

**REPORT ON PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON THE GREYHOUND WELFARE  
AND INTEGRITY COMMISSION**

**CORRECTED**

**At Macquarie Room, Parliament House, Sydney on Monday 6 December 2021**

**The Committee met at 10:00.**

**PRESENT**

Ms Abigail Boyd (Acting Chair)

The Hon. Lou Amato

The Hon. Mark Banasiak

The Hon. Wes Fang

The Hon. Sam Farraway (Acting Deputy Chair)

The Hon. Courtney Houssos

The Hon. Mark Latham

The Hon. Mark Pearson

The Hon. Mick Veitch



**The ACTING CHAIR:** Welcome to today's public hearing for an inquiry of the Select Committee on the Greyhound Welfare and Integrity Commission. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to Elders past, present and emerging of the Eora nation, and extend that respect to other Aboriginals present. Today we will be hearing from a number of stakeholders from the New South Wales greyhound racing industry, including organisations representing the interests of breeders, owners, trainers and veterinarians as well as animal welfare associations. While many witnesses will appear in person, some will be appearing via videoconference. I thank the witnesses for making the time to give evidence to this important inquiry.

Before we commence I will make some brief comments about procedures for the hearing. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about comments you may make to the media or to others after you complete your evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today and want more time to respond, they can take a question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff.

In terms of the audibility of the hearing, I remind both Committee members and witnesses to speak into the microphones. As we have a number of witnesses in person and via videoconference, it may be helpful to identify who your questions are directed to and who is speaking. For those with hearing difficulties who are present in the room today, please note that the room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. Finally, would everyone please turn their mobile phones to silent for the duration of the hearing.

**GREGORY PURCELL**, Racing, wagering and sports integrity consultant, sworn and examined

**The ACTING CHAIR:** Would you like to start by making a short statement?

**Mr PURCELL:** Yes. I will start by giving you a brief outline of my credentials. I am a management consultant specialising in racing, wagering and sports integrity. I hold a degree from the University of New South Wales, majoring in accounting, business, finance and computer information systems, and I have a master's degree in business administration. I have held a number of senior industry roles both in New South Wales and internationally, including being the former CEO of New Zealand Thoroughbred Racing between 2010 and 2017, the CEO of RacingCorp in New South Wales and the CEO of the New South Wales Country Racing Council. During that time I was a member of the New South Wales racing industry executive team for the privatisation of the TAB. I also represented the three codes of the racing industries in New South Wales in relation to the agreements with Tabcorp and the on-market takeover by Tabcorp and UNITAB of TAB Limited. I have served on a number of international committees, including the Asian Racing executive committee and also the committees and subcommittees of the International Federation of Horseracing.

I have been consulting over the last four years since my return to Sydney. I have provided consulting services to a number of organisations, including the National Rugby League and Rugby Australia in relation to their wagering integrity agreements; Racing Queensland for their animal welfare policies; the Canberra Racing Club in relation to their funding submissions; and a number of corporate bookmakers in relation to acquisition, ownership transfer, operational integration and international expansion into the US market. I have also consulted over the last three years to the Greyhound Breeders, Owners and Trainers Association [GBOTA], to the Greyhound Welfare and Integrity Commission [GWIC] and to Greyhound Racing NSW [GRNSW] on a small number of matters. I have maintained a long-term interest in greyhound racing in New South Wales over many years. On 29 January 2021 I provided a short four-page submission to the inquiry. I am happy to briefly go over the key points of that submission and then take any questions, if that is what you would like, Chair.

**The ACTING CHAIR:** Thank you very much. As you say, your submission was dated from January this year.

**Mr PURCELL:** Yes.

**The ACTING CHAIR:** Quite a bit of time has passed, unfortunately, since we were able to have this hearing versus when you put your submission in. You make a number of statements about the funding arrangements between GWIC, GRNSW and the Government. Obviously that has changed with the recent funding changes announced by the Government. How does that impact on your submission? Does it go far enough?

**Mr PURCELL:** Yes, it sort of is consistent with the submissions I am making. My submission would be to take it a little bit farther, but it is very much in the direction of the submissions.

**The ACTING CHAIR:** Could you explain that for the Committee?

**Mr PURCELL:** I would also like to table a one-page document, which is a comparison of the Treasury estimates over the last three years. That sort of links somewhat. Instead of talking about projections and stuff that I did in relation to my submissions, it talks to the Government forecasts themselves. If I go to my submission, point 6 on page 2, for the first three years of operation, which has probably now been rectified in large part by the new funding arrangements, the two organisations, GRNSW and GWIC, seem to be in continual conflict in relation to their funding arrangements. That, to me, did not set a good tone. If you go back to point 4 of my submission, which was Michael McHugh's statement, which I think is really the key statement facing particularly funding but all matters in relation to this inquiry. Michael McHugh, QC, said:

If the industry is to continue then it is critical that the yearly funding of the regulator not be based upon what GRNSW claims it can or cannot afford. If there is a discrepancy between what GRNSW can in fact pay and what the regulator requires, then it will be necessary for government to provide funding. That funding should not be set as a consequence of 'horse-trading' or compromises. The integrity of the greyhound racing industry will not be served by an under resourced and ineffective regulator.

I think that goes to the point of the issue, that the previous policy of the Government was to have a horsetrading, a negotiation, on funding every year, and that has now been substantially overcome by the recent changes by the Government to funding. Does that answer the question that you proposed to me?

**The ACTING CHAIR:** Yes. That is great, thank you.

**The Hon. MARK PEARSON:** Are you aware of the factors that made the Government change its policy in relation to the funding of GWIC?

**Mr PURCELL:** No. Since my submissions, I have not had any further involvement in development other than the cursory positions I have put forward in relation to the Government forecasts, which I have reviewed.

**The ACTING CHAIR:** Could you explain to the Committee how the situation with the allocation of TAB revenue to the greyhound industry differs? You say in your submission at point 24: "NSW greyhound racing is at a substantial inherent economic disadvantage through the allocation of TAB revenue ... in comparison to" the horseracing codes. Could you elaborate on that?

**Mr PURCELL:** To both the horseracing codes and the Victorian greyhound racing industry. I can elaborate on it a little bit but it would be up to others to do so. The reality is that there are several streams of funding that go from wagering revenue to the greyhound racing industry in New South Wales. The first is funding under the TAB agreements, where Tabcorp through TAB Limited pays an amount of money to the three codes, which is then distributed by an agreement that was entered into in 1997—I was actually there and part of those negotiations representing the thoroughbred code at the time—which locked greyhound racing into a defined percentage of those funds of 13 per cent, even though over that time the turnover on TAB money has probably grown in excess of 22 per cent. There is also a second revenue stream. The Government introduced a tax reduction on wagering taxes, which the benefits flew through to the three codes of the racing industry, and that was allocated on those defined percentages. That sort of continues the difference between the market share arrangements and the defined funding percentages.

The Government introduced a point of consumption tax, which taxed corporate bookmakers residing outside New South Wales that took bets on New South Wales events, and that included all greyhound events, both in New South Wales and throughout Australia, from those customers. Probably about 30 per cent of those total bets—sorry, something about 25 per cent of those total bets comes from greyhound racing. The greyhound racing industry, I think there is an inquiry into that being run by the Government at the moment, but that was also allocated as a defined percentage. Finally, there is the race fields legislation, which provided fundings to each code directly, based effectively on an arrangement between that code and corporate bookmakers. In relation to that, that has really powered the funding of greyhound racing over recent years and the other codes, but that is done on a basis of the percentage of the turnover bet on New South Wales greyhound racing by the corporate bookmakers.

**The ACTING CHAIR:** So that is the only one that is based on a percentage of turnover, whereas the others are based on a defined percentage that was based—

**Mr PURCELL:** A defined percentage that was based on historic agreement, as I understand it, from 1997.

**The Hon. MICK VEITCH:** Mr Purcell, thanks for the submission and thanks for your attendance today. As the Chair pointed out, some time has elapsed since you made your submission. This Committee is going to make a number of recommendations and you have a great opportunity right now if you were to nominate just two things you think this Committee should recommend to the Government, what would they be and explain why.

**Mr PURCELL:** If you go to my submission, it is my view on point 8 that the funding model for GWIC should be changed, which continues to develop under the normal government processes. GWIC is subject to the government processes for the development of its budget. That should continue and, in my view, that should be funded through the existing legislative provisions of section 13 of the Betting Taxation Act, which allows the proceeds from the point of consumption tax to be allocated in a manner deemed by the Government.

**The Hon. MICK VEITCH:** With regard to your first bullet point:

Continues to be developed and approved under the normal NSW Government agency processes;

What are the strengths of that? Why do you make that statement?

**Mr PURCELL:** At the end of the day, GWIC has been set up as a government agency, and if it is set up as a government agency, it should be run as a government agency. It actually does follow the procedures of a government agency, but it also had up to date on top of that a negotiation then with GRNSW in relation to its funding of the budget approved by the Government. That, to me, does not make sense. I suppose the second part of my suggestion is I think I just want to make aware—I might just go to the handout that I have provided. I have not actually kept one myself, which I might get back if that is okay.

**The Hon. MARK PEARSON:** Could I just ask a follow-up question just on that point? You said that you did not think it was a sensible thing, I think that is right, for Greyhound Racing NSW to be at all responsible for most of the funding of GWIC. Did you become aware of any vulnerability of GWIC because of that particular policy at the time?

**Mr PURCELL:** If I go the second bullet point on point 6 of my submission, I believe, and understandably so, that GRNSW—this is not a criticism of GRNSW; their role is to optimise the outcomes for the industry and for stakeholders and, clearly, all these decisions about how to allocate industry funds. There are competing forces, as you all know more than anyone. However, what has happened is there have been constraints on GWIC's revenues, which has meant, in my view, that GWIC has provided a level of oversight and standards that are the minimum appropriate integrity levels for the sport, not necessarily the optimum integrity levels for the sport. If there are critics—as I have said later in my submission, it is too early in my view for the supporters or the critics of GWIC to form a view whether it has been successful or not. The time is probably coming in the next 12 months or so to do that; probably it is still a bit pre-emptive to do so.

It is easy for people to criticise GWIC about spending money. But if you go through the budget, like I have, of GWIC—and they have got a very extensive annual report that they have put out—they are doing a lot of activities, which one of those activities do you want to take away? The answer from me is none of them. There are areas where I would like to have seen expansion, if I was on the commission, in relation to drug testing, both on-race and off-race drug testing, and the development, like they are doing in all the other sports and which they may well be doing at GWIC, of more analysis. So there is a lot more rigour now across all sporting organisations into understanding the environments, not just working on an ad hoc basis, of breaches. So it is a lot more intelligence-based gathering of information by all the major sports and all the major codes.

There are unlimited things that you can spend money on. Where there is money, there is corruption, and so this is risk management for all codes of racing, including GWIC. To me, the constraints to finance that have been there, which are understandably so, but are in a manner that actually go far beyond just the government processes. I would have expected a government budgeting process to actually come up with the optimal amount with regard to maximums. But at the moment we have that, together with—or had—these other constraints from capacity to pay by GWIC, which is completely in contradiction to the main findings of the McHugh report and the whole purpose of this structure that the Government put in place 3½ years ago.

**The Hon. MARK PEARSON:** Thank you for that. It is very helpful.

**The ACTING CHAIR:** Thank you. Did you want to talk us through the document?

**Mr PURCELL:** I think I have touched on a large number of things. I might go to just to point 10, which I will now talk to in this one pager. In 2017 the Government received, in total, wagering taxes in New South Wales of \$111 million. Since 2017—and this is coming out of the extracts of the Government budget papers—in the 2021 year the forecast for the year in the budget papers was \$214 million. You can see that there has been a substantial uplift over that relatively short period. That has been powered by a point of consumption tax, and that includes reductions provided by the Government in totalisator wagering taxes and fixed odds betting taxes to Tabcorp and the benefits that have flown through. So that is sort of net of those mechanisms.

The point of consumption tax has been significantly higher revenues for the New South Wales Government than was initially anticipated, and that continues to uplift. I believe, and have forecast both prior years and even this year, that the forecast for the Government for point of consumption tax in 2022 will probably be at least \$15 million higher than the Government forecast. But once again, forecasts—who knows what the outcomes would be? But, in my view, these are conservative forecasts. I understand they are a very, very small part of the Treasury's forecast, and it is fine for them to be conservative, which is probably the appropriate posture. But the reality is that there has been a significant increase in racing taxes. In my view, part of that increase in wagering taxes should be provided to fund issues like this GWIC issue.

**The Hon. WES FANG:** Can I just jump in? In June of this year the Government announced that they were going to use income from taxes to fund GWIC, instead of Greyhound Racing NSW doing it. There were a number of components to that. Part of it was that GWIC itself would be funding part of the capital upgrades for tracks, in addition to what the Government had already committed. Do you think that is a good first step into not only separating the regulator from the industry, but also having that funding from taxation income from gambling coming in to fund GWIC?

**Mr PURCELL:** I think it sounds like a good first step. I am not totally around all the details of those new arrangements. I could not give you an informed view.

**The Hon. WES FANG:** In June, the Minister announced that the funding would come from the wagering taxes. That would leave Greyhound Racing NSW clear of funding GWIC, and GWIC itself would then be funding capital works.

**Mr PURCELL:** I think GRNSW was a beneficiary of those taxes. It is moving around funds within the industry, but to me it sounds like it is a better break of the nexus between the two organisations. I suppose part of my core submissions are that in my view, consistent with Michael McHugh's recommendations, there should be

a break in the nexus of funding, if the Government is to have an independent Greyhound Welfare and Integrity Commission. If it does not want an independent Greyhound Welfare and Integrity Commission, then you can look at other arrangements. I do not see that it is sensible and it has been contrary, which has now been rectified to some extent. Albeit the money that is really being transferred, from what you have outlined, is monies that otherwise would go to GRNSW go to GWIC, albeit the nexus is somewhat broken.

**The Hon. WES FANG:** When you say largely rectified, do you think it is fair to say that it is wholly rectified? Given that the Government will now fund GWIC and it is doing so through the income from wagering taxes, which completely separates it from Greyhound Racing NSW, does that not fully alleviate the problem?

**Mr PURCELL:** No, in my view. But as I have said, I am not aware of all the details of it and the workings of it. My understanding is that if the monies that you are indicating are merely a diversion of funds that were being received by Greyhound Racing NSW that have been diverted from them to GWIC directly, if those are funds in excess of that amount that is wholly solved. If not, at least the nexus and the decision-making of those two issues is broken.

**The ACTING CHAIR:** Could I check if Mr Latham has any questions?

**The Hon. MARK LATHAM:** Yes, I do. Mr Purcell, you made an assertion that you believe GWIC could be funded with unallocated funds identified effectively as an underestimation of gaming revenue in New South Wales. They are your points 13 and 14. Have you been able to have a look at the Greyhound Racing NSW submission to this inquiry, which was quite critical of GWIC and identified a range of areas where there has been overspending? How do you support your assertion, and what is it about the Greyhound Racing NSW submission that you disagree with?

