

## INQUIRY INTO GREYHOUND RACING IN NSW

**Organisation:** Lawyers for Companion Animals

**Date received:** 7/11/2013

---

# **SUBMISSION FOR SELECT COMMITTEE INQUIRING INTO GREYHOUND RACING IN NEW SOUTH WALES**

## **LAWYERS FOR COMPANION ANIMALS**

**Lawyers for Companion Animals would like to acknowledge, and is grateful for, the assistance provided by Edwina Wyatt, solicitor, in preparing this submission.**

### Table of Contents

SUBMISSION FOR SELECT COMMITTEE INQUIRING INTO GREYHOUND RACING IN NEW SOUTH WALES.....	1
<b>BACKGROUND .....</b>	<b>2</b>
<b>TERMS OF REFERENCE.....</b>	<b>3</b>
(a)The economic viability of the greyhound racing industry in New South Wales. ....	3
(d) The effectiveness of current industry regulation, including the level of autonomy of Greyhound Racing NSW .....	3
(g) The effectiveness of the current arrangements for, and role of, the Integrity Auditor .....	4
of Greyhound Racing NSW.....	4
(i) The incidence of drug administration and doping in the industry and the efficacy of Greyhound Racing NSW's control and testing processes .....	4
(j) Sale and breeding of greyhounds including the market conditions and welfare of .....	6
animals.....	6
(k) The welfare of animals in the industry and the role of Greyhound Racing NSW in .....	7
establishing and enforcing standards of treatment of animals .....	7
(m) The adequacy and integrity of data collection in the industry, including the number .....	9
of pups born, the number of dogs euthanized and injury rates .....	9
(n) Any other related matter: .....	10
<b>Conclusion .....</b>	<b>17</b>
<b>RECOMMENDATIONS.....</b>	<b>18</b>
<b>APPENDICES .....</b>	<b>21</b>
Appendix 1 .....	21
Appendix 2 .....	23
<b>REFERENCE LIST .....</b>	<b>26</b>

## BACKGROUND

1. Greyhound Racing New South Wales (“GRNSW”) has demonstrated sustained recklessness and extensive misconduct throughout its governance and promotion of the dangerous and inhumane sport. Greyhound racing is having catastrophic impacts upon the greyhound population and tacit acceptance of this sends a dire message to the community about the standards we are willing to accept as a society.
2. The industry has failed to uphold its duty of care to the animals they profit from, despite its efforts to acknowledge and address animal welfare issues. Such attempts are a step in the right direction; however they have been exposed as ineffectual and tokenistic measures to abate community concerns about the exploitation of greyhounds. This is due to the direct conflict of interest GRNSW faces through its vested commercial interests, dubious internal regulation and lack of meaningful disincentives to deter stakeholders from the rich gains to be had from continued exploitation.
3. According to the GRNSW Animal Welfare Policy 2006:  
*“The welfare of all animals must be a primary consideration for all participants in the greyhound racing industry.”*

and;

*“All greyhounds in Australasia are protected and promoted by the adoption and development of sound animal welfare standards and practices<sup>1</sup>”*

However, the welfare of animals is far from being a primary consideration for participants in the greyhound racing industry which is, on the contrary, enabling exploitation, large scale convenience killing (wastage) gross acts of cruelty (both to greyhounds and other animals used as lures) in a range of direct and indirect ways. I regularly receive complaints from people alleging that RSPCA NSW is not acting to prevent animal cruelty offences occurring or failing to appropriately respond when animal cruelty offences are reported. This includes animal welfare concerns relating to greyhound racing.

4. By way of contrast, GRNSW states that its Mission is:  
*‘To be Australia’s premier supplier of greyhound racing, delivering an attractive and innovative wagering product, and focused on long-term sustainable growth that will drive increased prize money returns to participants and appeal to consumers’<sup>2</sup>*
5. This thoroughly commercial objective, and glaring omission of any reference to prioritising animal welfare, is evidence of the inherent challenge that faces GRNSW; greyhound racing and animal welfare are mutually exclusive – one precluding the occurrence of the other – and should therefore be prohibited.
6. Whilst a host of foreseeable economic arguments will be raised in defence of sustaining the multi-billion dollar industry, urgent action must be taken to prevent the

continuance and escalation of doping, high kill rates of greyhounds and harmful effects of massive over-breeding.

7. Whilst the issues pertaining to greyhound racing are wide ranging, this submission focuses on the specific **Terms of Reference; (a) (d), (g), (i), (j), (k), (m) (n).**

## **TERMS OF REFERENCE**

As per the relevant Terms of Reference, I raise the following issues:

### **(a) The economic viability of the greyhound racing industry in New South Wales.**

8. I have read a number of the submissions to this Inquiry relating to the viability of the greyhound racing industry in NSW from those in the greyhound racing industry including owners and trainers. Many of them argue that without changes the industry will collapse. It is my strong view that the government should not support an industry which involves demonstrated animal cruelty, perpetuates problem gambling and which (those in the industry themselves have argued) is not financially viable.

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

9. Section 5 of the *Greyhound Racing Act* 2009 establishes GRNSW as being independent of Government. This status as an independent body has facilitated the alarming lack of accountability and transparency which colours its oversight. In New South Wales, the funding, representation and control of both the commercial and regulatory operations of the industry goes unfettered by the government. The GRNSW company overview states that:

We were created with the express purpose of enabling the greyhound racing industry to take charge of its own affairs free of government intervention. In July 2009 GRNSW also took control of regulatory matters from the former Greyhound and Harness Racing Regulatory Authority (GHRRA).<sup>3</sup>

10. This level of autonomy is a fundamental failing of the system which perpetuates the vicious cycle of corruption, obfuscation and scandal which historically plagues the sport, rendering the dogs voiceless.
11. One such testament to this is the observation of leading greyhound Veterinarian, Ted Humphries, who states that the NSW Greyhounds officials are too close to the trainers they are supposed to police; *'Many of them are known to be heavy gamblers and stewards themselves have no formal qualifications and many of them have few qualifications at all.'*<sup>4</sup>
12. Despite repeated public exposure of the industry's fraught history, including the results of the corruption inquiry in 2000, it remains largely unchecked and unchanged.

It is flagrantly evident that such sprawling authority, in the face of vested interests needs to be addressed by the Select Committee.

**(g) The effectiveness of the current arrangements for, and role of, the Integrity Auditor of Greyhound Racing NSW**

13. The first matter of concern is the system whereby appointment of the integrity auditor is made by the GRNSW Board. This creates a direct conflict of interest due to the nature and functions of the Integrity Auditor as set out in Sections 26 and 27 of the *Greyhound Racing Act* 2009. As per Section 26 of the Act, these functions include receiving and investigating complaints about racing officials, having primary oversight of those aspects of the functions of GRNSW that relate to stewards, drug testing and control and registration as well as providing advice to GRNSW on such matters.<sup>5</sup>
14. Further concerns over GRNSW's self-regulation and the lack of independent oversight have been reported by former chief magistrate and ombudsmen David Landa OAM; the Sport's Integrity Auditor in NSW until his resignation in April 2012.
15. Landa surrendered his post due to his reported inability to perform key functions of his role including facilitating public inquiries to address integrity issues affecting the industry. Landa claims that he was obstructed from the start with greyhound racing since GRNSW simply did not want oversight. Furthermore, that failings in the legislation made the functioning of the office as an independent oversight impossible.<sup>6</sup>
16. In a statement made by GRNSW Chairperson, Eve McGregor, following Landa's resignation, it was emphasised that whilst the office is independent, the Integrity Auditor must operate within the confines of the statute. This means that "the office responds to complaints lodged by industry participants or to matters referred to the office by GRNSW itself for consideration. Ultimately the control, supervision and regulation of greyhound racing in NSW is the responsibility of the Board of GRNSW."<sup>7</sup> No legislative or regulatory change was enacted following Mr Landa's resignation.
17. It is submitted that the Select Committee investigates the appointment process of the Integrity Auditor and the efficacy of the legislative provisions permitting the wide ranging power of the GRNSW to control the scope of the powers held by the office. This may include, but not be limited to, an evaluation of section 10 of the *Greyhound Racing Act* 2009 which sets out the powers of GRNSW and section 23 setting out the rules in relation to greyhound racing.

