

INQUIRY INTO GREYHOUND RACING IN NSW

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A SUBMISSION TO THE
'INQUIRY INTO GREYHOUND RACING
IN NEW SOUTH WALES'

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ABOUT THE AUTHOR

As a solicitor and legal researcher, I have worked as an animal advocate and greyhound rescuer for more than a decade. The following submission outlines my research and knowledge gained over this time into animal law generally, and greyhound welfare issues more specifically.

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A. SUMMARY

This Submission will address the following terms of reference of the inquiry:

- (d) The effectiveness of current industry regulation, including the level of autonomy of Greyhound Racing NSW;
- (i) The incidence of drug administration and doping in the industry and the efficacy of Greyhound Racing NSW's control and testing processes;
- (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 euthanised and injury rates; and
- (n) Any other related matter.

B. SUBMISSION

1. Introductory comments

- 1.1 I have prepared this Submission in response to the call for submissions to the inquiry into greyhound racing in New South Wales.
- 1.2 As a general policy, I am opposed to greyhound racing. This submission will outline the reasons for this opposition, addressing the terms of reference to this inquiry.

2. Submission with regard to terms of reference:

(d) The effectiveness of current industry regulation, including the level of autonomy of Greyhound Racing NSW

- 2.1 The greyhound racing industry is governed by Greyhound Racing NSW (GRNSW), which operates as an autonomous non-government body. GRNSW is responsible for both the regulatory and commercial functions of the industry.¹ This autonomy is problematic in that there is no independent oversight of the greyhound racing industry in NSW. Furthermore, there is no independent regulatory body or official within GRNSW itself. This makes it difficult or even impossible for the integrity of the industry to be monitored, both from within or externally.
- 2.2 There is an integrity auditor, however this role is appointed by GRNSW itself. This creates a clear conflict of interest. The integrity officer is responsible for overseeing stewards, drug testing, and control and registration, advising GRNSW on those matters and investigating complaints against racing officials.² The conflict of interest of an internally appointed integrity auditor has been brought to light publicly by the former greyhound racing integrity auditor for NSW, David Landa. Landa has spoken publicly about his resignation in 2012, criticising the role as compromised and unworkable.³ Landa claimed that he was unable to facilitate public inquiries into the problems within the industry, and that “failings in the legislation make the functioning of this position as an independent oversight, simply not possible.” No legislative or regulatory change has been enacted following Mr Landa’s resignation, thus his criticisms and observations remain relevant today.⁴
- 2.3 There is no government body in NSW which takes responsibility for the welfare of greyhounds. The Minister for Primary Industries in NSW administers the *Prevention of Cruelty to Animals Act 1979* (NSW), but has little or no involvement with GRNSW except to investigate cruelty complaints, if any are made (see discussion below). The Minister for Racing is responsible for racing but not the welfare of racing greyhounds. Thus, there is no governmental oversight

¹ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

² John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

³ Kevin Pitstock, *NSW Inquiry In To Greyhound Racing- New Dawn or Death Knell?*, www.australianracinggreyhound.com.

⁴ Natalie O’Brien, *NSW racing going to the dogs*, 15 July 2012, Sydney Morning Herald, <http://www.smh.com.au/nsw/nsw-racing-going-to-the-dogs-20120714-2230l.html>.

over the greyhound racing industry, and thus the government does not know how many greyhounds are bred, killed or die on the track each year.

- 2.4 GRNSW operates under the *Greyhound Racing Act 2009* (NSW). Neither this Act nor any other statutory or regulatory instrument requires GRNSW to report welfare issues or cruelty cases – to the RSPCA, the government, the media or to the public in any way. There are significant welfare issues for greyhounds that result from a commercial racing and gambling industry that is not independently regulated. The insularity of the racing industry from public scrutiny means that the majority of welfare issues are not transparent to the public, and these issues are not reported to the media or recorded in any reports, industry or otherwise (that are transparently available).

