

**INQUIRY INTO GREYHOUND WELFARE AND
INTEGRITY COMMISSION**

Organisation: The Australian Workers' Union (AWU)

Date Received: 29 January 2021

Partially
Confidential

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Written responses published by resolution of the committee 5 May 2021
are hyperlinked below:

- [Ms Judith Lind](#)
- [Dr Michelle Ledger, GWIC](#)
- [Mr Steve Griffin, GWIC](#)

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AWU Greyhound Submission

NSW Parliamentary Inquiry into GWIC

Background

In 2016, the NSW government announced a proposal to ban Greyhound racing in NSW. The justification for this was the Special Commission of Inquiry into the industry conducted by Justice McHugh AC QC, former judge of the High Court of Australia.

The report made criticisms of the industry and the regulator, however, there was no specific recommendation to close the industry. Importantly, the report acknowledged “that many participants in the industry are animal lovers who care for greyhounds.”

The AWU has a broad spectrum of membership throughout the greyhound industry, these include race club employees, stewards, trainers, owners, and breeders.

The Australian Workers Union (AWU) does not in any way shape or form condone animal cruelty, however, we strongly opposed the decision as we did not believe that the majority should be punished for the actions of the minority.

The AWU participated in the campaign to save the greyhounds along with many other community organisations. The AWU and others highlighted the implications on our members and the community at large in the decision to close the industry.

Those were:

1. Loss of income for participants.
2. Loss of employment for those employed in the industry.
3. Loss of recreational activity for thousands of people across NSW.
4. Detrimental impacts relating to public interest on communities.

Fortunately, the decision of the NSW government was reversed, and the industry survived. In making the announcement, to reinstate the industry would be regarded differently. Specifically, that there would be tougher animal welfare measures.

As a consequence, the NSW Government passed the Greyhound Racing Act (the Act). This created the Greyhound Welfare Integrity Commission (GWIC). GWIC has the function of regulating the industry. The objectives of GWIC are outlined in Section 11 of the Act:

- a) To promote and protect the welfare of greyhounds.

- b) To safeguard the integrity of greyhound racing and betting industry
- c) To maintain public confidence in the greyhound industry.

The AWU understands the need to prevent cruelty and wants the industry to be free of cheating. It is important for honest participants to be able to compete fairly.

The AWU sees the following issues with GWIC:

1. GWIC Executive Management and officers do not have sufficient knowledge of many aspects of the industry.
2. A lack of flexibility in dealing with participants.
3. A closed mind toward the potential for genuine mistakes including for Owners and Trainers with long term records of an exemplary nature.
4. Delays in re-instating licences. This effectively brings double punishment.
5. A lack of procedural fairness, including suspending participants for summary offences prior to an investigation.

GWIC's obligation under Section 11 and 12 of the Act to maintain the public confidence in the industry requires a collaborative approach.

From the point of GWIC's engagement of integrity officers there were discrimination against existing GRNSW integrity officers. As a result of this recruitment strategy very few were engaged by GWIC. Since then, the few that were initially employed have moved out of the industry as a result of disillusionment in GWIC's leadership and industry knowledge.

The AWU and our members are concerned about the manner in which GWIC has operated since its inception.

As a result of the unfair damming media reports of a few bad apples within the industry the AWU is of the belief that from the point of GWIC's establishment there was a general attitude to disregard and exclude any previously engaged reputable and knowledgeable individuals within the industry.

GWIC wrongfully assumed that previously engaged employees in areas of Compliance (Integrity) and Welfare (Veterinarians) by GRNSW was part of the

problem, when in actual fact the lack of resources contributed to a few dubious participants flouting the industry's rules and regulations.

Examples include:

- **No** GRNSW property/kennel integrity officers were engaged by GWIC, all newly appointed GWIC integrity officers were foreign to the greyhound racing industry and the below mentioned issues have arose accordingly.
- **Two** GRNSW veterinarians were engaged by GWIC, all newly appointed GWIC veterinarian had little to no experience in greyhounds or the industry.