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

18. Allegations of rampant drug use, fraudulent testing and bribery are no stranger to the greyhound racing industry in New South Wales. Insufficient action has been taken by

GRNSW, despite the revealing results of the corruption inquiry in 2000 (culminating in the prosecution of Chief Steward Rodney Potter for, inter alia, switching dog urine samples in exchange for bribes and replacing it with a clean sample<sup>8</sup>) and high incidence of positive swabbing currently occurring within the sport on a regular basis. \*See Appendix 1 being GRNSW current Stewards' inquiries and appeals on foot.<sup>9</sup>

19. A distinct lack of action to deter perpetrators is a recurrent theme of GRNSW's governance of drug use. This is submitted despite GRNSW's Chief Executive, Brent Hogan's commitment over the last year to increase their drug detection budget to \$1.2 million<sup>10</sup>. As an aside, it is by no means a solution, however worth nothing as a comparison that Greyhound Racing Victoria has committed to investing \$2.658 million into improving animal welfare standards over the next three years.<sup>11</sup>
20. Despite Brent Hogan's claims of zero tolerance for those in breach of their animal welfare standards, there are very few permanent disqualifications, let alone prosecutions for giving dogs prohibited substances. Weak fines of \$1000, short suspensions (in a recent case for only 8 weeks; \*see Appendix 2<sup>12</sup>) and token slaps on the wrist predominate due to the liberal exercise of GRNSW's discretion. This includes showing leniency for the nature of the prohibited substance and factors such as the presence of a previously 'unblemished record'\*See Appendix 2 for recent Stewards' Inquiries.
21. A key example of disproportionate penalties in light of the severity of the offence is the disqualification of trainer Mark Azzopardi by GRNSW. Mr Azzopardi was disqualified for a mere two years after a drug test revealed that his dog Transcend Time tested positive to cocaine after winning a race.<sup>13</sup>
22. These sorts of penalties are shamefully lenient when construed within the context of Section 15 of the *Prevention of Cruelty to Animals Act 1979* (NSW) which prohibits the administration of poisons to animals and holds a maximum penalty of 1,000 penalty units for a corporation and 200 penalty units, 2 years imprisonment, or both for an individual.
23. Testing processes are also inherently fraught due to the difficulty in detecting many of the drugs being administered to greyhounds. According to former NSW Greyhounds' veterinary advisory committee member, Ted Humphries, cocaine is a popular drug since it is very hard to trace and easily administered by smearing the powder on the dog's gums or via injection.<sup>14</sup>
24. Greyhounds have tested positive to other drugs including amphetamines, caffeine, anabolic steroids, testosterone, Viagra and EPO; a performance- enhancing hormone.<sup>15</sup> It is reported that in excess of 70 dogs have tested positive to prohibited substances in the past year, with an estimated 50 per cent of those being in NSW alone.<sup>16</sup>
25. Veterinarians have reported that a further impediment to identifying offenders is the lack of immediacy and transparency in the process of swabbing dogs.<sup>17</sup> Each winner is swab tested, but only a fraction of competitors swabbed<sup>18</sup>. Furthermore, restructuring instigated by GRNSW has stopped drug checks by independent vets.

26. It is reported that ‘positive swabs rose from 2010-11 to 2011-12 by 82 per cent, an increase that prompted GRNSW to double its swabbing budget so the number of swabbed dogs will rise from 2764 to 6750’.<sup>19</sup>
27. Mr Humphries has also made grievous claims of corruption and misconduct within GRNSW, revealing that during a meeting a lab analyst openly offered to falsify test results on request<sup>20</sup>.
28. In recent developments as reported on 1 November 2013, whistle-blower and greyhound trainer Christos Arletos was made the subject of a Steward’s investigation and fined following the allegations he made during the ABC’s 7.30 report aired 15 October 2013.
29. Mr Arletos claimed that: 80% of trainers are looking for something to dope their dogs with; Greyhound racing is not a level playing field and never will be; and; He cannot compete with the high quality of drugs used by some trainers<sup>21</sup>. Arletos stated; ‘You can’t go and catch 10. 10 more will pop up’<sup>22</sup>. Mr Arletos was charged under GAR 86 (q) with two counts of having engaged in conduct prejudicial to the interests of greyhound racing. Mr Arletos was found guilty on each charge and was subsequently fined a total of \$500.<sup>23</sup>
30. Needless to say that this is indicative of GRNSW’s attitude to addressing the issue of doping – further obfuscation, concealment and misdirected scorn. What *is* ‘prejudicial to the interests of greyhound racing’ is the alarming complacency on behalf of GRNSW to provide sufficient punitive measures and disincentives to stop this insidious culture of animal cruelty which is so deeply entrenched in the sport.

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

31. The uncompromisingly high standards expected of greyhounds’ physical condition to race combined with the high attrition rate on the track due to injury, has resulted in large-scale over-breeding and killing of animals. Puppy farming is regarded as socially unacceptable by many Australians yet greyhound breeders are some of the biggest puppy farmers in NSW.<sup>24</sup> All across Australia dogs are being confined to cruel puppy farms and treated as nothing more than breeding machines, used to produce puppies for profit. These facilities operate under conditions that fail to meet the dogs’ behavioural, social and/or physiological needs.<sup>25</sup>
32. This high volume ‘wastage’ is accepted by the industry as collateral damage, with 17,000 greyhounds reportedly killed in Australia annually.<sup>26</sup> This is in part, a by-product of the need to constantly replenish the population level that is rapidly depleted due to the demands of sport and trauma caused on and off track. It is also the consequence of a lack of accountability from dog owners and breeders. GRNSW is failing to collect data on the fate of greyhounds which never make it to the track (ie the discarded pups), which are too slow to make the grade (at trial races) and which are killed after they are no longer able to win (or get a place) in the races.

33. As per Dr Jade Norris of the RSPCA, every year thousands of greyhounds are born that are surplus to industry requirements with 40% of these never going on to race<sup>27</sup>. Greyhound adoption programs cannot keep up with demand with a mere 4-5% reportedly re-homed<sup>28</sup>.
34. Whilst increased re-homing has been on the radar for GRNSW, urgent action must be taken to stop the indefensible death toll of innocent animals. Greyhounds NSW has supplied figures that over 3,000 dogs are euthanized in NSW for being 'too slow', injured or at the end of their racing career.<sup>29</sup>
35. Whilst this is an unacceptable figure, an even darker side has emerged with reports of inhumane killing to counteract the surplus of what are very often, healthy dogs. According to Janet Flann of Greyhound Rescue, many are bludgeoned to death and are often drowned and shot<sup>30</sup>.
36. It is submitted that this widespread slaughter as a consequence of overbreeding is a particularly sensitive and pressing matter that should be given precedence by the Senate Committee during the inquiry.