(i) The incidence of drug administration and doping in the industry and the efficacy of Greyhound Racing NSW's control and testing processes

- 2.5 The involvement of criminal activity in the greyhound racing industry has been recognised in the many government inquiries into the racing industry. In 2000, when the industry was still under government regulation, an inquiry into the sport by the Independent Commission Against Corruption led to six people being charged with corrupt practices and the jailing of the former chief steward Rodney Potter.⁵ Now that the industry is self-regulating, it is out of the reach of ICAC.⁶
- 2.6 The involvement of criminal activity in the greyhound racing industry is a continuing issue. There have been many allegations of doping of dogs in the greyhound racing industry, with reports of links to outlaw motorcycle club involvement.⁷ Former integrity auditor David Landa expressed concern that GRNSW had not conducted any public inquiry into criminal or motorcycle club involvement in the industry.⁸
- 2.7 The administration of drugs to influence the performance of racing greyhounds is an increasing problem. From 2010/11 to 2011/12, across the country, positive drug swabs rose 82 per cent.⁹ Drug testing is a discretionary matter under the GRNSW Greyhound Racing Rules. Rule 79 of the GRNSW Greyhound Racing Rules does not require drug testing to occur, but rather leaves how, when or where this occurs to the discretion of the steward. Given the

⁵ Independent Commission Against Corruption, *The greyhound report: Investigation into aspects of the greyhound racing industry*, August 2000.

⁶ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

⁷ Natalie O'Brien, *Going to the dogs – bikies, dopers and fraudsters*, 12 August 2012, Sydney Morning Herald <http://www.smh.com.au/nsw/going-to-the-dogs--bikies-dopers-and-fraudsters-20120811-2418m.html>.

⁸ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

⁹ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

ICAC's 2000 report¹⁰ which uncovered the prevalence of corruption and the vulnerability of stewards to bribery, the level of discretion given to stewards is alarming.

2.8 The media has brought to light many incidents highlighting the use of drugs to influence the performance of greyhounds. Here is a list of some more recent scandals:

- In August 2013, greyhound trainer, Darryn Melvaine, was disqualified for 12 months due to a greyhound having positive swab for amphetamine.¹¹
- In June 2013, greyhound trainer Mark Azzopardi was stood down over a positive test to cocaine by a dog in his kennel, Transcend Time.¹²
- In March 2013, trainer Leo Vanderburg was disqualified for a period of nine months and was fined \$3,000 after a urine sample taken from Vanderburg's greyhound tested positive to amphetamine and benzoylecgonine.¹³
- In April 2012 greyhound trainer John Smart received a suspension of two months over positive tests to the prohibited substances Caffeine, Theophylline, Paraxthine and Theobromine by two of his dogs.¹⁴
- In January 2009, Andrew Nguyen was fined \$500 and suspended for two years after an inquiry into a positive swab from a greyhound to Procaine.¹⁵
- In December 2008, Wendy Connell was found guilty after an inquiry into a positive swab from a greyhound to Procaine and was fined \$500.¹⁶

2.9 Greyhounds are very vulnerable to abuse and exploitation by parties involved in the greyhound racing industry. Drugging of racing dogs is just one example of how the welfare of the dog is not protected by any interested parties in the industry (other examples are discussed in subsequent sections of this submission). Owners and/or trainers have a financial agenda in modifying the performance of their racing dogs through the use of drugs. This agenda does not factor in the health and wellbeing effects of these drugs on the dog itself. Thus, the interests of the interested parties can conflict with the interests of the dog. Furthermore, the advent of drug testing by a steward can itself indirectly have lethal consequences for the affected dog. If the dog has been drugged in a race, the owner/trainer may choose to injure or dispose of the dog rather than face the repercussions of having a

¹⁰ Independent Commission Against Corruption, *The greyhound report: Investigation into aspects of the greyhound racing industry*, August 2000.

¹¹ GRNSW, *Melvaine Disqualified*, <http://www.thedogs.com.au/NewsArticle.aspx?NewsId=4313>.

¹² Chris Roots, *Trainer suspended over dog's positive cocaine test*, 15 June 2013, The Age, <http://www.theage.com.au/sport/horseracing/trainer-suspended-over-dogs-positive-cocaine-test-20130614-2o9ph.html#ixzz2WNYcnJEd>.

