

Ms Jessie Halligan
Senior Council Officer
Select Committee on the Greyhound Welfare and Integrity Commission
NSW Parliament
6 Macquarie St
SYDNEY NSW 2000

By email only: gwic@parliament.nsw.gov.au

Post-hearing responses required by Thursday 28 July 2022

Dear Ms Halligan

I refer to the Committee's emails of 7 and 8 July 2022 in which the Commission was asked to:

- Review the uncorrected transcript for the segment of the public hearing on 30 June 2022 during which Commission officials gave evidence to the Committee
- Provide answers to six questions taken on notice at that hearing (as highlighted in that transcript)
- Provide documents relating to work conducted by Mr Wayne Haylen QC; and
- Answer 24 supplementary questions received on 7 July 2022.

Uncorrected Transcript

The Commission requests that the following minor corrections be made:

- Page 24 – Notation regarding the Acting Chief Commissioners title being, Mr Chris Wheeler **PSM**
- Page 24 – Notation regarding the previous Chief Commissioners title being, Mr Alan Brown **AM**
- Page 26, paragraph 7 - capitalise *Acting Chief Commissioner*
- Page 27, paragraph 8 – capitalise *Chief Commissioner*
- Page 28, paragraph 8 – capitalise *Chief Commissioner*
- Page 30, paragraph 7 & 11 – capitalise *Chief Commissioner*
- Page 30, paragraphs 16 & 20: Correct spelling of name, Mr *Tyszyk*
- Page 34, paragraph 17 – should say 4378 instead of '2378'
- Page 35, paragraph 2 - capitalise *Acting Chief Commissioner*
- Page 37, paragraph 14 & 16 – capitalise *Chief Commissioner*
- Page 38, paragraph 6 - capitalise *Commissioners*
- Page 42, paragraph 6 – delete text *a shift* insert text *an issue*
- Page 44:
 - Paragraph 3 – delete *STEVE GRIFFIN*, insert *WADE BIRCH*
 - Paragraph 5 – delete *WADE BIRCH*, insert *MATTHEW TUTT*
 - Paragraph 7 – delete *WADE BIRCH*, insert *MATTHEW TUTT*
 - Paragraph 9 – delete *WADE BIRCH*, insert *MATTHEW TUTT*
 - Paragraph 11 – delete *WADE BIRCH*, insert *MATTHEW TUTT*
 - Paragraph 13 - delete *WADE BIRCH*, insert *MATTHEW TUTT*

As per the instructions, a *Marked-up* version of the PDF Uncorrected Transcript can be found at **Attachment 1**.

Questions taken on notice

The Commission's response to the questions it took on notice are enclosed as **Attachment 2**.

Supplementary questions

The Commission's responses to the Committee's supplementary questions are also enclosed (see **Attachment 3**).

Document authored by Mr Wayne Haylen QC

The document authored by Mr Wayne Haylen QC is enclosed as **Attachment 4**. Please note that Mr Haylen QC did not provide the Commission with three reports as suggested. Rather, Mr Haylen QC's report canvassed a range of separate, but related issues.

Concluding Submission

In accordance with your recommendation, the Commission wishes to make a concluding submission that seeks to cover matters that the Commission's witnesses were not able to bring forward at the hearing on 30 June 2022.

The Commission's concluding submission is enclosed as **Attachment 5**.

Please feel free to contact me on _____ if the Committee wishes to clarify any aspect of the Commission's response.

Yours sincerely

Steve Griffin
Chief Executive Officer
27 July 2022

Questions taken on notice during public hearing on 30 June 2022	Commission's response dated 27 July 2022
<p><u>Composition of AWC – transcript page 33</u> The Hon. MARK PEARSON: Does the Chair of the Animal Welfare Committee need to be a veterinarian? Mr MATTHEW TUTT: The animal welfare committee is made up of the five members that are contained within the Greyhound Racing Act. There is a person with veterinary experience, there is a representative of the industry, there is a representative of GRNSW, there is a representative from the Department of Primary Industries, and there is also an RSPCA representative. The Hon. MARK PEARSON: But my understanding is that it doesn't necessarily have to be a veterinarian to be in the position that is allocated to a veterinarian; it could be another agent from another community centre or public service. That is actually written in your report, that it isn't an absolute requirement that it be a vet. Why is that when it is an animal welfare panel dealing with animals? Mr MATTHEW TUTT: I'm not sure. The person that has occupied that position, to my understanding, has always been a veterinarian. The Hon. MARK PEARSON: You might need to take that question on notice, then. Is one of the requirements of that veterinarian to have some recognised expertise in greyhounds? MATTHEW TUTT: I can't recall what the actual provision in the Act says, Mr Pearson, but I'm happy to take that on notice.</p>	<p>Section 33 (2) of the <i>Greyhound Racing Act 2017</i> (the Act) sets out that the Animal Welfare Committee is to consist of the following 5 members appointed by the Chief Commissioner—</p> <ul style="list-style-type: none"> (a) a person who, in the opinion of the Chief Commissioner, has expertise in the area of animal welfare or behaviour and who is not a greyhound racing industry participant, (b) a senior officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales who is nominated by the chief executive of that organisation, (c) the person employed in the Public Service as the Chief Veterinary Officer or a Public Service employee nominated by the Chief Veterinary Officer, (d) a representative of the greyhound racing industry, (e) a person nominated by GRNSW. <p>The Act does not require that a person appointed under section 33 (2)(a) must be a veterinarian. However, the Committee member currently appointed under this section is a registered veterinarian.</p> <p>The person appointed under s 33 (2) (c) also need not be a registered veterinarian, in that it is required to be the NSW Chief Veterinary Officer (CVO), or a public service employee nominated by the CVO. The Chief Veterinary Officer's current delegate is a registered veterinarian.</p>
<p><u>Aggressive greyhounds – transcript page 33</u> The Hon. MARK PEARSON: Does the commission think that 13 per cent of greyhounds being considered to be aggressive (unsuitable for rehoming) is unusual? The Hon. MARK PEARSON: In this table of the mortalities—greyhound deaths reported in 2019-20— 13 per cent of them were euthanised after a private veterinarian certified that the greyhound was behaviourally unsuitable for rehoming, "typically aggressive". Does the commission think that 13 per cent of greyhounds being considered to be aggressive is unusual? Mr STEVE GRIFFIN: Sorry, Mr Pearson, what was the question? The Hon. MARK PEARSON: If 13 per cent of greyhounds have been euthanised because they have been considered to be aggressive, my question is, if you look at other species and other animals that are euthanised, wouldn't 13 per cent be considered to be an abnormally high percentage considering greyhounds are such a docile animal? The The Hon. MARK LATHAM: Tigers, lions. Mr STEVE GRIFFIN: I would have to take that on notice, Mr Pearson. I've had discussions with Steve Coleman from the RSPCA in relation to this matter. Within all breeds of dogs or animals, particularly dogs, there's a certain percentage—and Steve's very familiar with this—that simply cannot be rehomed because they're too aggressive. It would be wrong to rehome dogs in certain circumstances.</p>	<p>The 13% being referred to represents 13% of the 468 greyhounds euthanised during the 2019-20 financial year. The figure of 13% quoted comes from the Commission's 2019/20 annual report.</p> <p>As outlined in that Annual Report, the Commission amended its rehoming policy which saw the percentage of euthanasia's due to aggressive behaviours decline in 2020/21 to 4%, representing a significant decline.</p> <p>The Commission is currently consulting with Greyhound Racing NSW in relation to changes to the Commission's policy that provides a pathway for a small percentage of greyhounds that, due to their aggressive behaviours, are not appropriate for rehoming. The Commission has obtained advice from the RSPCA who advise that there is a percentage of all dog populations where a dog's behaviour prevents the dog from having a happy and healthy life as a pet.</p>

