

## **INQUIRY INTO GREYHOUND RACING IN NSW**

**Organisation:** Society of Companion Animal Rescuers Inc

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SOCIETY OF COMPANION ANIMAL RESCUERS

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## Legislative Council Select Committee on Greyhound Racing in New South Wales

### Public Submission

### Animal Welfare in the Greyhound Racing Industry

#### 1) Purpose

To seek to advise the Legislative Council Select Committee on Greyhound Racing in New South Wales on the impact the industry has upon the animal welfare aspect of greyhounds

#### 2) Submissions Close: 6 November 2013

#### 3) Submission

Members of the community, including key stakeholders, have been invited by the Legislative Council Select Committee on Greyhound Racing in New South Wales to make submissions about the Greyhound Industry in NSW.

The Society of Companion Animal Rescuers Inc (SoCares) has been one of those key stakeholders, in the field of animal welfare, and partner of numerous council pounds, in one form or another, for close to eight years.

Our committee is constituted of people considered expert in their fields including our President, Sue Barker, who has around 40 years experience in the companion animal sector including 10 years as a director of the RSPCA NSW.

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We therefore consider our submission to be based upon legislative and code of practice requirements; expertise of managing and cooperating with various shelter operations across NSW; eyewitness accounts; along with years of experience in the companion animal sector.

This submission will address the following documented cases of greyhounds, at three Hunter Valley pounds, according to the Inquiry's Terms of Reference:

(j) Sale and breeding of greyhounds including the market conditions and welfare of Animals

(k) The welfare of animals in the industry and the role of Greyhound Racing NSW in establishing and enforcing standards of treatment of animals

(l) Financial incentives for reducing euthanasia and prosecutions for animal Mistreatment

(m) The adequacy and integrity of data collection in the industry, including the number of pups born, the number of dogs euthanased and injury rates, and

(n) Any other related matter.

## 4) Report

### ***Muswellbrook Pound***

Muswellbrook Pound has not had a large number of greyhounds go through its facility, over the last three and a half years, yet nevertheless the greyhounds which had arrived there pretty much repeated the trend of other experiences throughout the Hunter Valley which we have witnessed.

From early 2010, when I (David Atwell) started conducting rescue services from Muswellbrook pound, until mid 2011, it would not be unusual for a greyhound to be either impounded as a stray or surrendered approximately once every eight weeks.

I would estimate that half of these greyhounds would be in a good condition. However the remainder would be suffering either physical injury usually indicating a fight with another dog, injuries sustained from possible human violence of one type or another, or suffering from behaviour problems. The latter issue, where the greyhounds in question were aggressive towards other dogs or people, usually meant to say that the greyhound was destroyed. Rescue groups, though, would take into care those greyhounds deemed fit for public release.

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The issue of breaches in the *Prevention of Cruelty to Animals Act* was raised (see Kurri Kurri Pound section below for details) with the pound supervisor a number of times, but we were told repeatedly that it was Muswellbrook Council policy not to report such concerns to the RSPCA for investigation. When asked who had made the decision not to report such breaches of the Act, we were told that the Council's \_\_\_\_\_ had decided upon such action. We were never given an explanation why such a decision was made, although we feel that refusal not to report cases of animal cruelty to be itself a breach of the Act. This issue would again be repeated at Kurri Kurri Pound on more than one occasion.

From the middle of 2011, however, there was an increase in the number of greyhounds which would be surrendered, dumped, or impounded as strays at Muswellbrook. The increase appeared to double that from the previous period insofar as it seemed that the average increased to one new greyhound every four weeks.

Although there seemed to be no explanation forthcoming from pound staff, for this sudden increase, I personally knew that Cessnock Council had, at this same time, closed their old pound at Kurri Kurri and impounding had transferred to the RSPCA facility at Rutherford due to the outsourcing of this council service to the RSPCA NSW.

Even though there is no tangible link, supporting the proposition that the closure of Kurri Kurri pound was linked to the sudden increase in greyhounds arriving at Muswellbrook pound, experience within the rescue community reached a consensus that the two were indeed connected.

