

**Submission
No 43**

INQUIRY INTO GREYHOUND WELFARE AND INTEGRITY COMMISSION

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**RSPCA NSW SUBMISSION:
Inquiry into the Greyhound Welfare and Integrity Commission
4 December 2020**

(a) The policies, procedures, mechanisms, and overarching principles of the Commission in relation to industry participants

Any assessment of the regulatory impost upon Greyhound Racing Industry participants must first acknowledge that the ethical and legal foundation for regulation accepts the premise that sentient creatures have intrinsic moral value, and are deserving of protection from harm.¹ When that regulatory burden relates to greyhounds in NSW, the recent historical and legal context must also be accepted. That is, this is an industry which has been found to have failed greyhounds and publicly acceptable standards of animal welfare.²

It is not the point of this Inquiry, nor this submission, to relitigate those concerns, but they are the recent and relevant context in which the Greyhound Welfare and Integrity Commission (GWIC) now finds themselves operating.

The lemma Reform Panel recommended separating the commercial from the regulatory function, leaving GRNSW with responsibility for the former, and GWIC for the later.³ RSPCA NSW considers that the evidence basis for this separation is robust, however it has resulted in a relatively complicated structure of responsibilities.

The NSW Department of Customer Service is responsible, via the NSW Office for Racing for the administration of the *Greyhound Racing Act 2017* (NSW) (GRA). GWIC is created via Part 2 of the GRA, with obligations for the performance of certain functions including supervising, controlling and regulating greyhound racing in NSW.⁴

The GRA grants an operating licence to GRNSW in Part Three Division Two which commences with the principal objectives of GRNSW. They include:

- (a) to be a commercially viable entity,
- (b) to exhibit a sense of social responsibility by having regard to the welfare of greyhounds,
- (c) to promote greyhound racing in the State as a competitive and sustainable industry with a high level of public trust.⁵

¹ See for example Robert Garner, *Animal Ethics* (Polity Press, 2005).

² Michael McHugh AC QC, *Report of the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales* (online, 2016) <https://apo.org.au/node/65365>; Morris lemma et al., *Recommendations of the Greyhound Industry Reform Panel* (online, 2017)

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/101738/final-panel-report-february-2017.pdf.

³ Morris lemma et al., *Recommendations of the Greyhound Industry Reform Panel* (online, 2017)

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/101738/final-panel-report-february-2017.pdf

⁴ *Greyhound Racing Act 2017* (NSW) (GRA) s12.

⁵ *Ibid* s23.

Section 23(b) is in our view problematic in two ways, firstly it refers to the ‘sense of social responsibility’ in terms prior to the reference to welfare. However, and more problematic, is the failure to promote the highest available animal welfare outcomes. Reserving the word ‘welfare’ to indicate that the animal has, or does not have, problems is meaningless unless the level or quality of the animal’s welfare is specified. Improved animal welfare outcomes, greyhounds living happy lives, for example may provide the social contract requisite for the continuation of the industry, but whether they do or not, the obligation on participants, GWIC and GRNSW is to improve animal welfare outcomes for greyhounds in the care of the industry generally.

Section 25 provides for a grant of the licence to GRNSW for five years. There is no detail as to what criteria must be met to be eligible for holding a licence, and the only requirement for the licence to be removed is that a regulation for an alternate licence holder be passed. There is no indication of criteria for the grant, or what conditions other than information provision and record keeping must be met.

RSPCA NSW considers that delegating offences from the Act to the Code (bypassing the *Greyhound Racing Regulations 2018* (NSW)) adds an additional and unnecessary layer or regulatory complexity. However, the obligations themselves are not overly onerous, and no moreso than in other analogous contexts.⁶

In addition, the literature relating to joint enforcement of industry generally, by government regulators and within industry itself, indicates that specific and prescriptive rules and standards are appropriate where government intends to achieve socially acceptable outcomes.⁷ Take the example provided by Peter May on this point - building codes may extend to many hundreds of pages in relation to the minutiae regarding nailing patterns in support walls, spacing of beams, roofing and insulation materials.⁸

The analogy is obvious, the public accepts as appropriate detailed rules for compliance in areas of significant public or workplace safety. So too, is appropriate for Greyhound Racing Participants who are responsible for the care of beings at risk as they are unable to advocate for themselves. There is repeated public comment to the effect that pre-Special Commission issues such as injury, financial solvency and an apparent unwillingness or inability to move to a scientific and evidence-based approach to greyhound welfare remain.⁹

⁶ See for example governance of Thoroughbred horse racing via the Australian Racing Board, Racing NSW and the various related industry groups.

