

INQUIRY INTO GREYHOUND RACING IN NSW

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Greyhound Industry submission

Dear Members

My name is Tom Astbury. I am a registered veterinary surgeon, graduated from Sydney University 1963 and have maintained a special interest in greyhounds and the greyhound racing industry within NSW.

I am currently a registered veterinary surgeon and Owner/Trainer in Tasmania to where I retired in 2011 after selling my Sydney veterinary practice that I first established in 1989.

I was first registered in NSW as a greyhound Owner/Trainer in 1987. I have bred some 50 litters and have always trained and raced only my own greyhounds, with reasonable success. I currently own 11 greyhounds of which 4 are currently racing, 3 are breeding bitches and 4 are younger pups bred from my own bitches.

I have held the following industry positions in NSW at various times until my retirement :

1. Chairman of the previous United Greyhound Association, no longer existent
2. Board member of Greyhound Breeders Owners and Trainers Association for 2 periods.
3. Chairman of statutory participant group GRIPAC within GRNSW
4. Member of Australian Veterinary Association and Greyhound Special Interest group within that association.

As well as activities in these positions, I have provided professional advice to participants in NSW with regards to racing Rules and penalty breaches as well as veterinary matters, acted as expert advisor to participants at inquiries, liaised with stewards in drug matters and identification of prohibited substances.

I enclose my comments and opinion directed to all the terms outlined by the Inquiry under their relevant headings.

I am happy to further assist the inquiry in any way and if required to attend meetings in Sydney in December if requested.

Yours sincerely

Tom Astbury BVSc

INQUIRY INTO GREYHOUND RACING IN NEW SOUTH WALES

1. That the Select Committee on Greyhound Racing in New South Wales inquire into and report on greyhound racing in New South Wales, and in particular:

(a) The economic viability of the greyhound racing industry in New South Wales.

Benefits:

- i. Wide community and family participation and social activity involved.
- ii. Greyhound industry involvement involves significant personal commitment as well as investment, whether hobby or commercial, at no direct cost to the State.
- iii. Financial returns via wagering taxes proportionally greater in this code than others.

a. Improvements

- iv. Consolidation of venues needed – less venues and better facilities at all levels to encourage even greater participation.
- v. Need to reward increases in wagering earnings by a more flexible code share of wagering income based on fixed base rate plus greater percentage of any rising earnings performance of that code

(b) The financial performance and conduct of the industry and of Greyhound Racing NSW including a comparison to other states of Australia.

Benefits

- i. Total club dominance via monopoly of Board of GRNSW enabled direct progress of particular clubs and satisfaction was promoted to their members.
- ii. Participants have some hypothetical say in GRNSW and industry direction
- iii. More tracks in NSW encouraged greater participation.

a. Improvements

- iv. Lack of performance oversight without Government supervision meant there are now difficulties from lopsided approach by clubs. Need Gov representative on Board.
- v. Salary scales of management staff not tied to credible like levels and self-regulated.

- vi. Rewards as prize money erring on side of too generous and accompanied by lessening of financial control in other areas.
- vii. More tracks in NSW have encouraged greater participation but increase costs and management problems, slackening of facility conditions including animal welfare and safety without justified benefits or financial returns has been the result.
- viii. Pressure from so many club organisations on demands and decision making has in the past been too great, tending to 'white ant' efforts in structuring an efficient organisation with financial efficiency and cohesion.
- ix. Previous CEO, Adam Wallish, wanted to cut 15 tracks to ensure efficiency and his ideas were rejected by clubs and he then left NSW. He was subsequently employed as CEO of Little Athletics of Australia in Victoria and last year appointed CEO of Greyhound Racing Victoria, where he is currently employed.
- x. Victoria has taken over dominance as lead State in greyhound racing. Adam Wallish, CEO of GRV, should be contacted by the Investigative Group for his experience and opinion.