¹³ GRNSW, *Leo Vanderburg Fined And Disqualified*, 22 March 2013, <http://www.thedogs.com.au/NewsArticle.aspx?NewsId=3673>

¹⁴ Michael East, *New South Wales Greyhound Trainer Suspended For Two Months For Feeding Green Tea*, 24th April 2012, <http://www.australianracinggreyhound.com/australian-greyhound-racing/new-south-wales-greyhound-racing/new-south-wales-greyhound-trainer-suspended-for-two-months-for-feeding-green-tea/33612>.

¹⁵ Kevin Pitstock, *Suspended Fine For Procaine Positive Swab Greyhound*, 16 January 2009, <http://www.australianracinggreyhound.com/australian-greyhound-racing/victorian-greyhound-racing/suspended-fine-for-procaine-positive-swab-greyhound-trainer/8084#ixzz2hUJvt2w>.

¹⁶ Kevin Pitstock, *Fine Only For Greyhound Trainer Of Positive Swab To Procaine*, 17 December 2008, <http://www.australianracinggreyhound.com/australian-greyhound-racing/victorian-greyhound-racing/fine-only-for-greyhound-trainer-of-positive-swab-to-procaine/7194#ixzz2hUJdWEbE>.

positive drug test. In economic terms, the owner/trainer may determine that the consequences of drug testing far outweigh the welfare considerations of the dog. The prevalence of this outcome cannot be proven by external references. Like many of the abuses greyhounds suffer at the hands of their trainers/owners, there is only anecdotal evidence of its occurrence. As a rescue worker, I have been informed from several independent sources that a method used by owners/trainer to avoid drug testing of their dogs at race meets is to snap the leg of their competing greyhound in the holding pen after the race, if they hear that the steward is coming around to drug test the dog. The dog had been drugged, so the owner chooses to take action to avoid facing the consequences of a positive drug test.

- 2.10 Thus the circumstances, under which drug testing occurs, places the greyhound in a position where it is vulnerable to abuse and exploitation by parties involved in the greyhound racing industry whose interests conflict with the dog's. In order to address this issue, there needs to be an **independent welfare officer** appointed whose only concern is ensuring and protecting the welfare of racing dogs. The steward's primary concern is to administer the rules of the race. The owner/trainer's agenda is to win prize money. This welfare officer must be truly independent from stewards and racing administrators, in order to effectively ensure, protect and defend the welfare of racing dogs.

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

Overbreeding of greyhounds and high euthanasia rate

- 2.11 In NSW in 2012 there were 4000 registered greyhound trainers and 8200 registered greyhound owners. In NSW on average for the last 5 years 8900 greyhounds were born each year.¹⁷
- 2.12 Greyhounds, if they remain uninjured or do not perish as a result of racing, generally have a two year racing career¹⁸, beginning at around 18 months and ending at around 4 years of age. After this time, there are large numbers of greyhounds that are no longer wanted by their owners or trainers. They may be injured, deemed too slow to race, or are not desired for breeding purposes. According to figures provided by GRNSW, over 3,000 greyhounds are put down in NSW alone each year because they are "too slow", have been injured racing or training, or have reached the end of their racing career.¹⁹
- 2.13 This is likely to be a conservative estimate of the true number of greyhounds killed each year. From 2003 to 2011 there were 80,133 greyhounds born in NSW.²⁰ In 2012 there were 2,552 greyhounds registered as pets and 6150 greyhounds registered as racing greyhounds. Greyhounds live 10 to 12 years, so in 2012 there should more than 80,133 greyhounds alive.

¹⁷ James Cockington, *This is no slumdog*, Sydney Morning Herald, 20 June 2012.

¹⁸ James Cockington, *This is no slumdog*, Sydney Morning Herald, 20 June 2012.

¹⁹ 'Greyhound racing euthanasia rates slammed', ABC News, 10 November 2012.

