

**Submission  
No 37**

## **INQUIRY INTO GREYHOUND WELFARE AND INTEGRITY COMMISSION**

**Organisation:** Sentient, The Veterinary Institute for Animal Ethics

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The veterinary voice in animal welfare

## **Inquiry into the Greyhound Welfare and Integrity Commission Submission from Sentient**

Thank you for the opportunity to submit commentary to this Inquiry into the Greyhound Welfare and Integrity Commission.

Sentient is an independent Australian veterinary association dedicated to animal welfare advocacy. Our members are represented in academia, private practice (companion, equine and large animals), non-government, government and industry settings, with expertise in many fields including animal welfare, animal behaviour, clinical medicine, epidemiology and the use of animals in teaching and research. A number are qualified specialists in particular disciplines or have extensive experience within industries such as live export, horse racing and greyhound racing. Sentient has presented at international and national conferences, published papers, contributed numerous submissions to state and federal government inquiries, and provided evidence at parliamentary public hearings. We also host final year veterinary science students for Public, Industry and Community placements in animal welfare advocacy. Sentient is registered with the Australian Charities and Not-for-profits Commission.

The separation of commercial and regulatory functions of the greyhound racing industry is essential to minimise the potential for conflicts of interest, as highlighted by both the Special Commission of Inquiry into the Greyhound Racing Industry in NSW and the Greyhound Industry Reform Panel. Sentient commends the establishment of the Greyhound Welfare and Integrity Commission (GWIC) and supports its continued existence to ensure the welfare of greyhounds is independently and properly assessed.

We offer the following commentary on the governance arrangements for the greyhound racing industry:

### **1) The Commission's legislative objectives and functions**

The principal objectives of the Commission under section 11 of the Act, are to:

- promote and protect the welfare of greyhounds
- safeguard the integrity of greyhound racing and betting
- maintain public confidence in the greyhound racing industry.

It is arguable that the objective of protecting the welfare of greyhounds can and will often come into conflict with the other objectives. This conflict was highlighted by the Special Commission of Inquiry into the Greyhound Racing Industry in NSW. We submit that the welfare of greyhounds can never truly be protected by an industry that is inherently harmful. On ethical grounds, wherever animals are used for gambling, the incentive to promote their welfare will always be lower than the incentive to profit from their use. Sentient's position is that the greyhound racing industry

should be banned in Australia, however we concede that this issue is not for consideration during this inquiry.

Therefore, Sentient recommends that the primary objective of the Commission should be to promote and protect the welfare of greyhounds. If retained, the second objective should be reworded because “safeguard” insinuates a protective role, and the integrity of the racing industry should be enforced and ensured in an authoritative rather than protective role. This function comes too close to dressing up self-regulation with an independent auditor. For many in the community, there can never be integrity when animals are used in gambling industries.

We advocate that the only objective of the Commission should be to promote and protect the welfare of greyhounds, which would include ensuring that industry participants comply with all regulations. Regarding the third objective, of maintaining public confidence in the greyhound racing industry, this is redundant because public confidence will never be achieved unless the industry safeguards the welfare of greyhounds. Furthermore, to be a truly independent auditor of greyhound welfare, it is the welfare of greyhounds that should be of concern to the Commission, not the reputation and existence of the greyhound racing industry.

In addition to the functions set out in section 12 of the Act, Sentient would like to see the addition of functions allocated to the Commission to include:

- (a) to set minimum standards for racecourse design and construction and greyhound training facilities to reduce the current unacceptably high rates of injury and mortality during racing and training. These functions currently fall under the jurisdiction of GRNSW under section 26(1)(a) and (c). It is Sentient’s position that the design of racecourses and training facilities is a welfare issue, and thus should fall under the jurisdiction of the Commission. In NSW this year from January to July, there were 1567 track injuries, 290 of which were major injuries, and 29 deaths.<sup>1</sup>
- (b) to track and inspect, at least once per year, every greyhound owned by a registered industry participant and every greyhound rehomed privately by a registered industry participant. This is required to ensure both the accuracy of the greyhound register and that welfare standards are maintained throughout the lifespan. Random audits are needed. If industry participants have notice, they can hide the evidence of poor welfare, an extreme example being evidence of live baiting. Sentient proposes, in light of the Commission’s primary objective of ensuring the welfare of greyhounds, the Commission’s role should extend to ensuring that welfare standards are maintained throughout the life of all greyhounds born into the racing industry. According to the Commission’s records, during the first quarter of 2020, 299 greyhounds retired and 172 of these were reported as being kept by the trainer or rehomed privately by the

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<sup>1</sup> Coalition for the Protection of Greyhounds, “2020 track deaths and injuries”, accessed on 24 August 2020, .

trainer.<sup>2</sup> It is our view that increased inspection will also enable the Commission to ensure the accuracy of the greyhound register, and prevent trainers/owners from disappearing retired greyhounds.

(c) to set maximum breeding targets for greyhounds in NSW. One of the Commission's functions under the Act is "to undertake research and investigation into any aspect of the breeding of greyhounds and of greyhound racing generally". Sentient proposes that this function should be expanded to include setting maximum breeding targets for greyhounds in NSW. Breeding targets should not be set by the commercial arm of the industry, but rather by the regulatory arm with appropriate veterinary, welfare and social considerations factored into the decision making process (with advice from the Welfare Committee).