It is an accepted fact that greyhounds have a predisposition or a natural instinct to "chase" or "course". Since the beginning of their existence, the greyhound has been bred to satisfy these natural instinctive urges via the sport of coursing. The sport of greyhound racing evolved from coursing to create a sport to satisfy a greyhound's appetite for competitive chasing and coursing.

GWIC adopted an approach to industry policy/code development on the assumption or perception that a greyhound's entire existence be predominately based upon a "canine" pet status. This assumption has led to a similar scenario to the previously impractical "NSW Pet Breeders Code" which rightly so had to be reviewed and amended.

This attitude from senior commissioners and management has led to an endemic of industry inexperience and impracticalities throughout most components of the industry.

Policies, procedures, mechanisms, and overarching principles of the commission in relation to industry participants.

As part of the Act "The Greyhound Industry Animal Welfare Committee" are to develop a Code of Conduct.

This Committee was made up of five members (RSPCA Rep, Animal Ethics and Behavioural Expert, NSW Animal Welfare Dept. Primary Industry Rep, GRNSW Welfare Manager, GBOTA as Industry Participant Rep).

The naming and make-up of the Committee raised immediate concerns for our members. The Committee lacked crucial experience and practical insight into the day-to-day operations of the greyhound racing industry, particularly that of a trainer, owner or breeder who make up the vast majority of stakeholders within the industry.

Early 2018 the AWU received numerous calls from members concerned about the implementation of a new mandatory "Race Day Hydration & Hot Weather Policy" policy.

In short it become mandatory for trainers to provide a bowl of water to their greyhounds at the point of kennelling. This reduces the capacity for the speed of the greyhounds.

The AWU raised a range of welfare & integrity concerns to both Chief Commissioner GWIC and Former CEO GWIC in relation to this new policy.

The AWU spent extensive resources in attaining information and engaging an industry expert to compile an analysis/submission supporting our position.

This submission was provided to Former CEO GWIC and Chief Commissioner GWIC on 17 September 2018.

The AWU also formally proposed reasonable flexibility amendments to the policy which would mitigate the previously raised welfare and integrity issues.

At that time Former CEO GWIC indicated that this policy was under review by the GWIC policy team who had been consulting members from GIKN (Greyhound Industry Knowledge Network).

AWU Organiser, Steve Carter asked the former CEO GWIC "who GIKN was", She replied that "a panel in the industry with expertise and knowledge in specific areas".

GIKIN's makeup included predominately inexperienced individuals and group unproportionally focused on animal welfare without any practical application. GWIC were responsible again for establishing an industry non-experienced biased panel for the purposes of developing policy.

The "Race Day Hydration and Hot Weather" policy to this day remains unchanged from its initial form.

The AWU repeatedly requested to be included on the GIKN panel, this request was denied, and we were referred to the public consultative avenues by Former CEO GWIC.

Between April 2018 - November 2019 the AWU on behalf of our members made multiple representations to GWIC requesting consultative meetings to discuss general operational issues, consultation on Code of Practice and various policy developments.

Three agendas were presented to GWIC, all of which were consistent over the eighteen month period. These requests were met with resistance from Chief Commissioner GWIC and Former CEO GWIC.

Eventually on 28 November 2019, the AWU were afforded an opportunity to table our member's concerns in a meeting with Chief Legal Officer and Gail Thorsby.

After eighteen months of email correspondence, finally our members had the opportunity to express their concerns to senior individuals within GWIC, however the CEO, Chief Vet or the Chief Commissioner could not find time to attend the 2hour meeting. All of whom were relevant to key issues within the agenda.

The AWU and our members found this disrespectful and arrogant absence of key executive members to be indicative of GWIC's attitude towards key stakeholders within the industry since their appointment.

The minutes of the meeting were taken and presented to GWIC, we are yet to receive any formal response or actions from any items discussed.

It took four months for GWIC to agree to another meeting which was to be held on 31 March 20220 which was cancelled due to Covid19.