⁷ Peter May, “Regulatory regimes and accountability” (2007) 1 *Regulation & Governance*, 11.

⁸ Ibid.

⁹ Paige Cockburn, “Greyhounds still disappearing in NSW as Integrity Commission tries to seal cracks” *ABC* (online, 22 February 2020) <<https://www.abc.net.au/news/2020-02-22/greyhounds-still-disappearing-in-nsw-tracking-failing/11965030>>. See also, Christopher Knauss, “NSW government accused of undermining greyhound racing regulator” *Guardian* (online, 16 October 2020) <<https://www.theguardian.com/australia-news/2020/oct/16/nsw-government-accused-of-undermining-greyhound-racing-regulator>>.

RSPCA NSW has no insight as to the experience of participants being regulated via this mechanism and does not otherwise proffer a comment.

(b) The appropriateness of disciplinary action for those industry participants breaching legal requirements as set out by the Commission

Section 80 GRA is the offence creation provision. The offences listed within that section consist of ‘regulatory-type’ offences of, for example, failing to comply with a direction under Part 7, providing false or misleading information - both of which are fine only offences. Otherwise it creates offences of obstructing, hindering, or impersonating an Inspector, which carry maximum penalties of 6 months imprisonment and/or fines of 100 penalty units.¹⁰

The other offence creation provision operates via s 39 of the GRA, which provides for certain provisions of the NSW Greyhound Welfare Code of Practice to be identified, and prosecutable as if they were offences contrary to the GRA.¹¹

Only standards 9.4 and 9.5 of the Code, relating to euthanasia of greyhounds, are identified as “offence provisions” for the purposes of section 39 of the GRA. Section 39 provides an additional mechanism through which these Standards may be enforced, as the Commission may elect to issue a Penalty Infringement Notice or prosecute a person who contravenes one or more of the Standards identified as offence provisions. It further provides that an offence thus called up by s 39 of the GRA attracts a maximum penalty of 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

Thus an offence prosecuted summarily in the Local Court for failing to comply with the Greyhound Racing Code by not complying with standards 9.4 and 9.5 are potentially subject to the identical penalty someone who has committed an act of aggravated cruelty may be subject to when prosecuted pursuant to the *Prevention of Cruelty to Animals Act 1979* (NSW).

Ordinarily offence provisions are created by an Act of Parliament which is passed via normal procedures in Parliament. An alternative mechanism, familiar to members of the Committee, involves the head of power in the Act delegating downwards and implemented via Regulation to constitute offence provisions. The GRA, however, in a departure from the ordinary mechanisms, bypasses the regulations to put offence creating provisions within a Code.

The RSPCA considers that as GWIC has seen fit to limit the offence provisions within the Code to breaches of only two standards (although they are important standards), then

¹⁰ RSPCA NSW notes the Government has announced plans to increase maximum penalties for offences contrary to sections 5, 6 and 8 of the *Prevention of Cruelty to Animals Act 1979* (NSW) have been announced. It would create an odd sense of grievance if similar offences contrary to the GRA were not also increased.

¹¹ NSW Greyhound Welfare Code of Practice (**the Code**), https://www.gwic.nsw.gov.au/_data/assets/pdf_file/0011/893225/Code_of_Practice_A4_24pp_FNL.pdf. At the time of writing, the Code has not commenced operation. It commences on 1 January 2021, two and half years after the commencement of GWIC itself.

consideration should be given to strengthening the offence provisions within the GRA. That is particularly true in an educational sense, where participants are now required to consider three regulatory instruments to determine where their own liability might arise. Education efforts are likely to be more successful if the offence provisions are more easily identifiable.

In addition to criminal penalties applicable, there are additional race day integrity functions, and disciplinary outcomes performed by GWIC. It is not apparent, however, that any proceedings in the NSW Local Court have been initiated since the Greyhound Racing Act commenced. Naturally, as a regulator itself, RSPCA NSW is aware that the enforcement function can be properly performed in a variety of ways, from educational efforts, stakeholder consultation, and enforcement conduct along a wide spectrum of outcomes. However, this may need to also be measured against community expectation, to ensure that improved animal welfare outcomes are discernible from the enforcement actions undertaken.

