

Appendix E Media releases



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

Media Release

19 May 2015

Formal Opening of Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

The Special Commission of Inquiry into the Greyhound Racing Industry in NSW, headed by the Honourable Michael McHugh AC QC, will conduct its Formal Opening on Wednesday 10 June 2015 in Sydney.

The Formal Opening will be held in courtroom 3.3 of the Industrial Relations Commission building, 47 Bridge St Sydney. Media arrangements will be notified shortly.

The Special Commission of Inquiry was announced by the Deputy Premier and Minister for Racing, Troy Grant, on 4 March 2015 to investigate and report on governance, integrity, and animal welfare issues relating to the greyhound racing industry in NSW.

Revised Terms of Reference for the Inquiry have now been issued.

In summary, under the Terms of Reference the Commissioner will:

- Identify issues relating to the governance, integrity and animal welfare standards of the industry in NSW;
- Review and evaluate:
 - the existing legislative framework, policy and practices in NSW for the greyhound racing industry;
 - best practices currently employed in NSW and other jurisdictions in relation to the governance of the industry and contemporary standards relating to the welfare of greyhounds;
- Identify contemporary best practice for adoption by the industry;
- Develop an improved model of governance of the industry.

The Commissioner will also consider whether or not any issues identified relating to the governance, integrity and animal welfare standards can be appropriately addressed to permit the continuation of a greyhound racing industry in NSW that is sustainable and provides an ongoing economic and social contribution to the State.

The complete Terms of Reference can be found on the Commissions website www.greyhoundracinginquiry.justice.nsw.gov.au

The Commissioner encourages people and organisations who may have relevant information to come forward.

“Any persons who may have information about issues relating to the governance and integrity of the greyhound racing industry – including matters relating to live baiting and greyhound welfare issues – should provide that information to the Commission.

There is undoubtedly information out there that would be very useful and could assist in the process of reform,” the Commissioner said.

Persons who may have relevant information can, in the first instance, contact Commission personnel by phone (02) 8224 5300 or email: sigri@csso.nsw.gov.au.

As part of the Inquiry, the Commissioner is reviewing the published submissions made to the 2014 Legislative Counsel Select Committee on Greyhound Racing in NSW and those submitted to the Office of Liquor Gaming and Racing for the current Five Year Statutory Review of the *Greyhound Racing Act 2009*.

Additional submissions are welcomed and should be made in writing and lodged with the Commission by **4pm Wednesday 24 June 2015**. Submissions should comply with the Directions for Written Submissions, which can be located on the Commission’s website.

Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales
GPO Box 25 Sydney NSW 2001
Phone: (02) 8224 5300
E-mail: sigri@csso.nsw.gov.au
Website: www.greyhoundracinginquiry.justice.nsw.gov.au

Media contact:
Scott Crebbin 0419 751 805



Special Commission of Inquiry
into the Greyhound Racing Industry in New South Wales

Media Advisory

**Formal Opening of the Special Commission of Inquiry
10am on Wednesday 10 June 2015**

Media are advised that the formal opening of the public part of the Special Commission of Inquiry into the Greyhound Racing Industry will be held at 10am on Wednesday 10 June 2015, in Sydney.

The formal opening will take place in courtroom 3.3 of the Industrial Relations Commission building, 47 Bridge Street Sydney.

The Commissioner, the Honourable Michael McHugh AC QC will make a statement in relation to the Inquiry and will outline the process to be followed by the Inquiry, including the means by which the Inquiry will inform itself in relation to the Terms of Reference.

Applications for leave to appear will also be taken.

The following media arrangements will take place for the opening:

- ABC TV will record the proceedings and provide pool vision to all networks. Please contact the ABC TV to make the necessary arrangements. No other TV cameras will be allowed in the room.
- Radio will be allowed to take a split of the opening.
- No photographic equipment, and therefore no photos, to be taken in the building at any time

The Special Commission of Inquiry was established to investigate and report on governance, integrity, and animal welfare issues relating to the greyhound racing industry in NSW.

Media wishing to attend must register.

Please email Scott Crebbin – scott.crebbin@me.com or phone 0419 751 805.

Space is limited and some media may need to sit in the overflow room to watch proceedings.

**Special Commission of Inquiry media contact:
Scott Crebbin on 0419 751 805**



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

Media Release

17 September 2015

Public Hearings – Media Information

The Special Commission of Inquiry into the Greyhound Racing Industry in NSW, headed by the Honourable Michael McHugh AC QC, will conduct public hearings from Monday 28 September 2015 to Friday 2 October 2015 in Courtroom 3.3 of the Industrial Relations Commission building at 47 Bridge St Sydney.

Media are advised that no cameras, photographic or recording devices are to be used in the public hearing room. The exception to this will be during the Opening Remarks, to be given by counsel assisting, Mr Stephen Rushton SC, at 10am on 28 September 2015. In this instance, a pool TV camera will provide vision for networks and sound recording of the opening remarks will be allowed. Photography is not allowed.

Media wishing to attend the public hearings should register by emailing Nicole Browne – Nicole@mediaapps.com.au or calling 0414 673 762. This will assist with media planning and ensure media are kept up to date in the lead up to, and during, the public hearing.

The Commissioner may, at times during the public hearing, make non-publication orders in respect of matters such as the name of a person or particular aspects of their evidence.

While it is not anticipated, it may also be that parts of the hearings and the evidence of particular witnesses will be taken *in camera* (ie without access by the media or general public) where the Commissioner considers it desirable to do so.

Transcripts of the public hearings will be posted on the Commission's website.

It is expected that there will be further public hearings before the end of the year.

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**For media enquiries contact:
Nicole Browne on 0414 673 762 or nicole@mediaapps.com.au**



Special Commission of Inquiry
into the Greyhound Racing Industry in New South Wales

Media Release

13 November 2015

Revised start date for public hearings
Tuesday 17 November 2015

The public hearings for the Special Commission of Inquiry into the Greyhound Racing Industry in NSW, headed by the Honourable Michael McHugh AC QC, will now **commence on Tuesday 17 November 2015 at 10am** and not Monday 16 November 2015 as previously announced.