On 18 May 2020, on behalf of our members, the AWU provided GWIC with a comprehensive submission on the draft "NSW Greyhound Welfare Code of Practice". On 27 May 2020 we had a face to face meeting with Current CEO GWIC and Chief Legal Officer to further expand on our written submission. Current CEO GWIC reassured the AWU that our member's submissions would be presented to both the Minister and Former CEO GWIC and genuinely be considered.

The final copy of the Code was printed and scanned coded dated the 21 May 2020. There were little to no amendments to the draft copy.

Numerous other submissions were provided to GWIC from a wide range of industry participants and key stakeholders such as GWIC Staff, Trainers (For example with forty plus years of experience), Owners, Greyhound Welfare Trust etc), all of these impacted no change on GWIC's initial draft of the code.

This was another clear example of GWIC's arrogant dismissive attitude towards various key stakeholders within the industry.

Chief Vet & OTV Inexperience

The overall welfare of greyhounds has deteriorated significantly since the inception of GWIC's stewardship of welfare within the industry.

A significant lack of Industry experience from both the Chief Vet and On Track Veterinarians (OTVs) has led to a long list of on-track race day welfare and cruelty issues. We have annexed a number of the more serious cases however there are endless other minor cases.

The Chief Vet has released subjective statistics which are contrary to the interests of greyhound welfare within the industry.

The following directives from the Chief Veterinarian are examples which paint an accurate picture of our representations and can be substantiated via email correspondence.

"OTVs not to euthanise greyhounds on track, resulting in owner/trainers having to take them the next day to their own vet to be euthanised is common accepted practice currently."

"OTVs to only apply mandatory post-race examinations if a greyhound falls between boxes and winning post, excluding run on and catching pen fall."

Inexperience throughout the organisation has led to misdiagnoses and mistakes, which are not in the interests of the welfare of greyhounds or participants.

Annexed is a particular case which occurred at The Gardens on 15 May 2020 which relates to the issue of a reluctance from OTVs to euthanise when it is the appropriate immediate course of action.

GWIC Integrity Officers (Property Inspections) see examples annexed.

Very few integrity officers previously employed by GRNSW remain within the industry, the few that remained predominately have left the industry as a result of disillusionment in GWIC's leadership and industry knowledge.

Current GWIC integrity officers have little or no knowledge of the greyhound industry.

Since GWIC's inception we received several complaints from a number of members regarding property inspections the AWU formalised concerns with GWIC in relation to this issue.

This complaint was and has been a stand-alone item on all four agendas presented to GWIC.

On 11 March 2019, the following example was forwarded to GWIC.

This example raised concerns relating to:

- a) Property entry without owner present or permission as they were at work.
- b) Inappropriate timing of inspections.
- c) Integrity Officer's unwillingness to be flexible in the coordination of the inspection.
- d) Integrity Officer's abrupt rude attitude interacting with the property owner.
- e) Property owner feeling like a criminal resulting in mental health issues.

The following example of property inspections summarises the short fallings of the integrity officers and significant consequences of their lack of experience in overreaching attitudes.

Directives from GWIC integrity officers outside of their area of expertise are being regularly given to industry participants.

One example relates a directive to have a participant's elderly dog's teeth cleaned by veterinarians. This practice results in ageing greyhounds being put under general anaesthetic exposing them to an unnecessary risk of death.

This has resulted in the death of two much loved retired greyhounds.

This is also another example of the industrial structural dysfunction between the specialised areas of compliance and welfare.

In a meeting with GWIC's Chief Legal Officer and the Chief Steward it was conceded that these types of behaviours were not acceptable, and the Integrity Officers would be tool boxed on the issues.

Meeting minutes refer to the Chief Legal Officer advising that a compliance and enforcement policy would be launched to overcome and resolve our member's concerns. The AWU are yet to be consulted or be informed of any such policy.

The AWU continues to receive extreme member reports of unprofessional intimidatory behaviours from integrity officers.