Questions taken on notice during public hearing on 30 June 2022	Commission's response dated 27 July 2022
<p><u>Kennelling mix-up at The Gardens 23 April 2022 – transcript page 39</u> The Hon. MARK LATHAM: Who was responsible for the kennelling mix up at The Gardens on 23 April 2022? The Hon. MARK LATHAM: Okay. Also at The Gardens, under the watch of Mr Adams, on 23 April, two dogs, a litter of sisters, were kennelled for the wrong race. It was only when the trainer walked the first dog onto the track that the wrong race was identified, and Mr Adams then intervened to tell the staff to take that dog back to the kennelling area and swap the dog for the correct dog. Isn't Mr Adams responsible for identifying these greyhounds via the microchip before they are kennelled, and this should never have happened? Mr WADE BIRCH: Mr Adams is not, no. Not as the chairman of the meeting. No, he's not. The Hon. MARK LATHAM: Who was responsible? Mr WADE BIRCH: I'd have to ask Mr Adams. KEVIN ADAMS: I'd have to take it on notice. I don't recall. The Hon. MARK LATHAM: You don't recall the incident with the wrong dog? Mr KEVIN ADAMS: I recall the incident, yes. I don't recall who was the first identification on the day.</p>	<p>Steward chaired the meeting at the Gardens on the 23 April 2022. Stewards Mr Kevin Adams and [redacted] were the 2nd and 3rd Stewards respectively. The first identification was done by Mr Adams with all greyhounds being correctly identified. Following the first identification, the handler is required to kennel the greyhound in accordance with the kennel bay allocation sheet attached to the door of the race bay. The kennel bay supervisor is present at the entrance to the race bay to assist the handler. It was at this stage that the handler kennelled the greyhound in the incorrect race bay. When the greyhounds were released from the race bay in preparation for the stir up and the 2nd identification was conducted by [redacted] the greyhound could not be identified as it would not scan. When [redacted] went back to the Vet room to access the OzChase database, the greyhound was taken out to the stir up. It was at this stage that the trainer informed Stewards that it was the incorrect greyhound. The incorrect greyhound did not make it on to the track. At a subsequent inquiry, the relevant participant was fined for negligence for kennelling the greyhound in the incorrect race bay.</p>
<p><u>Legal advice regarding powers to inspect – transcript pages 43-44</u> The Hon. MARK LATHAM: Have you got legal advice saying that random inspections of kennels without a warrant has legal standing and authority? The Hon. MARK LATHAM: This is a complaint from a lot of participants, obviously, that their kennels are inspected by people with body cameras on a random basis. You've got no legal advice to say that that has a legal standing that's beyond reproach? Mr MATTHEW TUTT: Are you talking about kennel premises? The Hon. MARK LATHAM: Yes. Mr MATTHEW TUTT: We've certainly received legal advice in relation to our use of body-worn camera footage. The Hon. MARK LATHAM: But what about the inspections themselves without notice or warrant? Mr MATTHEW TUTT: The Act provides commission inspectors with the ability to attend kennel premises to conduct inspections of those premises. The Hon. MARK PEARSON: Can they conduct the inspection without the owner being there or the person responsible for the animals? Mr MATTHEW TUTT: They don't do that, Mr Pearson, in the general sense. It would be very rare that a GWIC inspector would enter the kennel premises of a participant without that participant, or someone nominated by that participant, being present. The usual course is for an inspector, if it's a routine inspection, to attend at a pre-announced time to undertake the inspection. There will always be instances where inspectors have to attend kennel premises without providing an announcement in advance, and that's for intelligence-led reasons. We do that when the circumstances require it. But if it's a routine inspection, there will certainly be that notice in advance.</p>	<p>The Commission sought legal advice in relation to all aspects of its powers prior to commencement of its operations on 1 July 2018.</p> <p>Section 73 of the <i>Greyhound Racing Act 2017</i> provides that an inspector may enter kennel premises at any reasonable time. Section 74 provides that an inspector may not enter residential premises except with the consent of the occupier or with a search warrant.</p> <p>In accordance with the Commission's Kennel Inspection Protocols, routine kennel inspections and inspections of new kennels are scheduled in consultation with the participant residing at the premises.</p> <p>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, the Commission will contact the participant and arrange their attendance or the attendance of a nominated representative.</p> <p>GWIC inspectors enter residential premises only with the consent of the owner, a search warrant, or in accordance with section 24E of the <i>Prevention of Cruelty to Animals Act 1979</i>, which provides for an inspector to enter land where:</p> <p style="padding-left: 40px;">the inspector believes on reasonable grounds that—</p> <p style="padding-left: 40px;">(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</p>

Select Committee Inquiry into the Greyhound Welfare & Integrity Commission
Attachment 2 - Response to questions taken on notice at the Select Committee's public hearing on 30 June 2022



Questions taken on notice during public hearing on 30 June 2022	Commission's response dated 27 July 2022
<p>The Hon. MARK LATHAM: Have you got legal advice saying that random inspections of kennels without a warrant has legal standing and authority?</p> <p>Mr WADE BIRCH: I might be able to assist, Mr Tutt. The powers are consistent across the three codes of racing. They've been tested at appeal on many, many occasions.</p> <p>The Hon. MARK LATHAM: Have you got a legal advice that says what you're doing is legally valid?</p> <p>Mr MATTHEW TUTT: I don't believe we've got advice in relation to our inspections. We had received a lot of advice when the commission commenced its regulatory operations, but I am happy to take that on notice, Mr Latham, as to whether we've got any express legal advice on that particular point.</p> <p>The Hon. MARK LATHAM: Let me put it in the negative: Have you got an advice that says it is illegal?</p> <p>Mr MATTHEW TUTT: To conduct inspections?</p> <p>The Hon. MARK LATHAM: No, randomly, without notice, with no-one home and without a warrant.</p> <p>Mr MATTHEW TUTT: No. As I said, I'm happy to take on notice whether we have received any express advice in relation to our inspection powers more generally.</p>	<p>(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.</p>
<p><u>Legal advice regarding use of body worn cameras – transcript pages 43-44</u></p> <p>The Hon. MARK LATHAM: But you say you've got a legal advice justifying the body cameras.</p> <p>Mr MATTHEW TUTT: We have received legal advice in relation to body-worn cameras. Yes, we have.</p> <p>The Hon. MARK LATHAM: Hang on, what does that say—that it's okay?</p> <p>Mr MATTHEW TUTT: It provides some extensive advice. I can't recall precisely what the tenor—</p> <p>The Hon. MARK LATHAM: If you can get back to the Committee on both those matters, the further information would be appreciated. You can take that on notice.</p>	<p>The Commission has received legal advice regarding use of body worn cameras on two occasions. This advice confirmed the Commission's powers to use body worn video cameras as provided for in section 75 (2)(d) of the <i>Greyhound Racing Act 2017</i>.</p>
<p><u>Placing conditions of participant registration to provide powers to enter premises – transcript pages 44-45</u></p> <p>The CHAIR: Is it a policy that for new participants or participants renewing their licences you are making it a condition that they have to consent to automatic entry without permission?</p> <p>The CHAIR: You haven't actually answered the question. To get around your non-right of entry, unless you are invited, is it a policy that for new participants or participants renewing their licences you are making it a condition that they have to consent to automatic entry without permission? That's the question.</p> <p>Mr CHRIS WHEELER: Mr Chair, could I answer that? The Greyhound Racing Rules contain several critical provisions that are relevant to this. One is: These Rules apply from the date of their commencement to any person who takes part in any activity in connection with greyhound racing in Australia or New Zealand. Greyhound Racing Rule 16 provides as follows: (2) ... (3) a Controlling Body, or an officer of the Controlling Body or person authorised by a Controlling</p>	<p>No, this is not a policy and it is not a standard condition of registration to be a registered participant in the NSW Greyhound Racing Industry.</p> <p>No such condition has been imposed. However, on one occasion, the Commission proposed a condition as an option given the participant's history.</p> <p>The condition was proposed for a very specific purpose, being that the applicant had been previously disqualified for possession of permanently banned prohibited substances. As part of the investigation which resulted in the participant's disqualification, a search warrant was obtained and Commission inspectors conducting a search of the participant's residence discovered permanently banned prohibited substances which the participant and another resident attempted to conceal.</p>

Questions taken on notice during public hearing on 30 June 2022	Commission's response dated 27 July 2022
<p>Body may at any time enter upon land or premises owned, occupied or under the control of a person bound by the Rules. A person who is found upon any premises referred to in subrule (2) must: (g) permit the making of a photographic, audio, video or other record as the Controlling Body or officer of a Controlling Body may reasonably require; We don't need to put that condition on anybody. It is there as part of their registration under the rules. The</p> <p>The CHAIR: You are talking about their personal residence?</p> <p>Mr CHRIS WHEELER: Not the residence.</p> <p>The CHAIR: That's what I'm talking about.</p> <p>Mr CHRIS WHEELER: The Act is quite specific that we cannot go into a residence.</p> <p>The CHAIR: I'm talking about their residence. That's what I'm talking about.</p> <p>Mr CHRIS WHEELER: The Act is quite specific we cannot go into their residence, and I'm not aware of any attempt to get permission to do what the Act says we can't. The CHAIR: You alluded to it that it was happening.</p> <p>Mr MATTHEW TUTT: Perhaps if we can take that on notice as to whether there has been a precise case, but it would only be with the express consent or—</p> <p>The CHAIR: You shouldn't be seeking their consent. It's a breach. You shouldn't be just saying, "To get your licence, you have to let us come into your personal residence and search it." Doesn't that smell to you? Why would you want to do that and go through people's underwear and things like that? I just find that offensive. The answer should be, "No, we won't do it. We haven't done that in the past" et cetera.</p> <p>The Hon. TAYLOR MARTIN: Why don't we hear the answer?</p> <p>Mr CHRIS WHEELER: We will come back to you with an answer. I'm not aware of that ever happening. It certainly shouldn't have happened if it did.</p>	<p>As a result of this history, the Commission proposed a specific condition of registration when the relevant applicant next applied for registration. The applicant did not consent to the condition of registration and withdrew his application for registration as a Trainer, but subsequently applied for registration as an Attendant and this was approved without conditions.</p>

Select Committee Inquiry into the Greyhound Welfare & Integrity Commission
Attachment 3 – GWIC Responses to Supplementary Questions