The hearings are scheduled to conclude on Friday 20 November 2015 and will take place in Courtroom 3.3 of the Industrial Relations Commission building at 47 Bridge St Sydney.

The focus of these hearings will be on animal welfare with an emphasis on the life of a racing greyhound, injuries and veterinary care.

Media are advised that no cameras, photographic or recording devices are to be used in the public hearing room.

Media wishing to attend the public hearings should register by emailing Scott Crebbin scott.crebbin@me.com or calling 0419 751 805. This will assist with media planning and ensure media are kept up to date in the lead up to, and during, the public hearing.

The Commissioner may, at times during the public hearing, make non-publication orders in respect of matters such as the name of a person or particular aspects of their evidence. While it is not anticipated, it may also be that parts of the hearings and the evidence of particular witnesses will be taken *in camera* (ie without access by the media or general public) where the Commissioner considers it desirable to do so.

Transcripts of the public hearings will be posted on the Commission's website.

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Special Commission of Inquiry
into the Greyhound Racing Industry in New South Wales

Media Advisory
11 February 2016

Public Hearings Announced
17-18 February 2016
Important Media Information

The Special Commission of Inquiry into the Greyhound Racing Industry in NSW, headed by the Honourable Michael McHugh AC QC, will conduct public hearings on **Wednesday 17 and Thursday 18 February 2016**.

Venue: Courtroom 3.3, Industrial Relations Commission building, 47 Bridge St, Sydney.

The two-day hearings will focus on: Greyhound injuries; and general welfare oversight and governance.

The witness list includes: Tony O'Mara (former GRNSW General Manager, Education and Welfare); Clint Bentley (current GRNSW Chief Steward); Brent Hogan (former GRNSW CEO) and David OShannessy (Chief Inspector RSPCA NSW).

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The Commissioner may, at times during the public hearing, make non-publication orders in respect of matters such as the name of a person or particular aspects of their evidence. While it is not anticipated, it may also be that parts of the hearings and the evidence of particular witnesses will be taken *in camera* (ie without access by the media or general public) where the Commissioner considers it desirable to do so.

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Appendix F Practice Notes

Practice Note no. 1, 7 May 2015



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

PRACTICE NOTE 1 – AUTHORISATION TO APPEAR AT PUBLIC HEARINGS

Preamble

It is likely many individuals and groups may wish to assist the Commissioner's inquiry without seeking authorisation to appear. It is possible to assist the Commission by making written submissions or by providing a factual statement or giving evidence or other information. Any of those things can be done without the need to seek authorisation to appear. If you want to discuss the ways you might participate you can contact Cheryl Drummy, Special Counsel for the Crown Solicitor, solicitor assisting the Commissioner, at the Crown Solicitor's Office on (02) 8224 5300.

This Practice Note is directed to those individuals or organisations considering seeking authorisation to appear at public hearings.

Authorisation to appear

1. The Commissioner may authorise a person (or a solicitor or barrister on their behalf) to appear at the Commission's public hearings, or a specified part of the public hearings, if it is shown to the satisfaction of the Commissioner that the person is substantially and directly interested in any subject-matter of the inquiry (or otherwise satisfies the requirement of s 12(2) of the *Special Commissions of Inquiry Act 1983*). Authorisation may be:
 - (a) granted subject to conditions or limitations;
 - (b) made subject to altered or additional conditions or limitations at any time;
 - (c) withdrawn by the Commissioner.
2. Applications for authorisation to appear at the public hearings of the Commission should be made at the first sitting of the Commission on 10 June 2015. Prior notice of the application for authorisation and its stated basis should be provided in writing to the Solicitor Assisting the Commissioner as soon as practicable and before 1 June 2015.
3. The Commissioner will continue to receive and consider subsequent applications for authorisation to appear during the course of the public hearings. It is expected that an explanation for any delay in making an application to appear will be provided.

4. It is expected that any person granted authorisation to appear at the public hearings will take such steps as may reasonably be required to assist with the orderly conduct of the Commission.
5. Authorisation to appear entitles the person to whom it is granted to participate in the public proceedings of the Commission subject to the Commissioner's control and to such extent as the Commissioner considers appropriate. In this respect, the Commissioner may (either when authorisation is granted or subsequently):
 - (a) limit the person's participation to the provision of submissions in writing;
 - (b) grant (or refuse to grant) leave to examine and cross-examine witnesses;
 - (c) limit the particular topics or issues upon which the person may examine and cross-examine witnesses; and/or
 - (d) impose time limits upon examination and cross-examination.
6. The Commission reserves the right to vary or depart from the above practices from time to time where considered necessary or desirable to do so.

7 May 2015

Practice Note no. 2, 7 May 2015



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

PRACTICE NOTE 2 – CONDUCT OF PUBLIC HEARINGS

Legal representation of persons giving evidence at public hearings

1. The Commissioner may authorise a person giving evidence at a public hearing to be legally represented. Applications to authorise legal representation of witnesses should be made at the relevant hearing date, or such prior occasion as may be appropriate. Prior notice of the application for authorisation, and its stated basis, should be provided in writing to the Solicitor Assisting the Commissioner. See also Practice Note 1.

Conduct of the public hearings

2. Subject to the control of the Commissioner, Counsel Assisting will determine what witnesses are to be called, what documents are to be tendered to the Commission, and in what order witnesses will be called and examined. It may be necessary to call some witnesses to give evidence on more than one occasion.
3. The Commission may decide to receive the evidence of a witness orally or in statement form (such as by a statutory declaration). The Commission will decide whether to require a witness giving evidence by statement to attend for examination or cross-examination.

Application for witnesses to appear before the Commission

4. All witnesses at a public hearing will be called by Counsel Assisting.
5. Any person wishing to have evidence of a witness or witnesses placed before the Commission is to notify the Senior Counsel Assisting (via the Solicitor Assisting the Commissioner) of the names of such witnesses, and provide a signed statement of their expected evidence (if possible in the form of a statutory declaration) as soon as practicable.
6. If considered necessary or desirable, Counsel Assisting and/or Commission staff may interview such witnesses and take or request further statements from such witnesses. It is not necessary that any such interviews or obtaining of additional statements or information occur in the presence of the person, or legal representatives thereof, who sought to have the evidence of such witnesses placed before the Commission.

