



issues backgrounder

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The NSW greyhound racing industry

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1. INTRODUCTION

Following the completion of the [Special Commission of Inquiry into the Greyhound Racing Industry in NSW](#) in June 2016, Premier Mike Baird [announced](#) on 7 July 2016 that NSW will become the first Australian State to shut down greyhound racing.

Citing "overwhelming evidence of systemic animal cruelty, including mass greyhound killings and live baiting", Premier Baird [said](#) that in order to protect animal welfare, the greyhound racing industry would face an orderly shutdown as of 1 July 2017. On 14 July 2016, the Government [appointed](#) Dr John Keniry AM as Coordinator General of the Greyhounds Transition Taskforce to guide the industry to a humane and orderly closure.

In response, Opposition Leader Luke Foley [announced](#) that he opposes the shut down and intends to "stand by the overwhelming majority of people in the industry who've only ever done the right thing".

The announcement has resulted in a strong response from both supporters and opponents of the proposed ban; many stakeholders are highly supportive of the decision, while others have expressed grave concerns over the wellbeing of industry participants and the greyhounds themselves once the industry is shut down.

This paper provides an overview of the greyhound racing industry in NSW and a timeline showing events prior to the proposed ban. It summarises key elements of the June 2016 final report of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW, before setting out selected Government, Parliamentary and political party material on greyhound racing. It ends with references to relevant stakeholder, academic and media materials and a list of other jurisdictions that have commercial greyhound racing industries.

2. BACKGROUND AND TIMELINE OF EVENTS

NSW GREYHOUND RACING INDUSTRY REGULATORY FRAMEWORK

Industry legislation and codes

The [Greyhound Racing Act 2009](#) is the primary legislation governing the greyhound racing industry, setting out the functions of Greyhound Racing NSW (GRNSW). The NSW Legislative Council's 2014 [Inquiry into greyhound racing in New South Wales: First Report](#) gives the following summary of the Act and GRNSW (p 7):

Greyhound Racing NSW (GRNSW) is a body corporate charged with providing strategic direction and leadership in the development, integrity and welfare of greyhound racing in New South Wales. It is the peak body of the sport and is responsible for ensuring the competitiveness, long term commercial viability, integrity and orderly conduct of greyhound racing for the benefit of participants, business partners and the community. Greyhound Racing NSW is prohibited by legislation from running greyhound racing meetings. The conduct of racing is undertaken by clubs that are in turn regulated by GRNSW.

As set out in the *Greyhound Racing Act 2009* the functions of GRNSW include the following:

- To control, supervise and regulate greyhound racing in the state
- To register greyhound racing clubs, greyhound trial tracks, greyhounds, owners and trainers of greyhounds, bookmakers for greyhound racing and other persons associated with greyhound racing
- To initiate, develop and implement policies considered conducive to the promotion, strategic development and welfare of the greyhound racing industry in the state
- To distribute money received as a result of commercial arrangements required by the *Totalizator Act 1997* and
- To allocate to greyhound racing clubs the dates on which they may conduct greyhound racing meetings.

These functions are overseen by the board of GRNSW, while the day-to-day management and the exercise of the functions are undertaken by the Chief Executive Officer and his or her staff.

GRNSW has its own [Greyhound Racing Rules](#) that govern the sport of greyhound racing as follows ([Special Commission of Inquiry](#) report, volume 1, 171):

The NSW Greyhound Racing Rules outlines and defines, in detail, the regulatory obligations and role of all individuals and organisations that participate in the sport with respect to the welfare of greyhounds. The Rules contain more than 150 Local Rules (set by GRNSW) and National Rules (set by Greyhounds Australasia) that are often supported by other policy documents.

GRNSW also has a 2015 [Code of Practice for Breeding, Rearing and Education](#) and a 2011 [Code of Practice for the Keeping of Greyhounds in Training](#).

Animal welfare legislation

The primary pieces of legislation governing animal welfare in NSW are the [Prevention of Cruelty to Animals Act 1979](#) (1979 Act) and the [Prevention of Cruelty to Animals Regulation 2012](#). The objects of the 1979 Act are (s 3):

- (a) to prevent cruelty to animals; and
- (b) to promote the welfare of animals by requiring a person in charge of an animal:
 - i. to provide care for the animal, and
 - ii. to treat the animal in a humane manner, and
 - iii. to ensure the welfare of the animal

Section 5 of the Act creates the offences of “committing an act of cruelty upon an animal” and “authorising the commission of an act of cruelty” by a person in charge of an animal. The Act also prohibits other inherently cruel conduct, including:

- tethering animals (s 10);
- carrying out certain procedures on particular breeds of animals, such as performing a clitoridectomy on a greyhound (s 12);
- baiting or fighting of animals (s 18); and
- selling severely injured animals (s 22).