Ref	Question	GWIC Response						
1	<p>Inspectorate program</p> <p>a) How many inspections have been undertaken by GWIC in the 2021-2022 financial year?</p> <p>b) How many of those inspections were targeted inspections?</p>	<p>a) 177</p> <p>b) 105 (59%)</p>						
2	<p>Reduction in catastrophic injuries</p> <p>a) Please provide data on major 1 and major 2 injuries where participants are directed to see a non-track vet after a race injury, and that greyhound is subsequently euthanised at the subsequent visit to a vet in the financial years:</p> <p style="margin-left: 40px;">i) 2018-2019</p> <p style="margin-left: 40px;">ii) 2019-2020</p> <p style="margin-left: 40px;">iii) 2020-2021</p> <p style="margin-left: 40px;">iv) 2021-2022</p> <p>b) Has the definitions of or application of the definitions of catastrophic, major 1, or major 2 injuries changed at any point since 2016? If yes, please provide information about changes, including the previous and new definitions, the date of change, and the rationale for the change.</p>	<p>i) 20</p> <p>ii) 19</p> <p>iii) 31</p> <p>iv) 23</p> <p>b) Yes. In early 2022 the Commission, as did all other jurisdictions, adopted the Greyhounds Australasia race injury categorisations. The Commission has published the new classification with a comparison to the previous classification on its website (excerpt below).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9e1f2;">New classification name and definition starting 2022</th> <th style="background-color: #d9e1f2;">Equivalent in pre-2022 classification</th> </tr> </thead> <tbody> <tr> <td> <p>Category D Race injuries, where the injury occurred on track in a race and identified post-race by the On-Track Veterinarian after a post-race veterinary examination, given a stand down period 28-90 days by the officiating veterinarian, which are typically more significant muscle tears, bone fractures or other injuries that require a greater amount of treatment and recovery. These injuries may or may not race again depending on severity, prognosis and treatment</p> </td> <td> <p>Major 1 (28-42 day stand down) and Major 2 (43-90 day stand down)</p> </td> </tr> <tr> <td> <p>Category F Includes all Category E incidents as well as those within Category D that are deemed to be of a particularly serious nature. The following are included:</p> <ul style="list-style-type: none"> • death or euthanasia <u>on-track</u>; • any skull or spine fracture or paralysis (partial or complete); • any long bone fracture (i.e. humerus, radius/ulna, femur or tibia); • a hock fracture/dislocation where the stand-down period is 60 or 90 days; • any other fracture where the stand-down period is 60 or 90 days; • any other joint injury where the stand-down period is 60 or 90 days; • a skin injury where the stand-down period is 60 or 90 days; • a soft tissue injury (including muscle injury) where the stand-down period is greater than 90 days. </td> <td> <p>Catastrophic and Major 2 (43 - 90 day stand down including long bone fractures; severe spinal, pelvic or skull injuries; major fracture dislocations, Achilles tendon ruptures)</p> </td> </tr> </tbody> </table> <p>The rationale for the change was to provide an Australia and NZ-wide common standard for reporting greyhound racing injuries.</p> <p>Please note also that, in 2022, the Commission’s On-Track-Veterinarians have been recommending longer stand-down periods for some serious injuries.</p>	New classification name and definition starting 2022	Equivalent in pre-2022 classification	<p>Category D Race injuries, where the injury occurred on track in a race and identified post-race by the On-Track Veterinarian after a post-race veterinary examination, given a stand down period 28-90 days by the officiating veterinarian, which are typically more significant muscle tears, bone fractures or other injuries that require a greater amount of treatment and recovery. These injuries may or may not race again depending on severity, prognosis and treatment</p>	<p>Major 1 (28-42 day stand down) and Major 2 (43-90 day stand down)</p>	<p>Category F Includes all Category E incidents as well as those within Category D that are deemed to be of a particularly serious nature. The following are included:</p> <ul style="list-style-type: none"> • death or euthanasia <u>on-track</u>; • any skull or spine fracture or paralysis (partial or complete); • any long bone fracture (i.e. humerus, radius/ulna, femur or tibia); • a hock fracture/dislocation where the stand-down period is 60 or 90 days; • any other fracture where the stand-down period is 60 or 90 days; • any other joint injury where the stand-down period is 60 or 90 days; • a skin injury where the stand-down period is 60 or 90 days; • a soft tissue injury (including muscle injury) where the stand-down period is greater than 90 days. 	<p>Catastrophic and Major 2 (43 - 90 day stand down including long bone fractures; severe spinal, pelvic or skull injuries; major fracture dislocations, Achilles tendon ruptures)</p>
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3	Greyhounds euthanised at owners request							

Select Committee Inquiry into the Greyhound Welfare & Integrity Commission
Attachment 3 – GWIC Responses to Supplementary Questions



	<p>a) Please provide data on the proportion of greyhound euthanasias following failure of rehoming efforts in financial years:</p> <p>i) 2020-2021 ii) 2021-2022</p>	<p>i) 4% ii) 1%</p>																									
4	<p>Greyhound death not at racetracks: injury or accidental causes</p> <p>a) According to GWIC's 2019-2020 annual report, 37% of all greyhounds which died without medical assistance (not including those at racetracks) died due to injury or accidental causes. In what circumstances would deaths which fall into this category be investigated by GWIC?</p> <p>b) Please provide examples of circumstances which lead to deaths due to injury or accidental causes not including those at racetracks.</p>	<p>a) The Commission reviews all death notifications received to determine whether further information or inquiries are required. The Commission also monitors death notifications and has the power to direct that an autopsy be performed if the Commission has any suspicions relating to the circumstances surrounding the death of any greyhound. The Commission is likely to investigate where suspicious or unusual factors or trends are identified.</p> <p>b) Examples of circumstances which lead to deaths might include:</p> <ul style="list-style-type: none"> accidents in exercise yards where greyhounds collide with other greyhounds or infrastructure resulting in significant injury and euthanasia; incompatible greyhounds coming together and fighting causing injuries requiring euthanasia; greyhounds suffering conditions including tumors, cancer, bloat, and gastric dilation; and greyhounds have experienced snake and spider bites and accidental poisonings. 																									
5	<p>Greyhound death not at racetracks: illness, age or natural causes</p> <p>a) In previous answers to questions on notice you advised that some death notifications include additional information further to attribution of cause of death being illness, age or natural causes. Please provide a breakdown of cause of death as provided in the death notification for greyhounds that died due to illness, age or natural causes (including by noting how many did not provide further information) for the following financial years:</p> <p>i) 2018-2019 ii) 2019-2020 iii) 2020-2021 iv) 2021-2022</p>	<table border="1"> <thead> <tr> <th></th> <th>FY</th> <th>Number Illness/Age</th> <th>Number Natural Causes</th> <th>No further information provided</th> </tr> </thead> <tbody> <tr> <td>i)</td> <td>2018-2019</td> <td>27</td> <td>143</td> <td>0</td> </tr> <tr> <td>ii)</td> <td>2019-2020</td> <td>73</td> <td>74</td> <td>0</td> </tr> <tr> <td>iii)</td> <td>2020-2021</td> <td>55</td> <td>75</td> <td>0</td> </tr> <tr> <td>iv)</td> <td>2021-2022</td> <td>94</td> <td>112</td> <td>0</td> </tr> </tbody> </table>		FY	Number Illness/Age	Number Natural Causes	No further information provided	i)	2018-2019	27	143	0	ii)	2019-2020	73	74	0	iii)	2020-2021	55	75	0	iv)	2021-2022	94	112	0
	FY	Number Illness/Age	Number Natural Causes	No further information provided																							
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iii)	2020-2021	55	75	0																							
iv)	2021-2022	94	112	0																							
6	<p>Interstate transfers</p> <p>a) GWIC's web page here does not list the number of greyhounds transferred interstate - why is that so? Will GWIC please include that figure for transparency?</p>	<p>a) Yes, the Commission intends to include statistics regarding interstate transfers in its quarterly Greyhound Life Cycle Notification Report commencing from 1 July 2022.</p>																									

Select Committee Inquiry into the Greyhound Welfare & Integrity Commission
Attachment 3 – GWIC Responses to Supplementary Questions



	<p>b) Please provide data from the Interstate Greyhound Movement Report showing details of greyhounds registered in any state which have been transferred from the care of a NSW- registered participant to a trainer in another state between 16/06/2021 and 30/06/2021 (in line with data provided in Annexure D of previous answers to questions on notice).</p> <p>c) Please provide data from the Interstate Greyhound Movement Report documenting all interstate movement nation-wide since 1 July 2017.</p>	<p>b) During this period there were 59 greyhounds transfers from NSW to interstate trainer. The details of these transfers are set out in the table at appendix i</p> <p>c) The Commission does not have access to nation-wide data about the transfer of greyhounds, only access to data about NSW-registered greyhounds transferred into and out of NSW. The Commission suggests that such a request be made to Greyhounds Australasia.</p>
7	<p>Greyhound Racing Industry Reform Panel recommendations</p> <p>a) Please provide an update on progress of recommendation 64 of the Greyhound Racing Industry Reform Panel recommendations.</p>	<p>a) The implementation of recommendation 64 is a shared responsibility of the Commission and Greyhound Racing NSW (GRNSW).</p> <p>In response to the recommendation, the Commission has implemented 'whole-of-life' tracking (and now eTracking). The Commission continues to monitor breeding and stands ready, in consultation with GRNSW, to introduce strategies, such as the puppy bond included as recommendation 84, should these be required.</p> <p>The setting of a target date for zero unnecessary euthanasia is the responsibility of GRNSW. Accordingly, this question should be directed to GRNSW.</p>
8	<p>Injured greyhounds removed from tracks and euthanised</p> <p>a) How many greyhounds were categorised by On Track Vets as having sustained a 'Major II Injury', removed from tracks, and subsequently euthanised, in the following financial years: Please provide the names of these greyhounds.</p> <p>i) 2020-2021</p> <p>ii) 2021-2022</p>	<p>a)</p> <p>i) 31 greyhounds The name of the 31 greyhound are:</p> <p>ii) 23 greyhounds The names of the 23 greyhounds are:</p>