7. Counsel Assisting will determine whether or not to call the witness. An application may be made directly to the Commissioner (via the Solicitor Assisting the Commissioner) to call the witness only after the above procedure has been completed and Counsel Assisting has indicated that the witness will not be called.

Examination and cross-examination of witnesses

8. All witnesses at a public hearing will be called by Counsel Assisting. Typically, Counsel Assisting will call and then examine the witness unless in particular instances Counsel Assisting (or the Commissioner) permits a witness' own legal representative to lead his or her evidence.
9. In the usual case, Counsel Assisting will call and examine the witness. In some circumstances, the witnesses might be examined by more than one of the Counsel Assisting. Subject to the discretion of the Commissioner, the witness may next be cross-examined by or on behalf of any person considered by the Commission to have sufficient interest to do so, and may then be examined by his or her own legal representative. Counsel Assisting may re-examine. At all times, duplication and repetition is to be avoided and the Commissioner will disallow any questions of such nature.
10. In determining whether a person has a sufficient interest to cross-examine a particular witness (either at all or as to a particular topic), the Commissioner may call upon the person to:
 - (a) identify the purpose of the proposed cross-examination;
 - (b) set out the issues to be canvassed; and
 - (c) state whether a contrary affirmative case is to be made in some respect, and if so the details of that case.
11. The Commissioner may:
 - (a) limit the particular topics or issues upon which the person may examine and cross-examine witnesses; and
 - (b) impose time limits upon examination and cross-examination.
12. The Commissioner may:
 - (a) disallow questions posed to witnesses; and
 - (b) ask questions of a witness at any time.
13. A copy of any document proposed to be put to a witness in cross-examination must be provided to Counsel Assisting as soon as possible after a decision is made to use the document for such purpose, and in all cases, prior to its intended use.

Evidence to be adduced

14. The details of the evidence to be adduced to the Commission will generally not be provided in advance of the public hearing to any person who is authorised to appear before the Commission (and will generally not otherwise be published in advance of the public hearing).

Publication of proposed witness list and hearing hours

15. At, or shortly prior to, the commencement of each week of a public hearing, the Commission may publish on its website a list of witnesses proposed to be called that week. The scheduling of witnesses as published may be subject to change from time to time.
16. The public hearing of the Commission will sit on week days. Usual hearing hours will be from 10.00am to 1.00pm and from 2.00pm to 4.00pm.

Procedures relating to the tender and inspection of documents

17. Subject to the control of the Commissioner, Counsel Assisting will determine whether and which documents are to be tendered, and when they will be tendered.
18. Any person wishing to have a document placed before the Commission at a public hearing must notify the Commission by providing a copy of the document to the Solicitor Assisting. Counsel Assisting will decide whether or not to tender the document. An application may be made directly to the Commissioner to tender a document only after the above procedure has been completed and Counsel Assisting has indicated that the document will not be tendered.
19. Any person (or legal representative of that person) having been granted authorisation to appear before the Commission may request to inspect and copy any book, document or writing tendered in evidence (and not subject to any relevant order restricting publication or access) for the purpose only of appearance before the Commission. Commission staff may require suitable arrangements to be made with the person seeking inspection and/or copying of tendered documents, including as to the costs of any such copying, before permitting access to the document(s).
20. Documents and other articles may be tendered to the Commission, by Counsel Assisting, and received into evidence outside formal hearings of the Commission.

Non-publication orders and closed hearings

21. In an appropriate case, the Commissioner may:
 - (a) direct non-publication of the name, or the use of a pseudonym, to protect the name of any witness or any person about whom evidence is given;

- (b) give directions otherwise preventing or restricting the publication of evidence given before the Commissioner or of matters contained in documents tendered to the Commission; and
 - (c) direct during a public hearing that part of such a hearing take place in private, and may give directions as to the persons who may be present during such part of the hearing to be held in private.
22. Any person who is authorised to appear who seeks a direction for a closed hearing for particular evidence, or a direction for non-publication of particular evidence must (as soon as is reasonably practicable) provide Counsel Assisting in advance with a copy of the proposed application, the form of the direction sought, the content of the proposed evidence and any submissions in support of the application.

Further matters

23. At the conclusion of the evidence at the public hearings, it will be determined who will have the right to address the Commission, when, in what form (eg only in writing), on what issues, and in what order.
24. The Commission reserves the right to vary and/or depart from the above practices from time to time where considered necessary or desirable to do so.

7 May 2015

Practice Note no. 3, 15 September 2015



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

PRACTICE NOTE 3 – LEGAL REPRESENTATION OF MORE THAN ONE PERSON

1. The Commissioner may authorise a person giving evidence at a public hearing to be legally represented: see Practice Note 1. The Commissioner may also authorise a person giving evidence at a private hearing to be legally represented.
2. The Commissioner strongly prefers that each person seeking to be represented at the Inquiry, whether at a public hearing or a private hearing, have separate legal representation.
3. The Commissioner will be generally reluctant to grant leave for a single legal practitioner or firm of lawyers to represent more than one person at the Inquiry whether at a public hearing and/ or at private hearings because of, among other things, the high potential for conflicts of interest to exist, or to arise, which have the capacity to disrupt the orderly conduct of the Inquiry. Any application that would involve a single legal practitioner or firm of lawyers being permitted to represent more than one person appearing at the Inquiry, whether at a public hearing or in one or more private hearings, should be able to demonstrate, in written submissions lodged with the Commission beforehand, that:
 - a. there is some reasonable purpose for seeking representation of that kind;
 - b. the most senior lawyer involved in seeking to represent the two or more persons is able to assure the Commission that no conflict of interest is present or anticipated; and
 - c. all of the lawyers involved in representing the two or more persons give an undertaking, through the most senior lawyer, to inform the Commission immediately upon recognising that a conflict of interest has arisen.
4. At his discretion, the Commissioner may also require a legal practitioner to provide a statutory declaration to the effect that he/she is free from any conflicts of interest in relation to the intended joint representation.
5. The Commissioner will seek to deal with any application that would involve a single legal practitioner or firm of lawyers being permitted to represent more than one person appearing at the Inquiry as expeditiously as practicable.
6. The Commissioner may refuse and, where leave is granted, may withdraw leave for a person to be represented by a particular practitioner, where, by virtue of a conflict of interest or for any other reason, the circumstances pose a potential for the Inquiry to be prejudiced. The Commissioner may at any time reconsider the question of leave, including as the evidence evolves, or where any changes to the subject-matter of the hearing suggest a potential for a conflict of interest to arise.