²⁰ This figure does not include puppies discarded from unplanned litters. Answers to questions on notice lodged by MP for Sydney Alex Greenwich 23 May 2013. Full text of questions and answers available at <http://www.parliament.nsw.gov.au/prod/la/qala.nsf/18101dc36b638302ca257146007ee41a/73129441ba2b6f30ca257b750000790d?>

Thus it seems that 71,431 greyhounds are unaccounted for.²¹ Tracking of greyhound from birth to death largely relies on breeders and owners self-reporting to GRNSW.²² It is unclear whether GRNSW is failing to collect data on the fate of greyhounds or they are not making it publically available. Either scenario is unacceptable in accounting for the welfare of dogs in the greyhound racing industry.²³

- 2.14 Re-homing of greyhounds discarded from the racing industry provides an alternative to the premature euthanasia of otherwise healthy dogs. Some greyhounds are re-homed through the industry run program 'Greyhounds as Pets', or through independent greyhound rescue groups. GRNSW does not publically disclose the number of greyhounds adopted through the industry-run program, however it has been discovered that just 300 dogs have been rehomed since 2009 under this program.²⁴ This is a very small percentage of the greyhounds born in NSW. Thus the majority of greyhounds born in NSW are disposed of or die at a young age, and their fate is largely unknown. It is impossible and impractical to re-home all greyhounds discarded from the racing industry since the number of greyhounds born each year is very high. Rather, greater control of the breeding and disposal of greyhounds needs to be effected to address this problem. Greyhound breeders and the racing industry as a whole must be held accountable for the fate of their dogs.

Puppies

- 2.15 The breeding and sale of greyhounds is regulated under the GRNSW Greyhound Racing Rules. Under rule 126 of GRNSW Greyhound Racing Rules, "where the owner of a greyhound consents to another person using the greyhound for breeding purposes... a prescribed authority form shall be lodged with the Controlling Body..." Rules 126-140 relate to the rules controlling siring, whelping and breeding more generally.
- 2.16 These rules have the indirect effect that unlicensed puppies born accidentally, or in an unregistered situation, are then destroyed. This outcome was brought to public attention in the well reported incident involving greyhound trainer Tony Lockett, who was sued when he sold unlicensed greyhound puppies.²⁵ After the tests confirmed that the nearly 40 greyhound puppies were not sired correctly, the authorities removed their breeding certificates, stamping them "sire unknown", and the puppies were destroyed. Rehoming and rescue groups rarely have greyhound puppies surrendered into care.
- 2.17 Therefore, there are thousands of greyhounds which are born and die every year in Australia that do not get re-homed. It is not known whether any data is collated on the number of

²¹ Greyhound Freedom, <<https://www.facebook.com/pages/Greyhound-Freedom/341841249187362?fref=ts>>

²² John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

²³ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

²⁴ Answers to questions on notice lodged by MP for Sydney Alex Greenwhich 23 May 2013. John Kaye, 8 October 2013, *Have your say on greyhound racing in NSW*, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

²⁵ Mark Forbes, *Lockett Sued Over Alleged Greyhound Scam*, The Age, September 17, 1998, <http://www.greyhoundbreeding.com.au/greyhound-breeding-articles/1998/9/17/lockett-sued-over-alleged-greyhound-scam/>.

puppies born, or the number of greyhounds killed in the greyhound racing industry each year. This data remains hidden from the public. It is not until dogs have reached 12 weeks of age that they are required to be implanted with a microchip, or at point of sale or change of ownership (whichever occurs first) (in NSW, under section 8 of the *Companion Animals Act 1998*). This is the first time an external record of their existence is required to be kept.