**Mr PURCELL:** I have not gone through in detail the Greyhound Racing NSW submissions. That is the first comment. The next comment is, what I have done is I have personally gone through in the prior financial year the activities of GWIC detailed in their annual report, which is very comprehensive. There are none of those activities that I would not recommend take place. If I was the CEO or a commissioner of GWIC, there would be some additional activities that I would like to put into place. I have not got a view on Greyhound Racing NSW's submissions other than to say that I do not see that any activities that they are currently undertaking should be discontinued.

**The Hon. MARK LATHAM:** Are you aware of an inquiry they have commissioned from a former judge, Wayne Haylen, to supposedly conduct an independent review, which is really part of a backside-covering exercise in relation to this inquiry? We have documents showing that they have commissioned a judge to look into disciplinary matters raised about a participant through this inquiry. They seem to have enough money to commission a judge to do a review to combat what we are doing at this inquiry, even though in one of the matters the former judge is going to look at GWIC themselves have dropped it because of a lack of evidence. Does that not indicate an organisation that is so adequately funded that they can go to the trouble of throwing money at a former judge, to try and combat what we do at this inquiry?

**Mr PURCELL:** To answer your first question, no, I am not aware at all of any of the internal workings of the commission in the last 12 months, which includes any commissioning of any reports by anybody. That is the first thing. The second issue is what I have seen. And I have had some involvement doing some work for GWIC, as I have for the other greyhound codes. I have seen hardworking, diligent commissioners and staff, to me, with a high degree of aptitude and a high work ethic—one that surprised me, and I was pleasantly surprised. That existed not just in GWIC, but also in the GBOTA and also in GRNSW. I think the code itself has made a lot of strides over the last few years. It has gone in the right direction, and everybody is working hard. To me, I am not in a position to make political judgements on the matters that you raise.

**The Hon. MARK LATHAM:** Mr Purcell, now that GWIC is funded from the New South Wales Treasury, do you support it being subject to the normal efficiency dividend arrangements that other agencies are subjected to as part of New South Wales budgeting?

**Mr PURCELL:** The answer is I would have expected, if the New South Wales Government established a Greyhound Welfare and Integrity Commission, that they would be subject to all the normal New South Wales Government regulatory processes and they would be fully compliant to that, including any of the issues that you just raised.

**The ACTING CHAIR:** We only have a couple of minutes left. We will go to Ms Houssos.

**The Hon. COURTNEY HOUSSOS:** Thank you, Mr Purcell, for your time. Most of my questions have already been asked by other members. I do appreciate your time and your expertise; that has been quite valuable for us today. Perhaps you could provide for us, on notice, these new arrangements. I understand this is a pretty

significant change and you might not be across the finer details. Given your experience in the industry, it might be useful if, upon reflection, you could provide us with any further thoughts you have about this latest Government announcement. That would be really helpful.

**Mr PURCELL:** That is fine.

**The Hon. COURTNEY HOUSSOS:** I have a slightly unrelated question, which has not been asked. You said in your submission that Victoria does rehoming much better than New South Wales. What is it that makes them do it better, and is there anything we can learn from that experience?

**Mr PURCELL:** What I said in my submissions is that despite improvement the performance outcomes of Victorian Greyhounds as Pets [GAP] processes are higher and outperforming New South Wales. I actually have not done any analysis into why that is the case. If you did review the 2021 annual report of Greyhound Racing Victoria and GRNSW, on page 20 of the GRNSW annual report it showed that 741 greyhounds were rehomed under the GAP program, which is an upward trajectory. Together with other associated programs it makes the number higher than that. That is compared to 951 in Victoria. There is still a circa 18 per cent, 15 to 20 per cent outperformance by Victoria. I think it would be good for someone to actually understand and be able to answer the question that you have put forward. I have not done a review of that.

**The Hon. COURTNEY HOUSSOS:** That is fine; I understand. Thanks very much, Mr Purcell.

**The ACTING CHAIR:** Unfortunately, that is all we have time for. Thank you for attending this hearing today, Mr Purcell. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to the questions you have taken on notice.

**Mr PURCELL:** I thank the Committee very much for your interest.

**(The witness withdrew.)**



**STEPHEN NOYCE**, General Manager, NSW Greyhound Breeders Owners and Trainers Association, sworn and examined

**KRISTY-LEA HARPER**, Membership and Advocacy Manager, NSW Greyhound Breeders Owners and Trainers Association, affirmed and examined

**The ACTING CHAIR:** I now welcome our next witnesses. Would you like to commence by making a brief opening statement?

**Mr NOYCE:** I will let the clever Kristy talk a little bit about the NSW Greyhound Breeders Owners and Trainers Association and the wonderful role she plays within our organisation.

**Ms HARPER:** I just wanted to introduce you to the GBOTA. Apart from running race tracks, the GBOTA acts and operates as an advocacy body for our participants across New South Wales. In my role as the membership and advocacy manager, I advocate and progress concerns and issues of participants. We operate in a consultative role with the Greyhound Welfare and Integrity Commission and with other bodies—the commercial body of Greyhound Racing NSW—to progress participants' concerns across the industry. At the GBOTA we are committed to the values of improving greyhound welfare and participant welfare.

**Mr NOYCE:** Thank you, Kristy. It is now 12 months since we launched our regional submission and we are all aware of the reasons for that time frame. People often ask me what a meeting is like or what a submission is like, and it is the words. What excites me at the moment about our industry are the actions in the last 12 months. On 1 January we introduced a new Greyhound Welfare Code of Practice. The Minister said:

As a result of the code, NSW will now be leading Australia, if not the world, in providing standards for the protection of greyhounds that reflect public expectations.

In February I was invited by the Minister to Bathurst for the launch of e-tracking. Again, I quote the Minister:

"This is a game-changer for greyhound welfare in NSW," Mr Anderson said.

"The NSW Government's \$3.6 million investment in e-Tracking will make a huge difference in protecting the welfare of racing greyhounds across the State and put an end to speculation that animals have disappeared."

One I just heard Mark Latham talk about and probably one of the keys to our submissions to both the statutory review of the Greyhound Racing Act 2017 and the select committee was the new funding model. Again, I quote from the Minister's press release:

The NSW Government has taken a monumental step towards securing the long term future of greyhound racing in NSW, announcing \$25 million in additional infrastructure funding and a new funding model that will see the regulator fully-funded by the NSW Government.

...

"We have established an independent regulator for the greyhound industry in NSW and after listening to feedback from stakeholders we know it is important GWIC's budget is approved and funded independently of the commercial arm of the industry," Mr Anderson said.

So I think there has been some really strong and positive actions and that is what excites Kristy and I and the rest of the team about the future of greyhound racing.

**The Hon. MICK VEITCH:** Thank you for your attendance and submission. A bit has happened since you lodged your submission.

**Mr NOYCE:** Yes.

**The Hon. MICK VEITCH:** I would be keen to get your views on both sides—the good and the bad—of the changes that have been made since you lodged your submission.

**Mr NOYCE:** Yes, good point. I guess as an old person at 65, my experience in life—in the greyhound industry we are all aware of what happened in 2016. I tend to think that the pendulum goes too far. We talk in our submission about a lack of consultation—people hitting the desk rather than educating. I am excited that, especially in the past 12 months, I see people willingly working with participants at their level. What I did not like when I got there was people pitching at a different level. I always use the word "simple" with our industry, and I do not mean that in any disrespectful way, but it is important you understand who your audience is and address them and work with them at a certain level.

Kristy and I had the pleasure of being in Goulburn on Friday to talk about the national rules. The participants were in a meeting like this—and they come in all shapes and sizes—but they were pleased that a number of us had driven down for a couple of hours. Again, I see that as an action about being real about educating

people and wanting to consult with people. We still have a long way to go but if we think about our own infants, we are five years old so we probably have not got to kindergarten yet. I think it is crawl, walk and then run. I think the funding was the biggest change. That nexus between caused problems on either side. There is a maturity now in that organisation that says now funding is coming. To Mr Latham's point earlier, there is no such thing as a free lunch. The Government does not give you millions of dollars and say, "Good luck". From an industry point of view, we see that as a real plus that an independent person will hold them to account for the money for the industry.

As a result of the code of practice, we work closely with GWIC and GRNSW. Now we have monthly meetings where we talk about issues. Again, I think the industry was quite reactive: They would make a decision and then ask people about it. We have flipped that around now so each month we put details on an agenda. Kristy then goes out to our membership to ask them what their feelings and thoughts about it are. The membership have an enormous wealth of experience and you do yourself a disservice if you do not ask your participants for their feedback, and then they feel engaged. Kristy might have some other thoughts.

**Ms HARPER:** I would certainly echo those thoughts. Having been at the GBOTA since 2017, I have seen a definite shift from that police role to more of a consultative working relationship with participants. They have established consultative bodies, of which we are one. Participants get the opportunity to be heard on different policies before they are implemented. With the code of practice consultation, one of the things we highlighted all the way through was the need for education rather than just policing. GWIC put together an implementation framework for that to guide inspectors to educate participants on bringing themselves up to compliance with the code rather than just come with a big stick and say, "These are the standards and you are not meeting them."

We are looking at education across other things. At the moment they are rolling out rules reviews forums to educate participants on the changes to the rules. We have even seen them work with us on some of the commercial things regarding the industry. Recently they responded to the industry's request to have younger people enter the industry with the introduction of associate attendants to allow 16- to 18-year-olds to work with us at the tracks and for greyhounds to be boxed by 14-year-olds. Those are things that we were consistently asking for over the past three years and which we have seen come to fruition in the past 12 months. They are really important, and it just shows that there is a change, a shift, and that people are listening to us, which we enjoy.

**The Hon. MICK VEITCH:** This is just an observation. I was having a conversation with my colleague the Hon. Courtney Houssos. The select committee has been running for a while now, but what it has done is create a sort of parliamentary oversight arrangement of the industry. Do you see that there may well be—and I have not thought this through completely, so I am just testing this with people—an ongoing role for a parliamentary oversight type of committee for the industry?

**Mr NOYCE:** I think, in my mind, we have now got a clear mandate with clear funding and it is up to us to act responsibly in 2022 and beyond to show people that we are mature and professional enough to run our own business. That is a personal and professional view I have, and I have run a number of sporting organisations. I think it is imperative that you control your own destiny. So probably, like you, that is just off the top of my head.

**The Hon. MICK VEITCH:** And I pose the question as well in the light of the funding changes where there are now taxpayers funds going into the organisation to create that independence that people were after, but with that comes responsibilities to the taxpayers.

**Mr NOYCE:** Oh, 100 per cent I agree. As I said earlier, there is no such thing as a free lunch, but I think that that engagement I see is very specific. I have a copy of the GWIC recently published strategic plan and I am aware of the Greyhound Racing NSW strategic plan. I am sure if the Committee looks at those and sees the ownership taken by the industry and the high standards—Ms Harper and I talk all the time. Last Saturday night our number one priority was if 75 greyhounds came to Wentworth Park, 75 greyhounds had to go home. I think if we can create our own accountability that is transparent and sets really high standards, we will always be a partner with the Government. But I think we should, in the first instance, be able to control our own destiny, but again, to Mr Latham's question, have Treasury asking all the right questions. That is just proper governance in 2020-21-22-23.

**The Hon. WES FANG:** Thank you very much for, first, making your submission and, second, appearing today.

**Mr NOYCE:** Thank you for the opportunity.

**The Hon. WES FANG:** And there is no need to be nervous, as you were saying before. We have heard different testimony throughout this inquiry. You have touched on part of that, which is some of the GWIC inspectors can be—I will use this word—draconian. They have, for example, picked up samples of prohibited substances in minute amounts, which are not permitted within greyhound racing. We have heard testimony that there is some concern about the draconian nature of that. I am curious about two things. First, do you think that

the new operating model that we have talked about—more about education as opposed to enforcement—is a positive in that respect?

Second, obviously we have heard from people who have been caught through the net that GWIC has. You represent the majority of, I would say, greyhound racing owners in general. We often do not hear from the regular owners. How do they feel about those people who may get caught with substances? Are they happy that there is strict enforcement on others, seeing as it is racing and that there is perhaps potential for enhancement of performance from other competitors? Or are they worried about that level of enforcement being levelled upon them as well? I am curious as to how greyhound owners themselves feel and the majority of your membership?

**Mr NOYCE:** Ms Harper deals with the owners almost on a day-to-day basis, so I might let her answer the first part.

**The Hon. WES FANG:** Thank you.

**Ms HARPER:** I think certainly participants are looking for a level playing field. A comment was made to me the other day when we were talking about equality of swabbing and how pre-race swabs are chosen. A participant said to me, "The only time we'll become truly equal is when we are all just swabbed and that will be when we are all truly on a level playing field." So I certainly think there is an appetite out there for people that they do want regulation to ensure that we are on a level playing field. But in the same sense, Mr Noyce and I have been working on trying to, I guess, change the perception of GWIC—that they are not just a regulator, they are also there to help us.

Having situations where a participant may be on the wrong side of the rules, rather than go down that rabbit hole that they cannot get back from, to just pick up the phone and say to us or say to GWIC, "Actually, I think something is going wrong here", or, "I think, you know, I may not be compliant and how can you help me to get to where I need to be?" There is certainly a willingness from GWIC to do that now and we are certainly seeing a change in a participant's attitude to feel that they can do that. I have been getting lots and lots of positive feedback about the inspectors and the inspections. I cannot talk to the negative ones but lots and lots of positive ones as well and they are not here giving you that story.

**The Hon. WES FANG:** That is what I am looking for, that broader picture. Obviously those people who have felt that it is not being a respectful representative relationship between GWIC and themselves have obviously made submissions, but whether there is a silent majority or whether there is a group of participants who do feel like it is actually a suitable enforcement level that has been implemented. Mr Noyce, do you have any other thoughts?

**Mr NOYCE:** Again, at my age I have worked out in life that about 96 per cent of people are really good people. My observation early on was that we were worried too much about the 4 per cent, and then I think you get the tilt wrong again, that we are going out with this sort of heavy-handed stuff and, as I say, for the 96 per cent of people. The other thing is that the inspectors have cameras and people get scared about that. But that provides protection for everyone. So I think again there is—

**The Hon. WES FANG:** Education?

**Mr NOYCE:** Yes, I think there is a bit of a slant away. To Ms Harper's point, everyone in life wants to have a fair go. What was really important—and again I have said to Ms Harper—the last two times we have done these meetings, we have been going to tracks, it is like everyone, you would rather—again, I am old, Zoom has a place but we drove down to Goulburn. Racing Analytical Services Limited are the people who do all the swabs and it is fascinating to see the number, and people are worried about the transfer of cocaine being a horrible scourge on our lives at the moment and greyhounds. But out of 33,000 tests, there were only two positives to cocaine.

