

**Submission  
No 88**

## **INQUIRY INTO GREYHOUND WELFARE AND INTEGRITY COMMISSION**

**Organisation:** CG Insight  
**Date Received:** 12 September 2022

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12 September 2022

The Hon Robert Borsak MLC  
Chairperson  
Select Committee on the Greyhound Welfare Integrity Commission  
Parliament house  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Chairperson,

### **Submission to the NSW Parliament Select Committee on the Greyhound Welfare Integrity Commission**

The Select committee (**'the Committee'**) was established by the Legislative Council of the Parliament of New South Wales, to inquire into, report and make recommendations on the Greyhound Welfare and Integrity Commission (GWIC).

This submission to the Committee wishes to shed some light from my perspective, as a registered participant, and what recommendations I have for the Committee.

#### **Personal Background**

1. I started out in the greyhound industry through a tipping service commenced in 2019 with my business partner.<sup>1</sup> Our tipping service involves reviewing racing and sports events, correlating the data, and selling our analysis to consumers through our website. In 2020 we decided to purchase our first racing greyhound. After our friends and family found out about our purchase, we decided to proceed to our second greyhound with our friends and formed a syndicate.
2. On or around 25 August 2021, our greyhound won his first race. Shortly after, we both received multiple phone calls and messages from our friends and family. People inquired about how they could get involved and from there we began to purchase another greyhound with our friends and formed another syndicate.
3. Through our efforts we estimate that we are responsible for introducing over one hundred new and young participants into the Greyhound racing industry in NSW.

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<sup>1</sup> CG Insight, 'About Us' (Web Page) <<https://cginsight.com.au/about/>>.

## Industry Background

4. The Greyhound racing industry has been around for over a century with reports of the first sporting use of greyhounds in Australia dating back to the 1860's.<sup>2</sup> In fact earlier reports of the first greyhounds ever to arrive in Australia were on board the *Endeavor* which was led by Captain Cook in 1770.<sup>3</sup>
5. The greyhound racing industry in NSW is enjoyed by over 1.1 million fans.<sup>4</sup> Most of the industry is predominantly based within regional NSW, as seen with 31 out of the 33 NSW greyhounds tracks based outside the Sydney metropolitan area.<sup>5</sup>
6. Most of these country participants are following family traditions. Where one or both their parents are/were also in the industry.<sup>6</sup> Industry involvement may also go back as far as grandparents and/or great grandparents.

## Educational background regarding majority of participants

7. Industries and governments have identified the necessity and importance of education for residents who reside outside metropolitan Sydney. The Minister for Education at the time of the NSW Government's 2021-2024 Rural and Remote Education Strategy stated:<sup>7</sup>

*"It is no secret that students in rural and remote parts of the state don't have the same success stories in education when compared to their city peers, and despite many inroads being made as a result of the Rural and Remote Education – a blueprint for action 2013 paper, it is clear there is still more to be done. As Minister, I know we have to be stronger and more courageous in our approach to lifting outcomes and aspirations for our country kids."*

8. The National Assessment Program Literacy and Numeracy ('NAPLAN') "is an annual assessment for all students in year 3,5,7 and 9". NAPLAN tests the types of skills that are essential for every child to progress through school and life.<sup>8</sup>

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<sup>2</sup> Australian Greyhound Racing, 'New South Wales greyhound racing', (Web Page, 17 February 2017) <<https://australianracinggreyhound.com/new-south-wales/>>.

<sup>3</sup> Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, *Report Volume 1*, 16 June 2014, 43.

<sup>4</sup> Greyhound Racing NSW, *Annual Report 20:21* (Web Page) 30  
<<https://www.grnsw.com.au/uploads/GRNSW%20Annual%20Report%202020-21.pdf>>.

<sup>5</sup> Race Net, 'Greyhound Racing Tracks' (Web Page)  
<<https://www.racenet.com.au/greyhound/tracks?nk=9bd8b47110464eb9a3ddf352ddbff361-1661079484>>.

<sup>6</sup> Shane Yates, 'Racing a family tradition', *The Advocate* (online, 06 September 2016)  
<<https://www.theadvocate.com.au/story/4147184/racing-a-family-tradition/>>.

<sup>7</sup> NSW Department of Education, *Rural and Remote Education Strategy 2021-2024*,  
<<https://education.nsw.gov.au/content/dam/main-education/en/home/teaching-and-learning/curriculum/rural-and-distance-education/rural-and-remote-education/rural-and-remote-education-strategy-2021-2024.pdf>>.