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<p>9</p>	<p>90-day incapacitation</p> <p>a) How many greyhounds were given a 90-day incapacitation and subsequently never raced again in the following financial years:</p> <p style="padding-left: 20px;">i) 2020-2021</p> <p style="padding-left: 20px;">ii) 2021-2022</p> <p>b) Please provide the names and an update on the status of these greyhounds.</p>	<p>a)</p> <p>i) 60</p> <p>ii) 125 (of which 21 are still within the 90 day incapacitation period as at 20/7/2022 so are not permitted to race).</p> <p>b)</p> <p>i)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">- Racing;</td> <td style="width: 25%;">- Racing;</td> <td style="width: 25%;">- Racing;</td> <td style="width: 25%;"></td> </tr> <tr> <td>- Retired;</td> <td>- Retired;</td> <td>-</td> <td></td> </tr> <tr> <td>Deceased;</td> <td>- Racing;</td> <td>- Deceased;</td> <td></td> </tr> <tr> <td>- Deceased;</td> <td>- Racing;</td> <td>- Deceased;</td> <td>-</td> </tr> <tr> <td>Retired;</td> <td>- Retired;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Deceased;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Retired;</td> <td>- Retired;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Racing;</td> <td>-</td> </tr> <tr> <td>Racing;</td> <td>- Retired;</td> <td>- Deceased;</td> <td>-</td> </tr> <tr> <td>Deceased;</td> <td>- Retired;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Deceased;</td> <td>- Deceased;</td> <td>- Racing;</td> <td>-</td> </tr> <tr> <td>Deceased;</td> <td>- Racing;</td> <td>- Deceased;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Deceased;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Deceased;</td> <td>- Deceased;</td> <td>- Retired;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Retired;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Retired;</td> <td>- Retired;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Retired;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Deceased;</td> <td>- Retired;</td> <td>-</td> <td></td> </tr> <tr> <td>Deceased;</td> <td>- Retired;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Retired;</td> <td>- Racing;</td> <td>-</td> </tr> <tr> <td>Racing;</td> <td>- Racing;</td> <td></td> <td></td> </tr> </table> <p>ii) The 104 greyhounds that have completed a 90 day stand down are:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">-Deceased;</td> <td style="width: 25%;">- Retired;</td> <td style="width: 25%;">- Deceased;</td> <td style="width: 25%;"></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Deceased;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Racing;</td> <td>- Racing;</td> </tr> <tr> <td>- Deceased;</td> <td>- Racing;</td> <td>- Racing;</td> <td>-</td> </tr> <tr> <td>Deceased;</td> <td>- Deceased;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Retired;</td> <td>- Racing;</td> </tr> <tr> <td>- Retired;</td> <td>- Racing;</td> <td>- Deceased;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Retired;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Racing;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Racing;</td> <td>- Racing;</td> <td>- Racing;</td> <td></td> </tr> <tr> <td>- Retired;</td> <td>- Racing;</td> <td>- Racing;</td> <td>-</td> </tr> <tr> <td>Racing;</td> <td>- Racing;</td> <td>- Racing;</td> <td>- Racing;</td> </tr> </table>	- Racing;	- Racing;	- Racing;		- Retired;	- Retired;	-		Deceased;	- Racing;	- Deceased;		- Deceased;	- Racing;	- Deceased;	-	Retired;	- Retired;	- Racing;		- Racing;	- Deceased;	- Racing;		- Retired;	- Retired;	- Retired;		- Racing;	- Racing;	- Racing;	-	Racing;	- Retired;	- Deceased;	-	Deceased;	- Retired;	- Racing;		- Deceased;	- Deceased;	- Racing;	-	Deceased;	- Racing;	- Deceased;		- Retired;	- Deceased;	- Racing;		- Deceased;	- Deceased;	- Retired;		- Retired;	- Retired;	- Racing;		- Retired;	- Retired;	- Retired;		- Racing;	- Retired;	- Racing;		- Deceased;	- Retired;	-		Deceased;	- Retired;	- Racing;		- Retired;	- Retired;	- Racing;	-	Racing;	- Racing;			-Deceased;	- Retired;	- Deceased;		- Racing;	- Racing;	- Deceased;		- Racing;	- Racing;	- Racing;	- Racing;	- Deceased;	- Racing;	- Racing;	-	Deceased;	- Deceased;	- Racing;		- Racing;	- Racing;	- Retired;	- Racing;	- Retired;	- Racing;	- Deceased;		- Racing;	- Racing;	- Retired;		- Retired;	- Racing;	- Racing;		- Racing;	- Racing;	- Racing;		- Retired;	- Racing;	- Racing;	-	Racing;	- Racing;	- Racing;	- Racing;
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10	<p>Companion Animals Register a) What is the relationship between the greyhound racing register and the Companion Animals Register now that eTrac has begun operating? Are retiring greyhounds automatically going on to the Companion Animals Register?</p>	<p>a) The relationship between the NSW greyhound racing register and the Companion Animals Register remains unchanged at this time. Where a greyhound is retired outside of the greyhound racing industry, it is entered onto the Companion Animals Register by Commission staff once the retirement is confirmed with the new owner. The Commission has been advised that the Companion Animals Register is undergoing a technical upgrade. The future state of eTrac is to explore the enabling of the system to automatically update</p>

		<p>the Companion Animals Register when a greyhound is confirmed as retiring outside of the greyhound racing industry.</p>
<p>11</p>	<p>Greyhound Register Reconciliation Program</p> <p>a) Has the status of all 15,118 greyhounds identified during the Greyhound Register Reconciliation Program as being under 10 years of age and which had no recorded industry activity since 1 July 2018 been able to be verified?</p> <p>i) Please provide data on the status of these greyhounds.</p> <p>b) Lisa White of Friends of the Hound provided evidence on 30 June that 9,120 greyhounds may remain unaccounted for under this program. Is this correct?</p> <p>c) Please provide the names of all greyhounds unable to be accounted for through the Greyhound Register Reconciliation Program.</p>	<p>a) The Greyhound Register Reconciliation Program involved GWIC contacting the last known owner, trainer or breeder of 15,118 greyhounds to determine the current status and/or whereabouts of those greyhounds that were less than 10 years old and had had no recorded industry activity since the 1 July 2018 (as at the 23 January 2020). At the completion of the project, 2,370 greyhounds were confirmed to be with an industry participant. 7,744 greyhounds were reportedly sold, rehomed or deceased prior to 1 July 2018, the records of these greyhounds were archived. 1,278 greyhounds had been retired or archived by GRNSW as part of GRNSW Project 106 and Phase Two Data cleansing programs, the records for these greyhounds were also archived. A further 3,028 records dating from before the Commission’s commencement were archived because the participant responsible for the greyhound was either deceased, no longer registered, uncontactable, or ownership of the greyhound could not be confirmed or reconciled. 698 greyhounds had been sold, rehomed or died after the 1 July 2018 and GWIC worked with those participants to update the records relating to those greyhounds.</p> <p>b) This is not correct. The purpose of the Greyhound Register Reconciliation Project was to verify greyhound data as data inherited from the former regulator had not been cleansed and included large numbers of greyhound records that were outdated and/or inaccurate including, for example, significant numbers of greyhounds that appeared to be older than the average life expectancy of a greyhound. This made it impossible to accurately determine the number of greyhounds currently registered, or to identify any ‘missing’ greyhounds</p> <p>The program determined whether the greyhounds recorded on the register had been rehomed or died prior to the Commission’s commencement. It confirmed the greyhounds that were alive and within the industry at the time of the program, thereby making it possible for the Commission to monitor the greyhound population in NSW and identify if and when greyhounds go missing from the industry into the future.</p> <p>c) As part of the Greyhound Register Reconciliation Program, the Commission sought to verify greyhound data on the register. The Commission interrogated 15,118 greyhound records, contacting 4,795 participants and former participants to seek information.</p>

