>supervises greyhound race meetings by stewards and on-track veterinarians</li> <li>conducts examinations of greyhounds before and after races</li> <li>ensures integrity of racing and betting</li> </ul>	<ul style="list-style-type: none"> <li>schedules greyhound race meetings</li> <li>manages the nominations and grading of racing greyhounds</li> <li>liaises with greyhound racing clubs to ensure smooth running of meetings</li> <li>promotes greyhound racing</li> <li>determines and distributes prize money</li> </ul>

<sup>58</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 18.

<sup>59</sup> Submission 31, Greyhound Welfare and Integrity Commission, pp 19-20.

<b>Greyhound welfare</b>	
<ul style="list-style-type: none"> <li>• sets animal welfare standards</li> <li>• monitors the whereabouts and wellbeing of greyhounds registered in New South Wales throughout their lives</li> <li>• ensures compliance with animal welfare standards</li> <li>• provides secretariat for Animal Welfare Committee</li> </ul>	<ul style="list-style-type: none"> <li>• manages greyhound adoption programs including Greyhounds As Pets</li> <li>• represented on Animal Welfare Committee</li> </ul>

1.52 With regard to funding, up until 30 June 2021, section 24(1)(f) of the Act required GRNSW to directly fund the cost of GWIC.<sup>60</sup> GWIC's funding until that date is shown in the table below.

**Table 2 GWIC's source of funding until 30 June 2021<sup>61</sup>**

Source of funding	Actual for Financial Year 2018/19	Actual for Financial Year 2019/20	Budgeted for Financial Year 2020/21
GRNSW	\$9.2m	\$8.4m	\$11.2m
State government grants	\$5.2m	\$3.0m	\$1.0m
Point of consumption tax on wagering	\$2.0m	\$4.0m	\$4.0m
Total grants and contributions	\$16.4m	\$15.4m	\$16.2m
Own source revenue from registrations	\$0.3m	\$0.7m	\$0.3m
<b>Total funding</b>	<b>\$16.7m</b>	<b>\$16.1m</b>	<b>\$16.5m</b>

1.53 In June 2021 the NSW Government approved a change to the funding model for GWIC commencing 1 July 2021.<sup>62</sup> The new funding arrangement means that GWIC is funded independently of GRNSW. The new funding model comprises:

- the Point of Consumption Tax received by GRNSW
- funding support from government
- fee for service revenue received by GWIC
- the setting of future GWIC budgets as part of the government's budgetary process.<sup>63</sup>

1.54 The relationship between GRNSW and GWIC, and funding arrangements between the two organisations, will be examined in detail in chapter 2.

<sup>60</sup> Submission 41, Greyhound Racing New South Wales, p 8.

<sup>61</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 22.

<sup>62</sup> Media release, Hon Kevin Anderson, Minister for Better Regulation and Innovation, 'NSW Government invests in greyhound racing future', 20 June 2021.

<sup>63</sup> Greyhound Welfare and Integrity Commission, Annual Report 2020/21, p 21.

## Significant changes since the inquiry's commencement

**1.55** It is important to note that there have been a number of significant developments with regard to GWIC since the inquiry was established in September 2020, addressing a number of the terms of reference and shifting the committee's focus throughout the inquiry. These developments have largely addressed the concerns raised by stakeholders throughout the inquiry. These include:

- significant governance and leadership change
- organisational restructure
- decentralisation of disciplinary processes
- announcement of a new funding model, with GWIC now fully funded directly by the NSW Government rather than via GRNSW
- an evolving relationship with GRNSW.

**1.56** These developments are reflected in the following chapters.

## Chapter 2 Role and culture

A key issue in this inquiry was the conflict between racing industry participants and the Greyhound Welfare and Integrity Commission (GWIC). This chapter first outlines the views of racing industry participants and animal welfare groups on GWIC's role. It explores these through the lens of GWIC's external relationships and internal culture. It examines the nature of GWIC's external engagement with industry participants and representative groups, and Greyhound Racing NSW (GRNSW). It then considers organisational issues within GWIC including staffing inadequacies and skills deficits, along with concerns about expenditure and efficiency.

### The role of GWIC

- 2.1** As noted in chapter 1, GWIC was established with three broad objectives: to promote and protect the welfare of greyhounds, to safeguard the integrity of greyhound racing and betting, and to maintain public confidence in the greyhound racing industry. The evidence gathered by the committee indicated that while animal welfare groups are broadly satisfied with the role of GWIC, a group of racing industry participants is dissatisfied with how GWIC has executed its role. Linked to this there is an underlying tension between the interests of racing industry participants and the growth of the sport versus animal welfare considerations. This section provides a brief summary of stakeholder views on GWIC's role, which is a recurring theme throughout the rest of the report.
- 2.2** Reflecting on their interactions with GWIC, many racing participants who gave evidence to the inquiry argued that GWIC has taken a heavy-handed approach to regulation, including by bullying and intimidating racing participants, and has failed to understand racing greyhounds. According to these participants, GWIC has prioritised animal welfare to the detriment of the viability and growth of the sport.<sup>64</sup>
- 2.3** The committee heard from many racing industry participants who shared their frustrations with GWIC and the impact that GWIC's regulations has had on their lives. Ultimately, the evidence of these stakeholders demonstrated a significant level of distrust in the industry towards GWIC however, key stakeholders like GRNSW and GBOTA have noted significant improvements from the Commission during the lengthy period of the inquiry. Some critical stakeholder views are detailed below:
- 'GWIC has failed in its endeavours and one reason for this is that the appointees have failed to recognise the difference between canines and canine athletes. There is a very big difference. Every policy and rule that has been made by GWIC and its committees have failed to realise this about the difference between these animals'.<sup>65</sup>

<sup>64</sup> See for example, Evidence, Mr David Irwin, Private citizen and greyhound trainer, 27 May 2021, p 2; Evidence, Mr Tony Atkins, Greyhound breeder, owner and trainer, 27 May 2021, p 12; Public forum, Mr Robert Whitelaw, 27 May 2021, p 25; Public forum, Mr Colin Bradley, 2 June 2021, p 25; Evidence, Mr Jason Bolwell, Greyhound owner, breeder and trainer, 3 June 2021, p 9; Evidence, Mr Peter Davis, Freelance journalist, 3 June 2021, p 33; Public forum, Mr Bob Whitelaw, 30 June 2022, p 9.

<sup>65</sup> Evidence, Mr Irwin, 27 May 2021, p 2.

- 'All the participants want is a fair go, an even playing field and some good reliable understanding and governance. That is all we ask for—not to be bullied and intimidated by stewards and incompetent vets that you go to track with who have got no idea in the world what is going on with a greyhound'.<sup>66</sup>
- 'Sadly, when the ban was put in place it ruined my life because I was a greyhound educator, greyhound rearer and had a greyhound property and a greyhound business ... I now am at the end of my tether for the simple reason of overregulation. I took up the challenge to bring my business back up but, unfortunately, because of the regulations put in place by GWIC, my business actually fell over and my wife walked away after so many years of marriage. So it has been devastating for me and for a lot of members of my family'.<sup>67</sup>
- 'The whole system is wrong. They make all these rules and regulations. What I would like to know is: What qualifications have they got to make some of the decisions that they make? I can tell you—absolutely none. They have got no idea about greyhound racing. They have got no idea about the people, the lives they destroy...'.<sup>68</sup>
- 'A lot of these rules and regulations seem to be designed to limit participation and cause anxiety and stress to both the greyhound and the participant while slowly destroying the industry. No other racing industry in New South Wales has ever had to endure anything like this due to the behaviour of a minority within the industry. GWIC consistently talk about welfare of the animal yet keep introducing rules and regulations to try and alter the animal's DNA to appease screaming anti-groups that totally ignore the animal's genetics as they do not fit their agenda'.<sup>69</sup>
- 'The rules are the rules, and I understand that they have got to enforce them, but the rules are wrong. GRNSW and GWIC need to apply some common sense to everything they do. There is not a lot of common sense in some of the rules we are bound to abide by'.<sup>70</sup>
- 'When you look at the structure of GWIC and you look at the commissioner, you also look at the staff, they knew virtually nothing about the industry. They were coming in and flying blind. On many occasions, I was approached by GWIC as one of the leaders in the industry reform group as to what was the best practices. No doubt, with some of the incidents that have happened over the period of time that GWIC's operated, they have been completely out of their depth. Now, some of the people have come on board as people that are supposed to form of racing where their integrity has been compromised. It makes you wonder if GWIC is working properly in its capacity to regulate greyhound racing'.<sup>71</sup>

**2.4** GWIC's Acting Chief Commissioner Mr Chris Wheeler disagreed with the characterisation that the industry was 'worse off' as a result of GWIC's establishment. He described the difference between the greyhound racing industry of today with the industry in 2013 and 2014 as 'stark', stating that with the establishment of GWIC, there has been:

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<sup>66</sup> Evidence, Mr Atkins, 27 May 2021, p 12.

<sup>67</sup> Public forum, Mr Robert Whitelaw, 27 May 2021, p 25.

<sup>68</sup> Public forum, Mr Colin Bradley, 2 June 2021, p 25.

<sup>69</sup> Evidence, Mr Bolwell, 3 June 2021, p 9.

<sup>70</sup> Evidence, Mr Peter Davis, 3 June 2021, p 33.

<sup>71</sup> Public forum, Mr Bob Whitelaw, 30 June 2022, p 9.

- an improvement in the industry's finances
- more prize money on offer
- higher welfare standards
- more participants in the industry, including an increase in the participation of younger people
- more accountability with oversight by the Independent Commission Against Corruption, the NSW Ombudsman, the Auditor-General, the Public Interest Disclosure Act, the Government Information (Public Access) Act, the State Records Act and the annual reports legislation.<sup>72</sup>

2.5 Mr Wheeler therefore contended that 'community and punter confidence is at an all-time high' and that 'the claim made by some that the industry is worse off as a result of the commission is not supported by evidence'.<sup>73</sup>

2.6 GWIC also disputed suggestions by industry participants that it was trying to close down the industry. Acting Chief Commissioner, Mr Chris Wheeler stated: 'Any suggestions that the commission's mission is to close the industry by stealth is ridiculous'. Mr Wheeler pointed to a number of initiatives to illustrate that this has not been GWIC's intention. These included GWIC's efforts to maintain and support the industry during the pandemic, the introduction of a new classification of registration to allow younger people to participate and the introduction of a new policy that reduces red tape regarding syndication.<sup>74</sup>

2.7 In contrast to some racing industry participants, stakeholders representing animal welfare interests were broadly supportive of GWIC as a regulatory body. Indeed, while some animal welfare organisations expressed the view that welfare standards had improved, many were of the view that GWIC's powers should be further strengthened. Many of these stakeholders noted that they advocated for the end of greyhound racing altogether but conceded that this was not a consideration in this inquiry. Some of the views expressed by animal welfare stakeholders are highlighted below:

- 'Greyhounds are not expendable commodities, and we cannot regress with animal welfare in line with clear public expectations. The transfer of animal welfare and integrity from Greyhound Racing New South Wales to an independent regulator, GWIC, is critical after the damning public exposure of the industry. We must support and strengthen GWIC, not weaken or attack it. Based on the global demise of greyhound racing, we will eventually celebrate the end of this industry in New South Wales. However, while it remains legal, I support the purpose of GWIC as an independent regulator'.<sup>75</sup>
- 'I'm here to advocate for welfare and to tell you that, from firsthand on-the-ground experience, since the formation of GWIC the standard of welfare has indeed improved. Things such as registered pairings, requirements to attempt rehoming, codes that include requirements for vaccination and reasonable housing, socialisation and food standards

<sup>72</sup> Evidence, Mr Chris Wheeler PSM, Acting Chief Commissioner, Greyhound Welfare and Integrity Commission, 30 June 2022, p 25.

<sup>73</sup> Evidence, Mr Wheeler PSM, 30 June 2022, p 25.

<sup>74</sup> Evidence, Mr Wheeler PSM, 30 June 2022, p 25.

<sup>75</sup> Public forum, Ms Susie Hearder, 30 June 2022, p 8.

and requirements for veterinary care, as well as the very recent announcement of lifetime tracking, are all great ideas. Unfortunately, welfare has not improved across the board anywhere near enough to be considered high. ... Welfare is a continuum. Like any industry, greyhound racing should be measured not by the heights reached but by the depths of its lows'.<sup>76</sup>

- 'Until greyhound racing is phased out, the Greyhound Welfare and Integrity Commission tasked with protecting the welfare of greyhounds needs to continue its improvements in welfare and strengthen its regulatory function and, by doing so, maintain integrity in the industry. The separation of commercial and regulatory and welfare functions was an obvious necessity. ... GWIC needs to have independent control of all welfare-related matters and focus on protecting the welfare of greyhounds and not the protection of the greyhound racing industry. The commission is derelict in its duty if not allowed the independence and funding necessary to meet the purpose of its existence'.<sup>77</sup>
- 'The NSW Government must honour its public undertakings to reform the industry by retaining GWIC as the independent regulator and the body which must be allowed to do its job. Any weakening of GWIC or its core objectives surrounding animal welfare and integrity would be a betrayal of the NSW Government's commitment to the New South Wales public'.<sup>78</sup>
- 'The AVA [Australian Veterinary Association] is satisfied with GWIC's functions and we supported the separation. ... We support the vision of GWIC for a high standard of welfare and integrity'.<sup>79</sup>

**2.8** As noted earlier, views on the role of GWIC was a recurring theme throughout this inquiry. The committee notes that GWIC will inevitably continue to be pressured by industry participants seeking a greater focus on the industry, while animal welfare stakeholders will advocate for a greater focus on welfare. The following sections consider this in light of GWIC's external engagements and internal culture.

## External engagement

**2.9** As the regulatory body for the greyhound racing industry, GWIC engages with industry participants and representative groups, as well as GRNSW. For many stakeholders who presented to the inquiry, GWIC's relationship with industry participants was marked by distrust and uncertainty. Similarly, stakeholders described a tense or strained relationship between GWIC and GRNSW. While some inquiry participants told the committee these relationships have improved over time, others did not.<sup>80</sup>

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<sup>76</sup> Public forum, Ms Natalie Panzarino, 30 June 2022, p 9.

<sup>77</sup> Evidence, Ms Lisa White, President and Founder, Friends of the Hound, 30 June 2022, p 2.

<sup>78</sup> Public forum, Ms Ellie Robertson, 3 June 2021, p 48.

<sup>79</sup> Evidence, Dr Ray Ferguson, Scientific Officer, Australian Greyhound Working and Sporting Dog Veterinarians, Australian Veterinary Association, 6 December 2021, p 17.

<sup>80</sup> Evidence, Mr Gregory Purcell, Racing, wagering and sports integrity consultant, 6 December 2021, p 2; Evidence, Mr Stephen Noyce, General Manager, NSW Greyhound Breeders, Owners and Trainers Association, 6 December, p 14; Evidence, Mr Robert Macaulay, Chief Executive Officer, Greyhound Racing NSW, 16 September 2022, p 3; Submission 53, NSW Greyhound Breeders,

**2.10** This section considers these external relationships and how they may have evolved. The nature of these relationships reveals GWIC's attitude and approach to external stakeholders and sheds light on how it has interpreted its purpose as a regulatory body.

### **Relationship with industry participants and representative groups**

**2.11** Many participants from the racing industry who took part in the inquiry were dissatisfied with GWIC's interactions with industry participants and representative groups. Concerns raised by stakeholders included:

- inadequate consultation conducted by GWIC with the industry
- lack of respect demonstrated by GWIC staff towards participants
- inaccessibility of GWIC's processes and communications.

### ***Inadequate consultation***

**2.12** On consultation, inquiry participants largely spoke to GWIC's approach in consulting with the industry on the development of policies and procedures, and in particular the *Greyhound Welfare Code of Practice*.

**2.13** In the development of the code, GWIC submitted that it consulted closely with the Greyhound Industry Animal Welfare Committee, established by the *Greyhound Racing Act*, comprising a person with expertise in animal welfare or behaviour, a chief veterinary officer or nominated delegate from the NSW public service, and representatives of RSPCA NSW, GRNSW and the broader greyhound racing industry.<sup>81</sup> GWIC added that it also consulted with GRNSW in the 'early stages' of the Code's development.<sup>82</sup>

**2.14** GWIC noted that it released a draft *Code of Practice* for public consultation in early 2020 and that the 'final draft was fully supported by GRNSW and the Greyhound Breeders Owners and Trainers' Association (GBOTA)'.<sup>83</sup>

**2.15** However, inquiry participants held mixed views on the nature of GWIC's consultation with the industry in the development of the *Code of Practice* and other policies. Stakeholders largely agreed that GWIC's initial consultation processes were inadequate. Some believed that this changed over time while others did not.

**2.16** GBOTA was a key voice suggesting that GWIC's approach improved over time. Reflecting on the transition period following GWIC's establishment, GBOTA argued that GWIC's approach to the development and implementation of new policies, procedures and processes was 'quite autonomous, excluding key industry stakeholders from valuable consultation and lacking in real engagement and communication with participants'. GBOTA made the following assertions based on this approach:

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Owners and Trainers Association Wentworth Park, p 11; Submission 34, Greyhound Clubs NSW, pp 5-6.

<sup>81</sup> Submission 31, Greyhound Welfare and Integrity Commission, pp 8-9 and 27.

<sup>82</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 8.

<sup>83</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 8-9.

- 'industry participants strongly felt that the lack of consultation and unwillingness [by GWIC] to thoroughly research matters resulted in the development of policies and procedures which were impractical or unnecessary for the industry'
- GWIC took a 'very narrow interpretation and inflexible approach to policy implementation, with a major lean towards enforcement rather than education'
- GWIC's 'minimal engagement and communication of new policies ... meant that there was often a lack of understanding from participants as to their obligations, resulting in many examples of misunderstanding, miscommunication and mistrust between participants and Commission officers'.<sup>84</sup>

**2.17** Despite these concerns, GBOTA observed that, in the 12 to 18 months prior to its submission to this inquiry, there had been a shift in GWIC's attitude such that it was 'working alongside the industry towards the goal of the best welfare standards in Australia with a move from a reactive to a proactive approach'. GBOTA contended that GWIC had established 'strong consultative frameworks for policy development' which were 'more visible and active'.

**2.18** GBOTA referred to the development of the *Code of Practice* as an example, highlighting that GWIC established strong consultative frameworks with GBOTA, GRNSW, key industry bodies and provided opportunities for industry participants to provide feedback. The association believed that the 'thorough industry consultation resulted in an end document that was significantly different to the beginning'.<sup>85</sup>

**2.19** GBOTA commented that 'it is clear that the Commission has realised the value of engagement and collaboration' prior to the development or review of policies. For example, GBOTA highlighted that GWIC had undertaken work to review the *Race Day Hydration and Hot Weather Policy*, which it described as a 'controversial policy'.<sup>86</sup>

**2.20** In contrast, the Australian Workers' Union (AWU) was dissatisfied with consultation processes beyond GWIC's initial transition phase, including on the *Race Day Hydration and Hot Weather Policy* and the *Code of Practice*.

**2.21** The union advised that in September 2018, it raised a number of welfare and integrity concerns to the former Chief Commissioner and Chief Executive Officer regarding the newly implemented *Race Day Hydration and Hot Weather Policy*. In response to their concerns, the former Chief Executive Officer indicated to the union that the policy was under review by GWIC's policy team who were consulting with members from the Greyhound Industry Knowledge Network. The membership of this network raised concerns for the union who contended the group 'included predominantly inexperienced individuals and groups unproportionally focused on animal welfare without any practical application'.<sup>87</sup>

**2.22** Between April 2018 and November 2019, the union requested consultative meetings to discuss general operational issues, consultation on the *Code of Practice* and policy developments.

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<sup>84</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 5.

<sup>85</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, pp 5-6.

<sup>86</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 6.

<sup>87</sup> Submission 69, The Australian Workers Union NSW Branch, p 4.

According to the union, these requests were 'met with resistance' from the former Chief Commissioner and former Chief Executive Officer. When the union did meet with senior officers in November 2019, it highlighted that the Chief Executive Officer, Chief Veterinarian and the Chief Commissioner did not attend.<sup>88</sup> The union also expressed concern that their submission in 2020 on the *Code of Practice*, as well as the submissions of other industry participants, had no impact on GWIC's draft of the code.

- 2.23** Finally, the naming and membership of the Greyhound Industry Animal Welfare Committee 'raised immediate concerns' for the AWU. According to the union, the Animal Welfare Committee 'lacked crucial experience and practical insight into the day-to-day operations of the greyhound racing industry', particularly of trainers, owners or breeders who 'make up the majority of stakeholders within the industry'.<sup>89</sup>

***Lack of respect when interacting with participants***

- 2.24** Several racing industry participants raised concerns with the nature of GWIC's interactions with participants, particularly by inspectors. Several stakeholders spoke to examples of:

- entry into properties in the absence of and without the permission of owners
- inappropriate timing of inspections and inflexibility with regard to the coordination of inspections
- inspecting items or parts of a property that are not relevant to greyhounds
- poor attitudes and ineffective communication when interacting with owners, including allegations of disrespectful behaviour, intimidation and bullying
- inspectors placing their hand over their body cameras to obstruct footage of the inspection.<sup>90</sup>

- 2.25** Several industry participants shared with the committee their experiences of inspections with many feeling dismissed, disrespected, intimidated or bullied. For example, one industry participant said:

They put you on the back foot straight away. You are treated as a criminal as soon as they walk onto your place. There is none of this "Hi, how are you?" like normal people do or, "How are you going today, mate? We are here to do a job." Every greyhound person knows that we have got to get inspections done. We are quite happy to have inspections done. But to be turning up dressed like riot police and speaking to us as though we are the scum of the earth is just not happening.<sup>91</sup>

- 2.26** The alleged heavy-handed approach towards industry participants is discussed more broadly in more detail in chapter 3.

<sup>88</sup> Submission 69, The Australian Workers Union NSW Branch, p 4.

<sup>89</sup> Submission 69, The Australian Workers Union NSW Branch, p 4.

<sup>90</sup> See, Submission 69, The Australian Workers' Union, p 7; Submission 34, Greyhound Clubs NSW, p 2.

<sup>91</sup> Evidence, Mr Neil Staines, Greyhound owner, breeder and trainer, 2 June 2021, p 3.

**2.27** In May 2021, the former GWIC Chief Commissioner disputed some of the criticisms raised about the way in which inspectors interact with participants, stating that they 'are not always supported by the evidence' from body-worn cameras:

With the body-worn cameras, they capture the discussions that took place and the way in which our people conducted themselves. Those films are available to anyone who would like to ask for them. In order to substantiate a claim, let us have a look at the vision first, and if it is substantiated by what that shows then we are happy to take it on the chin and do something about it. I could be corrected here, but I do not recall anyone who has followed up on that once they have been made available to them or asked for it. I think we are doing that pretty well.<sup>92</sup>

**2.28** In June 2022, Mr Wheeler gave evidence that, in response to feedback on the kennel inspection program, GWIC had developed and published new kennel inspection protocols, which 'set out the circumstances when the commission will conduct an unannounced or an announced inspection and when it will utilise body-worn camera technology'.<sup>93</sup>

**2.29** In response to questioning as to whether GWIC had legal advice to confirm the legality of inspections without a warrant, GWIC responded that it had 'sought legal advice in relation to all aspects of its powers prior to commencement of its operations on 1 July 2018'. GWIC outlined the following legislation and protocols which govern GWIC's powers to enter kennel premises, including when inspectors can enter in the absence of the owner's consent.

- Sections 73 and 74 of the *Greyhound Racing Act 2017* respectively provide that an inspector may enter kennel premises at any reasonable time, and may not enter residential premises except with the consent of the occupier or with a search warrant.
- GWIC's *Kennel Inspection Protocols* state that routine kennel inspections and inspections of new kennels are to be scheduled in consultation with the participant residing at the premises. An inspection conducted as part of an investigation may be initiated without notice. If, when conducting an inspection without notice, the participant is not present at the premises, GWIC will contact the participant and arrange their attendance or the attendance of a nominated representative.
- GWIC inspectors enter residential premises only with the consent of the owner, a search warrant, or in accordance with section 24E of the *Prevention of Cruelty to Animals Act 1979*, which provides for an inspector to enter land where the inspector believes on reasonable grounds that (a) an animal has suffered significant physical injury, is in imminent danger of suffering significant physical injury or has a life threatening condition that requires immediate veterinary treatment, and (b) it is necessary to exercise the power to prevent further physical injury or to prevent significant physical injury to the animal or to ensure that it is provided with veterinary treatment.<sup>94</sup>

### ***Inaccessibility of GWIC's processes and communication***

**2.30** In addition to inadequate consultation, many stakeholders reported that GWIC's processes were inaccessible, particularly to older participants who had been in the industry for a long time.

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<sup>92</sup> Evidence, Mr Alan Brown, Chief Commissioner, Greyhound Welfare and Integrity Commission, 28 May 2021, p 5.

<sup>93</sup> Evidence, Mr Wheeler, 30 June 2022, p 24.

<sup>94</sup> Answers to questions on notice, Greyhound Welfare and Integrity Commission, 27 July 2022, p 2.

Former GWIC Chief Commissioner Mr Alan Brown spoke to GWIC's processes, highlighting that GWIC had:

- redesigned business processes 'making it far simpler and easier for industry participants to apply for registration or notify us about their greyhounds'
- invested in technology to make transactions available online where possible, 'making it much easier for industry participants and the commission alike'
- 'substantially increased industry transparency with frequent releases of industry data to a far greater extent than any other jurisdiction in the country'.<sup>95</sup>

**2.31** However, Mr Brown's evidence was at odds with the views of many of the participants from the greyhound racing industry who took part in the inquiry. As one greyhound breeder, owner and trainer stated:

We cannot tar all of them with one brush but I think the whole problem is from the upper level—the people who are elitists who cannot engage with the ordinary, blue-collar workers, the blue-collar people of this game, people who have problems filling a form out, people who cannot read and write, some people who have not got a computer, people who cannot nominate their dogs on a computer because they cannot operate it and they have to ring up still ... There is no compassion or respect for any of those people whatsoever.<sup>96</sup>

**2.32** Many inquiry participants involved in the greyhound racing industry shared similar views, arguing that GWIC's online processes are inaccessible and that the GWIC website is not user friendly, making it difficult for older participants and those who do not have a reliable internet connection.<sup>97</sup> In the AWU's view, the expectation that participants 'complete everything online is very narrow minded on how the industry works', adding that GWIC had not considered a transition plan to accommodate all participants.<sup>98</sup>

**2.33** Industry participants also shared their frustrations with the time required to complete lengthy paperwork and the difficulties with getting in contact with GWIC or receiving promised follow up correspondence.<sup>99</sup>

**2.34** Greyhound racing clubs argued that there is a need for support for participants by providing 'significant documents in audible format to enhance understanding of regulation' and service agreement documents to 'aid mutual respect and understanding of all parties' obligations.<sup>100</sup>

**2.35** In response to questioning about whether GWIC considered much of the criticism levelled towards the organisation to be valid, Mr Brown referred to the results of surveys which demonstrated favourable views towards the agency. These included:

<sup>95</sup> Evidence, Mr Brown, 28 May 2022, p 3.