(c) The options for appeal by industry participants who breach legal requirements as set out by the Commission

There are two appeal avenues available to those aggrieved by decisions made by a club, steward or GWIC. They are internal review, and external review to the Racing Appeals Tribunal (RAT).¹² The RAT has jurisdiction in respect to administrative review of all three racing codes in NSW. Given the limited term of GWIC responsibility thus far, there is a relative lack of data, however the 2018/2019 GWIC Annual Report discloses that six matters went on appeal to the RAT, with four being dismissed.¹³

The RAT has had jurisdiction over horse racing and harness racing for many years. They are decisions it is experienced at reviewing. Where a decision referred to the RAT, however, relates to a complicated issue of greyhound welfare, the situation is not so clear. For example, review of a decision at first instance, and then upon re-application the subsequent decision of two GWIC employed veterinarians not to approve breeding in an geriatric greyhound who had already had several litters and abdominal surgery in the past.¹⁴ This is a complicated issue of animal welfare, and whilst the Tribunal member had access to expert veterinary evidence, this is a difficult welfare decision which may not be appropriately susceptible to administrative review.

(d) The combined relationship of the Commission, the industry operator Greyhound Racing NSW, and industry participants in relation to the overall greyhound racing industry

The GRA describes the functions and objectives of GWIC and GRNSW which gives an indication of how the agencies are intended to relate to one another and the participants.

¹² Pursuant to the *Racing Tribunal Act 1983* (NSW).

¹³ GWIC 2018/2019 Annual Report, https://www.gwic.nsw.gov.au/_data/assets/pdf_file/0006/891312/Annual-Report_FNL.pdf.

¹⁴ Racing Appeals Tribunal, Reasons for Decision – Kellie Fogarty, 12 November 2020 <https://www.gwic.nsw.gov.au/_data/assets/pdf_file/0004/932665/GR-Fogarty_K_RAT_decision_2.pdf>.

GRNSW have some crucial greyhound welfare responsibilities prescribed by the GRA including racetrack safety standards and the greyhound rehoming program. The GRA does not provide powers for GWIC to compel GRNSW to take a particular course of action. This arrangement conflicts with the recognition that there is a need to separate the regulation of welfare and integrity from the commercial function. Additionally, particularly as Government is reducing the amount of public funding over time, GWIC is reliant on funding from GRNSW to carry out the welfare and integrity activities.¹⁵

A principal objective of GWIC is to promote and protect the welfare of greyhounds while GRNSW's objectives, as described in the GRA, include being commercially viable, promoting greyhound racing and 'having regard to the welfare of greyhounds'. The use of this imprecise language fails to specify the priority greyhound welfare should be given by GRNSW. This is particularly problematic as tensions regularly arise between the objectives of commercial viability and animal welfare which was the basis for separating commercial and regulatory functions. It is obvious that decisions directed towards optimal welfare outcomes - straight track racing or six dog races being obvious examples - may not be commercially sensible decisions. This ambiguity also fails to resolve any conflict in how GRNSW are obliged to proceed when GWIC, with primary responsibility for protecting greyhound welfare, identifies a welfare imperative that requires action by GRNSW.

Greyhound wastage and euthanasia rates was a major issue threatening the social license of greyhound racing in NSW only four or five years ago. Therefore, GRNSW have a strong motivation to maximise rehoming volume. Unfortunately, rehoming animals is not a universally benign process and carries significant risks to animal welfare and public safety and satisfaction. If GRNSW is to maintain this function, transparency and assurances are required to demonstrate that an evidence based and contemporary approach to rehoming is being applied that is underpinned by ethical decision making and the prioritization of quality of life over quantity of rehoming.

GWIC is responsible for registering greyhound racing participants. However, to meet the objectives of safeguarding integrity and greyhound welfare and maintaining public confidence it would be more appropriate to require competency-based licensing of participants rather than registration. Practices that carry inherent risk commonly require competency-based licensing that involves the demonstration of skills and knowledge as determined by a qualified assessor. Relevant training packages for greyhound racing participants are available and have been part of historical commitments but the greyhound racing industry to upskill participants and provide confidence in their competency to meet the needs of greyhounds in their care.