<sup>8</sup> National Curriculum, Assessment and Reporting Authority, 'About', *National Assessment Program*, (Web Page) <<https://nap.edu.au/about>>

9. The NSW Department of Education and Communities in 2013 conducted a literature review with regards to metropolitan and provincial schools. The department determined that the “...average reading and numeracy NAPLAN scores are higher in metropolitan schools than in provincial and remote schools”.<sup>9</sup> The review highlighted that in 2008 metropolitan schools were on average 15 points higher than those of non-metropolitan schools.<sup>10</sup> However between the years of 2008 - 2012 the gap widened by 62 percent with respect to year 3 NAPLAN scores. Research on impediments to rural students and the most obvious obstacle was “lack of access to tertiary institution located in, or near, their community”<sup>11</sup>
  
10. In 2021, the Australian Bureau of Statistics Census data revealed numbers relating to the number of people whose ‘educational institution attending’ at a ‘Tertiary – University or other higher education’ level. In the Sydney Local Government Area (LGA) the percentage of people who stated that they were “attending university or other higher education” was 35.8%.<sup>12</sup> Of the population which resides in the Sydney LGA 64.5% of the residents “live and work in the area”.<sup>13</sup>
  
11. Dissimilarly, the ABS provides data on people living in regional LGAs, who are ‘(attending) university or other higher education’. The ABS provides:<sup>14</sup>
  - a) Richmond Valley LGA- 4.8%
  - b) Temora LGA – 5.7%
  - c) Gunnedah LGA – 5.6%
  - d) Shoalhaven LGA (Nowra) – 7.3%
  - e) Clarence Valley LGA (Grafton) – 5.4%
  - f) Goulburn Mulwaree LGA – 8.0%
  - g) Dubbo Regional LGA – 6.4%
  - h) Kempsey LGA – 4.7%
  - i) Coonamble LGA - 4.7%
  
12. Of the top six most disadvantaged LGA’s in NSW, three of them include Richmond Valley, Coonamble, Kempsey.<sup>15</sup> This submission notes that of those three LGA’s, there are a substantial number of members who rely on those greyhound tracks and it’s carnivals.<sup>16</sup>

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<sup>9</sup> NSW Department of Education and Communities, Centre for Education and Statistics and Evaluation *Rural and Remote Education: Literature Review*, (August 2013) <<https://education.nsw.gov.au/content/dam/main-education/about-us/educational-data/cese/2013-rural-and-remote-education.pdf>>.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Australian Bureau of statistics, ‘2021 Census All Persons Quickstats’, <<https://www.abs.gov.au/census/find-census-data/quickstats/2021/CED142>>.

<sup>13</sup> ID Community, ‘City of Sydney Residents’ place of work’, *City of Sydney Community Profile*, (Web Page) <<https://profile.id.com.au/sydney/residents>>.

<sup>14</sup> Australian, Bureau of Statistics, ‘Search Census Data’, <<https://www.abs.gov.au/census/find-census-data/search-by-area>>.

<sup>15</sup> Australian Bureau of Statistics, ‘ABS Releases Measure of Socio-Economic advantage and disadvantage’, (Web Page) <<https://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbyReleaseDate/AC5B967F97D4902ECA257B3B001AF670>>.

<sup>16</sup> Adam Dobbin, ‘Another Stakes Boost For Coonamble Carnival’, *The Greyhound Recorder* (Web Page, 23 August 2022) <<https://www.thegreyhoundrecorder.com.au/news/another-stakes-boost-for-coonamble-carnival-44050>>.

13. As highlighted above the data indicates that those who reside within metropolitan Sydney have a higher NAPLAN score and that a much higher percentage of people who are attending and/or have attended university institutions. The data also shows that those who are residing outside metropolitan Sydney have a much higher and disproportionate rate of non-university institution attendance.
14. With a large pool of the Greyhound participants who are not university/higher education qualified and whom form part of these low socio-economic LGA's, it is imperative that Greyhound participants are educated more systematically about the rules which GWIC are enforcing. Without direct instruction, participants who come from lower socio-economic areas could be more prone to breaching racing rules and suffering adverse consequences both personally and in regard to welfare outcomes to greyhounds in their care.

### Recommendation A

15. GWIC should be required to implement clear verbal and written warnings or '*Miranda Rights*' to participants prior to charging or during the commencement of a charges being placed.
16. Participants need to understand that once a steward is of the view of charging the participant; anything they say from that moment can be used against them in proceedings.
17. The '*Miranda Rights*' and Code that GWIC should use can also be shown to the participant in print format. This can be as simple as laminated materials which can be used to notify the participants of their rights. For the Committees convenience I have attached an example of how a laminated caution document might look when given to participants below:



### Current Industry Engagement

18. Current engagement from GWIC in relation to industry participants has been limited. There are no regular ongoing workshops or meetings with general grassroots participants. Whilst GWIC has consultation mechanisms, these are usually with hand selected and small amounts of participants or senior industry executives via formalised committees. Some of these include the '*Animal Welfare Committee, the Commission's Greyhound industry Knowledge Network, GRNSW, GBOTA and Greyhounds Australasia*'.<sup>17</sup> This may seem proactive on face value, however, many have expressed that there is limited consultation and engagement

<sup>17</sup> Greyhound Welfare and Integrity Commission, *Compliance and Enforcement Explanatory Guide*, (Web page, February 2020) 4 <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0011/891884/GWIC-Compliance-Enforcement-Policy\\_Feb2020.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0011/891884/GWIC-Compliance-Enforcement-Policy_Feb2020.pdf)>

with the industry participants directly. It is unknown if consultations and information are being passed down openly from the hierarchy onto ordinary participants. It seems that any direct education or open discussions with the majority of the participant population is minimal or non-existent.