I think that is the other thing that Ms Harper and as Mr Latham is aware, I have a background in professional sport. I think we need to do more education for the athlete. When drug testing first came on, all the footballers would rock down to the chemist for the flu and get Sudafed, which has pseudoephedrine in it, so then they go positive to the Australian Sports Anti-Doping Authority testing. So now they have a list of supplements that they can use. High-class quality performance is about getting the best out of them and doing the right thing. But, as I say, I just think the culture was all skewed towards the 4 per cent when it started, rather than 96 per cent of good people.

**The Hon. WES FANG:** This is my last question. You have spoken about the pendulum. You have said it was one way and it has gone the other.

**Mr NOYCE:** Yes.

**The Hon. WES FANG:** Now with the points that you have read out in your opening statement, where do you see that pendulum?

**Mr NOYCE:** Down in the 7.30 sort of range.

**The Hon. WES FANG:** A little bit of work to do, but we are getting there?

**Mr NOYCE:** Yes. I don't know there is a business where everyone says, "We're perfect". So I think there is still room for improvement.

**The Hon. WES FANG:** Yes, but in politics people will often say that though.

**Ms HARPER:** I can give you an example. Obviously, a participant who we have worked closely with over the last two years had every reason, went through probably one of the worst experiences that you could possibly go through with a regulator, but rang me the other day to say he had had an inspection and he was thrilled. You know, he has a dog that was barking a lot and the inspector had taken him through some solutions for that and the inspector had talked to him about some solutions for his whelping box. He then had to contact the call centre at GWIC to get some dogs transferred around and one of the lovely girls there had been fantastic with him over a three-day period. So he had gone from, you know, this really negative mindset to a really positive mindset over the course of two years.

**The ACTING CHAIR:** Just so that members of the Committee are aware, I am going to go to the Hon. Mark Banasiak, then the Hon. Mark Pearson and then I will check in with the Hon. Mark Latham and the Hon. Lou Amato.

**The Hon. MARK BANASIAK:** Thank you, Acting Chair. Just going to part of your submission in response to terms of reference paragraph (c), you refer to the commission's disciplinary model needs review. I know you said that a lot of things have happened over the past 12 months, but is that still an issue that needs to be resolved in terms of moving the pendulum from 7.30 to maybe 6.30?

**Ms HARPER:** There have been a lot of changes to the disciplinary model. One of our biggest complaints was the amount of time that people were spending on interim suspensions and the amount of outstanding interim suspensions. Correct me if I am wrong, but right now there are currently no interim suspensions outstanding. There has been a new disciplinary model introduced to fast-track some of the more race-day matters so they are handled by stewards. I know that there is quite a lot of work being done by the new chief steward, Wade Birch, to bring in a regional model of disciplinary—and we are consulting about that at the moment in our monthly consultation meetings.

**The Hon. MARK BANASIAK:** Mr Noyce, I know you spoke about how people need to, when they are talking to the industry, talk at their level. I pick up in the submission that perhaps the commission was not really doing that. The model was highly legalistic.

**Mr NOYCE:** Yes.

**The Hon. MARK BANASIAK:** Has that attitude changed? When the commission is dealing with the participants, is it pitched at an appropriate level or is there still that highly legalistic approach to appeals and disciplinary decisions?

**Mr NOYCE:** I think it is getting a lot better. Ray Murrphy, who may or may not be known to a number of Committee members, is one of the legend stewards. I worked with Ray in horseracing some years ago. When Ray did a review of GWIC, that is the thing he noticed. He said to me, "Noycey, these are just good people who have made a mistake, like we all have. Give them a kick up the backside and send them home." The other thing that we are working on—again, Mr Latham would be aware, with his love of rugby league, that if a player hit a player in the head and got given a grade two charge, that player knew that if the charge was three weeks and he took the early plea he got two weeks. I have been arguing with GWIC to say that for the vast majority of charges, if I know what I have been charged with and I know my penalty then I do not need all of these legal—as Ms Harper said, we ring people. You are sitting home as a professional trainer for three months with no decision. We do not just want to rush them through, but we all want that if you commit a crime, you get the penalty and get on with it—not have it hanging over your head.

Someone shared recently—I think it was last year—that they had spent \$10,000 to win an appeal. That means you have got to win two races at Wentworth Park to break square. That is not fair. That pendulum is not in the right place. Wade Birch is the new chief steward. Wade has been a steward all his life. He has been overseas. He brings a wealth of experience from the thoroughbred industry. He is looking at this regional model now, so that if you make a mistake in the Northern Rivers then the people within that Northern Rivers area will gather

quickly, make a determination and have a preset set of penalties. I think that is going to be a much better system. But I think we all know that it takes a while for a new system to get to—

**The Hon. MARK BANASIAK:** What has GWIC's response been to that tiered approach and that appeals panel, where you can essentially take a plea bargain and essentially lessen your punishment?

**Mr NOYCE:** To be frank, they are driving it with us. You cut the administration work. As I say, a professional footballer on \$800,000 does a tackle on the weekend and there is not the malice in it. He gets up, looks at it and he knows exactly what it is. Again, for 95 per cent of our charges you could do that. Then you leave your resources for when there is a serious doping or a serious charge. We all want to come down on them. But for these other people, suspend them for two weeks or a month and let us get on with it.

**The Hon. MARK PEARSON:** Thank you very much for coming. In your opening address you expressed a lot of confidence in the new code that was established at the beginning of this year. Are you satisfied that every greyhound in the industry, unless it has to be euthanised for welfare reasons—otherwise it would be an act of aggravated cruelty—will be rehomed appropriately on a couch?

**Mr NOYCE:** Do you like our "Cradle to Couch" submission?

**The Hon. MARK PEARSON:** Yes, that is my question. Are you satisfied that every greyhound in New South Wales will end up traceable and we will know where it is?

**Mr NOYCE:** E-tracking is the best thing we have done. It seems to me we used to stand up somewhere and say, "We think we had 10,000 greyhounds and now we know where 8,000 of them are." Australians are great people; they do not accept that. They want to know. The e-tracking—I thought it was a privilege to go with the Minister to Bathurst. To your point, we will have the resources to know where every greyhound is. I talked about accountability before. We will be accountable to the community, and we hope there are not the cases of euthanasia that you talked about. We have a responsibility and an accountability to ensure each of those greyhounds is rehomed.

**The Hon. MARK PEARSON:** How do you connect that being upheld when there was a change to the code within the old code, which originally was set in place by GWIC, where all greyhounds had to be traceable all their life yet it became possible for a greyhound owner to actually sell or give the greyhound to a person who is not in the greyhound industry? That greyhound is then no longer under the watch of that particular tracking mechanism. In fact, under the Companion Animals Act, which is where that greyhound is moved to by being given or sold to a person who does not have anything to do with greyhound racing, that dog could be killed and we would not know.

**Ms HARPER:** I think that is certainly a negative mind frame to take. As a participant myself—and having had dogs a long time—I feel very strongly that I want to know where my dog goes, even if I rehome it to somebody outside of the industry. In fact, I am probably more concerned with knowing where it is and how it is being treated if it is rehomed outside of the industry because the code of practice is not able to be applied to those outside of the industry. It would be—

**The Hon. MARK PEARSON:** That is right.

**Ms HARPER:** —fantastic if it was included in the Companion Animals Act, so that we would know that our retired greyhounds, no matter where they are, got the same standards of welfare.

**The Hon. MARK PEARSON:** But that was the case before this new code came into place, which changed that. The 5 per cent of people who you are concerned about in the industry, for whom you believe resources need to be put in to get them right, might be the people who just sell that dog to a friend and we do not know where it is. That is against the principle that was in place, which gave assurances to the community. As you know, in 2016 and then the McHugh report, the two major issues were live baiting and the "ghost" greyhounds, yet this change has made that capacity weaker for the community to be assured that we know where they all are. Are you comfortable—

**Mr NOYCE:** I think it is interesting. I heard Mr Purcell earlier talking about the comparison to Victoria. One of the simple observations I make is that in Victoria they use many, many more people outside the racing industry to help with the rehoming obligation we have.

**The Hon. MARK PEARSON:** But the tracking is the key, is it not?

**Mr NOYCE:** Yes, I accept that. To Ms Harper's point, again, I am not going to come in here and—I think the e-tracking has really put the accountability back on us. As I said, I wanted to make an honest comment that I thought we lacked before without the data. Now you can find out exactly, to the one—

**The Hon. MARK PEARSON:** Until you sell it to somebody who is not in the industry.

**Mr NOYCE:** Sure, but as long—

**The Hon. MARK PEARSON:** That is my question.

**Mr NOYCE:** But then it falls under the companion Act, does it not?

**The Hon. MARK PEARSON:** Yes, but under the Companion Animals Act there is no obligation for my dog to be tracked by the community or the regulator until the end of its life.

**Mr NOYCE:** Perhaps if I could take that question on notice, I am happy to—

**The ACTING CHAIR:** Yes. I think the question really is this: Given that at the moment GWIC has no oversight of dogs that are outside of the industry, would you support a legislative fix that would give GWIC oversight of greyhounds that have been moved onto the Companion Animals Register?

**Mr NOYCE:** I remember going through the code of practice and all the little asterisks that referred to retired greyhounds late one night. It is important, because it is easy for us to do the pictures of "Cradle to Couch" but I think it is important that we live that. I have seen some beautiful examples of the joy that retired racers bring to people.

**The ACTING CHAIR:** You would support that legislative fix?

**Mr NOYCE:** I will take the question on notice and we will certainly come back within the 21 days.

**The ACTING CHAIR:** Thank you.

**The Hon. MARK PEARSON:** Thank you. That was very helpful.

**The ACTING CHAIR:** Mr Latham, did you have a question?

**The Hon. MARK LATHAM:** Thanks, Chair, and thank you, Mr Noyce and Ms Harper. Before this inquiry there has been a fair number of GBOTA members who have come and provided evidence of GWIC being vindictive, arrogant and over-policing. When they go to GBOTA with similar complaints, what is the process by which you, in representing their interests, try to get the matters resolved, and what sort of success rate would you have with GWIC?

**Mr NOYCE:** I think, Mark, human behaviour says people who get caught doing something generally do not have a positive word to say—excuse the pun. But I think we are building up a reputation. If I could answer it in a different way, I had a call from GWIC last week so I rang a gentleman on the Northern Rivers who had been charged with a matter where he hit a worker at a track. He was about to be thrown out of his house, he had no money and there was one other situation. We sent him \$200 to get some kibble for the dogs to make sure that they were okay. We organised some representation—sorry, he also had to go to court for the police matter for striking someone. So we are working with people like that. We have worked with two disqualified people recently and we funded their actual submissions to GWIC because we felt really strongly that the penalties did not fit the crime. We take phone calls at any hour of the night because people are upset and concerned. It was taking a long time to reach conclusions. Overall, Mark, I would say we are heading in the right direction of working with human beings and then taking our concerns to GWIC as best we can to get the best outcomes for everyone.

**The Hon. MARK LATHAM:** What success rate do you think you would have in talking to GWIC about these matters, not just for people who you have described who have been caught, but for those who are innocent?

**Mr NOYCE:** There used to be a charges list at GWIC. If I was charged with jaywalking or murder, I was put on the same list. That was grossly unfair. The last month GWIC have agreed to eliminate that. That is very much a step in the right direction. Kristy-Lea Harper spoke about the interim suspensions that were on there for up to 18 months. There are currently no interim suspensions that GWIC have. They have dealt with every issue. Is everyone happy with the outcomes? They may not be, but at least a decision has been made and you know where you stand. We are not perfect, Mark; human beings are not perfect and greyhound trainers are not perfect. We get cranky at times, but I think it is about sitting down with people and being genuine about the empathy we give to them. Sometimes I say to Kristy, "If you don't break the rules, you don't get in trouble in life." There needs to be that balance there. I hope that helps answer your question, Mr Latham.

**The Hon. MARK LATHAM:** In terms of your own policies, does GBOTA support the power of those GWIC inspectors with cameras, as you mentioned earlier on, to walk onto people's properties unannounced and without a warrant?

**Mr NOYCE:** My understanding is that unannounced is very unusual. I think, Mark, when I got there two years ago, there was a big hue and cry about the inspectors and people were concerned. I can honestly tell you I have not had one person in at least the last 18 months contact me with a concern, whereas when I first got there, I probably got two or three a month. I think leadership comes from the top. There has been a significant change in the leadership at GWIC, with much more of a customer-based—people do not turn up with cameras on now, Mark, whereas they used to just turn up with the camera on. They do not turn up with the camera on now, unless they find something that alarms them enormously. They are the subtle changes and they are the pendulum that I keep saying is getting back, with still some work to go.

**The Hon. COURTNEY HOUSSOS:** I just have one question arising from your submission, which I found quite helpful, so thank you. On page 7 you talk about the administrative base disciplinary model and that there are better options. Can you just explain what those better options would be?

**Ms HARPER:** Basically, I do not know if anybody has ever read some of the letters that used to be sent out by GWIC in the early days, but I have a law degree and I was getting lost in them myself. Sending that out to participants who do not particularly have high literacy levels and whatnot was just completely unacceptable. Those letters have definitely got simplified over time, but we have certainly been lobbying for some time now for more opportunity for a participant to actually just tell their side of the story with support, rather than being expected to respond in writing in some legalistic way. It takes weeks to get those letters and then weeks to get a response, and the participant is all upset. They do not understand it and they are distressed.

I come from a union background where I would often sit with people through meetings where they were going to get terminated and things like that, and I think that with support a participant is best to sit in a room and actually give a statement. I had a participant who was charged with prohibited substance not long ago who rang me for help and we met for coffee. The distress and the pain that I saw—if the people making the decision had seen that, they would probably have come to the same conclusion as me: that she genuinely had no idea where they came from. I think having the opportunity to tell their side of the story may eliminate some of those stresses that people have because they might not like the outcome, but they have had the chance to sit there and ask every question and talk in their language. I think those sorts of outcomes are far better than letters going back and forth and then a letter saying, "You are disqualified." We get to support the people all the way through the process.

**The Hon. COURTNEY HOUSSOS:** I totally agree with you that it works better if there is a support person in there with them. Sorry if this is a dumb question: Is there a requirement or provision for that? Is that something you provide to your members and is that something you could expand?

**Ms HARPER:** We certainly already provide it to our members, yes.

**Mr NOYCE:** Excitingly, there was a three-way partnership created recently with GWIC, GRNSW and GBOTA for a participant support program. We 100 per cent correctly have a lot of focus on the welfare of greyhounds. I think as an industry we probably fail in the welfare of human beings. They work long hours, they do not get time off and they travel a lot. In a previous life, a lot of those characteristics affect people's health and mindset. We have set up a new program and we have each put \$20,000 in to fund it so that we can—they need our support and we are there for them. This is a big State, as you know better than anyone. This new program will have people around who—it is the extension of R U OK? Support is critical to us. I think, as Kristy said, the more human we can make that process, the better outcomes for everyone.