¹⁵ Christopher Knauss, "NSW government accused of undermining greyhound racing regulator" *Guardian* (online, 16 October 2020) <<https://www.theguardian.com/australia-news/2020/oct/16/nsw-government-accused-of-undermining-greyhound-racing-regulator>>.

(e) the existing funding agreement between the Commission and Greyhound Racing NSW with a view to considering recommended options,

GRNSW has not effectively actioned s24(1) GRA, to fund the costs of the Commission, and whilst public monies are being contributed to fund GWIC functioning, increased public scrutiny is appropriate.

The current level of public funding remains high, and there is no indication as to what processes GRNSW (the commercial arm of the industry) are to adopt in order to fund GWIC (the regulator) properly. It is possible to imagine that depending on the strategic priorities of GRNSW that GWIC could be insufficiently funded to manage the job it is statutorily obligated to perform.

As the taskforce reported¹⁶, the industry must reach the point of self-sustainability, and if that is not happening over time, then consideration might need to be given to regulating to set enforceable targets for financial viability.

(f) the actions, conduct and effectiveness of the Commission and GRNSW, in particular in relation to its role in improving the welfare of greyhounds, and

Any contemporary consideration of greyhound welfare must acknowledge that animal welfare is a state that can be measured, ranging from very poor to very good, and includes considerations of felt experience, as well as physical and psychological health. This welfare-based analysis is distinct from moral considerations.

Identifying changes to greyhound welfare requires the welfare of the greyhounds to be measured and monitored over time. Other animal industries have acknowledged this, and as a result, have undertaken to apply scientific animal welfare frameworks to measure the welfare of the animals they use.¹⁷

It is not possible to accurately determine if the welfare of greyhounds in NSW has, on average, declined or improved since April 2017 without evaluation of data being undertaken and published. The available information, on the GWIC and GRNSW websites largely relates to outputs such as money spent, and policies implemented. This does not provide sufficient insight into the wellbeing of greyhounds, because there is only limited information with respect to outcomes and even fewer outcome measures reported.

A substantial focus for the policy and reporting has been the reduction of euthanasia of injured, retired and unwanted greyhounds. While this is a valid and necessary undertaking for ethical reasons and to maintain the social license, it should not be conflated with the actions required to provide for good animal welfare. For greyhounds that are not

¹⁶ Morris lemma et al., *Recommendations of the Greyhound Industry Reform Panel* (online, 2017) https://www.industry.nsw.gov.au/data/assets/pdf_file/0020/101738/final-panel-report-february-2017.pdf

¹⁷ Zoo Aquarium Association Australasia, 2020. Animal Welfare ZAA accredited zoos and aquariums. <https://www.zooaquarium.org.au/public/Animal-Welfare/Public/Animal-Welfare/Animal-welfare.aspx?hkey=8969dee1-84c9-4652-8e49-cd1fff4b131e>

ethanised but are reared, trained, raced, bred, retired to trainers, held in shelters or on 'farm-stays' or are rehomed, their quality of life is not readily apparent.¹⁸

Animal welfare assessment is a complex and multi-disciplinary science. Consequently, other animal industries have seen benefit to employ animal welfare scientists to incorporate contemporary animal welfare assessment frameworks and to adequately train industry members and regulatory staff to identify indicators of poor and good welfare.¹⁹ While this Committee seeks to identify the effectiveness of any efforts to improve greyhound welfare, it is not apparent that the industry or regulator have recently invested adequately in the skills and knowledge to determine this and to monitor it effectively.

In attempting to assess a change in the welfare of greyhounds in NSW, it is prudent to consider the greyhound welfare issues that were identified by independent canine welfare scientists in an analysis of the NSW industry in 2015²⁰ and during the investigations associated with the Special Commission of Inquiry into the Greyhound Racing Industry in NSW in 2015/16. RSPCA NSW has listed some of these areas below and analysed them against the Five Domains model framework to determine whether there is any indication of improvement having been made.

Nutrition

Water requirements:

The requirement to provide access to drinking water to greyhounds at races is included in the Race Day Hydration and Hot Weather Policy (Hydration Policy), which was implemented in January 2017 (pre-dating the GRA and the formation of GWIC). This measure is highly likely to improve greyhound welfare as it provides the greyhounds the opportunity to respond effectively to feelings of thirst and reduces the risk of dehydration which impacts on health (another critical welfare domain). Despite this, exemptions are given to allow some participants to withhold water from their dogs while they are retained in kennels during the race meeting.