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

37. A mandatory Code of Practice was introduced by GRNSW in 2011 establishing the standards of animal welfare required in NSW. However, there is a clear lack of oversight and regulation of the Code which needs to be addressed.
38. As extracted below, GRNSW has advertised that they have been proactive in pursuing improving greyhound welfare and is committed to<sup>31</sup>:
  - Improved licensing and regulation of breeders, trainers and rearing establishments
  - Improved track preparation
  - Race programming that maximises the racing life of greyhounds
  - Increased re-homing
  - Introduction of race day and club welfare policies (including veterinarians at ALL meetings)
  - Improved life cycle tracking
  - Encouraging responsible breeding practices
  - Continued promotion of Greyhounds as Pets and the greyhound breed in general through the funding and management of the Greyhounds as Pets initiative and the development and management of the NSW Muzzle Exemption Program Greenhound [www.greenhounds.com.au](http://www.greenhounds.com.au)
39. GRNSW's proposed commitment to change is positive; however it is deeply unconvincing and has been proven to be highly ineffectual to date. For example, it is impossible to be appeased by such sentiments following streams of gruesome reports documenting broken legs, paralysis, cardiac arrest and head trauma sustained at racing events and during training.<sup>32</sup>



40. A grim testament to this are the three greyhound fatalities recorded during a single meeting at the Dapto track in April 2013 due to a broken neck, broken back and broken offside hock.<sup>33</sup> Poor track preparation and design including treacherous cornered tracks are all contributing factors to the high toll of injured and dead dogs.
41. Dogs are also often kept in shocking conditions; caged in small pens, under extreme stress and in many cases being intentionally underfed and malnourished in order to maintain a target racing weight.<sup>34</sup> The use of training using live baits during should also be investigated by the Select Committee as it raises a range of welfare concerns. In addition, greyhounds trained using live baits such as rabbits and cats/kittens will not be suitable for re-homing in households containing such animals.
42. Despite GRNSW's above-stated claims to the contrary, basic standards of animal welfare are clearly not being maintained. This is due to a lack of sufficient funding to improve animal welfare, insufficient regulation and monitoring of the situation, inadequate penalties awarded for breaching animal welfare standards, exporting of Greyhounds to countries where animal welfare is poorly regulated and ineffective-re-homing practices (e.g. Macau in China).
43. The RSPCA NSW 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 includes greyhounds.
44. 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.<sup>35</sup>
45. The NSW 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. 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. However even when GRNSW is aware of breaches of POCTAA it appears that they would prefer to deal with such incidents internally rather than notify the appropriate animal cruelty regulators.<sup>36</sup>
46. The tight security surrounding race meetings mean that NSW 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.”<sup>37</sup>

47. Other parts of this submission detail our major concerns with the NSW RSPCA including the failings of the RSPCA NSW to investigate in a serious manner breaches of the prevention of cruelty to animal act. In my view, the RSPCA NSW should be investigated for its continuous disengagement and inaction in cases of reported of animal cruelty involving greyhounds along with a significant number of other general cases of animal cruelty throughout the state of NSW.
48. According to GRNSW media release dated 15 October 2013 *GRNSW today received confirmation from RSPCA NSW that there is no evidence to suggest acts of animal cruelty are occurring in the greyhound racing industry in NSW.*<sup>38</sup> While some doubt that the NSW RSPCA would have made such a statement, given false and/or misleading comments made by the NSW RSPCA on its Facebook page, in Animals magazine and by its CEO on television I have every reason to believe that such a confirmation was received. That it is untrue is a separate issue.
49. On 6 November 2013 the writer spoke to Bill Fanning, General Manager, Integrity Department GRNSW. I was particularly concerned with the way the case of Robert Tisdell’s dog ‘Bit Onek’ was handled by GRNSW. I specifically asked why this matter was not referred in the first instance to the NSW police, NSW AWL or NSW RSPCA. While I did not regard his response as satisfactory, Mr Fanning told me that the NSW RSPCA gets send all the reports where an animal welfare issue is involved. Apart from these reports, Mr Fanning told me that other matters involving greyhound cruelty had been reported to the NSW RSPCA.
50. In addition, the submission by David Atwell, Vice President of SOCARES outlines animal cruelty issues affecting greyhounds in the Hunter Valley area of NSW and reports made to the RSPCA in those cases.
51. There is also the issue of bringing greyhound racing in NSW into disrepute or under GAR 86 (q) engaging in conduct prejudicial to the interests of greyhound racing. I am of the understanding that officers from GRNSW have verbally threatened owners/trainers that if they take part in this Inquiry they will have their licences cancelled and/or not renewed. I assume this would also be the case with respect to individuals alerting outside agencies (including NSW Police) to animal cruelty offences that occur during races, trials or in the kennelling area.

**(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**

52. A recurrent theme of GRNSW’s governance is a lack of transparency and accountability; a defining feature of the inadequacies in the integrity of data collected by GRNSW.

53. Data on the number of pups being born, the number of dogs euthanized and rates of injury are not collected or collated. However, enough evidence exists to conclude that there is a serious issue with the large number of dogs euthanized in NSW on a yearly basis.<sup>39</sup> Therefore this information remains hidden from the public.
54. Greyhound NSW has made a tentative estimate that the rate currently stands at 3,000, but according to Dr Jade Norris of the RSPCA, that figure would have to be a minimum and potentially an underestimate since there is 'a real lack of national published data, so we don't have exact euthanasia figures to draw from...'<sup>40</sup>
55. There is also a wider issue with respect to what constitutes 'true' euthanasia, as opposed to unjustifiable killing of healthy animals. It is submitted that a large proportion of this unknown population of euthanized dogs are being killed out of convenience as opposed to ending a dog's suffering in cases where a good prognosis of recovery or prospects of a high quality of life cannot be given.
56. Former Animal Welfare League chief executive Tim Vasudeva has reported that trainers will frequently have a greyhound put down if it is not earning enough money. Mr Vasudeva is suitably outraged by this misconduct stating that 'You cannot fob off your responsibilities to a vet and say, 'I can't be bothered re-homing this dog, or finding a humane re-homeable solution for this dog because it's easier and cheaper for me to shoot it or get you to put it down''<sup>41</sup>
57. It is not only GRNSW that needs to be held to account in strengthening the integrity the data collection process, but greyhound breeders and owners themselves. Since the tracking of dogs from birth to death is reliant on the self-reporting of stakeholders to GRNSW.<sup>42</sup> Therefore an investigation needs to be made by the Select Committee into the current status of GRNSW's life-cycle tracking, the results of which should be made publicly available for the meaningful collation of statistics.