		Where information was received to verify that the greyhound was deceased, rehomed, transferred interstate, or information was unable to be verified, the record was archived. As a result of the program, 12,050 individual greyhound records were archived; it is not practicable for the Commission to provide the names of these greyhounds here.									
12	<p>Breeding</p> <p>a) GWIC's web page here says the greyhound register will help improve the bred to race ratio.</p> <p style="padding-left: 20px;">i) What is the ratio to date?</p> <p style="padding-left: 20px;">ii) What is the target ratio?</p> <p>b) In the Greyhound Racing Act statutory review report, p23, it is stated that because of reduced breeding as at FY2018-2019 GWIC did not feel it was necessary to introduce a puppy bond. How high will GWIC allow whelping to go before breeding caps and/or a puppy bond is imposed, given the current upwards trend shown by GWIC's more recent data?</p>	<p>a) The web page cited was established at the inception of the Commission and the information it contains is not current. It has now been removed from the Commission's website.</p> <p>i) The bred-to-race ratio is a measure of the percentage of pups whelped in NSW between 2 and 4 years prior to the report date that have raced anywhere in Australia or New Zealand. The result can be influenced by delays in the transfer of data between jurisdictions and because not all greyhounds have had their first race by 2 years of age.</p> <p>The bred-to-race ratio for pups whelped in NSW between 20/07/2018 and 19/07/2020 is 74.2%. This figure is expected to increase as more pups whelped in this period go on to race, and data about races these greyhounds have engaged in prior to 19/07/2022 becomes available. Pups are eligible to race from 16 months of age.</p> <p>ii) There is no target set by the industry. However, strategies are being explored as to how to continue increasing the ratio.</p> <p>b) The Commission is closely monitoring breeding levels against rehoming placements within the industry in NSW. Whilst increasing, the level of breeding within the industry remains substantially lower than pre-2016 levels. The Commission is working with the New Zealand Racing Integrity Board on the development of a population model that will assist the Commission in determining if and when strategies, such a puppy bonds, to reduce greyhound breeding need to be applied.</p>									
13	<p>Numbers of greyhounds owned by industry participants</p> <p>a) How many greyhounds are owned by each of NSW's registered industry participants (in table form please)?</p> <p>b) If you cannot provide data requested in (a):</p> <p style="padding-left: 20px;">i) What is the mean number of greyhounds owned by industry participants that own greyhounds?</p> <p style="padding-left: 20px;">ii) What is the median number of greyhounds owned by industry participants that own greyhounds?</p> <p style="padding-left: 20px;">iii) How many industry participants own:</p> <p style="padding-left: 40px;">(1) 1-5 greyhounds</p> <p style="padding-left: 40px;">(2) 6-10 greyhounds</p>	<p>a) There are approximately 3,000 industry participants who own greyhounds. Accordingly, this would be a substantial list. See response to 13(b) below.</p> <p>b)</p> <p style="padding-left: 20px;">i) 6</p> <p style="padding-left: 20px;">ii) 3</p> <p style="padding-left: 20px;">iii)</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Cohorts</th> <th>Number of Participants</th> </tr> </thead> <tbody> <tr> <td>(1)</td> <td>1-5 Greyhounds</td> <td>2,157</td> </tr> <tr> <td>(2)</td> <td>6-10 Greyhounds</td> <td>453</td> </tr> </tbody> </table>		Cohorts	Number of Participants	(1)	1-5 Greyhounds	2,157	(2)	6-10 Greyhounds	453
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	(3) 11-20 greyhounds (4) 21-50 greyhounds (5) 50-100 greyhounds (6) 100+ greyhounds	(3) 11-20 Greyhounds (4) 21-50 Greyhounds (5) 51-100 Greyhounds (6) 101+ Greyhounds	305 149 24 7
14	<p>Parliamentary Friends of Greyhounds</p> <p>a) Has the Parliamentary Friends of Greyhounds contacted you in any capacity or for any reason since its inception?</p> <p>b) Has GWIC contacted the Parliamentary Friends of Greyhounds in any capacity or for any reason since its inception?</p> <p>c) If the answer to either of the above questions is yes, has GWIC been invited to address or been in conversation about addressing the Friendship group at any stage?</p>	<p>a) No. While the Commission is aware of the establishment of the Parliamentary Friends of Greyhounds, it was not advised of the group prior to its establishment, nor has it had any contact with the group.</p> <p>b) No</p> <p>c) N/A</p>	
15	<p>Condition of greyhounds received by rehoming organisations</p> <p>a) If GWIC is notified of a greyhound that comes into the care of GAP in poor condition, are the previous owner/s of the greyhound always investigated and/or inspected? If no, in what circumstances does an investigation and/or inspection take place?</p> <p>b) If GWIC is notified of a greyhound that comes into the care of a non-GAP rehoming facility in poor condition, are the previous owner/s of the greyhound always investigated and/or inspected? If no, in what circumstances does an investigation and/or inspection take place?</p> <p>c) Lisa White of Friends of the Hound provided evidence on 30 June about a large property in the Port Stephens area where rescue volunteers witnessed 120 greyhounds, many of which were in poor condition, and which was subsequently reported to GWIC.</p> <p>i) Has this property been inspected since the report was made? How many times?</p> <p>ii) Since GWIC's inception, what investigation and/or action has been taken against the industry participant/s that owns this property and/or owns the greyhounds on this property?</p> <p>Please provide all publicly available records relating to disciplinary actions and decisions, penalties and appeals against relevant participants.</p>	<p>a) The Commission assesses all such complaints to determine whether compliance action is required. The Commission undertakes inspections, investigations and compliance action depending on the seriousness of the alleged conduct and in line with the Commission's Compliance and Enforcement Explanatory Guide published on its website.</p> <p>b) See response to 15(a) above.</p> <p>i) GWIC has attended a property in the Port Stephens area that houses a large number of greyhounds. The property was inspected and has been re-inspected on four occasions to assess compliance with issued directions.</p> <p>ii) Following the investigation into the housing and care of greyhounds on the property in the Port Stephens area, GWIC has commenced Disciplinary Proceedings for a number of alleged breaches of the Greyhound Racing Rules and Greyhound Welfare Code of Practice.</p> <p>The Disciplinary Proceedings associated with the greyhound property at Port Stephens are ongoing, pending the conduct of a hearing in the matter.</p>	

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<p>16</p>	<p>GAP</p> <p>a) When a greyhound is in the care of GAP, is this greyhound still within GWIC’s oversight under the Greyhound Racing Act for the purposes of tracking?</p> <p>b) If a greyhound is euthanised in the care of GAP, is this information communicated to GWIC? If yes, how many greyhounds have been euthanised while in the care of GAP in the financial years:</p> <p style="padding-left: 20px;">i) 2018-2019 ii) 2019-2020 iii) 2020-2021 iv) 2021-2022</p> <p>c) Does GWIC receive data from GAP about the number of greyhounds accepted by GAP which do not go on to be rehomed by GAP?</p> <p style="padding-left: 20px;">i) If yes, please provide data on to where these greyhounds were transferred (eg. to a community rehoming organisation, to AWL or the RSPCA, to council-operated pounds, back to the industry participant, euthanised) in the financial years: (1) 2018-2019 (2) 2019-2020 (3) 2020-2021 (4) 2021-2022 ii) If no, why not? Does GWIC consider that this information would be useful to receive from GAP?</p> <p>d) Does GWIC consider the operation of rehoming programs a welfare issue?</p> <p>e) Would GWIC be open to the direct oversight of GAP becoming GWIC’s responsibility (assuming provision of appropriate resourcing to GWIC to accommodate this)?</p> <p>f) Would GWIC be open to the operation of GAP or a similar program being transferred to GWIC (assuming provision of appropriate resourcing to GWIC to accommodate this)?</p>	<p>a) Yes. Until a greyhound is rehomed to an individual outside the greyhound racing industry it remains on the NSW Greyhound Racing Register.</p> <p>b) (i) – (iv): NSW GaP advises the Commission that it does not euthanise greyhounds.</p> <p>c) The Commission does not receive data from GaP. It receives notification from participants regarding greyhounds that are rehomed to the public.</p> <p style="padding-left: 20px;">i) N/A ii) From the rehoming notification the Commission receives it understands the number of greyhounds that have been rehomed by GaP and is therefore able to publish these in its quarterly reports. The Commission understands that there are differences between the rehoming data it reports regarding rehoming by GaP and what is reported by GaP. The Commission has been advised that the difference largely relates to GaP including in their statistics those greyhounds that it has paid to have rehomed by other rehoming organisations that have a commercial relationship with GaP.</p> <p>d) Welfare standards and requirements apply to animals kept by greyhound rehoming programs. As most greyhound rehoming programs are not operated by participants of the greyhound racing industry, the <i>Prevention of Cruelty to Animals Act 1979</i> applies. Depending on the nature of the program, the NSW Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments may also apply.</p> <p>e) Any change in the functions of the Commission or Greyhound Racing NSW is a matter for Government.</p> <p>f) Under the <i>Greyhound Racing Act 2017</i>, Greyhound Racing NSW is responsible for rehoming greyhounds bred and raced by the industry. Any change in the functions of the Commission or Greyhound Racing NSW is a matter for Government.</p>
<p>17</p>	<p>Greyhound retirements reported in GWIC annual reports</p> <p>a) Where possible, please provide a further breakdown of data included in GWIC annual reports (including in the following ways: where a greyhound is rehomed privately by</p>	<p>a) The Commission does not collect data regarding the method used by an industry participant to engage members of the public for the purposes of rehoming greyhounds. The Commission reports on a quarterly basis on the</p>