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

- 2.18 Regulation of animal welfare in the racing industry comes under the primary responsibility of greyhound industry bodies. In NSW this is Greyhound Racing NSW. According to the Animal Welfare Policy of GRNSW, it “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. In addition, GRNSW insists that clubs adhere to animal and greyhound welfare policies and regulations as a condition of their registration.”²⁶
- 2.19 Whilst the Animal Welfare Policy of GRNSW 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 take action against an offender”, the RSPCA does not generally intervene in the welfare of greyhounds whilst in the racing industry. Dr Hugh Wirth was quoted in 2004 as stating that whilst he deplored the overproduction of greyhounds for the racing industry, the official RSPCA position is that there is no reason to ban greyhound racing.
- 2.20 The RSPCA 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 itself not an offence under the Act, and the killing of an animal is also not unlawful per se. 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 their property. Furthermore, 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. Thus on a fundamental level the law does little to protect the welfare of greyhounds in the racing industry. On a practical level, where cruelty or mistreatment of greyhounds does occur, this would need to be reported to the RSPCA in order for any investigation to be instigated. The insularity, secrecy and high level of corruption in the greyhound racing industry make this unlikely.
- 2.21 During a race event, the welfare of greyhounds is in the hands of the 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. This multifaceted role was highlighted as problematic by Malcolm Scott in his

²⁶ Animal Welfare Policy, <<http://www.thedogs.com.au/DPage.aspx?spid=116&id=3>>.

2008 Report²⁷ into the racing industry, as this leaves little room for the separation of power needed to allow for due process to occur.

- 2.22 Malcolm Scott in his 2008 Report highlighted that “[t]he traditional role of stewards is that of acting as investigator, prosecutor and adjudicator. There is no discernible break or differentiation between stewards engaging in all three functions. Leaving aside matters of law and issues of natural justice, there is a lingering perception that it is inappropriate for the same person to gather evidence, bring a charge based upon that evidence, prosecute that evidence and determine the charge based upon that prosecution.”²⁸
- 2.23 The role of the steward is to administer the Racing Rules, and these Rules operate primarily to ensure the integrity of the race itself. Where there is any mention in the Racing Rules to welfare issues, these rules are more related to ensuring fairness of 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. 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). There is no provision for the seizure of greyhounds where any welfare concerns are raised.
- 2.24 Furthermore, under rule 73 of GRNSW Greyhound Racing Rules, “where a greyhound is injured during an Event the veterinary surgeon or authorised person or, in their absence, the Stewards, may impose a period of incapacitation commencing on the day on which the greyhound is injured. (2) Subject to Rule 73(3), an owner or trainer shall not permit the greyhound to compete in an Event or satisfactory trial during the period of incapacitation. (3) Where a greyhound is prohibited pursuant to Rules 37(2) and 73(1) from competing in any Event, the trainer may, subsequent to the day that an order is made, make only 1 application to the Stewards for the greyhound to be examined by an officiating veterinary surgeon or authorised person, to determine whether at the time of the examination the greyhound is free of injury and if the greyhound is found not to be suffering an injury the restriction imposed shall be revoked.” Thus the focus of this rule is on suspending the dog from racing rather than ensuring the welfare of the dog is met.
- 2.25 Offences are outlined in rule 86 of GRNSW Greyhound Racing Rules. There is no provision in relation to the welfare of greyhounds. The only mention of an offence in relation to welfare makes it an offence to engage in conduct which is detrimental or prejudicial to the welfare of greyhound racing ((q)). Rule 86 (ac) makes it an offence to engage in “neglect or of any dishonest, corrupt or improper act or practice in connection with the breeding or registration of greyhounds or has attempted any such act or practice.” [emphasis added]

Under rule 106 of GRNSW Greyhound Racing Rules:

²⁷ Malcolm Scott, *2008 Independent Review of the Regulatory Oversight of the NSW Industry Report*, June 2008.

²⁸ Malcolm Scott, *2008 Independent Review of the Regulatory Oversight of the NSW Industry Report*, June 2008, p 15.

- (1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-
 - (a) proper and sufficient food, drink and protective apparel;
 - (b) proper exercise;
 - (c) kennels constructed and of a standard approved by the Controlling Body which are adequate in size and which are kept in a clean and sanitary condition; and
 - (d) veterinary attention when necessary.
- (2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care or custody from being subjected to unnecessary pain or suffering. [emphasis added]

However this rule is not linked to any offence for breach thereof so seems merely aspirational and ultimately ineffective.