(c) Government initiatives and assistance measures to support the industry and comparison of assistance to other racing codes.

- i. Greyhound Racing Act to be changed to create a statutory body and Board, with a government representative on it, such as from Department of G&R.
- ii. Statutory right to appeal to the Administrative Appeals Tribunal as was the case when Government was involved through previous racing organisation GHRRA.
- iii. Government should enable a grant to ensure animal welfare issues are standardised at all TAB race tracks.
- iv. Government should liaise with Victoria to compare what similar financial initiatives are available as will assist the industry.

(d) The effectiveness of current industry regulation, including the level of autonomy of Greyhound Racing NSW.

- (i) The construction of the Greyhound Racing Act 2009 needs to be reviewed to make its intentions and NSW application clearer:-

Sec 9 Greyhound Racing Act 2009 (– summary of part):

9 Functions of GRNSW

- (1) GRNSW has the functions conferred or imposed on it by or under this or any other Act or law.
- (2) Without limiting subsection (1), the functions of GRNSW include the following:
- (3) GRNSW may affiliate with such organisations, whether in or out of New South Wales, as GRNSW considers appropriate.
- (4) The functions of GRNSW are not limited by the rules and are to be exercised independently of Greyhounds Australasia Limited or any successor.
 - a. **“affiliate”** – what are the limits of involvement, e.g. affiliation with the jurisdiction and functions of other states, are rules or functions transferable between States, are personal privacy issues being conflicted when revealed by GRNSW to Government departments in other places when they have no statutory standing but are an corporation without government involvement.

It appears privacy laws prevent personal information being passed to others without that person’s permission. If that is the law then it is ignored in greyhound racing.

- b. **“Functions...exercised independently of Greyhounds Australasia...”** requires stricter interpretation. GRNSW have adopted the Rules as composed by this private incorporated body, Greyhound Australasia, and under their rules exercise GRNSW general regulation. Is this statute point being properly exercised by GRNSW?
- c. For example a person commits a breach of the Rules if, under GA Rule 86(ag) if they “fail to comply with a policy adopted by a Controlling Body;”
- d. In updating their Rules (also being called “National Racing Rules) GA says
“In noting the changes, it must be recognised that respective State and Territorial Legislation pertaining to individual jurisdictions may prevent the total adoption of all of the NRR and **policies**. In these cases, individual jurisdictions will adopt Local Rules to provide for such legislative requirements, which shall take precedence.
- e. So we are stricken with National Rules, Local Rules and Policies whose logical application we cannot understand. Where are the policies of GRNSW enunciated,

their Local Rules are attached to their National Rules but are supposed to be for matters of Legislature?

- f. There is no cohesive arrangement of regulatory dictum mainly because it is of benefit to organise confusion to enable pick and choose when seeking to penalise and the role of GA can be invoked rather than GRNSW being pro-active.
- g. Rules must be included in one document attached with the National Rules and sub labelled as to Local Rule or Policy. GRNSW fails in this area.
- h. The Rules, Local Rules and policies from Greyhounds Australasia and GRNSW when adopted by GRNSW as their rules under the Act need to be properly legally reviewed as to propriety, legalise, fairness and clarity by the Integrity Officer who can take representations on proposed changes from participants
- i. The Appeals process hearing should be held at a place remote from GRNSW headquarters as the open access for the appeal officials into the GRNSW offices gives the impression of possible collusion which should not be able to be assumed.

(j) The selection process for the board of Greyhound Racing NSW.

- i. Excessive direct influence in the past from club committee Board members and for many years has left a belief of impropriety and biased management.
- ii. Clubs must not have majority of votes at Board level.
- iii. Board should consist of 1 - 2 Government appointees plus 2 club representatives plus 1 elected by participants and one an unlicensed (by GRNSW) member of the public or other racing code, plus the non-voting CEO.
- iv. Minutes of their meetings should be published either via internet or other.

(f) The effectiveness and accountability of the board and management of Greyhound Racing NSW.