<sup>96</sup> Evidence, Mr Atkins, 27 May 2022, p 13.

<sup>97</sup> See for example, Evidence, Mr Alex Verhagen, Greyhound breeder, owner and trainer, 27 May 2022, p 22.

<sup>98</sup> Submission 69, The Australian Workers' Union, p 12.

<sup>99</sup> See for example, Evidence, Mr Verhagen, 27 May 2022, pp 21-22.

<sup>100</sup> Submission 34, Greyhound Clubs NSW, p 3. See also, Submission 32, Grafton Greyhound Racing Club, p 2; Submission 56, Shoalhaven Racing Club, p 2.

- an 88 per cent satisfaction rate among industry participants when dealing with GWIC
- a 90 per cent satisfaction rate among club managers when dealing with GWIC
- an 80 per cent satisfaction rate among club managers when dealing with GWIC's vets and stewards.<sup>101</sup>

**2.36** Mr Brown acknowledged that there were difficulties when GWIC first began operations. However, he also commented that there had been a 'huge improvement' in the perception of GWIC by industry participants since its establishment and that the consultation that GWIC conducts now means that it generally has the support of industry participants when developing or implementing policies.<sup>102</sup>

### **Relationship with GRNSW and funding arrangements**

**2.37** Another significant relationship for GWIC is that with GRNSW, the commercial body for the greyhound racing industry in New South Wales. As discussed in chapter 1, the establishment of GWIC separated the commercial and regulatory functions of the greyhound racing industry, which were both previously the responsibility of GRNSW.

**2.38** Describing GRNSW as a 'key stakeholder', GWIC submitted that it 'liaises with GRNSW at strategic and operational levels'. GWIC highlighted the ways that it does so, as outlined below.

- GWIC's Chief Commissioner and Chief Executive Officer conduct 'frequent formal and informal dialogue' with their counterparts at GRNSW to 'discuss issues of mutual concern'.
- Senior GWIC staff 'work closely' with GRNSW staff regarding, among other things, the conduct of race meetings, track quality, weather conditions and race injuries.
- A memorandum of understanding between the two organisations enables the 'effective sharing of information necessary for both organisations to exercise their respective functions'.
- GRNSW is represented on GWIC's Race Injury Review Panel and the Greyhound Industry Animal Welfare Committee, for which GWIC provides secretariat services.<sup>103</sup>

**2.39** The committee heard an evolving story on the nature of the relationship between GRNSW and GWIC. At the beginning of the inquiry, the committee initially received evidence of a strained and tense relationship, which improved by the committee's final hearing in September 2022. This section considers how and why this relationship changed over time.

**2.40** Early in the inquiry, stakeholders from within the greyhound racing industry were particularly critical of the relationship between GWIC and GRNSW. The AWU described the relationship as 'highly strained', arguing that 'this is having an impact on the industry as a whole'.<sup>104</sup>

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<sup>101</sup> Evidence, Mr Brown, 28 May 2021, pp 3-4.

<sup>102</sup> Evidence, Mr Brown, 28 May 2021, p 4.

<sup>103</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 20.

<sup>104</sup> Submission 69, The Australian Workers Union, p 9.

2.41 Inquiry participants identified two key factors contributing to the difficulties in the relationship between GRNSW and GWIC:

- the level of cooperation between the two bodies, particularly during GWIC's establishment
- GWIC's funding arrangement prior to July 2021
- broader funding inequities in the greyhound racing industry.

***Cooperation between GWIC and GRNSW***

2.42 On the level of cooperation between GWIC and GRNSW, GBOTA contended that during the implementation phase, GWIC did not 'adequately engage with GRNSW and participants in valuable consultation when developing its policies, processes and procedures'.<sup>105</sup> The association submitted in December 2020 that there had been 'an overall lack of cooperation and respect' between the two organisations. However, GBOTA added that while GWIC and GRNSW were 'disjointed and not united', there had been slight improvements 'in recent months'.<sup>106</sup>

2.43 Reflecting on the effect of GWIC's establishment on the industry, GWIC stated to the committee that 'it is not unexpected that people associated with GRNSW would be aggrieved by the creation of the Commission'. While GWIC anticipated a degree of resistance, it argued that this was quite significant:

In the face of this forced change and diminution of power, responsibility and span of control as a result of the creation of the Commission, a lack of wholehearted cooperation, a level of resistance and perhaps obfuscation could have been reasonably expected. However, almost from the outset the Commission has experienced a significant lack of cooperation and resistance.<sup>107</sup>

2.44 Mr Robert Macaulay, Chief Executive Officer of GRNSW contended that 'a significant degree of the tension ... came from teething problems' in a much earlier phase of GWIC's operation.<sup>108</sup>

***GWIC's funding arrangements***

2.45 An even greater issue contributing to the tensions between GWIC and GRNSW, according to inquiry participants, was GWIC's funding arrangement prior to July 2021, which relied on GRNSW largely funding GWIC under s 24(1)(f) of the *Greyhound Racing Act 2017*. Stakeholders from both the racing industry and animal welfare organisations overwhelmingly considered that there is a conflict of interest with GWIC, the regulatory body for the greyhound racing industry, being funded by GRNSW, the commercial body for the same industry.<sup>109</sup>

<sup>105</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 11.

<sup>106</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 11.

<sup>107</sup> Submission 31a, Greyhound Welfare and Integrity Commission, p 1.

<sup>108</sup> Evidence, Mr Robert Macaulay, Chief Executive Officer, Greyhound Racing NSW, 16 September 2022, p 3.

<sup>109</sup> See, Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 11; Submission 34, Greyhound Clubs NSW, 5-6.

- 2.46** Summarising the issue, GBOTA stated: 'While industry growth, integrity and animal welfare are ultimately mutually supportive of each other, the financial dependence of the Commission on GRNSW causes tension and mistrust'. GBOTA considered the issue from the perspective of each organisation. From GRNSW's perspective, GBOTA believed the funding arrangement would have incentivised GRNSW to 'heavily scrutinise and oversee the Commission's expenditure'. From GWIC's point of view, GBOTA considered that it would not want to be 'constrained by the commercial arm of the industry', creating a conflict which 'risks a lack of accountability for outcomes'.<sup>110</sup>
- 2.47** GWIC acknowledged to the committee the significance of this funding arrangement for relations between the two bodies, stating that its funding model prior to July 2021 'largely militated against the development of a cohesive working relationship'.<sup>111</sup>
- 2.48** GRNSW highlighted that the requirement that it fund GWIC was contrary to a recommendation of the Iemma Report that GWIC's budget 'should be based on the efficient cost of performing its functions and it should seek annual funding from the consolidated fund via normal state budgetary processes'. GRNSW added that the funding arrangement was also unique amongst government agencies in New South Wales, which meant that GWIC had 'little Treasury oversight' over its expenditure with the 'cost burden ... efficient or otherwise ... simply imposed upon the commercial operator GRNSW, and thus on all greyhound participants'.<sup>112</sup>
- 2.49** Stakeholders therefore advocated for GWIC to be independently funded by the government, without reliance on GRNSW.<sup>113</sup> GRNSW suggested that full funding be provided from the consolidated fund via the state budgetary process or through the Point of Consumption Tax by a special appropriation under s130 of the *Betting Tax Act 2001*, while preserving the current distribution to GRNSW. GBOTA expressed its support for GRNSW's second suggestion.<sup>114</sup>
- 2.50** Stakeholders representing animal welfare interests shared the view that GWIC should be independently funded by the government. These stakeholders considered that the separation of the commercial and regulatory functions of the industry was important to reduce what they consider to be a conflict of interest that emerges between racing animals for financial gain and protecting the welfare of those animals. Indeed, they argued that GWIC was constrained by its financial dependence on the industry it is responsible for regulating.<sup>115</sup>
- 2.51** Some of these stakeholders also expressed concern with the legislative requirement that GWIC consult with GRNSW, particularly in the context where GWIC's key funding was partly dependent on GRNSW. Animals Australia pointed to a recommendation from the Greyhound Industry Reform Panel that GWIC should conduct thorough public consultation with

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<sup>110</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, p 12.

<sup>111</sup> Submission 31a, Greyhound Welfare and Integrity Commission, p 1.

<sup>112</sup> Submission 41, Greyhound Racing New South Wales, p 8.

<sup>113</sup> It is important to note that evidence advocating for GWIC to be independently funded was received prior to the NSW Government's restructure of GWIC's funding arrangements.

<sup>114</sup> Submission 41, Greyhound Racing New South Wales, p 17; Submission 53, NSW Greyhound Breeders, Owners and Trainers Association Wentworth Park, pp 17-18.

<sup>115</sup> See for example, Submission 40, PETA Australia, pp 2-3; Submission 49 Animal Justice Party, pp 7-8; Submission 45, New England Greens Armidale Tamworth, p 2.

stakeholders which 'would ... help provide a level of assurance that the Commission is not being held captive to the views of the commercial entity.'<sup>116</sup>

- 2.52** Animals Australia reflected on the consultation process for GWIC's *Code of Practice*, arguing that 'the retention of a 3.5 metre squared minimum kennel size for greyhounds and enabling a delayed compliance with that outdated standard for 10 years indicates that industry views still prevail'.<sup>117</sup> Animals Australia therefore 'strongly' submitted that GWIC is ' beholden to the views' of GRNSW, a situation 'exacerbated by the current funding arrangement'.<sup>118</sup>
- 2.53** As noted in chapter 1 and above, the NSW Government changed the funding arrangements for GWIC from July 2021, such that GRNSW is no longer responsible for providing funding to GWIC. At the committee's final hearing on 16 September 2022, Mr Macaulay stated: '... today much of the organisational tension has dissipated courtesy of the NSW Government's subsequent restructuring of the funding mechanism for GWIC'.<sup>119</sup>
- 2.54** Mr Macaulay added that during the course of the inquiry, 'a new leadership at GWIC has been more collaborative and constructive' and that there 'now exists a greater level of maturity in the relationship'. Nonetheless, he suggested that there are still improvements that can be made, stating: 'I have given my commitment to GWIC's CEO ... that I want this relationship further improved in the best interests of all of our participants and all of our greyhounds'.<sup>120</sup>

#### *Funding inequities between racing codes*

- 2.55** It is important to note that stakeholders from the industry also spoke to broader inequities in funding between the three racing codes – greyhound, thoroughbred and harness racing – which in their view contributed to the funding tension between GRNSW and GWIC.
- 2.56** GRNSW and GBOTA explained that while approximately 22 per cent of racing revenue in New South Wales comes from wagering on greyhounds, this percentage is not used as the basis for three key income sources for the greyhound industry, as outlined below:
- Tabcorp distributions, which are based on a 13 per cent share, create an \$18.7 million funding disadvantage
  - point of consumption tax which is based on 13 per cent, create a \$3.8 million disadvantage
  - tax harmonisation (or tax parity) of 10 per cent, create a \$7.1 million disadvantage.<sup>121</sup>
- 2.57** In dollar terms, GBOTA and GRNSW highlighted that if these income sources were based on the accurate percentage of 22 per cent in the period 2019-2020, the greyhound industry would have received an additional \$29.6 million in annual funding and approximately \$200 million over the last 20 years.<sup>122</sup>

<sup>116</sup> Cited in Submission 41, Animals Australia, p 4.

<sup>117</sup> Submission 41, Animals Australia, p 4.

<sup>118</sup> Submission 55, Animals Australia, pp 4-5.

<sup>119</sup> Evidence, Mr Macaulay, 16 September 2022, p 3.

<sup>120</sup> Evidence, Mr Macaulay, 16 September 2022, p 3.

<sup>121</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 14.

<sup>122</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 14 and 17. See also, Evidence, Mr Macaulay, 16 September 2022.

- 2.58** GRNSW highlighted that the source of this inequity is the Racing Distribution Agreement (RDA) which sets out the amount that Tabcorp is required to pay the industry. The RDA distribution to each of the three racing codes is calculated according to formulas set out in the 1998 Inter-Code Agreement (ICA). Under ICA, funding is distributed between the three racing codes according to fixed percentages that represented the market share of each racing product in 1998.<sup>123</sup>
- 2.59** According to GRNSW, the 1998 market share for greyhound racing does not reflect the growth or popularity of greyhound racing as a betting product in New South Wales and does not factor in the funding requirements of establishing and operating a separate independent commission to manage welfare and integrity.<sup>124</sup>
- 2.60** Given the RDA is set for 99 years, GRNSW contended that the funding arrangement 'improperly deprives GRNSW and the industry of substantial income, and leaves GRNSW with very little opportunity to influence and grow funding through NSW TAB distributions'.<sup>125</sup> The organisation added that without 'access to a fair share of funding ... GRNSW is artificially hampered from sustainably funding the industry, GWIC and the important welfare programs'.<sup>126</sup>
- 2.61** While the government adjusted the funding arrangement so that GWIC is no longer funded by GRNSW, the funding arrangements for the greyhound industry through Tabcorp distributions, the point of consumption tax and tax harmonisations remain the same.

## Internal culture

- 2.62** In addition to criticism of GWIC's relationships with external stakeholders, inquiry participants raised concerns with GWIC's internal workplace culture. Issues raised included allegations of:
- staffing inadequacies and skills shortages, such that there is a lack of greyhound expertise and a bias towards animal welfare over racing integrity and the realities of racing
  - excessive expenditure for the services it delivers, particularly in comparison with other similar agencies.

### Staffing inadequacies and skills deficits

- 2.63** As highlighted in chapter 1, GWIC employs a number of staff across several departments, including welfare, race day operations, compliance, and business operations. Racing participants as well as former GWIC employees raised two key issues regarding staffing and skills within the organisation, including:
- criticism of GWIC's recruitment processes and employment conditions, particularly for stewards

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<sup>123</sup> Submission 41, Greyhound Racing New South Wales, p 9.

<sup>124</sup> Submission 41, Greyhound Racing New South Wales, p 10.

<sup>125</sup> Submission 41, Greyhound Racing New South Wales, p 9.

<sup>126</sup> Submission 41, Greyhound Racing New South Wales, p 11.

- concerns that there is a shortage of skills and industry knowledge within GWIC and the industry more broadly.

### *Recruitment and employment conditions*

- 2.64** Turning first to recruitment and employment conditions, GWIC highlighted that it was only afforded a 'short amount of time' to recruit approximately 80 staff, including stewards, veterinary officers, compliance officers, customer service and other support staff, and to 'build core business systems' before operations began on 1 July 2018. Former GWIC Chief Commissioner Mr Alan Brown told the committee this was a 'massive effort resulting in a smooth transfer from GRNSW without interruption to racing and other industry activities'.<sup>127</sup>
- 2.65** Mr Brown acknowledged that the early stages were not always 'smooth sailing'. However, he emphasised that it was normal for a new organisation to face obstacles during its initial phase of operation.<sup>128</sup>
- 2.66** Other witnesses to this inquiry, particularly former GWIC employees, were more critical of GWIC's performance during its initial phase, specifically with regard to the organisation's approach to recruitment and employment.
- 2.67** Of note, former GWIC Chief Steward Ms Gail Thorsby was critical of how GWIC handled the recruitment and employment of stewards. She claimed that stewards were interviewed by the Senior Legal Advisor and Human Resources staff rather than the Chief Steward, a process which she described as 'unusual'. Ms Thorsby stated that normally the Chief Steward would participate in the recruitment of stewards as they are 'best placed to judge the prospective candidates'.<sup>129</sup>
- 2.68** Ms Thorsby also raised concerns with rostering, payroll and the administrative workload of stewards. She stated that when she commenced in her role several newly recruited stewards informed her that they were not permitted to work more than 35 hours per week. Ms Thorsby said that this was 'not practically plausible' as it was the steward's duty to remain on track until after the last race concluded.<sup>130</sup> She contended that GWIC's lack of insight into industry standards 'resulted in numerous workplace industrial and safety issues', including:
- travel and fatigue issues as employees would travel up to five hours per day, with no risk assessment or fatigue policy to mitigate any Work Health and Safety (WHS) concerns
  - payroll issues with the payroll system not accurately reflecting the hours worked
  - time consuming and resource intensive administrative issues due to the introduction of a new database system, OneGov, which, for a period of time, required stewards to input information into both OneGov and the old system, OzChase.<sup>131</sup>
- 2.69** These concerns were shared by the AWU who stated in their submission that stewards have ongoing issues regarding travel and fatigue which is a WHS concern.<sup>132</sup> The union also spoke

<sup>127</sup> Evidence, Mr Brown, 28 May 2021, p 2.

<sup>128</sup> Evidence, Mr Brown, 28 May 2021, p 2.

<sup>129</sup> Submission 71, Gail Thorsby, p 1.

<sup>130</sup> Submission 71, Gail Thorsby, p 1.

<sup>131</sup> Submission 71, Gail Thorsby, p 2.

<sup>132</sup> Submission 69, The Australian Workers Union NSW Branch, p 11.

about the 'considerable expense' GWIC spent on implementing the OneGov system, which it says was developed without input from the Chief Steward, causing 'considerable waste and inefficiency'.<sup>133</sup>

- 2.70** Current and former senior GWIC leaders responded to these allegations. Firstly, regarding travel and fatigue concerns, former GWIC Chief Executive Officer Ms Judith Lind informed the committee that it was Ms Thorsby's role and responsibility, as acting Chief Steward, to ensure any workplace risks were mitigated with suitable WHS policies in place. Adding to this, the current Chief Executive Officer Mr Steve Griffin told the committee that GWIC has a WHS Committee with senior staff represented, including stewards, to ensure any WHS concerns are resolved appropriately.<sup>134</sup>
- 2.71** Regarding the OneGov system, Mr Griffin explained that during the transition period, for approximately 18 months, both OneGov and OzChase systems were used on race days for 'reasons of practicality'.<sup>135</sup> Ms Lind and Mr Griffin stated that GWIC consulted with all relevant parties, including stewards, vets and participants when developing the new system.<sup>136</sup>
- 2.72** Another significant issue raised by some stakeholders was an alleged power imbalance between veterinarians and stewards within GWIC. Ms Thorsby suggested that GWIC has a culture of veterinarians treating stewards in a 'demeaning' manner, including instances of bullying and harassment.<sup>137</sup>
- 2.73** She stated that during her tenure with GWIC, the role and authority of both the Chief Veterinarian and On Track Veterinarian (OTV) were different to how other jurisdictions operate. In her submission, Ms Thorsby alleged that GWIC's structure of authority meant that veterinarians had the ability to override a steward's decisions:<sup>138</sup>

It is an accepted principle throughout other jurisdictions within Australia that both the Chief Vet & Chief Steward are of an equal authority within the regulatory body. For a period of approximately 18 months I experienced a combination of belittling and demeaning comments, segregation and aggressive unfair email correspondence.<sup>139</sup>

- 2.74** The AWU, which represents steward staff, expanded on these claims stating that 'there is a disparity between employment conditions between vets and stewards'. The union suggested that structural flaws had the effect of making the Chief Veterinarian more senior than the Chief Steward, undermining the authority of the stewards.<sup>140</sup>

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<sup>133</sup> Submission 69, The Australian Workers Union NSW Branch, p 12.

<sup>134</sup> Correspondence from Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission, to the Chair, 9 April 2021, p 11.

<sup>135</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, p 15.

<sup>136</sup> See, Correspondence from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to the Chair, 12 April 2021, pp 3-4; Correspondence from Mr Griffin to the Chair, 9 April 2021, p 16.

<sup>137</sup> Submission 71, Gail Thorsby, p 3.

<sup>138</sup> Submission 71, Gail Thorsby, p 3.

<sup>139</sup> Submission 71, Gail Thorsby, pp 4-5.

<sup>140</sup> Submission 69, The Australian Workers Union NSW Branch, p 12.

- 2.75** In response, Ms Lind informed the committee that GWIC veterinarians 'had no authority to override decisions taken by stewards that were the purview of stewards to make under the greyhound racing rules'.<sup>141</sup> Ms Lind added that all GWIC staff were required to work effectively as a team.<sup>142</sup> Her successor, Mr Griffin also confirmed that 'stewards and veterinarians are employed on the same Crown Employees (Public Sector – Salaries 2019) Award conditions'.<sup>143</sup>
- 2.76** A final issue raised by stakeholders with regard to steward staffing was the introduction of the bunker system, which involves a steward officiating from an offsite location away from the racecourse. According to GWIC, the bunker system was used during the COVID-19 pandemic to minimise the movement of stewards and limit their physical interaction with participants.<sup>144</sup>
- 2.77** According to several inquiry participants, the bunker system was problematic as there were less resources on the ground, compromising race day operations and compliance with rules. Furthermore, the third steward allocated to the bunker role was located at home watching on a screen.<sup>145</sup> Ms Thorsby suggested that the bunker system was 'only as good as a TV'.<sup>146</sup>
- 2.78** Ms Thorsby referred to GWIC's own internal report, the Murrilhy Report, which recommended against using the bunker system, alleging this recommendation had been ignored by the executive team.<sup>147</sup> In response to this claim, GWIC told the committee that since commencing operations in July 2018, three stewards were routinely rostered for TAB race meetings, and that the bunker system had improved efficiencies where long-distance travel for stewards can be avoided.<sup>148</sup> Ms Lind added that the bunker system had previously been used by GRNSW.<sup>149</sup>
- 2.79** Mr Griffin explained that in April 2020 GWIC engaged independent integrity consultant Ray Murrilhy to conduct a review of race day operations. According to Mr Griffin, Mr Murrilhy assessed the efficacy of GWIC's stewarding functions and his recommendations were accepted and were being implemented by the commission.<sup>150</sup>

### *Deficit in skills and industry knowledge*

- 2.80** In addition to criticism about recruitment and employment conditions, some inquiry participants considered that there was a shortage of skills and industry knowledge within GWIC and the broader greyhound racing industry.

<sup>141</sup> Correspondence from Ms Lind to the Chair, 12 April 2021, p 4.

<sup>142</sup> Correspondence from Ms Lind to the Chair, 12 April 2021, p 6.

<sup>143</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, p 15.

<sup>144</sup> GWIC, Review into Running of Race 3 at The Gardens Thursday May 26 (2022), <https://www.gwic.nsw.gov.au/news-and-updates/gwic-updates/review-into-running-of-race-3-at-the-gardens-thursday-may-26-2022>

<sup>145</sup> Submission 71, Gail Thorsby, p 6; Evidence, Mr John Patton, Secretary and Manager, Wagga Greyhound Club 2 June 2021, p 20.

<sup>146</sup> Evidence, Ms Gail Thorsby, former Chief Steward, Greyhound Welfare and Integrity Commission, 26 May 2021, p 6.

<sup>147</sup> Submission 71, Gail Thorsby, p 6.

<sup>148</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, pp 26-27.

<sup>149</sup> Correspondence from Ms Lind to the Chair, 12 April 2021, p 12.

<sup>150</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, p 14.

- 2.81** Early in the inquiry, many stakeholders participants, including greyhound racing clubs, contended that GWIC did not employ people with greyhound racing experience.<sup>151</sup> The AWU argued that this resulted in a loss of industry expertise and knowledge.<sup>152</sup>
- 2.82** Stakeholders were particularly dissatisfied that GWIC lacked skilled veterinarians with knowledge of how to treat greyhound injuries.<sup>153</sup> According to the AWU, the lack of industry experience from both the then Chief Veterinarian and OTVs had led to a long list of on-track incidents where welfare was compromised.<sup>154</sup> In their submission, the union wrote that this inexperience had led to 'misdiagnoses and mistakes', which are not in the interests of the welfare of greyhounds or participants.<sup>155</sup> An example of this was 'the Gardens racetrack incident', explored in the case study below.

### **Case study: The Gardens racetrack incident**

On Friday 15 May 2020, a greyhound named Coniglio was euthanased after sustaining catastrophic injuries at The Gardens racetrack in Wallsend NSW.<sup>156</sup>

According to GWIC, immediately following the injuries, the OTV travelled via an emergency response vehicle to attend to the greyhound who was bleeding from severe lacerations sustained after coming into contact with the lure cable and rail. The OTV decided not to move the greyhound from the track as they did not have the necessary medical equipment to provide pain relief or sedation, as is usual practice. Instead, the OTV returned to the veterinary room to collect medication and bandages, before returning to the track.<sup>157</sup> The OTV then administered pain relief and sedation before carrying the greyhound off track to be euthanised.

Following the incident, a number of witnesses and racing participants raised concerns regarding the competency of the OTV, including the length of time it took to treat and euthanase the greyhound.<sup>158</sup> According to the AWU, the incident showed a 'reluctance' from OTVs to euthanase greyhounds even when it is the most appropriate course of action. In its submission, the AWU wrote that the inexperience of GWIC veterinarians has led to 'mistakes'.<sup>159</sup> This opinion was shared by former Chief

<sup>151</sup> See, Submission 56, Shoalhaven Greyhound Racing Club Limited, p 13; Submission 35, Dubbo Greyhound Racing, p 14; Submission 34, Greyhound Clubs NSW, p 3; Submission 69, The Australian Workers Union NSW Branch, p 4.

<sup>152</sup> Submission 69, The Australian Workers Union, p 3.

<sup>153</sup> See, Submission 34, Greyhound Clubs NSW, p 13; Submission 35, Dubbo Greyhound Racing, p 13; Submission 56, Shoalhaven Greyhound Racing Club, p 12.

<sup>154</sup> Submission 69, The Australian Workers Union NSW Branch, p 7.

<sup>155</sup> Submission 69, The Australian Workers Union NSW Branch, p 7.

<sup>156</sup> Media release, GWIC, 'Commission statement in relation to catastrophic injury at the Gardens', 15 May 2020.

<sup>157</sup> Answers to questions on notice, Greyhound Welfare and Integrity Commission, 30 June 2021, p 19.

<sup>158</sup> See; Evidence Mr Irwin, 27 May 2021, p 6; Evidence, Ms Thorsby, 26 May 2021, p 5; Submission 69, The Australian Workers Union NSW Branch, p 6; Submission 71, Gail Thorsby, p 3.

<sup>159</sup> Submission 69, The Australian Workers Union NSW Branch, p 7.