- 2.26 Ultimately, it is at the owner's discretion as to what to do with the dog. As a chattel, it is lawful for an owner to dispose of their property. Under rule 105, the owner is required to notify GRNSW of any change in circumstances of a licenced greyhound, that is if the greyhound has been retired as a pet, made a breeding greyhound, surrendered to a rescue organisation, exported, humanely euthanized by a veterinarian or is deceased. Although rule 106 requires that if a greyhound has been euthanised by a veterinarian, the owner must include a veterinary certificate of euthanasia to GRNSW, this does not go so far as to require humane euthanasia.
- 2.27 Again, this highlights the vulnerability of greyhounds to abuse and exploitation by parties involved in the greyhound racing industry. In order to address this issue, there needs to be an **independent welfare officer** appointed whose only concern is ensuring and protecting the welfare of racing dogs. Dogs brought to an arena for a race meet should be handed over to the care of the welfare officer, who can act as an intermediary between the owner and the steward. The steward's primary concern is to administer the rules of the race. The owner/trainer's agenda is to win prize money. This welfare officer must be truly independent from all other parties, in order to effectively ensure, protect and defend the welfare of racing dogs.

(I) Financial incentives for reducing euthanasia and prosecutions for animal mistreatment

- 2.28 The RSPCA is one of the bodies given authority under the *Prevention of Cruelty to Animals Act 1979* (NSW) to prosecute for cruelty, neglect, harm or mistreatment of animals in NSW, which presumably includes greyhounds. However, to date the RSPCA has not generally intervened in the welfare of greyhounds whilst in the racing industry. Dr Hugh Wirth was quoted in 2004 as stating that whilst he deplored the overproduction of greyhounds for the racing industry, the official RSPCA position is that there is no reason to ban greyhound racing.
- 2.29 As explained above at 2.20, the RSPCA 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 itself not an offence under the Act, and the killing of an animal is also not unlawful per se. 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 their property. Furthermore, 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.

- 2.30 Furthermore, in order for the RSPCA to commence an investigation into cruelty, neglect, harm or mistreatment of a greyhound, a complaint would need to be made. The insularity, secrecy and level of corruption in the greyhound racing industry make this unlikely. Furthermore, the tight security surrounding race meetings mean that RSPCA inspectors would not ordinarily have access to the racing dogs. Under rule 28 of GRNSW Greyhound Racing Rules, “a person shall not enter the kennel area at a meeting without the permission of the Stewards.” Also video or audio evidence is difficult to obtain since under rule 44 of GRNSW Greyhound Racing Rules “...an owner, trainer or attendant shall not use in any way, or have turned on, a mobile telephone, mobile communication device or any unauthorised device whilst parading, handling or acting as a catcher of a greyhound or whilst participating in a presentation ceremony or while present in the kennel building or parade area.”
- 2.31 The practical operation of the greyhound racing industry, involving seclusion of greyhounds in remotely located kennels, the isolation of training properties, the exclusionary nature of race meets, and the general secrecy surrounding the operation of the industry, together make the instigation of criminal prosecutions for cruelty, neglect, harm or mistreatment of greyhounds difficult and unlikely.

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

- 2.32 It is not known whether greyhound racing bodies collate any data on the number of greyhound puppies born, the number of racing dogs injured, or the number of dogs killed in the greyhound racing industry each year. This data remains hidden from the public.²⁹ Again, it is unclear whether GRNSW is failing to collect data on the fate of greyhounds or they are not making it publically available. Either scenario is unacceptable in accounting for the welfare of dogs in the greyhound racing industry.³⁰
- 2.33 New rules requiring greyhounds to be micro-chipped will assist in generating an external record of their existence. Rule 111A of GRNSW Greyhound Racing Rules amended on 1 January 2012 requires greyhounds to be micro-chipped. However, it is not until dogs have reached 12 weeks of age (prior to sale/transfer) that greyhounds are required to be implanted with a microchip (in NSW, under section 8 of the *Companion Animals Act 1998*). Before greyhounds have reached 12 weeks of age (or before the rule came into effect) there is no public record of the number of greyhounds born.