Officers employed or engaged by the regulator are supposed to work collaboratively with participants.

There have been other incidences where integrity officers have provoked incidences.

Where a participant reacts, it is only the participant held to account.

There is an overwhelming perception from industry participants that there is not a collaborative working relationship.

Prohibited Substance Rules & Penalty Policy. Fundamentally flawed

It needs to be kept in mind that for Participants racing is in part of their income. In many cases it is their entire income. Without the income their capacity to pay bills are limited.

Disciplinary proceedings for participants lack procedural fairness and any flexibility. Participants who have exemplary records over a long period of time are nevertheless the subject of an absolute liability test when it comes to substances being found in their dogs.

The possibility that their dog may have been thrown a substance or an unintentional incident has caused a dog to consume certain substances. In such an industry there is always the possibility that someone is seeking to undermine a participant and will give another dog a substance. When a participant has been racing for decades, has been consistently tested over that time, without problems. Common sense would suggest that the possibility of another cause should be contemplated. It is not even a matter that is considered when the punishment is determined. This is something that needs to be reviewed with a view to considering that it may not be the case that a participant cheated.

Furthermore, there are situations where a mistake has been made. We have had participants trying to assist heal and injury and minimise pain by rubbing a steroid cream on the dog. They have done so in order to look after the welfare of their dog. The dog then has licked themselves and therefore had a prohibited substance in them.

It seems that no differentiation is made between a mistake and cheating.

Adding to this problem is an issue where a participant has served their sentence but due to administrative delays, they are unable to obtain their licence back for months. This is for all intense and purposes double punishment.

Furthermore, participants are often suspended prior to being heard. This applies even where the charge is minor. The consequence is a lack of procedural fairness and that many participants will be punished prior to being convicted.

GWIC Senior Management (CEO/Chief Vet) Culture of Bullying & Harassment

The AWU have received numerous accounts from Stewards and specifically, the former Chief Steward Gail Thorsby in relation to negative verbal and email interactions between both Former CEO GWIC (Ex CEO) & Chief Veterinary Officer (Chief Vet) with Ms Thorsby.

The relationship between GRNSW and GWIC is highly strained and this is having an impact on the industry as a whole. The resignation of Gail Thorsby was explained by GWIC and the NSW Government as being amicable and predominately due to her retirement. However, this was not the case. Her resignation occurred due to bullying. Ms Thorsby did not wish to retire at that point. It needs to be properly assessed and dealt with.

Every steward that the AWU has spoken to has made representations that Ms Thorsby had conveyed to them that she had been treated terribly by both Former CEO GWIC and Chief Veterinary Officer. In effect they looked down upon her and been excluded from areas of work which was under her auspices. Gail had also reported her concerns to Chief Commissioner Chief Commissioner GWIC.

Meanwhile bullying has not been properly dealt with by GWIC. These problems need to be fleshed out and exposed. There is a lack of support from senior management in relation to Work Health and Safety (WHS) issues such as abuse from the public and others within the industry.

There is an overall lack of understanding and consultation in relation their stewarding function/roles. In August 2019 CEO committed to attending more race meetings to gain a better understanding of their role, Former CEO GWIC attended one race meeting in the following six months.

GWIC Stewarding & Veterinarian Dysfunctionality

The AWU industrially represent Stewards within the greyhound industry. The following submissions are the basis of their feedback provided to the AWU.

The project team's lack of understanding of the industry in June 2018 set the theme for the following ongoing issues.

Stewards were interviewed and employed by the team prior to appointing a Chief Steward. This was the first of many flaws in relation to the recruitment and management of this role.

During a July 2018 Induction Presentation

When this transition occurred, employees were informed of a 35hr Monday-Friday week, no weekend work. This is impractical.

The example below highlights the lack of preparedness and industry insight on GWIC's behalf from the start.

The question was asked *"What if I have worked my 35hrs for the week?"*

There would be a reply stating, “*You go home*”. This is impractical. When there is a race meeting on for Stewards to go home in the middle of an event would cause significant disruption. There were no alternative plans for this scenario.