With regard to live baiting, s 21 of the [Prevention of Cruelty to Animals Act 1979](#) prohibits the practice:

- (1)(d) [A person] who uses an animal as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog, or
 - (e) keeps or is in charge of an animal for use as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog,
- is guilty of an offence.

The GRNSW [Greyhound Racing Rules](#) also address the welfare of greyhounds by doing the following ([Special Commission of Inquiry](#) report, volume 1, 172):

- prescribing particular race day standards;
- requiring certain minimum welfare obligations to be met;
- requiring the registration of trial tracks and imposing particular restrictions on their operation; and
- incorporating two codes of practice which apply to particular stages in the greyhound's lifecycle.

The [Greyhound Racing Rules](#) were modified in 2015 to address the issue of live baiting ([Special Commission of Inquiry](#) report, volume 1, pp 79-80):

In April 2015, GRNSW took particular steps related to the practice of live baiting. It changed the Greyhound Racing Rules to impose a minimum period of suspension of 10 years for keeping small animals that might be used as live baits. GRNSW also banned the use of rabbit carcasses and, pending further research by the Working Dog Alliance, stipulated that "professionally tanned skins" could be used instead.

On 2 November 2015, GRNSW announced that it would amend its policy on lures by prohibiting the use of tanned and professionally processed animal skins for the purposes of trialing or educating greyhounds from 1 December 2015. The effect of the amendment is that, for the first time, all lures used in greyhound training, education or racing must be made of purely synthetic materials only.

Other legislation and codes

Other legislation pertaining to the greyhound racing industry include the following ([Special Commission of Inquiry](#) report, volume 1, ch 8):

- [Companion Animals Act 1998](#) and [Companion Animals Regulation 2008](#):
 - Establishes a Register of Companion Animals and requires lifetime registration of them; all dogs (including greyhounds) and cats are companion animals under the Act.
- [Crimes Act 1900](#).
 - Under s 530 ("serious animal cruelty"), a person who, with the intention of inflicting severe pain, tortures, beats or commits any other serious act of cruelty on an animal and kills or seriously injures or causes prolonged suffering to the animal is guilty of an offence. The maximum penalty is imprisonment for five years.
- [National Parks and Wildlife Act 1974](#).

- Under s 98(2)(a), it is an offence to harm protected fauna such as possums (which have been used by certain industry participants as live bait).
- NSW Department of Primary Industries, [NSW Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments](#), 1996.
- NSW Department of Primary Industries, [Animal Welfare Code of Practice - Breeding dogs and cats](#), 2009.

BENEFITS OF THE INDUSTRY

Referring to a 2010 study undertaken by Access Economics for GRNSW, the 2014 NSW Legislative Council Select Committee on Greyhound Racing in NSW listed the following benefits of the industry in its [first report](#) into greyhound racing in NSW (pp 9-10):

Key findings include that for the financial year 2009-10:

- the total economic contribution of the greyhound racing industry in NSW was estimated at \$144.2 million. Of this amount \$92.3 million was a direct contribution and \$51.9 million was indirect.
- total employment by the industry was estimated to be 1,561 full time equivalent positions, of which 1,086 were direct and 475 indirect
- over 13,000 participants were involved in the industry, including owners, breeders, trainers, and those organising race meetings and administration of the sport
- volunteers in the industry were a key contributor and, during the period, the unpaid time invested by trainers in the sport was valued at approximately \$40 million
- the contribution to government revenue of wagering on greyhounds in the period was \$31 million
- greyhound racing also generated significant direct economic worth and flow-on benefits for other sectors of the economy. A contribution of approximately \$52 million dollars in flow-on economic benefits in the period with a substantial amount being generated through breeding (\$24.4 million) and training (\$12 million) activities.

A 2014 report delivered to the NSW Government by IER Pty Ltd, [Size and scope of the NSW Racing Industry](#), outlined the following estimated economic and community benefits of the greyhound racing industry. According to the report, in 2012-13 (pp 9, 18):

- The greyhound industry generated \$241.5 million in direct expenditure for the NSW economy, with flow on effects increasing the size of the industry's value-added contribution to \$335.7 million;
- Of the figure above, \$176.9 million was made up of wages and salaries earned from employment generated by the industry; and
- The greyhound racing industry produced 2,781 full-time jobs, inclusive of both direct industry employment and secondary impacts on other industries that experienced increased demand as a result of greyhound racing. Other

industries benefiting from greyhound racing included veterinary practices, dog food suppliers, retail, tourism, accommodation, and transport services.