This consensus was further reinforced given the fact that, unlike Singleton Pound, Muswellbrook has surrender pens whilst it was also open to the public at the time, whereas Singleton Pound has no surrender pens and was not open to the public.

This sudden increase in the number of impounded and surrendered greyhounds at Muswellbrook continued until early to mid 2012. Since then there has been virtually no greyhounds which have arrived at Muswellbrook pound. There seems to be no self evident reason for the sudden drop-off in greyhound numbers. Nevertheless the condition of the greyhounds, which would come in, was per the previous pattern until this drop-off: about half would be in good condition, whilst the others would display various injuries &/or their behaviour would deem them unfit for release.

## ***Singleton Pound***

Singleton pound is the smallest of the three pounds documented in this report, and consequentially the number of greyhounds arriving at this facility is limited, but it was also host to the worst case of cruelty to a greyhound I have ever come across.

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As described in the Muswellbrook section, about half of the greyhounds would be in good condition, whilst the remainder would again display various injuries. Given we are talking less than ten greyhounds over a three to four year period, I am not aware of any having been destroyed for unsuitable behaviour.

However, as said one of the worst cases of animal cruelty took place at Singleton pound. An extremely underweight female greyhound arrived at the pound on the afternoon of Friday 4 February 2011. As previously stated above, the pound is not opened to the public, and is only staffed part-time, so the greyhound was left in its kennel over the weekend with minimum supervision.

On Sunday 6 February 2011 the part-time weekend staff member discovered that the greyhound had given birth in the kennel to one pup. The pup, though, was dead. On Monday Singleton Council management were finally alerted about the situation yet seemed to offer no veterinary assistance. Finally Dog Rescue Newcastle found out about the situation and demanded that the Council hand the dog over into their care. A reluctant Singleton Council finally agreed to do so.

The greyhound was rushed to Singleton Veterinary Hospital where the staff immediately operated as an x-ray discovered that a further two pups were still inside the greyhound. Both pups were also found to be dead. And if the operation had not taken place, when it did, the female greyhound would not have survived for much longer.

Although the greyhound in question is now safe, and living the life of a beloved family member, it nonetheless exemplifies how poorly greyhounds are treated by numerous owners and trainers. Furthermore Singleton Council should be ashamed of themselves, for their part in this affair, where even today their pound is still not staffed full time although communications between Singleton Council staff and rescue groups have greatly improved since this event.

The matter was reported to the RSPCA for investigation, sometime before 18 February 2011, but there has been no word from the RSPCA, over this affair, since this was announced. Indeed concern about cruelty to animal cases, which arrive at various pounds, either never get reported to the RSPCA or once they do the RSPCA never seems to conduct any proper investigation save for some perfunctory acknowledgement and little else.

Since the end of 2011, however, I am not aware of any further greyhounds being impounded or surrendered at Singleton pound.

## ***Kurri Kurri Pound***

For about five or so years I was involved in the operations at Kurri Kurri Pound prior to Cessnock Council outsourcing their impounding services to the RSPCA NSW. The various rescue groups and I, during that time, had come across numerous cases of impounded greyhounds which had been either surrendered or abandoned at this facility in numbers far greater than both Muswellbrook and Singleton pounds.



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From the time I started doing the photos at Kurri Kurri Pound, from around 2007 onwards, a greyhound would arrive at the pound approximately once every six weeks. Given the pattern already discussed above, the experience at Kurri Kurri pound had firmly set the trend for the other Hunter Valley pounds. Again we witnessed about half of the greyhounds being in good condition, whilst the remainder would be a mix of injured, starving, &/or greyhounds with behaviour issues.