Ongoing Employment Related Issues include:

- a) Stewards have ongoing issues regarding travel and fatigue issues. The amount of travel that they are required to undertake is causing considerable fatigue. The amount of travel that they undertake is a Work Health and Safety concern.
- b) The Human Resources Payroll SAP system does not match work rosters/travel or engagement rates of pay and is causing considerable administrative difficulties.
- c) Overall lack of understanding and consultation in relation their stewarding function/roles. In August 2019 CEO committed to attending more race meetings to gain a better understanding of their role, Former CEO GWIC attended one race meeting in the following 6months.
- d) Inconsistent intervention of Former CEO GWIC into various matters.
- e) Unfair treatment of Gail Throsby resulting her submitting her resignation. Every steward the AWU has spoken to has made representations that Gail had conveyed to them that she had been treated terribly by both Former CEO GWIC and Chief Veterinary Officer. In effect they looked down upon her and been excluded from areas of work which was under her auspices. Gail had also reported her concerns to Chief Commissioner Chief Commissioner GWIC.

The Stewards require the discretion to be decision makers.

This means taking advice from vets but not directions and means trying to work in conjunction with participants.

This unhealthy relationship is creating day to day challenges and obstacles for trainers, owners, stewards, race clubs and their employees.

Recruitment Nepotism & Conflict of Interest

There have been a number of concerning incidences relating to the recruitment of family members and conflict of interests.

has been earmarked for an unadvertised position in the new regime in a training and transition role.

The new Chief Steward has an uncle who is race club manager and an aunt, a licenced person and has recently handled greyhounds for a participant who has had a chequered past regarding swabbing.

The Commissioner has a direct employment relationship with Centium who have been contracted by GWIC to conduct audits and reviews. He also has a relationship with Centium Group's subcontractor investigative consultants (Miitze Report).

GWIC Restructure & Murrihy Report

A GWIC restructure that occurred as a consequence of the affected employees.

Steward's request to view Murrihy report was denied.

As a consequence, there has been a reduction in race day Stewards from 3 to 2. This has further compromised the integrity of the industry. The reduction makes it difficult for stewards to do their job.

There is a disparity between employment conditions between vets and stewards.

Structural flaws relating to Chief Vet being senior to Chief Steward have contributed to this issue and has undermined the authority of the stewards.

Chief Vet (Chief Veterinary Officer) Overreaching Authority & Responsibilities

In dealing with the Chief Steward Gail Thorsby to resolve day to day issues for our members the AWU have built up a spirited but healthy relationship over the past two and half years.

The AWU have made representations to GWIC as a result of countless conversations with members (Stewards and Ms Thorsby) and being privy to email correspondence between Former CEO GWIC, Chief Veterinary Officer and Gail Thorsby.

A common theme of the source of operational day to day issues led to either policy or directives from either Former CEO GWIC or Chief Veterinary Officer.

In June 2020, Chief Veterinary Officer circulated email correspondence relating to proposed changes to policy and practices relating to Falls, Poor Performance/Subterminal Performance, Racing Incident (Interference), Beaten Favourite, Suspected Marring or FTP etc. All of these issues are fundamental operational functions for stewards under the stewardship of the Chief Steward.

This example was typical of the treatment in which Gail Thorsby and our members have had to endure over the previous two years. This was the straw that broke the camel's back and led to Gail Thorsby submitting her resignation not long after resulting GWIC losing the only reputable extensively experienced employee.

Stewards need to be the decision makers and not the vets. Their role is to advise but not to make decisions.

GWIC Inefficiencies

In July 2018 GWIC appointed a new CEO. Upon her commencement her first demand was to change the current “Ozchase” system which is used to hold details of greyhounds, participants, form, swabbing, grading and other such information. The CEO has since overseen the development and implementation of “OneGov” at exorbitant expense. Two years and at considerable expense, GWIC are now endeavouring to adopt “Ozchase” functions within “OneGov” system.

