

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

**Organisation:** Animal Welfare League NSW

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11th November 2013

The Hon Robert Borsak MLC

Chair

Select Committee on Greyhound Racing in New South Wales

Legislative Council of New South Wales

By internet: [www.parliament.nsw.gov.au/greyhoundracing](http://www.parliament.nsw.gov.au/greyhoundracing)

Dear Sir

### **Submission to the Inquiry into Greyhound Racing in New South Wales**

The Animal Welfare League NSW is pleased to make a submission to the Inquiry into Greyhound Racing in New South Wales.

#### **About the Animal Welfare League NSW**

- Established over 50 years in NSW.
- AWL operates three animal welfare shelters in NSW where surrendered animals are cared for prior to adoption
- AWL has a team of 2 full time Inspectors, empowered under POCTAA, who respond to reports of cruelty or neglect to animals across NSW and
- AWL operates a full service veterinary hospital at our Kemps Creek Shelter
- AWL provides behavioural advice and consultations
- AWL operates a discount desexing program through a network of 12 volunteer branches around NSW
- AWL operates a foster care network for those wishing to care for abandoned and surrendered pets until we can find them homes
- Member of Companion Animals Taskforce
- Signatory to the Ag & Animal Services Emergency Management Committee (NSW Disaster Plan)

- Member of Animal Welfare Advisory Council (AWAC)
- Member of Animal Welfare League Australia (AWLA)
- Member of Australian Animal Welfare Strategy (AAWS)
- Member of Australian Companion Animals Council (ACAC)
- Advocate for licensing of breeders
- Opposed to breed-specific legislation
- Receives greyhounds from time to time through its shelters, and places greyhounds in homes through its foster and adoption programs
- Work involving reduction of euthanasia rates in shelters

### **General observations**

In these submissions, AWL NSW responds to the following terms of reference:

- (j) sale and breeding of greyhounds including the market conditions and welfare of animals;
- (k) the welfare of animals in the industry and the role of Greyhound Racing NSW in establishing and enforcing standards of treatment of animals;
- (l) financial incentives for reducing euthanasia and prosecutions for animal mistreatment; and
- (m) the adequacy and integrity of data collection in the industry, including the number of pups born, the number of dogs euthanased and injury rates.

In relation to the above points, it is the position of AWL NSW that:

- A code of practice be established for breeders of greyhounds in a similar manner to the existing and recently updated codes of practice issued by the DPI and enforced by both AWL and RSPCA. Also grey hound breeders should be subject to the same requirements as all dog breeders under the current proposed **Breeder's Licensing Scheme**.
- AWL recommends that a full list of all registered members of GHNSW be made available to Inspectors to allow for random inspections. Furthermore

documentation for all greyhounds may be examined by Inspectors to provide a 'paper trail' from birth through to the final location of the dog after racing and/or breeding career is over. This may be used to track the numbers of dogs being rehomed or euthanased. This information could be used to cross reference records held by pounds, shelters, vets or rescue groups.

- GRNSW must report all suspected cases of cruelty directly to the AWL, RSPCA or NSW Police before any internal investigation is conducted. There has been some comment that GRNSW has not been aware that it is able to utilize the services of AWL in the past.

## **Legal framework**

The regulation in New South Wales of greyhounds and their owners is significantly different to that of other breeds of dogs. Essentially, it prevents regulators and the public from having visibility into greyhound welfare and the greyhound industry. It is submitted that the registration and identification requirements applying to other breeds of dog should apply also to greyhounds. Specific concerns about the welfare of greyhounds and industry practices involving breeding and euthanasia of greyhounds provide a compelling reason for the registration and identification requirements applying to greyhounds.

### *Registration requirements*

Section 9 of the *Companion Animals Act 1998* (NSW) ("CA Act") requires owners of companion animals (dogs and cats) to be registered from the time they are six months old. An owner commits a criminal offence by failing to comply with the requirement, with a maximum penalty: \$880 where the dog is not a dangerous dog or restricted breed; \$5,500 otherwise. Among the information that accompanies a registration is the breed of the dog: CA Act, section 71; *Companion Animals Regulation 2008* (NSW) ("CA Regulation"), clauses 8(g) and 20(a). Registrations are entered into a Register of Companion Animals established under section 74 of the CA Act, which is maintained by the Director-General of the Department of Local Government. Under section 75, the information on the Register can be provided, free of charge, to "authorised persons"

which includes the Chief Inspectors of AWL NSW and RSPCA NSW, police officers and certain local government employees. This is an effective method of data collection and provides visibility into the size and composition of animal populations in New South Wales.