The extent to which this intervention has improved greyhound welfare could be measured by assessing their hydration, as indicated by their weight on exiting their kennelling period compared to their weight on entry. The Hydration Policy requires these measurements to be made. However, there is no indication that these data have been analysed nor has the frequency of race day diagnoses of rhabdomyolysis, hyperthermia or muscle cramping (for which dehydration is a risk factor) been made available.

Environment

Space for free movement and the complexity of environment to choose to engage in a normal repertoire of canine behaviours (exploration, play, foraging, digging, social

¹⁸ The Maitland Mercury, 2020. Greyhound industry acquires Hunter Valley property as retirement village for dogs, <https://www.maitlandmercury.com.au/story/6866054/greyhound-industry-acquires-hunter-valley-property-as-retirement-village-for-dogs/>

¹⁹ Horse SA, 2020. Social licence to operate. <https://www.horsesa.asn.au/social-licence-to-operate>

²⁰ Cobb, M., Branson, N., McGreevy, P., Bennett, P., Rooney, N., Magdalinski, T., Howell, T., Dawson, K., 2015. Review & Assessment of Best Practice Rearing, Socialisation, Education and Training Methods for Greyhounds in a Racing Context.

interaction, chewing) are essential for good canine welfare along with the ability to avoid thermoregulatory and auditory extremes.

The regulations permitting very spatially restricted living environments for racing greyhounds have not changed over the last three years, nor is it apparent that they propose to change significantly into the next decade or more. Decision making in that context appears to have been on the basis of a purported lack of animal welfare science that space sufficient to respond to their motivations necessarily leads to better welfare outcomes for greyhounds. The RSPCA considers there is reputable and persuasive evidence available in analogous animal husbandry contexts. It is apparent that regard has been had to the cost of retrofitting kennel sizes. However that does not provide a good scientific basis for maintaining the status quo without an investment in research on the first account, and in respect of the second, financial investment in infrastructure is necessary if it can positively impact greyhounds' lives.²¹

Additionally, the environment of the 'farm stay' where retired greyhounds are intended to be housed en masse is not disclosed. These facilities may well present challenges to greyhound welfare and behaviour similar to those experienced in many racing kennels - social and spatial restriction and noise.²² Although greyhounds without prior experience of domestic situations may not cope with rapid introduction to novel environments, ideally rehoming facilities should include access to domestic environments for greyhounds to have gradual introduction during their care. As a result, it is difficult to see whether welfare improvements are likely to have occurred within this domain.

Health

Congenital disease

As with other breeds of dogs, greyhounds are susceptible to a range of heritable diseases which cause varying degrees of pain, illness and loss of function. Reducing the prevalence of these diseases within the breed would lead to improved welfare.

A perfunctory and ineffectual reference to reducing heritable diseases has been included at clause 4.3 of the Greyhound Welfare Code of Practice:

4.3 A greyhound must not be involved in breeding if it has been diagnosed by a veterinarian as having a heritable disease or defect, or there is a reason to believe that the greyhound has a heritable disease or defect.

Industry practice guides are then used to qualify clause 4.3 so that only three heritable conditions found in racing greyhounds are included in the standard with all other conditions exempted and, therefore, permitted to be perpetuated through breeding.

By way of example, chronic superficial keratitis (CSK) or 'pannus' is one of a long list of conditions specifically referred to in the Industry Practice Guide 9.0 as allowable in a

²¹ Consider for example the space requirements of the POCTAA *Animal Welfare Code of Practice for Breeding Dogs and Cats*, https://www.dpi.nsw.gov.au/data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf.

²² Rooney, N.J., Clark, C.C.A., Casey, R.A., 2016. Minimizing fear and anxiety in working dogs: a review. *Journal of Veterinary Behavior: Clinical Applications and Research* 16, 53-64.

breeding greyhound. Pannus is also described in the industry guide as a disease that “may have a heritable component.” This is an incorrect characterization of the inheritance of the disease which was studied in Australian greyhounds in 2016 with the researchers concluding that “evidence strongly suggests that CSK is inherited as a simple Mendelian trait with dominant inheritance and should be amenable to gene mapping. CSK-affected animals should not be used for breeding.”²³

Chronic superficial keratitis is of great significance to greyhound welfare as it can lead to blindness, has implications for rehoming (adopters may not want to take on animals with conditions needing long term management), may lead to premature retirement and increased wastage and also because racing participants are encouraged to withhold treatment from racing greyhounds to avoid returning positive swabs, particularly at interstate meetings.