15 September 2015

Appendix G Commissioner's Opening Remarks – 10 June 2015



Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales

Opening Remarks of Commissioner Michael McHugh AC QC

Commencement

1. Good morning.
2. Welcome to the first mention, and formal opening, of the Special Commission of Inquiry into the greyhound racing industry in New South Wales.
3. Let me begin by acknowledging the traditional owners of the land on which we meet, and by honouring their elders, past and present.
4. The purpose of this morning is to make some general remarks to indicate the terms of the Inquiry being conducted by the Commission and to open the public part of the Inquiry.
5. It also provides an opportunity for any party who may be substantially and directly interested in any subject matter of the Inquiry to indicate an interest in assisting the Inquiry by seeking authorisation to appear at any future public hearings of the Inquiry. I will return to this aspect later.

The Commission

6. The New South Wales government has established the Special Commission of Inquiry to investigate matters relating to the greyhound racing industry in NSW including, in particular, issues of governance, integrity and animal welfare.
7. On any view, very serious integrity and animal welfare challenges confront the greyhound racing industry in NSW.

8. It should be understood, at the outset, that the Special Commission is completely independent of Greyhound Racing NSW and the government of New South Wales and indeed any other body.
9. The Governor of New South Wales has conferred on me powers under the *Special Commissions of Inquiry Act 1983* that are equivalent to that of a Royal Commissioner. In the course of this Inquiry, I have already used a number of these powers to compel the production of information and documents by individuals and organisations.

The genesis of the Commission

10. It is appropriate to make some general remarks about the genesis of this Inquiry. Three key developments preceded the establishment of the Commission.
11. First, on 16 February 2015 the Australian Broadcasting Corporation broadcast a Four Corners television program entitled "*Making a killing*". In dramatic fashion, that program revealed compelling evidence of 'live baiting' being undertaken in connection with particular greyhound facilities in a number of States, including New South Wales.
12. The term 'live baiting' refers to the practice of using live animals for the purpose of training greyhounds. The 'bait animal' – which may include live rabbits, piglets, and possums – is typically tied to a mechanical lure and hurled at speed around a training or trial track, while a greyhound is released to chase and catch the animal. Sometimes a live animal is simply dangled on a lead in front of the greyhound which is encouraged to attack it. Whatever method is used, the 'bait' animal suffers very significant distress and pain leading to its death. By the use of these gruesome practices, the greyhound is said to be "blooded".
13. The practice of live baiting is cruel and barbaric. It is also unlawful and wholly unacceptable in a modern society which values the welfare of its

animals. It should have no place in the greyhound racing industry in this State.

14. The practice of live baiting is believed – at least by those who undertake the practice – to make their greyhounds run faster in races, thereby giving them a competitive edge. Put simply, those who engage in the practice intend to cheat and defraud those owners and trainers who abide by the general law and the Rules of greyhound racing.
15. The existence of the practice of live baiting severely taints the greyhound racing industry in this State, both because of the barbaric cruelty involved and because of its capacity to prevent there being a level playing field for industry participants, including punters.
16. Considerable community outrage followed the broadcast of the Four Corners program and the practices it revealed. This was understandable.
17. The Deputy Premier and Minister for Racing, Mr Troy Grant, took action. Within days, the members of the board of Greyhound Racing NSW had been persuaded to refer their powers and functions to an interim CEO, Mr Paul Newson, and to resign.
18. A second development preceding the establishment of the Special Commission has been the First and Second reports of the NSW Upper House Select Committee on greyhound racing in NSW. The Select Committee received numerous submissions, examined aspects of greyhound racing in NSW, and made certain recommendations.
19. A third recent development has been the five year review of the *Greyhound Racing Act 2009* undertaken, on behalf of the Minister for Racing, by the NSW Office of Liquor, Gaming and Racing (OLGR), in conformity with section 49 of the Act. That Departmental review received a number of written submissions in relation to particular aspects of the Act. Last month those conducting the review determined that, because this Commission's Terms of Reference necessarily encompassed the issues required to be

considered in the statutory review, it would make no recommendations but would instead defer to the Commission's Inquiry.

20. The Terms of Reference of the Special Commission of Inquiry are, in important respects, broader than the matters considered by both the Select Committee and the Departmental review. Nonetheless, an important part of my task is to review the existing materials from the Select Committee and the Departmental review, and to build upon the useful work undertaken by those bodies.

The Terms of Reference

21. The Terms of Reference establishing the Special Commission are stated in very broad terms.
22. Thus, the Commission is required to identify issues relating to the governance, integrity and animal welfare standards of the greyhound racing industry in NSW.
23. The Commission is also required:
 - to review the existing legislative framework for the greyhound racing industry in NSW including the *Greyhound Racing Act 2009* (NSW), the Greyhound Racing Rules, the *Prevention of Cruelty to Animals Act 1979* (NSW), and associated legislative instruments, rules, policies, practices and procedures relevant to Greyhound Racing NSW (GRNSW) and the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW);
 - to review the legislation in place, and practices which are currently employed, in other jurisdictions in relation to the greyhound racing industry and animal welfare standards; and
 - to review the existing materials from the Legislative Council Select Committee and the Five Year Statutory Review of the *Greyhound Racing Act 2009*.