Steward Ms Gail Thorsby, who asserted that the inexperience of OTVs has led to decisions that were not in the best interests of animal welfare.<sup>160</sup>

GWIC Chief Executive Officer Mr Steve Griffin confirmed that the incident was subject to a full review and a comprehensive investigation. Mr Griffin stated that the findings from the review led to procedural changes for OTVs. On race days, OTVs must now wear a first aid 'bumbag' while on track to facilitate immediate treatment of injured greyhounds.<sup>161</sup> Furthermore, GWIC initiated a review of its internal Guidelines for the Treatment of Serious Racing Injuries and Euthanasia.<sup>162</sup> One of the principles is that OTVs must consider transportation distance and whether the length of time will result in unnecessary suffering. In these incidences euthanasia may be considered the most humane option.<sup>163</sup>

- 2.83** Greyhound racing clubs told the committee that over the past decade the skills of and training for veterinarians regarding greyhounds, including 'their anatomy, behaviour, prognosis of recovery and implications' has significantly declined.<sup>164</sup> In evidence to the committee, greyhound trainer Mr Neil Staines explained that even highly skilled veterinarians may not be able to treat greyhound specific injuries. Mr Staines referred to a 70-year-old seasoned veterinarian from the horse racing industry who needed to be upskilled in order to work with 'canine athletes' due to the differences between greyhounds and horses.<sup>165</sup>
- 2.84** On the other hand, Mr Griffin contended that GWIC veterinarians were skilled. He informed the committee that as of April 2021, three of the six GWIC OTVs were previously employed by GRNSW as veterinarians, and all GWIC veterinarians have experience dealing with greyhound injuries. Mr Griffin added that vets employed since the commencement of GWIC received 'additional professional development training from respected industry veterinarians'.<sup>166</sup>
- 2.85** Former Chief Commissioner Mr Alan Brown highlighted that there is a lack of veterinarians in the wider community and remarked that 'getting them to work in the greyhound industry can be very, very problematic'. He stated that the COVID-19 pandemic further exacerbated difficulties attracting vets to the industry.<sup>167</sup>
- 2.86** Another common concern for many in the industry was the loss of knowledge and experience as many participants retire or leave the sport due to policy changes. Greyhound owner, Ms Kerry Drynan said that in the past people who worked within the industry 'really cared about

<sup>160</sup> Submission 71, Gail Thorsby, p 4.

<sup>161</sup> See, Evidence, Mr Brown, 28 May 2021, p 7; Correspondence from Mr Griffin to the Chair, 9 April 2021, p 23.

<sup>162</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, p 23.

<sup>163</sup> GWIC, Principles in the treatment of serious injuries and euthanasia of racing greyhounds, (February 2022), [https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/980021/Principles-in-the-treatment-of-serious-injuries-and-euthanasia-of-racing-greyhounds.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0020/980021/Principles-in-the-treatment-of-serious-injuries-and-euthanasia-of-racing-greyhounds.pdf)

<sup>164</sup> See, Submission 34, Greyhound Clubs NSW, p 4; Submission 35, Dubbo Greyhound Racing, p 11; Submission 56, Shoalhaven Greyhound Racing Club, p 10.

<sup>165</sup> Evidence, Mr Staines, 2 June 2021, p 8.

<sup>166</sup> Correspondence from Mr Griffin to the Chair, 9 April 2021, p 18.

<sup>167</sup> Evidence, Mr Brown, 28 May 2021, p 8.

our sport and people knew what they were doing'.<sup>168</sup> Greyhound owner and breeder, Mr Sandro Bechini shared a similar view, explaining that traditionally vets had learned to specialise in greyhounds through on-the-job training.<sup>169</sup>

- 2.87** Greyhound racing clubs noted that the industry is having difficulty attracting new participants, stating that it would like to see investment in education programs to better inform and support people entering the industry. In its submission, Greyhound Clubs NSW wrote that the industry 'requires the development of plans to commence succession planning to ensure long term viability'.<sup>170</sup>
- 2.88** In response to questioning about the lack of industry experience amongst GWIC staff, Mr Brown informed the committee that GWIC had commenced a cadetship program that they believe will make a significant difference to the career pathway for new people entering the industry.<sup>171</sup>
- 2.89** In addition to cadetship opportunities, former Chief Veterinarian Dr Michelle Ledger confirmed that as of May 2021, GWIC had a course planned for veterinarians to specialise in greyhound injuries. The two modules would cover injury detection including 'specific palpation or feeling for injuries that are unique to greyhounds', and the second covering 'reading of a race' to better understand the nature of an injury.<sup>172</sup> Dr Ledger noted that the COVID-19 pandemic had slowed down the roll out of the specialised training. In 2020, GWIC had planned the first in-person two-day veterinary training conference with Greyhound Racing Victoria. However, the Melbourne lockdown halted their plans, and they were unable to progress.<sup>173</sup>
- 2.90** In addition to deficits in the skills of vets, some inquiry participants expressed the view that stewards and inspectors were also lacking in required knowledge and expertise.<sup>174</sup> With regard to inspectors, greyhound racing clubs suggested that they could benefit from specialised training. These clubs understood that the legislation mandated that inspectors must have no experience with greyhound racing, nor connections to participants; nonetheless, they suggested that greyhound specific training could assist with the skills gap that currently exists.<sup>175</sup>
- 2.91** Other positions that are lacking qualified staff, according to some industry participants, include track curators and lure drivers. Greyhound breeder, owner and trainer, Mr Tony Atkins commented that he would like more training and investment across the whole industry to improve staffing levels and capabilities.<sup>176</sup>

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<sup>168</sup> Evidence, Ms Kerry Drynan, Greyhound owner, breeder and trainer, 3 June 2021, p 46.

<sup>169</sup> Evidence, Mr Sandro Bechini, Greyhound owner breeder, and former member, Animal Welfare Committee, Greyhound Welfare and Integrity Commission, 3 June 2021, p 4.

<sup>170</sup> See Submission 34, Greyhound Clubs NSW, p 4; Submission 35, Dubbo Greyhound Racing, p 11; Submission 56, Shoalhaven Greyhound Racing Club, p 10.

<sup>171</sup> Evidence, Mr Brown, 28 May 2021, p 11.

<sup>172</sup> Evidence, Dr Michelle Ledger, Chief Veterinary Officer, Greyhound Welfare and Integrity Commission, 28 May 2021, p 6.

<sup>173</sup> Evidence, Dr Ledger, 28 May 2021, p 8.

<sup>174</sup> See, Evidence, Mr Atkins, 27 May 2021, p 15; Evidence, Mr Ken Burnett, Greyhound owner, breeder and trainer, 3 June 2021, p 22.

<sup>175</sup> Submission 35, Dubbo Greyhound Racing, p 13.

<sup>176</sup> Evidence, Mr Atkins, 27 May 2021, p 18.

- 2.92** Finally, turning to the perspective of animal welfare organisations, stakeholders raised concerns with the number of inspectors employed by GWIC compared to the total number of greyhounds in the state.<sup>177</sup>
- 2.93** According to the Coalition for the Protection of Greyhounds, as of April 2020 there were a reported 26,852 registered greyhounds, with 6,505 actively racing. Based on these figures, the 11 inspectors employed by GWIC are each responsible for 2,441 greyhounds. The Coalition for the Protection of Greyhounds contended that this ratio means inspectors are 'reactive rather than proactive'.<sup>178</sup> This view was echoed by Sentient who stated that it is 'impossible for the inspectors to check every greyhound in the industry to ensure welfare standards are met'.<sup>179</sup>
- 2.94** These stakeholders therefore argued that there is a need for GWIC to increase the number of inspectors it employs.<sup>180</sup>

### **Excessive expenditure**

- 2.95** Concerns about GWIC's costs were another issue for some stakeholders who considered that GWIC's expenditure was excessive. In its submission early in the inquiry, GRNSW accepted that GWIC's 'functions are appropriate', but argued that in its current form, GWIC is 'too big, too expensive and logistically inefficient' and that its costs are 'too high for the services delivered'.<sup>181</sup> Other stakeholders, including industry participants, greyhound racing clubs and the former GWIC Chief Steward, shared similar views to GRNSW on this issue.<sup>182</sup>
- 2.96** To this end, GRNSW argued that:
- there had been a 'significant waste of industry funds expended by GWIC in the unnecessary duplication of industry IT' instead of building on what GRNSW considered to be a 'very capable infrastructure already in place'
  - staffing levels in GWIC were 'excessive' and that staffing arrangements were 'inefficient', leading to unnecessary costs.<sup>183</sup>
- 2.97** GBOTA argued that the decision by GWIC to employ staff under the Crown Employees Award 2012 was a 'very costly' decision, with 67.07 per cent of the 2019-2020 cash expenditure spent on employee costs. GBOTA noted that the Award is inconsistent with the normal requirements of the greyhound industry, stating that when previously employed by GRNSW 'stewards were employed under an enterprise agreement'. GBOTA asserted that this employment decision has

<sup>177</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 10; Submission 37, Sentient, p 5; Submission 44, Australian Veterinary Association Limited, p 3.

<sup>178</sup> Submission 2, Coalition for the Protection of Greyhounds, p 10.

<sup>179</sup> Submission 37, Sentient, p 5.

<sup>180</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 10; Submission 37, Sentient, p 5; Submission 44, Australian Veterinary Association Limited, p 3.

<sup>181</sup> Submission 41, Greyhound Racing New South Wales, p 17.

<sup>182</sup> See, Evidence, Ms Thorsby, 21 May 2021, p 7; Submission 23, Hastings River Greyhound Racing Club, p 1; Evidence, Mr Atkins, 27 May 2022, p 18.

<sup>183</sup> Submission 41, Greyhound Racing New South Wales, p 8.

meant that a steward can be paid more than the combined salaries of the track manager and track curator, leading to division amongst staff on race days.<sup>184</sup>

- 2.98** GRNSW argued that GWIC is 'operating a model that costs approximately 50 per cent more to run than it should'. Referring to GWIC's 2019 annual report, GRNSW highlighted that GWIC had more than 70 non-executive staff, staffing costs of over \$8.8 million and a total expenditure of \$15.7 million. GRNSW contended that 'with efficient management staffing measures', GWIC could deliver its functions efficiently with 52 staff at a total annual cost of \$11.9 million.<sup>185</sup>
- 2.99** GRNSW illustrated its point by comparing GWIC's costs with that of other similar bodies. As a 'like-for-like example', GRNSW compared GWIC's costs with the integrity costs of Greyhound Racing Victoria (GRV) in 2018-2019. GRNSW highlighted that GRV regulated more industry participants, dogs and pups, race meetings, races and starts, substance testing swabs, wagering revenue and prizemoney than GWIC, but did so on a budget of \$10.836 million compared with GWIC's budget of \$15.7 million. GRNSW noted that the budget of \$10.836 million did not include GRV's Greyhound As Pets program and other welfare programs, which are run in New South Wales by GRNSW, not GWIC.<sup>186</sup>
- 2.100** GWIC disputed these claims about its expenditure. In its submission, it contended that it 'operates on a model of fiscal restraint', spending \$16.4 million in 2019-2020.<sup>187</sup> GWIC noted that its costs in the first two years were influenced by the following factors:
- Start-up costs and capacity-building requirements
  - Implementation of key industry reforms as required by the Act and the NSW Government response to the Greyhound Industry Reform Panel
  - The need for significant investment in information systems and data quality to implement effective tracking of registered greyhounds and recording of participants
  - Delivery of updated customer service interfaces, including online services
  - Delivery of day-to-day racing functions, including oversight of race meetings, registration and related transaction functions, and compliance and disciplinary measures.<sup>188</sup>
- 2.101** In consideration of these requirements, GWIC argued that its expenditure in 2019 and 2020 'compare favourably with those incurred by GRNSW' before GWIC began operations.<sup>189</sup>
- 2.102** GWIC also argued that its costs compared favourably with those of GRV, while recognising the differences between the two organisations. GRV reported a cost of \$19.3 million for its integrity and welfare functions in 2018-2019. GWIC assessed that cost of 'like for like' functions of GRV to be \$15.3 million. GWIC added that it operates 'many more tracks which are spread

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<sup>184</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, pp 13-14.

<sup>185</sup> Submission 41, Greyhound Racing New South Wales, p 11.

<sup>186</sup> Submission 41, Greyhound Racing New South Wales, pp 11-16.

<sup>187</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 23.

<sup>188</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 23.

<sup>189</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 23.

over a much larger geographical area than its counterpart in Victoria' and has a larger remit since its jurisdiction extends to retired greyhounds in the care of registered participants.<sup>190</sup>

- 2.103** GRNSW rejected GWIC's point about the number of tracks and their locations across New South Wales. GRNSW argued that the number of tracks is irrelevant from a cost perspective, stating that 'it is not the number of racetracks, but the number of race meetings that is the multiplier for direct racing costs' as vets and stewards are deployed to race meetings, not racetracks. In this regard, the commercial body reiterated that Victoria has more race meetings, races and starters.<sup>191</sup>
- 2.104** Turning to the geographic size of New South Wales and the location of racetracks, GRNSW contended that 'from a cost of integrity perspective', having tracks spread across a large geographical area is only a logistical challenge when rostering and hiring stewards to suit the location of each track. GRNSW noted that any additional unavoidable travel in New South Wales also had been a reality for GRNSW before and after GWIC's establishment.<sup>192</sup>
- 2.105** In evidence, Mr Brown addressed several other claims about GWIC's costs that were circulating in the greyhound racing industry. First, Mr Brown disputed that GWIC's costs of delivering integrity and welfare functions are significantly higher than 'the \$9 million supposedly spent by GRNSW' in 2017-2018, its last year of overseeing these functions. Mr Brown stated that a review conducted by the Department of Primary Industry in 2019 concluded that in 2015-2016, 'the most recent "normal year" under GRNSW's control, its expenditure was in fact \$13.89 million, not \$9 million'.<sup>193</sup>
- 2.106** Mr Brown also refuted claims that the remuneration costs of the three commissioners were over \$1 million per year. He clarified that the commissioners are each paid on a part time basis and that the costs are 'a third of that amount claimed'. Finally, Mr Brown disputed the suggestion that the average regulatory cost per greyhound is \$3,745. He explained that this claim 'is based on an incorrect assumption that only 8,000 greyhounds fall within the commission's remit'. According to Mr Brown, the average cost is \$737 per dog based on 22,503 greyhounds registered with GWIC as of 30 April 2021. He stated that 'this compares favourably with regulatory bodies in other jurisdictions'.<sup>194</sup>

## Committee comment

- 2.107** The establishment of the Greyhound Welfare and Integrity Commission (GWIC) in 2018 was a significant change for the greyhound racing industry. It was inevitable that such a change would be met with some hesitation and that GWIC's implementation phase would experience teething issues. After all, in the five years prior to GWIC's establishment, the industry had already been subject to much scrutiny and instability, as a result of multiple media reports and inquiries, as well as an entire ban on the sport which was subsequently reversed. Over four years later though, GWIC continues to develop with the support of the three largest industry

<sup>190</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 23.

<sup>191</sup> Submission 41, Greyhound Racing New South Wales, p 17.

<sup>192</sup> Submission 41, Greyhound Racing New South Wales, p 17.

<sup>193</sup> Evidence, Mr Brown, 28 May 2022, p 2.

<sup>194</sup> Evidence, Mr Brown, 28 May 2022, pp 2-3.

representative bodies (Greyhound Racing NSW, the Greyhound Owners Breeders and Trainers Association and Greyhound Clubs NSW). The committee notes that individual participants have experienced issues with the regulator.

- 2.108** The committee accepts that there is a place in the industry for a regulatory and welfare body that is separate from the industry's commercial body. However, the committee heard concerning evidence, which we explore below in more detail, about GWIC's external relationships and internal culture. Ultimately, GWIC's relationship with the greyhound racing industry, its key stakeholder, has historically been characterised by negativity and mistrust, however, this has begun to improve over the last 12 months. GWIC's role is the regulation and enforcement of animal welfare, and further work needs to be done to empower racing participants and ensure the growth of the industry, with due consideration of the impact on the welfare of participants.
- 2.109** Therefore, the committee recommends that the core function of GWIC, as the independent regulator, should be to promote and protect the welfare of greyhounds, in line with community expectations, working collaboratively with the greyhound industry and participants. We also recommend that GWIC build an open and collaborative relationship with racing industry participants.
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### **Finding 1**

That the Greyhound Welfare and Integrity Commission's role is the regulation and enforcement of animal welfare. Further work needs to be done on empowering racing participants and ensuring the continued growth of the greyhound racing industry, with proper consideration of the impact on the welfare of participants.

### **Finding 2**

That there have been cultural and financial issues in the rapid establishment of the Greyhound Welfare and Integrity Commission.

### **Finding 3**

That the Greyhound Welfare and Integrity Commission has not understood the culture of the greyhound industry, and that its relationship with the industry has been characterised by negativity and mistrust. However, this has begun to improve over the last 12 months.

### **Recommendation 1**

That the core function of the Greyhound Welfare and Integrity Commission, as the independent regulator, should be to promote and protect the welfare of greyhounds, in line with community expectations, working collaboratively with the greyhound industry and participants.

### **Recommendation 2**

That the Greyhound Welfare and Integrity Commission build an open and collaborative relationship with racing industry participants.

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- 2.110** In the committee's view, informed by the evidence received by many inquiry participants, GWIC's approach to its external relationships and internal culture in the first four years of its operation indicates that more transparent oversight and accountability to both the government and the greyhound racing industry is needed for the organisation itself. Indeed, GWIC is a public service organisation and should be subject to rigorous oversight and accountability. GWIC's early troubles heighten this need.
- 2.111** In addition, the committee notes that GRNSW's operating licence has not yet been made publicly available and that this raises concerns about a lack of transparency and accountability in relation to GRNSW's activities.
- 2.112** To this end, the committee makes three key recommendations. First, the NSW Government should consider appointing an independent statutory commissioner to oversee and review GWIC's activities every three years, with the first year to focus on GWIC's purpose and culture. Second, the NSW Government should appoint an advisory panel to meet every three months to inform broader decisions about the regulation and operation of the industry, which would then feed into the independent commissioner's three yearly review. This panel should include representatives from GWIC, GRNSW, GBOTA and industry participants. Third, both GRNSW and GWIC should be required to appear before the relevant Portfolio Committee for a specific hearing at least annually.

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### **Recommendation 3**

That the NSW Government consider appointing an independent statutory commissioner to oversee and review the activities and expenditure of the Greyhound Welfare and Integrity Commission every three years, with the first year to focus on:

- role and culture
- financial efficiency
- procedural fairness during investigations.

### **Recommendation 4**

That the NSW Government appoint a ministerial advisory panel consisting of representatives from the Greyhound Welfare and Integrity Commission, Greyhound Racing NSW, Greyhound Breeders Owners and Trainers Association and industry participants, to meet every three months to inform:

- decisions about the regulation and operation of the industry
- the independent commissioner's three yearly reviews, as per Recommendation 3.

### **Recommendation 5**

That both Greyhound Racing NSW and the Greyhound Welfare and Integrity Commission be required to appear before the relevant Portfolio Committee for a specific hearing at least annually.

- 2.113** It was disappointing to hear that GWIC's relationship with industry participants and representative groups has largely been unsatisfactory, with stakeholders reporting a lack of genuine consultation, dismissive and arrogant attitudes towards the industry, and allegations of

disrespectful behaviour towards participants, including bullying and intimidation, particularly during kennel inspections.

- 2.114** The committee acknowledges the evidence from the Greyhound Breeders Owners and Trainers Association that there have been improvements in GWIC's approach to consultation and that the association was optimistic that GWIC will focus more on education and engagement rather than heavy-handed enforcement. However, it is important to note that most stakeholders from within the industry who participated in the inquiry did not share this view.
- 2.115** Exacerbating these issues has been GWIC's lack of accessibility to industry participants. We heard that greyhound owners, breeders and trainers are not clear on their responsibilities and that changes to systems and processes have been challenging for those with limited internet access as well as those who have been in the industry for a long time. The committee considers that GWIC needs to improve its accessibility by conducting outreach to the industry to educate participants on its processes, and by ensuring that options are available for the dissemination of information to those who do not have ready access to technology required to engage with the commission's processes, especially in regional New South Wales. The committee believes that this is an important part of improving GWIC's engagement with the industry.

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### **Recommendation 6**

That the Greyhound Welfare and Integrity Commission improve the accessibility of its processes to industry participants by:

- conducting greater outreach and education programs
  - ensuring options for the dissemination of information are available to those who do not have ready access to technology, especially in regional New South Wales.
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- 2.116** Another important relationship for GWIC is that with GRNSW, as the commercial body for greyhound racing. At the beginning of this inquiry, many stakeholders, including GWIC and GRNSW, shared the view that this was a strained relationship. By the committee's last hearing, this relationship had improved.
- 2.117** As stakeholders indicated, a significant problem was that that the initial funding model for GWIC meant that GRNSW was responsible for funding the regulatory body without any oversight. This was an absurd arrangement that caused unnecessary tension between the two organisations. The committee is encouraged that the issues have been somewhat addressed by the NSW Government's budget announcement of a new funding model under which GRNSW no longer directly funds GWIC. This is an important milestone for the two organisations, but it is equally important that both commit to maintaining a productive relationship. The change in funding arrangements will also better enable independent oversight over GWIC's expenditure, an area that the independent Commissioner recommended above should examine as part of their regular reviews.

**Finding 4**

That the initial funding model for the Greyhound Welfare and Integrity Commission created tension with Greyhound Racing NSW, which was responsible for funding the Greyhound Welfare and Integrity Commission without any oversight.

**Finding 5**

That the issues with the initial funding model for the Greyhound Welfare and Integrity Commission have been somewhat addressed by the NSW Government's announcement in the 2021-2022 budget.

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- 2.118** On the issue of funding, it would be remiss of the committee not to note concerns raised by some stakeholders about the inequities in the overall funding of the greyhound racing industry. The industry receives 13 per cent of Tabcorp distributions, 13 per cent of the point of consumption tax, and 10 per cent from tax harmonisation, yet it is responsible for generating 22 per cent of wagering revenue in New South Wales. The committee heard that this inequity makes it difficult for the industry to invest in capital upgrades which would both enable the industry's growth and provide safer tracks and facilities for greyhounds, a key step in ensuring animal welfare. The government could consider reviewing the funding arrangements for the greyhound racing industry to create a more equitable arrangement between the three racing codes, so that the greyhound racing industry finally obtain its fair share of revenue based on its market share.
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**Finding 6**

That the greyhound racing industry has been disadvantaged for many years by funding inequities between the three racing codes, as a result of historic commercial decisions.

**Recommendation 7**

That the NSW Government conduct a review into funding arrangements for the three racing codes, including but not limited to the point of consumption tax, Tabcorp distributions and tax harmonisation.

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- 2.119** Turning to internal culture, the nature of GWIC's external relationships reflects an internal culture that has encouraged a heavy-handed approach to regulation and animal welfare, and is lacking in expertise and skill. The committee acknowledges the short time frame GWIC had to recruit key personnel before its operations began in July 2018. However, a number of inquiry participants attested that GWIC made serious errors during its early recruitment and employment phase. An overall lack of industry understanding and insight by GWIC executives has resulted in a number of workplace issues, including work health and safety conflicts, and impractical new processes, procedures and systems. It is also apparent that these problems have played out in the lack of respect towards racing participants.
- 2.120** In the course of the inquiry, it became clear that GWIC has a significant skills gap. The skills deficit, specifically amongst GWIC veterinarians, has led to a number of misdiagnoses, animal welfare concerns and a lack of understanding of racing greyhounds. Stakeholders also touched
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on the skills gap among GWIC inspectors, who have lacked industry-specific knowledge. Furthermore, it is unacceptable that industry participants have experienced intimidation or harassment by GWIC inspectors. The committee sincerely hopes that these issues have been addressed in the period since the committee gathered its evidence.

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**Finding 7**

That the Greyhound Welfare and Integrity Commission has lacked sufficient industry knowledge, skills and expertise.

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- 2.121** It is apparent that the loss of industry stalwarts and knowledge holders is due in part to an ageing workforce and the policy changes implemented by GWIC. The committee was pleased to learn that GWIC has begun investing in cadetship opportunities and training courses to encourage new recruits and upskill existing staff. The committee considers that GWIC should introduce specialised training and accreditation of veterinarians and inspectors in order to improve their understanding of racing greyhounds. At the same time, it should advocate for the adoption of national standards for veterinarians and inspectors. The committee also recommends further investment in these opportunities across the whole industry to improve staffing levels, capabilities, and a better understanding of greyhound racing history and culture. This will be very important to ensuring the vitality and longevity of the industry into the future.
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**Recommendation 8**

That the Greyhound Welfare and Integrity Commission:

- introduce specialised training and accreditation of veterinarians and inspectors to improve understanding of racing greyhounds
- make recommendations for the adoption of national standards for veterinarians and inspectors in greyhound racing.

**Recommendation 9**

That the Greyhound Welfare and Integrity Commission continue to adequately fund training, cadetships, development and educational opportunities to maintain industry knowledge, upskill existing staff and engage new recruits.

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## Chapter 3 Policy framework and disciplinary processes

The policy framework and disciplinary processes of the Greyhound Welfare and Integrity Commission (GWIC) were the subject of much evidence to this inquiry with some stakeholders questioning whether these have been appropriate for the greyhound racing industry. This goes to the fundamental issue of GWIC's role and culture explored at length in the previous chapter.

This chapter begins with GWIC's policy and legislative framework with a particular focus on the treatment and care of racing greyhounds, along with rehoming and euthanasia, and swab testing and prohibited substances. The chapter then considers the central question as to whether GWIC's approach to disciplinary matters is too heavy-handed towards racing participants.

### Policy and legislative framework

- 3.1 As discussed in chapter 1, GWIC's policy and legislative frameworks comprises:
- the *Greyhound Racing Act* which sets out GWIC's objectives
  - the *NSW Greyhound Code of Practice* developed by GWIC in accordance with the Act
  - policies developed by GWIC in support of the Code, including the *Race Day Hydration and Hot Weather Policy*, *Swabbing Policy*, *Trial Track Policy* and *Greyhound Rehoming Policy*.
- 3.2 It is important to note that the policy framework for the regulation of the greyhound racing industry also includes policies and programs that fall within the scope of GRNSW. In particular, GRNSW plays a role in rehoming initiatives and racetrack design and safety.
- 3.3 The committee heard mixed views on the effectiveness of the policy and legislative framework for the greyhound racing industry. While the committee heard some support for GWIC's policies from the racing industry and animal welfare organisations, most stakeholders on both sides of the debate expressed concern that the policy framework does not adequately protect the interests that they advocated for.
- 3.4 On the one hand, some racing industry stakeholders expressed the view that GWIC's policies are too stringent on racing participants, questioning whether they are justifiable or suitable for racing greyhounds. On the other hand, stakeholders representing animal welfare interests were of the view that there are gaps in GWIC's policy framework, and legislative and policy constraints that limit GWIC's authority to protect and promote the welfare of animals, a principal objective of GWIC.
- 3.5 The views raised by stakeholders in this regard can be summarised under the following three themes:
- treatment and care of racing greyhounds
  - rehoming and euthanasia
  - swab testing and prohibited substances.