The Greyhound Racing Victoria (GRV) website confirms CSK is a significant and heritable disease with the following statement “Pannus is a concern in greyhounds, not only because it causes sight loss, but also because the normal treatments for the disease can lead to the risk of returning a positive swab. GAR Rule 74(3) also allows a track veterinarian to scratch a greyhound from a race if it is ‘found to have or suspected of having impaired vision in one or both eyes.’ This makes pannus a very serious disease for a racing greyhound”.

Previous studies show a prevalence of CKS of approximately 4% of greyhounds.²⁴ There are no published data from industry or GWIC to demonstrate an improvement in the welfare of greyhounds with respect to the suffering associated with inherited diseases.

Infectious and parasitic disease prevention:

Approximately 50% of racing greyhounds in NSW are infected with at least one gastrointestinal (GI) parasite according to a study published in 2019 (Ash et al., 2019). In this study, the prevalence of GI parasites in NSW racing greyhounds was higher than reported in UK and USA greyhound studies and higher than the most recent investigation into Australian dogs in refuges and veterinary clinics.

The existing greyhound welfare codes of practice have had a provision since at least 2015 requiring that internal and external parasites be controlled.

Racing greyhounds show a pattern of disease problems including vomiting and diarrhoea syndromes, infectious canine cough, periodontal disease and peracute gastrointestinal crisis.²⁵ There is no information available on the existence of a comprehensive health surveillance strategy for NSW greyhounds as there is, for example, in the UK.²⁶ The greyhound racing rules allow for the controlling body to make certain diseases reportable. However, it is not clear if any disease, other than infectious diarrhoea, has been declared

²³ Cheng, S., Wigney, D., Haase, B., Wade, C.M., 2016. Inheritance of chronic superficial keratitis in Australian Greyhounds. *Animal Genetics* 47, 629.

²⁴ Cheng, S., Wigney, D., Haase, B., Wade, C.M., 2016. Inheritance of chronic superficial keratitis in Australian Greyhounds. *Animal Genetics* 47, 629.

²⁵ Gower, S., Payne, R., 2010. Diseases of racing greyhounds. *Veterinary Record* 167, 226.

²⁶ Gower, S., Payne, R., 2010. Diseases of racing greyhounds. *Veterinary Record* 167, 226.

reportable in NSW. Therefore, prevalence of diseases and the associated morbidity and mortality are not available to allow for comment on the implications for greyhound welfare, or any changes over time (that may be anticipated if there has been any improvement in biosecurity, feeding practices, management and general greyhound health).

Injuries:

Injuries are of great significance to animal welfare as they are a source of pain, fear and distress, not only when the injury occurs but conceivably also during any period of diagnostic and therapeutic intervention and convalescence. Severity of the injury or complications during treatment can render animals with permanent loss of function and chronic pain. Anecdotally there are definitely retired greyhounds with chronic musculoskeletal issues requiring management. This has also been documented in retired racing greyhounds in the UK.²⁷ However, there are no published data from the GRNSW Greyhounds As Pets program, or any other sources, to indicate the numbers of retired greyhounds assessed as having medical issues and so an evaluation of the welfare implications of this is not attainable.

A series of investments and outputs are listed by GWIC and GRNSW aimed at reducing greyhound racing injuries, at racing tracks, including implementation of the Race Injury Review Panel (GWIC), conducting pre-race checks of every runner (GWIC), track rebuilds, up-grades and safety initiatives (GRNSW). However, there does not appear to be an effect of these initiatives on greyhound injury rate or severity. Overall injury rates have not reduced since 2017 (even though injuries not incurring a stand down period are no longer reported).

The only observable change is the shift in catastrophic injuries (defined as an injury resulting in death or euthanasia at the track) in recent months. As the rate of catastrophic injuries has dropped the rate of major injuries has increased by a similar proportion. This demonstrates that greyhounds are still experiencing the same rates of severe injury but that they are not being euthanised at the time of the injury.²⁸ In essence, the change is purely a result of the classification methodology and on track policy regarding euthanasia, it does not indicate an improvement in the severest of injuries.