**The Hon. COURTNEY HOUSSOS:** So, sorry, there is a requirement to have support?

**Mr NOYCE:** You can have support, 100 per cent.

**Ms HARPER:** There is not a requirement at this point. I think that there should be. I am certainly looking forward to the steps and the move that Wade Birch is making in regards to this regional discipline type system because from consultation, as I understand, we would be having inspectors and stewards in a region and so participants build a relationship with them. As somebody who works as an interim track manager, you will see that participants end up building a relationship with certain stewards where they build a sense of trust. I think having those same people undertaking that discipline is probably not the worst thing in the world because there is actually that support and trust between the two, and they know that person. It is not just the legal person in Bathurst who they have never laid eyes on sending them a letter.

**The ACTING CHAIR:** This Committee has heard a number of explanations for why there might be some tension in the industry with GWIC. Firstly, it was a new organisation and a new regime. People resist change or do not like change. I sort of understand that. The second reason we heard was that GWIC was perhaps being heavy-handed and had not quite come to grips yet with the type of approach that it should have to the industry. The third thing we have been hearing is that a lot of the tension came from the funding and from the focus on the

funding being from GRNSW to GWIC. From your perspective, which of those were the reason for the friction and has that friction reduced as those things got better?

**Mr NOYCE:** For me, all three reasons were valid.

**The ACTING CHAIR:** And has it gotten better?

**Mr NOYCE:** Yes, 100 per cent. I think the funding is—I have probably got children older than you guys have. There has to be a break at some stage. When someone is funding someone else and then the group that is doing the funding—the participants are saying to them, "We need more prize money." "We cannot give you more prize money because we are funding those buggers," or different language. I think that built up the tension. We used words when it was set up: "lacking in real engagement and communication", "major lean towards enforcement rather than education", "misunderstanding", "miscommunication", "mistrust between participants and commission officers". In the strategic plan that has just come out—"research, engage, consult, inform, educate, support". That is the north pole and that is the south pole. Yes, they are words, but to me that is proof that there has been a shift. Things like interim suspensions all going—there are other actions that say it. Again, I am honest with you; we still have work to do. But, 100 per cent, everyone is heading in the right direction.

**Ms HARPER:** I would also agree on all three, but I would add a fourth one in, and I think that we say this often to GWIC. Early days, there was a complete lack of engagement and consultation with the industry. When you are trying to get people to do things for you or change things, you actually have to sit down and talk to them about why it is important that change needs to happen and actually get them to engage in that change, so they feel like they are a part of the process, and then get them to agree that the change is important and to undertake action for that change. Participants would just get sent an email that said, "We have loaded a new policy up onto the website," and that is just not good enough. We are certainly seeing that change in the consultation and in listening to people now, but it has taken a while.

**The ACTING CHAIR:** So that has gotten better, as well, over time?

**Ms HARPER:** Heaps better.

**The Hon. LOU AMATO:** Mr Noyce and Ms Harper, how many active participants are members of your organisation?

**Ms HARPER:** We have between 1,200 and 1,300 members.

**The Hon. LOU AMATO:** And how many participants would you say are in the industry more broadly that may not be members?

**Ms HARPER:** I would have to refer to the GWIC annual report for the answer to that one.

**Mr NOYCE:** I believe there are around 5,000 registered participants in the industry.

**The Hon. LOU AMATO:** About 5,000?

**Mr NOYCE:** Yes.

**The Hon. LOU AMATO:** That's quite a few, isn't it? That's pretty good.

**Ms HARPER:** I think it is also important to note that we represent many participants who are not members of the association. Even just in the last two weeks GWIC themselves have referred over six people to me, who are not members, that I am assisting. We assist them because we are the advocacy body, and we assist them because we are also leading the participant support program at the moment.

**The Hon. LOU AMATO:** Okay, that's very good. Can I just go back to your submission for a moment? I know we are running out of time. In your injury management report it says that from 2019-17 to 2019-20 the catastrophic racing injuries trend went down by 58 per cent. That is terrific. Can you give us a little bit more detail about how those trends came down?

**Mr NOYCE:** I think it all starts at the track. Again, I have talked about my professional sports career that used to be in rugby league. Everything was right and then the players went out and you lost total control. In the greyhound industry I believe our obligation and commitment to the participants is that when they turn up they know that the track will be curated, they will have the right machinery and we will provide them with a safe surface to race on. If we can do that then welfare, as I said earlier, becomes your number one priority. The things you can control—make sure you control them and make sure they are best practice. And then, we are in a collision sport, so you are going to have some jockeying and those sorts of things. The latest from the GWIC annual report is that since GWIC was established in 2017-18 there has been a 42 per cent reduction in catastrophic race day injuries, as well as 73 per cent fewer medical euthanasias. Heading in the right direction is about, as I said earlier,



prioritising safety and wellbeing and making sure that things we can control, like the tracks—anyway, I am sure Ms Harper probably has some thoughts as well.

**Ms HARPER:** Yes. Certainly there has been a consistent approach to track safety standards from both GWIC and GRNSW, but there have also been programs established by GRNSW and policies from GWIC that have contributed to that. I would think that the Race Injury Rebate Scheme that has been introduced by GRNSW, which covers the costs of major injuries, has certainly assisted to reduce the euthanasia rate. We have policies like the race day hydration policy that have contributed to assisting with race day injuries. I think it has been a cooperative approach from both GWIC and GRNSW that has contributed to that.

**The Hon. LOU AMATO:** Thank you both very much for your time.

**The ACTING CHAIR:** Unfortunately that is all we have time for. Thank you so much for your submission and for attending today; it has been very informative and useful for the Committee. To the extent that you took any questions on notice, you will have 21 days to return them. The secretariat will be in touch to give you information about that. The Committee will now take a 15-minute break but, for the benefit of members, we need to have a very short deliberative once we go off air. Thank you very much. We will be back at 11.30 a.m.

**Mr NOYCE:** Thank you again. We really appreciate it and I hope you gleaned our excitement.

**(The witnesses withdrew.)**

**(Short adjournment)**

**KATHRYN JURD**, General Counsel, RSPCA NSW, affirmed and examined

**RAY FERGUSON**, Scientific Officer, Australian Greyhound Working and Sporting Dog Veterinarians, Australian Veterinary Association, before the Committee via videoconference, affirmed and examined

**The ACTING CHAIR:** We will recommence. I welcome our next two witnesses. Would you like to commence by making a short opening statement? I will start with you first, Ms Jurd.

**Ms JURD:** Thank you. Perhaps just prior to that, if I could just convey my condolences in respect of the passing of Mr Anderson from the Coalition for the Protection of Greyhounds; I know they are appearing after me. Just personally and from the RSPCA I would like to convey my condolences in respect of that.

**The ACTING CHAIR:** Thank you.

**Ms JURD:** The RSPCA has operated continuously in New South Wales for 147 years. Our inspectors have enforced the Prevention of Cruelty to Animals Act or its predecessor for over 90 years. As a result of that history we are pleased to be able to offer insights from the perspective of an animal welfare charity that also has statutory obligations to enforce animal cruelty laws in New South Wales. I do not propose in this opening to summarise our submission, although I will note that the impact of COVID in delaying hearings has meant it is now exactly 12 months old. I do think it is important, however, that I clarify where we started from in preparing it. That is, where the terms of reference ask for an assessment of the regulatory impost on industry participants, we start by acknowledging that as sentient beings greyhounds have intrinsic moral value. They are deserving of protection from harm. That assessment also cannot deny recent historical reality that the industry has been categorically found to have failed greyhounds and publicly acceptable standards of animal welfare. It is not the point of our submission to relitigate those concerns, but they are the relevant context in which the Greyhound Welfare and Integrity Commission now finds itself operating.

I have been the RSPCA NSW nominee on the Animal Welfare Committee since June 2018. That committee has a statutorily defined role and it is empowered to provide advice to the commission on any matter relating to the welfare of greyhounds. A major task for the committee was the preparation and review of the greyhound industry code of practice. That code took many hundreds of hours of preparation. My diary records some 32 meetings over three years and countless hours preparing for and participating in meetings, and reviewing and providing comments on various draft iterations of the code and policy documents. Section 35 of the Act requires the code to include certain elements, including standards for keeping, treating, handling and care of greyhounds; the facilities where they are kept, trialled, trained and raced; and the procedures for such. The code therefore has a lot to achieve in its 20 pages. If I can come very briefly to the terms of reference, particularly:

- (a) the policies, procedures, mechanisms, and overarching principles of the Commission in relation to ... participants ...

The Lemma reform panel recommended separating the commercial from the regulatory function and the RSPCA considers that the evidentiary basis for that separation is robust. Prescriptive rules and standards are appropriate where government intends to achieve socially acceptable outcomes. For example, building codes can determine how far apart nails have to be spaced because the public expects scientific, specific and detailed standards. The same is true for greyhound racing, particularly in respect of participants who profit from and are responsible for the care of greyhounds.

Term of reference (b)—section 80 of the Act is the offence-creating provision. The offences listed within that section consist of regulatory-type offences and they have fine-only maximum penalties. The other offence-creation provision operates via section 39 of the Act and provides for certain provisions from the code to be called up and prosecuted as if they were offences contrary to the Act. Only standards 9.4 and 9.5 of the code have been identified as offence provisions and the maximum penalty is 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for two years, or both, in the case of an individual. In addition to criminal penalties applicable, there are additional race day integrity functions and disciplinary outcomes performed by GWIC. It is not apparent, however, that any proceedings in the New South Wales Local Court have been commenced since the Act commenced and it is not apparent from the GWIC annual report whether the decision to prosecute has been measured against community expectations to ensure that improved animal outcomes are discernible from enforcement actions undertaken.

I will note that, whilst in respect of term of reference (c) the Racing Appeal Tribunal has jurisdiction over horseracing and harness racing and has done for a long period of time, in relation to greyhound welfare that experience might not necessarily be transferable and certainly both industry and the regulatory arm have had to accommodate that change. The Greyhound Racing Act describes the functions and objectives of GWIC and Greyhound Racing New South Wales and it gives an indication of how the agencies are intended to relate to one another and the participants. GRNSW has some crucial greyhound welfare responsibilities prescribed by the Act,

including racetrack safety standards and greyhound rehoming. A principal objective of GWIC is to promote and protect the welfare of greyhounds. It is obvious that decisions directed towards optimal welfare outcomes—straight track racing or six-dog races being examples—may not be commercially sensible decisions. The Act grants an operating licence to GRNSW. They are listed and include that GRNSW is:

- (a) to be a commercially viable entity,
- (b) to exhibit a sense of social responsibility by having regard to the welfare of greyhounds,
- (c) to promote greyhound racing in the State as a competitive and sustainable industry with a high level of public trust.

We say this is problematic for a couple of reasons. Firstly, it prioritises commercial viability. Secondly, it prioritises a sense of social responsibility, whatever that might mean, over the reference to welfare. However, this is what I really want to identify: Welfare is not a state of being. Reserving the word "welfare" to indicate that an animal has or does not have veterinary or behavioural problems is meaningless unless the level of quality of an animal's welfare is specified. That is, it is on a continuum. One cannot just have welfare. A greyhounds does not own or experience welfare. It has to be on a continuum that needs to be described some way. And it needs to be described in a way that is meaningful.

The RSPCA says that the current level of public funding in respect of the industry is high and that there is no indication as to what processes GRNSW are going to adopt in order to fund GWIC properly. The industry must reach the point of self-sustainability, and if that is not happening over time then consideration might need to be given to set enforceable targets for financial viability. As I said, animal welfare is a state that can be measured, ranging from poor, very poor, to very good. Identifying changes to greyhound welfare requires the welfare of the greyhounds to be measured and monitored over time and other animal industries have done that.

It is not possible to accurately determine if the welfare of greyhounds in New South Wales has, on average, declined or improved since GWIC commenced. The available information on the websites relate largely to outputs such as money spent and policies implemented. This does not provide sufficient insight into the wellbeing of greyhounds because there is only limited information with respect of outcomes and even fewer outcome measures are reported. For the large number of greyhounds that are not euthanised but are reared, trained, raced, bred and retired to trainers held in shelters or on farmstays, their quality of life is not readily apparent. The best hope for greyhounds retiring from the industry surely is that they are capable of living in homes as a pet. If they are not given the skills to do so in advance of that expectation being foisted upon them, then the industry is saving dogs that cannot safely, happily or realistically enter a home environment.

**The ACTING CHAIR:** Dr Ferguson, did you have an opening statement?

**Dr FERGUSON:** Yes. The Australian Veterinary Association [AVA], which represents over 9,000 veterinarians nationally, welcomes this invitation to make a submission to this inquiry. In terms of the functions of GWIC, the AVA is satisfied with the manner in which GWIC is operating. The AVA supported the separation of the commercial and regulatory functions at the inquiry in 2017. We note that some of the issues raised by owners and trainers at previous hearings, especially related to drug swabs such as cobalt and arsenic and the use of animal products for training and the subsequent penalties applied, are mirrored in other States. Every other State jurisdiction has gone through the same issues.

**The Hon. MARK PEARSON:** Excuse me, Dr Ferguson, can you move your microphone closer to you or move yourself closer to the microphone? Every now and then you are a little bit too faint.

**Dr FERGUSON:** To repeat, I am saying that the AVA is satisfied with GWIC's functions and we supported the separation. We note that the issues that a lot of owners and trainers have raised at this inquiry related to drugs, the use of animal products and the subsequent penalties that apply are mirrored in other States. Everyone else is going through the same situation. We realise that GWIC are the police, that the integrity departments of all the greyhound jurisdictions are the police, and GWIC functions under six sets of rules and regulations, varying from the Prevention of Cruelty to Animals Act, the New South Wales Crimes Act and the code of practice, which has just been referred to. It is an enormously difficult task that they are under. We support the vision of GWIC for a high standard of welfare and integrity. To fulfil this, we feel that a lot more veterinarians need to be employed by GWIC in welfare roles as welfare inspectors and officers, as on-track veterinarians and as integrity officers and inspectors.

**The ACTING CHAIR:** Dr Ferguson, could I interrupt you? I am very sorry. We are having trouble hearing you very well. Could you maybe try without your headphones? Is there another way that you could perhaps—

**Dr FERGUSON:** Okay. Does that help?

**The ACTING CHAIR:** Yes, that is much better. Thank you. Continue.

**Dr FERGUSON:** That is better?

**The ACTING CHAIR:** Yes.

**Dr FERGUSON:** Shall I briefly start again?

**The ACTING CHAIR:** If you could go from where you were at.

**The Hon. WES FANG:** He might need to unplug his headphones as well.

**The ACTING CHAIR:** Have you unplugged your headphones?

**Dr FERGUSON:** Yes.

**The ACTING CHAIR:** Continue.

**Dr FERGUSON:** We support the vision of GWIC for a high standard of welfare and integrity. We note that to fulfil this we need increased veterinary staff as welfare officers who are on-track veterinarians and as integrity officers. We note from the GWIC report that only about 50 per cent of kennels are being inspected by welfare and integrity officers in any one year. This is not satisfactory but we realise that this is an existing problem. We also realise that it is a geography problem, that New South Wales is such a huge State that to get from Wagga Wagga to Grafton to the South Coast is an enormous task for a group that is largely based in Bathurst. Every other State has a much smaller geographical area to conduct its operations from.