- i. Lack of effective and independent Integrity Officer position and access to that person compared to the situation in other States, says it all.
- ii. Consider the comments by David Landa a former Integrity Officer who resigned. Somebody had to watch the watchers but he was directed what to do.
- iii. eMail letter sent by mistake to female GBOTA director by senior GRNSW steward and relating to her, says "...tell her to f*** off..." (word fully spelt) shows the arrogance allowed. That steward still acts in that position.
- iv. If GRNSW is made into a statutory body it then becomes entitled to Administrative Appeals Tribunal access and oversight of accountability and conduct.

(g) The effectiveness of the current arrangements for, and role of, the Integrity Auditor of Greyhound Racing NSW.

- i. Current IA was hampered by being firstly selected and then influenced and directed by the Board of GRNSW and is a disappointing waste. Current appointee is regarded with scepticism after Mr Landa's opinion of the role imposed on him.
- ii. As a Statutory body, appeals could be made directly to the independent Administrative Appeals Tribunal against management decisions and conduct.
- iii. All other States, except Tasmania, have an independent statutory appeals body financially accessible to participants.

(h) The capability and performance of Greyhound Racing NSW and governance of the Industry.

Benefits

- i. Over past 4 years of upper level management their efficiency and acceptability has improved to point of participant satisfaction, IMO, by virtue of experience and combined individual effort.
- ii. The current Board is not perceived as empathetic or entrepreneurial to industry needs but is reliant on management advice only. They are virtually invisible.

iii. Good approach and execution of technological advancements have been made to the point that certain duties such as race fields on internet, rapid and detailed race results, rapid dissemination of in-depth industry information via internet have resulted in GRNSW becoming industry leaders. Other States are utilising GRNSW's systems rather than their own capabilities for many internet and management informational matters.

a. Improvements

- iv. With a reconstituted Board with Government oversight there would be more impartiality in decision making and a business professional financial approach.
- v. Costs saving efforts have resulted in lowering the numbers of employed full time stewards which has resulted in neglect or enforcement of animal welfare issues, both as regards participant responsibility matters and track facilities. More stewards and more duties for them.
- vi. No minimum standards are in place or described for track and trial facilities and safety as regards the animal welfare issues that poor construction, preparation and management may create. Management standards documentation.
- vii. Regular meetings should be held in varied racing areas within the State involving participant forums to discuss matters of concern would facilitate 'coal face' suggestions for Board consideration. Successful in Victoria. Conduct participant forums regularly.
- viii. GRNSW has grown by acceding to club requests for racing to a point where needs for product entertainment experience for punters and participants have been neglected. IMO more unprofitable tracks need to be removed and their race dates transferred to established track so as to provide 2 or 3 meetings a week at these places so as to maximise financial efficiency. Rationalise track numbers.
- ix. Whilst GRNSW cannot conduct meetings, they should co-manage ancillary facilities at tracks such as veterinary clinics, greyhound supplies facilities and even refreshment items to ensure efficient financial management including their usage agreements. Not

all monies are properly accounted for under the current club operations systems. Co-host ancillary facilities at major tracks.

(i) The incidence of drug administration and doping in the industry and the efficacy of Greyhound Racing NSW's control and testing processes.

Benefits

- i.* Essential for survival of the industry.
- ii.* Incidence is low in my professional opinion and knowledge.

