

**Submission
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INQUIRY INTO GREYHOUND RACING IN NSW

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Recent media reports of continuing greyhound deaths on and off the track have added weight to an urgent need to address the animal welfare issues raised by Alexandra McEwan and Krishna Skandakumar ("The welfare of greyhounds in Australian racing: Has the industry run its course?").² In April 2013 an Illawarra Mercury report on the deaths of three greyhounds at a Dapto (NSW) race meet told of one dog breaking its neck and another breaking its back. Greyhound Racing NSW reported to the media that it had "launched a full investigation into each of the individual injuries suffered at the meeting".³ The results of this investigation have not been made public and attempts by the greyhound advocacy group Greyhound Freedom to gain details from industry representatives have met with strong resistance. On 5 June 2013, "Tuscan Storm", a 3-year-old greyhound, won race 12 at Shepparton (Vic.) but collapsed in the catching pen and was subsequently found to be deceased.⁴

The McEwan/Skandakumar article drew academic attention to the underreported animal welfare issues in the greyhound industry. The article emphasised that although the greyhound racing industry is regulated by animal welfare legislation and industry rules, the current animal welfare paradigm, using a utilitarian approach, justifies or allows the use of animals by non-human animals and provides that their pain and suffering is necessary or justifiable where there is a recognised social benefit. The authors take as its premise that the killing and mistreatment of greyhounds

in the racing industry can no longer be considered legitimate according to the utilitarian calculus.⁵ These significant welfare issues result from a commercial racing and gambling industry that is not independently regulated. The insularity of the racing industry from public scrutiny means the majority of welfare issues are not reported to the media or recorded in any reports, industry or otherwise.

The greyhound advocacy group Greyhound Freedom has determined that in 2012, 510 greyhounds fractured a bone or died from their injuries at a TAB greyhound track in Australia. There were 1583 further injuries, and 3386 greyhounds were scratched from scheduled races due to injuries. Injuries and deaths that occurred at the 20 non-TAB greyhound tracks in NSW cannot be determined as the stewards' reports are not publicly accessible. Regulation of animal welfare in the racing industry comes under the primary responsibility of greyhound industry bodies, such as Greyhound Racing NSW which, according to its Animal Welfare Policy, "has primary responsibility for the control of greyhound and animal welfare in the NSW

greyhound racing industry through the implementation of relevant policies, rules and regulations as well as information and education programs." Greyhound Racing NSW insists that clubs adhere to animal and greyhound welfare policies and regulations as a condition of their registration.⁶

The Greyhound Racing NSW Animal Welfare Policy provides that those involved in greyhound racing "must take appropriate action where ...cruelty or neglect is identified, including reporting offending parties to the RSPCA or other relevant authorities that are in a position [to] take action against an offender". The RSPCA does not generally intervene in the welfare of greyhounds in the racing industry. RSPCA Victoria President

Dr Hugh Wirth was quoted in 2004 as stating that whilst he deplored the over-production of greyhounds for the racing industry, the official RSPCA position is that there is no reason to ban greyhound racing.⁷ The RSPCA NSW gains its authority from the Prevention of Cruelty to Animals Act 1979 (NSW), which does little to protect the welfare of greyhounds in the racing industry. The racing of greyhounds is not an offence under the Act, and, as

the authors state, the killing of an animal is also not unlawful per se.⁸ As long as the pain and suffering inflicted on the animal during the act of killing does not amount to cruelty, it is lawful for an owner to dispose of his/her property.

This leaves the welfare of greyhounds in the hands of stewards who manage the operations of race meets. The role of the steward is to administer the racing rules, which involves the steward acting as investigator, prosecutor and adjudicator of breaches to the racing rules. As was highlighted in 2008, in an inquiry into the racing industry, this leaves little room for the separation of power needed to allow for due process to occur.⁹

Ultimately though, any rules relating to the welfare of racing greyhound are more related to ensuring fairness for the punters than the genuine welfare of the dogs. For example, examination of competing greyhounds prior to racing by a registered veterinarian under rule 37 relates to determining the fitness of the dog for racing.¹⁰ If the dog is not fit to race, the steward can

order its withdrawal from the race. Under the racing rules, stewards have very limited power to intervene where welfare concerns potentially arise.

Failure to provide adequate welfare of greyhounds is an offence under rule 106, and is punishable at the discretion of the steward by a fine and, most extremely, by expulsion from the racing industry (rule 95).¹¹ No provision is made for the seizure of greyhounds where any welfare concerns are raised.

It is for the owner's discretion what to do with the dog. As a chattel, it is lawful for an owner to dispose of his/her property. Under rule 105, the owner is required to notify Greyhound Racing NSW of any change in circumstances of a licensed greyhound, i.e. if it is retired as a pet, made a breeding greyhound, surrendered to a rescue organisation, exported, humanely euthanized by a veterinarian or is deceased.¹² Although rule 106

requires that if a greyhound has been euthanised by a veterinarian, the owner must include a veterinary certificate of euthanasia to Greyhound Racing NSW, this does not go so far as to require humane euthanasia.¹³ Racing greyhounds will continue to die on and off the track. There is no act of cruelty involved in greyhounds dying as a result of injuries sustained during a race. As long as the racing is legitimate and the pain and suffering inflicted on the animal during the act of killing does not amount to cruelty,

there is no offence in the disposal or death of injured, slow or otherwise unwanted greyhounds. I agree with the authors that continuation of the racing industry can no longer be considered legitimate.

References

1 In an edited letter -Ed.

2 (2011) 6 APLJ 53.

3 Cydonee Mardon, "Investigation after three dogs die at Dapto", Illawarra Mercury, 15 April 2013.

4 Greyhound Racing- Don't Bet On It Facebook update, 6 June 2013,
<<https://www.facebook.com/GreyhoundActionAustralasia?fref=ts>>.

5 Alexandra McEwan and Krishna Skandakumar, "The welfare of greyhounds in Australian racing: Has the industry run its course?" (2011) 6 APLJ 53 at 56-57.

6 Greyhound Racing NSW, "Animal Welfare Policy", Nov. 2006,
<<http://www.thedogs.com.au/Uploads/Userfiles/Animal%20Welfare%20Policy.pdf>>.

7 Lorna Edwards, "Hounded to death", Sydney Morning Herald, 25 October 2004,
<<http://www.smh.com.au/articles/2004/10/24/1098556290613.html>>.

8 Alexandra McEwan and Krishna Skandakumar, "The welfare of greyhounds in Australian racing: Has the industry run its course?" (2011) 6 APLJ 53 at 59.

9 In 2007, the NSW Minister for Gaming and Racing appointed barrister Malcolm Scott to chair a Review (Malcolm Scott, 2008

Independent Review of the Regulatory Oversight of the NSW Industry Report (June 2008), cited in Alexandra McEwan and Krishna

Skandakumar, "The welfare of greyhounds in Australian racing: Has the industry run its course?" (2011) 6 APLJ 53 at 61. The Scott

Review was critical of this role of the steward, and also highlighted the high level of corruption in the racing industry.

10 Greyhound Racing NSW, "Greyhound Racing Rules", 1 January 2013.

11 Greyhound Racing NSW, "Greyhound Racing Rules", 1 January 2013.

12 Greyhound Racing NSW, "Greyhound Racing Rules", 1 January 2013.

13 Greyhound Racing NSW, "Greyhound Racing Rules", 1 January 2013.

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