To properly consider the implications for greyhound welfare, it must be understood that, despite reclassification, these are largely the same injuries (for example, bone fractures) that are being suffered by the greyhounds. The associated pain and distress might only be sufficiently mitigated if they can be provided the appropriate (opioid) analgesia immediately and be transferred directly to emergency facilities for intensive stabilization, continued narcotic administration, and the appropriate expertise employed to undertake the surgical repair and extensive rehabilitation. It was established during the Special Commission of Inquiry that this level of intervention was not always available to seriously

²⁷ O'Neill, D.G., Rooney, N.J., Brock, C., Church, D.B., Brodbelt, D.C., Pegram, C., 2019. Greyhounds under general veterinary care in the UK during 2016: demography and common disorders. *Canine Genetics and Epidemiology* 6, (4 June 2019).

²⁸ See the Stewards Report for this injury available at <https://sa.thedogs.com.au/uploads/pdfs/257711.pdf>. Despite reporting a fractured O/S humerus & O/S elbow for which this dog was ultimately euthanised there were no catastrophic injuries reported in the Stewards report.

injured greyhounds in all racing and trialling locations at all times of day and night and that there would be periods where the dogs would be insufficiently covered by potent analgesics once discharged from the racing track.

Furthermore, if a seriously injured greyhound is one of the significant number with a behavioural problem such as anxiety²⁹ or predatory aggression they are at great risk of suffering a poor quality of life long term or an inability to be rehomed despite enduring the period of treatment for their serious injury. So, in reducing the euthanasia of some severely injured greyhounds, there is insufficient information available to indicate whether their welfare has been improved, or harmed, as a result.

In order to understand the impact of the investment made into certain racetracks, injury rates for each racetrack would provide important insight. Since 2018, injury reports no longer provide this site-specific information. This reduced transparency in reporting removes the ability of greyhound owners and trainers to select the safest sites for their dogs with clear implications for safety and welfare.

The failure to achieve any meaningful reduction in greyhound racing injuries is interesting in light of the decision not to implement a key recommendation of the University of Technology Sydney research team that determined that injuries could be reduced through the implementation of straight track racing. This is supported by the Race Injury Review Panel Analysis Reports indicating approximately 50% of catastrophic injuries can be attributed to racing incidents. The GRNSW Annual Report 2017 confirms the need for this reform stating:

“The introduction of straight track racing is seen as a key welfare initiative for GRNSW in its objective to reduce racing-related injuries and improve welfare outcomes for racing greyhounds. Developing purpose-built straight tracks was a key recommendation of the University of Technology Sydney’s report into greyhound racetrack design.”

Failure to provide veterinary care:

Historically greyhound welfare has been seriously impacted by the failure of some participants to provide timely veterinary care for greyhounds suffering injuries, illness or chronic disease such as periodontal disease. The GWIC annual report 2018/19 refers to directions given in cases where veterinary attention had not been sought. To establish an estimated prevalence of this act of cruelty would require adequate and regular monitoring through unannounced inspections of rearing, training and breeding establishments and intensive oversight of trialling tracks and bull rings. It is noted that inspections in 2018/19 equated to one or more inspections of approximately 25% of racing greyhounds in NSW.

²⁹ Col, R., Day, C., Phillips, C.J.C., 2016. An epidemiological analysis of dog behavior problems presented to an Australian behavior clinic, with associated risk factors. *Journal of Veterinary Behavior: Clinical Applications and Research* 15, 1-11.

Behaviour/Agency

Achieving high welfare for an animal requires:

- a. Giving animals a sense of choice or control so they have the ability to respond to their motivations when needed;
- b. Minimizing boredom and frustration; and,
- c. Enabling a repertoire and frequency of behaviour that approximates those seen when an animal is given choice and control

The current and future minimum standards for greyhound welfare allow for greyhounds, for many years of their life, to be housed in environments for over 23 hours per day that could never meet the above three requirements for securing good welfare.

There is no ability to provide greyhounds with regular opportunities to choose how they spend their time including resting, playing, eating, exercising, exploring and socialising. There are no published data to indicate if the welfare of NSW greyhounds is being better supported through the provision of better than the minimum required behavioural opportunities. The evaluation by canine welfare scientists undertaken in 2015 concluded that there were inadequacies. A similar independent expert assessment of greyhound welfare has not been repeated in NSW.