	<p>owner or trainer to a non-participant as a pet, whether this was conducted using an online marketplace or classifieds site; and where a greyhound is accepted by another animal adoption or rescue organisation, what organisation that was) in the financial years:</p> <ul style="list-style-type: none"> i) 2018-2019 ii) 2019-2020 iii) 2020-2021 iv) 2021-2022. <p>b) Would GWIC consider publishing this further breakdown of data in future annual reports? If no, why not?</p> <p>c) If the data requested in (a) is not available, why not? Would GWIC consider requiring more detailed information from participants registering retirements to allow the collection of this information?</p>	<p>rehoming of greyhounds via GaP, other rehoming or pet rescue organisations, privately by participants or retired to the participants themselves.</p> <p>A list of animal adoption and rescue organisations that accepted retired greyhounds in each of the last four financial years (where sufficient data is available) is shown below.</p> <p>For the 4 financial years from 2018-19 to 2021-22, the specific animal adoption or rescue or rehoming organisations which notified to the Commission as receiving registered greyhounds were:</p> <p>Rehoming organisations other than GAP: ACT Domestic Animal Shelter; ACT Greyhound Adoption Group; ACT Greyhound Safety Net; ACT Greyhound Support Network All 4 Paws Dog Rescue; Amazing Greys; Animal Rights Rescue Group; Animals in Need; Animals in Need QLD; Belle Vie Animal Rescue; Brightside Farm Sanctuary; Canberra Greyhound Connections; Canberra Pooch Rescue; Carry Me Home Rescue; Catch Them If You Can Rehoming; Central Coast Animal Rescue; Central Coast Claws n Paws; Central Coast Pet Rescue; Central West Animal Welfare; CKs Paws; Claws and Paws Animal Rescue; Country Companion Animal Rescue; Country Kats and K9s Rescue Group; Diamonds in the Ruff Rescue; Dog Rescue Newcastle; Eavings Rescue; Elysian Horse and Hound Sanctuary; Fresh Start Rescue QLD; Fridays Legacy Animal Rescue; Friends of the Hound; Furbari Kennels; Gippsland Greys; Grey & Greys Rescue; Greyhound Adoption Program, Greyhound Connection; Greyhound Haven; Greyhound Rehoming; Greyhound Rehoming Cairns; Greyhound Rescue; Greyhounds of Canberra; Greys Rescue; Greys4Pets Inc; Greyt Greys Rescue; Gumtree Greys; Happy Paws Haven; Happy Tails Animal Rescue; Homeward Bounds Hounds; Hounds in Homes; IWAG; Jade's Dog Rescue; Kennel 2 Couch; Little Legs Dog and Cat Rescue; Lost Dogs Home VIC; Love A Greyhound; Newcastle Dog Rescue; Paws 4 Claws; Paws and Recover; Pet Rescue QLD; Pollanda Farm Rescue and Rehabilitation; Redcats Refuge; Rescue 4 Pets; Rescued Greyhounds; Riverina Pet Rescue; Rural Outback Animal Rescue; Safe Haven Animal Rescue; Sawyers Gully Animal Rescue; Scruffer Lovers; Shoalhaven Greyhound Adoption Program, Sydney Greyhound Rescue; Wally's Doggie Rescue; Western Australia Retired Greyhounds; Who Saved Who Rescue; Wodonga Dog Rescue; and Wollongong Animal Rescue.</p>
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		<p>Local Government Animal Care facilities and shelters: Blacktown; Campbelltown; Central Coast; Cootamundra-Gundagai; Dubbo; Glenfield, Goulburn; Hawkesbury; Hilltops; Liverpool Plains; Moss Vale; West Wyalong, Wingecarribee; and Wollondilly.</p> <p>Charitable organisations: RSPCA; RSPCA Qld; Animal Welfare League; Animal Welfare League Qld.</p> <p>b) The Commission is of the view that its current reporting of rehoming data is adequate.</p> <p>c) See response to 17(a) above. This data is not available as the Commission doesn't require participants to advise the channel used to rehome their greyhound, and for reporting purposes, retirement organisations are categorised as RSPCA, Greyhounds as Pets, and other animal rehoming/rescue organisations as outlined above.</p>
18	<p>Coalition for Protection of Greyhounds</p> <p>a) How does GWIC respond to the reporting of NSW greyhound deaths and injuries in the Coalition for Protection of Greyhounds' 2021 Lethal Tracks report and January-June 2021 Lethal Tracks NSW Update report, and in particular the 44% increase in catastrophic injuries leading to death on track as reported in the January-June 2021 Lethal Tracks NSW Update report?</p> <p>b) Noting the 44% increase in catastrophic injuries leading to death on track in January-June 2021 compared with January-June 2020, as reported in the January-June 2021 Lethal Tracks NSW Update report, how does GWIC justify statements that welfare continues to improve?</p>	<p>a) The Commission's role is to accurately report racing injury data. The Commission is not responsible for the management of greyhound racing tracks; however, it is important to note that catastrophic injuries that occur at race tracks may not be caused by the condition of the race track. Racing injuries are multi-factorial and there are often other factors involved, such as contact with other greyhounds, over-racing, under-training, or pre-existing injury. Analysis of each and all of these factors is necessary to develop improved race injury reduction strategies.</p> <p>b) The 44% increase suggested within the report was a snapshot comparison of two time periods. It is more appropriate for injury rates to be viewed longitudinally. A longitudinal analysis of catastrophic injuries reveals that such injuries have declined from 1.6 per 1000 starters in 2016/17 to 0.7 per thousand starters in 2020/21 – this represents a 56% reduction.</p>
19	<p>At Richmond on 25 May, trainer Geoff Curtale had his dog <i>What A Tease</i> in a 622m race. Stewards aggressively questioned him at the kennels, saying the dog's previous run was over 440m, where's the evidence he will get 622m? Curtale said he wouldn't have the dog in the race unless he was confident of it running out the distance. He was then told the stewards would be watching him closely. The dog won easily as \$2.60 favourite. How does Wade Birch explain this intimidating questioning of the trainer?</p>	<p>One of the principal objectives of the Commission is to promote and protect the welfare of greyhounds. In fulfilling this objective, Stewards, after identifying a significant increase in the distance of the event in which <i>What A Tease</i> was engaged, sought to understand Mr. Curtale's rationale for stepping the dog up sharply in distance. Mr. Curtale's explanation satisfied Stewards that <i>What A Tease</i>'s welfare would not be adversely affected and would be competitive in the event. This proactive engagement with our industry participants is important to the welfare and success of the sport. The suggestion that the query into this matter was aggressive is rejected</p>
20	<p>On 15 June, <i>Where's Bonbon</i>, a well trialled dog (having gone brilliantly in trials) was having its first start at Wentworth Park. Stewards questioned her trainer Peter Stanford as to why she</p>	<p>This question demonstrates a lack of understanding of greyhound racing. Unlike the other two codes of racing in Australia and despite the efforts of the Commission, greyhounds are not required to be performance trialled prior to their</p>

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	<p>was backed in from \$4 to \$2.80. Stanford replied, "I suppose it's because she's a fast dog". She then led all the way in winning. Can Wade Birch explain why stewards, in this and other matters, are so inexperienced they display a clear lack of understanding of how racing works? Why was this a matter of concern to stewards, given it's regular practice in all racing for first starters that have shown plenty in their trials to be backed in, often starting as favourites?</p>	<p>first start in a race. This means that most of the punting public and Stewards have no knowledge of a greyhound's level of ability prior to its presentation for racing. Even in circumstances where a greyhound does participate in a trial, there is no requirement for the trainer to provide the name of the greyhound for that trial race and therefore this information is not included in form guides. It is this lack of transparency in greyhound racing that creates inequity among the punting public, erodes public confidence in the sport, and places Stewards at a disadvantage in the regulation of races, specifically maiden races. This was the reason the Stewards engaged with Mr. Stanford prior to <i>Where's Bonbon</i> starting at Wentworth Park. Whilst the greyhound had been trialled prior to its engagement, as there is no requirement to provide the name of the greyhound in a trial, the trial information was not included in the form of the greyhound and therefore was not available to the punting public or Stewards. The betting support for the greyhound was therefore of interest to the Stewards and required investigation in protection of the punting public. In recent times, the absence of trial information has resulted in participants and their associates taking advantage of inside information for financial gain. The manipulation of betting markets to mislead the punting public and the transfer of greyhounds into lesser-known trainers' names to influence betting markets remain under investigation by the Commission.</p>
21	<p>Why was Nathan Goodwin registered and given a licence with GWIC after being criminally convicted of animal cruelty offences by the RSPCA in Queensland, for offences against greyhounds and then he was disqualified? Why did GWIC Inspectors recommend that he not be licenced as at the time of his pre-licence inspection, as a greyhound on the property was identified as having an open wound that was not yet medically attended to? When the Inspector made the recommendation to GWIC that Mr Goodwin not be licenced, why was the Inspector told to be quiet and 'learn his place', as the Chief Commissioner at the time licenced Mr Goodwin?</p>	<p>Mr Goodwin applied for registration as an Owner Trainer on 23 November 2018.</p> <p>As part of its application assessment processes, the Commission conducted an inspection of Mr Goodwin's proposed kennel premises on 16 January 2019. That inspection identified a number of defects in standards which were subsequently remedied by Mr Goodwin. Inspectors also directed that a greyhound at the premises be presented to a veterinarian; the greyhound concerned was owned and in the care of another participant. The Commission also conducted a formal interview with Mr Goodwin. No Inspector was told to "be quiet" or "learn his place" at any time.</p> <p>On 12 February 2019, the Commissioners considered Mr Goodwin's application and determined that it be approved subject to specified conditions as provided for under section 49 (4) of the <i>Greyhound Racing Act 2017</i>.</p>
<p>Mr David O'Shannessy, Chief Inspector, Greyhound Welfare and Integrity Commission</p>		
1	<p>Why is he overseeing all the inspectors and inspector complaints that have been raised during the parliamentary inquiry?</p>	<p>Mr O'Shannessy is the Chief Inspector. In that role, he has overall responsibility for management of the Commission's compliance strategy and enforcement activities. Any complaints regarding GWIC Inspectors are referred to the Director, Compliance, Policy and Legal. In some circumstances, the Commission engages an independent consultant to investigate complaints against staff.</p>

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2	Why are a number of the GWIC inspectors previous employees from the RSPCA where he was there as Chief Inspector?	Commission Inspectors are recruited in accordance with NSW public sector processes and guidelines. The key knowledge and experience required for an Inspector role is experience undertaking compliance-related activities within a sensitive and/or high-volume regulatory environment. In addition to the Chief Inspector and Acting Deputy Chief Inspector, the Commission currently employs six inspectors, of whom one previously worked at RSPCA NSW. The Chief Inspector was not involved in the recruitment of the staff member who previously worked at the RSPCA.
3	Why did he review the footage of the ex-staff member he worked with at the RSPCA?	The Commission is unable to determine what, if any, specific incident the question may be referring to. The Chief Inspector routinely reviews footage from body-worn video recorded during Commission inspections and investigations.
4	Who reviews complaints against inspectors? What has been the outcome? Does Chief Inspector O'Shannessy recuse himself from the matters where he has previously worked with the subjects of the complaints? Have there been internal complaints about inspectors' actions? What action was taken? What are the details?	<p>Complaints relating to all Commission staff, including its Inspectors, are managed by the Commission's Internal Complaints Panel (ICP) comprising the Commission's Executive and the Manager, Business Operations. Since commencement of the Commission's complaint resolution process the Commission has received six complaints relating to Inspectors. All of these complaints were investigated. In three cases, the investigation concluded that there was insufficient evidence to sustain a complaint, and no further action was taken. Two complaints were not sustained, and consequently no further action was taken. One complaint was sustained, and the Inspector concerned was counselled as a result.</p> <p>Chief Inspector O'Shannessy is not a member of the ICP that oversees the conduct of investigations into complaints about Commission staff and has no involvement in the complaints process.</p>

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Appendix i

Greyhound ID	Greyhound Name	Greyhound Ear Brand	Greyhound Registration State	Greyhound Whelped Date	Greyhound Sex	Transferred to a trainer in this state
			QLD	9/06/2018	B	QLD
			NSW	30/06/2018	B	QLD
			VIC	18/09/2018	B	QLD
			NSW	11/01/2019	B	QLD
			NSW	4/05/2019	B	QLD
			QLD	30/05/2019	B	QLD
			NSW	9/05/2019	D	QLD
			NSW	17/06/2019	D	QLD
			VIC	18/03/2019	B	QLD
			NSW	10/12/2019	B	QLD
			NSW	16/12/2019	B	QLD
			NSW	19/05/2018	B	SA
			VIC	21/09/2018	D	SA
			VIC	17/11/2018	D	SA
			NSW	10/02/2019	D	SA
			NSW	15/03/2019	D	SA
			NSW	2/01/2018	D	VIC
			NSW	17/02/2018	D	VIC
			VIC	3/02/2018	D	VIC
			NSW	6/06/2018	B	VIC
			NSW	1/07/2018	D	VIC
			NSW	12/08/2018	B	VIC
			NSW	1/10/2018	D	VIC
			VIC	18/10/2018	D	VIC
			VIC	6/11/2018	D	VIC
			NSW	21/02/2019	D	VIC
			NSW	1/05/2019	B	VIC
			VIC	1/08/2019	D	VIC
			VIC	1/08/2019	D	VIC
			VIC	22/01/2019	B	VIC
			VIC	19/10/2017	D	WA
			NSW	27/06/2019	D	WA