By 2010, however, the condition of the incoming greyhounds had deteriorated. Greyhounds with wounds, resulting from dog fights (we presumed it was from dog fighting), began to increase. Similarly greyhounds that appeared to be significantly underweight seemed to increase in number as well. Concerns were shared with Council rangers (as they staffed the pound) over breaches in the *Prevention of Cruelty to Animals Act* under a couple of Sections, most notably:

## ***5 Cruelty to animals***

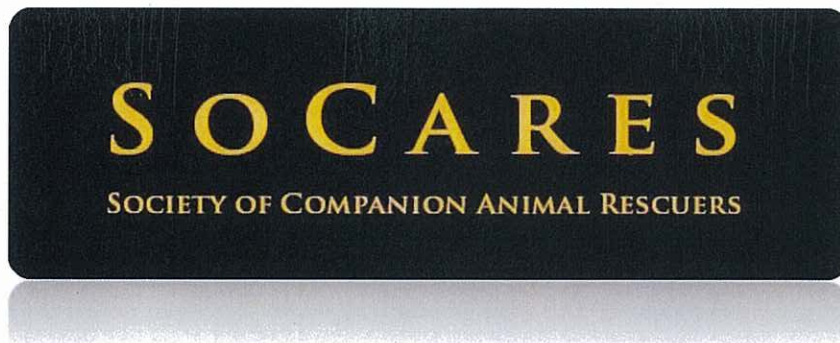
- (1) A person shall not commit an act of cruelty upon an [animal](#).
- (2) A [person in charge](#) of an [animal](#) shall not [authorise](#) the commission of an act of cruelty upon the [animal](#).
- (3) A [person in charge](#) of an [animal](#) shall not fail at any time:
  - (a) to [exercise](#) reasonable care, control or supervision of an [animal](#) to prevent the commission of an act of cruelty upon the [animal](#),
  - (b) where [pain](#) is being inflicted upon the [animal](#), to take such reasonable steps as are necessary to alleviate the [pain](#), or
  - (c) where it is necessary for the [animal](#) to be provided with [veterinary treatment](#), whether or not over a period of time, to provide it with that treatment.

Source: [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/poctaa1979360/s5.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/poctaa1979360/s5.html)

And:

## ***8 Animals to be provided with food, drink or shelter***

- (1) A [person in charge](#) of an [animal](#) shall not fail to provide the [animal](#) with food, drink or shelter, or any of them, which, in each case, is proper and sufficient and which it is reasonably practicable in the circumstances for the person to provide.



Maximum penalty: 250 penalty units in the case of a corporation and 50 penalty units or imprisonment for 6 months, or both, in the case of an individual.

(2) In any proceedings for an offence against subsection (1), evidence that an animal was not provided with clean water during a period of 24 hours is evidence that the person accused of the offence has failed to provide the animal with proper and sufficient drink during that period.

(3) In any proceedings for an offence against subsection (1), evidence that an animal was not provided with food or shelter during a period of 24 hours (or, in the case of an animal of a class prescribed by the regulations, during the period prescribed for that class of animal) is evidence that the person accused of the offence has failed to provide the animal with proper and sufficient food or shelter during that period.

Source: [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/poctaa1979360/s8.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/poctaa1979360/s8.html)

Furthermore when pound staff was asked as to whether these cases were reported to the RSPCA, the staff explained that it was Cessnock Council policy not to report such issues to the RSPCA even though personally they felt this to be wrong. Why it was Council policy not to report such acts of animal cruelty was never explained.

Upon learning of these raising cruelty issues, \_\_\_\_\_ of Sydney Greyhound Rescue contacted Greyhounds NSW over the unacceptable condition of the some of the greyhounds arriving at Kurri Kurri Pound. I am not privy to their communications, but by the middle of 2010 greyhound owners, who surrendered their dogs to Kurri Kurri Pound, demanded that the dogs be destroyed and not to allow rescue groups to take the dogs instead. Apparently it was stated by the owners that this is what Greyhounds NSW had instructed them to demand.

Cessnock Council went along with these demands even though pound staff believed this arrangement to be wrong. Indeed the *Companion Animals Act* is explicitly clear in respect to surrendered companion animals where it states in Section 64A Para 2:

***64A Animals surrendered by owners may be sold or destroyed***

(1) A council may at any time sell or destroy a surrendered animal if the animal was surrendered by its owner to the council pound.

(2) Before destroying a surrendered animal as authorised by subsection (1), it is the duty of the council concerned to consider whether there is an alternative action to that of destroying the animal and (if practicable) to adopt any such alternative.