At time of writing, this submission understands that GWIC only releases news and information through its website and/or emails.<sup>18</sup>

19. In December 2020, 96.4% of Australian internet users between 16 and 64 accessed a social media network or messaging service.<sup>19</sup> At the time of writing, this submission cannot locate any GWIC social media presence other than GWIC material posted by other industry bodies (GRNSW, GBOTA, etc)

### **Examples and Evidence of Community Engagement and Community Policing**

20. Community policing is important in all avenues of society. The Australian Institute of Criminology (AIC) conducted a report into community policing in Australia (AIC Report).<sup>20</sup> The AIC Report noted difficulties in policing due to diversity within Australia, “Such variety is particularly pertinent in Australia where a single jurisdiction may encompass culturally and linguistically diverse communities in capital cities, towns, rural and remote communities over vast geographical areas...”.<sup>21</sup> The AIC Report also highlighted that with such a variety of factors it is a requirement that these policing projects are “... being tailored to local communities and contexts”.
21. There is a necessity for high levels of engagement from GWIC with the industry. As “higher levels of engagement can lead to significant increases in levels of confidence and trust”.<sup>22</sup> The AIC Report illustrates this through the National Survey of Community Satisfaction with policing in 2009, where “... the majority of people surveyed (66%) were satisfied or very satisfied with services provided by the police”.<sup>23</sup> What the AIC Report suggests is that policing in Australia has come a long way from the “general unpopularity of Australia’s police which characterised much of the twentieth century...”.<sup>24</sup> The AIC Report argues that “... community policing is integral to police work in rural and remote areas, and that positive

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<sup>18</sup> Greyhound Welfare Integrity Commission, ‘News and Industry Updates’ (Web page)

<<https://www.gwic.nsw.gov.au/news-and-updates/gwic-updates>>.

<sup>19</sup> Adam Ramshaw, ‘Social Media Statistics for Australia (updated July 2022)’ *Genroe* (Web page)

<[<sup>20</sup> Australian Institute of Criminology, \*Community Policing in Australia\* \(Report, Research and Public Policy Series No 111, May 2010\) < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.](https://www.genroe.com/blog/social-media-statistics-australia/13492#:~:text=Australian%20Social%20Media%20Usage%20Statistical%20Highlights,-In%20February%202022&text=96.4%25%20of%20Australian%20internet%20users,messaging%20service%20in%20December%202020.>.</a></p></div><div data-bbox=)

<sup>21</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 4 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

<sup>22</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 3 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

<sup>23</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 5 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

<sup>24</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 6 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

community engagement and involvement will contribute to job satisfaction”.<sup>25</sup>

The AIC Report concludes that good policing practice “...involves developing good understanding of the local community through formal and informal interactions, and developing productive relationships with local service providers as well as leaders and brokers”.<sup>26</sup>

22. Policing in NSW comes under the scope of the NSW Police Force (NSW Police). The NSW Police acknowledge that community policing can have the following benefits:<sup>27</sup>

1. Reduce crime
2. Reduce disorder and antisocial behaviour
3. Increase feelings of safety
4. Increase solvability rates for investigations
5. Enhance the effectiveness of investigations
6. Increase Police legitimacy and confidence in policing
7. Reduce complaints and encourage community members to assist police
8. Improve police community relations and community perceptions.

23. The NSW Police highlight that police area commands, departments or units may initiate a reactive community engagement strategy to respond to a specific issue or problem.<sup>28</sup>

24. The NSW Police also offer a variety of tools in engaging with the community. Some of these tools include social media, where information can be sent out and received regarding missing people and police operations which require community engagement or general news relating to the community.<sup>29</sup>

## **Recommendation B**

25. There is an urgent requirement for education within the industry, specifically with understanding the rules. GWIC needs to better educate members of the racing rules, policies and legislation (which are over hundreds of pages combined).<sup>30</sup> This can be done formally or informally by GWIC at racing events and greyhound association/club meetings. This will give the participants an opportunity to receive GWIC materials, ask questions and receive

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<sup>25</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 37 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

<sup>26</sup> Australian Institute of Criminology, *Community Policing in Australia* (Report, Research and Public Policy Series No 111, May 2010) 38 < <https://www.aic.gov.au/sites/default/files/2020-05/rpp111.pdf>>.