**(n) Any other related matter:**

(n.1) Failure of GRNSW to alert relevant agencies (ie NSW Police, AWL NSW and RSPCA NSW) to criminal Animal Cruelty offences prior to GRNSW dealing internally with such offences

58. An incident centred around the trialling of 'Bit Onek' (See appendices) on the evening of 7 January 2013 at The Gardens followed by trialling and extended kennelling in extreme heat at Keinbah on the morning of 8 January 2013.
59. On being made aware of this alleged set of circumstances, GRNSW Stewards directed Mr Tisdell to present Bit Onek for examination at the Maitland track on 10 January 2013. The examination by Dr Newell established Bit Onek to be suffering clinical dehydration, inflamed kidneys and poor oxygenation. Mr Tisdell was instructed by Dr Newell to seek urgent veterinary attention for Bit Onek, which Mr Tisdell ignored. Bit Onek was found deceased in his kennel that evening by Mr Tisdell.

60. In this matter, Mr Tisdell pleaded guilty to a charge under GAR 106 (1) (d) for failing to provide veterinary care to a greyhound when necessary. In respect of this charge Mr Tisdell was disqualified for a period of 12 months, to expire at midnight on 13 February 2014.<sup>43</sup>
61. Why were the relevant agencies responsible for enforcing POCTAA (ie AWL NSW, RSPCA NSW and NSW police) not contacted **prior** to GRNSW to conducting their own inquiry into this matter?
62. This matter should have been referred to the relevant agencies (ie AWL NSW, RSPCA NSW and NSW police) and had the matter dealt with by one of these agencies rather than **GRNSW** dealing internally with such an offence.

The Prevention of Cruelty to Animals Act 1979 - sect 5 (3) states as follows:

*5 Cruelty to animals*

*(3) A person in charge of an animal shall not fail at any time:*

**(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.**

There is also the issue of administering drugs to greyhounds to enhance or decrease performance. Other reports contained within the APPENDICES reveal internal investigations relating to offences relating to drugging of dogs where a criminal prosecutions under POCTAA is the appropriate way to deal with such animal cruelty (drugging) offences.

The Prevention of Cruelty to Animals Act 1979 - section 15 is reproduced below

*15 Poisons not to be administered to animals*

*(1) In this section,*

*"poison" includes:*

*(a) a substance included in the list, as in force for the time being, proclaimed under section 8 of the Poisons and Therapeutic Goods Act 1966 (or a substance that includes such a substance), or*

*(b) a substance containing glass or any other thing likely to kill or injure an animal.*

*(2) A person shall not:*

*(a) administer a poison, or a substance containing a poison, to a domestic animal,*

*(b) with the intention of destroying or injuring a domestic animal, throw, cast, drop, leave or lay a poison, or a substance containing a poison, in any place, or*

*(c) have in his or her possession a poison with the intention of using it to kill or injure a domestic animal.*

**(n.2) Failure of local councils to comply with section SECT 64A(2) of the Companion Animals Act 1998 and the failure of any government department or agency to address this breach**

**63. COMPANION ANIMALS ACT 1998 - SECT 64A (2)**

Animals surrendered by owners may be sold or destroyed

*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.*

64. In my opinion this section of the Act is routinely breached by pounds in NSW. In several documented cases both in the news media and on Facebook RSPCA NSW has also killed dogs and cats instead of allowing them to be made available to rescue groups or the public at large.
65. With specific reference to greyhounds I have been informed that some pounds have arrangements with owners/trainers/breeders where those wishing to dispose of their greyhound can do so. I am informed that some pounds inform the greyhound owners/trainers/breeders of the “kill day” and greyhounds are surrendered on the morning of that day at a minimal cost and are later killed. This is in clear breach of Section 64A (2) of the COMPANION ANIMALS ACT 1998.
66. The submission [no 24] of David Atwell, Vice President of SOCARES further expands on this issue. In addition, this submission alleges that GRNSW directed owners of greyhounds to not allow rescue groups access to their greyhounds, demanding instead that the dogs be destroyed.

### **(n.3) Conflict of interest – RSPCA NSW**

67. Company (Veolia) in which RSPCA NSW board member and Treasurer Douglas Dean is Managing Director, sponsored greyhound racing in Victoria for a number of years until they were contacted about this issue. In my view it is grossly improper that anyone who was the managing director of (Veolia) as well as being a NSW RSPCA board member and treasurer would sponsor greyhound racing in Victoria. It appears that only after several emails and phone calls to Veolia (over several months) pointing out the inappropriateness of Veolia sponsoring greyhound racing in Victoria (given the position of Veolia’s Managing Director holding the position of Board Member and Treasurer with the NSW RSPCA) that Veolia stopped sponsoring greyhound racing in Victoria. This issue should be investigated by the Inquiry. **Finally** on 2 October 2012 the following edited email was sent by from Veolia

***I have confirmed with Veolia's Victorian State General Manager, Simon Tori that we are no longer sponsoring greyhound racing in Victoria.***<sup>44</sup>

68. In addition, an informant alleges to me that several years ago Veolia had some sort of waste management contract with RSPCA NSW Yagoona, to dispose of all the dead bodies of cats and dogs killed at Yagoona. I am aware that some of the dead animals included greyhounds. This informant is no longer associated with NSW RSPCA so is unsure whether there is still this arrangement between Veolia and RSPCA NSW Yagoona.

**(n.4) Alleged failure to respond appropriately to animal welfare/cruelty concerns – RSPCA NSW**

69. Sadly for the animals of NSW, I have received a number of complaints with regards to the RSPCA NSW failing to take appropriate action when animal welfare/cruelty issues have been brought to their attention. Many of the complaints relating to the lack of action have occurred in the Newcastle/Hunter area as well as the Lismore/North Coast area. Two specific inspectors who it is alleged fail to take animal welfare/cruelty complaints seriously or (at times) take any action at all are ( ) area) and ( ) area).
70. I have read the submission by David Atwell of So Cares and none of what is contained in that submission surprises me. I agree that there should be a Parliamentary Inquiry into the NSW RSPCA – in particular it's failure to properly investigate and prosecute criminal animal cruelty offences.
71. On 3<sup>rd</sup> November 2013 Lawyers for Companion Animals was a stallholder in the Annual Cruelty Free festival in Sydney. A number of other animal welfare/animal rights organisations also attended. The RSPCA NSW, NSW's peak body with regard to enforcement of animal cruelty legislation, was conspicuous in its absence.
72. In my view, RSPCA NSW, by their inaction with respect to properly investigating animal cruelty complaints are complicit in the cruelty. Given the significant number of complaints I have received about RSPCA on a range of issues I have zero confidence that there are effective measures in place to prevent animal cruelty in the greyhound racing industry. **All allegations of animal cruelty offences should be referred to the NSW police who are the proper authority to investigate animal cruelty offences** – not the RSPCA NSW which many have alleged have repeatedly failed to adequately respond to animal cruelty issues.

**(n.5) Parliamentary Inquiry into the RSPCA NSW**

73. The NSW National Party have voted at their annual conference to hold a Parliamentary Inquiry into the RSPCA NSW. Motion 53 states as follows:

*53 That Conference call on the NSW Liberal & Nationals Government to initiate a parliamentary inquiry into the charter, powers and public accountability of the NSW RSPCA.*

*Parkes Branch. CARRIED*

74. This information was contained within a publicly available link which has now been removed. I agree that there should be a Parliamentary Inquiry into the NSW RSPCA –

in particular it's failure to properly investigate and prosecute criminal animal cruelty offences, conflicts of interest and misleading application of it's Paw of Approval and it's high euthanasia rate of companion animals.