However, clause 16(g) of the CA Regulation provides that an owner is exempt from these registration requirements where the greyhound is registered in accordance with the rules made under the *Greyhound Racing Act 2009* (NSW). Those rules are known as the *GRNSW Greyhound Racing Rules 2013* (NSW) (“GRNSW Rules”). Rule 15 of the GRNSW Rules provides that Greyhound Racing NSW (“GRNSW”), a body constituted by section 4 of the *Greyhound Racing Act 2009* (NSW) (“GR Act”), may receive an application for registration of a greyhound and may grant or decline the application. Rule 112 provides that a certificate of registration is issued for each registered greyhound. AWL NSW is not aware of any provision of the GR Act or GRNSW Rules permitting access to the greyhound register. Accordingly, the animal welfare regulators in New South Wales – AWL NSW, RSPCA NSW, the NSW Police, the NSW Department of Primary Industries, the NSW Department of Local Government and municipal councils – have low visibility as to whether any given greyhound is registered, and it is difficult to carry out any statistical analysis as to what percentage of greyhounds are actually registered. An authorised officer under the CA Act may encounter a greyhound that is not registered under the companion animals register, but might not have any way of knowing whether or not the animal is registered on the greyhound register, i.e. whether or not an offence under section 9 of the CA Act has been committed.

It has been claimed that in Victoria, “of the 7,500 greyhounds born, approximately only 1,000 will live a full life span”.<sup>1</sup> RSPCA Australia has expressed concern that a large proportion of dogs “deemed unsuitable for competitive racing, become injured, or are simply not considered fast enough, are euthanised”.<sup>2</sup> The exemption under clause 16(g) of the CA Regulation from registration on the Companion Animals Register prevents the animal welfare regulators and the public from having visibility into euthanasia rates. If

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<sup>1</sup> Judge G D Lewis AM, letter to the Hon. Rob Hulls MP, Victorian Minister for Racing, 1 August 2008.

<sup>2</sup> RSPCA Australia, “What is the RSPCA Position on Greyhound Racing?”, 12 August 2011.

greyhounds were required to be registered, and the registration requirement were effectively enforced by the relevant authorities, owners of greyhounds would be required to notify the Director-General upon the greyhound dying (CA Act, section 11(1)(c)), and AWL NSW, exercising its right of access to the Register under section 75 of the CA Act, would be able to carry out a statistical analysis as to the percentage of premature deaths of greyhounds as opposed to other breeds. The inference in this regard would be that a rate of premature deaths for greyhounds that is significantly higher than for other breeds would suggest a higher incidence of euthanasia for greyhounds. There is a requirement in rule 106 of the GRNSW Rules to notify GRNSW within 10 working days if a greyhound has “been humanely euthanised by a veterinary surgeon or [has] deceased”. However, there is low visibility as to the percentage of greyhound owners who actually notify GRNSW upon the euthanasing of a greyhound, and, in any event, the content of the greyhound register maintained by GRNSW is not available to the animal welfare regulators or to the public.

#### *Microchipping requirements*

Dogs are generally required to be identified from the age of 12 weeks: CA Act, section 8(1). There is a prohibition on selling an animal that has not been identified: section 8(2). An owner commits a criminal offence by failing to comply with either of these provisions, with a maximum penalty of \$880 where the dog is not a dangerous dog or restricted breed; \$5,500 otherwise. For most companion animals, identification involves the implantation of a microchip in the dog: CA Regulation, clause 5. The microchip is assigned a unique identification number which is revealed when the microchip is scanned: clause 7(1)(a)(ii). The number can then be matched to an entry on the companion animals register, which contains the identification information prescribed in clause 8, such as the owner’s name and address, address of the place where the animal is ordinarily kept, etc. The microchipping requirement has the significant advantage of permitting an unattended or deceased dog to be identified, and enquiries about the dog can be made of the person identified as the dog’s owner. However, greyhounds are not required to be microchipped or otherwise identified. This is because dogs that are not required to be registered (as are greyhounds) are also not required to be identified: CA Regulation, clause 12(1). Accordingly, if the authorities

encountered abandoned greyhounds, or greyhounds in a shallow grave, etc., it would be very difficult to determine who was responsible for the dogs and what befell them.