<sup>27</sup> NSW Police Force, ‘Framework for Community Engagement, (online, October 2020) <[https://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/594593/Community\\_Engagement\\_Framework\\_Sep\\_2020\\_Revised\\_FA.pdf](https://www.police.nsw.gov.au/__data/assets/pdf_file/0008/594593/Community_Engagement_Framework_Sep_2020_Revised_FA.pdf)>

<sup>28</sup> NSW Police Force, ‘Framework for Community Engagement, (online, October 2020) 6 <[https://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/594593/Community\\_Engagement\\_Framework\\_Sep\\_2020\\_Revised\\_FA.pdf](https://www.police.nsw.gov.au/__data/assets/pdf_file/0008/594593/Community_Engagement_Framework_Sep_2020_Revised_FA.pdf)>

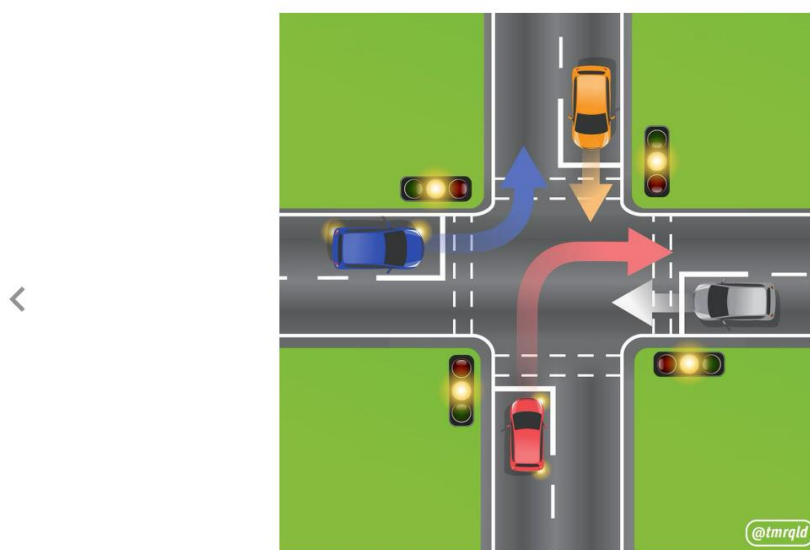
<sup>29</sup> NSW Police Force, ‘police are appealing for public assistance to locate a man’ (Facebook, 04 September 2022) <<https://www.facebook.com/nswpoliceforce>>.

<sup>30</sup> Greyhound Welfare Integrity Commission, ‘NSW Greyhound Racing Rules Effective 1 May 2022’ (Web Page) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1072230/Racing-Rules-1-May-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1072230/Racing-Rules-1-May-2022.pdf)>.

clarity/knowledge. Participants would also have the opportunity to seek answers in relation to questions that they may have and bring issues to GWIC that the industry is facing.

26. Social Media presence from GWIC is important for better engagement with participants. Current news, marketing/advertising of social or educational events, online materials and etc can all be published to the industry through social media. Education and engaging material can be released in relation to questions and quizzes for the community to participate through comments. For the Committee's convenience I have attached an example below of one of the online quiz's that the authorities across Australia regularly disseminate.

### Do you know Australia's weird and lesser-known road rules?



### Need for reform in disciplinary process

#### **Current Disciplinary Process**

27. It is this submission's understanding that the current GWIC disciplinary process is broken up into two main categories.<sup>31</sup>

1. Prohibited substance matter
2. Conduct and other matter

#### **Prohibited Substance Matters**

28. All prohibited substances are found under the NSW Greyhound Racing Rules (Rules).<sup>32</sup> Testing can be done through a variety of means and under the Rules 'samples' are defined as

<sup>31</sup> Greyhound Welfare and Integrity Commission, *Disciplinary Process*, (Web Page) <<https://www.gwic.nsw.gov.au/integrity/disciplinary-processes>>.

<sup>32</sup> Greyhound Welfare Integrity Commission, 'NSW Greyhound Racing Rules – Effective 1 May 2022' (online) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1072230/Racing-Rules-1-May-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1072230/Racing-Rules-1-May-2022.pdf)>.



‘swab of saliva, urine, perspiration, breath, blood, tissue, hide, hair or any other excretion, product or body fluid’.<sup>33</sup> Some trainers have voiced that common sense and flexibility should prevail into the testing process as contamination can occur and play a detrimental factor. A trainer who wishes not to be named for fear of retribution from GWIC stated the following to the author of this submission:

- He was charged with his greyhound presenting with ‘cocaine,’ which is a prohibited substance under Rule 139(g).<sup>34</sup>
- However, he noted that the quantity presented in question was approximately 1 nanogram and it could have been detected due to him handling his dog subsequent to a simple handshake or the touching of a table or a bank note where microscopic traces of cocaine might be found.
- The trainer in question asked why he was charged and why “common sense” could not prevail.