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Greyhound ID	Greyhound Name	Greyhound Ear Brand	Greyhound Registration State	Greyhound Whelped Date	Greyhound Sex	Transferred to a trainer in this state
			VIC	25/10/2019	D	WA
			NSW	5/03/2019	D	ACT
			NSW	19/04/2019	D	QLD
			NSW	24/09/2019	D	QLD
			NSW	24/09/2019	B	QLD
			NSW	27/10/2019	D	QLD
			NSW	27/10/2019	D	QLD
			NSW	9/10/2019	D	QLD
			NSW	14/12/2019	B	QLD
			NSW	24/12/2019	D	QLD
			NSW	8/01/2020	B	QLD
			NSW	15/01/2020	B	QLD
			NSW	15/01/2020	B	QLD
			NSW	15/01/2020	B	QLD
			NSW	1/01/2020	B	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	9/03/2020	D	QLD
			NSW	10/12/2019	D	SA
			NSW	16/01/2020	D	SA
			NSW	5/07/2019	B	VIC
			NSW	8/10/2019	B	VIC
			NSW	1/01/2020	D	VIC

**IN THE MATTER OF DISCIPLINARY ACTION TAKEN BY THE
GREYHOUND WELFARE AND INTEGRITY COMMISSION AGAINST
MR KENNETH BURNETT 2021**

I have been engaged by the Greyhound Welfare and Integrity Commission (the GWIC), to review the process of the investigation and subsequent laying of disciplinary charges against Mr Burnett in May 2021. Four charges have been laid in relation to two separate incidents, both occurring in January 2021.

Charge 1 concerned action taken on 7 February 2021 by Mr Burnett to have the greyhound known as Lord Tyrion, euthanased by a veterinarian, Dr Edward Humphries. Mr Burnett was the registered owner and trainer of Lord Tyrion. The charge alleged that Mr Burnett failed to comply with clauses 5 and 10 of the GWIC Greyhound Re-Homing Policy in having Lord Tyrion euthanased before making genuine and reasonable attempts to have the greyhound rehomed. Further, Mr Burnett had failed to provide a Notification of Intent to Euthanase the greyhound 10 days prior to the euthanasia being carried out. On 21 January 2021 GWIC received a Euthanasia of Greyhound Notification Form dated 7 January signed by Dr Humphries, stating that the dog was “savage, bit grandson and likely to be a further danger”.

Charges 2 to 4 concerned a series of incidents that occurred at Nowra greyhound track on 10 January 2021. On that day Mr Burnett was the registered owner of the greyhound, Black Chilli. On kennelling, the greyhound was found to be overweight, was weighed again and confirmed overweight, and was scratched from racing that day. Mr Burnett asked Steward Page if he could take the greyhound outside and “empty” him and then have him re-weighed. Steward Page refused the request to have the greyhound re-weighed. Mr Burnett left the kennelling area but later returned and asked Steward Page to re-weigh the greyhound, as he had been informed that after emptying a greyhound, it could be re-weighed. Steward Page confirmed that the greyhound was scratched and that kennelling for other races was still taking place. Mr Burnett was offered use of the scales after kennelling was concluded. Mr Burnett then began to swear at Steward Page in a loud, insulting and offensive manner, doing so in the presence of other officials and people waiting to weigh their greyhounds. Mr Burnett then tried to place the greyhound on the

scales against the objection and direction of Steward Page. There followed contact between the two men as Mr Burnett pushed Mr Page's arm from the scales and pushed past him to place his greyhound on the scales. Steward Page stepped back and allowed the greyhound to be weighed by Mr Burnett. Mr Burnett again pushed past the steward to retrieve his greyhound from the scales. Mr Burnett continued to argue and swear at Steward Page, stating that he should be allowed to re-weigh after emptying the greyhound.

Consideration

In undertaking an analysis of these charges and the evidence said to support them, I have been assisted by the provision of a large number of documents and witness statements. I have also had recourse to provisions of the Greyhound Racing Act 2017, the Rules of Greyhound Racing and the Greyhound Rehoming Policy.

Before engaging in an analysis of the process behind the charges and assessing the charges laid, I should note that from the material provided to me, there is no evidence from or on behalf of Mr Burnett that address the facts alleged in the charges. It may be the case that the evidence is largely uncontested and the position adopted on behalf of Mr Burnett is to attempt to establish that, taken at its highest, the charges are not made out.

Charge 1

In relation to Charge 1, there is immediately an issue concerning exactly what happened when Mr Burnett's grandson put his hand through a fence to pat the greyhound. Clearly Mr Burnett told the veterinarian that the greyhound was "savage" and had bitten his grandson. Apparently he had formed the view that the greyhound was "likely to be a future danger." The vet was not present when the incident occurred, and clearly proceeded on the basis of Mr Burnett's story. However, in a recorded telephone interview with Inspector Hennessy conducted in late February 2021, Mr Burnett had an importantly different story. He told the Inspector that he was walking with his grandson beside a fence next to the day yards. His grandson went to pat Lord Tyrion, put his hand through the fence and brushed against the greyhound. The greyhound "went snap" at the grandson, and Mr Burnett pulled the child's hand back. Mr Burnett thought the greyhound was going to bite and believed it had the intention to bite the grandson, although curiously, he did not know why the

greyhound had acted in that way, saying “ to this day, I don’t know why he did it”. However, this snap by the greyhound “was enough” for Mr Burnett but he had not spoken to GWIC as to what he could do with the greyhound before taking the dog to the veterinarian.

In early June 2021, Mr Burnett gave evidence to a Parliamentary Select Committee that, inter alia, was looking into the operation and procedures of the GWIC. In that evidence, Mr Burnett stated that his greyhound bit his grandchild, but made no mention of the recorded interview with Inspector Hennessy. That evidence seems to have been accepted by at least some members of the Committee, when regard is had to the views expressed during and following Mr Burnett’s evidence.

In assessing where the truth may lie in this matter, it seems highly unlikely that Mr Burnett would mislead Inspector Hennessy by making an admission against his interest, namely, that the greyhound did not bite the child. I proceed on the basis that Mr Burnett told the truth to Inspector Hennessy when he stated that the dog did not bite the child. Further, there is no history provided by Mr Burnett, of the greyhound being savage and biting. If there had been such a history, no doubt Mr Burnett would not have allowed his grandson to put his hand through the fence to pat the greyhound. In addition, the greyhound was kept for another 2 weeks while a decision was being considered for its future. There is no evidence of continuing savage behaviour or of what options were considered but Mr Burnett concluded that he could not palm off a savage greyhound to another owner. There is no evidence that he considered the terms of the Rehoming Policy, and in particular, the provisions of clauses 5 and 10. He did admit to knowing about the Rehoming Policy. Having regard to the matters discussed with Mr Burnett in the recorded interview, Inspector Hennessey was entitled to proceed on the basis that: the greyhound did not bite the grandson; that there was no allegation of a history of savage behaviour nor evidence of savagery in the 2 weeks before being euthanased; that it was likely that Mr Burnett had misled the vet about the greyhound biting the child; and , that Mr Burnett was aware of the terms of the Rehoming Policy.

It is in that factual context that Charge 1 was formulated as a failure to comply with clauses 5 and 10 of the Rehoming Policy. Those provisions do not operate in a vacuum but are specific parts of an overall policy. The purpose of the Policy includes : maximising

opportunities for rehoming greyhounds that are...otherwise unsuitable for racing; and, to eliminate unnecessary euthanasia of healthy greyhounds. Clause 1 of the Policy makes industry participants responsible for rehoming any greyhounds they do not wish to retain. The clause then provides that greyhounds that are retired from or otherwise unsuitable for racing should, whenever possible, be given the opportunity to live out their natural life as a companion animal. Clause 3 deals with preparing a greyhound for rehoming and requires monitoring of greyhounds being introduced to new environments, people or animals. Where the greyhound shows, amongst other things, aggressive behaviour, the interaction must cease. Further, participants must seek advice from a veterinarian or animal behaviourist, if the greyhound being prepared for rehoming shows aggressive or predatory behaviours towards people.

Clause 5 of the Policy requires an owner to make genuine attempts to rehome any greyhound they do not wish to retain. Clearly, Mr Burnett did not wish to retain the greyhound as he had apparently formed the view that it was savage and should be euthanased. However, given that there was no history of savage behaviour and no actual biting of a child, consistent with clause 3 he should have consulted a veterinarian or animal behaviourist to see if the greyhound's observed behaviour was likely to escalate or were there methods available to remedy any inclination to bite people. Such a step would "maximise" the opportunities for rehoming, a major purpose of the Policy. As the evidence stands, Mr Burnett did not make any genuine attempts to rehome the greyhound.

Clause 10 of the Rehoming policy allows euthanasia of a greyhound where a veterinarian certifies that the greyhound is suffering from "an intractable condition...that causes significant pain or discomfort or a marked reduction in quality of life, such that it is inhumane or would otherwise compromise the welfare of the greyhound to delay euthanasia". It is difficult to apply this criteria to the circumstances surrounding the alleged savagery of Lord Tyrian as presented to Inspector Hennessy, but this appears to be what was done by Dr Humphries. It might be expected that some evidence of a savage bite would be presented to support the conclusion that euthanasia was appropriate. However, at the time the charges were drawn there was no evidence of what condition had been verified by Dr Humphries as satisfying the criteria for euthanasia. It seems highly unlikely that an

isolated case of snapping at a child, if proved, could satisfy the conditions required for euthanasia as set out in the first part of Clause 10.