TIMELINE OF THE NSW GREYHOUND RACING INDUSTRY

The timeline on the following page has been derived in part from the following resource: E Smith, [The history of greyhound racing in NSW after Mike Baird announces ban](#), Sydney Morning Herald, 8 July 2016.

Year	Key events
1860s	First sporting use of greyhounds in Australia.
1927	Mechanical tin hare racing is introduced to NSW and the first meeting held at Epping Racecourse (now Harold Park). Frederick Swindell establishes the Greyhound Coursing Association (GCA).
1931	Premier Jack Lang legalises greyhound racing, referring to the sport as the “working man's racehorse” (Finance (Greyhound-racing Taxation) Act 1931).
1979	“Coursing and other similar activities” involving the pursuit of game or other animals by dogs are made illegal by the Prevention of Cruelty to Animals Act 1979 . This includes live baiting (s 21).
2009	The Greyhound Racing Act 2009 is enacted, making provisions with respect to the control and regulation of greyhound racing. Greyhound Racing NSW (GRNSW) becomes responsible for the regulatory affairs of the sport.
27 August 2013	Creation of the Legislative Council Select Committee on Greyhound Racing in NSW to inquire into and report on the State’s greyhound racing industry.
February 2014	GRNSW and Greyhound Racing Victoria adopt the National Greyhound Welfare Strategy , designed to implement uniform standards of care, education, accountability and enforcement across Australia.
28 March 2014	The Select Committee on Greyhound Racing in NSW releases its first report into greyhound racing in NSW. Recommendations included that GRNSW review best practice standards; and the NSW Government review the <i>Prevention of Cruelty to Animals Act 1979</i> to better investigate allegations of live baiting.
September 2014	The NSW Government releases its response to the Select Committee’s first report.
16 October 2014	The Select Committee on Greyhound Racing in NSW releases its second report into greyhound racing in NSW, which focuses on the economic viability and long term sustainability of the

Year	Key events
	industry.
February 2015	The ABC Four Corners report Making a Killing reveals endemic use of illegal live baiting in the industry. The entire board of GRNSW is dismissed by the NSW Government in order to restore integrity to the industry. More than 20 greyhound racing dog owners and trainers across Victoria, New South Wales and Queensland are suspended following raids by authorities.
April 2015	The NSW Government releases its response to the Select Committee's second report.
6 May 2015	The NSW Government launches the Special Commission of Inquiry into the Greyhound Racing Industry in NSW (Special Commission of Inquiry).
November 2015	GRNSW forms a Joint Working Group in response to the live baiting scandal, with its findings intended to be used to inform submissions from GRNSW to the Special Commission of Inquiry.
29 January 2016	The GRNSW Joint Working Group releases its final report on NSW greyhound industry reform. The Joint Working Group makes 20 recommendations, including several aimed at reducing greyhound overproduction and unnecessary euthanasia.
18 February 2016	GRNSW releases its Industry Supervision Strategy , which outlines the authority's regulatory purpose, strategic priorities and objectives in relation to industry supervision.
16 June 2016	The Special Commission of Inquiry hands down its report on the NSW greyhound racing industry. It recommends that the NSW Parliament "consider whether the industry has lost its social licence and should no longer be permitted to operate in NSW."
7 July 2016	Premier Mike Baird announces greyhound racing ban, to commence on 1 July 2017.

3. FINDINGS OF THE SPECIAL COMMISSION OF INQUIRY

The [Special Commission of Inquiry into the Greyhound Racing Industry in NSW](#) was set up on 6 May 2015 by the NSW Government in response to the ABC's Four Corners program in February 2015 showing live baiting in the industry, and the subsequent resignation of the Board of Greyhound GRNSW and its Chief Executive Officer (Special Commission of Inquiry, p vii).

The Terms of Reference of the Special Commission of Inquiry were far-reaching and included identifying issues relating to the governance, integrity and animal welfare standards of the greyhound racing industry in NSW; reviewing the existing legislative framework for the NSW greyhound racing industry; and developing an improved model of governance of the greyhound racing industry (pp 31-33).

COMMISSION FINDINGS

The Commission recorded a large number of findings, some of which are set out below.