Due to the absolute liability applied to presentation rules, even if the trainer presented direct evidence that the presentation of the minute presence of cocaine on his greyhound was not his fault, the penalties would still apply.

This absolute liability can be devastating to a participant’s livelihood.

### **Cobalt**

29. Current rules prohibit cobalt levels above 100 nanograms per millilitre.<sup>35</sup> Cobalt is one of the major substances in contention within the industry. There seems to be current debate and misunderstanding in relation to cobalt and whether it is performance enhancing or a health risk to greyhounds. Veterinarians like Dr Derek Major have openly questioned the current approach to cobalt thresholds and detection in Australian greyhound racing, he has called for “...common sense to prevail in cobalt testing across all Australian greyhound-racing venues’.<sup>36</sup>
30. Racing participants have been confused and ‘dumbfounded’ by substances which are naturally occurring like cobalt being admitted onto the prohibited substances list at such a low threshold.<sup>37</sup> An example of this can be seen in a greyhound ‘lily monellin,’ “...who

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<sup>33</sup> Greyhound Welfare Integrity Commission, ‘NSW Greyhound Racing Rules – Effective 1 May 2022’ (online) 13 <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1072230/Racing-Rules-1-May-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1072230/Racing-Rules-1-May-2022.pdf)>.

<sup>34</sup> Greyhound Welfare Integrity Commission, ‘NSW Greyhound Racing Rules – Effective 1 May 2022’ (online) 73 <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1072230/Racing-Rules-1-May-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1072230/Racing-Rules-1-May-2022.pdf)>.

<sup>35</sup> Greyhound Welfare Integrity Commission, ‘NSW Greyhound Racing Rules – Effective 1 May 2022’ (online) 74 <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1072230/Racing-Rules-1-May-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1072230/Racing-Rules-1-May-2022.pdf)>.

<sup>36</sup> Josh Spasaro, ‘Dr Derek Major calls for re-think on cobalt testing on greyhounds’ *Australian Racing Greyhound* (online, 11 August 2022) <<https://australianracinggreyhound.com/news/dr-derek-major-calls-for-re-think-on-cobalt-testing-on-greyhounds/123249/>>.

<sup>37</sup> Josh Spasaro, ‘Sulli dumbfounded by cobalt testing rules for greyhounds’ *Australian Racing Greyhound* (online, 27 July 2022) <<https://australianracinggreyhound.com/news/sulli-dumbfounded-by-cobalt-testing-rules-for-greyhounds/123093/>>.

returned a 190 cobalt reading before her race, but then 14 after the race”.<sup>38</sup>

31. The New South Wales Supreme Court (NSWSC) have examined cobalt in racing animals. The NSWSC have acknowledged and provide;

*Cobalt, in its pure form is a metal. It arises organically as a constituent of the vitamin B12 molecule... As such, it is a normal constituent of the diet of animals and occurs in soil and pastures. It would generally be found in small amounts in the systems of most animals, including horses. A deficiency can lead to anaemia.*<sup>39</sup>

32. An example of GWIC and the prosecution of NSW trainers on this cobalt matter can be seen in Ken Burnett, who was “... one of those reduced to tears while speaking at the Select Committee on the Greyhound Welfare Integrity Commission”.<sup>40</sup> Mr Burnett said he sent his food for testing at the:

*...Royal North Shore Hospital, each round costing him \$500”. The testing included a number of substances, including soil and water, and blood and urine test on his dogs. In the Inquiry, Burnett added his total legal fees cost him \$53,000 and subsequently took GWIC to court, to be told “we surrender”. This meant the case did not go to arbitration and Burnett could not get back his legal costs, nor was a legal precedent established.*<sup>41</sup>

33. It is noted by Dr Major that “...they (the greyhound-racing governing bodies) can’t suddenly turn around and say we’re throwing that (100 nanograms of cobalt) rule out”.<sup>42</sup> Dr Major is adamant that blood samples are much more accurate than urine samples. However, Dr Major concedes “I understand it’s not easy taking blood samples out of greyhounds as it is for horses’. However, he advised that in addressing this “...you could say we’ve got a reading over 100 for urine, let’s now test for the blood”.

34. Bryan Hibbert is a professor who focuses on analytical chemistry at the University of New South Wales (UNSW).<sup>43</sup> Professor Hibbert published his finding in relation to cobalt and horse racing and spoke before the Supreme Court of New South Wales in 2014. He stated that “...mass concentration of urinary cobalt to be used by HRNSW in its determination of a threshold of 200 µg/L and that the selection of that threshold was both rational and

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<sup>38</sup> Josh Spasaro, ‘Sulli dumbfounded by cobalt testing rules for greyhounds’ *Australian Racing Greyhound* (online, 27 July 2022) <<https://australianracinggreyhound.com/news/suli-dumbfounded-by-cobalt-testing-rules-for-greyhounds/123093/>>.