Clause 10 of the Policy, however, goes further than dealing with the specified conditions justifying euthanasia. Under the heading, "Notification of Intention to euthanase a greyhound", the policy provides that where a greyhound is not suffering from an intractable condition causing severe pain etc, the owner 'must comply with rehoming standards specified in Clause 5", before considering euthanasia. This is the link between Clause 5 and Clause 10. Where the owner intends to have the greyhound euthanased, the Commission must be notified of this intention at least 10 business days before the dog is euthanased, by the lodging and completing the form, Intent to Euthanase Greyhound Notification Form. In my view, that obligation to provide 10 days notice was binding on Mr Burnett. He failed to do so. The failure to comply with a policy adopted by a controlling body in greyhound racing, is a breach of Rule 86 (ag).

In regard to Charge 1, I am comfortably satisfied that Inspector Hennessey had provided sufficient evidence for the charge to be laid. The investigation may have been assisted by obtaining a full statement from Dr Humphries as to what he was told and how his view may have been altered if he had been made aware of the fact that no bite had occurred and that there was an absence of a history of savage behaviour. It might have also been worthwhile to have sought an elaboration of the brushing movement by the child and whether the greyhound had a sensitive area to such a touch. There also may have been some utility in obtaining the greyhound's performance record to investigate if there was some other factor involved in the decision to euthanase. At interview Mr Burnett spoke of being aware of the rehoming policy, but suggested that he still had greyhounds for rehoming but they had not been picked up. This may have influenced his decision regarding Lord Tyrion. In drawing attention to these matters I understand that work load and resources may result in an investigation that seeks to establish only the most serious aspects of possible offences.

Charges 2 -4

These charges concern the alleged abusive and intimidating behaviour of Mr Burnett at the Nowra track on 10 January 2021. This behaviour arose out of a ruling by Steward Page that Mr Burnett's

greyhound, Black Chilli, be scratched from racing due to weighing in overweight in breach of racing rules. No issue arises about the overweight rule applied by the Steward, however Mr Burnett's subsequent behaviour involved his persistent demand to have the greyhound weighed again and in so doing, defying directives given by Steward Page. Mr Burnett also came into contact with Steward Page on 2 occasions while he was pushing past the Steward to place the greyhound on the scales and to remove it, contrary to directions given by Steward Page.

Rule 86(g) of the Greyhound Rules of Racing provides that a person shall be guilty of an offence, if that person "willfully assaults, obstructs, impedes, interferes, threatens or insults...a Steward." Under sub rule (g) an offence is committed where a person disobeys or fails to comply with the lawful order of a Steward. The charges also rely on the provisions of: R86(p), engage in conduct detrimental or prejudicial to greyhound racing; and, R86(f)(i), engage in contemptuous, unseemly, improper, insulting or offensive language, conduct or behaviour towards a steward.

On 8 February 2021, Inspector Hennessy conducted a recorded interview with Mr Burnett concerning the incident at Nowra races on 10 January. In that interview Mr Burnett denied pushing Steward Page but admitted to swearing during their confrontation over the weighing of the greyhound. Mr Burnett stated that he wanted to re-weigh the greyhound because it had been topped up with fluid due to the long trip to Nowra, and now wanted to know why it was not losing weight on the trip. He had never before presented a greyhound that was overweight, and wanted to weigh the dog again so he could "know what the dog was doing on the way home". Mr Burnett admitted that he "did his block and swore" at Steward Page. He agreed that he had put the greyhound on the scales contrary to the Steward's direction. He said he had collided with the scales and Steward Page while going to the scales, and that was when "the pushing" occurred.

During the interview Mr Burnett complained that the greyhound family was not being treated well but was treated as if they were doing something wrong. He stated that Steward Page had questioned his integrity with the greyhound, but did not explain how that occurred. He also stated that stewards had an authoritarian attitude towards participants but did not give any detail of how this was

manifested. In further discussion about the incidents with Steward Page, Mr Burnett said : “ I did my block-I can only apologise”. He said that the incidents should not have happened “but for the provocation” of Steward Page. The Steward told him, “ You can go home”, with a smirk on his face and this provocation was “unbelievable”. His only memory was that he said to Steward Page, “you’re destroying the fucking industry.” These exchanges occurred in circumstances where his chance to qualify the greyhound for the Derby, a \$40,000 race, had been lost. He admitted that these events had occurred while kennelling was still happening for other greyhounds. He understood that he had been given an instruction not to use the scales. Contrary to that instruction, he had pushed past Steward Page and put his greyhound onto the scales. Because Steward Page was holding down the scales, the greyhound began to panic, so he pushed past the Steward to remove the dog from the scales. He agreed that he said to Steward Page, “You’re ruining the fucking industry, you and GWIC”. He accepted that when Steward Page told him not to reweigh the dog, he replied, “Don’t tell me what to fucking do’.

In his statement concerning these events, Steward Page described Mr Burnett as being “both physically and verbally” aggressive and believed he had lost control of himself. These events occurred in the presence of a number of trainers and race day officials. Steward Page stated that he was afraid that if he did not allow Mr Burnett to reweigh the greyhound, “he might physically assault me more severely.” A racing participant, Phillip Read, was present during these events. In a statement provided to Stewards, he said that while witnessing this incident he became concerned “that the man was going to assault” Steward Page.

Other statements from witnesses verified aspects of these allegations against Mr Burnett.

On 11 January 2021, Mr Burnett was advised that he would be required to show cause why his licence should not be suspended pending the outcome of an inquiry into the Nowra incident. The Australian Workers Union (The AWU) responded on behalf of Mr Burnett and was granted an extension of time to make submissions on that matter. On 14 January, the AWU responded to the Show Cause letter and argued that there was no assault and a lack of evidence for the charge. On 15 January the AWU was advised that an

interim suspension had been imposed on Mr Burnett, and that on the face of it, the matter was regarded as being “very serious”.

In assessing this evidence, it is important to note that mostly the allegations are not challenged. There may be minor variations in the recollections of some witnesses, but in essence it seems quite clear that Mr Burnett lost control of himself in a monumental fit of pique. He swore at the Steward on a number of occasions and railed against their authority and the authority of the GWIC. It is possible that this offensive behaviour had nothing to do with needing to check whether the dog was losing weight as time went by, but rather, was his anger at missing a chance at significant prizemoney by qualifying for the Derby. He was an experienced trainer who appears to have badly miscalculated the amount of fluid he had fed to the dog prior to commencing the trip to Nowra. His reason for continuing to seek a further weighing of his greyhound was that it would assist him in assessing why it was not losing weight in travelling to the races. However, he already had the reading which led to the greyhound being scratched. It is difficult to understand how re-weighing the dog shortly after being scratched would assist him in working out why it was not losing weight. This reason was put forward in his evidence before the Parliamentary Select Committee. He also told the Select Committee that he had emptied the dog before the weigh in. It is difficult to work out why he then became so abusive when Steward Page declined to allow him to empty the dog again and allow a re-weighing.

Having regard to all the evidence I have been provided with, it is impossible to consider other than this was a serious breach involving abuse and intimidation of Steward Page and the refusal to obey orders given by the Steward. On the question of whether or not there was an assault, Mr Burnett admits to pushing Steward Page twice in order to force a re-weighing of the greyhound. There is some evidence of Steward Page losing his balance temporarily. While these actions fall short of causing physical injury, they do appear to fall into the category of assault due to the contact involved. The tirade of abuse together with the physical contact with Steward Page strongly supports a finding that these actions by Mr Burnett led to the Steward being in fear of his safety and that he may be physically assaulted if he continued to deny access to the scale to re-weigh the dog. This finding is further supported by Mr Read’s evidence that he was concerned that Mr Burnett was going to assault Steward Page.

In relation to the decision taken to suspend Mr Burnett's licence to train, this action was taken at a very early stage and prior to the gathering of all relevant information. The Greyhound Racing Act 2017(the Act), in S.55 permits the Commission to make rules, not inconsistent with the Act or regulations, with respect to any matter relating to Greyhound racing. In S.58(1) of the Act, the Commission may take disciplinary action, if the relevant person has contravened, the regulations, the code of practice or the racing rules. S.58(3) provides that the Commission is not to take disciplinary action against a relevant person under the Division, without first giving the person notice in writing of the proposed action and a reasonable opportunity to be heard and to make submissions about the matter. Rule 92 gives broad discretion to the Controlling Body or Stewards to regulate their own procedures in the conduct of an inquiry, and by Rule 92(5)(c), pending a decision, the stewards may suspend a licence. Rule 92 (4)(b) requires Stewards ,in the conduct of an Inquiry, to have regard to the nature of the breach and the circumstances in which it was committed, and in particular, the seriousness of the breach and any negligence,recklessness or indifference of the person charged.

I have earlier dealt with the seriousness of Mr Burnett's conduct at Nowra on 10 January 2021. Having regard to all the elements of the offences committed on that day, in my view, the Stewards were entitled to suspend his licence to train as an interim measure pending completion of inquiries. I am also of the view that Inspector Hennessy was entitled to join the two incidents for the purposes of an Inquiry, even though they were different in nature. There is a degree of convenience in taking that course, which is not unusual in the operation of disciplinary Tribunals in the various Racing industries.

CONCLUSION

Having regard to the reasons set out above, I am comfortably satisfied that there was sufficient evidence to justify the laying of all 4 charges against Mr Burnett.

Hon.Wayne Haylen QC
19 July 2021

Attachment 5 has been processed as supplementary submission 31a.