We wish to point out that at a university level there is no training in greyhound medicine and surgery and that there is the generation of older veterinarians starting to retire and there is insufficient training for younger veterinarians coming into the industry. The AVA strongly advocates that there be greater funding provided for postgraduate training in greyhound medicine and surgery for the GWIC vets, for the Greyhound Racing NSW vets and for the general veterinary population.

**The ACTING CHAIR:** Dr Ferguson, I apologise for interrupting you once again. We still cannot hear you very well. If I could ask you to send in your opening statement so that we can include it that way, that might be very helpful. In the meantime I will ask the secretariat to give you a call and see if we can arrange a better way to be able to hear you.

**Dr FERGUSON:** Okay.

**The ACTING CHAIR:** Sorry about that. I don't know what is going on but we will try to fix it.

**Dr FERGUSON:** Does it help if I speak much louder?

**The ACTING CHAIR:** It does, and when you are facing towards the camera that does help as well.

**Dr FERGUSON:** Let's go on with it that way.

**The ACTING CHAIR:** Let's try that and see how it goes. We will start with questioning and if we do have more problems hearing you, then we will try to arrange another way.

**The Hon. MICK VEITCH:** And he is going to email his opening statement?

**The ACTING CHAIR:** And you will email your opening statement through the secretariat as well? That would be very helpful.

**Dr FERGUSON:** Yes.

**The ACTING CHAIR:** Excellent.

**The Hon. COURTNEY HOUSSOS:** I thank you both for your submissions and for your time today. Our previous witnesses this morning, whom I do not expect you have seen, were from the Greyhound Breeders Owners and Trainers Association. In their submission they talk about how from 1 January this year we have seen a new code of practice, which you talked about, Ms Jurd, in your opening statement. They said that it sets the highest minimum welfare standards across Australia and they talked about that this is a real step forward for animal welfare. I am mindful of your comments in your opening statement, but I would be really interested to hear about how you think this is working and whether you think there can be further improvements to the standard. I will start with Ms Jurd and then go to Dr Ferguson.

**Ms JURD:** I have not done a comparison across State lines of the New South Wales code versus other codes. Obviously when it was being written, there were standards and guidelines that were pulled from other States, particularly Victoria, which was further along in its code development. And there was attention paid to the fact that there are other applicable animal welfare codes in New South Wales—for example, the breeding code—that applied to greyhounds, being that they are dogs and often bred. So there were a lot of things that impacted

upon the development of the code. As to whether or not it "meets the highest minimum welfare standards", I am not entirely sure. It does some things well and it makes steps in some regards that I think we can be very proud of. The exercise, socialisation and enrichment provisions within the code are quite robust, I think, although I have to admit being somewhat disappointed reading the transcript of participants giving evidence before this Committee where those very standards are called the "give your dog a toy" standards. That is not the point of them. They obviously need to do more so that more greyhounds are pet ready when they leave the industry. The provisions are there. How they get incorporated by participants and adopted probably remains to be seen.

I have given you one positive example. I will give you one negative example. The space requirements for kennels, to my mind, go nowhere near far enough for dogs that can spend 23½ hours a day in a kennel. If they are not being trained or trialled that day, then a lactating female, for example, who is not allowed to be raced or trialled can spend 23 hours a day just with her pups, only able to leave the whelping box and get back into the whelping box. To my mind, the kennel sizes are inadequate.

**The ACTING CHAIR:** Dr Ferguson, did you want to respond to that?

**Dr FERGUSON:** The code of practice was developed in association with the code of practice that came out of Victoria. I was involved by the AVA in the development of that code of practice. It is very expensive [inaudible]. I find that the main issue with the code of practice is having people to go around and enforce it. The [inaudible] kennels spacing—the breeding bitches can [inaudible]. The science of the racing dog kennels is that if we have got greyhounds in large runs, they are such active devils that they can overtrain themselves. So it is important that they are in the smaller runs. But the provision of the code of practice says that they must be exercised at least five times a day. So they are [inaudible] times a day by the trainer. So there is a lot of positive interaction going on [inaudible] for the code of practice anyway.

**The Hon. WES FANG:** Ms Jurd, I just wanted to take you back to your opening statement. I think one or two paragraphs before the end you talked about the financial sustainability.

**Ms JURD:** Yes.

**The Hon. WES FANG:** Would you mind re-reading the paragraph again? Is that possible?

**Ms JURD:** I had to chop a lot out of it because I was conscious I was already well over time.

**The Hon. WES FANG:** I think you referred to Greyhound Racing NSW funding GWIC.

**Ms JURD:** I said the current level of public funding remains high and there is no indication as to what processes GRNSW are to adopt in order to fund GWIC.

**The Hon. WES FANG:** We made the point today that GWIC is now funded by the Government through the betting taxes and the NSW Treasury.

**Ms JURD:** Yes.

**The Hon. WES FANG:** It is actually completely separated from Greyhound Racing NSW. Does that, in your mind, improve the situation?

**Ms JURD:** That was one of the examples that has changed since we wrote our submission, obviously. I think to some extent it does except there has been an expectation that the industry will begin to support itself. Taxing goes a long way to doing that, but the Government is still making up the shortfall, and a not insignificant amount of shortfall. In the same boat, the RSPCA, for example, and the Animal Welfare League receive relatively small amounts of perpetual government funding and now submit to approved charitable organisation [ACO] inquiries each year, for example. If those high standards of funding are going to be maintained, then there needs to be some oversight over how exactly and what exactly it is being used for.

**The Hon. WES FANG:** I am curious as to the comparison that you have made there. Obviously the Government has made a commitment to supporting the greyhound racing industry, therefore we are going to support the independent regulator through the means that we have provided with betting taxes and from Treasury we are funding that organisation. Why is there a comparison between the funding that they receive versus the funding, say, your organisation receives? Why is that of concern to you?

**Ms JURD:** The quantum is not of any concern to me; the fact of the oversight is.

**The Hon. WES FANG:** And you do not believe that there is enough oversight of GWIC?

**Ms JURD:** I think that if animal welfare organisations, be they publicly funded or privately funded, are going to receive any amount of public funding, then they should report to government.

**The Hon. WES FANG:** What do you think that GWIC should be required to do for its funding that it is not currently doing at the moment?

**Ms JURD:** I am not aware of what the oversight requirements are in respect of the government funding.

**The Hon. WES FANG:** But that is my point. You are critical of it but you are not sure of what—I am just curious. I am trying to establish what it is that you think needs to occur here—because that has happened, the Government has actually funded it.

**Ms JURD:** Yes.

**The Hon. WES FANG:** What is it that you think, compared to, say, your organisation, needs to occur that currently the arrangements are not there?

**Ms JURD:** I am not sure I was critical of it; I made the comparison. The point that I say is that, for example, the ACOs are going to participate and report to the standing committee—I think it is portfolio No. 7—

**The Hon. MICK VEITCH:** Portfolio Committee No. 4.

**Ms JURD:** I appreciate that, Mr Veitch, Portfolio Committee No. 4, and there are standing terms of reference that are going to be answered and public submissions will be accepted. I say that is a robust amount of oversight.

**The Hon. WES FANG:** But GWIC also has this select committee looking into GWIC itself. Is that not a reasonable—

**Ms JURD:** As did the ACOs this time last year, or the year before. So we are in the exact same boat, I am saying.

**The Hon. WES FANG:** Which is exactly the point that I was making before. Anyway.

**The Hon. MARK BANASIAK:** Can I pick up on that and pre-empt Mr Veitch's question? Given that the ACOs are appearing before an inquiry, would you support GWIC appearing before an annual inquiry, not necessarily Portfolio Committee No. 4 but perhaps a committee that deals with a lot of these oversight bodies?

**Ms JURD:** Yes.

**The Hon. MARK BANASIAK:** Yes.

**The ACTING CHAIR:** Could I direct this question to you, Ms Jurd? In your submission you talk about, as you say, this spectrum of welfare is not a binary: you do not either have or not have welfare. As we have seen in a lot of different issues that this Parliament has been debating in the last few years, there is quite a difference in what constitutes welfare, depending on perhaps your perspective on animal rights and particular industries. During the last set of hearings for this inquiry, we heard a number of participants talk about "canine athletes", and we were told that greyhounds are not dogs, they are "canine athletes" and need to be treated as such. This was very much in the context of comments around dogs being given toys and dogs being given water and dogs being given whatever. Could you talk us through the consequences of treating greyhounds like canine athletes when it comes to rehoming, particularly the mental health aspects, versus just keeping them alive?

**Ms JURD:** Yes. I do not purport any expertise in respect of animal welfare per se. I am a lawyer and that is the skills that I offered the GWIC animal welfare committee when I was nominated and that is what I have provided, I hope. I will say though that there is peer review literature available in relation to welfare standards, domains modelling—and I think we give a reference to that and a link in our submission. Really, the RSPCA says animal welfare needs to relate to the particular animal that one has in front of them and that regardless of what humans hope to get out of animals, whether that be athleticism or companionship or whatever it is, that it is capable of being measured. If the greyhound industry wants to meet public expectations about the welfare of their animals, they need to engage with the scientific literature. There needs to be research done, and that research needs to be available publicly. It needs to be robust and scientifically considered. So to the extent that people hope to get things out of their animals, I just do not proffer any particular expertise about that. But I will say that there are standards that can be measured against and that ought to be applied to greyhounds as well as any other animal that humans engage with.

**The Hon. MARK PEARSON:** This is a question to both of you. Would you consider the rearing, looking for specific traits in greyhounds which are traits which will make the greyhound perform better and then rearing those greyhounds up and then training them, if it was discovered that the very selection of the particular traits, the rearing up, the training and the racing causes the likelihood of catastrophic injuries or other injuries, together with other features such as the shape of the track et cetera, but if it could be shown—and perhaps you as a lawyer could answer this—could it come into question whether the animal is being treated in a potential breach

of the Prevention of Cruelty to Animals Act [POCTAA] by being bred up and trained and the likelihood of these catastrophic injuries that it suffers from are a direct consequence of those various things. So in the legislation, to cause unnecessary, unjustified and unreasonable distress and suffering or pain and to overwork and to overdrive or abuse. I know that is a bit of a loaded question.

**The Hon. WES FANG:** That is usually my job.

**The Hon. SAM FARRAWAY:** That is unlike you.

**The Hon. MARK PEARSON:** But in reflection of POCTAA, I seek your legal advice.

**The Hon. SAM FARRAWAY:** Charge him.

**The Hon. MARK PEARSON:** The commission does.

**Ms JURD:** I am not convinced that rearing practices, breeding practices, selecting towards greyhounds that may or may not ultimately do well in racing, could constitute in and of itself an offence contrary to the Prevention of Cruelty to Animals Act, as I understand it. But I do pick up what you are saying in that are we selecting out of the industry animals that are completely unsuitable to becoming pets at the end of the day. If that is four or five years down the track, is that something that people are willing to fund as an okay outcome of the industry. That is not really for me to say. Whilst possibly I do not accept the premise of your question, I take the point of its conclusion that it may be that you are selecting out of a cohort that will not ultimately or will find it very difficult to transition to pet status. I do not know if Dr Ferguson might have a view about the rearing.

**Dr FERGUSON:** I certainly do. There is no correlation between how we rear a dog and how well they are going to chase. Some dogs that are the fastest and fiercest chasers are absolutely wonderful pets. And others that do not make it as really good chasers can be difficult to rehome in a pet home. Some of these dogs make excellent pets on rural properties et cetera. The training of the dogs always starts at a young age. I always say that [inaudible] in that they get taught to chase a lure, or whatever, around the yard and jump out of the box and the rest is up to the dog. With any catastrophic [inaudible]—

**The Hon. MARK PEARSON:** Can we get Dr Ferguson on the phone?

**The ACTING CHAIR:** Apologies, Dr Ferguson, we are having trouble hearing you again. We are going to try and get you on the phone instead.

**Dr FERGUSON:** Okay.

**The ACTING CHAIR:** Stand by.

**The Hon. MARK PEARSON:** I just think it is important to get that evidence.

**The ACTING CHAIR:** If you would just turn off your Webex now, you will receive you a call and we will get you hooked in by phone. In the meantime I will go to the Hon. Mark Latham. Do you have a question for Ms Jurd while Dr Ferguson is changing technology modes?

**The Hon. MARK LATHAM:** Yes, thank you, Chair. I have also a question for Dr Ferguson when he comes back, if that is possible. To Ms Jurd, and perhaps you need to take this on notice: How many animals would the RSPCA take in and how many are rehomed as pets?

**Ms JURD:** It is available in our annual report. I can call that up very quickly. I did get statistics in advance of today in respect of our rehoming of greyhounds. That is over the financial year 2020-21. The RSPCA had 50 greyhounds come into its shelters, rehomed 21, 15 were reclaimed and seven were euthanised, six were transferred to rescue and one passed away upon entry to the RSPCA.

**The Hon. MARK LATHAM:** And what about all animals?

**Ms JURD:** I will take that on notice, because I can pull that out of the annual report very quickly and send it to the secretariat.

**The ACTING CHAIR:** We have Dr Ferguson now via phone link. Can we just check that we can hear you, Dr Ferguson.

**Dr FERGUSON:** Okay, I am talking to you now. Have you got me?

**The ACTING CHAIR:** Yes, fantastic.

**Dr FERGUSON:** Righto.

**The ACTING CHAIR:** I will just allow Dr Ferguson the opportunity to respond to the questions asked of him before. And then we will come back to the Hon. Mark Latham.

**Dr FERGUSON:** Yes. We were responding to the question about retraining and the potential for training to predispose to catastrophic injuries. No, that just does not happen. The potential for training to affect the outcome of dogs becoming pets also does not happen in that some of our very, very fastest and most competitive chasers make excellent house pets and at the other end of the scale some slow dogs just do not make good pets. This all fits, as I see it, within a fairly normal distribution of dogs' personalities, whether they be greyhounds or German shepherds or whatever. The training starts at a very young age, as it does with all breeds of dogs. If you are training up a border collie or a kelpie to work stock, then they go out with the older dogs as early as they can.

Greyhound trainers do the same thing with their young pups, where they teach them to chase squeaky toys or fluffy dolls, or whatever, around. Essentially, once they have taught them to do that, all they have to do is teach the dogs to come out of the boxes and the greyhounds are trained. During this time there is active socialisation. The code of practice which is now in place encourages, well, it demands increased socialisation for the dogs. The trainers that claimed they are breeding pets, I just refute that claim. They tend to be people that want things the way they were back in the early days of the eighties and nineties and they refuse to accept that society has changed and welfare standards have changed and welfare expectations have changed.