## Treatment and care of racing greyhounds

- 3.6 The *Code of Practice* sets out welfare standards for the greyhound racing industry. As highlighted in chapter 2, some racing industry stakeholders were dissatisfied with GWIC's approach to consultation for the development of the Code. As a result, many were also dissatisfied with the final Code's provisions. Arguing that greyhounds 'have a predisposition or a natural instinct' to chase, the Australian Workers Union (AWU) lamented, 'GWIC adopted an approach to industry policy/code development on the assumption or perception that a greyhound's entire existence be predominantly based upon a canine pet status'.<sup>195</sup>
- 3.7 Several greyhound owners, trainers and breeders shared the view that the industry is overregulated through the Code, policies and legislation, making it harder for participants, particularly hobbyists, to remain in the industry. Indeed, some speculated whether there was an intention by GWIC to discontinue the sport.<sup>196</sup>
- 3.8 Below are examples, which according to racing industry stakeholders, illustrate the way in which GWIC has implemented policies that are unsuitable for greyhounds and place pressure on racing participants.
- **Kennel sizes:** Greyhound Clubs NSW highlighted that in increasing participant standards, GWIC had not thought through the implementation of a new standard which requires individual kennel sizes to increase to 3.5 metres squared. While there is a 10 year transition period for participants, the organisation stated that the cost to upgrade facilities to meet this requirement 'will be significant', placing 'further pressure' on industry participants to exit the industry or support their involvement in the racing industry with paid work.<sup>197</sup>
  - **Hydration:** Under the *Race Day Hydration and Hot Weather Policy*, 'water must be provided in race day kennels to all greyhounds kennelled for the race meeting' unless an exemption applies.<sup>198</sup> Greyhound trainer, Mr David Irwin explained that the policy fails to recognise that greyhounds are 'canine athletes', noting that excessive water before a race can impact a greyhound's performance. Mr Irwin emphasised that greyhound owners hydrate their greyhounds before and after races, and that there is no need for water during races. He also pointed out that New South Wales is the only state that mandates water in race day kennels.<sup>199</sup> President of the Temora Greyhound Racing Club, Mr Bill Schwencke asserted that most of the time greyhounds will knock over the water bowl leaving them to lie in a wet kennel until the race starts.<sup>200</sup>
  - **Chase stimuli:** Greyhound Clubs NSW expressed concern with the legislative requirement that prohibits 'keeping certain animals on premises where greyhounds are kept', a provision which includes animal carcasses, skin or any other part of an animal. The organisation argued that there 'is a need for the industry to review the impacts of

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<sup>195</sup> Submission 69, The Australian Workers' Union, p 3.

<sup>196</sup> See for example, Evidence, Mr Jason Bolwell, Greyhound owner, breeder and trainer, 3 June 2021, p 9; Submission 34, Greyhound Clubs NSW, p 10.

<sup>197</sup> Submission 34, Greyhound Clubs NSW, p 10.

<sup>198</sup> GWIC, *Race Day Hydration and Hot Weather Policy*.

<sup>199</sup> Evidence, Mr David Irwin, Private citizen and greyhound trainer, 27 May 2021, p 4.

<sup>200</sup> Evidence, Mr Bill Schwencke, President, Temora Greyhound Racing Club, p 10.

removing tangible rewards and scent based stimuli from the training of greyhounds'.<sup>201</sup> Mr Irwin agreed with questioning that the prohibition on animal lures would increase the number of dogs that do not want to run, risking wastage.<sup>202</sup>

- 3.9** On the other hand, animal welfare organisations mostly shared the view that GWIC's overarching principles were suitable, arguing that there is room for GWIC's policy and legislative framework to be strengthened. These stakeholders argued that GWIC is constrained by the *Greyhound Racing Act* and *Code of Practice*, which limit GWIC's authority in key areas to achieve its principal legislative objective of promoting and protecting greyhound welfare. The Coalition for the Protection of Greyhounds stated that 'without amendments to the Act and the Code, greyhound welfare will remain well below the standard of animal welfare that is acceptable in the 21<sup>st</sup> century'.<sup>203</sup>
- 3.10** According to the Coalition for the Protection of Greyhounds, the 'most significant' examples of the constraints include GWIC's lack of authority to:
- monitor, track and inspect greyhounds whose owners are not registered industry participants
  - set maximum breeding numbers for the industry
  - set minimum standards for racecourse design and construction, and greyhound training facilities, which are currently within the purview of GRNSW
  - set the maximum number of greyhounds permitted in a race.<sup>204</sup>
- 3.11** The Anti Greyhound Racing Network argued that racecourse design and construction is a welfare issue and thus should fall within the scope of GWIC rather than GRNSW as is currently the case.<sup>205</sup> Stakeholders referred to a study by the University of Technology, Sydney and recommended that, to minimise racetrack injuries, racetracks should be straight, rather than circular and that there should be a maximum of six dogs in any one race.<sup>206</sup>
- 3.12** Comments about greyhound tracking and breeding numbers are discussed in the next section.
- 3.13** Other animal welfare stakeholders such as Animal Liberation argued that the *Code of Practice* is in conflict with other animal welfare legislation and allows greyhounds to receive fewer welfare protections than other canines. It observed that the Code does not 'reflect or include reference to relevant clauses in other applicable legislation including the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* and the *Companion Animals Breeding*

<sup>201</sup> Submission 34, Greyhound Clubs NSW, p 17.

<sup>202</sup> Evidence, Mr Irwin, 27 May 2021, pp 4-5.

<sup>203</sup> Submission 2, Coalition for the Protection of Greyhounds, p 9.

<sup>204</sup> Submission 2, Coalition for the Protection of Greyhounds, p 9. See also, Submission 26, Anti-Greyhound Racing Network NSW, pp 4-6; Submission 33, Humane Society International Australia, p 3; Submission 36, Animal Liberation, p 27; Submission 37, Sentient, the Veterinary Institute for Animal Ethics, p 37; Submission 67, Animal Welfare League NSW, p 2.

<sup>205</sup> Submission 26, Anti Greyhound Racing Network NSW, p 5

<sup>206</sup> See for example, Submission 2, Coalition for the Protection of Greyhounds, p 11; Submission 26, Anti Greyhound Racing Network NSW, p 5; Submission 33, Humane Society International Australia, p 3.

*Standards'*. Animal Liberation explained that no other housing or accommodation of companion animals such as veterinary practices, boarding kennels, council pounds, shelters or commercial breeding facilities can receive approval for licensed housing without adherence to legislation.<sup>207</sup>

- 3.14** Few inquiry participants expressed strong support for the *Code of Practice*. GBOTA praised GWIC for 'developing a *Code of Practice* that sets the highest standards of welfare across Australia, putting the New South Wales greyhound racing industry on the path to a strong, vibrant and sustainable future'. The association stated that the Code 'strongly represents the commitment of the industry to achieve long term sustainability by setting standards that reflect public expectations'.<sup>208</sup>

### **Rehoming and euthanasia**

- 3.15** As noted in chapter 1, rehoming and euthanasia were the subject of much discussion for stakeholders from the racing industry and animal welfare organisations. GWIC acknowledged that unnecessary euthanasia of greyhounds 'remains a key issue facing the greyhound industry'.<sup>209</sup>
- 3.16** Stakeholders representing the racing industry, including GBOTA and Greyhound Clubs NSW were generally supportive of the work of both GWIC and GRNSW in rehoming. Indeed, GBOTA described GWIC's rehoming requirements as 'one of the biggest improvements in the overall welfare of greyhounds'.<sup>210</sup>
- 3.17** Greyhound Clubs NSW was particularly supportive of the regionalisation of the Greyhounds As Pets program run by GRNSW, 'making the program more accessible to industry participants'. The organisation suggested that there could be further opportunities for companion animal training programs, such as for army veterans and nursing homes, to expand 'suitable post racing lifestyles for greyhounds'. Greyhound Clubs NSW argued that such an opportunity would be 'ideal for greyhounds given their short hair/clean nature, low exercise requirements ... and overall relaxed temperament'.<sup>211</sup>
- 3.18** One area of concern for Greyhound Clubs NSW, however, was the provision in the *Code of Practice* which makes it an offence for a participant to transfer a greyhound in circumstances where the participant 'knows, or ought to know or has reason to believe that the greyhound may be euthanased'. The organisation argued that the provision was 'too open ended and of concern to the industry'. In particular, it raised that the phrase 'ought to know' has 'no bounds or time limitations' highlighting that there are examples where a greyhound may be rehomed in a home with 'family history of illness or behavioural issues that may result in euthanasia'.<sup>212</sup>
- 3.19** Turning now to the views of animal welfare organisations, these stakeholders argued that there are loopholes in the *Greyhound Rehoming Policy* that enable the euthanasia of healthy greyhounds that have retired and also leave many greyhounds unaccounted for. Stakeholders explained that

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<sup>207</sup> Submission 36, Animal Liberation, p 28.

<sup>208</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 2.

<sup>209</sup> Submission 31, Greyhound Welfare and Integrity Commission, p 33.

<sup>210</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 22.

<sup>211</sup> Submission 34, Greyhound Clubs NSW, p 11.

<sup>212</sup> Submission 34, Greyhound Clubs NSW, p 4. See also, Submission 32, Grafton Greyhound Racing Club p 3; Submission 56, Shoalhaven p 3.

this is because GWIC is constrained by the *Greyhound Racing Act* and *Code of Practice* which only legally entitles GWIC to track greyhounds that are owned by industry participants. This means that greyhounds that are privately rehomed or left in pounds for a period of time could be euthanased without GWIC's knowledge.<sup>213</sup>

- 3.20** The Coalition for the Protection of Greyhounds submitted that thousands of greyhounds that have retired from racing cannot be accounted for. In the 2019-2020 financial year, for example, 3,659 greyhounds were due to retire. Of these, 1,231 greyhounds retired and were tracked by GWIC, with 2,428 greyhounds left unaccounted for. The organisation noted that the Minister responsible for greyhound racing has disputed their figures but has never 'published any figures to show the fate of these unaccounted-for greyhounds'.<sup>214</sup>
- 3.21** Such stakeholders therefore recommended that GWIC be empowered to implement whole of life tracking of all greyhounds regardless of ownership.<sup>215</sup> The Coalition for the Protection of Greyhounds and the Anti Greyhound Racing Network NSW suggested that annual traceability and welfare checks, funded by the government, be conducted by a registered vet who then provides a report to GWIC.<sup>216</sup>
- 3.22** Mr Steve Griffin, GWIC Chief Executive Officer highlighted that GWIC's legislative remit for whole of life tracking is limited to greyhounds that are registered with the agency. Once a greyhound is transferred to a private individual outside the industry, it is placed on the Companion Animals Register. Mr Griffin noted that to ensure that the greyhound is indeed placed on this register, GWIC has a memorandum of understanding and information sharing agreement with the RSPCA, New South Wales Police and the Office of Local Government.<sup>217</sup>
- 3.23** At the committee's hearing in June 2022, the committee questioned whether GWIC's new eTrac system which electronically tracks greyhounds in real time via a microchip would help address the gap identified by stakeholders in whole of life tracking. Mr Griffin clarified that the eTrac system ceases when the greyhound is removed from the greyhound register and placed on the Companion Animals Register.<sup>218</sup>
- 3.24** Stakeholders also identified that excessive breeding numbers and the subsequent difficulty of finding sufficient homes are a key factor in the practice of euthanasia in the greyhound racing industry.<sup>219</sup> The Coalition for the Protection of Greyhounds and the Anti Greyhound Racing Network NSW therefore recommended that GWIC set maximum breeding limits and that

<sup>213</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 5.

<sup>214</sup> Submission 2, Coalition for the Protection of Greyhounds, p 5. See also, Submission 36, Animal Liberation, p 22.

<sup>215</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 10; Submission 24, World Animal Protection Australia, pp 1-2; Submission 26, Anti Greyhound Racing Network NSW, p 3; Submission 40, PETA Australia, p 1.

<sup>216</sup> Submission 2, Coalition for the Protection of Greyhounds, p 10; Submission 26, Anti Greyhound Racing Network NSW, p 5.

<sup>217</sup> Evidence, Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission, 28 May 2021, p 13.

<sup>218</sup> Evidence, Mr Griffin, 30 June 2022, p 42.

<sup>219</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 6; Submission 26, Anti Greyhound Racing Network NSW, p 3; Submission 67, Animals Australia Inc, p 4.

greyhound sanctuaries be established for those that are not adopted by the public.<sup>220</sup> The Animal Welfare League NSW recommended that the *Greyhound Rehoming Policy* be amended to prohibit the euthanasia of healthy greyhounds, suggesting this could also promote the reduction of breeding.<sup>221</sup>

### Swab testing and prohibited substances

- 3.25** Finally, stakeholders from the racing industry raised concerns with GWIC's swabbing policy and practices arguing that testing is too sensitive and in need of review. For example, Dr Brian Daniel, Former Chief Veterinarian at GRNSW argued that 'trainers do not get a fair chance' with the current swabbing practices. However, he noted that these issues are 'problems that have ... been with the game for a long time'.<sup>222</sup>
- 3.26** GBOTA stated that it was concerned with the way in which GWIC treated 'benign substances' such as cobalt, calcium or arsenic which are on the prohibited substances list in the same vein as performance enhancing drugs. Given that cobalt and calcium are naturally occurring substances found in food eaten by greyhounds, GBOTA highlighted that the finding of cobalt or calcium in swab testing is ordinarily due to foods provided for nutritional purposes or supplements provided to aid in recovery. GBOTA also explained that arsenic is found in some greyhound foods such as sardines, seaweed, kelp extract and beetroot, and has been proven to be found in soil and Sydney water.<sup>223</sup>
- 3.27** Several stakeholders questioned whether there is a scientific basis for the prohibition of substances such as cobalt. Nonetheless, GBOTA noted that GWIC 'has progressed some positive work in this area' by introducing an early alert system for participants to provide a warning when cobalt levels are approaching the prohibited threshold. However, the association also highlighted that the 'significant reduction in the number of positive swabs for cobalt' is clearly having an impact on husbandry practices, suggesting that it raises questions as to whether cobalt is indeed performance enhancing and what the appropriate threshold is. GBOTA therefore recommended that further research and review of GWIC's swabbing policies 'needs to take place in the near future'.<sup>224</sup>
- 3.28** Other stakeholders including Greyhound Clubs NSW added that the swab tests are so sensitive that they can detect the participants' personal medication, caffeine or theobromine (found in chocolate) after the participant has patted their greyhound or the dog has licked their face.<sup>225</sup>

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<sup>220</sup> See, Submission 2, Coalition for the Protection of Greyhounds, p 6; Submission 26, Anti Greyhound Racing Network NSW, p 3.

<sup>221</sup> See, Submission 67, Animal Welfare League NSW, p 1.

<sup>222</sup> Evidence, Mr Brian William Daniel, Former Chief Veterinarian of Greyhound Racing NSW, 28 May 2021, p 36.

<sup>223</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 7.

<sup>224</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 7.

<sup>225</sup> Submission 34, Greyhound Clubs NSW, pp 10-11. See also, Evidence, Mr William Daniel, 28 May 2021, p 36.

Some racing participants also highlighted that there are widespread contaminants, such as recreational drugs, in the environment including at racing tracks.<sup>226</sup>

- 3.29** The committee questioned GWIC representatives on whether current testing practices are fair on participants, particularly given the risk of cross contamination and sensitivity of testing. At the committee's hearing in May 2021, former Chief Veterinarian Dr Michelle Ledger clarified that it was important to note that thresholds are set for some substances acknowledging that they occur naturally in the body. Referring to cobalt as an example, Dr Ledger explained that based on the results of all urine tests performed over three years, more than 80 per cent of greyhounds have a cobalt level of less than 10, while the threshold is set at 100. She emphasised that to breach the threshold requires administration of a substance such as a vitamin, injection or supplement.<sup>227</sup>
- 3.30** Dr Ledger described the cobalt threshold as 'very generous', noting that if there were a recommendation that the science behind the threshold be investigated, this could lead to it being lowered.<sup>228</sup> In answers to questions on notice, GWIC added that the threshold was set following a study commissioned by Greyhound Racing Victoria and Greyhounds Australasia into cobalt and arsenic levels. GWIC stated that 'the study led to the introduction of nationwide greyhound racing rules which imposed a threshold level for each substance'.<sup>229</sup>
- 3.31** With regard to cross contamination, former GWIC Chief Commissioner Mr Alan Brown highlighted that these 'issues are taken into account when the penalty is imposed', however, once a prohibited substance is in the greyhound's system and presented for racing, GWIC does not have discretion to allow a dog to participate in a race. Mr Brown described the situation as 'unfortunate' but highlighted the need for participants to be careful, while pointing to the need to ensure the integrity of the racing system:

It is just unfortunate. People have got to be very careful. We issue alerts. We try to encourage people to learn to practice hygiene which prevents or reduces the risk of unintended substances getting into the dogs, but we cannot always control that. You have got to have a clean industry. You have got to have an industry where the dog is presented and it is on a level playing field and it does not have substances in its system that affect its welfare or its performance.<sup>230</sup>

<sup>226</sup> See for example, Evidence, Ms Kerry Drynan, Greyhound owner, breeder and trainer, 3 June 2021, p 44.

<sup>227</sup> Evidence, Dr Michelle Ledger, Chief Veterinarian, Greyhound Welfare and Integrity Commission, 28 May 2022, p 21.

<sup>228</sup> Evidence, Dr Ledger, 28 May 2022, p 21.

<sup>229</sup> Answers to questions on notice, Greyhound Welfare and Integrity Commission, received 30 June 2021, p 1.

<sup>230</sup> Evidence, Mr Alan Brown, Chief Commissioner, Greyhound Welfare and Integrity Commission, 28 May 2021, p 21.

## Disciplinary processes

- 3.32** As outlined in chapter 1, the *Greyhound Racing Act* empowers GWIC to take disciplinary action against participants who have contravened relevant rules. Participants who are aggrieved by GWIC's decisions can appeal through the Racing Appeals Tribunal and/or GWIC's internal review process. While animal welfare organisations were supportive of GWIC's disciplinary processes and options for appeal, most stakeholders from within the racing industry were critical of GWIC's disciplinary processes and options for appeal.
- 3.33** One of the biggest concerns for stakeholders from the racing industry was the accessibility and timeliness of GWIC's disciplinary processes. While GBOTA asserted that penalties and offences were 'appropriate' and 'assisting to achieve the desired outcomes', it submitted in December 2020 that GWIC's disciplinary model was 'complex, heavily administrative, and too legalistic to provide real natural justice to participants'. GBOTA argued that each step of the disciplinary process, which is undertaken through written letters and requests for written information, is a 'challenging task that requires legal assistance, resulting in an enormous cost burden for participants who may have already lost their incomes due to the charges'.<sup>231</sup>
- 3.34** GBOTA noted that this model has resulted in 'extremely lengthy delays' with some matters taking weeks, months or over a year to be determined, describing the impact such lengthy delays can have on participants:
- During this time, participants are left in limbo, often on interim suspensions, unable to participate, quickly losing income sources, as well as suffering reputational damage. This also has an enormous impact on the mental health and wellbeing of both the participant and their family members, as they deal with long periods of uncertainty.<sup>232</sup>
- 3.35** GBOTA suggested that there could be scope for charges to be categorised into a tier system with low-level charges to be dealt with in a 'regulatory fashion with a charge and penalty issued simultaneously'. In particular, GBOTA argued that where a charge deals with a 'benign substance such as cobalt, arsenic, calcium or other low-level offence, the process should be streamlined to ensure it is efficient'. The association argued that were this to occur, the administrative process of dealing with these matters would be lessened, leaving GWIC to concentrate on more complex charges. GBOTA suggested that such offences could be dealt with through an 'enforceable undertaking that could be negotiated early and efficiently after detection'.<sup>233</sup>
- 3.36** Stakeholders also argued that disciplinary matters lack procedural fairness or flexibility for participants. The AWU highlighted that a key concern in this area is a lack of flexibility for participants with 'exemplary records' over a long period of time who are 'nevertheless the subject of an absolute liability test' when prohibited substances are found through swab testing. The union argued that if a participant has been racing for decades and has consistently tested without problems, 'common sense would suggest that the possibility of another cause should be

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<sup>231</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 10.

<sup>232</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 10. See also, Submission 41a, Greyhound Racing New South Wales, p 2.

<sup>233</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, pp 8 and 11.

contemplated'. In addition, the union stated that GWIC's processes do not differentiate between genuine mistakes and cheating.<sup>234</sup>

- 3.37** Inquiry participants also pointed to suspensions prior to a matter being heard or the practice of plea bargaining to receive a lesser sentence as further examples of a lack of procedural fairness in GWIC's disciplinary processes.<sup>235</sup>
- 3.38** GRNSW raised concerns with GWIC exercising all three investigative, prosecutorial and sentencing functions in response to breaches. The commercial body stated that 'GWIC is seen by participants as "judge, jury and executioner"'.<sup>236</sup>
- 3.39** GRNSW suggested that it would be valuable to 'investigate the merits of a tribunal system to adjudicate on breaches of racing rules and the code of practice', which is commonplace in other sporting codes such as the National Rugby League, Australian Rugby Union and Racing Victoria. GRNSW suggested that the tribunal could include 'a blend of magisterial experience, participant experience, a representative(s) from GWIC and members of the wider (racing) community'. GRNSW referred to the Victorian Racing Tribunal as an example, highlighting that proceedings are held in an informal manner, although more formal hearings may be required if matters cannot be mediated informally.<sup>237</sup>
- 3.40** According to GRNSW, racing participants also support an alternative approach which would see penalties reviewed by a local court, 'with the attending process and procedural fairness found within the judicial system'.<sup>238</sup>
- 3.41** In addition to concerns about the accessibility and fairness of GWIC's disciplinary processes, stakeholders also voiced dissatisfaction with the accessibility of the options for appeal. GBOTA explained that once GWIC hands down its final decision, participants are often reluctant to go through the appeals process as it means 'several more weeks or months of uncertainty, as well as further cost burden from legal representation'. Participants thus weigh these costs against the cost of waiting out their suspension period.<sup>239</sup>
- 3.42** GBOTA suggested the introduction of an appeals panel comprising three 'suitably skilled and experienced persons' to operate as the first point of appeal of a GWIC decision, similar to panels that operate in other sports. GBOTA envisioned that the panel would be more informal without the need for legal representation, providing an opportunity for easier and speedier decisions.<sup>240</sup>

While Greyhound Clubs NSW expressed the view that the options for appeal are sufficient, the organisation agreed that the 'cost to undertake an appeal is significant'.<sup>241</sup>

<sup>234</sup> Submission 69, The Australian Workers' Union, p 8.

<sup>235</sup> Submission 69, The Australian Workers' Union, p 8.

<sup>236</sup> Submission 41a, Greyhound Racing New South Wales, p 4.

<sup>237</sup> Submission 41a, Greyhound Racing New South Wales, pp 4-5.

<sup>238</sup> Submission 41a, Greyhound Racing New South Wales, p 5.

<sup>239</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 10. See also, Submission 34, Greyhound Clubs NSW, p 4.

<sup>240</sup> Submission 53, NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park, p 10. See also, Submission 34, Greyhound Clubs NSW, p 4.

<sup>241</sup> Submission 34, Greyhound Clubs NSW, p 4.

- 3.43** The committee questioned senior GWIC representatives at their second appearance before the committee in June 2022 about the concerns stakeholders raised about disciplinary processes, particularly with regard to whether they had addressed any concerns raised throughout the inquiry.
- 3.44** Acting Chief Commissioner, Mr Chris Wheeler and Mr Griffin outlined that GWIC had introduced a disciplinary guide and penalty guidelines to make the disciplinary process more transparent and accountable. Mr Griffin noted that the disciplinary guide includes information on the circumstances in which GWIC would issue interim suspensions.<sup>242</sup>
- 3.45** Mr Griffin also highlighted that the penalty guide was developed to 'deliver consistent and fair disciplinary decisions' and allows participants to understand the likely penalty that would apply to breaches. He noted that as at June 2022, GWIC intended to reconsult with the industry on the penalty guidelines to allow further input.<sup>243</sup>
- 3.46** In addition, Mr Griffin highlighted ways that disciplinary processes have been made more accessible and time efficient, such as:
- increased information on GWIC's website about the disciplinary process and whether participants need to engage legal support
  - a reduction of legal jargon and paper so participants do not feel that they have to engage lawyers
  - the decentralisation of the disciplinary model so that decisions are dealt with 'at the lowest possible level, on a regional basis, using regional panels, meaning charges can be issued and dealt with in a matter of days'
  - working with GBOTA on the development of a support program for participants facing disciplinary charges.<sup>244</sup>
- 3.47** In response to questioning about participant concerns that penalties are disproportionate, Mr Griffin clarified that with the exception of some local rules that are developed in consultation with the industry, particularly GRNSW, GBOTA and Greyhound Clubs NSW, GWIC does not make the racing rules. Rather these are the responsibility of Greyhounds Australasia. However, Mr Griffin added that if people feel aggrieved by GWIC's decisions, they can seek an internal review or go to the Racing Appeals Tribunal. He noted that while GWIC tries to publicise the option of an internal review, this is not taken up frequently.<sup>245</sup>
- 3.48** Finally, touching on the evidence from the perspective of animal welfare interests, stakeholders largely argued that penalties were too lenient, and that there is room to strengthen GWIC's disciplinary process. Suggestions included:
- awarding the maximum penalty for the detection of prohibited substances<sup>246</sup>

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<sup>242</sup> Evidence, Mr Chris Wheeler, Acting Chief Commissioner, Greyhound Welfare and Integrity Commission, 30 June 2022, p 24; Evidence, Mr Griffin, 30 June 2022, p 27.

<sup>243</sup> Evidence, Mr Griffin, 30 June 2022, p 35.

<sup>244</sup> Evidence, Mr Griffin, 30 June 2022, p 27. See also, Evidence, Mr Wheeler, 30 June 2022, p 24.

<sup>245</sup> Evidence, Mr Griffin, 30 June 2022, p 27.

<sup>246</sup> See, Submission 2, The Coalition for the Protection of Greyhounds, p 7; Submission 24, World Animal Protection Australia, p 1; Submission 26; Anti Greyhound Racing Network NSW (AGRN

- imposing life bans for participants who accumulate offences even minor over time<sup>247</sup>
- reducing avenues for appeal.<sup>248</sup>

## Committee comment

**3.49** As highlighted in the previous chapter, since its establishment GWIC has focused its role on animal welfare to the detriment of racing industry participants and the growth of the sport. This focus is clearly evident in GWIC's policy framework and disciplinary processes. Greyhound racing has traditionally been a family sport with roots in working class regional communities. For many greyhound racing participants, the sport is their livelihood and a significant part of their and their families' lives. During the course of the inquiry, the committee spoke to numerous participants who were distressed, disempowered and financially ruined by their encounters with GWIC. While it was important that animal welfare be more actively protected following the events that led to the temporary shut down of the industry several years ago, in the committee's view, GWIC must cooperate better with new and old participants to ensure fairness and consistency in all regulatory matters.

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### Finding 8

That the Greyhound Welfare and Integrity Commission must cooperate better with new and old participants to ensure fairness and consistency in all regulatory matters.

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**3.50** The needs of a racing greyhound are different to those of a pet. It is perplexing that the policy framework that underpins the sport does not accommodate this clear difference. The committee believes that GWIC must therefore review its policies in collaboration with industry representatives to ensure that they are suitable for racing greyhounds.

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### Recommendation 10

That the Greyhound Welfare and Integrity Commission review its policies, in collaboration with industry representatives, to ensure that they are suitable for racing greyhounds.

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**3.51** A particular concern that emerged in this inquiry with regard to policies was in relation to swab testing and the prohibited substances list. The committee questions whether there is any scientific basis for the inclusion of potentially benign substances such as cobalt on this list. The absence of a scientific basis for them results in unnecessary stress for industry participants and only increases the sense of distrust towards GWIC among the greyhound racing community. Therefore, GWIC should be involved in establishing and publishing the scientific basis for the prohibited substances list and removing any substance from the list where there is insufficient science behind its inclusion.