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Source: [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/caa1998174/s64a.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/caa1998174/s64a.html)

Consequentially, given the fact that Cessnock Council went along with this demand by Greyhounds NSW, the Council was in fact breaking the legislation as, without a doubt, rescue groups were a viable "... alternative action to that of destroying the animal..." as had been the arrangement prior to Greyhounds NSW demanding an illegal action.

This arrangement with the owners/trainers of greyhounds continued until the closure of the Kurri Kurri facility on July 31 2011. Impounding was then conducted by the RSPCA facility at Rutherford. Although we have no information as to whether greyhounds were still admitted to the Rutherford facility, we do know that there was a sudden increase in the number of greyhounds which were admitted to Muswellbrook pound from mid 2011 until approximately the middle of 2012.

## 5) Observations and Recommendations

Without a doubt, between 2007 and 2012, a disturbing pattern of greyhound dumping and animal cruelty took place across the Hunter Valley. It is clear that there are greyhound owners/trainers, within the region, who did not care for the greyhound's welfare in their ownership, were in breach of at least two sections of the *Prevention of Cruelty to Animals Act*, and did so on a continuing basis.

It is also clear, once Greyhounds NSW were informed of these breaches of the *Prevention of Cruelty to Animals Act*, their reaction was one of a cover-up in order to stop the rescue groups and general members of the public from learning of these breaches. In doing so they endorsed the illegal treatment of these animals through their actions, whilst forcing Cessnock Council to breach Section 64A of the *Companion Animals Act*. Why Cessnock Council went along with this, whilst not reporting animal cruelty cases to the RSPCA, has never been explained.

Far more disturbing, however, is the sudden stoppage of greyhounds entering the Hunter Valley pounds from the middle of 2012 onwards. Given my work at these three council pounds, the change was very noticeable and without explanation. The fear is that these greyhound owners and trainers are now conducting euthanasia themselves, in an effort to conceal their activities and the condition of the dogs in their ownership. Consequentially we now have no idea how bad animal cruelty currently is, in the Greyhound Industry throughout the Hunter Valley, whilst accountability in the past, which was more or less non-existent, is now impossible to enforce.

SoCares recommends that an independent Animal Welfare Ombudsman be established to ensure that an authority is in place to warrant that some form of accountability mechanism can investigate such matters in the future. The Ombudsman should also be able to keep all organisations involved with animal welfare, whether they be the RSPCA, AWL, Greyhounds NSW, councils, rescue groups, veterinary practices, and the like accountable for their actions. As in the case of Kurri Kurri Pound exemplified above, failings took place across a number of organisations including, but not limited to, Greyhounds NSW, Cessnock City Council,



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Muswellbrook Council, Singleton Council, as well as the RSPCA who were made aware of at least one case of greyhound neglect at Singleton Council's Pound.

Yet, given there was no independent ombudsman type authority to report these happenings and failures across the Hunter Valley and elsewhere throughout the state, in respect to animal cruelty and neglect, there has been no intervention, no investigation, and no accountability. Although this Parliamentary Inquiry is only about the Greyhound Industry, these acts of animal cruelty are not limited to merely one sector of animal welfare, but indeed failings of various organisations is commonplace across the state. In our honest opinion this will not change until an Animal Welfare Ombudsman has been established.

Similarly the failings of the RSPCA Inspectorate to investigate, in a serious manner breaches of the *Prevention of Cruelty to Animals Act*, are likewise issues of a significant concern. This is irrespective that the three councils involved refused to report cruelty cases to the RSPCA, which may also require investigation in of itself, as individual citizens nonetheless had lodged complaints over these matters with the RSPCA. Although not necessarily a topic for this Parliamentary Inquiry, the RSPCA NSW should itself be thus investigated for its continuous disengagement, from these examples of animal cruelty involving greyhounds, along with a significant number of other general cases of animal cruelty involving all other animals across the Hunter Valley and Central Coast where they have done little if anything. Given the National Party has passed a resolution calling for the establishment of such a Parliamentary Inquiry into the RSPCA NSW, we strongly suggest that this Inquiry be established at the earliest opportunity.

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Vice President