<sup>39</sup> *Day v Harness Racing New South Wales* [2014] NSWSC 1402 19.

<sup>40</sup> Josh Spasaro, ‘Dr Derek Major calls for re-think on cobalt testing on greyhounds’ *Australian Racing Greyhound* (online, 11 August 2022) <<https://australianracinggreyhound.com/news/dr-derek-major-calls-for-re-think-on-cobalt-testing-on-greyhounds/123249/>>.

<sup>41</sup> Josh Spasaro, ‘Dr Derek Major calls for re-think on cobalt testing on greyhounds’ *Australian Racing Greyhound* (online, 11 August 2022) <<https://australianracinggreyhound.com/news/dr-derek-major-calls-for-re-think-on-cobalt-testing-on-greyhounds/123249/>>.

<sup>42</sup> Josh Spasaro, ‘Dr Derek Major calls for re-think on cobalt testing on greyhounds’ *Australian Racing Greyhound* (online, 11 August 2022) <<https://australianracinggreyhound.com/news/dr-derek-major-calls-for-re-think-on-cobalt-testing-on-greyhounds/123249/>>.

<sup>43</sup> University of New South Wales, ‘The Cobalt Threshold’ (Web Page) <<https://www.unsw.edu.au/science/our-research/materials-sciences/materials-sciences-research-impacts/cobalt-threshold>>.

reasonable”.<sup>44</sup>

35. Many greyhound participants have been involved in cobalt matters. Some of whom have had their livelihoods destroyed by urine samples marginally going over this threshold. It is noted that all the participants who had won any prizemoney had to forfeit that prizemoney. Some of the most recent cases include but are not limited to:

1. Ms Charmaine Roberts – over 100µg/L – 13 month suspension (pre-race urine sample).<sup>45</sup>
2. Mr Barry Kevin Yates - over 100µg/L – 10 week suspension (pre-race urine sample).<sup>46</sup>
3. Mr Aaron Williams – over 100µg/L – 10 week suspension (pre-race urine sample).<sup>47</sup>
4. Mr Charlie Lamb – over 100µg/L – 10 week suspension (pre-race urine sample).<sup>48</sup>
5. Mr Peter Sims – over 100µg/L – 8 week suspension (pre-race urine sample).<sup>49</sup>
6. Mrs Gillian Apps – over 100µg/L - 8 week suspension (pre-race urine sample).<sup>50</sup>
7. Mr Michael Finn – over 100µg/L – 9 week suspension (pre-race urine sample).<sup>51</sup>
8. Mr Desmond Cecil – over 100µg/L – 9 week suspension (pre-race urine sample).<sup>52</sup>
9. Ms Charmaine Roberts – over 100µg/L (x2 dogs)- 30 week suspension (pre-race urine sample).<sup>53</sup>
10. Mr Brett Naden – over 100µg/L – 12 week suspension (pre-race urine sample).<sup>54</sup>

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<sup>44</sup> *Day v Harness Racing New South Wales* [2014] NSWSC 1402 36.

<sup>45</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 28 July 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0011/1093979/Ms-Charmaine-Roberts-Disciplinary-Action-Decision-28-July-2022-1.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0011/1093979/Ms-Charmaine-Roberts-Disciplinary-Action-Decision-28-July-2022-1.pdf)>.

<sup>46</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 16 June 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/1084902/Disciplinary-Action-Decision-Yates-17-June-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0006/1084902/Disciplinary-Action-Decision-Yates-17-June-2022.pdf)>.

<sup>47</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 19 May 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0019/1080082/Mr-Aaron-Williams-Decision-19-May-2022-includes-levels-of-cobalt.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0019/1080082/Mr-Aaron-Williams-Decision-19-May-2022-includes-levels-of-cobalt.pdf)>.

<sup>48</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 20 April 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/1071859/Mr-Charlie-Lamb-Decision-22-April-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0004/1071859/Mr-Charlie-Lamb-Decision-22-April-2022.pdf)>.

<sup>49</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 23 March 2021) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/1060224/GWIC-Disciplinary-Action-Decision-Peter-Sims-23-March-2022-pdf.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0015/1060224/GWIC-Disciplinary-Action-Decision-Peter-Sims-23-March-2022-pdf.pdf)>

<sup>50</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 03 March 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0014/1054121/GWIC-Disciplinary-Action-Decision-Apps-3-March-2022-amended.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0014/1054121/GWIC-Disciplinary-Action-Decision-Apps-3-March-2022-amended.pdf)>

<sup>51</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 24 February 2022) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0018/1051281/GWIC-Disciplinary-Action-Decision-Finn-25-February-2022.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0018/1051281/GWIC-Disciplinary-Action-Decision-Finn-25-February-2022.pdf)>

<sup>52</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 27 August 2021) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/1008676/GWIC-Disciplinary-Action-Decision-Cecil.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0010/1008676/GWIC-Disciplinary-Action-Decision-Cecil.pdf)>

<sup>53</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 17 March 2021) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0009/970560/GWIC-Disciplinary-Action-Decision-Roberts.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0009/970560/GWIC-Disciplinary-Action-Decision-Roberts.pdf)>

<sup>54</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 16 February 2021) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0012/963696/GWIC-Disciplinary-Action-Decision-Moore.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0012/963696/GWIC-Disciplinary-Action-Decision-Moore.pdf)>.