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NSW), p 3; Submission 33, Humane Society International Australia, p 2; Submission 36, Animal Liberation, p 19; Submission 40, PETA Australia, p 2.

<sup>247</sup> See, Submission 21, Stop Dog Racing Australia, p 4.

<sup>248</sup> See, Submission 21, Stop Dog Racing Australia, p 4.

- 3.52** The committee acknowledges that the rules on prohibited substances are set nationally. Therefore, we recommend that the NSW Government advocate through National Cabinet for an overhaul of the prohibited substances list by reviewing the list to determine the scientific basis for the inclusion of prohibited substances (such as cobalt), the reasons for their inclusion and the relative detection levels upon which prosecutions are commenced. The outcomes of any research and the review itself should be published, and the list adjusted accordingly. The rationale for substances that remain on the list must be clearly communicated to participants.
- 

### **Recommendation 11**

That the NSW Government advocate through National Cabinet for an overhaul of the national rules on prohibited substances by:

- reviewing the list to determine the scientific basis for the inclusion of prohibited substances (such as cobalt), the reasons for their inclusion and the relative detection levels upon which prosecutions are commenced
  - publishing the outcomes of any research and the review
  - adjusting the prohibited substances list based on the outcomes, if needed
  - ensuring that the rationale for the inclusion of each prohibited substance, and in what quantities, is communicated clearly to industry participants.
- 

- 3.53** On the issue of prohibited substances, the evidence gathered by the committee indicates that swab testing may in some circumstances be too sensitive. We heard that industry participants have been caught out due to tiny amounts of substances that may have been the cause of cross contamination from personal medication or other substances such as caffeine, or traces of recreational drugs in the racetrack environment. The committee also heard that GWIC's testing regime may be improved with the introduction of blood testing for prohibited substances.
- 

### **Recommendation 12**

That the Greyhound Welfare and Integrity Commission replace swab testing with blood tests to ensure that testing for prohibited substances is as accurate as possible.

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- 3.54** In addition, treating participants who may be caught out due to unintentional cross contamination in the same way as those who wilfully breach the rules is disrespectful to innocent industry participants who have told us that they feel they are treated like criminals. We therefore believe that it would be of great benefit to GWIC and industry participants alike to implement a tiered system for breaches, whereby low-level offences can be managed with appropriately scaled punishments. This would be a more efficient way to allocate resources so that GWIC can focus on the more complex and serious infringements. GWIC must also implement practices that ensure procedural fairness and timeliness in investigations and prosecutions.
-

**Recommendation 13**

That the NSW Government take action to enable the Greyhound Welfare and Integrity Commission to implement:

- a tiered system that reflects the seriousness of any breach, whereby low-level offences can be managed with appropriately scaled punishments
  - practices that ensure greater procedural fairness and timeliness in their investigations and prosecutions.
- 

**3.55** Turning to GWIC's disciplinary processes more generally, the committee heard that disciplinary matters can be lengthy, costly and confusing for industry participants. Stakeholders told us that going through the process is punishment in and of itself, leaving them in limbo for far too long. Further, the impact on individuals can be financially, reputationally and emotionally devastating.

**3.56** The committee acknowledges GWIC's evidence that it has taken the initiative to address stakeholders' concerns regarding disciplinary processes. The reduction in paperwork and legal jargon, and the decentralisation of the process, are promising and should go some way in improving accessibility, efficiency, cost and stress for industry participants. Nonetheless, there is still work to be done. The committee believes that it is worth investigating the merits of a less formal tribunal system, independent of GWIC, to adjudicate on breaches of the greyhound racing rules.

**3.57** The committee also considers that options for appeal, including GWIC's internal review and the Racing Appeals Tribunal, can be just as time consuming, costly and inaccessible for industry participants, which must discourage many from accessing these avenues. In addition to the informal tribunal system, we believe appeals should be heard before a local court.

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**Recommendation 14**

That the NSW Government:

- introduce a tribunal system, independent of the Greyhound Welfare and Integrity Commission, to adjudicate on breaches of the greyhound racing rules in a less formal, less costly and more accessible manner
  - provide for any appeal from the tribunal system to be to the local court.
-



## Appendix 1 Submissions

<b>No.</b>	<b>Author</b>
1	Name suppressed
2	Coalition for the Protection of Greyhounds
3	Name suppressed
4	Ms Lesley Pryke
5	Miss Gaylene Young
6	Mr Terry Ingram
7	Ms Elizabeth Gentle
8	Charlotte McCabe
9	Dr Bishnu Lamichhane
10	Ms Jan O'Leary
11	Name suppressed
12	Miss Amanda Barnes
13	Ms Jacqueline Marks
14	Name suppressed
15	Miss Angela Furlan
16	Name suppressed
17	Name suppressed
18	Name suppressed
19	Ms Deborah Lowe
20	Name suppressed
21	Stop Dog Racing Australia
22	Confidential
22a	Confidential
23	Hastings River Greyhound Racing Club (Inc.) Wauchope
24	World Animal Protection Australia
25	Name suppressed
26	Anti Greyhound Racing Network NSW (AGRN NSW)
27	Tabcorp Holdings Limited
28	Name suppressed
29	Ms Rhonda Green
30	Confidential

<b>No.</b>	<b>Author</b>
31	Greyhound Welfare and Integrity Commission
31a	Greyhound Welfare and Integrity Commission
32	Grafton Greyhound Racing Club
33	Humane Society International Australia
34	Greyhound Clubs NSW
35	Dubbo Greyhound Racing
36	Animal Liberation
37	Sentient, The Veterinary Institute for Animal Ethics
38	Greyhound Rescue Inc
39	Matthew Pye
40	PETA Australia
41	Greyhound Racing New South Wales
41a	Greyhound Racing New South Wales
42	Mr Warren Absalom
43	RSPCA NSW
44	Australian Veterinary Association (AVA)
45	New England Greens Armidale Tamworth
46	Mr Samuel Rees
47	Confidential
48	Ms Susie Hearder
49	Animal Justice Party
50	Shooters Fishers and Farmers Party Greyhound Branch
51	Animal Care Australia Inc
52	Mr Alexander Verhagen
52a	Mr Alexander Verhagen
52b	Mr Alexander Verhagen
53	NSW Greyhound Breeders, Owners and Trainers' Association Wentworth Park
54	Mrs Eileen Robertson
55	Animals Australia Inc.
56	Shoalhaven Greyhound Racing Club
57	Mr Jason Bolwell
58	Name suppressed
59	Name suppressed
60	Mrs Wendy Archer
61	Name suppressed

<b>No.</b>	<b>Author</b>
62	Ms Anabel Debelak
63	Name suppressed
64	Ms Amy Johnson
65	Confidential
66	Name suppressed
67	Animal Welfare League NSW
68	Ms Ourania Dimitrakopoulos
69	The Australian Workers' Union (AWU)
70	Mr Gregory Purcell
71	Ms Gail Thorsby
72	Miss Corinne Mackenzie
73	Name suppressed
74	Name suppressed
75	Mr John Tracey
75a	Mr John Tracey
76	Ms Vicki Prest
77	Name suppressed
78	Name suppressed
79	Dr Brian Daniel
80	Mr Peter Davis
81	Mr Michael Eberand
82	Name suppressed
84	Confidential
85	Confidential
86	Confidential
87	Mrs Susan Absalom
88	CG Insight

## Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
<b>Wednesday 26 May 2021</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Witness A	
	Witness B	
	Ms Gail Thorsby <i>(via videoconference)</i>	Former Chief Steward, Greyhound Welfare and Integrity Commission
<b>Thursday 27 May 2021</b> <b>Fort Scratchley Function Centre</b> <b>Newcastle East</b>	Mr David Irwin	Greyhound trainer
	Mr Tony Atkins	Greyhound owner, breeder and trainer
	Mr Alex Verhagen	Greyhound owner, breeder and trainer
<b>Friday 28 May 2021</b> <b>Bathurst Greyhound Track,</b> <b>Bathurst</b>	Mr Alan Brown	Chief Commissioner, Greyhound Welfare and Integrity Commission
	Mr Steve Griffin	Chief Executive Officer, Greyhound Welfare and Integrity Commission
	Dr Michelle Ledger	Chief Veterinary Officer, Greyhound Welfare and Integrity Commission
	Mr David O'Shannessy	Chief Inspector, Greyhound Welfare and Integrity Commission
	Mr David Grant	Greyhound owner, breeder and trainer
	Dr Brian Daniel	Former Chief Veterinarian of Greyhound Racing NSW
<b>Wednesday, 2 June 2021</b> <b>Temora Greyhound Track</b> <b>Temora</b>	Mr Neil Staines	Greyhound owner, breeder and trainer
	Mr Bill Schwencke	President, Temora Greyhound Racing Club

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>Thursday, 3 June 2021 Goulburn Greyhound Racing Club Goulburn</b>	Mr Sandro Bechini	Greyhound owner and breeder, and former member, Animal Welfare Committee, Greyhound Welfare and Integrity Commission
	Mr Jason Bolwell	Greyhound owner, breeder and trainer
	Mr Ken Burnett	Greyhound owner, breeder and trainer
	Mr Peter Davis	Freelance journalist
	Dr Derek Major	Veterinary consultant
	Ms Kerry Drynan	Greyhound owner, breeder and trainer
<b>Monday 6 December 2021 Macquarie Room Parliament House, Sydney</b>	Mr Gregory Purcell	Racing, wagering and sports integrity consultant
	Mr Stephen Noyce	General Manager, NSW Greyhound Breeders Owners and Trainers Association
	Ms Kristy-Lea Harper	Membership and Advocacy Manager, NSW Greyhound Breeders and Owners and Trainers Association
	Dr Ray Ferguson <i>(via videoconference)</i>	Scientific Officer, Australian Greyhound Working and Sporting Dog Veterinarians, Australian Veterinary Association
	Ms Kathryn Jurd	General Counsel, RSPCA NSW
	Ms Fiona Chisholm	NSW Director, Coalition for the Protection of Greyhounds
	Ms Lynda Stoner	Chief Executive Officer, Animal Liberation
	Dr Rosemary Elliott	President, Sentient, The Veterinary Institute for Animal Ethics

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Dr Caroline Hoetzer	Committee member, Sentient, The Veterinary Institute for Animal Ethics
<b>Thursday 30 June 2022</b>	Witness C	
<b>Jubilee Room</b>	Witness D	
<b>Parliament House, Sydney</b>		
	Ms Lisa White <i>(via videoconference)</i>	President and Founder, Friends of the Hound
	Ms Lorraine Ramsay <i>(via videoconference)</i>	Founder, Rescued Greyhounds NSW Central Coast
	Mr Chris Wheeler	Acting Chief Commissioner, Greyhound Welfare and Integrity Commission
	Mr Steve Griffin	Chief Executive Officer, Greyhound Welfare and Integrity Commission
	Mr David O'Shannessy	Chief Inspector, Greyhound Welfare and Integrity Commission
	Dr Tony Kuipers	Chief Veterinary Officer, Greyhound Welfare and Integrity Commission
	Mr Matthew Tutt	Director, Compliance, Policy and Legal, Greyhound Welfare and Integrity Commission
	Mr Wade Birch	Director of Race Day Operations and Integrity, Greyhound Welfare and Integrity Commission
	Mr Kevin Adams	Senior Steward Hunter Region, Greyhound Welfare and Integrity Commission

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**Friday 16 September 2022**  
**Macquarie Room**  
**Parliament House, Sydney**

Mr Robert Macaulay

Chief Executive Officer,  
Greyhound Racing NSW

Dr Alicia Fuller

General Manager, Greyhound  
Development and Advocacy,  
Greyhound Racing NSW

Mr Anthony Ange

Director, CG Insight

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## Appendix 3 Participants at public forums

Date	Name
<b>Thursday 27 May 2021</b> <b>Fort Scratchley Function Centre</b> <b>Newcastle East</b>	Mr Robert Whitelaw
	Mr Samuel Rees
	Mr Trevor Hagney
<b>Wednesday 2 June 2021</b> <b>Temora Greyhound Track</b> <b>Temora</b>	Ms Merle Clarke
	Mr Jeffrey Simms
	Ms Vicki Prest
	Mr Colin Bradley
	Mr Glenn Schwencke.
<b>Thursday 3 June 2021</b> <b>Goulburn Greyhound Racing Club</b> <b>Goulburn</b>	Ms Ellie Robertson
<b>Thursday 30 June 2022</b> <b>Jubilee Room, Parliament House</b> <b>Sydney</b>	Ms Susie Hearder ( <i>via videoconference</i> )
	Mr Robert Whitelaw ( <i>via videoconference</i> )
	Ms Natalie Panzarino
	Ms Sonja Scherer
	Mr Dennis Michael Carl
	Mr David Irwin
	Mr Ron Arnold

## Appendix 4 Minutes

### Minutes no. 1

Thursday 8 October 2020

Select Committee on the Greyhound Welfare and Integrity Commission  
Room 814/815, Parliament House, Sydney at 12.00 pm

#### 1. Members present

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair* (via Webex)

Mr Amato (via Webex)

Mr Fang (via Webex)

Mr Farraway (via Webex)

Mr Pearson

Mr Secord

Mr Veitch

#### 2. Tabling of resolution establishing the committee

The Chair tabled the resolution of the House establishing the committee, which reads as follows:

- (1) That a select committee be established to inquire into and report on the Greyhound Welfare and Integrity Commission (the Commission) as the independent regulator of the greyhound industry in New South Wales, and in particular:
  - (a) the policies, procedures, mechanisms, and overarching principles of the Commission in relation to industry participants,
  - (b) the appropriateness of disciplinary action for those industry participants breaching legal requirements as set out by the Commission,
  - (c) the options for appeal by industry participants who breach legal requirements as set out by the Commission,
  - (d) the combined relationship of the Commission, the industry operator Greyhound Racing NSW, and industry participants in relation to the overall greyhound racing industry,
  - (e) the existing funding agreement between the Commission and Greyhound Racing NSW with a view to considering recommended options,
  - (f) the actions, conduct and effectiveness of the Commission and GRNSW, in particular in relation to its role in improving the welfare of greyhounds, and
  - (g) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
  - (a) three government members,
  - (b) two opposition members, and
  - (c) three crossbench members, with one being Mr Borsak and one being Ms Boyd.
- (3) That the Chair of the committee be Mr Borsak and the Deputy Chair be Ms Boyd.
- (4) That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,

- (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (c) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
- (d) transcripts of evidence taken at public hearings are to be published,
- (e) supplementary questions are to be lodged with the committee clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

### **3. Conduct of committee proceedings – media**

Resolved, on the motion of Mr Veitch: That unless the committee decides otherwise, the following procedures are to apply for the life of the committee:

- the committee authorise the filming, broadcasting, webcasting and still photography of its public proceedings, in accordance with the resolution of the Legislative Council of 18 October 2007
- the committee webcast its public proceedings via the Parliament's website, where technically possible
- the committee adopt the interim guidelines on the use of social media and electronic devices for committee proceedings, as developed by the Chair's Committee in May 2013
- media statements on behalf of the committee be made only by the Chair.

### **4. Inquiry**

#### **4.1 Proposed timeline**

Resolved, on the motion of Mr Secord: That the committee adopt the following timeline for the administration of the inquiry:

- Submission closing date: Friday 4 December 2020
- Hearings: up to four days between February and April 2021, including regional hearings

#### **4.2 Stakeholder list**

Resolved, on the motion of Mr Pearson: That the committee invite the following stakeholders to make a submission, and that members be given 7 days to nominate any additional stakeholders:

- Government
  - Greyhound Welfare and Integrity Commission
  - Office of Racing within the NSW Department of Customer Service
- Industry bodies
  - Greyhound Racing NSW (GRNSW)
  - Greyhounds Australasia
  - Australian Federation of Greyhound Breeders, Owners & Trainers Association (AGBOTA)
  - NSW Greyhound Breeders, Owners and Trainers Association (GBOTA)
- Bookmakers
  - Tabcorp Holdings Limited
  - Unibet/Betchoice
  - Betfair Australasia

- ABA Pty Ltd (Australian Bookmakers Association)
- NSW Bookmakers' Co-operative Ltd
- Veterinary associations
  - Veterinary Practitioners Board of New South Wales
  - Australian Veterinary Association (AVA)
  - Australian Greyhound Working and Sporting Dog Veterinarians Group
- Greyhound adoption organisations
  - Greyhound Adoption Program NSW
  - Greenhounds NSW
  - Greyhound Rescue
- Animal welfare organisations
  - Animal Rights and Rescue Group Inc.
  - RSPCA NSW
  - Humane Society International
  - Animals Australia
  - Animal Liberation NSW

#### 4.3 Online questionnaire

Resolved, on the motion of Ms Boyd: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be as set out in the attached document.

Resolved, on the motion of Ms Boyd: That:

- the committee not accept proformas
- the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
- that the following wording be included on the committee's website:
  - **Submissions**
  - Individuals are invited to submit their comments on the terms of reference [here](#) [hyperlink to online questionnaire]. This is a new way for individuals to participate in inquiries and it means we will no longer accept proformas.

Resolved, on the motion of Ms Boyd: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- the committee agree to publication of the report via email, unless a member raises any concerns
- individual responses be kept confidential on tabling.

#### 4.4 Adjournment

The committee adjourned at 12.09 pm, *sine die*.

Laura Ismay  
Committee Clerk

#### Minutes no. 2

Thursday 10 December 2020

Select Committee on the Greyhound Welfare and Integrity Commission

Room 1043, Parliament House, Sydney at 3.31 pm

#### 1. Members present

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair* (via Webex)

Mr Amato (via Webex)

Mr Fang  
Mr Farraway (via Webex)  
Mr Pearson  
Mr Secord  
Mr Veitch

## 2. Previous minutes

Resolved, on the motion of Mr Secord: That draft minutes no. 1 be confirmed.

## 3. Correspondence

The committee noted the following items of correspondence:

### *Received:*

- 3 December 2020 – Email from Mr Pearson to Chair and committee advising that his Facebook post has been removed and apologising for its occurrence.
- 10 December 2020 – Email from Ms Boyd to the committee regarding a blogpost her office had published on her website on 26 November 2020.

### *Sent:*

- 1 December 2020 – Email from Chair to Mr Pearson regarding his Facebook post-dated 17 November 2020.

## 4. Possible interference with the committee process

On 17 November 2020, Mr Pearson posted a Facebook post purporting to provide a 'guide' as to how to fill out the committee's online questionnaire. The post specifies the answers that individuals should give to each of the questionnaire's 11 questions, including the questions with a free text response.

On 26 November 2020, Ms Boyd's office published a blogpost on her website providing a similar guide as to how to fill out the committee's online questionnaire, and provided a link to this blogpost on her Facebook page.

Resolved, on the motion of Mr Fang: That the committee:

- note correspondence from the Chair to Mr Pearson dated 1 December 2020 indicating that it is plainly inappropriate for a member of the committee to seek to influence parties in the evidence that they submit to the committee, that his Facebook post clearly subverted the committee process, and asking him to immediately delete the post
- note correspondence from Mr Pearson to the Chair and committee dated 3 December 2020 advising that the post has been removed and apologising for its occurrence
- note correspondence from Ms Boyd dated 10 December 2020:
  - advising that her office had also published a blogpost on her website on 26 November 2020 providing a guide for filling out the committee's online questionnaire specifying answers that individuals should give to each of the questionnaire's 11 questions, including the questions with a free text response
  - advising that following the Chair's correspondence to Mr Pearson, this blogpost and a Facebook post providing a link to the blogpost had been removed on 2 December 2020
  - apologising for the oversight
- direct the secretariat, in preparing the summary report of the online questionnaire, to disregard any responses based on those set out in Mr Pearson's Facebook post and Ms Boyd's website blogpost
- request the secretariat to advise the committee of the number of questionnaire responses that have been disregarded
- extend the submissions and online questionnaire opening period to 29 January 2021
- confirm the draft minutes of this meeting via email, and authorise the secretariat to publish the confirmed minutes on the inquiry webpage.

Resolved, on the motion of Mr Veitch: That the Chair seek written advice from the Clerk about committee members and other members of the House canvassing or influencing responses to online questionnaires and submissions.

**5. Provision of documents to participating member**

Resolved, on the motion of Mr Veitch: That Mr Latham, who has advised the secretariat that he intends to participate for the duration of the inquiry into the Greyhound Welfare and Integrity Commission:

- be provided with copies of all inquiry related documents, including meeting papers, unpublished submissions and the Chair's draft report
- has travel costs associated with his participation in the inquiry covered by the committee.

**6. Adjournment**

The committee adjourned at 3.56 pm, *sine die*.

Sharon Ohnesorge  
Committee Clerk

**Minutes no. 3**

Wednesday 5 May 2021

Select Committee on the Greyhound Welfare and Integrity Commission

Room 1043, Parliament House, Sydney at 1.43 pm

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr Fang

Mr Farraway (from 1.47 pm)

Mr Pearson

Mr Secord

Mr Veitch

**2. Previous minutes**

The committee noted that Minutes no. 2 were confirmed via email on 14 December 2020 and published on the inquiry webpage.

**3. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 29 January 2021 – Email from Ms Lisa Ryan, Regional Campaigns Coordinator, Animal Liberation, to secretariat, providing an update on the online petition appended to their submission (no. 36, public) and requesting that the email be included as a further attachment
- 25 March 2021 – Email from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, raising concerns about the publication of submissions 69 and 71 prior to her providing a response to comments made in the submissions
- 26 March 2021 – Email from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, requesting that the publication of submissions 69 and 71 be withheld until she has provided her response to comments made in the submissions
- 30 March 2021 – Letter from Dr Michelle Ledger, Director Animal Welfare, Greyhound Welfare and Integrity Commission, to the Chair, responding to comments made in submissions 69 and 71

- 30 March 2021 – Email from Mr Steve Griffin, Interim Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, advising of the Commission's preference to appear at the hearing scheduled on 15 July 2021 in Sydney.
- 9 April 2021 – Letter from Mr Steve Griffin, Interim Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, responding to comments made in submissions 69 and 71, with two attachments:
  - Annexure 1 – 'Private and confidential: Review of evidence relating to the allegations of bullying of Gail Thorsby, former Acting Chief Steward, GWIC', prepared by Mr Chris Wheeler, Commissioner, dated 24 August 2020 (received redacted)
  - Annexure 2 – 'GWIC Consultation report' prepared by Michael Mintz Management Consulting (MMMC) Pty Ltd (received redacted)
- 12 April 2021 – Letter from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, responding to allegations made in submissions 69 and 71, including 'Attachments C, D and E' (received redacted)
- 20 April 2021 – Letter from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, alleging false and misleading information in Submission 41 (Greyhound Racing NSW) and requesting that any reference to this information include her response to it.
- 4 May 2021 – Email from Mr Dominic Herschel, Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, providing links to media release confirming the appointment of Mr Steve Griffin as Chief Executive Officer of the Commission.

***Sent:***

- 25 March 2021 – Letter from Chair to Dr Michelle Ledger, Chief Veterinary Officer, Greyhound Welfare and Integrity Commission, inviting a response to comments made in submissions 69 and 71
- 25 March 2021 – Letter from Chair to Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, inviting a response to comments made in submissions 69 and 71
- 26 March 2021 – Email from secretariat to Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, providing advice and information regarding procedural fairness
- 26 March 2021 – Email from secretariat to Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, indicating that her request on 25 March 2021 would be passed on to the committee and providing requested advice regarding parliamentary privilege
- 29 March 2021 – Email from secretariat to Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, providing requested information regarding members' conflicts of interest.

Resolved, on the motion of Mr Veitch: That the committee authorise the publication of correspondence from Ms Lisa Ryan, Animal Liberation, providing an update on the online petition appended to their submission (no. 36, public), and that the correspondence be published on the inquiry webpage as a further attachment to the submission.

**4. Public submissions**

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 2, 4-13, 15, 21, 23-24, 27, 29, 31-45, 48-51, 53-56, 60, 62, 64, 67-68, 70, 72, 75.

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of submission nos. 26 and 76.

**5. Partially confidential submissions**

*Name suppressed*

The committee noted that the following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 11, 14, 16-18, 20, 25, 58-59, 61, 63, 66 and 73-74.

Resolved, on the motion of Mr Fang: That the committee authorise the publication of submission nos. 1, 11, 14, 16-18, 20, 25, 58-59, 61, 63, 66 and 73-74, with the exception of the author's name, which is to remain confidential, as per the request of the author.

***Partially confidential submission – at the author's request***

Resolved, on the motion of Mr Amato: That the committee authorise the publication of submission no. 3, with the exception of the author's name and/or identifying information or the names of third party individuals, which is to remain confidential, as per the request of the author.

***Partially confidential submission – as identified by the secretariat***

Resolved, on the motion of Mr Amato: That the committee authorise the publication of submission nos. 19, 28, 46, 52 and 57, with the exception of identifying or sensitive information, or the names of third party individuals, or potential adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

**6. Confidential submissions**

Resolved, on the motion of Mr Veitch: That the committee keep submission nos. 22, 22a, 30, 47 and 65 confidential, as per the request of the author.

**7. Written replies to adverse comments in submissions 69 and 71**

The committee to note that it agreed via email to:

- the publication of submissions 69 (Australian Workers' Union) and 71 (Ms Gail Thorsby, former Chief Steward, GWIC), with the exception of the names of certain third party individuals, which are to be kept confidential [Note: the names of Ms Judith Lind, former CEO, Dr Michelle Ledger, the Chief Veterinary Officer, Matthew Tutt, Director of Legal Services, Steve Griffin, Interim CEO and Alan Brown, Chief Commissioner, were not proposed for redaction in recognition of their seniority within GWIC]
- invite a written right of reply from Ms Lind and Dr Ledger regarding the adverse comments in submissions 69 and 71.

The committee further noted:

- the detailed written responses received from Ms Lind, Dr Ledger and Mr Griffin, representing GWIC
- Mr Griffin's response on behalf of GWIC attached two redacted reports:
  - the internal investigation of the allegations made by Ms Thorsby titled 'Private and confidential: Review of evidence relating to the allegations of bullying of Gail Thorsby, former Acting Chief Steward, GWIC'
  - a consultant's report on the culture of GWIC titled 'GWIC Consultation report'
- Ms Lind's attachment E, while already redacted by her, contains a further third party name which the secretariat recommends be redacted
- Ms Lind also sought to include Mr Griffin's response and the internal investigation report as attachments her own response then withdrew them due to file size restrictions and to avoid duplication
- that, on the advice of the Clerk Assistant and with the agreement of the Chair, publication of submission 69 and 71 was withheld until the committee meets to consider the written responses, following the request from Ms Lind to withhold publication
- that each of the respondents has requested publication of their respective response, should the allegations in submissions 69 and 71 be published
- the further letter from Ms Lind alleging false and misleading information in submission 41 (Greyhound Racing NSW) and her request that any reference to this information include her response to it
- the allegations of apprehended bias against two committee members contained in Ms Lind's response.

