

INQUIRY INTO GREYHOUND WELFARE AND INTEGRITY COMMISSION

Organisation: Animals Australia Inc.

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The Hon. Robert Borsak
Chair, Select Committee on the Greyhound Welfare and Integrity Commission
NSW Parliament Legislative Council
By email: GWIC@parliament.nsw.gov.au

Dear Mr Borsak,

**Animals Australia's Submission to the
Inquiry into the Greyhound Welfare and Integrity Commission**

As you may be aware, Animals Australia is a peak animal protection organisation in Australia. On behalf of our individual members and supporters, we are pleased to be able to provide this input to the Inquiry into the Greyhound Welfare and Integrity Commission ("**the Commission**").

Animals Australia has provided evidence of animal welfare concerns to numerous Government inquiries over recent years, as well as advocating for an independent governing body to regulate the industry.

It is our informed view that irrespective of the new level of oversight, various criminal, cruel and unethical practices such as live baiting, doping and wastage - motivated by and designed to gain a winning advantage - continue at unacceptable rates. As was stated in the McHugh Report, *"[i]t is one thing to formulate plans for the betterment of the industry. It is another matter to carry them out in the face of a recalcitrant industry."*¹

Our submission follows the Terms of Reference for this Inquiry.

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

The Commission was established during a period of turmoil characterized by a significant lack of confidence in NSW greyhound racing - both among its' participants and the broader public - that culminated in the Baird government attempting to ban the industry.

Changes to the industry stemming from the fallout of the 2015 Four Corners program '*Making A Killing*', include: increased integrity through establishment of the Commission and removal of many regulatory powers from GRNSW; an overhaul of the greyhound racing legislation; a sharp decline in breeding rates; a moderate increase in industry rehoming efforts; improvements in lifecycle tracking of greyhounds; trackside alterations that reduced the number of on-track euthanasias (though not substantially altering the rate of serious and catastrophic injuries); and the creation and implementation of several new policies including the Greyhound Welfare Code of Practice ("**the CoP**").

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

Providing the Commission with sufficient investigative powers to uncover evidence of illegal activities in the industry is equally important to the appropriateness of any disciplinary actions they are able to subsequently take against participants. While not specified in the Terms of Reference for this Inquiry, we

¹ Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales: Report Volume 1, page 6 (16 June 2016).

note our support for equipping the Commission's officers with greater investigative powers, including the ability to legally undertake covert operations and surveillance. As proven by the 2015 live baiting scandal, these methods are critical to obtaining evidence of animal cruelty and cheating in this industry.

Animals Australia fully supports the legislative provisions allowing participants who commit live baiting offences to be subject to harsher penalties that indicate the serious or aggravated intentions of those persons and extreme pain suffered by the animals used as bait. This includes up to two years imprisonment under the *Prevention of Cruelty to Animals Act 1979* ("**POCTA**") (section 21.1(d) or (e)) or up to five years imprisonment under the *Crimes Act 1900* (section 530). The court sentencing an offender under section 530 of the *Crimes Act 1900* may also prohibit that person from owning any animal. In addition, it is of course appropriate for any person convicted of these offences to be banned for life from participating in the greyhound racing industry in any capacity (as in section 40 of the Act).

Under the *Greyhound Racing Act 2017* ("**the Act**"), the Commission has the power to suspend, cancel and impose conditions on the registration of a person, greyhound or trial track; impose a fine on a person (not exceeding 200 penalty units); disqualify or warn off a person or greyhound; prohibit a person from participating in greyhound racing; and prohibit a greyhound from competing. We consider these types of disciplinary actions to be appropriate - it is the severity of penalties delivered to participants that are often inappropriate.

The publicly available online list of [Final Disciplinary Actions](#) demonstrates the efficacy of the Commission's disciplinary powers. Unfortunately, several of the new Rules and policies relating to rehoming, euthanasia and breeding, that have been lauded by the industry as great improvements to greyhound welfare, are not translating into meaningful penalties that deter non-compliance. For example, three participants who breached the rehoming policy requirements and failed to obtain authorization for having greyhounds killed (Shake the Sand and Peggy Olson) were each suspended for only 20 weeks - and this suspension was wholly and conditionally suspended for a year.² In another case, greyhound Zipping Rose was bred from despite being older than eight years, having already produced three litters and without the proper veterinary certifications regarding her health and ability to produce more puppies. The relevant participant was suspended for only 12 weeks - and, again, this suspension was wholly and conditionally suspended for a year.³