Intra-species social interaction

A 2015 technical research report on NSW greyhound welfare concluded that “[i]t is common practice for racing greyhounds to spend a significant period of their adult life under conditions of individual-animal housing. This is unacceptable from an animal welfare standpoint.”³⁰

There are no reports to indicate this practice has changed, nor are there any requirements to address this in the new Standards developed by the Commission.

Mental state

Canine behaviour is a very useful method of assessing a dog’s mental state and its welfare. Analysing data reflecting the rate of greyhound behavioural problems will also give an indication of the success of the GRNSW and Commission policies and any industry reforms designed to improve breeding, rearing and training practices. Failing to provide for an animals’ needs, inappropriate animal handling, neglect and poor socialisation/habituation are all known to contribute to neophobia, fear, anxiety and a reduced ability to cope with challenge.

Independent, qualified canine behaviour and welfare scientists would be best placed to assess the behaviour of greyhounds at kennel inspection visits, race meetings, shelters, farm-stays and post adoption to provide the industry and the public with an indication of the welfare of the greyhounds by observing the dogs for signs of anxiety, fear, boredom, frustration and any indications of positive mental states. This would also provide valuable

³⁰ Cobb, M., Branson, N., McGreevy, P., Bennett, P., Rooney, N., Magdalinski, T., Howell, T., Dawson, K., 2015. Review & Assessment of Best Practice Rearing, Socialisation, Education and Training Methods for Greyhounds in a Racing Context.

information on the whole of life experiences of the dogs, the success of any new requirements and interventions and the validity of behavioural assessment and rehoming processes.

Greyhounds As Pets (GAP) should collect and report data on the outcomes of behavioural assessments of retired greyhounds, the behaviour of greyhounds housed in their facilities and the behaviour of greyhounds post adoption. This information is required to make an assessment of the welfare of the dogs and allows an extrapolation to be made about the quality of the care throughout their lives.

GRNSW reporting the total numbers of greyhounds rehomed does not indicate whether welfare has been protected as good animal welfare is not simply avoiding euthanasia. There are no available metrics to indicate the welfare impacts of the program, such as; the medical and behavioural problems identified during the GAP assessments and the number of greyhounds with observable and reported behavioural problems post GAP entry or post adoption, the number of failed adoptions and the reasons for failure and outcome (euthanased or rehomed with/without behavioural medications).

An accurate evaluation of the behaviour and mental state of greyhounds is required to make any assessment of whether their welfare has improved over recent years as there is substantial evidence from prior to 2016 that greyhounds suffer with high rates of behavioural problems which indicate compromised welfare.

The Col et al., 2016 study³¹ related to 7,858 dogs presenting to a behaviour clinic servicing eastern QLD between 2001 and 2013. Greyhounds were a breed significantly over-represented for presenting with a behaviour problem in this study with the 4th highest over-representation co-efficient (2.54) out of 50 breeds.

The socialisation and behavioural enrichment of greyhounds continues to be a bellwether for the entire industry. Without investment by the regulator and industry, to engage participants, who even on the case most favourable to participants are well meaning but misinformed regarding greyhound behaviour, then little progress can be made. The best hope for greyhounds retiring from the industry surely, is that they are capable of living in a home as a pet. If they are not given the skills to do so in advance of that expectation being foisted upon them, then the industry is saving dogs that cannot safely or realistically enter a home environment. The belief that greyhounds can be genetically selected for traits unrelated to successful canine companionship (speed and chase motivation), live in environments totally disconnected from domestic and urban life and then be “detrained” and rehabilitated as adults, at the point of leaving the industry, ignores the very basis of what shapes animal behaviour and the well-established evidence on the significance of critical periods of development during puppyhood. Moreover, behavioural assessment should not be attempted at the point of injury or retirement, but early in their career as part of a concerted plan to prepare a dog from industry to life as a pet.

³¹ Col, R., Day, C., Phillips, C.J.C., 2016. An epidemiological analysis of dog behavior problems presented to an Australian behavior clinic, with associated risk factors. *Journal of Veterinary Behavior: Clinical Applications and Research* 15, 1-11.

(g) any other related matter.

RSPCA NSW appreciates the opportunity to provide this Submission to the Select Committee.

4 December 2020.