24. In addition, the Commission is required:

- to evaluate the legislation, policy and practices in place in NSW including (but not limited to) those in relation to:
 - a. the management, supervision and registration of greyhound breeders, pre-trainers, trainers and others involved in these aspects of the greyhound racing industry;
 - b. the management and supervision of activities associated with greyhound racing such as the operation of trial tracks and training facilities; and
 - c. the existing breeding and animal welfare standards.
- to evaluate the best practices which are currently employed in NSW and other jurisdictions in relation to governance of the greyhound racing industry;
- to evaluate the contemporary standards relating to the welfare of animals;
- to evaluate the key NSW government agencies' powers and capability to properly investigate alleged incidents of animal cruelty and effectively prosecute where appropriate;
- to evaluate the merits of an Independent Integrity Authority to oversee and regulate the greyhound racing industry; and
- to determine whether the issues identified in relation to the governance, integrity and animal welfare standards of the greyhound racing industry in NSW - term A of the Terms of Reference - are able to be appropriately addressed, so as to permit the continuation of a greyhound racing industry in NSW that is sustainable and provides an ongoing economic and social contribution to the State.

25. Under the Terms of Reference, the Commission is also required to identify contemporary best practice for adoption by the greyhound racing industry in NSW including:
- the overarching principles to be considered when any industry body makes decisions affecting the welfare of animals;
 - the standards to be adopted when an industry body makes a decision affecting the welfare of animals;
 - the use of appropriately robust industry supervision procedures; and
 - the powers, capability and resourcing necessary for GRNSW, key government agencies or an industry regulator:
 - a. to provide governance to the greyhound racing industry;
 - b. to ensure the integrity of the industry; and
 - c. to detect, investigate and respond to suspected unlawful activity in the industry including (without limitation) animal cruelty and the practice of live baiting.
26. In addition, the Commission is required to develop an improved model of governance of the greyhound racing industry, including (but not limited to):
- the appropriate structure of GRNSW, key government agencies or an industry regulator to regulate and investigate the greyhound racing industry and to enforce penalties and sanctions for breaches of law;
 - the extent of the role of the NSW Government in the oversight of the greyhound racing industry;
 - the appropriate penalties and sanctions for those breaching legal requirements in relation to the greyhound racing industry; and
 - the appropriate changes to the *Greyhound Racing Act 2009* (NSW), the Greyhound Racing Rules, the *Prevention of Cruelty to Animals Act 1979*

(NSW), and associated legislative instruments, rules, policies, practices and procedures relevant to GRNSW, the RSPCA NSW, key government agencies, and/or an industry regulator.

27. As one can readily see, the task allotted to the Special Commission is very large.
28. It is also broader in terms than that being undertaken by relevant interstate inquiries looking at particular aspects of the greyhound racing industries in other States. This difference is, perhaps to a large degree, reflective of both the relatively substantial size and significance of the greyhound racing industry in this State and its quite different history and character.
29. Although there is some common ground, the challenges faced by the greyhound racing industry in NSW are not identical to the challenges faced by the industry in other States. In its First Report, for example, the Select Committee noted that five industry bodies agreed that the greyhound racing industry in New South Wales is not viable in the short to medium term and certainly not sustainable in the longer term.

Activities of the Commission to date

30. Today's Formal Opening of the Special Commission of Inquiry does not mark the commencement of the Commission. Rather, it represents simply the formal opening of the public hearings aspect of an Inquiry that the Commission has been conducting since March 2015.
31. The work undertaken by the Commission to date has been extensive. Since its establishment, the Commission has prepared and issued comprehensive Orders to Answer Questions and Produce Documents to a number of major industry participants. In response, the Commission has obtained a substantial quantity of information and documents, amounting to some 20,000 pages of materials.

32. The Commission has been reviewing and analysing the information and documents received and this, in turn, has led to other investigatory steps being undertaken.
33. The Commission's investigatory work has also involved meeting with various organisations and persons identified as being potentially able to assist the Inquiry.
34. As required by its Terms of Reference, the Commission has also been reviewing the voluminous submissions and documents received in relation to the NSW Upper House Select Committee and the five year departmental review of the *Greyhound Racing Act 2009*.
35. The Commission has also established a website which can be accessed via <http://www.greyhoundracinginquiry.justice.nsw.gov.au> from which the precise Terms of Reference for the Inquiry and other relevant information can be obtained.

Written submissions

36. The Commission has also called for written submissions, from interested persons, relevant to the Commission's Terms of Reference. A number of submissions have been received to date.
37. I have also today extended, until 5 July 2015, the time period in which written submissions can be provided, and I encourage any interested persons to make submissions by that date.
38. Persons who have previously provided a submission to the Select Committee or the Departmental review do not have to resubmit it (unless it was marked "Confidential"), as the Commission will already have a copy of the submission, but they are encouraged to provide any additional submissions, directed to the Commission's terms of reference, if they wish to do so.

Hearings

39. I expect that there will be public hearings on particular aspects of the Inquiry where that procedure may assist the Commission in its investigation. I must note, however, that, because of the commencement or possible commencement of prosecutions against certain individuals in respect of live baiting and animal welfare issues, the Commission's power to hold public hearings may be more limited than otherwise would be the case. If the conduct of this Inquiry might interfere with the administration of justice in existing prosecutions, the Inquiry would commit a contempt of court. In the *Builders Labourers' Case* (1982) 152 CLR 25, Gibbs CJ said (at 54) that, "if during the course of a commission's inquiries into allegations that a person had been guilty of criminal conduct, a criminal prosecution was commenced against that person based on those allegations, the continuance of the inquiry would, speaking generally, amount to a contempt of court". He said that the proper course in such circumstances would be to adjourn the inquiry into those allegations until the disposal of the criminal proceedings.
40. The relevant details of any public hearing will be notified in advance on the Commission's website as well as by other means.
41. The Commission is also empowered to conduct private hearings as considered appropriate.

Call for information

42. I strongly encourage any persons or organisations who or which have relevant information – including in respect of live baiting and greyhound welfare - to contact the Commission.
43. I consider it to be highly likely that there are a number of persons, including participants in the greyhound industry, who have relevant information on these issues. It is very much in the interests of greyhound

racing in this State that they come forward. What they have to say may very much assist in the process of reform.

44. In the first instance, any such persons should contact Commission staff by phone (02 8224 5300) or email via the Commission's website.