**The ACTING CHAIR:** Thank you.

**The Hon. MARK LATHAM:** My question to Dr Ferguson, during the course of this inquiry GWIC announced that for greyhound owners or trainers who might have a dog, say, that bit their grandchild, that they can no longer take that dog to their local community-based vet for assessment and possible euthanasia, if the dog is vicious and is likely to do it again. They have to take it to their local government council pound. What is your association's view of that policy, which is quite a slur against your members, and what expertise would we expect in council pounds where anecdotally you could say that lots of dogs go in and not many come out?

**Dr FERGUSON:** I am not so sure of the rule in New South Wales, but that is certainly not the rule in Victoria and other States. Because of the new code of practice, I would suspect that rule has changed. To euthanise a greyhound currently you must notify the controlling body of your intentions to euthanise it and give reasons to euthanise it. A veterinary surgeon can simply sign off on the fact that the dog is savage and that the dog bit the child and then the dog is euthanised by the veterinarian. I do not support at all a veterinarian not being able to euthanise a dog because it has attacked a child. Certainly, it has no right to go to a pound. It is not the pound's responsibility; they are not the people who are trained to ascertain whether such a dog should be put down. But, Mr Latham, it does not matter what breed of dog it is; once a dog bites a child that dog needs to be euthanised.

**The Hon. MARK LATHAM:** Thank you.

**Ms JURD:** Might I just pick up on that?

**The ACTING CHAIR:** Please do.

**Ms JURD:** I saw the exchange in relation to the relationship between the Prevention of Cruelty to Animals Act, the Greyhound Racing Act, the code and the Companion Animals Act [CAA]. Those Acts do not historically, and still do not, speak to each other very well, if at all. A veterinary practitioner has a power to euthanise an animal if it is in such a physical condition that it is cruel to be kept alive, in accordance with section 26AA of the Prevention of Cruelty to Animals Act. That is separate to the dangerous dog provisions in the Companion Animals Act. In relation to the determination as to whether or not a dog is dangerous or declared dangerous, there are criteria within the CAA about that.

The Acts do not talk to each other and so it is very difficult for any vet to have a power to euthanise the animal unless it is in such a physical condition that it is cruel to be kept alive. Whether or not they will accede to a request that an animal be euthanised is another thing. I refer members to footnote 29 of the RSPCA submission about seriously injured greyhounds having behavioural problems, such as anxiety or predatory aggression, and being at a greater risk of suffering a poor quality of life long term or not being able to be safely rehomed. That peer-reviewed study is found at footnote 29 of our submission.

**The Hon. MICK VEITCH:** Very quickly to Dr Ferguson, in your submission, or the submission of your organisation, in recommendation 6 you talk about having an annual meeting with the integrity commission to work through a number of issues that have developed throughout the year. Since you wrote your submission has that occurred? If not, can I ask why it is such an important initiative?

**Dr FERGUSON:** No, that meeting has not occurred. The AVA put that forward so that it would give the welfare people within AVA an overview as to how progress was going within GWIC as regards animal welfare.

**The Hon. MICK VEITCH:** You have a chance because the Committee will make a series of recommendations. Is this one of the recommendations you would push for this Committee to put forward?



**Dr FERGUSON:** Yes, it is. Amongst our other recommendations, though, I would be more enthusiastic about the education of veterinarians.

**The Hon. MICK VEITCH:** I think that was recommendation 7 or 8, where you talk about postgraduate studies. In your opening statement, which we did not quite hear but which we will receive electronically, you talked about that. Do you want to reiterate why it is important to your industry?

**Dr FERGUSON:** The education of veterinarians?

**The Hon. MICK VEITCH:** Yes, postgraduate education in that area.

**Dr FERGUSON:** Okay. There is no university in Australia that teaches greyhound medicine and surgery. I used to provide some lectures to Melbourne university up until a few years ago. That has stopped. Industries get what they demand. When the livestock industry demanded more veterinarians to come into rural practice, we built Charles Sturt in Wagga and we built James Cook at Townsville. But the greyhound industry did not demand that greyhound medicine and surgery be taught at either of those places. To the best of my knowledge, the greyhound industry has never gone to the deans of the various universities to ask them to teach greyhound medicine and surgery; the AVA has gone on several occasions.

Over the years I have written to the deans of all the various universities, particularly when Wagga started, which I thought was a great opportunity to be teaching this discipline because of the large numbers of greyhound tracks in New South Wales. The universities are just not interested, so the industry has to do it itself. Veterinary practitioners who are trained in greyhound medicine and surgery also provide wonderful sentinels for welfare and integrity issues because a greyhound that comes in with massive fight wounds or something similar can alert that veterinarian to the fact that there may be welfare concerns on that trainer's or rearer's property. Similarly with the training of our on-track veterinarians, they are also sentinels for welfare and integrity issues.

**The ACTING CHAIR:** Unfortunately, that is all we have time for in this session. I thank you both for your submissions and for attending. I apologise for the technology problems that we are experiencing; I know how frustrating it is but I think we got there in the end. To the extent any questions were taken on notice, you will have 21 days to respond. The secretariat will be in touch to explain that process. Thank you for your time.

**(The witnesses withdrew.)**

**FIONA CHISHOLM**, NSW Director, Coalition for the Protection of Greyhounds, affirmed and examined

**LYNDA STONER**, Chief Executive Officer, Animal Liberation, affirmed and examined

**ROSEMARY ELLIOTT**, President, Sentient, The Veterinary Institute for Animal Ethics, sworn and examined

**CAROLINE HOETZER**, Committee member, Sentient, The Veterinary Institute for Animal Ethics, affirmed and examined

**The ACTING CHAIR:** I welcome our next witnesses, but before I introduce our witnesses, I would like to express my sorrow and deepest sympathies to the Coalition for the Protection of Greyhounds in relation to the recent passing of Dennis Anderson. He was a voice for the voiceless. He has gone but is not forgotten.

**Ms CHISHOLM:** Thank you for your comments about our president.

**The ACTING CHAIR:** I invite you each to make an opening statement, but try to keep it brief so that we have got lots of time for questions.

**Dr ELLIOTT:** Along with my colleague Dr Caroline Hoetzer I represent Sentient, which is an independent veterinary association dedicated to animal advocacy. As an organisation with no industry sponsorship or affiliations, one of our key principles is to promote independent oversight of animal welfare. This is essential to protect the interest of animals from being sacrificed to those of individuals and corporations who benefit from their use. Profit and greed remain strong drivers of legalised animal cruelty. The evidence presented to the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales established in 2015 offered overwhelming grounds for the proposed ban on this industry and these grounds remain. It is shameful that the State Government overturned this ban.

Sentient commended the establishment of the Greyhound Welfare and Integrity Commission in 2018 and we thank the Committee for inviting us to this hearing. We acknowledge the commission's attempts to safeguard greyhound welfare but recognise that some of its objectives and functions fall far short of the McHugh inquiry's recommendations. Having closely followed the so-called improvements in the regulation of greyhound racing we note that these have not been matched by sufficient reductions in injury, mortality and euthanasia rates or by acceptable rehoming rates by the industry. Accountability is still the missing factor. For the commission to succeed as the independent regulator of the greyhound racing industry in New South Wales while this industry remains legal, its sole purpose must be to promote and protect the welfare of greyhounds.

This regulatory role can never be achieved if the commission's other objectives are to safeguard the integrity of greyhound racing—an impossible task where animals are used for betting—and to maintain public confidence in an industry that has lost its social licence to exist. The commission has an enormous task to achieve in stamping out the crime, corruption and indifference to the welfare of animals that has long plagued greyhound racing in New South Wales. We support the commission's true purpose and hope to assist through our involvement in this inquiry. Thank you.

**Ms STONER:** I thank the Committee for extending an invitation to Animal Liberation to speak today to this inquiry into greyhound welfare and the integrity commission. I am also grateful to the Committee staff for their ongoing courtesy, assistance and professionalism to Animal Liberation, and I am delighted to sit alongside like-minded organisations. I, too, would like to thank you for your acknowledgement of the loss of Dennis Anderson. We continue to witness the growing popular sentiment towards the welfare of animals combined with the diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue or unnecessary harm and exploitation. We are ongoing in our efforts to raise the plight of greyhounds trapped in a commercial industry that forces them to run for gambling profits and views them as commodities, not companions, and we are in total agreement with all who sit here and RSPCA Australia on this.

Every time a greyhound is forced into a greyhound track starter box it is a catastrophe waiting to happen and this is what we continue to witness across New South Wales. We all know this and the industry's own statistics confirm this unacceptable toll on individual greyhounds. These beautiful dogs are conditioned and trained to run and chase for gambling profits. Whilst we acknowledge their great ability to run at phenomenal speed we consider them first and foremost as dogs—canines—with the same right to enjoy a high quality of life as all dogs are entitled to enjoy, including running for the simple pleasure of running rather than being forced to run for gambling proceeds and profit from which a select few and the New South Wales Government benefit.

We contend that the greyhound industry has never been and never will be a safe or humane environment for greyhounds. It does not matter how many inquiries we have or how much public money is being thrown at the industry, greyhounds continue to suffer an unnatural life, have extreme exploitation and cruelty, and they continue to suffer horrific injuries and deaths. Greyhound racing is a pastime which cannot be justified and notably in New

South Wales, with the current abhorrent injury and death rates, should be condemned by all decision-makers. Thank you.

**Ms CHISHOLM:** I am the Coalition for the Protection of Greyhounds [CPG] New South Wales State director. Thanks for the opportunity to appear today and thanks to the Greyhound Welfare and Integrity Commission inquiry staff who officially made all the arrangements. Firstly, some industry participants have urged this inquiry to abolish GWIC and return its functions to Greyhound Racing NSW. The separation of these two bodies is the only way to ensure greyhound welfare. Most importantly GWIC's customer satisfaction survey results collected anonymously provide solid evidence that most industry participants have little or no problem with the regulator. Those who still deny the need for reform will always criticise GWIC. So will those who do the wrong thing. As revealed by *The Sydney Morning Herald* on 14 November this year, more than 170 New South Wales trainers were found in breach by GWIC over the past two years. Only one of these trainers was banned for life and we urge the Committee to recommend that GWIC allocates maximum penalties and fewer suspended and concurrent penalties. This should apply for all serious breaches whether a first-time breach or not.

We also urge this Committee to recommend that performance targets are included, as promised by the New South Wales Government, in Greyhound Racing NSW's operating licence. For example, if Greyhound Racing NSW's licence was contingent on it hitting its own target of rehoming 1,000 dogs via its Greyhound Adoption Program [GAP] arm, which was a target listed in its strategic plan 2018 to 2021, this might have got done. Instead, GAP accepted only 319 dogs for the 2020-21 period, despite a budget of \$3 million. Meanwhile 477 dogs were accepted by community-run rescues and, if you have ever worked in rescue or volunteered in rescue, you know they run on the smell of an oily rag.

While on the subject of money, CPG urges the Committee to recommend that GWIC is empowered to report on outcomes achieved at each track for the industry's \$30 million spend on New South Wales tracks. So far zero is known about the return on investment achieved. When it comes to tracks, this Committee might like to know that more races are still being run on Richmond's curved track than on the new straight track beside it. We ask that you recommend GWIC is empowered to license tracks, and that is a good example of why it is needed. Richmond saw more greyhound deaths both last year and this year than any other track. Long-term racing industry journalist Bruce Teague wrote in the *Australian Racing Greyhound* on 20 September this year:

Flattish turns are a definite no-no for dog racing as runners can easily lose their balance and smash into nearby dogs (one glaring example is the Richmond 535m first turn).

That is a racing journalist who has been in the racing industry and writing about it for decades. Finally, I have some short comments for inquiry members. Ms Boyd and Mr Pearson, on behalf of the greyhounds who cannot speak for themselves, we thank you. Mr Latham, our president, who recently died and to whom this address is dedicated, noticed that you struggled with the concept of social licence in a past hearing. He wanted to let you know that section 1, paragraphs (1.96) to (1.19) of the McHugh report explain this concept in detail. Finally, to Liberal, The Nationals and Labor members, you had the opportunity in 2016 to end greyhounds' suffering and you did not do so. This inquiry gives you the opportunity to reduce greyhounds' suffering by supporting what we have outlined today and in our submission. Thank you.

**The ACTING CHAIR:** Thank you very much. I will start with one question and then hand over to the Opposition. I wanted to ask Sentient, one of the comments you made—[audio malfunction]. We are having technical issues—just for a change! We are getting back the Webex link shortly, but I will push on. One of the comments you mention in your submission, which has not been mentioned by others, and which I found really interesting, was whether or not you can have welfare and integrity within the same body, or have that as an objective for the same body. Could you perhaps talk a little bit about that idea of welfare being set apart from integrity?

**Dr ELLIOTT:** Yes, that was our first point, "The Commission's legislative objectives and functions", that section?

**The ACTING CHAIR:** Yes.

**Dr ELLIOTT:** What we meant by that, if you have a look at what GWIC—

**The ACTING CHAIR:** Could you just move the microphone slightly down towards your mouth?

**Dr ELLIOTT:** Is that better?

**The ACTING CHAIR:** That is much better. Thank you.

**Dr ELLIOTT:** If you look at the objectives outlined by GWIC, there are three of them. What we have said is only the first one should be valid. The sole purpose of GWIC, we would argue, must be to promote and

protect the welfare of greyhounds. This regulatory role cannot be achieved if the commission's other objectives are:

- to safeguard the integrity of greyhound racing—

"Safeguard"—that sounds like "protect". I will go on and come back to that. The second objective is:

- to maintain public confidence in the greyhound racing industry

To us, this is a conflict of interest. This is the very conflict of interest that was identified by the special commission of inquiry and by the Greyhound Industry Reform Panel, which prompted the establishment of GWIC. Without having the sole aim of overseeing compliance by Greyhound Racing NSW with regulations to protect greyhound racing, the commission then becomes another form of industry self-regulation under the guise of an independent auditor. In his report McHugh used the word "control" regulation, rather than "safeguard". I guess as we read through many of the things on the website and reports et cetera by GWIC, the language appears to reflect this constant conflict of interest in its operations. What we have put in our submission is:

... the integrity of the racing industry should be enforced and ensured in an authoritative rather than protective role.

What we are really saying here is that to be truly independent as an auditor of welfare—because welfare is what we are here for—it is the welfare of greyhounds that should be of concern to the commission, not actually the reputation or even the existence of the greyhound racing industry. I might ask my colleague Dr Caroline Hoetzer whether there is anything she would like to add.

**Dr HOETZER:** No, that is pretty much what I was going to say.

**The ACTING CHAIR:** Could I just drill down into that and then I will hand over? Let us say that I am aligned personally with the views here—

**The Hon. WES FANG:** No!

**The ACTING CHAIR:** I know, it is shocking.

**The Hon. WES FANG:** Next thing you will tell me Mark's with you.

**The Hon. MARK PEARSON:** Sometimes.

**The ACTING CHAIR:** Dr Elliott, do you think it is possible to have welfare, as you would understand the term, protected in the context of an industry that is racing dogs as commodities?