**(n.6) Reports of failure by NSW RSPCA to alert their members to this Inquiry and Companion Animals Taskforce**

75. I searched on the RSPCA NSW's Facebook page and their website as well as asking members of the RSPCA NSW whether the RSPCA NSW had written to them alerting them to the importance of this Inquiry into greyhound racing. As I understand it RSPCA NSW did not make a proactive effort to alert their members or supporters to the importance of this Inquiry or encourage them to make submissions.
76. While this may not be part of the charter of RSPCA NSW I find it peculiar (to say the least) that an organisation which claims to prevent animal cruelty did not alert their members/supporters to this Parliamentary Inquiry into greyhound racing in NSW. Numerous examples of animal cruelty have been identified in the greyhound racing industry as well as very high euthanasia rates (killing for convenience and wastage). Neither (as far as I could find) did the RSPCA alert their members to the Companion Animals Taskforce (into high euthanasia rates for cats and dogs in NSW – which also clearly applies to greyhounds). The Companion Animals Taskforce and this Inquiry into greyhound racing are crucial avenues for identifying and addressing animal welfare/protection/cruelty issues.

**(n.7) Intelligence relating to greyhound cruelty (greyhound training farm)**

77. I have received a report relating to a country property in Western NSW.
- "Grey hounds were allegedly being bred and raced and live animals were being used as loores. The caller reported that it was a greyhound training farm, with breeding and kennels, the informant claimed the animals were not living in good conditions. They had approx. 50-80 dogs there for spelling, and approx. 50 there for 'breaking in'. The grey hounds who don't achieve at a young age are shot. If you own a greyhound and want to give it a run around the track you can take it to the farm and they will charge you for the dog to run the track. You can bring your own live or dead loore or use theirs. They trap feral cats and possums, buy kittens from the local classified, and use chickens and piglets as loores while they are alive; it can take up to ten minutes for them to die. While they are 'breaking in' dogs they will do this on a daily basis. They dunk chickens in water before they tie them onto the loore. They may not do this in front of you if they don't know you."*

Details of the location of the property and owners of the property were provided.

**(n.8) Contact made by Tony O'Mara (Greyhound Racing NSW) before Inquiry submissions made public**

78. I was told by David Atwell (SOCARES) that shortly after making his submission he received a message on his answering machine from a Tony O'Mara from (Greyhound Racing NSW). It appears that Mr O'Mara had been provided with a copy of Mr Atwell's submission well before such a submission was made publically available on the NSW Parliament's website. Why did this happen and who provided the copy to Mr O'Mara?

**(n.9) Governance Concerns**

79. GRNSW Annual Report for 2010-2011, indicated that the Independent Auditor who signed it was Mr Stuart Cameron of KS Black & Co. I also note that just two months later, investigations by ASIC led to concerns that Mr Stuart Cameron was "not a fit and proper person to remain registered as an auditor."<sup>45</sup> I share the concerns of Humane Society International that Mr Cameron acted as the Auditor for GRNSW from 2008 until 2011.<sup>46</sup>

**(n.10) Gambling**

80. Half of Australia's gambling businesses are located in New South Wales.<sup>47</sup> Government monies should not be used to support a private industry where there are demonstrated animal welfare concerns. Problem gambling is also a concern in NSW and the NSW government should be expending funds on addressing social issues rather than supporting a cruel and exploitative industry that exacerbates problem gambling.

81. Problem gambling is a significant issue and cause of criminal offending. In addition, problem gambling has a significant impact on families, often leading to the break down of relationships and is a contributing factor to family violence.

**(n.11) Concerns raised by owner/trainer of 30 years plus experience in the Greyhound Racing Industry.**

On Wednesday, 6 November 2013 I had a lengthy discussion with a man who had owned and trained greyhounds for 30 years in NSW. His father had owned and trained greyhounds (in NSW) since 1953. He was a wealth of information. He no longer races greyhounds. He told me that the greyhound racing industry is an industry that does not care about the welfare of



greyhounds. He also told me the Control Board (GRNSW) does not give a damn about the welfare of greyhounds and animal welfare issues are swept under the carpet. He told me it was a shut up closed industry and had been like it for 30 years. He told me the Control Board will deny the recent revelations in the press. He told me that the RSPCA is not interested in what happens in the greyhound racing industry and that they never hear from the RSPCA. The following points were raised by him in this discussion:

- That around 8 years ago at Nowra he phoned the Control Board (GRNSW) to let them know he would not be attending the race due to the heat (apparently it was around 36 degrees and he did not have air conditioning in his trailer). He alleges that the Control Board told him that despite the heat and the welfare risks to his dog if he did not turn up he would be fined.
- He alleges that out of every litter of around 8 puppies only 1 or 2 would be suitable for racing. The rest would be killed. The way they were killed was taken to the vet and given the Green Dream or shot.
- He alleges that at racing trials there is often a vet there who will kill (via injection) under-performing dogs for a fee of around \$25 per dog. For an extra \$25 the vet will dispose of the body or the owner can dispose of the body.
- He alleges that in his 30 years of owning and training dogs the Control Board (GRNSW) had never once chased up what happened to the dogs that he bred.
- He alleges that the Control Board (GRNSW) gave favouritism to the big trainers and breeders and there was a double standard with how they were treated as compared to the smaller breeders and trainers.
- He alleges that recent media reports were 99% accurate. He agreed with the comments of the vet Ted Humphries. He said that he believed the kill rate of greyhounds was higher than that indicated in recent media reports. He believed it to be closer to the 95% rate of dogs that are killed for wastage (and surplus to industry needs).
- He confirmed that there were bikies involved in the greyhound racing industry and confirmed that he had witnessed a dog being bought for tens of thousands of dollars – paid for in cash.
- He named certain trainers and alleged that if they were fined or disqualified they transferred the dog to the wife/other relative and the dog continued racing.
- He was concerned about the country tracks being closed and said they should stay open for the slower dogs.
- He told me about an incident near Wentworth Park some time ago where a drunk driver (greyhound owner) hit another car. He dumped the car and reported it stolen. There was a dog in the car and the dog died in the car due to the heat. The Control Board did nothing even though they knew of the dog dying in the car, so he alleges.
- He alleges that drugs are regularly given to dogs in the greyhound racing industry and often go undetected via urine swabs. He claimed that blood swabs were far more effective in detecting drugs than urine swabs. He told me that the drugs used were speed, cocaine, ecstasy and EPO.