Further comments

45. It is appropriate to make some further comments of a general nature.
46. As I have indicated, the greyhound racing industry in NSW faces very significant challenges in terms of animal welfare standards, integrity, structural issues and financial viability. These are matters of considerable importance.
47. Indeed, the animal welfare and integrity issues by themselves are perceived to be such as to raise a question as to the continued viability, and appropriateness, of the sport of greyhound racing in this State. This raises significant social and policy issues, some of which are touched upon in the Commission's Terms of Reference. In some overseas jurisdictions, including a number of States in the USA, the sport of greyhound racing has been prohibited altogether. However, most industry participants appear to take the view that greyhound racing in NSW should be allowed to continue with stricter compliance and enforcement measures. It will be one of this Commission's tasks to make a recommendation concerning whether greyhound racing in this State should continue.
48. In this State, in addition to the issue of live baiting, profound concerns have been raised regarding the well-being of greyhounds arising from their involvement in the industry. A number of concerns have been identified. I mention three key concerns, without intending to be exhaustive. First, it is said that overbreeding of greyhounds, intended to produce high quality dogs for racing, is a feature of the industry. This, in turn, results in extremely high rates of what is sometimes called 'wastage'. Many more greyhounds are whelped each year than are named or registered. It is

likely that a significant number are put down for no reason other than that they are considered unsuitable for racing.

49. Secondly, concerns have been raised that greyhound training and racing regularly exposes greyhounds to increased likelihood of serious injury. This, in turn, raises further animal welfare issues. A significant number of greyhounds who have suffered injuries are either put down at the track or, depending on the nature of their injuries, shortly thereafter.
50. Thirdly, for the statistically few greyhounds that do race, concerns have been expressed regarding what happens to them when they are no longer fast enough – by reason of injury or age - to compete. It appears that many such dogs are put down. Attempts to 'rehome' retired greyhounds as pets have reportedly met with mixed enthusiasm and success. It seems that, at present, rehoming programs cannot keep pace with the number of greyhounds who are withdrawn from racing each year.
51. In terms of integrity and structural issues, the greyhound racing industry in NSW faces particular challenges. The existing industry model involves substantial self-regulation undertaken by Greyhound Racing NSW.
52. Concerns have been raised on a number of fronts. Again, it is appropriate to identify a number of concerns raised, without intending to be exhaustive. First, some industry participants have voiced concerns about the selection process and general composition of the Board of Greyhound Racing NSW. They argue that the Board should be more representative of the industry and should include persons with experience and knowledge of the industry.
53. Secondly, a potential conflict or difficulty is said to arise in having the one body – Greyhound Racing NSW – being responsible for the development and promotion of the greyhound racing industry on the one hand and also being primarily responsible for the regulation and integrity of the industry on the other hand.

54. An important issue arising in this Inquiry is whether there is merit in an industry model by which a separate entity - other than the body responsible for industry development and promotion - is primarily responsible for ensuring the regulation and integrity of the industry as distinct from its commercial interests.
55. Thirdly, a related issue arises as to the future role of the office of the Integrity Auditor under the *Greyhound Racing Act 2009*. Concerns have arisen from the fact that, under the Act, Greyhound Racing NSW - the body over which the Integrity Auditor is intended to have primary oversight - in fact appoints the Integrity Auditor. The extent to which the office of the Integrity Auditor has been effective in achieving the necessary oversight of Greyhound Racing NSW is one matter being investigated by the Commission.
56. Fourth, and in connection with integrity and animal welfare issues, both the live baiting practices revealed by the Four Corners program and other information obtained by the Commission, raises real concerns as to the extent to which Greyhound Racing NSW has been able adequately to supervise aspects of the industry. The extent to which there may have been serious failures in industry supervision is a matter relevant to future reform of the industry.

Dated: 10 June 2015

Appendix H List of Order to produce documents

	Individual/Organisation	Number of Orders/Summonses Issued
1.	Greyhound Racing New South Wales	34
2.	RSPCA	7
3.	Graham Gorrie	2
4.	John Costigan	1
5.	Veterinary Practitioners Board of New South Wales	1
6.	Quakers Hills Veterinary Hospital	1
7.	New South Wales Police Force, Assistant Commissioner Mark Jenkins	1
8.	Kempsey Shire Council	1
9.	David Landa	1
10.	Maitland Greyhound Track	1
11.	Robert Gausson	1
12.	Paul Wheeler	1
13.	Gregory Board	1
14.	Steven White	1
15.	Animals Australia	1
16.	Tabcorp	1
17.	Caro Meldrum- Hanna	1
18.	Norm Becroft	1
19.	Stephen Farrugia	1
20.	Mark Farrugia	1
21.	NSW GBOTA Greyhound Race Clubs	10
A	Gosford	
B	Bathurst	
C	Maitland	
D	The Gardens	
E	Bulli	
F	Gunnedah	
G	Lismore	
H	Temora	
I	Wentworth Park	
J	Appin	
22.	NSW Greyhound Race Clubs	25
A	Cowra	
B	Lithgow	
C	Broken Hill	
D	Muswellbrook	
E	Dapto	
F	Shoalhaven	
G	Hastings River (Wauchope)	
H	Kempsey Macleay	
I	Taree	
J	Armidale	
K	Moree	
L	Tamworth	
M	Casino	
N	Grafton	

	Individual/Organisation	Number of Orders/Summonses Issued
O	Tweed Heads Coursing Club	
P	Coonabarabran	
Q	Coonamble	
R	Dubbo	
S	Mudgee	
T	Wagga	
U	Goulburn	
V	Young	
W	Greyhound Social Club	
X	Richmond	
Y	The Gardens (non GBOTA)	
23.	Re-homing Organisations	17
A	Friends of the Hound	
B	Hearts for Animals Inc	
C	Paws n Hooves Animal Rescue Inc	
D	Riverina and District Animal Rescue Inc	
E	Canberra Pooch Rescue	
F	DCH Animal Rescue	
G	Greyhound Re-homing	
H	Sydney Dogs & Cats Home Inc	
I	Greyhound Adoption Program (NSW) Inc.	
J	Greyhound Rescue Inc.	
K	Animal Welfare League NSW	
L	Happy Paws Haven	
M	ACT Rescue and Foster Inc	
N	Greyhounds 4U	
O	Albury Wodonga Animal Rescue	
P	Dog Rescue Newcastle	
Q	Claws n Paws Rescue	