**Dr ELLIOTT:** No.

**The ACTING CHAIR:** Is it actually possible—

**Dr ELLIOTT:** I do not think it is possible. I think, though, that while the industry exists, we need an independent regulator, and that needs to be a truly independent regulator. When I have been through some of the reports on mortality and so on, I see things like re-categorising the status of an injury from serious—what is it, Dr Hoetzer?

**Dr HOETZER:** From major 2 to major 1.

**Dr ELLIOTT:** From major 2 to major 1. I do not feel the reporting is transparent. I have found instances where things are re-categorised so it looks like there are fewer serious injuries. A major 2 injury is where a dog is off the track for 42 days or more. Some of those were re-categorised as major 1, so that makes those really serious injuries look like there are fewer of them. Why would you do that unless you were making things look better for the industry? This is what I mean. I do not think it is possible, no, but I do think that the best way of making incremental improvements to protect more greyhounds from injury and death—I will say that according to the GWIC stats, only 48 per cent of greyhounds die of either natural causes, old age or diseases.

If someone said to me, "I've got a greyhound. I'm thinking of getting it raced". I would say, "You've got an over 50 per cent chance that that dog will not live out its natural life." The odds are against what we would like to see achieved, but I think to achieve it there really needs to be a priority—if the welfare of the greyhounds is protected, then you have got public confidence, and then the industry would have integrity. You do not need to add those two. I think the way they were phrased and then the discrepancies I see throughout the reports suggest to me that GWIC, despite being an independent regulator, is leaning into industry quite a lot. I can give many more examples of that later.

**The ACTING CHAIR:** Thank you. The Hon. Mark Pearson is itching to get in very quickly.

**The Hon. MARK PEARSON:** Just a quick question. What is the body that re-categorises an injury? Is it independent of the commission? Is it a body appointed by the commission? You can take it on notice if you like.

**Dr HOETZER:** I think that is the injury—

**Dr ELLIOTT:** It is the commission. The commission has established—

**The Hon. MARK PEARSON:** An animal welfare body?

**Dr HOETZER:** It is an injury—

**Dr ELLIOTT:** There is an Animal Welfare Committee but there is also a Race Injury Review Panel.

**The Hon. MARK PEARSON:** Do you know if there is a veterinarian or two or more on that?

**Dr ELLIOTT:** There are veterinarians on the Animal Welfare Committee. I actually do not know who is on the Race Injury Review Panel. It was established to provide a systematic review of serious and catastrophic injuries—they were called the major 2 and catastrophic injuries—to the greyhounds while they are on the New South Wales tracks, not when they are training. It is like when there is a human death: there is a root cause analysis and then you make recommendations. They are supposed to come up with recommendations. The recommendations I have seen have been extremely flimsy, like doing post-mortems. I have not seen any recommendations about proper track design. We have a lot of evidence now.

I have tabled a report by Professor Andrew Knight, a veterinarian in the UK who has done a lot of work on greyhound racing welfare there. He is not in approval of the industry but he has set out many incremental improvements that could save dogs' lives and save dogs from injuries. That document is being circulated among Committee members at the moment. I have not seen any of those adopted by the Race Injury Review Panel. There is even an acknowledgement in the injury data, which come out every quarter, that of course you will get more injuries in two particular seasons of the year. My question there would be if the commission is really serious about animal welfare, why would it not do what even the live export trade has done and say, "Okay, there is no greyhound racing during the hot seasons", instead of just saying, "Oh, well, we'll always get more deaths during those two seasons or those two quarters"? These are examples where I feel the conflict of interest. I feel like the commission is not truly independent and solely on the side of greyhound welfare.

**The Hon. MICK VEITCH:** Ms Stoner, in one of the recommendations in Animals Australia's submission—thank you all for your attendance and submissions—you talk about making tracks safer: "GWIC must be given the power to make tracks safer." The submission goes on with a number of suggested items to do this, including setting minimum standards, licensing. There are two components to this question. The first thing is: How do you see GWIC actually undertaking that function as per your recommendation? The second thing is an update on how many tracks have been improved and straightened in New South Wales since 2016. I will go to Ms Stoner first, and then I would not mind getting all of your views around track safety and what standards should be put in place.

**Ms STONER:** Thank you, Mr Veitch. I am with Animal Liberation, but it is very similar. Obviously, oval tracks should be done away with. That is what causes a high rate of injuries and, ultimately, death. More money has to go into straight tracks, which have proven again and again to be much safer for these dogs. My colleague Fiona Chisholm would be able to assist with the second part of your question. If I could just say, we are very pleased that the Minister has pledged \$25 million for improvements, but our concern is that a lot of the money will be spent more on human considerations than canine considerations, such as improving seating for attendees and such like. Money should rather be given to GWIC to help them better undertake their job, which is the welfare of these dogs. The Minister referred to greyhounds as being athletes, but we do not take wounded or injured athletes and shoot them or bury them or whatever. We must be spending more time helping and fixing these dogs. Just because they are not profitable any longer should not be any reason to kill them.

**Ms CHISHOLM:** Mr Veitch, you touched on a very key point, which is the complete lack of clarity about track standards. One of the big gaping areas of clarity is the fact that GWIC could not issue the track standards document, even though it had proved it for Greyhound Racing NSW, which has the responsibility to develop those track standards. Consequently, there has been a complete lack of accountability and clarity about what is being done to each particular track and what the return on investment is for the money that is being spent—the \$30 million of public money that has been allocated by the Government to spend on improving New South Wales tracks. There is no documentation available that Greyhound Racing NSW will release that allows that analysis to be done. On top of that, a lot of the research they commissioned by the University of Technology Sydney [UTS] has not been made public. This is an extraordinary lack of clarity and transparency. If you have nothing to hide, why wouldn't all of UTS's research papers be on open access? If you go and look them up, a

couple are, but the vast majority are there so you can see that the academics have published, but they are on closed access. Nobody can get to see them.

**The Hon. WES FANG:** It is a conspiracy.

**Ms CHISHOLM:** The most critical thing with the track standards document is, the document that finally got put on the Greyhound Racing NSW website does not even have a date on it. You cannot tell if that is one of the earlier versions that was a draft version because the draft version was not clear either. There is a real problem with accountability and clarity. That track standards document should have a date on it to say that it is the final version and GWIC should be empowered to release it, not the world sitting around waiting for Greyhound Racing NSW to get their act together.

**The Hon. MICK VEITCH:** Sorry, Ms Stoner, it was actually the Animal Liberation submission that I was citing from. I do apologise. It talks about licensing. I think in the opening statements there was a discussion around licensing of tracks as well. How would you see the licensing regime being created and then implemented and monitored?

**Ms CHISHOLM:** It could readily be done under the Greyhound Racing Act and under the regs. The obvious body to be able to licence those tracks is GWIC. At the moment, Greyhound Racing NSW has control over all those tracks. GWIC cannot impose any performance standards on that. This \$30 million of public money—

**The Hon. WES FANG:** It is \$25 million.

**Ms CHISHOLM:** —is being handed over without any independent oversight to assess whether the money that has been spent on those tracks is getting any return on investment for the taxpayer. It is just not right. I do not imagine that the New South Wales Auditor-General would think that—and I have looked at their standards for public transparency and accountability—the way the \$30 million is being handled would meet those standards.

**The Hon. MICK VEITCH:** Finally, you lodged your submissions quite some time ago. This Committee has been going for a while. There is an opportunity here for you to lodge an addendum or add on top of your submission. Is there anything you would like to add to your submissions since you lodged them? Animal Liberation lodged theirs on 4 December last year. It has been 12 months. Is there anything that has happened that you want to talk about that is not in your submission?

**Ms STONER:** Thank you, Mr Veitch. I would like to share a quote from *The Guardian*. It is from a woman whose father was a greyhound racer. She says:

The problem for the industry is the fact that such practices—

Like live baiting, bleeding—

—are not optional extras. They are an integral part of the business, part of the secret culture that will not be stopped while ever money is involved. The wastage is inevitable given how many dogs must be bred in order to produce a winner. This is why the industry is beyond reform and must be shut down ... for within the happy, social "we love our dogs" industry is a rotten core, based on cruelty, neglect and premature death. What kind of love is it that allows an owner to kill a healthy dog because it is no longer profitable? No love I am familiar with.

Animal Liberation would like to echo those sentiments.

**The ACTING CHAIR:** Thank you.

**The Hon. MICK VEITCH:** That is all from me.

**The Hon. COURTNEY HOUSSOS:** Would anyone else like to add something?

**Ms STONER:** I will just make one further comment since our submission because it was made in December last year. I have not seen any improvements. I had a look at the April to June GWIC 2021 injury report. Total injuries are increasing; 8 per cent are still Major II and catastrophic. To follow up on what Fiona Chisholm was saying, they acknowledge that race and track factors account for most of the major injuries, and the majority of them have occurred on turns. There were no recommendations from this report—none. I did not see anything about changing track design or how the \$23 million that racing Minister Kevin Anderson announced would be spent. We certainly second what Fiona says about the track design. I think GWIC is doing the report on this. I would like to see them have the authority to actually take control of the spending of that money. I do not think the New South Wales greyhound racing industry will be motivated to do so.

**The ACTING CHAIR:** Ms Chisholm, did you have anything additional to add to your submission?

**Ms CHISHOLM:** One of the things that we have been waiting for is to see the greyhound industry do as they undertook to do—and this is on the public record—which is come up with a coordinated approach to breeding nationally. The industry itself has said that there is no point in having breeding that relates just at a State level because of the interstate transfer and movement of greyhounds. The industry now is running late on coming up with a coordinated breeding policy. They have had four or five years since 2016. Where is it? Breeding is slowly increasing and recovering, so there is a real issue. The longer it is left, quite frankly, not only is it a concern to organisations such as ourselves, but it will become more and more of an issue for the industry itself. If it does not get this under control, it is going to be a major strategic problem for them.

**The Hon. WES FANG:** Thank you very much for appearing today. Thank you for coming and making your time available. Ms Chisholm, in relation to the track standards, they are all there on the Greyhound Racing NSW website. I know you have been looking at UTS papers and the like, but it is all on the website.

**Ms CHISHOLM:** It is not clear whether it is the final version.

**The Hon. WES FANG:** Oh, I'm sorry.

**Ms CHISHOLM:** It is not. We have looked at it closely.

**The Hon. WES FANG:** Oh, okay. My apologies. It's on the website.

**Ms CHISHOLM:** The key thing is that those standards should have been made public long ago.

**The Hon. WES FANG:** That is not the point you made earlier, though, is it?

**Ms CHISHOLM:** They should have been made available and released publicly so that people knew which was the final document.

**The Hon. WES FANG:** But they are on the website.

**Ms CHISHOLM:** It has been unclear.

**The Hon. WES FANG:** Well, I think it's pretty clear—

**The ACTING CHAIR:** Is there a question, Mr Fang?

**The Hon. WES FANG:** I'm sorry. I am providing a public service, Chair, but let me get to some questions.

**The ACTING CHAIR:** That's debatable, but go ahead.

**The Hon. MARK PEARSON:** I will be taking a point of order very shortly, Mr Fang.

**The Hon. WES FANG:** Will you? I'm looking forward to hearing it, Mr Pearson.

**The ACTING CHAIR:** Order!

**The Hon. MARK PEARSON:** Can you question the witness sensitively?

**The Hon. WES FANG:** Well, I am very sensitive. Witnesses, let's get down to brass tacks. I have heard a lot of the testimony and the submissions. In what circumstances—whether it be enforcement, track standards or animal welfare issues—would any of your organisations support the greyhound racing industry?

**Ms STONER:** I am happy to answer for now, Mr Fang. Thank you for the question. Obviously we are fighting for the abolition of greyhound racing, but we are not foolish enough to think that it is going to happen overnight. Until it does happen, as it is happening around the world, including in America, which first began greyhound racing—there are very few States that still permits greyhound racing. It really is literally a dying industry. Until it does die here, we welcome anything that makes the lives of these dogs better and safer, and that includes supporting Ms Boyd's plan—

**The Hon. WES FANG:** That is not quite the question I asked, though. The question that I asked was under what circumstances—this is like a blank piece of paper for you. Under what circumstances would you support greyhound racing?

**Ms STONER:** None.

**The Hon. WES FANG:** If you could design a set of greyhound racing—

**The Hon. MARK PEARSON:** Point of order—

**The Hon. WES FANG:** No, no—

**The ACTING CHAIR:** Order! I will hear the point of order.

**The Hon. MARK PEARSON:** I think the question has been very clearly answered by the witness. You just clarified the question and the witness has actually answered that question.

**The ACTING CHAIR:** Thank you. Mr Fang, if you could allow the witnesses to respond to the question. I do not mind if you want to waste your time asking the question again, but if you could let them finish their answers, that would be very much appreciated.

**The Hon. WES FANG:** My apologies, Chair. Thank you for your guidance; I appreciate it. Do the other witnesses perhaps want to provide a response?

**Dr ELLIOTT:** Yes, I will speak for Sentient. Under no circumstances would we support the greyhound racing industry—under none—and I would say the same for the live export industry.

**The Hon. WES FANG:** That's an awesome industry.

**Dr ELLIOTT:** There are a lot of similarities between those industries. You have the gold standard and you have incremental improvements. How many dogs are currently registered?

**Dr HOETZER:** Twenty-three thousand.

**Dr ELLIOTT:** Twenty-three thousand are currently registered, and many of them are racing or will race. I feel that if we have the knowledge about injuries and assessments of welfare and all of these issues, then we really have an obligation to use that to advocate for incremental improvements while it exists and for independent oversight. I do not think that GWIC can do the job though. This is an industry that is haunted by mass graves of dogs. What you catch through your eight inspectors for the whole State will be the tip of the iceberg. A lot of these dogs are kept in remote locations. The whole issue about rehoming—I mean, this is not even an industry that is taking responsibility for the lifelong care of its animals. It is rehoming 24 per cent of them directly through the Greyhound Adoption Program, despite all of this government funding.

**The Hon. WES FANG:** As much as I understand that, I guess it is coming to the very point that I am trying to—

**Dr ELLIOTT:** It is inherently cruel. If you had a dog—

**The Hon. WES FANG:** I have only got limited time.

**Dr ELLIOTT:** I want to answer the question. If you have a small dog or a large dog, or whatever, and you send them to day care and they come back with even a minor injury—if you care about your dog, you are not going to send it back there. You are going to get veterinary treatment and make a report. We are sending these dogs back—

**The Hon. WES FANG:** I appreciate the answer.

**The ACTING CHAIR:** Order! You need to allow the witness to answer the question.

**The Hon. WES FANG:** But she has answered. The question that I asked was—

**The ACTING CHAIR:** She was in the middle of her sentence.

**Dr ELLIOTT:** The injury rate is unacceptably high. It is not changing and it is an inherent risk to the dogs because of a lot of factors. One of them is the design of the tracks, which, to my knowledge, are mostly still circular. It is the fact that there are physical issues here about the forces when they are turning on the front rear leg and the back hind leg, which is the propulsion leg. It is also the fact that there is dehydration. There is a risk of collision.