Resolved, on the motion of Mr Fang:

- That the committee authorise the publication of submissions 69 and 71:
  - with the exception of the names of third party individuals and/or identifying information, which are to be kept confidential,

- with hyperlinks on the cover page of the submissions to each of the written responses to adverse comments received from Ms Judith Lind, former Chief Executive Officer, GWIC, Dr Michelle Ledger, Chief Veterinary Officer, GWIC, Mr Steve Griffin, Interim Chief Executive Officer, GWIC.
- That the committee authorise the publication of the written responses to adverse comments made in submissions 69 and 71 received from:
  - Ms Judith Lind, former Chief Executive Officer, GWIC, including 'Attachments C, D, E' (received redacted) with the exception of the name of a further third party individual, which is to be kept confidential, as per the recommendation of the secretariat
  - Dr Michelle Ledger, Chief Veterinary Officer, GWIC
  - Mr Steve Griffin, Interim Chief Executive Officer, GWIC, and its two attachments:
    - 'Private and confidential: Review of evidence relating to the allegations of bullying of Gail Thorsby, dated former Acting Chief Steward, GWIC', prepared by Mr Chris Wheeler, Commissioner, 24 August 2020 (received redacted), with the exception of the name of a third party individual, which is to be kept confidential
    - 'GWIC Consultation report' prepared by Michael Mintz Management Consulting (MMMC) Pty Ltd (received redacted)
- That the committee authorise:
  - the publication of the letter from Ms Judy Lind, former Chief Executive Officer, GWIC, alleging false and misleading information in submission 41 (Greyhound Racing NSW)
  - the inclusion of a hyperlink to the response on the cover page of the submission 41.

#### 8. Ms Lind's allegations regarding committee members

The committee considered the allegations of apprehended bias made by Ms Lind against the Chair and Mr Latham in her written response, and Ms Lind's request for a response to these allegations.

Resolved, on the motion of Ms Boyd: That the Chair respond to Ms Lind, on behalf of the committee, advising that:

- the committee notes the concerns raised by Ms Lind and takes them seriously
- the committee has met to consider Ms Lind's concerns
- the committee does not consider at this time that it is necessary for either the Chair or Mr Latham to recuse themselves from the inquiry.

#### 9. Confidential attachments to submissions 69 and 71 (*attached*)

Resolved, on the motion of Mr Veitch: That the committee keep attachments to submission nos. 69 and 71 confidential as they contain identifying and/or sensitive information, as per the recommendation of the secretariat.

#### 10. Regional site visit – Temora and Goulburn

The committee noted that the site visit to Temora and Goulburn on 2-3 June 2021 will now take place as follows:

Day 1 – Wednesday 2 June 2021:	Sydney – Temora (by commercial flight via Wagga Wagga) Overnight stay in Temora
Day 2 – Thursday 3 June 2021:	Temora – Goulburn (by bus) Goulburn – Sydney (by bus)

#### 11. Adjournment

The committee adjourned at 2.10 pm until 27-28 May 2021 (regional site visit to Newcastle and Bathurst).

Rhia Victorino  
Committee Clerk

Minutes no. 4

Wednesday 26 May 2021

Select Committee on the Greyhound Welfare and Integrity Commission

Macquarie Room, Parliament House, Sydney at 4.02 pm

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr D'Adam (substituting for Mr Veitch)

Mr Fang (via videoconference)

Mr Farraway

Mr Latham (participating) (via videoconference)

Mr Pearson (via videoconference)

Mr Secord

**2. Public hearing**

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was admitted, sworn and examined:

- Ms Gail Thorsby, Former Chief Steward, Greyhound Welfare and Integrity Commission (*via videoconference*).

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.59 pm.

**3. Previous minutes**

Resolved, on the motion of Mr Farraway: That draft minutes no. 3 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 21 May 2021 – Email from Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, to secretariat, declining the invitation to appear at the hearing on 28 May 2021.
- 24 May 2021 – Email from Ms Barbara Katon, greyhound owner, breeder and trainer, to secretariat, declining the invitation to appear at the Goulburn hearing on 3 June 2021.

***Sent:***

- 6 May 2021 – Letter from the Chair to Ms Judith Lind, former Chief Executive Officer, Greyhound Welfare and Integrity Commission, responding to concerns of apprehended bias by two committee members raised by Ms Lind.
- 25 May 2021 – Letter from Chair to Mr Tim Crakanthorp MP, Member for Newcastle, advising of the committee's hearing in Newcastle on 27 May 2021.
- 25 May 2021 – Letter from Chair to Hon Paul Toole MP, Member for Bathurst, advising of the committee's hearing in Bathurst on 28 May 2021.

The committee noted that Ms Lind has declined the invitation to appear at the hearing on 28 May 2021 for the reasons stated in her written response to submissions 69 and 71. The committee further noted that as Ms Lind resides in Canberra, she is not able to be summoned.

**5. Broadcasting of regional hearings**

Resolved, on the motion of Ms Boyd: That the committee authorise the filming and broadcasting of its public proceedings held outside of Parliament House.

**6. Charter flight travel**

Resolved, on the motion of Mr Amato: That the committee authorise the engagement of a charter plane for its regional visit to Newcastle and Bathurst on 27 and 28 May 2021.

**7. *In camera* evidence**

Resolved, on the motion of Mr Faraway: That the evidence of Witness A and Witness B be heard *in camera* at the hearing on 27 May 2021.

**8. Support people**

Resolved, on the motion of Mr Secord: That the committee allow the following witnesses to be accompanied by a support person, who will not be sworn in or give evidence:

- David Grant
- David Irwin
- Neil Staines.

**9. Public forum**

The committee noted the following parameters for the conduct of the public forums, previously agreed to via email:

- An invitation to register interest to speak at the public forum will be posted on social media and sent to all individual submission authors.
- Individuals will be asked to register their interest to speak with the secretariat by email. Registrations for all public forums will close at 5pm on Monday 24 May 2020, with a possibility of extension for the public forums in Temora/Goulburn if slots are available.
- Interested individuals will be advised that the purpose of the forum is to seek views on the terms of reference for the inquiry.
- Interested individuals will be asked to provide their name, the location of the forum they would like to speak at, along with two sentences on why they would like to appear and what their views are.
- As many individuals will be accommodated as possible within the time limit, based on their relevance to the terms of reference.
- Registered individuals will be given 5 minutes each to speak at the forum, with a warning bell to be rung at 4 minutes and again 5 minutes for speakers to conclude their speech.

The committee further noted that:

- The purpose of the public forum is to seek views on the inquiry terms of reference.
- What forum participants say will be transcribed and included as evidence to the inquiry.
- Forum participants will be protected by parliamentary privilege as they will be participating in a properly constituted parliament proceeding. However, the forum is not intended to provide an opportunity for people to make adverse comments about others under the protection of parliamentary privilege. Forum participants should focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily.
- Members will not ask questions of forum participants as the forum is an opportunity for as many people as possible to speak.

Resolved, on the motion of Ms Boyd: That public forum participants be sworn in prior to speaking at the public forum.

**10. Additional witness**

Resolved, on the motion of Mr Secord: That Dr Brian Daniel be invited to give evidence at the hearing on 28 May 2021.

**11. Adjournment**

The committee adjourned at 5.07 pm until Thursday, 27 May 2021 (hearing in Newcastle).

Rhia Victorino  
**Committee Clerk**

**Minutes no. 5**

Thursday 27 May 2021

Select Committee on the Greyhound Welfare and Integrity Commission  
Fort Scratchley Function Centre, Newcastle at 10.48 am

**1. Members present**

Mr Borsak, *Chair*  
Ms Boyd, *Deputy Chair*  
Mr Amato  
Mr D'Adam (substituting for Mr Veitch) (via teleconference)  
Mr Fang (from 11.56 am)  
Mr Farraway  
Mr Latham (participating)  
Mr Pearson

**2. Apologies**

Mr Secord

**3. In camera hearing**

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Merrin Thompson, Rhia Victorino, Helen Hong, Kate Bogatova and Hansard reporters.

The following witness was sworn and examined:

- Witness A.

Witness A tendered the following document:

- Witness A – Biography.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness B.

The evidence concluded and the witness withdrew.

**4. Public hearing**

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was admitted, sworn and examined:

- Mr David Irwin, Greyhound trainer.

Mr Irwin tendered the following document:

- 'Additional depositions supporting AWU submission'.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Tony Atkins, Greyhound owner, breeder and trainer.

Mr Atkins tendered the following documents:

- Bank statement
- Meeting minutes.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Alex Verhagen, Greyhound owner, breeder and trainer.

The evidence concluded and the witness withdrew.

## 5. Public forum

The committee heard from the following public forum participants:

- Mr Sam Rees
- Mr Trevor Hagney
- Mr Robert Whitelaw.

The public hearing concluded at 3.22 pm.

## 6. Tendered documents

The committee noted that a number of documents contained within 'Additional depositions supporting AWU submission', tendered by Mr Irwin, were previously submitted to the committee and resolved to be kept confidential, with the exception of two documents:

- Document A
- 'Comments on GWIC operations – Dr Peter Yore'.

Resolved, on the motion of Mr Pearson: That:

- the committee accept but keep confidential the following documents:
  - Witness A – Biography, tendered by Witness A
  - Document A, tendered by Mr Irwin
- the committee accept and publish the following document:
  - 'Comments on GWIC operations – Dr Peter Yore', tendered by Mr Irwin
- the secretariat review the following documents for issues of confidentiality, adverse mention and/or sensitive and identifying information:
  - Bank statement, tendered by Mr Atkins
  - Meeting minutes, tendered by Mr Atkins.

## 7. Public submission

Resolved, on the motion of Mr Pearson: That the committee authorise the publication of submission no. 79.

## 8. Adjournment

The committee adjourned at 3.28 pm until 10.30 am, Friday 28 May 2021 (Bathurst regional hearing).

Rhia Victorino  
**Committee Clerk**

**Minutes no. 6**

Friday 28 May 2021

Select Committee on the Greyhound Welfare and Integrity Commission

Bathurst Greyhounds – Kennerson Park, Bathurst at 10.27 am

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr Buttigieg (substituting for Mr Veitch) (via teleconference)

Mr Farraway

Mr Latham (participating)

Mr Pearson

**2. Apologies**

Mr Secord

Mr Fang

**3. Public hearing**

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were admitted, sworn and examined:

- Mr Alan Brown, Chief Commissioner, Greyhound Welfare and Integrity Commission
- Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission
- Dr Michelle Ledger, Chief Veterinary Officer, Greyhound Welfare and Integrity Commission
- Mr David O'Shannessy, Chief Inspector, Greyhound Welfare and Integrity Commission.

The evidence concluded and the witnesses withdrew.

Mr Amato left the meeting.

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of submission no. 79, with the exception of sensitive information, which is to remain confidential, as per the request of the author.

The following witness was admitted, sworn and examined:

- Mr David Grant, Greyhound owner, breeder and trainer.

Mr Grant tendered the following documents:

- Audio file and corresponding transcript of conversation with 'Gary' and 'Vicky', greyhound owners, trainers and breeders.

The evidence concluded and the witness withdrew.

Mr Amato re-joined the meeting.

The following witness was admitted, sworn and examined:

- Dr Brian Daniel, former Chief Veterinarian of Greyhounds Racing NSW.

The evidence concluded and the witness withdrew.

The public hearing concluded at 2.47 pm.

**4. Tendered documents**

Resolved, on the motion of Mr Pearson: That:

- the committee accept but keep confidential the following documents:
  - Bank statement, tendered by Mr Atkins
  - Meeting minutes, tendered by Mr Atkins
- the secretariat review the following documents for issues of confidentiality, adverse mention and/or sensitive and identifying information:
  - audio file and corresponding transcript of conversation with 'Gary' and 'Vicky', greyhound owners, trainers and breeders, tendered by Mr Grant.

**5. Public forum in Sydney**

Resolved, on the motion of Ms Boyd: That:

- a public forum be scheduled at Parliament House on a date to be determined, in consultation with the committee
- the public forum at Parliament House comprise of 15 minute time slots, with the ability for members to ask forum participants questions.

**6. Adjournment**

The committee adjourned at 2.54 pm until Wednesday 2 June 2021 (hearing in Temora).

Rhia Victorino  
**Committee Clerk**

**Minutes no. 7**

Wednesday 2 June 2021

Select Committee on the Greyhound Welfare and Integrity Commission  
Temora Greyhounds, Temora at 12.00 pm

**1. Members present**

Mr Borsak, *Chair*  
Ms Boyd, *Deputy Chair*  
Mr Amato  
Mr Fang  
Mr Pearson (via teleconference)  
Mr Veitch

**2. Apologies**

Mr Farraway  
Mr Latham (participating)  
Mr Secord

**3. Public hearing**

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was admitted, sworn and examined:

- Mr Neil Staines, Greyhound trainer.

Mr Staines tendered the following documents:

- Documents relating to three individual cases.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Bill Schwencke, President, Temora Greyhound Racing Club.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr John Patton, Secretary and Manager, Wagga Greyhound Club.

The evidence concluded and the witness withdrew.

#### 4. **Public forum**

The committee heard from the following public forum participants:

- Ms Merle Clarke
- Mr Jeffrey Simms
- Ms Vicki Prest
- Mr Colin Bradley
- Mr Glenn Schwencke.

Ms Prest tendered the following document:

- 'Exercise, Socialisation and Enrichment (ESE) Plan'.

The public hearing concluded at 2.57 pm.

#### 5. **Tendered documents**

Committee noted that the documents relating to three individual cases tendered by Mr Staines were previously submitted to the committee and resolved to be kept confidential.

Resolved, on the motion of Ms Boyd: That the committee accept and publish the following document tendered during the public forum, with the exception of identifying information which is to be kept confidential at the request of the author:

- 'Exercise, Socialisation and Enrichment (ESE) Plan', tendered by Ms Prest.

#### 6. **Recall of the Greyhound Welfare and Integrity Commission to give further evidence**

Resolved, on the motion of Mr Pearson: That:

- the committee recall the Greyhound Welfare and Integrity Commission to give further evidence, via Webex, for one hour following the public forum to be scheduled at Parliament House, Sydney
- the following witnesses from the Greyhound Welfare and Integrity Commission be invited to appear:
  - Mr Alan Brown, Chief Commissioner
  - Mr Steve Griffin, Chief Executive Officer
  - Dr Michelle Ledger, Chief Veterinary Officer
  - Mr David O'Shannessy, Chief Inspector
  - Mr Wade Birch, Chief Steward.

#### 7. **Adjournment**

The committee adjourned at 3.02 pm until Thursday 3 June 2021 (hearing in Goulburn).

Rhia Victorino  
Committee Clerk

**Minutes no. 8**

Thursday 3 June 2021

Select Committee on the Greyhound Welfare and Integrity Commission  
Goulburn Greyhounds Racing Club, Goulburn at 11.02 am

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr Fang (from 11.08 am)

Mr Latham (participating) (from 11.06 am)

Mr Pearson (via teleconference)

Mr Veitch

**2. Apologies**

Mr Farraway

Mr Secord

**3. Draft minutes**

Resolved, on the motion of Mr Amato: That draft minutes nos. 4, 5 and 6 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Sent:***

- 31 May 2021 - Letter from Chair to Ms Steph Cooke MP, Member for Cootamundra, advising of the committee's hearing in Temora on 2 June 2021.
- 31 May 2021 - Letter from Chair to Mrs Wendy Tuckerman MP, Member for Goulburn, advising of the committee's hearing in Goulburn on 3 June 2021.

**5. Redaction of third party individual names from transcripts**

Resolved, on the motion of Ms Boyd: That the committee keep confidential certain names identified in the transcript from 28 May 2021.

Mr Latham joined the meeting.

Mr Fang joined the meeting.

**6. Public hearing**

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was admitted, sworn and examined:

- Mr Sandro Bechini, Greyhound owner and breeder, and former member, Animal Welfare Committee, Greyhound Welfare and Integrity Commission.

Mr Bechini tendered the following document:

- Email correspondence noting 'Points for Discussion'.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Jason Bolwell, Greyhound owner, breeder and trainer.

Mr Bolwell tendered the following document:

- Document B.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Ken Burnett, Greyhound owner, breeder and trainer.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Mr Peter Davis, Freelance journalist.

Mr Davis tendered the following documents:

- Document C
- Document D
- Document E
- Document F
- Document G
- 'Time it takes for greyhound requirements'
- Photographs of greyhound treatments and equipment.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Dr Derek Major, Veterinary consultant.

The evidence concluded and the witness withdrew.

The following witness was admitted, sworn and examined:

- Ms Kerry Drynan, Greyhound owner, breeder and trainer.

Ms Drynan tendered the following documents:

- Email correspondence regarding 'Whiskey Throttle injured Wentworth Park'
- Photographs of Whiskey Throttle
- University of Sydney Veterinary Teaching Hospital 'Discharge Instructions' and invoice.

The evidence concluded and the witness withdrew.

## 7. Public forum

The committee heard from the following public forum participant:

- Ms Ellie Robertson.

The public hearing concluded at 4.15 pm.

## 8. Tendered documents

Resolved, on the motion of Mr Amato: That the committee accept and publish the following document tendered during the public hearing:

- Email correspondence noting 'Points for Discussion', tendered by Mr Bechini.

Resolved, on the motion of Mr Veitch: That:

- the committee accept but keep confidential the following documents tendered during the public hearing:
  - Document B, tendered by Mr Bolwell
  - Documents C-G, tendered by Mr Davis
- the committee accept and publish the following documents:
  - 'Time it takes for greyhound requirements', tendered by Mr Davis
  - Photographs of greyhound treatments and equipment, tendered by Mr Davis.

Resolved, on the motion of Mr Fang: That the committee accept and publish the following documents tendered during the public hearing:

- Email correspondence regarding 'Whiskey Throttle injured Wentworth Park', tendered by Ms Drynan
- Photographs of Whiskey Throttle, tendered by Ms Drynan
- University of Sydney Veterinary Teaching Hospital 'Discharge Instructions' and invoice, tendered by Ms Drynan.

## 9. Adjournment

The committee adjourned at 4.20 pm until Thursday 15 July 2021 (hearing in Wentworth Park).

Rhia Victorino  
**Committee Clerk**

## Minutes no. 9

Wednesday 23 June 2021

Select Committee on the Greyhound Welfare and Integrity Commission  
Members Lounge, Parliament House, Sydney at 2.05 pm

### 1. Members present

Mr Borsak, *Chair*  
Ms Boyd, *Deputy Chair*  
Mr Amato  
Mr Fang  
Mr Faraway (from 2.11 pm)  
Mrs Houssos  
Mr Latham (participating)  
Mr Pearson  
Mr Veitch

### 2. Draft minutes

Resolved, on the motion of Mr Veitch: That draft minutes nos. 7 and 8 be confirmed.

### 3. Correspondence

Committee to note the following items of correspondence:

#### **Received:**

- 4 June 2021 – Letter from Mr Brett Day, former Chief Steward, Greyhound Welfare and Integrity Commission, to the committee, responding to the evidence given at the hearing on 26 May 2021
- 9 June 2021 – Email from Mr Brett Day, former Chief Steward, Greyhound Welfare and Integrity Commission, to the secretariat, requesting partial confidentiality for his original letter.

- 22 June 2021 – Email from Ms Ellen Harris, on behalf of Mr Shayne Stiff, Chair, Greyhound Clubs NSW, to the secretariat, advising that Mr Stiff is unable to attend the hearing on 15 July 2021.

Resolved, on the motion of Mr Veitch: That the committee:

- authorise the publication of the correspondence from Mr Brett Day, former Chief Steward, Greyhound and Welfare Integrity Commission, to the committee, dated 4 June 2021, with the exception of identifying and sensitive information which is to be kept confidential, at the request of the author
- keep the correspondence from Mr Brett Day to the secretariat, dated 9 June 2021, confidential.

#### 4. **Supplementary question to GWIC**

The committee considered Ms Boyd's objection to a supplementary question from Mr Latham to Mr Alan Brown, Chief Commissioner, Greyhound Welfare and Integrity Commission, following the hearing on 28 May 2021.

Mr Latham withdrew the question.

Mr Farraway joined the meeting.

#### 5. **Public submission**

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of submission no. 80.

#### 6. **Partially confidential submission – at the author's request**

Resolved, on the motion of Mr Veitch: That the committee authorise the publication of submission no. 77, with the exception of the author's name and identifying information, which is to remain confidential, at the request of the author.

#### 7. **Tendered documents**

Resolved, on the motion of Mr Pearson: That the committee accept but keep confidential the following documents tendered during the public hearing on 28 May, as they contains identifying information:

- Audio file of conversation with 'Gary' and 'Vicky', greyhound owners, trainers and breeders, tendered by Mr Grant
- Transcript of conversation with 'Gary' and 'Vicky', greyhound owners, trainers and breeders, tendered by Mr Grant.

#### 8. **Adjournment**

The committee adjourned at 2.12 pm until Thursday 15 July 2021 (hearing in Wentworth Park).

Rhia Victorino  
Committee Clerk

#### **Minutes no. 10**

Thursday 15 July 2021

Select Committee on the Greyhound Welfare and Integrity Commission

Via videoconference at 11.01 am

#### 1. **Members present**

Mr Borsak, *Chair*  
Ms Boyd, *Deputy Chair*  
Mr Amato  
Mr Fang  
Mr Farraway  
Mrs Houssos

Mr Latham (participating) (from 11.09 am)  
Mr Pearson  
Mr Veitch

## 2. Draft minutes

Resolved, on the motion of Mr Veitch: That draft minutes no. 9 be confirmed.

## 3. Correspondence

Committee noted the following items of correspondence:

### *Received*

- 27 June 2021 – Email from Ms Gail Thorsby, former Chief Steward, Greyhound Welfare and Integrity Commission, to the secretariat, requesting that her answers to supplementary questions be kept confidential
- 1 July 2021 – Email from Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission, to the secretariat, requesting that the committee keep certain annexures to answers to questions on notice and supplementary questions fully or partially confidential
- 12 July 2021 – Email from Mr John Patton, Secretary/Manager, Wagga and District Greyhound Racing Club, to the secretariat, requesting that his answers to supplementary questions be kept confidential
- 13 July 2021 – Email from Mr Peter Davis, Freelance journalist, to the secretariat, requesting that his answer to a supplementary question be kept confidential.

Resolved, on the motion of Mr Pearson: That the committee keep the following items of correspondence confidential as they contain identifying and/or sensitive information:

- Email from Ms Gail Thorsby, former Chief Steward, Greyhound Welfare and Integrity Commission, to the secretariat, dated 27 June 2021
- Email from Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission, to the secretariat, dated 1 July 2021
- Email from Mr John Patton, Secretary/Manager, Wagga and District Greyhound Racing Club, to the secretariat, dated 12 July 2021
- Email from Mr Peter Davis, Freelance journalist, to the secretariat, dated 13 July 2021.

For the publication of the answers to questions on notice, supplementary questions, and their attachments, see item 6.

## 4. Public submissions

The following submissions were considered for publication: submission nos. 75a and 81.

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of submission nos. 75a and 81.

## 5. Answers to questions on notice and supplementary questions

Committee considered the publication status of the following answers to questions on notice and supplementary questions, and their attachments:

- Answer to supplementary question from Witness A, received 13 June 2021
- Answers to supplementary questions from Ms Gail Thorsby, former Chief Steward, Greyhound Welfare and Integrity Commission, received 17 June 2021
- Answers to supplementary questions from Mr John Patton, Secretary and Manager, Wagga Greyhound Club, received 18 June 2021
- Answers to questions on notice and supplementary questions from the Greyhound Welfare and Integrity Commission, received 30 June 2021
- Attachments to answers to questions on notice and supplementary questions (Annexures A-H) from the Greyhound Welfare and Integrity Commission, received 30 June 2021

- Answer to supplementary question from Mr Peter Davis, Freelance journalist, received 10 July 2021.

Resolved, on the motion of Ms Boyd: That the committee keep the following answers to supplementary questions confidential, as per the request of the witness:

- Answers to supplementary question from Witness A, received 13 June 2021
- Answers to supplementary questions from Ms Gail Thorsby, received 17 June 2021
- Answers to supplementary questions from Mr John Patton, received 18 June 2021
- Answer to supplementary question from Mr Peter Davis, received 10 July 2021.

Mr Latham joined the meeting.

Resolved on the motion of Mr Pearson: That the committee authorise the publication of the following answers to questions on notice and supplementary questions, with the exception of the names of third party individuals previously resolved to be redacted from transcripts and other documents, which are to be kept confidential:

- Answers to questions on notice and supplementary questions from the Greyhound Welfare and Integrity Commission, received 30 June 2021.

Resolved, on the motion of Mr Veitch: That the committee keep confidential certain information on page 20 of the answers to questions on notice and supplementary questions from the Greyhound Welfare and Integrity Commission, received 30 June 2021, as it reflects information previously resolved by the committee to be kept confidential.

Resolved, on the motion of Mr Farraway: That, in relation to the attachments to answers to questions on notice and supplementary questions from the Greyhound Welfare and Integrity Commission, received 30 June 2021, and as per the request of Mr Steve Griffin, Chief Executive Officer, the committee:

- authorise the publication of Annexure A, with the exception of pages 7-12, which are to be kept confidential
- authorise the publication of Annexures D, E and F
- keep Annexures B, C, G and H confidential.

## 6. Hearing on 28 July 2021

Resolved, on the motion of Mrs Houssos: That the hearing on 28 July 2021, originally scheduled to take place at Wentworth Park, Sydney, proceed as a virtual hearing (via Webex).

## 7. Other business

Resolved, on the motion of Mrs Houssos: That:

- Mr Latham draft a further supplementary question to the Greyhound Welfare and Integrity Commission requesting certain documents, for the committee's agreement
- the response to the supplementary question be due on Friday, 6 August 2021.

## 8. Adjournment

The committee adjourned at 11.40 am pm until Wednesday 28 July 2021 (public hearing via videoconference).

Rhia Victorino  
Committee Clerk

**Minutes no. 11**

Monday 6 December 2021

Select Committee on the Greyhound Welfare and Integrity Commission

Macquarie Room, Parliament House, Sydney at 9.45 am

**1. Members present**

Ms Boyd, *Acting Chair*

Mr Veitch, *Acting Deputy Chair*

Mr Amato (via videoconference)

Mr Banasiak (substituting for Mr Borsak)

Mr Fang

Mr Farraway

Mrs Houssos

Mr Latham (participating) (via videoconference)

Mr Pearson

**2. Apologies**

Mr Borsak, *Chair*

**3. Acting Chair**

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

**4. Previous minutes**

Resolved, on the motion of Mr Veitch: That draft minutes no. 10 be confirmed.

**5. Correspondence**

The committee noted the following items of correspondence received:

***Received***

- 3 August 2021 – Letter from Mr Alan Brown AM, Chief Commissioner, Greyhound Welfare and Integrity Commission, to the Chair, raising concerns about questions asked during the public hearings.
- 7 October 2021 – Email from Ms Natina Howard, to the committee, raising concerns about evidence provided by the Greyhound Welfare and Integrity Commission
- 2 November 2021 – Email from Mr John Tracey to the secretariat, attaching a study on racing greyhounds
- 19 November 2021 – Email from Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission, to the secretariat, advising that Chief Commissioner Alan Brown is in hospital and will not be fit for work until the new year.