Appendix I List of witnesses and legal representation – public hearing

Individual/Organisation	Date appeared	Representative
Witness Z	10 September 2015	Unrepresented
Adam Wallace	28 September 2015	Unrepresented
Wayne Smith	28 September 2015	Unrepresented
Todd Fear	29 September 2015	Unrepresented
Sherrie Turner	29 September 2015	Unrepresented
Majella Ferguson	29 September 2015	Unrepresented
Harry Sarkis	30 September 2015	Unrepresented
Tracey Becroft	30 September 2015	Mr Wayne Russell
Norm Becroft	30 September 2015	Mr Greg Willis
Bruce Carr	30 September 2015	Unrepresented (Glen Walters in private hearing)
Brent Hogan	1 October 2015 17 February 2016 18 February 2016	Ms Dominique Hogan-Doran SC and Ms Jodi Steel, instructed by Dr Ashley Tsacalos from Clayton Utz
Anthony Gannon	1 October 2015	Unrepresented
Professor Percy Allan	1 October 2015	Unrepresented
Eve McGregor	2 October 2015	Mr David Studdy SC
Paul Newson	2 October 2015 19 November 2015	Mr James McLeod, instructed by Mr John Dalzell from Gadens
Alex Verhagen	17 November 2015	Unrepresented
Robert Watson	17 November 2015	Mr Lee David Corbett
Ken Ward	17 November 2015	Unrepresented
Dr Karen Dawson	18 November 2015	Unrepresented
Dr Leonie Finster	18 November 2015	Unrepresented
Dr Greg Bryant	18 November 2015	Unrepresented
Dr Jade Norris	19 November 2015	Mr Ian Fraser
Dr Elizabeth Arnott	19 November 2015	Mr James McLeod, instructed by Mr John Dalzell from Gadens
Anthony O'Mara	17 February 2016	Mr Paul Reidy and Ms Felicity Karageorge, Johnson, Winter & Slattery
Clint Bentley	17 February 2016 18 February 2016	Mr Metin Ozmen, Laxon Lex
David OShannessy	18 February 2016	Mr Ian Fraser

Appendix J Public Hearing exhibit list

Exhibit Number	Date tendered	Description
A	28 September 2015	Video of Four Corners Report "Making a Killing" broadcast on 16 February 2015
B	28 September 2015	Photo of a rabbit cage taken at a witness' property
C	28 September 2015	Submission to the Special Commission of Inquiry of Professor Percy Allan dated 20 May 2015
D	28 September 2015	Greyhound Racing NSW (GRNSW) "Project Welfare Slides"
E	28 September 2015	GRNSW "Project Welfare Consultation Findings"
F	28 September 2015	GRNSW "Project Welfare Implementation Plan Board Report"
G	28 September 2015	Annual Report of GRNSW of 2009-2010
H	28 September 2015	Minutes of GRNSW Board meeting on 27 April 2010
I	28 September 2015	Agenda for GRNSW Board meeting on 27 April 2010
J	28 September 2015	Greyhounds Australasia (with Greyhounds SA) Memorandum "Crisis to Recovery Program-Framework for Achieving Zero Euthanasia" dated 23 April 2015
K	28 September 2015	Minutes of 4 August 2015 Greyhound Racing Industry Consultation Group (GRICG) meeting
L	28 September 2015	Letter to current Chief Executive Officer of GRNSW from GRICG dated 10 August 2015
M	30 September 2015	Photo of the back of a cupboard door at Harry Sarkis' property
N	30 September 2015	Photo of straight track (No. 31) and photo of bullring (No. 50)
O	30 September 2015	Photos 26, 27, 28, 35, 37, 38, 39 taken at Bruce Carr's property
P	1 October 2015	NSW Greyhound Animal Welfare Policy dated November 2006
Q	2 October 2015	Animal Welfare Policy issued November 2006
R	2 October 2015	GRNSW Code of Practice for the keeping of greyhound in training
S	12 October 2015	Minutes from 15 September 2009 Board meeting
T	12 October 2015	Agenda Item 4(b) from 15 September 2009 Board Meeting: "Meeting with RSPCA"
U	12 October 2015	Minutes from 22 December 2009 Board Meeting
V	12 October 2015	Agenda Item 2(a) from 22 December 2009 meeting: "Chief Executive's Report"
W	12 October 2015	Excerpts of submission from GRNSW
X	12 October 2015	GRNSW Board Introduction Briefing, Section 11 - "Animal Welfare"
Y	12 October 2015	Papers from Strategic Planning Workshop held on 14-15 October 2012
A	17 November 2015	GRNSW Code of Practice – for the keeping of Greyhounds in Training, April 2011
B	17 November 2015	GRNSW Code of Practice – for the keeping of Greyhounds in Training, 19 June 2015
C	17 November 2015	Race Results from Taree on Saturday 13 June 2015, and Kempsey on Saturday 23 May 2015
D	17 November 2015	8 notifications of retirement forms re Mr Verhagen's dogs
E	17 November 2015	Kempsey Shire Council – Position Description for Senior Ranger (17 Sept 2009)
F	17 November 2015	Tender Bundle for Public hearings re Robert Watson dated 17 November 2015
G	17 November 2015	Stewards Report for 13 September 2014
H	17 November 2015	Pound Record provided by Mr Ken Ward to SCI
J	17 November 2015	Rob Watson's leave record
K	17 November 2015	Audit Report dated 5 November 2015
L	17 November 2015	Document: Long time usage of Lethabarb
M	17 November 2015	Kempsey Shire Council Audit Report dated 7 November 2015
N	18 November 2015	CV of Dr Karen Dawson
O	18 November 2015	Paper from Dr Karen Dawson titled "The Greyhound Industry – What has happened and what is happening"
P	18 November 2015	Paper: "Welfare and its impact on performance" – Dr Karen Dawson
Q	18 November 2015	Paper: "Greyhound Care – Understanding Prey Drive" – Dr Karen Dawson
R	18 November 2015	Powerpoint Presentation: "Welfare and its Impact on Performance and rehoming" - Dr Karen Dawson
S	18 November 2015	GRNSW - Working Dog Alliance Report – review and assessment of best practice – rearing, socialisation, education & training methods for greyhounds in a racing context - dated July 2015
T	18 November 2015	Paper: A Study of Injuries in Victorian Racing Greyhounds 2006-2011 from Dr Linda Beer
U	18 November 2015	Paper: Pain Management in Greyhound – Dr Leonie Finster