(d) to set the behavioural assessment standards used by Greyhounds as Pets NSW (GAP) to assess a greyhound's suitability to be re-homed in a private home. The greyhound rehoming policy requires owners to submit a greyhound no longer required by the owner to Greyhounds as Pets NSW (GAP). The policy allows an owner to euthanise a greyhound if it is rejected by GAP and cannot be taken by a private re-homer. Sentient submits that it should be a function of GWIC to set the behavioural assessment standards used by Greyhounds as Pets NSW (GAP) to assess a greyhound's suitability to be re-homed in a private home. GAP should be the primary avenue for the retirement of greyhounds from the industry, and since the consequence of a second GAP rejection leads to euthanasia, GWIC must set the standard for a GAP rejection. Rejection by GAP places a large burden on charitable rehoming groups to foster, rehabilitate and rehome greyhounds who would otherwise be euthanised. We also submit that GAP should fund a transition arrangement for greyhounds to settle in to residential life before they are assessed for rehoming, given the impact on their behaviour of inhumane rearing and for many, inhumane training methods.

## 2) Euthanasia

Sentient proposes that it is appropriate for the Commission be given authority over the determination of whether or not a retired greyhound can be euthanised. This is necessary to further prevent the euthanasia of healthy greyhounds. We advocate for a narrow provision to be drafted outlining the circumstances in which an application for euthanasia can be granted. A grant should only be given if a veterinarian certifies that the greyhound is suffering from an intractable condition or injury that causes significant pain or discomfort or a marked reduction in quality of life, such that it is inhumane or would otherwise compromise the welfare of the greyhound to delay euthanasia. The provision should also require that a veterinarian must perform humane euthanasia, unless there is an emergency as detailed in specified circumstances. It is further proposed that a penalty for contravention be imposed.

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<sup>2</sup> GWIC 2020, "Greyhound Retirement and End of Life Report (1 January – 31 March 2020)", accessed on 24 August 2020,

### 3) Current funding arrangements for the industry

Under the Act, GRNSW is responsible for funding the costs of the Commission, however the NSW Government was called upon to give additional funds over a 4 year period to help establish the Commission and fund its initial operations. It is Sentient's position that for the regulatory and commercial arms of the industry to be truly separate, the NSW Government should fund the Commission entirely. The funds should continue to be recouped from via Point of Consumption taxes on the gambling industry which is legislated in the Betting Tax Act 2001. It is not appropriate for a commercial entity to provide funds directly to a government entity especially if the role of the government entity is to regulate the activities of the commercial entity. This is a conflict of interest. Government regulators must be funded from consolidated revenue.

Sentient proposes that the NSW government should be required to fund:

- (a) greyhound private re-homing organisations (providing these are reputable with high welfare standards, which is not the focus of this inquiry)
- (b) approved animal welfare organisations for investigation and prosecution of matters concerning greyhounds

and provide increased funding to GAP.

According to the Commission's "Greyhound Retirement and End of Life Report (1 January – 31 March 2020),"<sup>3</sup> private rehoming organisations rehome the majority of retired greyhounds, thus they continue to bear the majority of the expenses associated with rehabilitating, fostering and rehoming retired greyhounds, and rely often entirely on public donations to do so.

### 4) The Commission's investigative and enforcement powers

#### Greyhound Industry Animal Welfare Committee

Under section 33(2): (2) The Welfare Committee is to consist of the following 5 members appointed by the Chief Commissioner—

- (a) a person who, in the opinion of the Chief Commissioner, has expertise in the area of animal welfare or behaviour and who is not a greyhound racing industry participant,
- (b) a senior officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales who is nominated by the chief executive of that organisation,

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<sup>3</sup> [https://www.gwic.nsw.gov.au/data/assets/pdf\\_file/0006/892059/Retirement-and-End-of-Life-Report-Jan-Mar-2020.pdf](https://www.gwic.nsw.gov.au/data/assets/pdf_file/0006/892059/Retirement-and-End-of-Life-Report-Jan-Mar-2020.pdf)

- (c) the person employed in the Public Service as the Chief Veterinary Officer or a Public Service employee nominated by the Chief Veterinary Officer,
- (d) a representative of the greyhound racing industry
- (e) a person nominated by GRNSW.

Sentient recommends that the following additional 2 members be incorporated into the Committee to ensure the committee is entirely focussed on the welfare and interests of the greyhounds, as opposed to the commercial interests of the industry:

- (d) a lawyer to represent the greyhounds' interests,
- (e) an independent animal scientist or representative from an independent veterinary association

### Number of inspectors

Sentient recommends that the number of inspectors employed by the Commission be increased from eight. There are approximately 13,000 greyhounds currently registered with the Commission in NSW, thus it is impossible for the inspectors to check every greyhound in the industry to ensure welfare standards are met. In determining the most appropriate number of inspectors, travel time should be a key factor given many inspections will occur in regional and even remote areas.

### Animal welfare bodies

It is not just or equitable that animal welfare organisations, funded often entirely by public donations, should bear the cost of inspecting dogs and prosecuting cases of cruelty to dogs who have been bred for purely commercial purposes by the greyhound racing industry. Sentient submits that the burden and cost associated with inspecting greyhounds and investigating and prosecuting animal welfare offences should be borne by the NSW government.

## **5. Regulation of the racing industry**

The Commission is responsible for the registration of greyhounds (under section 48 of the Act). Sentient proposes that certain details of the greyhound register be available to the public, which will provide some assurance that greyhounds no longer required by the industry are rehomed and not euthanised. In particular, for each greyhound, the status should be made publically available (i.e. as training to be raced, racing, retired or deceased) and the geographic location of the greyhound should be published. This would support the third principal objective of the Commission, to “maintain public confidence in the greyhound racing industry”.

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