**The Hon. WES FANG:** Not enough soft toys.

**Dr ELLIOTT:** In fact, most fractures are due to stress fractures. What is written off as only minor injuries—if a dog has enough minor injuries, they will have a major injury. There is no screening for them before they run, as they are now bringing into some of the bigger horse racing events, like the Melbourne Cup. It is inherently dangerous and we are sending them down the tracks knowing that. How could any animal welfare organisation support such an industry?

**The Hon. WES FANG:** The criticism that you have made of GWIC—

**Dr ELLIOTT:** Is that they are not doing enough.

**The Hon. WES FANG:** I will ask you to allow me to finish the question before you interrupt. Your criticism of GWIC was on a number of levels, but I think it was predominantly around the independence and its competing interests. You would be aware, however, that GWIC is funded solely by the Government now—



**Dr ELLIOTT:** Yes.

**The Hon. WES FANG:** —through betting taxes and through Treasury directly, which has now made it independent of Greyhound Racing NSW. Why do you feel now that it has still got a conflict, given that it effectively works independently of the greyhound industry?

**Dr ELLIOTT:** From the wording used on the website and from the reluctance to offer serious recommendations for change. The lack of transparency—

**Dr HOETZER:** The principal objective of the commission under section 11 of the Act says:

... to promote and protect the welfare of greyhounds ...

And then the second objective is:

... to safeguard the integrity of greyhound racing and betting ...

Within the structure of the commission, they have two objectives that we would say conflict. That is the basis of our argument, regardless of it being independent of GRNSW.

**The Hon. WES FANG:** We are talking now about what you consider to be a conflict on welfare issues versus the integrity of the industry. I interpret that as the welfare of the animal—

**The Hon. MARK PEARSON:** Do we have a question, Mr Fang?

**The ACTING CHAIR:** Order!

**The Hon. WES FANG:** Yes, thank you, Mr Pearson. You can be rude somewhere else. I interpret that as the integrity of animal welfare being integral to the integrity of greyhound racing, which would actually support your position. If you take that interpretation, does that not mean that GWIC is doing the role that it is purported to do?

**Dr HOETZER:** I do not know if your interpretation is necessarily the interpretation of that section. You are adding words in that do not exist there.

**The Hon. WES FANG:** But how?

**The ACTING CHAIR:** With respect, Mr Fang, your time is up for now.

**The Hon. WES FANG:** Shame.

**The ACTING CHAIR:** We will come back to you at the end if there is time. I will go to Mr Pearson.

**The Hon. MARK PEARSON:** Just a very quick question—I think, Ms Chisholm, you are probably the best to answer this but others might know. Is it your expectation, or your fear, that the reason the reports and the studies from the University of Technology Sydney have been sat upon is because the evidence in them may well find that oval tracks could no longer be tolerated?

**Ms CHISHOLM:** There is a whole range of reasons. The main one is just transparency. Oval tracks—

**The Hon. MARK PEARSON:** But due to catastrophic injuries, mainly.

**Ms CHISHOLM:** Yes. Oval tracks are on the public record, in any research you look at, as being highly problematic. Straight tracks still kill but not as many. This is why CPG finds it so appalling that the Richmond track facility is still racing more dogs on the curved track. The real issue about the UTS documents is that we do not know what is in them. There could be stuff in them along the lines you mentioned. But simply to be able to have a good understanding of what is happening at every track—because those documents contain recommendations about what should be done to every track, which then would be very useful to compare to the final track standards document to see how they compare. While the track standards document, Mr Fang, might be on the website of Greyhound Racing New South Wales finally, it took a long time and we do not have the academic research to compare against it, which would be profoundly useful.

**The Hon. MARK LATHAM:** I was just wondering if the three organisations giving evidence could each table their social licence so the Committee can have a look at it and understand the basis on which they are appearing today.

**The ACTING CHAIR:** Does anyone care to respond to that at this point?

**Dr ELLIOTT:** I am sorry. I do not understand the question.

**Ms STONER:** Likewise.

**The Hon. MARK LATHAM:** You are saying that greyhound races should be closed down because they have not got a social licence. I am just wondering if you could table your own social licence for appearing today.

**Dr ELLIOTT:** I would say greyhound racing should be closed down, not because it does not have a social licence to exist; it is the reasons that it does not have a social licence to exist, which is it is inherently cruel and the majority of dogs do not die from a natural death. In fact, the lack of transparency that we were talking about five years ago with the royal commission inquiry into this continues. I was having a conversation with Dr Hoetzer yesterday. We were trying for the life of us to find out what criteria the greyhound as pets program uses to assess dogs for rehoming. We cannot find it. Nobody knows how these dogs are assessed.

**The Hon. MARK LATHAM:** Right. You have not got a social licence yourself.

**Ms CHISHOLM:** Actually, Mr Latham, our social licence is earned—

**Dr HOETZER:** Is he questioning our social licence?

**Dr ELLIOTT:** My licence to exist or—what are you talking about?

**The ACTING CHAIR:** Order! Can I just clarify, Mr Latham, that a social licence is not a physical thing that can be tabled. So asking the witnesses to table something that is not actually a physical thing—

**The Hon. WES FANG:** I think that is his point.

**The ACTING CHAIR:** Well, then he does not understand what a social licence is. Mr Latham, did you have an actual question?

**The Hon. MARK LATHAM:** Can I ask if any of the witnesses have ever been to a greyhound race meeting other than in a protest capacity? Have they ever been to actually enjoy the sport?

**Ms CHISHOLM:** Yes. Been there, done that. Not much fun.

**The Hon. MARK LATHAM:** Anyone else?

**Ms STONER:** Nothing to enjoy at a greyhound race.

**The Hon. MARK LATHAM:** But have you been to one?

**Ms STONER:** No. I have seen enough online.

**The Hon. MARK LATHAM:** Just coming from a position of ignorance. Has anyone inspected a training facility for greyhounds?

**Dr ELLIOTT:** I do not really think that going to something that you already know is inherently dangerous is going to change your view.

**The Hon. MARK LATHAM:** But if you have not got a social licence and you have never been—

**Dr ELLIOTT:** I do not know what you mean when you say I do not have a social licence.

**The ACTING CHAIR:** Order! This is not a joke. This is a committee. We ask real questions and we get real evidence back. Mr Banasiak would like to ask a question. If there is time I will come back to you, Mr Latham.

**The Hon. MARK BANASIAK:** Ms Chisholm, I think in one of your answers—I think it was to Mr Fang or it might have been to someone else—you mentioned that breeding was actually increasing. Can you just table the source of where you have got that data? Because I am looking at data from GWIC from last year, where they show that it has halved since 2014-15 and is still going down. Can you provide a source for your statement? You are saying that it is increasing.

**Ms CHISHOLM:** Yes. It has halved since the very high levels of the 2015-16 period, but what I said was it is now slowly increasing in the last couple of years. If you look at breeding stats that are available from all of the regulators in each State and from the industry itself and from GBOTA, you will see that there is a slight increase in the last two or three years. It is all on the public record. It can be looked up.

**The Hon. MARK BANASIAK:** Well, the evidence on the public record for GWIC shows that it is actually going down in the last three years, so I just wondered where you get your sources from.

**Ms CHISHOLM:** No, that is not correct.

**The ACTING CHAIR:** Is that the latest—

**The Hon. MARK BANASIAK:** GWIC August 2020.

**The ACTING CHAIR:** August 2020?

**The Hon. MARK BANASIAK:** Yes.

**Ms CHISHOLM:** It is not correct.

**The ACTING CHAIR:** Perhaps just take that on notice.

**The Hon. MARK BANASIAK:** Yes. Provide the source in terms of where you are getting your—

**Ms CHISHOLM:** Yes. I will take it on notice. I am happy to give you that. We have got it.

**Dr ELLIOTT:** Would you mind if I just added to that?

**The ACTING CHAIR:** Please.

**Dr ELLIOTT:** Breeding is on the increase. In the 2021 financial year a total of 870 breeding services were conducted, which is a 33 per cent increase on the previous year. This is in the GWIC annual report. And 4,567 pups were whelped, which is a 16 per cent increase on the previous year. The breeding rates have increased steadily since 2016-17. That is from GWIC.

**The ACTING CHAIR:** That is from the GWIC 2021 annual report?

**Dr HOETZER:** And the year prior to that.

**The ACTING CHAIR:** Thank you. I believe you do not now need to take that on notice, Ms Chisholm.

**Ms CHISHOLM:** Thank you.

**The Hon. COURTNEY HOUSSOS:** I just had one question. Ms Chisholm, you talked in your opening statement about the races at the Richmond racetrack being held—although they have a straight racetrack, they are still being held on the curved racetrack. Can I ask where you got that information? Have you just monitored it yourselves?

**Ms CHISHOLM:** Yes. Everything that we use and report is all public information in stewards' reports that come from GWIC. So anybody can look that up and see it. The problem is that stewards' reports information is not collated on an ongoing basis and that is why we have decided to do it. Otherwise you have to wait for quarterly reports from the regulators.

**The Hon. COURTNEY HOUSSOS:** I understand. Sorry if this is a basic question. Do you have an example or do you know how many straight tracks there are in New South Wales?

**Ms CHISHOLM:** Yes. There is just Richmond but they are building a new one at Goulburn. We are very concerned that, when that new one comes online next year, they do not keep racing on the curved track there as well like they are at Richmond. If you really loved your dogs, as the industry likes to claim, why wouldn't you be closing those old curved tracks down?

**The Hon. COURTNEY HOUSSOS:** I understand. Thanks very much.

**Dr ELLIOTT:** Is it possible to make one more point?

**The ACTING CHAIR:** Please.

**Dr ELLIOTT:** We wanted to talk about lifetime tracking. There was a press release in February last year that the e-tracking system would be developed. And we are still waiting—we have not had any updates on it. I would have thought after the McHugh report that the lifetime tracking of greyhounds and knowing where every single greyhound is and what state they are in—whether they are alive, dead, euthanised and why. I would have thought that would have been a top priority and I would like to say that we definitely support the Greyhound Racing Amendment (Whole-of-life Tracking) Bill by yourself, Minister Boyd, because we are really concerned about the fact that, firstly, the majority of dogs who are rehomed—

**The Hon. MARK BANASIAK:** You're being promoted.

**The Hon. WES FANG:** Becomes a chair, now a Minister.

**The ACTING CHAIR:** Ignore them.

**Dr ELLIOTT:** I am trying to ignore it. But it is extremely unprofessional.

**The ACTING CHAIR:** Sorry.

**Dr ELLIOTT:** I am sorry. I have to say it.

**The Hon. WES FANG:** I get that a lot.

**Dr ELLIOTT:** The majority of dogs who are rehomed are not rehomed by GAP, which should be the primary avenue for rehoming. They take 24 per cent. Thirty-two per cent in the last financial year were sent off to other rehoming organisations that do not receive any government funding for this. A lot of these dogs, if they are not kept by trainers, are handed over to friends and family of trainers. We have no idea once they leave the industry what happens. In the current state of play with the Greyhound Racing Act 2017, a greyhound is defined as an animal within the industry. We support the amendment bill because we believe that it is very important to know that these dogs are not just being sent off to be killed by someone they know. I referred to the mass graves earlier—we will find more. I think the only way we can prevent this kind of thing happening to dogs is to have lifetime tracking of every dog that has ever been involved in this industry—

**Ms CHISHOLM:** Hear, hear!

**Dr ELLIOTT:** —not just those that remain within it.

**Ms CHISHOLM:** Yes.

**The ACTING CHAIR:** Mr Amato, do you have any questions?

**The Hon. LOU AMATO:** Has anyone ever met anyone who has adopted a greyhound as a pet?

**Ms CHISHOLM:** Yes, I have.

**Dr HOETZER:** Yes.

**Ms CHISHOLM:** We now have our fourth greyhound adopted as a rescue.

**Dr HOETZER:** I have been rehoming them for about 20 years, and having them in my home as well.

**The Hon. LOU AMATO:** They make awesome pets, don't they?

**Dr HOETZER:** Yes, after a few months.

**Ms STONER:** Yes.

**Ms CHISHOLM:** They make awesome pets when they have got over the trauma of where they have come from. I will give you an example. One of the first two I had would do a 180 and run with all her might to get away from any man who approached her on the street. That took a year for her to get over.

**Dr HOETZER:** My first greyhound would not leave the stairs for about two weeks. She just sat huddled in the corner and we fed her on the stairs until she felt comfortable to join the house because, by her behaviour, she had clearly never been inside a house. Ever.

**Ms CHISHOLM:** This goes to one of the biggest issues that would help rehoming tremendously, and that would be if regulators were empowered to do checks, or chose to do checks, on socialisation. Socialisation is required by the racing rules in every State, but trainers and owners do not do it, they are not penalised for not doing it, and it is about time they were because the community is picking up the pieces. They are doing it out of the sheer goodness of their hearts and they should not have to.

**Dr HOETZER:** Yes. What I am hearing from rehoming organisations that I work with regularly is that they feel that the trainers are not educated. They do not understand what socialisation actually means. It is a very academic concept, socialisation, and it is quite a modern concept. If you are coming from a background that is not particularly well educated and certainly not technology savvy—accessing a lot of this information seems to be downloadable from the website, but if you do not know how to turn on a computer it virtually might as well not even exist. You are saying to them "You should socialise your dog" but they do not understand what that actually means. So there is a huge issue there with education. As well as having the standards existing, we have got to educate the industry participants as to what that actually means rather than just "Socialise your dog by putting them with another dog". What on earth does that mean? In a "controlled circumstance", I think are the words that they use. What does that actually mean in reality?

**The Hon. LOU AMATO:** When it comes to socialising, when adopting all different breeds of dogs doesn't even the RSPCA go through a process to see whether or not a dog can be socialised, is sociable and can be adopted out?

**Dr HOETZER:** Yes. As a vet who worked at the RSPCA, people are trained. The people who work at the RSPCA in the shelters, they are trained on how to do it—the procedures of going about it. They have a

behaviour team—there are behaviour vets employed and there are various shelter workers who receive training on what that actually means. That is what I am identifying as something that needs to be instituted in racing.

**Ms CHISHOLM:** Also there are rescues that are community run that make the effort to train themselves up in animal behaviour, yet the GAPs rarely employ anybody with that training. It is improving slowly but very few of them have some of the knowledge that the community-run rescues—the volunteers—have bothered to amass.

**The ACTING CHAIR:** Unfortunately that is all we have time for. I thank the witnesses for coming along and answering the questions today. Thank you so much for your submissions and for your ongoing work.

**Dr ELLIOTT:** Thank you.

**The ACTING CHAIR:** To the extent that you have taken any questions on notice, they need to be returned within 21 days. The secretariat will be in touch in relation to the process for that. That concludes today's hearing.

**(The witnesses withdrew.)**

**The Committee adjourned at 13:15.**