- He alleges that in training tracks on private properties all use live baits to train the dogs. I read out the *Intelligence relating to greyhound cruelty (greyhound training farm)* I had received and he said that he was aware that this went on and that it was true and that in his experience this went on at all the private properties that trained greyhounds for racing.
- He alleges that at the Trial tracks frozen rabbits are used, for example at Dapto trials are held on Monday morning and Friday morning. He told me that when you ring up to book the “run on” you can also order the rabbit then.
- He alleges that the rabbits used are domestic rabbits (black and white) not wild brown/grey rabbits. He told me he used to go rabbit shooting and the rabbits used as baits were not the wild rabbits. He said he had not seen a black and white rabbit in the wild.
- Although he is no longer in the industry, he has friends who are still in the greyhound racing industry. He alleges that the Control Board has warned people off participating in the Inquiry. He alleges that the Control Board do not want the industry cleaned up and do not want any interference from outside. They just want to keep control of it the way it is and not change anything. He alleges that GRNSW are actively discouraging owners/trainers from participating in this Inquiry or saying anything that is prejudicial to the interests of greyhound racing or anything that will bring it into disrepute. I am of the understanding that officers from GRNSW have verbally warned owners/trainers that if they take part in this Inquiry they will have their licences cancelled and/or not renewed.
- He alleges that there is a double standard with the way the Control Board operates and little trainers will get fined for things that big trainers get away with or the Control Board will turn a blind eye to the big trainers. They get an easy run and are looked after by the Control Board.
- He named a number of tracks where rabbits are used in trial races.
- He named a number of trainers who use drugs on their dogs both to enhance the performance and diminish the performance of the dogs.
- He alleged that hair clips were fixed to the coat of the dog when it was racing to pull it up and make it run slowly. He also said people feed them biscuit bones or beef bones to make the dog run slowly. He told me that they did this so that they will get better odds next time they race.
- He alleged that some pounds had “arrangements” with greyhound racing owners/trainers where they could come in and pay \$25 or \$35 on kill days and the vet would kill the greyhounds. He told me that there were too many dogs to find homes for and that pounds did not advertise the greyhounds or try in any way to find them homes.
- He told me that once dogs are trained on live lures/baits such as cats or rabbits they can’t be untrained.
- He told me that the Greyhound Adoption Program charges owners \$200 put the dog in the program but sometimes the dog fails and the dog is then given back to the owner and the owner loses the \$200 which some are not happy about.
- He alleges that in the 30 years that he was an owner/trainer he never had to give any documentation back to the Control Board which accounted for what happened to/outcome for any of his dogs. He told me he was supposed to but he never did and not once was it chased up by GRNSW.
- He told me that the greyhound is a very docile and placid dog and that he got out of it because he got sick of putting good dogs down and the way smaller owner/trainers were treated by the Control Board (GRNSW).

## CONCLUSION

In summary, I am opposed to greyhound racing continuing. I concur with many of the reasons provided by Humane Society International in their submission. I am opposed to greyhound racing continuing for the following reasons:

- High rates of over-breeding and large-scale killing of greyhounds
- Industry acceptance of high level of greyhound wastage
- High rates of injuries sustained during racing, often fatal
- Use of performance enhancing drugs on greyhounds
- Reported links to organised crime
- Insufficient commitment to the welfare of greyhounds
- Lack of funds means no animal welfare improvements planned
- Insufficient regulation and monitoring of animal welfare by GRNSW
- Insufficient monitoring of animal welfare/cruelty by (ie AWL NSW, RSPCA NSW and NSW police)
- Lack of close regulation of GRNSW code of practice
- Insufficient penalties awarded for breaching animal welfare standards
- Ineffective re-homing program adopted by GRNSW
- Greyhounds exported to countries with inadequate welfare standards/regulations<sup>48</sup>
- Greyhound animal welfare not a primary consideration by GRNSW or NSW RSPCA
- There appears to be a closed culture with respect to GRNSW operations with respect to animal welfare/cruelty matters.
- Alleged censoring of owners/trainers who speak out about concerns in the greyhound racing industry including alleged threats that licences wont be renewed by GRNSW.

## RECOMMENDATIONS

82. I am firmly opposed to the continuation of greyhound racing in NSW for the above-stated reasons and submit that it be prohibited due to its proven history of failure to prevent gross acts of animal cruelty, both to the greyhounds themselves and the unfortunate animals used as live baits.

In the event that greyhound racing is not banned Lawyers for Companion Animals offers the following recommendations that would go towards greatly improving the welfare of greyhounds in NSW if implemented.

- a) That GRNSW significantly increase its financial commitment to improve animal welfare by at least matching the \$2.658 million committed by Greyhound Racing Victoria over the next three years. (Noting that GRV – whilst plagued with the same problems - are increasing funding for programs such as; the restructuring of GRV's Animal Welfare department including the elevation of the Animal Welfare Manager to the Senior Management Team, further funding the state's Greyhound Adoption Program (GAP) and committing to facilitating and promoting a national approach to animal welfare<sup>49</sup>.) Funds could be bolstered by a percentage of betting being allocated to these initiatives.

- b) The introduction of an independent government body to oversee the commercial and regulatory functions of GRNSW. This should include; independent oversight of all matters relating to animal welfare, including close regulation of and heavy penalties for breaches of the GRNSW's Code of Practice and; all matters relating to integrity as currently undertaken by the GRNSW Integrity Auditor.
- c) Creative and practical incentives/ disincentives to be put in place to stop the massive over-breeding, puppy farming and inhumane killing of greyhounds. This may include; strictly prohibiting inhumane killing practices and offering rewards to those reporting them; registration of all greyhounds with councils and enforced micro-chipping; increased accountability and regulation of owners and breeders. Rewards should also be offered to those who report live baiting.
- d) GRNSW to implement programs for further research into statistics relevant to the welfare of greyhounds. In particular, improving the collection of data tracking the life-cycle of greyhounds to increase transparency on the number of pups born, number of dogs euthanized and rates of injuries. These results should be made publically available to assist the collation of meaningful data.
- e) The implementation of rigorous surveillance to detect the use of illegal performance enhancing drugs, including independent vet checks and prompt swab testing of *all* competitors; not just the race winners. This should be done by way of **blood tests**, not urine tests as blood tests have proven to be more effective.<sup>50</sup>
- f) Improved training practices and track conditions to reduce injuries including stopping the use of cornered tracks and offering rewards to those who report use of live baits during training.
- g) The exporting of greyhounds to countries with inadequate welfare regulations should be disallowed/banned, as should the use of ex-racing greyhounds in research or for use in veterinary schools.
- h) All incidents of animal cruelty should be reported – in the first instance to the NSW police – rather than being dealt with by way of GRNSW Internal Inquiry. The current practise of dealing with animal cruelty offences in inappropriate as animal cruelty offences are **criminal offences** and the appropriate agency to raise concerns with is the NSW Police. It is my view that the NSW RSPCA have a long history of being ineffectual when it comes taking action and prosecuting animal cruelty offences. (Furthermore, there is no (animal welfare) government agency to complain to about the RSPCA NSW that will take the concerns seriously or implement measures to ensure that the problems do not recur. I am aware that people have complained to the

DPI about the RSPCA NSW. It is my understanding that, without exception, all those (that I know of) who have complained about the NSW RSPCA are dissatisfied with the response from the DPI).

I have been studying and examining animal welfare/cruelty concerns in the greyhound industry for several years. I am considered by many to be an expert in welfare/protection/cruelty and legal issues facing companion animals and have been invited to teach companion animal law at UNSW in 2014. I consider myself a stakeholder in all issues affecting the welfare of companion animals (including greyhounds). If I can be of any further assistance to this Inquiry please let me know. Thank you for the opportunity to put my views to the Select Committee.

Yours sincerely

Anne Greenaway  
Principal



Lawyers for Companion Animals

## APPENDICES

### Appendix 1

#### Open Inquiries

Below is a list of pending GRNSW Steward inquiries and appeals that have yet to be finalised. This list will be continually updated as new inquiries come to hand.