Further to this GRNSW retained the “Ozchase” system as their data base which in turn requires GWIC’s “OneGov” system to interface resulting in compatibility issues.

At one point due to “OneGov” deficiencies, Stewards were directed to utilise “Ozchase” for all functions except swabbing.

At no point was Gail Thorsby (Chief Steward) or any other Steward consulted or involved in the development of “OneGov” system. This has caused considerable waste and inefficiency.

Technological Challenges for Participants

Many participants do not have reliable connection to the internet and are finding challenges in undertaking every day normal transactions such as a transfer.

The GWIC website is not user friendly and is very hard to locate the information/pages required to complete a basic transfer.

The expectation of participants of living on online and completing everything online is very narrow minded on how the industry works.

GWIC has put expectations on all participants to access all information via the website.

No transition plan has been considered by GWIC to accommodate all participants.

Internal Reports/Reviews

GWIC have conducted four internal reports in two years at significant cost without any structural or on the ground operational improvements or efficiencies. In fact,

it is not clear what changes there have been, and the report has not been circulated.

Lack of Capacity to Lodge Complaints

There is no grievance procedure for complaints in relation to GWIC. This means that where GWIC have activities are unfair or unethical there is no capacity to complain and more importantly have the matters dealt with.

GWIC

For the aforementioned reasons, the AWU seeks that there be one body (Greyhound NSW) which undertakes all of the functions including the regulatory function regarding greyhound racing. This would resolve difficulties regarding inexperience in the industry and ensure that they regulator has the resources and know how to undertake all of these functions. This would be a more efficient process.

Further details are contained in our recommendations.

Recommendations:

Replace current Chief Vet with a reputable long-term industry expert senior veterinarian.

Replace existing OTVs with more industry experienced vets or introduce a comprehensive education and training program for the current inexperienced inept GWIC OTVs.

Industry veterinarians who have been ostracised and excluded from the industry such as _____ should be re-engaged where possible.

The Stewards should be the decision makers. Not the vets. Their role should be an advisory one.

Animal Welfare Committee to include two further representatives who are experts in the various aspects of the industry.

The AWU to be a representative of GKin committee.

Development of a “compliance and enforcement” policy recognising key integrity objectives keeping in mind property owner’s human and civil rights such as organising inspections at agreed times with persons present etc. Targeted recruitment of individuals with experience in compliance within the racing industry.

Substances in dogs should no longer be an absolute liability offence. The possibility of mistakes or situations beyond the owners' control should be considered by the regulator.

Suspensions prior to convictions should be reserved for the most minor offences.

Licences need to be re-instated on the day that the suspension ends. Any necessary administrative processes should occur in advance.

The AWU should have a regular consultation committee with the regulator.

Review of Recruitment Policy targeting individuals who have backgrounds and industry experience within compliance and the interaction of greyhound industry participants.

GWIC to consult with affected stakeholders including the AWU in developing and agree upon a "compliance and enforcement" policy recognising both GWIC's key integrity objectives and also property owner's human and civil rights.

Overall Recommendation

Industry Overhaul (Abolishment of GWIC)

Return the industry to reputable, experienced, knowledgeable people with an introduction of one governing body rather than having GWIC undertaking the regulation and GRNSW undertaking the industry function.

Establishment of reform panel to review all currently flawed industry codes, rules, regulations, policy etc.

Draft GRNSW Model

One board consisting of the following:

- Chairman
- CEO (General Manager with vote)
- Department Managers from following departments.
- Grading
- Welfare
- Veterinary
- Stewards
- Operations Manager
- Registrations (Licencing)

Selection committee for above managers made up from:

- Registered Greyhound Clubs

- GBOTA
- Minister Appointee
- AWU (Industry Participant Representative)
- Current CEO of GRNSW

N.B This committee appoints experienced, knowledgeable applicants to run this industry.

Government appoints a committee to audit the industry including reviewing all the aspects of performance of the committee, GBOTA, AWU, registered greyhound clubs present.