### *Muzzling*

Under section 15 of the CA Act, greyhounds are required to be muzzled at all times, except when on or in the property in which the greyhound is ordinarily kept, under the effective control of some competent person and being exhibited for show or obedience trials, or where exempted by the CA Regulation. The Regulation (clause 33B) provides an exemption where a greyhound has successfully completed an approved greyhound re-training program (colloquially known as a “greenhound” program) and the greyhound wears an approved “greenhound” collar. AWL, advocating opposition to breed specific legislation, that greyhounds as companion animals be exempt from all requirements to muzzle and be judged equally with any other companion dog in this matter. The ‘greenhound’ program is supported by AWL to help welfare outcomes of animals currently regulated however would encourage this programme be used to transition to full exemption for greyhounds under the CA Act. .

Currently the GRNSW Code of Practice for the Keeping of Greyhounds in Training is administered internally by GRNSW and is not subject to any independent oversight. AWL would advocate that this code, while sound and well-reasoned, needs to be further strengthened by independent oversight. Alleged breaches of the code may be investigated by AWL or RSPCA.

The AWL NSW experience in relation to the greyhounds suitability for rehoming and enjoying life as a companion animal in retirement is generally positive (with the correct assessments and management), but not without challenges. Mr Alan Norris, Shelter Manager of AWL states, “Greyhounds that have the high prey drive that is required for racing do not generally pass the dog-to-dog/cat assessments (small fluffy dogs or cats) and take longer to rehabilitate for adoption into the community.

Adoptability is *difficult for these dogs* because most people see them as either high energy dogs which can be problematic to manage and they feel they would be unable to provide sufficient exercise to this breed

However the majority of Greyhounds are generally the opposite in behaviour and we refer to them in the dog world as “couch potatoes”.

Their public image is also tarnished due to regulation making owners muzzle their dogs until they have passed ‘green collar’ assessments. Again people then worry that their animal will be perceived as dangerous and this can cast a negative light upon the breed as other dog owners do not want to associate their dogs with greyhounds due to the fear of a dog fight.

Although some greyhounds aren’t the most social around other dogs, a large portion of these dogs in our community are dog friendly and they tend to be very well handled and love people.

Another factor affecting greyhound adoptability is their overall body condition while in shelter. As they are used to a high protein, raw diet. The switch to dry food can cause some weight loss and the reduced racing training can cause them to lose the bulk of their muscle; giving them a skinny appearance. Most dog owners tend to keep their pooches plump and well-rounded as they feel it shows they really care for their pets and as greyhounds have a skinny build it sometimes creates the notion within the general public that the dog is been not well cared for or is unhealthy.

However this is commonly a misconception about the breed. More owners need to educate the wider community about the body style of these dogs and that they are more typically a very healthy breed. We rarely hear of hip dysplasia and other genetic conditions which affect larger breeds and most greyhounds can live to an age of 15 years.

In some cases greyhounds do succumb to injury during their racing careers and this can have an effect in their later stages of life but properly managed most do not have too many issues.

Overall greyhounds are great family-friendly dogs and make brilliant companions for mature homes who like larger breeds.”



Since January 2103 the AWL has taken in six greyhounds surrendered by owners. One surrendered dog was also returned to owner. Of the six surrendered 5 were re-homed and one was euthanased.

One case is that of Junior, “Junior has been in foster Care since Sept 1<sup>st</sup> with Jo Tester (staff) – He is walked on a harness and is less reactive to other animals while on walks. He currently lives in his foster home with small breed dogs, another Greyhound and Cats and has started to interact appropriately around the house cats.

He will need an owner that is firm/consistent with training in regard to prey drive around cats, he still may never achieve his green collar.”

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