***a.* Improvements**

- iii.* GRNSW has been inefficient in exerting their authority over use, detection and possession of Prohibited Substances (=PS).
- iv.* PS standards imposed in horse racing should be adopted to include such things as trainer premises inspections and label control of possessed substances.
- v.* Veterinarians who prescribe or supply PS, in accordance with their right to prescribe PS for therapeutic purposes, without attaching swab warning label and specific directions addressing the individual greyhound and trainer or owner should be reported to the Veterinary Practitioners Board.
- vi.* Stewards should have statutory powers to seek access or confirmation that any PS found on registered person's premises have been appropriately prescribed and labelled.
- vii.* Treatment books should require entry of receipt/date/quantity/prescriber of any prescribed PS. Veterinarians to sign on supply. PS in possession of trainers that do not have such a label on PS/book listing shall be in breach of Rules
- viii.* Treatment books should be required and kept up to date for all administrations.
- ix.* PD finding in a swab where no prescribed use is properly proved should result in a welfare breach, perhaps involving RSPCA.
- x.* The levels of commonly found therapeutic PS should be set and agreed by veterinarians employed by GRNSW such that a finding not above this agreed level,

as a first type PS offence, be only subject to loss of prize money and warning. Re-occurrence shall involve suspension.

- xi. Revised and extensive list of substances including PS and non-PS substances are proposed consisting of 4 or 5 classes, old lists from 1990's could be used and are well recognised.
- xii. Obligatory retest for freedom of drug before next acceptable nomination be considered for drugs affecting performance and pain masking.

(j) Sale and breeding of greyhounds including the market conditions and welfare of Animals.

- i. Breeding of greyhounds is regulated and restricted in Victoria based on their selection criteria that have not been well researched or proven before their adoption and **should not** be adopted for NSW.
- ii. Greyhound selection is effectively based on race ability and performance, not 'looks' as in domestic breeds, and the breed genetically has been genetically culled or 'purified' over time for this sole purpose. Faults such as hip dysplasia, genetic sight problems and similar genetic faults have been bred out by selection based on their ability in race performance.
- iii. As a consequence, Australian greyhound 'lines' are sort after world-wide for breeding, providing a proud export feature for the industry.
- iv. If there would be considered a restriction on number that should be in the form of frequency rates of individual bitch conception, cost of registration being increased, especially if over the allowed number of conceptions.
- v. Consider the terms and conditions of breeding restriction applied to pure bred pet dogs by the NSW Kennel Council. Litters have to be spaced in time such as one litter every 18 months or double fees charged.

(k) The welfare of animals in the industry and the role of Greyhound Racing NSW in establishing and enforcing standards of treatment of animals.

- i. It is my belief that GRNSW has sufficient powers to ensure welfare control and with it community acceptance of their role.
- ii. It is my belief that GRNSW does not adequately demonstrate this power due to lack of stewarding staff to impose their conditions.
- iii. The RSPCA has been cooperative in assisting GRNSW and it is my suggestion that a sub-group be formed with them to enable ongoing discussion and coordination for this subject and it's implementation.
- iv. **A complete welfare policy booklet should be provided to all registered owners and trainers setting out standards to be applied for the welfare of animals and this policy to come under GA Rule 86(ag) as a regulatory penalty for its breach.**

(l) Financial incentives for reducing euthanasia and prosecutions for animal mistreatment.

- i. Conditions applied to domestic ownership of pets in this regard should ALWAYS be borne in mind and the greyhound breed not considered in isolation.
- ii. A fee to be levied at litter registration per pup born could be applied and the funds from this fee be diverted to GAP thus facilitating the costs of GAP promotion and rehousing.
- iii. Euthanasia cannot reasonably be restricted by regulation. Indeed the situation of pet ownership in this regard must be side by side in any comparison. The records kept for greyhounds are extensive and if deeper consideration is to be given then these records must be collated with pets as to reasons for euthanasia. But there are no records for this situation in the majority of dogs, the pets, to draw conclusions. Therefore it is unreasonable to assume conclusions that are specific to the greyhound breed.

- iv. In my experience, the more people come into contact with greyhounds the more they like them. However there are inhibiting requirements and procedures to seeking a permanent licence for someone who is not sure if they want to be involved.
- v. To this end I suggest a 'temporary' licence be issued for persons to handle a greyhound for say 6-12 months with the owner or trainer of that greyhound being their mentor and to be totally responsible for that person's behaviour and obedience to Rules and direct all activities of that person. Only by engaging directly can people develop an affinity for the breed and desire to have one as a pet.