11. Mr Shayne Doherty – over 200µg/L – 18 week suspension (pre-race urine sample).<sup>55</sup>
12. Mr Alexander Verhagen – over 200µg/L – 12 week suspension (pre-race urine sample).<sup>56</sup>
13. Mr Anthony Hoyland – of 129µg/L - 12 week suspension (pre-race urine sample).<sup>57</sup>
14. Mr Byron Phillips – of 130µg/L - 12 week suspension (pre-race urine sample).<sup>58</sup>
15. Mrs Ruth King – over 200µg/L – 18 week suspension (pre-race urine sample).<sup>59</sup>
16. Miss Fiona Geary - 150µg/L – 20 Week Suspension (pre-race urine sample).<sup>60</sup>

36. This submission concedes that GWIC does not set the national rules. These are set by the national industry body Greyhound Australasia.<sup>61</sup> However, this submission understands that GWIC can change the penalty for presentation rules. This submission also understands that GWIC processes and practices can be modified and upgraded. That GWIC has the ability to use their own interpretation and discretion when dealing in matters.

### **Conduct and other matter**

37. It is my understanding that conduct and other matters includes two forms of severity with penalties;

1. Minor
  - i. Reprimand (sometimes known as a warning or caution);
  - ii. A fine (not exceeding an amount specified in a Relevant Act or the Rules in respect of any offence.
2. Major
  - i. Suspensions,
  - ii. disqualification,
  - iii. Cancellation of a registration or a licence; or
  - iv. Warning off
  - v. Defaulter (cancellation or refund of prize money)

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<sup>55</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 22 June 2020) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0003/893154/GWIC-Disciplinary-Action-Decision-Doherty.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0003/893154/GWIC-Disciplinary-Action-Decision-Doherty.pdf)>.

<sup>56</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 05 May 2020) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0003/892074/GWIC-Disciplinary-Action-Decision-Verhagen.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0003/892074/GWIC-Disciplinary-Action-Decision-Verhagen.pdf)>.

<sup>57</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 01 May 2020) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/892066/GWIC-Disciplinary-Action-Decision-Hoyland.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0004/892066/GWIC-Disciplinary-Action-Decision-Hoyland.pdf)>.

<sup>58</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 30 April 2020) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/892061/GWIC-Disciplinary-Action-Decision-Phillips.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0008/892061/GWIC-Disciplinary-Action-Decision-Phillips.pdf)>.

<sup>59</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 27 February 2020) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/891865/GWIC-Disciplinary-Action-Decision-King.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0010/891865/GWIC-Disciplinary-Action-Decision-King.pdf)>

<sup>60</sup> Greyhound Welfare Integrity Commission, Disciplinary Action, (online, 11 December 2019) <[https://www.gwic.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0005/891491/GWIC-Disciplinary-Action-Decision-Geary.pdf](https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0005/891491/GWIC-Disciplinary-Action-Decision-Geary.pdf)>

<sup>61</sup> Greyhound Australasia, Greyhound National Rules, (Web Page) <<https://galtd.org.au/industry/rules/>>

38. In relation to NSW greyhound disciplinary processes, GWIC hold a vast amount of power to both charge and discipline individuals. The only external avenue for review is by the NSW Racing Appeals Tribunal ('NSWRAT').<sup>62</sup> However it is extraordinary that not all matters can be appealed to the NSWRAT.

39. As former GWIC Commissioner Alan Brown stated;<sup>63</sup>

*But the more important part about that was that concern that that particular gentleman had is not allowed to be appealed to the Racing Appeals Tribunal. Whether he had a case or not does not matter. The fact is he probably felt that he could only go to an internal review here, **but the scope of the Act that constituted the Racing Appeals Tribunal does not provide for them to hear appeals of that nature** [emphasis added]. There are not many, but that is one. If you are looking for suggestions about how things can improve, I would suggest there are a number of areas in that that we could provide to you that might be of assistance in improving at least a perception that the participants had every opportunity to be heard about a matter they are not satisfied with.*

40. Even if a participant can appeal a decision before the NSWRAT, participants usually are required to have the relevant qualifications to prepare their materials or employ a legal professional to help them. This usually involves an enormous number of resources and most NSWRAT proceedings take weeks or even months to finalise. This can be cumbersome and poses serious questions of accessibility as to the ability of a participants who reside in disadvantaged communities.