Exhibit Number	Date tendered	Description
V	18 November 2015	Photograph: dog with injured left leg
W	18 November 2015	Photograph of X-ray of fractured leg of dog
X	18 November 2015	11 Videos from Dr Dawson's presentation
Y	18 November 2015	2 photographs of dog with inflamed leg
Z	18 November 2015	Photograph of paralysed dog
AA	18 November 2015	Photograph of Fernando Bale
BB	18 November 2015	Video of Race 6 at Albion Park – 15 November 2015 – link no longer available on line
CC	18 November 2015	Revised draft of Veterinary Surgeon officiating at NSW Greyhound Race meetings dated April
DD	18 November 2015	Diagrams: two sketches showing skeletal and muscular physiology of greyhounds
EE	18 November 2015	Dr Bryant's 2015 diary together with transcript of that diary
FF	18 November 2015	Schedule of comparison of diary entries made with GRNSW stewards reports (including 1 folder containing the Stewards reports from January 2015 to June 2015)
GG	19 November 2015	Notes of Dr Jade Norris from the GRV conference on 9 October 2015
HH	19 November 2015	Report of Dr David Auer - "Prevalence and type of injuries to racing Greyhounds in South East Queensland"
II	19 November 2015	Empty
JJ	19 November 2015	Report of Dr Nick Cave: "Bone Remodeling of racing greyhounds"
KK	19 November 2015	Greyhound Racing Industry data on injury rates – RSPCA Australia Comments
LL	19 November 2015	Australian Department of Agriculture report re 2014 Greyhound Exports from Australia
MM	19 November 2015	Greyhound Australasia Review of Australian Greyhound export welfare standards dated 29/5/2015
NN	19 November 2015	GRNSW Code of Practice for Breeding, Rearing and Education dated 19 June 2015
OO	19 November 2015	GRNSW's Breeders Education Package
PP	19 November 2015	RSPCA's comments on the GRNSW Breeder's Education Package
QQ	19 November 2015	RSPCA Australia comments on the two GRNSW codes of practice regarding Breeding, Rearing and Education and for the Keeping of greyhounds in training – November 2015
RR	19 November 2015	RSPCA Australia's written submissions signed by Heather Neil
SS	19 November 2015	Greyhounds listed as 'deceased' in the Vet Exam Extract up to 11/9/15
TT	19 November 2015	Emails between Jade Norris and Elizabeth Arnott dated 4 and 5 November
UU	19 November 2015	GRNSW record of stand down periods and deceased greyhounds between 7/7/14 to 23/10/15
VV	17 February 2016	Folder of documents with Tabs A-L including Tab F1
WW	17 February 2016	Transcript of evidence of Tony O'Mara dated 3 February 2016
XX	17 February 2016	Tab M - New Stewards Report Form – dated 21 January 2016
YY	18 February 2016	Automated Steward Report (tendered by GRNSW) - 18 February 2016
ZZ	18 February 2016	GRNSW Preliminary Greyhound Racing Injury Report – 15 November 2015 – 1 February 2016
AAA	18 February 2016	Most recent template for Stewards Report
BBB	18 February 2016	Memorandum of Understanding dated April 2010 produced by GRNSW
CCC	18 February 2016	Memorandum of Understanding (undated) produced by RSPCA
DDD	18 February 2016	Email dated 3 June 2015 from Michael Cooper (GRNSW) to Flett Turner (GRNSW) and copied to Andrew Clachers, Brad Frost and Steve Newton
EEE	18 February 2016	GRNSW paper "Strategic Initiatives" dated 30 January 2013
FFF	24 May 2016	GRNSW Strategic Plan <i>Chasing 2020</i> (NB: was tendered in O'Mara Private Hearing - Exhibit B)
GGG	24 May 2016	GRNSW "Strategic Snapshot Table"
HHH	24 May 2016	GRNSW Board Agenda for 27 July 2010: <i>Agenda Item 8.0 Policy Submissions (a) "Strategic plan - operational plan"</i> attaching Operational Plan – Chasing 2020
JJJ	24 May 2016	Board Minutes – July 27 2010
KKK	24 May 2016	"Greyhound Identification" webpage from theDogs.com.au
LLL	24 May 2016	GRNSW Board Agenda for 29 March 2011: <i>Agenda Item 13.0 Policy Submissions (a) "Code of Practice"</i> attaching a background paper, recommendations and a draft "GRNSW Code of Practice – for the Keeping of Greyhounds in Training"
MMM	24 May 2016	Email from D. OShannessy to T. O'Mara (and others) on 4/9/09 with the subject title "Model Codes of Practice and RSPCA Inspectors Conference"
NNN	24 May 2016	Email from T. O'Mara to D. OShannessy on 24/1/11 with the subject title "Codes of Practice Greyhound Trainers" attaching a "Code of Practice Training 2011 Final Draft.docx"
OOO	24 May 2016	Email from T. O'Mara to B. Hogan (et al) on 29/7/14 with the subject title "LG - Rearing and Education Code Final Draft attaching a "GRNSW Rearing and Education Code of Practice FINAL DRAFT 22072014.docx"

Exhibit Number	Date tendered	Description
PPP	24 May 2016	<i>NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments</i>
QQQ	24 May 2016	Slides from a Powerpoint Presentation to RSPCA Inspectors Conference (16/9/09)
RRR	13 June 2016	Transcript of evidence of Witness Z dated 10 September 2015