(m) The adequacy and integrity of data collection in the industry, including the number of pups born, the number of dogs euthanized and injury rates,

- i. I believe these statistics are adequately gathered EXCEPT for the injury factors and their proper digestion and consideration of this important factor in greyhound racing as to causes.
- ii. Current recording requirements from birth to death required by GRNSW and other controlling authorities allow realistic determination of certain situations IF effort was made to study them.
- iii. Race track injury is a fact of life for greyhounds which can be minimised. Yet in juxtaposition motor vehicle accident injury is rare or non-existent as a cause of necessary euthanasia in greyhounds, as are human attack and euthanasia prosecutions. Compare with pets.
- iv. Race injury statistics are not recorded and currently publically evaluated professionally to determine injury rates by track, causative situation, response and possible corrective processes implemented.
- v. There are participant concerns regards injury frequency v race and trial track conditions. With so many tracks in NSW there are no track maintenance standards in published form or existence nor any investigation or consideration of likely cause and cure. Many efforts have been made by participants to ensure standardised track conditions, surface maintenance and rectification effort.

- vi. Opportunity exists under the Act for GRNSW to grant funds to study race track design, injury statistics, birth and death statistics. There are many veterinary Final year students willing to study and research these matters and prepare a final year paper on a topic and this should be considered.

(n) Any other related matter.

FEES and Contractors to GRNSW

Consideration should be given to the realistic role of Greyhounds Australia (GA) in relation to regulatory requirements set out in the Act. They provide the following outline of the GA role at : <http://www.galtd.org.au/GreyhoundsAustralasia/>

“About Greyhounds Australasia

Greyhounds Australasia (GA) comprises representatives from jurisdictional controlling bodies in Australian States and Territories, and New Zealand (the GA Directors).

The charter of GA is to support these jurisdictions via encouragement of a holistic approach to the Australasian greyhound racing industry and creating uniformity with the brand.

GA provides its stakeholders with value-added services and industry practices that support industry integrity maximize returns and ensures a sustainable future.”

GA on welfare:

<http://www.galtd.org.au/GreyhoundsAustralasia/index.php?q=node/188>

Wonderful outline, little backup.

Fees for certain procedures and licences are collected by GRNSW on the basis of charges set by GA and the money is shared by both GRNSW and GA.

Many of the duties are dealt with by GA, including maintaining databases, proposing rule changes, initiating and financing experiments for the detection of prohibited substances, and proposing policy.

GA is a private enterprise able to be kept at arm's length from the statutory controlling authorities as to the actions they initiate. GA does not have to account to the industry for profit or loss. This may involve a restriction of trade and tenders should have been called for.

For example, Genetic Technologies charges \$77 to privately DNA test a pet dog yet the fee charged participants by GRNSW is \$150.00 and sent to the same place.

The fees levied are uniform across States with the result that the participants of NSW and Victoria as the major body of contributors are financially supporting weaker States which would otherwise require those State governments to contribute costs for GA maintenance.

Analytical laboratories are another source of concern. They work together in a cohesive unison such that if a positive sample is detected on first analysis (A sample), that laboratory who has possession of both A and B samples, chooses who to send the second or B confirmatory sample to as the second laboratory and notifies them what to look for. Is this an independent assessment?

Although the fee paid to the Sydney laboratory is rumoured to be over \$640,000pa, there is never an independent 'blind' test sample being submitted by GRNSW to ensure their accuracy and to verify that their NATA certified processes are being carried out correctly.

Consideration should be given as to whether the recommendations of the ICAC inquiry in regard to laboratory procedures are being followed and the terms of any contract currently existing between GRNSW and the laboratories is proper and is satisfying the requirements of the industry, especially related to scientific determination as to levels.

Tom Astbury BVSc