Wastage

The Commission made the following comments on the proportion of greyhounds killed due to being unsuitable for competition (pp 1-2):

[O]f the 97,783 greyhounds that were bred in New South Wales in the last 12 years, the evidence suggests that somewhere between 48,891 and 68,448 dogs were killed because they were considered too slow to pay their way or were unsuitable for racing. ... After evaluating the relevant parts of this mass of material, the Commission has concluded that, unless the number of greyhounds being bred in this State is reduced by a very large number, the greyhound racing industry in NSW cannot solve its problem of the mass slaughtering of healthy greyhounds.

Track injuries were found to significantly contribute to wastage levels because of their severity (p 11):

[Two 2016 Greyhound Racing Injury Reports provided by GRNSW] suggest that over 21% of greyhounds who compete at any meeting are likely to suffer an injury, ranging from minor to catastrophic resulting in death. About 4.7% of the greyhounds who suffer injuries will suffer serious or catastrophic resulting in severe pain for the greyhound. That is, of the 80 individual greyhounds that compete in a meeting, 3 or 4 will suffer a serious or catastrophic injury within the year and another 13 or 14 dogs (or 17%) will suffer lesser injuries. And, as the Commission has pointed out, the true injury rate is very likely to be higher than these figures suggest.

Rehoming

The Commission found that past efforts to rehome greyhounds had not been successful, but noted that GRNSW was beginning to address this (pp 3-4):

GRNSW has rehomed only 593 greyhounds through its Greyhounds As Pets ("GAP") Program since 2007 at a cost of \$200,000 per year. The WDA reported that the average rehoming rate for the years 2010 to 2013 was 0.5% of dogs whelped.

With little or no support from GRNSW, the combined efforts of welfare and volunteer organisations in NSW have resulted in the rehoming of consistently more retired greyhounds than by GRNSW's GAP Program. In the 2014/15 financial year, volunteer and welfare organisations (including the RSPCA) rehomed 412 greyhounds - GAP rehomed 173.

Industry education and culture

The Commission found that, although GRNSW proposed the introduction of mandatory education for industry participants concerning matters such as the breeding, training and socialisation of greyhounds, many industry participants were

uninterested in change and so reform was unlikely to succeed (pp 4-5). Citing the Working Dog Association Australia's (WDA) July 2015 survey of the greyhound racing industry, the Commission explained why it had little confidence in the success of reforms (pp 5-6):

In its report, WDA said:

Industry members appeared generally interested in research to help them improve practices, but responses to some items suggest a lack of willingness to adopt all suggestions provided by research studies. Furthermore, participants were not particularly interested in workshops to improve socialisation, training, or rearing techniques. However, they were interested in workshops on first aid and healthcare for racing dogs. That many participants appeared to believe that research into other breeds would not apply to greyhounds is telling. To our knowledge, there is no scientific evidence to suggest that greyhounds are substantially different from other dog breeds in the amounts and types of socialisation and rearing experiences that they need to experience good welfare.

Live Baiting

As the primary catalyst behind the formation of the Special Commission of Inquiry, the Commission's investigation not only concluded that there remains endemic support for the practice, but that GRNSW knew about the practice and did nothing about it (p 8):

[A] licensed trainer, who admitted to engaging in live baiting and assisting others to do it at the training track he owned, testified that he thought about 10 - 20% of trainers engaged in live baiting. His training track was a popular venue for those who wished to engage in live baiting and educate their dogs. There was evidence that trainers queued up at the weekend to use his track. ... Even more disturbing than this evidence of participants condoning or turning a "blind eye" to the practice, was evidence that several high-ranking officials of GRNSW believed that live baiting was occurring in the industry.

Although it noted that GRNSW had acknowledged its "failure of leadership" and had since taken steps to try and reduce live baiting, the Commission stated that it had no confidence that the practice would be eradicated in future (p 86):

The fact that, as recently as March 2016, GRNSW was investigating reports of persons having engaged in live baiting at a racetrack in late 2015, suggests that the practice is highly resilient. Persons who engage in live baiting do so because, among other reasons, they believe it may give them a competitive advantage against some other trainers. Conversely, if they do not engage in live baiting they are at risk of being at a competitive disadvantage given that, in their reasonably held view, many other participants also engage in the practice.

Given these views, and the highly entrenched nature of live baiting as a traditional training method, there is a very real risk that, once the harsh spotlight of this Commission is removed from the industry, the practice of live baiting will thrive once more. It is imperative that regulators take all available steps to try to ensure that this does not occur. That said, as history suggests, there is reason for pessimism on this front.

