

# Review of the NSW *Greyhound Racing Act 2009*

Submission from the Australian Veterinary  
Association



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The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 8500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

## Executive summary

The extension of this statutory review of the NSW *Greyhound Racing Act 2009* is particularly timely in relation to the recent exposure by *Four Corners* of serious, extensive and unchecked animal welfare abuses in the greyhound racing industry. While veterinarians and others have spoken out about this and other serious animal welfare concerns about the industry in the past, the extent of the infractions appears to have surprised industry participants.

This demonstrates serious shortcomings in the attitude of industry participants toward animal welfare, and a complete failure to adequately investigate, address and remedy unacceptable animal welfare attitudes and practices in the industry. An independent regulatory authority is now necessary to protect the interests of the animals involved in this industry.

Greyhound owners, trainers and service providers who treat dogs well and would never condone or even consider live baiting have nothing to fear from an independent authority. Those who care appropriately for their animals, in line with community expectations, will be the winners if those who don't are identified and removed from the industry.

The evidence now appears overwhelming and compelling that major changes must occur in the NSW greyhound industry if it is to continue. In fact, its very existence depends on successfully combatting the animal welfare issues within the industry, and restoring community faith in its integrity.

## Recommendations

- A separate government-funded and wholly independent authority should be established to take on responsibility for ensuring integrity and appropriate animal welfare standards in the greyhound racing industry.
- Greyhound Racing NSW should only be responsible for the management and development functions of the industry.
- The concept of 'independence' of GRNSW should be abandoned as unworkable and ultimate responsibility for the integrity of the industry should lie with the NSW Minister for Racing.
- The provision in Section 5 of the Act protecting the State from liability for 'debts, liabilities or other obligations of GRNSW or its subsidiaries' should remain.
- The Minister should directly appoint the boards of both GRNSW and the independent regulatory authority.
- Industry participants should be excluded from being on the board of either GRNSW or an independent regulatory authority to maintain the perception of independence and avoid conflicts of interest.
- The Act should be amended to ensure that the advancement of the welfare of greyhounds is included in the

strategic plan, and public reporting of progress towards the targets in the plan in relation to animal welfare should be mandated.

- The role of the Greyhound Racing Integrity Auditor should be abolished. It should be replaced by an independent authority, which includes at least one person with veterinary qualifications.
- The role and constitution of the independent authority should be embedded in the Act, including its specific powers in relation to protecting animal welfare.
- Those on the board of the independent authority must include at least one registered veterinarian proposed by the Australian Veterinary Association to ensure the interests of greyhounds are appropriately protected.
- The authority should be empowered to engage Authorised Officers who would be appointed under the Act with powers of entry and audit for the purposes of a formal animal welfare monitoring program.
- The authority should report publicly on all complaints investigated, even when a contravention is not found.
- Animal welfare protections in the Act should be enforceable by the independent authority where animal welfare legislation has not been contravened.
- Cases should be reported to RSPCA, Animal Welfare League or NSW Police for investigation and prosecution if it is possible they contravene animal welfare legislation.
- If prosecution does not eventuate, the independent authority should still be able to investigate and sanction industry participants under the rules of racing.

## Objectives of the Act

The systemic problems revealed by the *Four Corners* program and the recent Greyhound Racing in NSW Inquiry demonstrate that it is clearly inadequate to have the same body responsible for industry development and integrity. Unfortunately, it seems that these two objectives are currently mutually exclusive and wholesale cultural change is required to reverse this. It follows that the industry should under no circumstances be deregulated and permitted to formulate its own governance economic arrangements.

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## Terms of the Act

In practice it is difficult to see how Greyhound Racing NSW can be both fully independent of government but also subject to government oversight. If GRNSW is 'independent' then the government has no power to act in response to reports GRNSW is required to table in parliament, or in response to any other external scrutiny applied to the organisation's activities. This model does not sufficiently balance the expectations of the community with those of the industry.

With the recent resignation of the board and CEO of GRNSW at the Minister's request, it is hard to see how this 'independence' exists in reality. With the Minister being wholly responsible for appointing the board, it is hard to see how this equates to independence. The 'independence' concept should be abandoned as unworkable and ultimate responsibility for the industry should lie with the Minister for Racing who is accountable both to the industry and the public.

Given the crisis of confidence now overwhelming the greyhound racing industry in NSW, there is a strong case for different governing and controlling arrangements compared with the two other racing codes. As noted above, there is a clear case for an independent regulatory authority separate from GRNSW given that organisation's failure to

address significant animal welfare concerns, including live baiting.

Section 12 of the Act requires GRNSW to prepare a strategic plan every three years in consultation with stakeholders. It appears that no strategic plan is current, and that there has been a failure to comply with this requirement of the Act. Currently there is no requirement for animal welfare considerations to be part of the industry's strategic plan. The Act should be amended to ensure that the advancement of the welfare of greyhounds is included in the strategic plan, and public reporting of progress towards the targets in the plan in relation to animal welfare should be mandated.

## Recommendations

- The concept of 'independence' of GRNSW should be abandoned as unworkable and ultimate responsibility for the integrity of the industry should lie with the NSW Minister for Racing.
- The provision in Section 5 of the Act protecting the State from liability for 'debts, liabilities or other obligations of GRNSW or its subsidiaries' should remain.
- The Minister should directly appoint the boards of both GRNSW and the independent regulatory authority.
- Industry participants should be excluded from being on the board of either GRNSW or an independent regulatory authority to maintain the perception of independence and avoid conflicts of interest.
- The Act should be amended to ensure that the advancement of the welfare of greyhounds is included in the strategic plan, and public reporting of progress towards the targets in the plan in relation to animal welfare should be mandated.

## Integrity and animal welfare

Given the crisis currently engulfing the sport, it appears that current integrity provisions are not working. The regulations prohibiting live baiting in particular seem to have been unable to be enforced by the Greyhound Racing Integrity Auditor or anyone else.

In future, if the industry survives, integrity must be the responsibility of a truly independent regulatory authority funded by the government and acting in the public interest. The role and constitution of the independent authority should be embedded in the Act, including its specific powers in relation to protecting animal welfare.

Those on the board of the independent authority should be appointed directly by the Minister and must include at least one registered veterinarian to ensure the interests of greyhounds are appropriately protected. The appointment process for the veterinarian should follow the process currently in place for the NSW Animal Welfare Advisory Committee – the Australian Veterinary Association puts forward three appropriately-qualified candidates and the Minister selects one to serve.

The authority should be empowered to engage Authorised Officers who would be appointed under the Act with powers of entry and audit for the purposes of a formal animal welfare monitoring program. Either a dedicated inspectorate could be established, or additional funding for the existing RSPCA and Animal Welfare League inspectorate could fulfill this independent auditing role. This proactive independent monitoring is required in order to restore public trust in the industry.

The authority must establish open and transparent processes and reporting that can restore the community's faith that animal welfare is being respected within the NSW greyhound industry. This would include public reporting on all complaints investigated, even when a contravention is not found. Identifying information can be excluded from complaints where a contravention is not found.

There are significant animal welfare concerns in the industry, including in relation to how greyhounds are bred, broken in, trained, raced and their post-racing fate. Existing rules for the greyhounds' protection are not functioning effectively. Whatever improved integrity arrangements are made, there is a clear role for a significant increase in

veterinary input to ensure adequate standards of animal welfare are maintained, and enforced to the satisfaction of the community.

### **Recommendations**

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