Resolved, on the motion of Mr Veitch: That consideration of the following item of correspondence be deferred until a later time:

- Letter from Mr Alan Brown AM, Chief Commissioner, Greyhound Welfare and Integrity Commission, to the Chair, raising concerns about questions asked during the public hearings, received 3 August 2021.

Resolved, on the motion of Mr Pearson: That the date for the final hearing and public forum be determined in the new year, subject to the availability of the Chief Commissioner.

**6. Public submissions**

Resolved, on the motion of Mr Pearson: That the committee authorise the publication of submission nos. 52a and 52b.

**7. Partially confidential submissions**

Resolved, on the motion of Mrs Houssos: That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submissions nos. 78 and 83.

**8. Answers to questions on notice and supplementary questions**

Resolved, on the motion of Mr Amato: That the committee authorise the publication of the answers to supplementary questions, including Annexure A, from the Greyhound Welfare and Integrity Commission, received 13 August 2021, with the exception of the names of third party individuals.

**9. Livestream and recording of hearing**

Resolved, on the motion of Mr Farraway: That the committee agree to record the hearing, and that this recording be placed on the inquiry webpage as soon as practicable after the hearing.

**10. Election of Acting Deputy Chair**

The Acting Chair called for nominations for Acting Deputy Chair.

Mr Pearson moved: That Mr Farraway be elected Acting Deputy Chair of the committee for the purpose of the meeting.

There being no further nominations, the Acting Chair declared Mr Farraway elected Acting Deputy Chair for the purpose of the meeting.

Mr Fang sought advice from the Committee Clerk as to whether Mr Farraway's election was valid on the basis that Mr Farraway is a Parliamentary Secretary.

**11. Public hearing**

Witnesses, the public and the media were admitted.

The Acting Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr Gregory Purcell, Racing wagering and sports integrity consultant.

Mr Purcell tendered the following document:

- 'Comparison 2019-20 to 2021-22 NSW Treasury – Race Wagering Tax (Actuals and Forward Estimates)'

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Stephen Noyce, General Manager, NSW Greyhound Breeders Owners and Trainers Association
- Ms Kristy-Lea Harper, Membership & Advocacy Manager, NSW Greyhound Breeders and Owners and Trainers Association.

The evidence concluded and the witnesses withdrew.

The media and the public withdrew.

**12. Election of Acting Deputy Chair**

The Committee Clerk advised that Mr Farraway was not validly elected Acting Deputy Chair on the basis that he is a Parliamentary Secretary.

The Acting Chair called for nominations for Acting Deputy Chair.

Mr Farraway moved: That Mr Veitch be elected Acting Deputy Chair of the committee for the purpose of the meeting.

There being no further nominations, the Acting Chair declared Mr Veitch elected Acting Deputy Chair for the purpose of the meeting.

**13. Public hearing**

Witnesses, the public and the media were readmitted.

The following witnesses were sworn and examined:

- Dr Ray Ferguson, Scientific Officer, Australian Greyhound Working and Sporting Dogs Veterinarians, Australian Veterinary Association (via videoconference).
- Ms Kathryn Jurd, General Counsel, RSPCA NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Fiona Chisholm, NSW Director, Coalition for the Protection of Greyhounds
- Ms Lynda Stoner, Chief Executive Officer, Animal Liberation
- Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics
- Dr Caroline Hoetzer, Committee member, Sentient, The Veterinary Institute for Animal Ethics.

Dr Elliott tendered the following document:

- Report 'Injuries in racing greyhounds' by Andrew Knight from University of Winchester.

The evidence concluded and the witnesses withdrew.

The hearing concluded at 1.15 pm.

**14. Tendered documents**

Resolved, on the motion of Mr Veitch: That the committee accept and publish the following documents tendered during the public hearing:

- 'Comparison 2019-20 to 2021-22 NSW Treasury – Race Wagering Tax (Actuals and Forward Estimates)', tabled by Mr Gregory Purcell.
- Report 'Injuries in racing greyhounds' by Andrew Knight from University of Winchester, tabled by Dr Rosemary Elliott.

**15. Adjournment**

The committee adjourned at 1.20 pm, *sine die*.

Jessie Halligan and Merrin Thompson  
**Committee Clerks**

**Minutes no. 12**

Thursday 30 June 2022

Select Committee on the Greyhound Welfare and Integrity Commission  
Jubilee Room, Parliament House, Sydney, 10.00 am

**1. Members present**

Mr Borsak, *Chair*  
Ms Boyd, *Deputy Chair*  
Mr Amato (via videoconference)  
Mr Fang  
Mrs Houssos  
Mr Latham (participating)  
Mr Martin (from 10.30 am)  
Mr Pearson

Mr Veitch (until 3.51 pm, then from 4.41 pm)

**2. Previous minutes**

Resolved, on the motion of Mr Veitch: That draft minutes no. 11 be confirmed.

**3. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 17 June 2022 – Email from Mr Robert Assaf, Head of Corporate Affairs & Regional Engagement, Greyhound Racing NSW to the secretariat, advising that key witnesses from Greyhound Racing NSW are not available to attend the hearing on 30 June 2022 and requesting that they attend on a separate date
- 17 June 2022 – Email from Mr Steve Griffin, Chief Executive Officer, GWIC to the secretariat, advising that Dr Michelle Ledger, Chief Veterinary Officer no longer works at GWIC
- 21 June 2022 – Email from Mr Steve Griffin, Chief Executive Officer, GWIC to the secretariat, requesting that Mr Mathew Tutt, the commission's Director of Compliance, Legal & Policy be invited to attend the hearing to speak to the administration of the commission's disciplinary processes
- 24 June 2022 – Email from Mr Robert Assaf, Head of Corporate Affairs & Regional Engagement, Greyhound Racing NSW to the secretariat, advising that the General Manager of Greyhounds as Pets will attend the hearing in July alongside Greyhound Racing NSW.

**4. Answers to questions on notice**

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from the RSPCA NSW, received 22 December 2021
- answers to questions on notice from the NSW Greyhound Breeders, Owners and Trainers' Association, received 27 January 2022.

**5. Partially confidential submission**

Resolved on the motion of Mr Pearson: That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submission no. 82.

**6. Confidential submissions**

Resolved, on the motion of Mr Veitch: That the committee keep submission nos. 84-86 confidential, as per the request of the authors, as they contain identifying and/or sensitive information.

**7. Public submission**

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of submission no. 87.

**8. Procedures for the public forum**

The committee noted that it previously agreed that its public forum at Parliament House be comprised of 15 minute time slots, with the ability for members to ask forum participants questions. Procedures will be as follows:

- Participants were asked to register in advance.
- Each will be sworn in.
- Each will have five minutes to make a statement, followed by ten minutes for committee questions.
- As for witnesses, there will be provision for questions on notice and supplementary questions.

**9. *In camera* hearing**

The committee noted that it agreed via email to take *in camera* evidence from the following witnesses:

- Witness C
- Witness D.

Resolved, on the motion of Mr Pearson: That the committee proceed to take *in camera* evidence.

Persons present other than the committee: Ms Merrin Thompson, Ms Shaza Barbar, Ms Jessie Halligan, Mr Gareth Perkins and Hansard reporters.

The Chair made an opening statement regarding the confidentiality of proceedings and other matters.

The following witness was sworn and examined:

- Witness C (via videoconference).

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness D

Witness D tendered the following document and requested that it be kept confidential:

- Matters involving action by GWIC.

The evidence concluded and the witness withdrew.

#### **10. Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Lisa White, President and Founder, Friends of the Hound (via videoconference)
- Ms Lorraine Ramsay, Founder, Rescued Greyhounds NSW Central Coast (via videoconference).

The evidence concluded and the witnesses withdrew.

#### **11. Public forum**

The committee heard from the following public forum participants who were sworn and examined:

- Ms Susie Hearder (via videoconference)
- Mr Robert Whitelaw (via videoconference)
- Ms Natalie Panzarino
- Ms Sonja Scherer
- Mr Dennis Michael Carl
- Mr David Irwin
- Mr Ron Arnold.

Ms Panzarino tendered the following documents:

- Greyhound Integrity Welfare Commission disciplinary action decision regarding Mr Wolfgang Kraeft, 25 January 2021
- Photographs of injured greyhounds.

Mr Irwin tendered the following documents:

- 'Additional draconian rules implemented by GWIC'
- 'Feature race acceptance of responsibility'
- Greyhound Integrity Welfare Commission disciplinary action decision regarding Robert Howard, 19 December 2021

- Greyhound Integrity Welfare Commission disciplinary action decision regarding Natina Howard, 19 December 2021.

## 12. Resumption of public hearing

The committee resumed its public hearing.

The following witnesses were examined on their former oath:

- Mr Steve Griffin, Chief Executive Officer, Greyhound Welfare and Integrity Commission
- Mr David O'Shannessy, Chief Inspector, Greyhound Welfare and Integrity Commission.

The following witnesses were sworn and examined:

- Mr Chris Wheeler, Acting Chief Commissioner, Greyhound Welfare and Integrity Commission
- Dr Tony Kuipers, Chief Veterinary Officer, Greyhound Welfare and Integrity Commission
- Mr Matthew Tutt, Director, Compliance, Policy and Legal, Greyhound Welfare and Integrity Commission
- Mr Wade Birch, Director of Race Day Operations and Integrity, Greyhound Welfare and Integrity Commission
- Mr Kevin Adams, Senior Steward Hunter Region, Greyhound Welfare and Integrity Commission.

The evidence concluded and the witnesses and the media withdrew.

The public hearing concluded at 5.00 pm.

## 13. Tendered documents

Resolved, on the motion of Mr Veitch: That the committee:

- accept and keep confidential the following documents:
  - Matters involving action by GWIC, tendered by Witness D
  - Photographs of injured greyhounds, tendered by Ms Panzarino.
- accept and publish the following documents:
  - 'Additional draconian rules implemented by GWIC', tendered by Mr Irwin
  - 'Feature race acceptance of responsibility', tendered by Mr Irwin
  - Greyhound Integrity Welfare Commission disciplinary action decision regarding Mr Wolfgang Kraeft, 25 January 2021, tendered by Ms Panzarino
  - Greyhound Integrity Welfare Commission disciplinary action decision regarding Robert Howard, 19 December 2021, tendered by Mr Irwin
  - Greyhound Integrity Welfare Commission disciplinary action decision, regarding Natina Howard, 19 December 2021, tendered by Mr Irwin.

## 14. Referral of transcripts to the NSW Independent Commission Against Corruption

Resolved, on the motion of Mr Veitch: That:

- the Chair write to the NSW Independent Commission Against Corruption, referring the following for its consideration:
  - the *in camera* transcript of Witness C's evidence 30 June 2022, containing certain allegations
  - the transcript of the 28 May 2021 hearing with GWIC representatives
- the Chair request that ICAC inform the committee if ICAC intends to pursue the matter further with Witness C, so that the committee can inform the witness in the first instance
- the committee keep the ICAC referral confidential, unless the committee decides otherwise at a later stage.

## 15. Adjournment

The committee adjourned at 5.18 pm, *sine die*.

Shaza Barbar  
**Committee Clerk**

**Minutes no. 13**

Wednesday 20 July 2022

Select Committee on the Greyhound Welfare and Integrity Commission

Via WebEx, at 10.00 am

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr Fang

Mrs Houssos

Mr Martin

Mr Moselmane (substituting for Mr Veitch)

Mr Pearson

**2. Apologies**

Mr Latham

**3. Previous minutes**

Resolved, on the motion of Mr Amato: That draft minutes no. 12 be confirmed, with the amendment of Mr Fang being added to the list of members present.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 12 July 2022 – Letter from Chris Wheeler PSM, Acting Chief Commissioner, Greyhound Welfare and Integrity Commission, to the Chair, regarding the alleged unauthorised disclosure of confidential information, attaching a transcript of broadcast by Ray Hadley, 2GB, on 11 July 2022 and correspondence from ICAC to GWIC advising that it will not be investigating a matter referred by GWIC
- 12 July 2022 – Letter from Patricia McDonald SC, Commissioner, Independent Commission Against Corruption, acknowledging receipt of referral.

***Sent:***

- 6 July 2022 – Letter from Chair to Chief Commissioner, Independent Commission Against Corruption, referring a matter raised in evidence, with transcripts
- 12 July 2022 – Letter from Chair to Hon Kevin Anderson MP, Minister for Hospitality and Racing, inviting him to give evidence at the hearing on 29 July 2022.

**5. Unauthorised disclosure**

The committee discussed the unauthorised disclosure of confidential committee proceedings to ICAC, noting the following principles:

- The unauthorised disclosure of committee proceedings, whether confidential transcripts, documents or committee decisions, is highly disrespectful to the committee and may constitute a contempt of Parliament.
- Such actions have the potential to damage individual inquiry participants, can impede the effectiveness of committee inquiries and lower confidence in the Parliament.

- In determining whether it will take further action, the committee should decide whether the leak is of sufficient seriousness as to constitute a substantial interference with the work of the committee. In doing so, it should note the Senate's test of seriousness, which is based on the question of whether a leak makes impossible the continuation of an inquiry.
- Nevertheless, the leak of any *in camera* transcript should be treated as a contempt.

Resolved on the motion of Mrs Houssos: That the committee conduct an internal investigation into the unauthorised disclosure.

Resolved, on the motion of Mrs Houssos: That in response to the correspondence from the Acting Commissioner, GWIC, received 12 July 2022, the Chair write back to the Acting Commissioner:

- a) informing him that the committee takes all unauthorised disclosures of its proceedings seriously and takes appropriate steps in response
- b) requesting the documentation on GWIC's investigation offered in the letter from the Acting Commissioner, received 12 July 2022
- c) requesting that the Commissioner provide further information on the possible use of the committee's proceedings in the Racing Appeals Tribunal, noting that such use would contravene parliamentary privilege.

Resolved, on the motion of Mr Pearson:

- That the letter from the Chair to Chief Commissioner, ICAC, referring the matter raised in evidence, with transcripts, be kept confidential as it contains the name of Witness A.
- That the letter from the Commissioner, ICAC, acknowledging receipt of the referral be kept confidential, as it contains the name of the subject of allegations.

## 6. Witness C

Committee to note that it agreed via email that the secretariat contact Witness C to advise them of the broadcast of confidential information arising from their evidence.

## 7. Hearing 29 July 2022

The committee to discuss rapid antigen testing arrangements for the hearing.

## 8. Adjournment

The committee adjourned at 5.18 pm, until 29 July 2022, (public hearing).

Shaza Barbar

**Committee Clerk**

## Draft minutes no. 14

Friday 16 September 2022

Select Committee on the Greyhound Welfare and Integrity Commission

Macquarie Room, Parliament House, Sydney at 12.58 pm

## 1. Members present

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair* (from 1.00 pm)

Mr Amato (via videoconference)

Mr Fang

Mrs Houssos

Mr Pearson

Mr Veitch

## 2. Apologies

Mr Latham (participating)  
Mr Martin

### 3. Previous minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 13 be confirmed.

### 4. Correspondence

The committee noted the following items of correspondence:

#### ***Received:***

- 25-28 July 2022 – Correspondence from members and Hansard staff to the secretariat, regarding the unauthorised disclosure of the committee's confidential proceedings of Thursday 30 June 2022:
  - Mr Borsak
  - Ms Boyd
  - Mr Amato
  - Mr Fang
  - Mrs Houssos
  - Mr Latham
  - Mr Martin
  - Mr Pearson
  - Mr Veitch
  - Mr James Oake, Hansard Reporter
  - Dr James McLeod, Hansard Reporter.
- 2 September 2022 – Emails from Mr Steve Griffin, CEO, GWIC to the secretariat, requesting that GWIC's supplementary submission be kept confidential
- 13 September 2022 – Letter from Hon John Hatzistergos AM, Chief Commissioner of ICAC, providing an update on the matter the committee referred to ICAC.

#### ***Sent:***

- 25 July 2022 – Letter from the secretariat to the committee and Hansard staff regarding an unauthorised disclosure of the committee's confidential proceedings of Thursday 30 June 2022:
  - Mr Borsak
  - Ms Boyd
  - Mr Amato
  - Mr Fang
  - Mrs Houssos
  - Mr Latham
  - Mr Martin
  - Mr Pearson
  - Mr Veitch
  - Mr James Oake, Hansard Reporter
  - Dr James McLeod, Hansard Reporter.
- 18 August 2022 – Letter from the Chair to Mr Chris Wheeler, Acting Chief Commissioner, GWIC, responding to the Commission's letter regarding an unauthorised disclosure of confidential committee proceedings on Thursday 30 June 2022.

Resolved, on the motion of Mr Fang: That the committee keep the letter from the Hon John Hatzistergos AM, Chief Commissioner of ICAC dated 13 September 2022 confidential.

### 5. Unauthorised disclosure of confidential committee proceedings of 30 June 2022

Resolved, on the motion of Mr Veitch: That the committee note:

- that it sought responses from committee members and Hansard staff regarding the unauthorised disclosure of confidential committee proceedings of 30 June 2022 with the source of the unauthorised disclosure unable to be identified

- the advice from the Office of the Clerk that the unauthorised disclosure, while disrespectful, does not meet the benchmark for automatic referral required in response of *in camera* transcripts and that it was not of sufficient seriousness as to constitute a substantial interference in the work of the committee.

**6. Public submission**

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 88.

**7. GWIC supplementary submission**

Resolved, on the motion of Mr Pearson: That the committee authorise the publication of submission 31a.

**8. Request from the author of submission no. 83**

Resolved, on the motion of Mr Veitch: That the committee keep submission no. 83 confidential, as per the request of the author.

**9. Answers to questions on notice and supplementary questions**

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to supplementary questions from Ms Lorraine Ramsay – Rescued Greyhounds NSW Central Coast, received 28 July 2022.
- answers to supplementary questions from Ms Lisa White – Friends of the House, received 1 August 2022.

Resolved, on the motion of Mr Fang: That the committee:

- keep confidential answers to questions on notice from Witness D, received 5 August 2022 as the witness appeared *in camera*
- keep confidential the attachment to answers to questions on notice from Ms Lisa White, Friends of the Hound, received 1 August 2022, as it contains identifying information.
- authorise the publication of answers to supplementary questions from Ms Natalie Panzarino, received 27 July 2022, with the exception of the photographs of greyhounds as they contain graphic images.

**10. Timeframe for return of answers to questions on notice**

Resolved, on the motion of Mrs Houssos: That witnesses be requested to return answers to questions on notice and supplementary questions from members within 12 days of the date on which questions are forwarded to the witnesses by the committee clerk.

**11. Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr Robert Macaulay, Chief Executive Officer, Greyhound Racing New South Wales
- Dr Alicia Fuller, General Manager, Greyhound Development and Advocacy, Greyhound Racing New South Wales.

Mr Macaulay tendered the following document:

- Supplementary submission
- Page from GRNSW Annual Report 2020-2021: Graph, Catastrophic race injuries.

Ms Boyd tendered the following document:

- Photographs of greyhound injuries.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Anthony Ange, Director, CG Insight.

The evidence concluded and the witnesses withdrew.

The media and the public withdrew.

The public hearing concluded at 3.20 pm.

**12. Answers to questions on notice**

Resolved, on the motion of Ms Boyd: The answers to questions on notice and supplementary questions from GWIC, received 27 July 2022, be published with the exception of identifying and/or sensitive information, as per the recommendations of the secretariat.

**13. Tendered documents**

Resolved, on the motion of Mr Fang: That the committee accept and publish the following document tendered during the public hearing:

- Page from GRNSW Annual Report 2020-2021: Graph, Catastrophic race injuries, tendered by Mr Macaulay

Ms Boyd moved that the committee accept and publish the following document that she tendered:

- Photographs of greyhound injuries.

Question put.

Ayes: Ms Boyd, Mrs Houssos, Mr Pearson, Mr Veitch.

Noes: Mr Amato, Mr Borsak, Mr Fang.

Question resolved in the affirmative.

**14. Public submission**

Resolved, on the motion of Mr Fang: That the committee authorise the publication of supplementary submission 41a, tendered at the hearing by Mr Macaulay.

**15. Correspondence**

The committee noted the following item of correspondence:

***Received:***

- 16 September 2022 – Letter from Mr Chris Wheeler, Acting Chief Commissioner, GWIC responding to the committee's request for a report provided to ICAC and further details on the use of information provided by GWIC to the committee at the Racing Appeals Tribunal.

Resolved, on the motion of Mrs Houssos: That the Chair write to Mr Chris Wheeler, Acting Chief Commissioner, GWIC:

- reiterating the committee's request for the ICAC report, noting the power of the House to order documents
- seeking guidance on the forum through which GWIC intends to raise the allegation on the use of information provided by GWIC to the committee in a Racing Appeals Tribunal proceeding
- providing five days to respond to the committee's requests.

**16. Adjournment**

The committee adjourned at 3.35 pm, until 21 October 2022 (report deliberative).

Jessie Halligan and Shaza Barbar  
**Committee Clerks**

**Draft minutes no. 15**

Monday 28 November 2022

Select Committee on the Greyhound Welfare and Integrity Commission

Jean Garling Room, State Library, Sydney, 12.34 pm

**1. Members present**

Mr Borsak, *Chair*

Ms Boyd, *Deputy Chair*

Mr Amato

Mr Fang

Mrs Houssos

Mr Martin

Mr Pearson (from 12.40 pm)

Mr Veitch

**2. Apologies**

Mr Latham (participating)

**3. Previous minutes**

Resolved, on the motion of Mr Veitch: That draft minutes no. 14 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 21 June 2022, 30 June 2022 and 5 July 2022 – Emails from Ms Barbara Cheney to the committee, regarding her experience in the greyhound racing industry in Victoria
- 20 July 2022 – Letter from Hon Kevin Anderson MP, Minister for Land and Water, and Hospitality and Racing, to the Chair declining the committee's invitation to attend the committee's hearing on 29 July 2022
- 28 September 2022 – Letter from Mr Chris Wheeler, Acting Chief Commissioner, GWIC to the Chair, enclosing a report provided to ICAC and further details on the use of information provided by GWIC to the committee at the Racing Appeals Tribunal, including attachments
- 26 October 2022 – Letter from Mr Chris Wheeler, Acting Chief Commissioner, GWIC to the Chair, providing further information in support of GWIC's supplementary submission.

***Sent***

- 21 September 2022 – Letter from the Chair to Mr Chris Wheeler, Acting Chief Commissioner, GWIC, reiterating the committee's request for a report provided to ICAC and further details on the use of information provided by GWIC to the committee at the Racing Appeals Tribunal.

**5. Correspondence from GWIC**

The committee noted that its last meeting the committee resolved to write again to GWIC to reiterate its request to provide information in regard to two matters:

- Matter 1: the report forwarded to the ICAC and the NSW Ombudsman on 16 June 2022, and
- Matter 2: the alleged use of information provided by GWIC to the committee, in a proceeding of the Racing Appeals Tribunal.

The committee considered the response from the Acting Chief Commissioner, received 28 September 2022, providing a set of documents in response to each matter.

Resolved, on the motion of Ms Boyd: That the Chair write to Mr Latham, providing him with an opportunity to respond to allegations made against him in the correspondence.

Resolved, on the motion of Ms Boyd: That the committee keep confidential four redacted documents provided by Mr Wheeler with regard to the report forwarded to ICAC and the NSW Ombudsman on 16 June 2022.

#### **6. Online questionnaire report**

Resolved, on the motion of Mr Veitch: That the committee authorise the publication of the online questionnaire report.

#### **7. Answers to questions on notice and supplementary questions**

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Greyhound Racing NSW, received 4 October 2022
- answers to supplementary questions from Greyhound Racing NSW, including annexures A, B and C, received 5 October 2022.

##### **7.1 Attachment A to answers to question on notice from Greyhound Racing NSW**

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of attachment A to answers to questions on notice, from Greyhound Racing NSW, received 4 October 2022, for the purposes of tabling only.

#### **8. Recording of deliberative**

Resolved, on the motion of Mrs Houssos: That the committee authorise the secretariat to record the meeting for the purposes of drafting the minutes.

#### **9. Consideration of the Chair's draft report**

The Chair submitted his draft report entitled *Greyhound Welfare and Integrity Commission*, which, having been previously circulated, was taken as being read.

##### **Chapter 1**

Resolved, on the motion of Mr Martin: That paragraph 1.43 be amended by inserting at the end: 'This arrangement aligns with other race codes.'

Resolved, on the motion of Mr Martin: That paragraph 1.55 be amended by inserting 'These developments have largely addressed the concerns raised by stakeholders throughout the inquiry' before 'These include'.

##### **Chapter 2**

Resolved, on the motion of Ms Boyd: That the introduction to Chapter 2 be amended by omitting 'its key stakeholders -' after 'It examines the nature of GWIC's engagement with'.

Ms Boyd moved: That the introduction to Chapter 2 be amended by omitting at the end: 'Ultimately, the nature of GWIC's external relationships and internal culture paint a picture of a regulatory body that has prioritised animal welfare interests to such an extent that it has failed to protect the interests of racing industry participants and therefore has created a sense of distrust within the industry.'

Question put.

The committee divided.

Ayes: Mr Amato, Ms Boyd, Mr Fang, Mrs Houssos, Mr Martin, Mr Pearson, Mr Veitch.

Noes: Mr Borsak.

Question resolved in the affirmative.

Resolved, on the motion of Mr Martin: That the introduction to Chapter 2 be amended by omitting 'A key issue in this inquiry was the dissatisfaction of racing industry participants with how the Greyhound Welfare and Integrity Commission (GWIC) has interpreted and is executing its role' and inserting instead 'A key issue in this inquiry was the conflict between racing industry participants and the Greyhound Welfare and Integrity Commission'.

Resolved, on the motion of Mr Martin: That paragraph 2.1 be amended by omitting 'while animal welfare groups are broadly satisfied with the role of GWIC the key stakeholder group of racing industry participants is deeply dissatisfied with how GWIC has interpreted its role' and inserting instead 'while animal welfare groups are broadly satisfied with the role of GWIC, a group of racing industry participants is dissatisfied with how GWIC has executed its role'.

Resolved, on the motion of Ms Boyd: That paragraph 2.2 be amended by:

- a) omitting 'stakeholders commonly argued' and inserting instead 'many racing participants who gave evidence to the inquiry argued'
- b) omitting 'For these stakeholders' and inserting instead 'According to these participants'
- c) inserting a footnote with evidence as determined by the secretariat.

Resolved, on the motion of Mr Martin: That paragraph 2.3 be amended by:

- a) inserting 'however, key stakeholders like GRNSW and GBOTA have noted significant improvements from the Commission during the lengthy period of the inquiry' after 'a significant level of distrust in the industry towards GWIC'
- b) omitting 'as detailed below' and inserting instead 'Some critical stakeholder views are detailed below'.