Name	Date	Offence	Status	Hearing
Mathew Moncrieff	16/12/11	Conduct	Adjourned	30/10/13
Wayne Vanderburg	17/2/12	Positive swab	Adjourned	28/10/13
Mathew Moncrieff	17/2/12	Positive swab	Adjourned	30/10/13
Wayne Vanderburg	25/2/12	Positive swab	Adjourned	28/10/13
Wayne Vanderburg	31/3/12	Positive swab	Adjourned	28/10/13
David Righetti	26/4/12	Positive swab	Penalty letter in absentia	TBC
David Righetti	4/8/12	Positive swab	Penalty letter in absentia	TBC
Richard Griffiths	29/9/12	Positive swab	Delayed due to illness	TBC
John Richardson	20/11/12	Positive swab	Inquiry held in absentia	TBC
Mark Riley	22/11/12	Positive swab	Adjourned	TBC

		swab		
Mark Vella	3/12/12	Positive swab	Penalty letter sent	TBC
Robert Whitelaw	19/12/12	Conduct	Adjourned	TBC
Andrew Rowe	13/2/13	Positive swab	Adjourned	TBC
Jason Mackay	15/2/13	Positive swab	Inquiry date set	12/11/13
Jason Mackay	15/2/13	Positive swab	Inquiry date set	12/11/13
Jason Mackay	22/2/13	Positive swab	Inquiry date set	12/11/13
Jason Mackay	23/3/13	Positive swab	Inquiry date set	12/11/13

## **Appendix 2**

### **Stewards to Commence Mackay Inquiry**

***Written by: GRNSW 14/10/13***

Greyhound Racing NSW (GRNSW) has received advice from the accredited laboratories of the findings of levels of the testosterone metabolite 5beta-androstane-3alpha, 17beta-diol above the threshold concentration of 10 nanograms per millilitre in urine samples taken from four greyhounds trained by Jason Mackay at meetings in NSW in February and March this year.

The reports concern the greyhounds Punch One Out and Sometimes Speedy, which raced at The Gardens on 15 February 2013, Yarramundi Flash from The Gardens on 22 February 2013 and Zipping Tess from the Wentworth Park meeting on 23 March 2013.

The finding from the fourth sample was confirmed today. Mr Mackay has been notified of the findings and an inquiry into the analysts reports will be conducted at the offices of GRNSW on Tuesday 12 November 2013.

### **Tisdell Disqualified**

***Written by: GRNSW***

**15/02/13**

Greyhound Racing NSW (GRNSW) Stewards concluded an inquiry into the circumstances surrounding the death of the greyhound Bit Onek at the kennels of licensed owner/trainer Robert Tisdell, as well Mr Tisdell's failure to notify GRNSW of the death within the defined time frame.

Written and oral evidence was taken from Kayla Spliet, GRNSW Veterinary Surgeon Dr John Newell and GRNSW Steward Craig Pringle, along with submissions from Grant Dunphy and Mr Tisdell.

The incident centred around the trialling of Bit Onek on the evening of 7 January 2013 at The Gardens followed by trialling and extended kennelling in extreme heat at Keinbah on the morning of 8 January 2013.

On being made aware of this alleged set of circumstances, GRNSW Stewards directed Mr Tisdell to present Bit Onek for examination at the Maitland track on 10 January 2013. The examination by Dr Newell established Bit Onek to be suffering clinical dehydration, inflamed kidneys and poor oxygenation. Mr Tisdell was instructed by Dr Newell to seek urgent veterinary attention for Bit Onek, which Mr Tisdell ignored. Bit Onek was found deceased in his kennel that evening by Mr Tisdell.

Subsequently, Mr Tisdell pleaded guilty to a charge under GAR 106 (1) (d) for failing to provide veterinary care to a greyhound when necessary. In respect of this charge Mr Tisdell was disqualified for a period of 12 months, to expire at midnight on 13 February 2014.

Mr Tisdell was further found guilty of a charge under GAR 106 (2) for failing to take the necessary steps to prevent a greyhound under his care from being subjected to unnecessary pain or suffering. In respect of this charge, Mr Tisdell was disqualified for a further period of 12 months, to be served cumulatively with the penalty issued under GAR 106 (1) (d) and to expire at midnight on 13 February 2015.

He was reprimanded regarding a breach of GAR 106 (3) for failing to adhere to the provision requiring notification of the passing of a greyhound in his care by the prescribed time.



In determining penalty Stewards took into consideration Dr Newell's evidence that the death of Bit Onek could have been prevented had Mr Tisdell sought veterinary attention as instructed, the likelihood that Bit Onek was subjected to unnecessary pain and suffering prior to death, the serious nature of the charges and GRNSW's strong stance in regards to animal welfare matters.

## **Jones Fined**

***Written by: GRNSW 18/10/13***

Greyhound Racing NSW (GRNSW) Stewards have finalised deliberations on penalty following analysts reports into the finding of Atenolol in the urine sample taken from Where's Ariek after that greyhound won Race 10 at the Nowra meeting on 16 January 2013.

Consistent with the protocols established for dealing with such reports under the GRNSW Prohibited Substance Penalty System, trainer Vivian Jones was advised of the reports received from the Australian Racing Forensic Laboratory and Racing Analytical Services, Victoria, via written notification of the laboratory findings.

Ms Jones had advised GRNSW of the possibility of the reports having occurred due to the involvement in the preparation of feeds by her husband, who is on a personal medication that contains atenolol.

Following alternate correspondence Ms Jones pleaded guilty to a charge under GAR 83 (2) (a) of having presented Where's Ariek for the event other than free of any prohibited substance in that the urine sample taken from Where's Ariek after the event was found to contain atenolol.

After GRNSW had considered submissions, **Ms Jones was fined \$1,000.**

In considering penalty, Stewards took into account such factors as Ms Jones' **previously unblemished record in more than 12 years of registration, a lack of evidence of any support for the greyhound on the day, the nature of the substance involved, her record of having many previously cleared samples, her guilty plea and cooperation with GRNSW in determining the possible source of the reports.**

Notwithstanding those factors, the requirement for a penalty to be imposed in circumstances where a measure of negligence had been identified as a possible factor in the reports is underlined.

Under GAR 83 (4), Where's Ariek was disqualified from the event in question and the placings amended accordingly.

## **Colless Suspended**

***Written by: GRNSW 21/10/13***

Greyhound Racing NSW Stewards have finalised deliberations on penalty following analysts' reports of the finding of Meloxicam in the urine sample taken from Romantic Lad after that greyhound won Race 10, the www.petsnacks.com.au Stakes, 515 metres, run at the Gosford meeting on 19 March 2013.

Following alternate correspondence under the protocols established relevant to the GRNSW Penalty System, trainer Barry Colless pleaded guilty to a charge under GAR 83 (2) (a) of having presented Romantic Lad for the event other than free of any prohibited substance in that the urine sample taken from Romantic Lad after the event was found to contain meloxicam.

After GRNSW had considered submissions from Mr Colless on penalty, he accepted a period of **suspension of eight weeks** encompassing a period from 3 October 2013, and to expire at midnight on 27 November 2013. In considering penalty, **Stewards took into account such factors as Mr Colless' record of having only one previous such offence in more than 40 years of registration as a trainer, a lack of evidence of any support for the greyhound on the day, the nature of the substance involved, his record of having a number of previously cleared samples, his guilty plea** and cooperation with GRNSW in determining the possible source of the reports. Mr Colless' significant industry contribution **as an official** with Potts Park and the GBOTA branches and references on his behalf were also considered.