Deception of the public concerning deaths and injuries

The Special Commission of Inquiry reported that, from at least April 2013 until November 2015, GRNSW had adopted a policy of deliberately misreporting the extent of injuries suffered by greyhounds at racetracks (p 9):

[T]he Commission finds that GRNSW engaged in the conduct knowingly and with the intention of sanitising the information that became available to the public concerning injuries suffered by greyhounds. The motive for the policy was the hope that, by doing so, substantial criticism of the greyhound racing industry in NSW could be avoided. Similarly, deaths on track were not recorded in the stewards' report because, as one steward told a veterinary surgeon, it would "stir up the greenies". This conduct of GRNSW was revealed only as the result of the Commission's investigations. It may have continued to this day if the Commission had not discovered it.

Has the greyhound racing industry changed since February 2015?

Although the Commission concluded that GRNSW has undergone significant change for the better since live baiting investigations were first reported in February 2015, it nevertheless found that "the problems that the industry creates – particularly the extent of wastage in the greyhound racing industry – could not be appropriately addressed at the present time" (pp 20-21):

The Commission recognises that, ultimately, it is a matter for the Parliament of NSW, as the representative of the community whether, on balance, the commercial greyhound racing industry has lost its social licence and should no longer be permitted to operate in this State or alternatively should be given a further period to show that it can appropriately address the issues confronting the industry. In the Commission's view, the industry has failed to address the issue of wastage successfully and appears unlikely to do so in the foreseeable future. Applying the benchmark formulated by the JWG, a body set up by GRNSW, the commercial greyhound industry has failed community expectations that it is an ethical and humane industry. Permitting GRNSW a further period of time in which to attempt to demonstrate it can successfully address issues of overbreeding and wastage appears to the Commission to be likely to prove fruitless and, at the same time, continue to result in the deaths of many more thousands of healthy greyhounds.

RECOMMENDATIONS

After outlining its findings, the Special Commission of Inquiry gave the following overarching recommendation to the NSW Government (p 22):

Recommendation 1: Given the findings of the Commission concerning the management and governance of the greyhound racing industry, the Parliament of New South Wales should consider whether the industry has lost its social licence and should no longer be permitted to operate in NSW.

Were the industry permitted to continue to operate, the Commission gave 79 further recommendations that, while maintaining the industry, would also include reforms aimed at improving transparency and governance and reduce the level of greyhound deaths. Select recommendations included the following (pp 22-29):

- **Recommendation 3:** Section 21 of the *Prevention of Cruelty to Animals Act 1979* (NSW) should be amended to strengthen the offences of live baiting.

- **Recommendation 11:** To the extent possible, those who commit offences involving live baiting should be required to indemnify the prosecutor not only for the cost of conducting the prosecution but for the cost of the investigation which led to the commencement of proceedings.
- **Recommendation 33:** An enforceable Code of Practice containing minimum standards of care for greyhounds throughout their lifecycle should be established.
- **Recommendation 44:** Greyhound Racing NSW or any new regulator should assume direct responsibility for providing veterinary services at all NSW race meetings, whether held at TAB tracks or non-TAB tracks.
- **Recommendation 56:** Greyhound Racing NSW or any new regulator should undertake frequent and random kennel inspections.
- **Recommendation 65:** The regulatory and commercial functions of Greyhound Racing NSW should be separated. A separate regulator, the NSW Greyhound Racing Integrity Commission, should be established.
- **Recommendation 78:** Consideration should be given to amending the *Greyhound Racing Act 2009* (NSW) so as to provide for an express power, vested in the Minister, to remove the Board of Greyhound Racing NSW or any of its members.

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12. GREYHOUND RACING IN OTHER JURISDICTIONS

In addition to NSW, the Special Commission of Inquiry [reported](#) that the following jurisdictions host their own commercial greyhound racing industries (p 107):

- Australia (all other jurisdictions);
- Mexico;
- Macau;
- New Zealand;
- Republic of Ireland;
- United Kingdom (England, Scotland and Wales);
- United States (Connecticut, Kansas, Oregon, Texas and Wisconsin); and
- Vietnam.

Australian and New Zealand greyhound industry peak bodies are listed below:

- [Greyhounds Australasia](#);
- [Greyhound Racing New South Wales](#);
- [Greyhound Racing Victoria](#);
- [Racing and Wagering Western Australia](#);
- [Racing Queensland](#);
- [Tasracing](#);
- [Greyhound Racing South Australia Ltd](#);
- [Northern Territory Government, Racing Gaming & Licensing](#);
- [Canberra Greyhound Racing Club](#); and
- [Greyhound Racing NZ](#).

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For further information please contact the Research Service on 9230 2003.

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