Further breaches in 2020 of welfare-related Rules - specifically having and using equipment capable of inflicting undue suffering on greyhounds - have resulted in weak disciplinary action. For example, one participant who was found to have kept greyhound Pure Logic in a barking muzzle for extended periods, causing physical injuries and mental distress, was suspended for only four months - with two of those months conditionally suspended.⁴ Inspections at two sets of kennels identified several electric shock collars, and each of the participants involved were issued a fine that was wholly and conditionally

² Greyhound Welfare & Integrity Commission, '*Disciplinary Action Decision*' in respect of Mrs Susan Gray, date of decision: 25 November 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0012/935949/GWIC-Disciplinary-Action-Decision-Gray-S.pdf (accessed: 3 December 2020).

Greyhound Welfare & Integrity Commission, '*Disciplinary Action Decision*' in respect of Miss Tegan Gray, date of decision: 25 November 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0011/935948/GWIC-Disciplinary-Action-Decision-Gray-T.pdf (accessed: 3 December 2020).

Greyhound Welfare & Integrity Commission, '*Disciplinary Action Decision*' in respect of Miss Casie O'Neil, date of decision: 21 July 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0010/893278/GWIC-Disciplinary-Action-Decision-O'Neil.pdf (accessed: 3 December 2020).

³ Greyhound Welfare & Integrity Commission, '*Disciplinary Action Decision*' in respect of Mr Simon Gafa, date of decision: 25 November 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0012/935949/GWIC-Disciplinary-Action-Decision-Gray-S.pdf (accessed: 3 December 2020).

⁴ Greyhound Welfare & Integrity Commission, '*Disciplinary Action Decision*' in respect of Mr Darryl Wilson, date of decision: 25 November 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0020/936200/GWIC-Disciplinary-Action-Decision-Wilson.pdf (accessed: 3 December 2020).

suspended. In the first case⁵, two shock collars were recovered, and those participants were fined \$300, while the second case⁶ recovered 12 shock collars and those participants were fined \$600. This is particularly concerning because, not only is the use of these devices against the greyhound racing Rules, it is an offence under POCTA section 16(2)(c).

The online Final Disciplinary Actions furthermore reveals the ongoing involvement of organized crime figures in the industry. During 2020, two licensed owners were disqualified once GWIC was notified that they had been found guilty of serious criminal offences. In one case, Mark Middleton was convicted of manufacturing a large commercial quantity of methamphetamine in South Australia.⁷ In the second case, Raymond Henderson of Goulburn was convicted of offences relating to the supply of cannabis, the cultivation of a large commercial quantity of cannabis plants, and the possession of a prohibited firearm.⁸ At the time of their disqualifications, Mr Middleton had been licensed for almost 2.5 years, while the report for Mr Henderson does not indicate the length of his participation in NSW greyhound racing.

While Animals Australia supports the immediate disqualification of these persons based on their criminal convictions, it raises serious questions about all races, greyhounds and individuals connected to each of those participants, as well as the broader integrity of the 'sport'. This raises the importance of deterrence to critical if this behavior is to be stamped out. And further, detection of such illegal activity and animal cruelty requires – in many cases – covert ops and deep investigation activity. This is a huge burden and is not of a large enough or sustainable level (i.e. time, expense and resources required) to adequately monitor the industry. This is why it is critical for the disciplinary action outcomes to be strong enough to deter this behaviour.

We further note the continued involvement of various individuals directly implicated in the numerous greyhound racing exposés over the past two decades. Mr Alan Pringle, a convicted pedophile, was identified by the corrupt NSW Greyhound Racing Authority Chief Steward Rodney Potter as part of race fixing and doping rings while giving evidence to the Independent Commission Against Corruption in 2000⁹. Earlier this year, Mr Pringle was fined \$600 for racing a greyhound named My Kinda Song while under the influence of the drug pholcodine¹⁰. Ms Donna Grech, who is charged with acts of serious animal cruelty in relation to the live baiting scandal of 2015¹¹, was found to be handling greyhounds at Richmond on at least five occasions while not registered by the Commission¹². Similarly, Mr Bruce Carr, who was

⁵ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr John Finn, date of decision: 16 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0011/891902/GWIC-Disciplinary-Action-Decision-Finn-John.pdf (accessed: 3 December 2020).

Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Ms Melinda Finn, date of decision: 16 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0003/891903/GWIC-Disciplinary-Action-Decision-Finn-Melinda.pdf (accessed: 3 December 2020).

⁶ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Ms Gail Kelly, date of decision: 13 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0009/891900/GWIC-Disciplinary-Action-Decision-Kelly.pdf (accessed: 3 December 2020).

Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr Jason Carter, date of decision: 13 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0008/891899/GWIC-Disciplinary-Action-Decision-Carter.pdf (accessed: 3 December 2020).

⁷ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr Mark Middleton, date of decision: 4 May 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0006/892068/GWIC-Disciplinary-Action-Decision-Middleton.pdf (accessed: 3 December 2020).

⁸ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr Raymond Henderson, date of decision: 2 October 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0004/932422/GWIC-Disciplinary-Action-Decision-Hendersonfinal-1.pdf (accessed: 3 December 2020).

⁹ Allison Jackson (14 April 2000), 'Potter: I'm not the only corrupt one', The Sydney Morning Herald, page 3.

¹⁰ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr Alan Pringle, date of decision: 30 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0004/891949/GWIC-Disciplinary-Action-Decision-Pringle.pdf (accessed: 9 December 2020).

¹¹ Sarah Keoghan (5 February 2020), 'High Court rules secretly recorded live baiting vision inadmissible', The Sydney Morning Herald, <https://www.smh.com.au/sport/racing/high-court-rules-secretly-recorded-live-baiting-vision-inadmissible-20200205-p53xwy.html>.

¹² Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Ms Donna Grech, date of decision: 18 September 2020;

identified through the 2015 NSW Special Commission of Inquiry as operating a popular bullring for live baiting¹³, was observed handling and trialling 20 greyhounds on five occasions at Richmond while not registered by the Commission¹⁴.

Finally, the Act imposes a maximum penalty of 100 penalty units (\$275 for the first offence and \$550 for subsequent offences) for failing to register a greyhound at 12 weeks and for causing an unregistered greyhound to compete in a race or trial. We consider it necessary to increase the maximum penalty to 200 penalty units to accurately reflect the importance of industry participants being held accountable for the dogs they produce, and the need for greyhounds to be monitored throughout their time in the industry.

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

Participants that have been charged with an offence against the Rules of greyhound racing have two options for appeal: an internal review option through the Commission; and an external option through the Racing Appeals Tribunal.

Animals Australia strongly submits that neither appeals option should enable a stay on the reviewable decision or penalty issued while the outcome of the appeal is pending. This is of paramount importance given the seriousness of allowing any ongoing harm to be suffered by greyhounds in an applicants' care while their appeal progresses. For a disciplinary system to be effective at deterring non-compliance, industry participants must be cognisant of both the serious consequences of being charged with an offence and harsh penalties if found guilty. It follows that all matters must be heard and reviewed expeditiously - for the sake of the greyhounds and people involved.

We furthermore believe that any changes to the appeal options for industry participants should apply to all racing codes, and not only greyhound racing.

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

While the Commission is the industry regulator, section 56 of the Act stipulates that "[t]he Commission must consult with GRNSW in making any greyhound racing rules".

The Greyhound Reform Panel importantly recommended in 2017 that the Commission should undertake thorough public consultation processes that includes other stakeholders. Their Report stated, "*This would help... provide a level of assurance that the Commission is not being held captive to the views of the commercial entity...*".

During the development of the Greyhound Welfare CoP, the Commission provided opportunity for the general public to make submissions and they also directly engaged key animal welfare stakeholders (including Animals Australia).

However, the retention of a 3.5m² minimum kennel size for greyhounds and enabling a delayed compliance with that out-dated standard for 10 years clearly indicates that industry views still prevail. The kennel is a space where racing greyhounds spend the vast majority of their time and is therefore central to their welfare - though this is not reflected in the CoP. The importance of mandating larger spaces with enrichment and enabling greyhounds to have ongoing opportunities for socialisation cannot be understated.

https://www.gwic.nsw.gov.au/data/assets/pdf_file/0012/923799/GWIC-Disciplinary-Action-Decision-Grech.pdf (accessed: 9 December 2020).