41. With respect to urgent matters, or even when an issue arises at a greyhound event for a Saturday night meeting, there is no avenue for independent and rapid assessment of matters.

42. The only public avenue to bring a greyhound issue to NSWRAT, is through the GWIC website. GWIC processes your matter for NSWRAT, as the GWIC website provides:<sup>64</sup>

*"All forms and fees are to be lodged with the Appeals Secretary.*

***Appeals Secretary***

*Phone: 13 49 42*

*Fax: 02 9199 8313*

*Email: [appeals.secretary@gwic.nsw.gov.au](mailto:appeals.secretary@gwic.nsw.gov.au)*

*Address: PO Box 718, Bathurst NSW 2795"*

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<sup>62</sup> Greyhound Welfare and Integrity Commission, Appeals to Racing Appeals Tribunal, <<https://www.gwic.nsw.gov.au/integrity/appeals-to-racing-appeals-tribunal/appeal-decisions>>.

<sup>63</sup> Evidence to Select Committee on the Greyhound Welfare Integrity Commission, Parliament of New South Wales, Bathurst Greyhound Track, 28 May 2021, 4-5, (Alan Brown).

<sup>64</sup> Greyhound Welfare and Integrity Commission, Appeals to Racing Appeals Tribunal, <<https://www.gwic.nsw.gov.au/integrity/appeals-to-racing-appeals-tribunal>>.

This leads to a very uncomfortable situation for participants where the very body penalising is their only recourse to process a challenge to their penalty.

43. This submission notes that the offices of GWIC does not operate on weekends.

### **Recommendation C**

44. That GWIC remove absolute liability for presentation rules and allow for a more holistic consideration into mitigating factors as part of the process prior to applying a penalty.

45. That GWIC remove minimum sentencing to assist in this holistic consideration of mitigating factors and consider replacing them with maximum sentences.

46. That a body other than GWIC deliberate and sentence on serious charges which contain a penalty other than a monetary fine (suspension, disqualification, cancellation, etc).

47. That GWIC supports an industry advocacy or legal aid body, dedicated to offering legal advice and representation to participants.

48. In relation to the penalties which include, suspensions, disqualification, cancellation, warning off, declaring a defaulter, or any other major penalty, I recommend that a separate panel be developed to deliberate and decide on those matters. It seems unwarranted that an entity can both charge a serious offence and then judge that charge that it has laid.

49. It is also recommended that if there is an urgent matter that the judiciary can be convened on a weekend through a variety of tools such as team/zoom. Such tools and urgent sessions are not foreign, as seen in the Novak Djokovic matter where on a weekend session before the Full Bench of the Federal Court was conducted.<sup>65</sup>

### **Concluding Remarks**

50. I wish to thank the Committee for considering this submission. Should the Committee see fit, I welcome any opportunity to speak to the remarks made in this submission should the committee see fit.

51. For the convenience of the Committee, a summarised list of my recommendations are on the following page.

Kind Regards,

Anthony Ange

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<sup>65</sup> Paul Penny, 'As it happened: Novak Djokovic Federal Court appeal set for Sunday after Immigration Minister Cancels tennis star's visa', *The Age* (Online, 15 January 2022) <<https://www.theage.com.au/sport/tennis/live-novak-djokovic-federal-court-appeal-set-for-sunday-after-immigration-minister-cancels-tennis-star-s-visa-ahead-of-2022-australian-open-20220115-p59ofk.html>>.

## ***Recommendations Summary***

1. GWIC should be required to implement clear verbal and/or written warnings (*'Miranda Rights'*) to participants prior to charging or during the commencement of a charge being placed.
2. The *'Miranda Rights'* and Code that GWIC use should also be shown to the participant in print format. This can be as simple as laminated materials which can be used to notify the participants of their rights and show the participant the relevant penalties which they may incur.
3. GWIC needs to better educate members of the racing rules, policies and legislation. This can be done formally or informally by GWIC at racing events and greyhound association/club meetings.
4. That GWIC supports an industry advocacy or legal aid body, dedicated to offering legal advice and representation to participants.
5. Better engagement with participants through online social media presence. Presence and engagement from GWIC is important for current news, rules, laws, marketing/advertising of social or educational events, online materials and etc.
6. That GWIC remove absolute liability for presentation rules and allow for a more holistic consideration into mitigating factors as part of the process prior to applying a penalty.
7. That GWIC remove minimum sentencing to assist in this holistic consideration of mitigating factors and consider replacing them with maximum sentences.
8. That a body other than GWIC deliberate and sentence on serious charges which contain a penalty other than a monetary fine (suspension, disqualification, cancellation, etc).
9. In relation to the penalties which include, suspensions, disqualification, cancellation, warning off, declaring a defaulter, or any other major penalty, I recommend that a separate panel be developed to deliberate and decide on these matters.
10. It is also recommended that if there is an urgent matter the judiciary can be convened on a weekend through a variety of tools such as teams/zoom.