²⁹ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

³⁰ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

- 2.34 The nature of the sport is dangerous to greyhounds with instances of death from broken necks and backs, head trauma or cardiac arrest. The true fate of racing greyhounds is difficult to determine, and the data is difficult to locate and is far from comprehensive. The greyhound advocacy group *Greyhound Freedom* has determined that from January 2012 to September 2013, 324 greyhounds died at the track. These greyhounds either collapsed and died on the track, died in the catching pen or were euthanised as a result of their injuries. In this period, 532 greyhounds fractured a bone during a race. In this period, 31,186 greyhounds were scratched from a scheduled race due to injuries. These statistics only relate to the TAB greyhound tracks in Australia. The figures relating to injuries and deaths which occurred at the 20 non-TAB greyhound tracks in NSW are unable to be determined as the stewards' reports are not accessible to the public. This is unacceptable in accounting for the welfare of dogs in the greyhound racing industry.
- 2.35 The fate of racing dogs is also misreported on greyhound racing databases, which further complicates accounting for the welfare of dogs in the racing industry. For example, on 12 August 2013 the greyhound 'Lend Us Five' died from a cardiac arrest after race 2 at Albion Park.³¹ The Greyhound Racing Victoria website says that 'Lend Us Five' is retired.³²
- 2.36 There is no record of the fate of the thousands of greyhounds 'retired' from their racing careers after the age of 4. There is no record of the number of unwanted greyhounds euthanised by their owners, donated to universities for teaching and training purposes, kept by veterinary hospitals as live blood donors, or sent to overseas racing industries such as Macau.
- 2.37 Due to lack of industry regulation, tracking of greyhounds from birth to death largely relies on breeders and owners self-reporting to greyhound bodies, such as GRNSW.³³ The adequacy and integrity of data collected (or not collected) by the greyhound racing industry tracking dogs from birth to death is unacceptable in accounting for the welfare of dogs in the greyhound racing industry.

³¹ Brisbane Greyhound Racing Club Inc Stewards Report, 12 August 2013, <http://www.greyhoundsqueensland.com.au/archived/stwdreports/brisbane/BRISBANE-Monday-12Aug2013-StewRpt.htm>.

³² Greyhound Racing Victoria, *Lend Us Five*, <https://fasttrack.grv.org.au/Dog/Details/-710763>.

³³ John Kaye, *Have your say on greyhound racing in NSW*, 8 October 2013, <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/>.

C. RECOMMENDATIONS

- 3.1 Greyhound welfare should clearly come under the portfolio of the Minister for Primary Industries (NSW).
- 3.2 The effectiveness of the internal regulation of GRNSW should be reviewed.
- 3.3 Amendments should be made to the *Greyhound Racing Act 2009* (NSW) and GRNSW Greyhound Racing Rules to make it a requirement for stewards to report welfare issues or cruelty cases to the RSPCA or the police for investigation.
- 3.4 Amendments should be made to the *Greyhound Racing Act 2009* (NSW) and GRNSW Greyhound Racing Rules to include provisions that ensure and protect the welfare of greyhounds. In order for these provisions to be effective, they should be linked to offences for breach thereof.
- 3.5 The RSPCA and police should be required to be more proactive in investigating and prosecuting breaches of the *Prevention of Cruelty to Animals Act 1979* (NSW) by greyhound owners and trainers. The GRNSW Greyhound Racing Rules should be amended to facilitate access by RSCPA officers to racing greyhounds, both on and off the track.
- 3.6 An independent animal welfare officer should be appointed by the greyhound racing industry whose only concern is ensuring and protecting the welfare of racing dogs. This officer should be independent from the racing stewards and the greyhound owners/trainers in order to minimise corruption and interference.
- 3.7 The effectiveness of GRNSW's drug testing practice and procedure should be reviewed in order to ensure the welfare of greyhounds is protected.
- 3.8 Amendments should be made to the *Greyhound Racing Act 2009* (NSW), the *Companion Animals Act 1998* (NSW) and the GRNSW Greyhound Racing Rules in order to address the overbreeding and high euthanasia rate of greyhounds.
- 3.9 The adequacy, integrity and transparency of data collected by the greyhound racing industry should be reviewed. The birth, death and life cycle of greyhounds should be accurately recorded and independently reviewable.

Yours sincerely,

Caroline Hoetzer