¹³ 'Greyhound trainer used codeword 'parcels' for live bait rabbits - inquiry' (29 September 2015), The Guardian, <https://www.theguardian.com/sport/2015/sep/29/greyhound-trainer-used-codeword-parcels-to-order-rabbits-for-live-bait-in>.

¹⁴ Greyhound Welfare & Integrity Commission, 'Disciplinary Action Decision' in respect of Mr Bruce Carr, date of decision: 25 March 2020; https://www.gwic.nsw.gov.au/data/assets/pdf_file/0011/891956/GWIC-Disciplinary-Action-Decision-Carr.pdf (accessed: 9 December 2020).

We strongly submit that the Commission is beholden to the views of the commercial industry operator, and this situation is exacerbated by the current funding arrangement.

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

Animals Australia had long advocated the introduction of an independent regulator for this industry based on the clear and inherent conflict of interest for GRNSW as it was formerly tasked with both commercial promotion of greyhound racing and regulation. The self-regulation model failed vast numbers of greyhounds who were bred and destroyed, as well as the small animals who were used as 'live bait'.

The McHugh Report detailed the deficiencies in this governance arrangement and the Greyhound Reform Panel subsequently recommended the separation of commercial and regulatory functions in two different entities. The Act established the Commission and it commenced operations in mid-2018.

Animals Australia welcomed the long overdue establishment of the Commission in NSW and acknowledge it has made key improvements to animal welfare and integrity within the industry.

For the Commission to be considered a truly independent regulator and foster public confidence in the industry, however, its' funding should not be determined by GRNSW - the commercial entity. This funding arrangement fundamentally compromises the Commission's ability to undertake a range of its' key functions, including regulating greyhound racing activities, developing and implementing policies and undertaking research and investigations.

We note that GRNSW allocated the Commission \$9,187,000 in 2018/19 while it received \$69,406,000 in income during that same financial year. This represents roughly half of the Commission's total income, suggesting GRNSW has not allocated the Commission adequate funding to carry out necessary regulatory activities.

Animals Australia remains opposed to the use of tax-payer dollars to fund this gambling industry, including the \$11 million committed by the NSW Government to support the establishment of the Commission. There is a broad public support for a ban on greyhound racing - not utilizing tax dollars to cover the costs of any increased regulatory oversight, and thus enabling the industry to continue. It is easy to understand that a combination of the Four Corners live baiting exposé, the 7.30 report on greyhound exports, and the overwhelming evidence of systemic animal cruelty detailed in the McHugh Report would lead many people to believe that this industry should never be gifted public funds.

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

While Animals Australia appreciates that implementing regulatory reforms takes time, and welcomes those improvements the Commission has made, we do not consider that the Commission and GRNSW have effectively minimized the serious animal welfare issues in greyhound racing. We highlight our key concerns below.

The Greyhound Welfare CoP retained a 3m² minimum kennel size for individual greyhounds and enabled a delayed compliance with that standard for up to 10 years. Up to ten more generations of racing greyhounds in NSW will suffer solitary life in a tiny and barren kennel, and this is simply unacceptable.

Greyhound breeding continues un-capped, with the updated requirements primarily increasing the administrative tasks and veterinary certifications around producing a litter of greyhounds. The 'restrictions' imposed do not tackle the major problem of overbreeding; for example, it is already rare for a greyhound less than 18 months of age to be bred from and so the prevention of this practice through CoP Requirement 4.4 is inconsequential.

While industry rehoming efforts have increased, the number of greyhounds bred each year continues to greatly exceed the number of suitable homes for them as pets. GRNSW spent almost \$2 million on the Greyhounds As Pets in 2018/19, while only 729 greyhounds were rehomed through the program and 3,747 puppies were whelped into the industry.

It is critical that the Commission has capacity to inspect and audit all or most greyhound racing and breeding properties each year. The Commission completed 780 kennel inspections involving 3,369 greyhounds in 2018/19 - representing around half of the number of greyhounds to race during that year. Importantly, the former GRNSW Compliance Unit was sufficiently resourced to undertake 2,328 property inspections in 2017/18 and 1,864 property inspections in 2016/17, and we question how the Commission has not been able to at least match these figures.

We commend this submission to the Select Committee. Please contact me if you have any queries regarding our submission or require additional information or references.

Yours sincerely,

Glenys Oogjes
Chief Executive Officer
Animals Australia Federation