Notwithstanding those factors, the requirement for a penalty to be imposed in circumstances where a measure of negligence had been identified as a possible factor in the reports had also to be considered. Under GAR 83 (4), Romantic Lad was disqualified from the event in question and the placings amended accordingly

## REFERENCE LIST

- 
- <sup>1</sup> Greyhound Racing New South Wales, *Animal Welfare Policy 2006*, retrieved from website <http://www.thedogs.com.au/DPage.aspx?spid=116&id=3> on 2 November 2013.
- <sup>2</sup> Greyhound Racing New South Wales, *Company Overview 2013*, retrieved from website <http://www.thedogs.com.au/DPage.aspx?id=1> on 2 November 2013.
- <sup>3</sup> Greyhound Racing New South Wales, *Mission Statement 2013*, retrieved from website <https://www.facebook.com/GreyhoundRacingNSW/info> on 2 November 2013.
- <sup>4</sup> Rubinsztein-Dunlop, S. *Doping, cruelty and collusion claims dog greyhound racing industry*, 15 October 2013, ABC 7:30 Report (Transcript).
- <sup>5</sup> Greyhound Racing New South Wales, *The role and functions of the greyhound racing industry integrity auditor*, August 2012, p. 1.
- <sup>6</sup> *NSW racing going to the dogs*, Sun Herald, 15 July 2013.
- <sup>7</sup> Greyhound Racing New South Wales, *New Integrity Auditor to be appointed*, 24 April 2012, retrieved from website <http://www.thedogs.com.au/NewsArticle.aspx?NewsId=2980> on 2 November 2013.
- <sup>8</sup> Above n. 4, ABC 7:30 Report.
- <sup>9</sup> Greyhound Racing NSW, *Open Inquiries 2013*, retrieved from website <http://www.thedogs.com.au/DPage.aspx?spid=135&id=213> on 3 November 2013.
- <sup>10</sup> *Hogan defends dogs racing integrity*, Illawarra Mercury, 4 November 2013.
- <sup>11</sup> Greyhound Racing Victoria, *Animal Welfare 2013*, retrieved from website <http://www.grv.org.au/AnimalWelfare.aspx> on 4 November 2013.
- <sup>12</sup> Greyhound Racing New South Wales, *Inquiries and Appeals 2013*, retrieved from website <http://www.thedogs.com.au/Racing/Integrity/InquiriesAndAppeals.aspx> on 2 November 2013.
- <sup>13</sup> Above n. 4, ABC 7:30 Report.
- <sup>14</sup> Ibid, 4.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> *A duty of care and transparency to all players*, The Age, 12 August 2012.
- <sup>18</sup> Above n. 4, ABC 7:30 Report.
- <sup>19</sup> Above n. 17, The Age.
- <sup>20</sup> Above n. 4, ABC 7:30 Report.
- <sup>21</sup> Greyhound Racing New South Wales, *Steward's Report* dated 1 November 2013.
- <sup>22</sup> Above n, 4, ABC 7:30 Report.

---

<sup>23</sup> Above n. 21, GRNSW.

<sup>24</sup> Wheeler's puppy farm of fortune, The Daily Telegraph, 25 June 2011, retrieved from <http://www.dailytelegraph.com.au/sport/superracing/wheelers-puppy-farm-of-fortune/story-fn67r1j3-1226081628116> on 6 November 2013.

<sup>25</sup> Puppy Farms, Retrieved from <http://www.rspca.org.au/campaigns/puppy-farms> on 6 November 2013.

<sup>26</sup> Above n. 4, ABC 7:30 Report.

<sup>27</sup> Ibid.

<sup>28</sup> "The welfare of greyhounds in Australian racing: has the industry run its course?" Alexandra McEwan and Krishna Skandakumar, Australian Animal Protection Law Journal Dec 2011: 15 July 2013 version.

<sup>29</sup> Above n. 4, ABC 7:30 Report.

<sup>30</sup> Ibid.

<sup>31</sup> Greyhound Racing New South Wales, *Our Commitment* 2013, retrieved from website <http://www.thedogs.com.au/DPage.aspx?spid=116&id=4> on 2 November 2013.

<sup>32</sup> 'Outrage over greyhound deaths', ABC News, 18 April 2013.

<sup>33</sup> Above n. 30, ABC News.

<sup>34</sup> Kaye, J, *NSW Upper House Inquiry to shine light onto greyhound racing, 28 August 2013* in Gaming and Racing, retrieved from website <http://johnkaye.org.au/nsw-upper-house-to-shine-a-light-onto-greyhound-racing/> on 4 November 2013.

<sup>35</sup> Hounded to death, SMH, 25 October 2004, Retrieved from website <http://www.smh.com.au/articles/2004/10/24/1098556290613.html> on 6 November 2013.

<sup>36</sup> Hoetzer, Caroline, Draft submission for Inquiry Into Greyhound Racing In New South Wales.

<sup>37</sup> Ibid.

<sup>38</sup> GRNSW Media Announcement, retrieved from [http://www.abc.net.au/reslib/201310/r1188141\\_15258599.pdf](http://www.abc.net.au/reslib/201310/r1188141_15258599.pdf) on 6 November 2013.

<sup>39</sup> Above n. 4, ABC 7:30 Report.

<sup>40</sup> Ibid.

<sup>41</sup> 'Greyhound racing euthanasia rates slammed', 10 November 2012, ABC News.

<sup>42</sup> Kaye, J, *Have your say on greyhound racing in NSW, 8 October 2013*, retrieved from website <http://johnkaye.org.au/have-your-say-on-greyhound-racing-in-nsw/> on 2 November 2013.

<sup>43</sup> Tisdell Disqualified, retrieved from website <http://www.thedogs.com.au/NewsArticle.aspx?NewsId=3562> on 5 November 2013.

---

<sup>44</sup> Personal correspondence dated 2 October 2012.

<sup>45</sup> *ASIC accepts enforceable undertaking from North Parramatta auditor*, November 2011 retrieved from <http://www.asic.gov.au/asic/asic.nsf/byheadline/11-239MR+ASIC+accepts+enforceable+undertaking+from+North+Parramatta+auditor?openDocument> on 6 November 2013

<sup>46</sup> Submission by Humane Society International with respect to the Legislative Council inquiry into greyhound racing in New South Wales retrieved from [http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/3bf75c2927063cbfca257c0f0008466c/\\$FILE/0180%20Humane%20Society%20International.pdf](http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/3bf75c2927063cbfca257c0f0008466c/$FILE/0180%20Humane%20Society%20International.pdf) on 6 November 2013.

<sup>47</sup> An Overview of Australia's gambling industries, retrieved from website <http://intranet.cbhslewisham.nsw.edu.au:82/sor/supdocs/chapter02%20Overview%20of%20Gambling%20in%20Aust.pdf> on 6 November.

<sup>48</sup> Submission by Humane Society International with respect to the Legislative Council inquiry into greyhound racing in New South Wales retrieved from [http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/3bf75c2927063cbfca257c0f0008466c/\\$FILE/0180%20Humane%20Society%20International.pdf](http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/3bf75c2927063cbfca257c0f0008466c/$FILE/0180%20Humane%20Society%20International.pdf) on 6 November 2013.

<sup>49</sup> Above n. 11, GRV.

<sup>50</sup> Only 4pc of drug tests are on blood, *The Australian*, October 21, 2013, retrieved from <http://www.theaustralian.com.au/sport/only-4pc-of-drug-tests-are-on-blood/story-e6frg7mf-1226743447643> on 6 November 2013.