Resolved, on the motion of Mr Martin: That paragraph 2.7 be amended by inserting 'some' before 'racing industry participants'.

Resolved, on the motion of Ms Boyd: That paragraph 2.7 be amended by:

- a) inserting 'broadly' before 'supportive of GWIC'.
- b) omitting 'Indeed, many animal welfare organisations expressed the view that while welfare standards had improved, GWIC's powers should be further strengthened' and inserting instead 'Indeed, while some animal welfare organisations expressed the view that welfare standards had improved, many were of the view that GWIC's powers should be further strengthened'.
- c) omitting 'It is important to note that' before 'many of these stakeholders'.

Resolved, on the motion of Mr Martin: That paragraph 2.8 be amended by inserting 'The committee notes that the Greyhound Welfare and Integrity Commission will inevitably continue to be pressured by industry participants seeking a greater focus on the industry, while animal welfare stakeholders will advocate for a greater focus on welfare' after 'As noted earlier, views on the role of the GWIC was a recurring theme throughout this inquiry'.

Resolved, on the motion of Ms Boyd: That paragraph 2.9 be amended by:

- a) omitting 'GWIC's key stakeholders include industry participants and representative groups' and inserting instead 'GWIC engages with industry participants and representative groups'.
- b) inserting 'who presented to the inquiry' after 'For many stakeholders'
- c) inserting a footnote with evidence as determined by the secretariat.

Resolved, on the motion of Ms Boyd: That paragraph 2.11 be amended by inserting 'who participated in the inquiry' after 'Many inquiry participants from the racing industry'.

Resolved, on the motion of Ms Boyd: That paragraph 2.31 be amended by:

- a) omitting 'largely' before 'at odds with the views of inquiry participants'
- b) omitting 'inquiry participants from the greyhound industry' and inserting instead 'many of the inquiry participants from the greyhound industry who participated in the inquiry'.

Resolved, on the motion of Ms Boyd: That paragraph 2.37 be amended by omitting 'As examined in chapter 1' and inserting instead 'As discussed in chapter 1'.

Mr Martin moved: That paragraphs 2.55 – 2.61 be omitted:

'It is important to note that stakeholders from the industry also spoke to broader inequities in funding between the three racing codes – greyhound, thoroughbred and harness racing – which in their view contributed to the funding tension between GRNSW and GWIC. 2.57 In dollar terms, GBOTA and GRNSW highlighted that if these income sources were based on the accurate percentage of 22 per cent in the period 2019-2020, the greyhound industry would have received an additional \$29.6 million in annual funding and approximately \$200 million over the last 20 years.

GRNSW highlighted that the source of this inequity is the Racing Distribution Agreement (RDA) which sets out the amount that Tabcorp is required to pay the industry. The RDA distribution to each of the three racing codes is calculated according to formulas set out in the 1998 Inter-Code Agreement (ICA). Under ICA, funding is distributed between the three racing codes according to fixed percentages that represented the market share of each racing product in 1998.

According to GRNSW, the 1998 market share for greyhound racing does not reflect the growth or popularity of greyhound racing as a betting product in New South Wales and does not factor in the funding requirements of establishing and operating a separate independent commission to manage welfare and integrity.

Given the RDA is set for 99 years, GRNSW contended that the funding arrangement 'improperly deprives GRNSW and the industry of substantial income, and leaves GRNSW with very little opportunity to influence and grow funding through NSW TAB distributions'.<sup>123</sup> The organisation added that without 'access to a fair share of funding ... GRNSW is artificially hampered from sustainably funding the industry, GWIC and the important welfare programs'.

It is important to note that while the government adjusted the funding arrangement so that GWIC is no longer funded by GRNSW, the funding arrangements for the greyhound industry through TAB distributions, the point of consumption tax and tax harmonisations remain the same.'

Question put and negated.

Resolved, on the motion of Mrs Houssos: That paragraph 2.61 be amended by removing 'It is important to note that' before 'while the government adjusted'.

Resolved, on the motion of Ms Boyd: That paragraph 2.66 be amended by omitting 'Other stakeholders to this inquiry' and inserting instead 'Other witnesses to this inquiry'.

Resolved, on the motion of Ms Boyd: That paragraph 2.80 be amended by omitting 'many inquiry participants' and inserting instead 'some inquiry participants'.

Resolved, on the motion of Ms Boyd: That paragraph 2.83 be amended by placing quotation marks around 'canine athletes'.

Resolved, on the motion of Ms Boyd: That paragraph 2.90 be amended by omitting 'stakeholders expressed the view' and inserting instead 'some inquiry participants expressed the view'.

Resolved, on the motion of Ms Boyd: That paragraph 2.91 be amended by omitting 'the industry participants' and inserting instead 'some industry participants'.

Resolved, on the motion of Mr Martin: That paragraph 2.107 be amended by omitting 'Over four years later though, GWIC continues to be the subject of concern, frustration and scepticism by many in the industry' and inserting instead:

'Over four years later though, GWIC continues to develop with the support of the three largest industry representative bodies (Greyhound Racing NSW, Greyhound Owners Breeders and Trainers Association and Greyhound Clubs NSW). The committee notes that individual participants have experienced issues with the regulator'.

Resolved, on the motion of Mr Martin: That paragraph 2.108 be amended by omitting 'Ultimately, GWIC's relationship with the greyhound racing industry, its key stakeholder, has been characterised by negativity and mistrust. The committee therefore recommends that a core function of GWIC be to protect the interests of racing industry participants, to ensure the viability and growth of the industry' and inserting instead:

'Ultimately, GWIC's relationship with the greyhound racing industry, its key stakeholder, has historically been characterised by negativity and mistrust, however, this has begun to improve over the last 12 months'.

Ms Boyd moved: That paragraph 2.108 be amended by omitting: 'This evidence paints a picture of an organisation that is out of touch with the average greyhound owner, breeder and trainer, and fails to understand the unique nature of greyhounds as canine athletes. It is clear that GWIC has interpreted its role and purpose in such a way that it has focused too heavily on regulation, enforcement and animal welfare to the detriment of racing participants and the growth of the industry, without proper consideration of the impact on the welfare of participants' after 'However, the committee heard concerning evidence, which we explore below in more detail, about GWIC's external relationships and internal culture'.

Question put.

The committee divided.

Ayes: Mr Amato, Ms Boyd, Mr Fang, Mr Martin, Mr Pearson.

Noes: Mr Borsak, Mrs Houssos, Mr Veitch.

Question resolved in the affirmative.

Resolved, on the motion of Mr Martin: That Finding 1 be omitted: 'That the Greyhound Welfare and Integrity Commission has focused too heavily on regulation, enforcement and animal welfare to the detriment of racing participants and the growth of the greyhound racing industry, without proper consideration of the impact on the welfare of participants' and the following new finding be inserted instead:

**'Finding 1**

That the Greyhound Welfare and Integrity Commission's role is the regulation and enforcement of animal welfare. Further work needs to be done on empowering racing participants and ensuring the continued growth of the greyhound racing industry, with proper consideration of the impact on the welfare of participants'.

Resolved, on the motion of Mrs Houssos: That the following new finding be inserted after Finding 1:

**'Finding X**

That there have been cultural and financial issues in the rapid establishment of the Greyhound Welfare and Integrity Commission.'

Ms Boyd moved: That the following new finding be inserted after Finding 1:

**'Finding X**

That the initial period of operations of the Greyhound Welfare and Integrity Commission were made more difficult by certain industry participants resentful of being subject to greater regulation and by the efforts of others, both within and outside of the industry, to undermine its role.'

Question put and negated.

Resolved, on the motion of Mr Martin: That Finding 2 be omitted: 'That the Greyhound Welfare and Integrity Commission's relationship with its key stakeholder, the greyhound racing industry, has been characterised by negativity and mistrust' and the following new finding be inserted instead:

**'Finding X**

That the Greyhound Welfare and Integrity Commission has not understood the culture of the greyhound industry, and that its relationship with the industry has historically been characterised by negativity and mistrust. However, this has begun to improve over the last 12 months.'

Resolved, on the motion of Ms Boyd: That recommendation 1 be omitted: 'That a core function of the Greyhound Welfare and Integrity Commission be to protect the interests of racing industry participants, to ensure the vitality and growth of the greyhound tracing industry.' And the following new recommendation be inserted instead:

**'Recommendation X**

That the core function of the Greyhound Welfare and Integrity Commission, as the independent regulator, should be to promote and protect the welfare of greyhounds, in line with community expectations, working collaboratively with the greyhound industry and participants'.

Resolved, on the motion of Ms Boyd: That the following new paragraph be inserted after paragraph 2.109:

'In addition, the committee notes that GRNSW's operating licence has not yet been made publicly available and that this raises concerns about a lack of transparency and accountability in relation to GRNSW's activities'.

Resolved, on the motion of Ms Boyd: That paragraph 2.110 be amended by:

- a) omitting 'two key recommendations' and inserting instead 'three key recommendations'
- b) inserting at the end 'Third, both GRNSW and GWIC should be required to appear before the relevant Portfolio Committee for a specific hearing at least annually'.

Resolved, on the motion of Mr Martin: That paragraph 2.110 be amended by inserting 'Greyhound Breeders Owners and Trainers Association after 'GWIC, GRNSW'.

Resolved, on the motion of Mr Martin: That Recommendation 4 be amended by inserting 'Greyhound Breeders Owners and Trainers Association after 'Greyhound Welfare and Integrity Commission and Greyhound Racing NSW'.

Mr Martin moved: That Finding 3 be omitted: 'That the Greyhound Welfare and Integrity Commission lacks accountability to the NSW Government and the greyhound racing industry'.

Question put.

Ayes: Mr Amato, Ms Boyd, Mr Fang, Mr Martin, Mr Pearson.

Noes: Mr Borsak, Mrs Houssos, Mr Veitch.

Question resolved in the affirmative.

Resolved, on the motion of Mrs Houssos: That Recommendation 3 be amended by omitting 'That the NSW Government appoint an independent statutory commissioner' and inserting instead 'That the NSW Government consider appointing an independent statutory commissioner'.

Resolved, on the motion of Ms Boyd: That the following new Recommendation be inserted after Recommendation 4:

**'Recommendation X**

That both Greyhound Racing NSW and the Greyhound Welfare and Integrity Commission be required to appear before the relevant Portfolio Committee for a specific hearing at least annually.'

Resolved, on the motion of Mrs Houssos: That paragraph 2.116 be amended by:

- a) omitting 'it would be remiss of the committee not to take the opportunity to address' and inserting instead 'it would be remiss of the committee not to note concerns raised by some stakeholders about'

- b) inserting 'The committee heard' before 'this inequity makes it difficult'
- c) omitting 'In the committee's strong view the government must review' and inserting instead 'The government could consider reviewing'.
- d) omitting at the end 'This review is well overdue and must be conducted as a matter of priority'.

Resolved, on the motion of Ms Boyd: That paragraph 2.111 be amended by:

- a) omitting at the beginning 'Moving onto GWIC's approach to its external relationships and internal culture, in addition to rebuilding the trust of industry participants, in the committee's view the Commission has significant work to do rebalance its priorities. The most important relationship for GWIC is its relationship with industry participants and representative groups.'
- b) omitting 'It was disappointing to hear that this has largely been unsatisfactory, with' and inserting instead 'It was disappointing to hear that GWIC's relationship with industry participants and representative groups has largely been unsatisfactory'.

Resolved, on the motion of Ms Boyd: That paragraph 2.112 be amended by inserting 'who participated in the inquiry after 'most stakeholders from within the industry'.

Resolved, on the motion of Ms Boyd: That paragraph 2.114 be amended by omitting 'Another important stakeholder for GWIC is GRNSW' with 'Another important relationship for GWIC is that with GRNSW'.

Resolved, on the motion of Mr Martin: That Finding 4 be amended by inserting at the end ', as a result of historic commercial decisions'.

Resolved, on the motion of Mr Martin: That Recommendation 6 be amended by omitting at the end 'with a view to ensuring a more equitable arrangement, and the greyhound racing industry obtaining its fair share of revenue'.

Ms Boyd moved: That paragraphs 2.117 and 2.118 be omitted:

'Turning to internal culture, the nature of GWIC's external relationships reflects an internal culture that has encouraged a heavy-handed approach to regulation and animal welfare, and is lacking in expertise and skill. The committee acknowledges the short time frame GWIC had to recruit key personnel before its operations began in July 2018. However, a number of inquiry participants attested that GWIC made serious errors during its early recruitment and employment phase. An overall lack of industry understanding and insight by GWIC executives has resulted in a number of workplace issues, including work health and safety conflicts, and impractical new processes, procedures and systems. It is also apparent that these problems have played out in the lack of respect towards racing participants.

In the course of the inquiry, it became clear that GWIC has a significant skills gap. The skills deficit, specifically amongst GWIC veterinarians, has led to a number of misdiagnoses, animal welfare concerns and a lack of understanding of greyhounds as canine athletes that has ultimately caused harm to the industry. Stakeholders also touched on the skills gap among GWIC inspectors, who have lacked industry-specific knowledge. Furthermore, it is unacceptable that industry participants have experienced intimidation or harassment by GWIC inspectors. While we sincerely hope that these issues have been addressed in the period since the committee gathered its evidence, we are sufficiently concerned to note them as a finding of the inquiry.'

Question put and negated.

Resolved, on the motion of Mr Martin: That paragraph 2.118 be amended by omitting 'While we sincerely hope that these issues have been addressed in the period since the committee gathered its evidence, we are sufficiently concerned to note them as a finding of the inquiry' and inserting instead 'The committee sincerely hopes that these issues have been address in the period since the committee gathered its evidence'.

Resolved, on the motion of Ms Boyd: That Finding 5 be amended by omitting at the end 'leading to a lack of understanding of greyhounds as canine athletes that has caused harm to the industry'.

Ms Boyd moved: That all references to 'canine athletes' throughout the report be replaced with 'racing greyhounds' with the exception of references in direct quotes.

Question put.

Ayes: Mr Amato, Ms Boyd, Mr Fang, Mrs Houssos, Mr Martin, Mr Pearson, Mr Veitch.

Noes: Mr Borsak.

Question resolved in the affirmative.

Resolved, on the motion of Mrs Houssos: That the following new findings be inserted after paragraph 2.115:

**'Finding X**

That the initial funding model for the Greyhound Welfare and Integrity Commission created tension with Greyhound Racing NSW, which was responsible for funding the Greyhound Welfare and Integrity Commission without any oversight.

**Finding X**

That the issues with the initial funding model for the Greyhound Welfare and Integrity Commission have been somewhat addressed by the NSW Government's announcement in the 2021-2022 budget'.

**Chapter 3**

Resolved, on the motion of Ms Boyd: That the introduction to Chapter 3 be amended by inserting 'some' before 'stakeholders questioning whether these'.

Resolved, on the motion of Ms Boyd: That paragraph 3.4 be amended by inserting 'some' before 'racing industry stakeholders'.

Resolved, on the motion of Ms Boyd: That paragraph 3.6 be amended by omitting 'Pointing out that' and inserting instead 'Arguing that'.

Resolved, on the motion of Ms Boyd: That paragraph 3.7 be amended by inserting 'by GWIC' before 'to discontinue the sport'.

Resolved, on the motion of Ms Boyd: That paragraph 3.8 be amended by placing quotation marks around 'canine athletes'.

Resolved, on the motion of Ms Boyd: That paragraph 3.8 be amended by omitting 'Mr Bill Schwencke added' and inserting instead 'Mr Bill Schwencke asserted'.

Resolved, on the motion of Ms Boyd: That paragraph 3.48 be amended by:

- a) omitting 'particularly for the detection of prohibited substances,' after 'penalties were too lenient,'.
- b) omitting 'offences, however minor, over time' and inserting instead 'offences even minor over time'.

Resolved, on the motion of Mr Martin: That paragraph 3.49 be amended by omitting ', in the committee's view, as stated in the previous chapter, the pendulum has swung too far under GWIC' after 'that led to the temporary shut down of the industry several years ago', and inserting instead-', in the committee's view, GWIC must cooperate better with new and old participants to ensure fairness and consistency in all regulatory matters'.

Mr Boyd moved: That paragraph 3.50 be omitted: 'Continued pressure on these participants through stringent policies and heavy-handed disciplinary processes that lack independence and consistency places undue stress on people who may have done little or no wrong. The committee heard that this increasingly pushes participants out of the industry and puts the industry at risk of moving away from a family and regional sport'.

Question put.

The committee divided.

Ayes: Mr Amato, Ms Boyd, Mr Fang, Mrs Houssos, Mr Martin, Mr Pearson, Mr Veitch.

Noes: Mr Borsak.

Question resolved in the affirmative.

Resolved, on the motion of Mr Martin: That Finding 6 be omitted: 'That the policy framework and disciplinary processes of the Greyhound Welfare and Integrity Commission are too stringent, are heavy-handed towards greyhound racing participants and lack independence and consistency, such that participants are at risk of leaving the industry and the industry itself is then at risk of decline', and the following new finding be inserted instead:

**'Finding X**

That the Greyhound Welfare and Integrity Commission must cooperate better with new and old participants to ensure fairness and consistency in all regulatory matters'.

Mr Veitch moved: That paragraph 3.51 be amended by:

- a) omitting 'Turning first to GWIC's policy framework, the committee is of the view that GWIC's policies are too stringent, inappropriate for canine athletes and, in some cases, unjustifiable even from an animal welfare perspective. As industry participants consistently told the committee, greyhound have a natural inclination to race.'
- b) omitting 'therefore' after 'The needs of a racing greyhound are'.

Question put.

Ayes: Ms Amato, Ms Boyd, Mr Fang, Mrs Houssos, Mr Martin, Mr Pearson, Mr Veitch.

Noes: Mr Borsak.

Question resolved in the affirmative.

Resolved, on the motion of Ms Boyd: That paragraph 3.52 be amended by:

- a) omitting 'GWIC must establish and publish' and instead inserting 'GWIC should be involved in establishing and publishing'
- b) omitting 'remove' and inserting instead 'removing'.

Resolved, on the motion of Ms Boyd: That paragraph 3.53 be amended by omitting: 'Consistent with our recommendations in chapter 2, GWIC must clearly communicate with participants about the rationale for all substances that then remain on the list' and inserting instead 'The rationale for substances that remain on the list must be clearly communicated to participants'.

Mr Martin moved: That Recommendation 10 be omitted:

'That the NSW Government advocate through National Cabinet for an overhaul of the national rule on prohibited substances by:

- reviewing the list to determine the scientific basis for the inclusion of prohibited substances (such as cobalt), the reasons for their inclusion and the relative detection levels upon which prosecutions are commenced
- publishing the outcomes of any research and the review
- adjusting the prohibited substances list based on the outcomes, if needed
- ensuring that the rationale for the inclusion of each prohibited substance, and in what quantities, is communicated clearly to industry participants.'

Question put and negatived.

Resolved, on the motion of Ms Boyd: That paragraph 3.54 be amended by omitting 'swab testing can be too sensitive' and instead inserting 'swab testing may in some circumstances be too sensitive'.

Resolved, on the motion of Mr Martin: That paragraph 3.55 be omitted: 'The committee also heard that GWIC's approach to testing is inflexible. Treating participants who may be caught out due to unintentional cross contamination in the same way as those who wilfully breach the rules is disrespectful to innocent industry participants who have told us that they feel they are treated like criminals. It is also an inefficient use of GWIC's publicly funded resources. It is not GWIC's role to be relentlessly pursuing minor or mistaken breaches', and the following new paragraph be inserted instead:

'The committee also heard that GWIC's approach testing regime may be improved with the introduction of blood testing for prohibited substances. Treating participants who may be caught out due to unintentional cross contamination in the same way as those who wilfully breach the rules is disrespectful to innocent industry participants who have told us that they feel they are treated like criminals.'

Resolved, on the motion of Ms Boyd: That Recommendation 12 be amended by:

- a) inserting 'the NSW Government take action to enable' before 'the Greyhound Welfare and Integrity Commission'.
- b) inserting 'greater' before 'procedural fairness'.

Resolved, on the motion of Ms Boyd: That paragraph 3.58 be amended by omitting 'Stakeholder concerns about GWIC alone exercising investigative, prosecutorial and sentencing functions are especially justifiable. Considering the level of distrust in the community towards GWIC' after Nonetheless, there is still work to be done'.

Mr Martin moved: That paragraph 3.59 be omitted: 'The committee also considers that options for appeal, including GWIC's internal review and the Racing Appeals Tribunal, can be just as time consuming, costly and inaccessible for industry participants, which must discourage many from accessing these avenues. In addition to the informal tribunal system, we believe appeals should be heard before a local court'.

Question put and negatived.

Mr Martin moved: That Recommendation 13 be omitted:

'That the NSW Government:

- introduce a tribunal system, independent of the Greyhound Welfare and Integrity Commission, to adjudicate on breaches of the greyhound racing rules in a less formal, less costly and more accessible manner
- provide for any appeal from the tribunal system to be to the local court.'

Question put and negatived.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That the NSW Government take action to bring racecourse design and construction within the scope of the Greyhound Welfare and Integrity Commission rather than Greyhound Racing NSW.'

Question put and negatived.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That minimum standards for racecourse design and construction and greyhound training facilities based on best practice research be enforceable, with noncompliant tracks resulting in the withdrawal of track licences.'

Question put and negatived.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That the NSW Government take action to close the gap in whole of life tracking that prevents the Greyhound Welfare and Integrity Commission from having oversight of greyhounds once they have been transferred onto the Companion Animals Register.'

Question put.

The committee divided.

Ayes: Ms Boyd, Mr Pearson.

Noes: Mr Amato, Mr Borsak, Mr Fang, Mrs Houssos, Mr Martin, Mr Veitch.

Question resolved in the negative.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That the NSW Government provide sufficient funding to the Greyhound Welfare and Integrity Commission to ensure that it can inspect at least annually every greyhound associated with the industry.'

Question put and negatived.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That the Greyhound Welfare and Integrity Commission be tasked with setting breeding targets for the industry, with appropriate veterinary, welfare and social considerations factored into the decision-making process.'

Question put and negatived.

Ms Boyd moved: That the following new recommendation be inserted after Recommendation 13:

**'Recommendation X**

That the Greyhound as Pets program and all rehoming responsibilities be transferred to the Greyhound Welfare and Integrity Commission and that the NSW Government allocate sufficient funding to the Greyhound Welfare and Integrity Commission to ensure that all healthy greyhounds live out the full term of their natural lives in either private homes or sanctuaries.'

Question put.

The committee divided.

Ayes: Ms Boyd, Mr Pearson.

Noes: Mr Amato, Mr Borsak, Mr Fang, Mrs Houssos, Mr Martin, Mr Veitch.

Question resolved in the negative.

Mr Pearson moved: That Recommendation 9 be amended by inserting 'animal welfare (particularly greyhound) experts and' before 'industry participants'.

Question put.

Ayes: Ms Boyd, Mr Pearson.

Noes: Mr Amato, Mr Borsak, Mr Fang, Mrs Houssos, Mr Martin, Mr Veitch.

Question resolved in the negative.

Resolved, on the motion of Mr Veitch: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, online questionnaire report, responses to the online questionnaire report and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions and individual responses to the online questionnaire be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;

The secretariat is tabling the report on Friday 2 December 2022;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

#### **10. Adjournment**

The committee adjourned at 3.05 pm, *sine die*.

Shaza Barbar  
**Committee Clerk**

## Appendix 5 Dissenting statement

### Ms Abigail Boyd MLC, The Greens

In 2017, the greyhound racing industry was given a second chance - a chance to show that it could take animal welfare seriously and weed out the so-called 'bad apples' from the industry. Despite the shocking revelations of misconduct in the industry, the government of the day had agreed to re-regulate the industry and see if it could reform.

This Inquiry was a timely opportunity to examine the impacts of the new regulatory regime for the greyhound racing industry, and to see whether in fact improvements to the industry's integrity and the welfare of the animals in its care had been borne out.

Unfortunately, the majority of the Committee were instead apparently happy for a minority of industry participants to use the Inquiry as a platform to air their grievances with the Greyhound Welfare and Integrity Commission. Much of the grievances seemed to be held by those subject to disciplinary action for breaching new rules, rules which those participants did not want to be bound by. The situation was made worse by right-wing media commentators and some participants on the Committee stirring up controversy around GWIC during the inquiry.

Reforming the greyhound racing industry was always going to be difficult, and there's no doubt that GWIC experienced some teething issues when it was first established. However, much of the difficulties faced by GWIC were caused, or exacerbated, by participants who did not believe they needed reform in the first place. There was, and continues to be, a palpable resentment by some in the industry towards being subject to stricter and more intrusive regulation.

It became clear after hearing from dozens of prominent and often well-connected industry participants during the course of the Inquiry that this is an industry that is so unfamiliar with any sort of regulation that it cannot comprehend the necessity of independent oversight, rejects any notion that failure to meet welfare or integrity standards should result in disciplinary action, and takes justified disciplinary action as personal attacks.

Further, the understanding of greyhound racing participants of what modern animal welfare entails continues to be at odds with that of the broader community. The industry's rejection of reform is perhaps best demonstrated by industry participants' insistence that 'canine athletes' are fundamentally different from non-racing dogs, with not just divergent nutritional or exercise needs, but without a need or even want for basics like a soft bed to sleep on, toys to play with, or affection from their caregivers. The Committee heard the industry repeatedly use this strange and unscientific term as justification for failure to meet the very basic welfare standards in the Code of Practice established by GWIC, like requirements to ensure safe temperatures, to provide adequately sized and furnished kennels and to ensure dogs are not confined or tethered for dangerous amounts of time. The average person of course knows that all dogs want and deserve this basic level of welfare no matter their propensity to run fast, but this inquiry exposed the fact that the racing and gambling industry unashamedly views greyhounds as commodities to use and abuse.

Such a single-focused Inquiry ultimately meant that the opportunity to delve into the animal welfare issues at the heart of the industry's ongoing scandals was missed. While largely unrepresented in the text of this report, the inquiry was provided with an overwhelming amount of evidence in both

hearings and submissions by animal welfare organisations, greyhound rehabilitation experts, rehoming organisations and greyhound advocates that painted a comprehensive and deeply concerning picture of an industry still plagued by deep animal welfare issues. It is both disappointing and irresponsible that the Committee has largely brushed these well-founded and well-evidenced concerns to the side in favour of a report that seeks to undermine the important, if at times restrained, work of the greyhound racing industry's independent regulator.

On the whole, this inquiry has shown that, short of shutting the industry down, what is needed to tackle the serious and ongoing animal welfare and integrity issues in the greyhound racing industry is an independent regulator with teeth. GWIC must be provided with more funding and resources, broader statutory remit to ensure they can adequately monitor the industry and its dogs, and strident Parliamentary oversight if it is to succeed.

In conclusion, the conduct of this inquiry has been a circus of personal grievances aired by disgruntled industry participants that have taken issue with being disciplined by the regulator, with that platform provided by right-wing politicians playing disingenuous games for electoral gain. I sincerely thank everyone who took the time to provide evidence to the inquiry from a broader and less self-interested perspective, and apologise that I was unable to convince the majority of Committee members to include your valuable evidence in this report.



