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Dear Attorney-General

I am pleased to provide you with my final report – ***Greyhound Racing Industry Transition Options Analysis***. This report completes my inquiries following the provision of an interim report to your Directorate on 1 May 2017, which was incomplete because of outstanding information requests from some organisations.

As required by the Terms of Reference, issued on 3 March 2017, my analysis includes consideration of:

- a. an end date of June 2018 for the transition, and the identification of anything that it is not possible or optimal to resolve by this date;
- b. assistance for people exiting the industry; and
- c. ensuring the best outcome for animals transitioning out of the industry.

Further to the Terms of Reference, the issues and options have also included an analysis of greyhound breeding and racing in the ACT, taking into account the extent and nature of interstate participation in the ACT industry, and the impact of New South Wales reforms.

I would like to take this opportunity to thank all relevant parties for their willingness to discuss the issues in this report with me and for the respect that has been given to me during this process. I am also grateful for the assistance provided by a number of ACT Directorates in facilitating my discussions and aiding with my numerous queries.

Yours sincerely



Mary Durkin

15 May 2017

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GREYHOUND RACING INDUSTRY TRANSITION OPTIONS ANALYSIS

EXECUTIVE SUMMARY

This analysis is provided against a background where the Parliamentary Agreement for the 9th Legislative Assembly for the Australian Capital Territory between ACT Labor and the Greens (30 October 2016) provided at Clause 13 that the parties agreed to:

Animal welfare – End the ACT Government subsidy to the ACT greyhound racing industry at the conclusion of the current MOU, and actively support the transition steps required to end the operation of the greyhound racing industry, including animal welfare and training support.

This report was sought by the Government to assist in determining how to implement its decision to transition to end the operation of the greyhound racing industry in the ACT.

Meetings were held with a range of interested parties and written submissions were received from a small number of organisations and individuals.

The Canberra Greyhound Racing Club (CGRC) provided two submissions, one that challenged the legal validity of the Government decision and another that sought, amongst other things, to challenge the findings of the *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*. This analysis does not address these arguments. The basis of the CGRC's legal objections is better tested in other forums. It was also not within the scope of this analysis to question the findings of the Special Commission or to reach any conclusion on the alternative views or data that have been put by the industry in response to it.

There are currently approximately 70 Canberra residents who are active participants (owners, breeders and trainers) in greyhound racing in the ACT. Around 309 dogs are owned by ACT residents, 52 of which are based in the ACT. The local industry is small and comprises part of a broader regional network of greyhound racing activities. NSW owners and trainers represent a significant majority of participants in greyhound racing in the ACT. Animal welfare concerns discussed in this report primarily relate to those NSW participants.

The NSW Government has proceeded with a reform program, seeking to eliminate the animal welfare concerns described in the report of the *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*. It will be some time before the NSW Government will know whether or not it has been successful, with a review of the reforms due to commence in three years. This is clearly a matter for consideration by the ACT Government in determining how extensive its decision to 'end the greyhound racing industry' will be.

This analysis presumes that the decision to transition to end the greyhound racing industry in the ACT at some time on or before 30 June 2018, includes greyhound racing and trials in the Territory. It might also extend to preventing ACT residents from owning, breeding and training greyhounds for participation in racing in other jurisdictions. This report discusses ending all of these activities but it will ultimately be a decision for the ACT Government as to the extent to which it considers it necessary to act in addressing animal welfare concerns.

If the decision is broad and all activities are to cease, an option is to legislate to provide that no ACT resident is to be registered with GRNSW or any other greyhound racing authority as a participant in the industry. This would preclude participation across the categories of ownership, breeding and training of greyhounds, as well as racing. This analysis discusses other options if only certain categories of participation in the industry are to cease. Any options will require legislative action.

In the event that some activities remain legal, there will be an additional regulatory burden on the ACT Government, either to regulate the ongoing activities itself or to enter into an agreement with the NSW Greyhound Welfare and Integrity Commission to provide oversight in the ACT.

As the industry is relatively small in the ACT, an end date of 30 June 2018 appears to be eminently achievable. If the implementation of an assistance package for eligible participants exiting the industry, and a support package for rehoming any greyhounds that are surrendered, is to be completed by 30 June 2018, it is recommended that greyhound racing will need to cease towards the end of 2017. It is also recommended that legislation provide for the continuity of inquiries, court and tribunal proceedings, and the imposition of penalties.

This report **recommends**:

1. That, while racing continues in the transition period, the Gambling and Racing Commission advises the Industry regarding its expectations about the presence of a veterinarian at all trial meetings.
2. That Domestic Animal Services, Transport Canberra and City Services Directorate, clarifies its expectations for the industry regarding when a participant is assessed to be a breeder for the purposes of licensing in the ACT.
3. That legislative action is required to effectively transition to ending the greyhound racing industry in the ACT.
4. That the *Racing Act 1999* is amended to remove the CGRC's status as the Controlling Body for greyhound racing in the ACT.
5. That the offences in s17 of the *Animal Welfare Act 1992* in relation to live baiting and the use of animals for blooding greyhounds remain on the statute book.
6. That the *Code of Practice for the Welfare of Greyhounds* in the ACT remains in force if breeding and training activities are to continue or, if they are not to continue, until such time as all activities necessary to end the industry and rehome greyhounds have been implemented.

7. That s 76(2) of the *Domestic Animals Act 2000* is amended to remove the provision that greyhounds are exempt from the de-sexing requirements, unless ownership, breeding and training are to continue.
8. That any interstate regulation of aspects of the greyhound racing industry is considered only in the context of reforms being undertaken in NSW
9. That during the transition period, while racing may continue, the Government considers whether enhanced regulatory arrangements that will be implemented in NSW will be reflected in ACT legislation, or through an interstate agreement to provide oversight by the NSW Greyhound Welfare and Integrity Commission.
10. That any consideration of interstate regulation needs to balance the apparently low animal welfare risks associated with ACT owners, breeders and trainers against the additional regulatory burden that this would represent for Government.
11. If interstate regulation were to occur in relation to any aspects of the industry, that animal welfare reporting obligations be included in any agreement developed with NSW authorities.
12. That an assistance package should only be available in relation to greyhounds owned by Canberra residents.
13. That an assistance package for the welfare of greyhounds is administered by Transport Canberra and City Services Directorate.
14. That assistance for people exiting the industry is limited to the following categories of persons:
 - a. people directly employed in the ACT by the CGRC; or
 - b. contractors/businesses providing services to the CGRC that are directly related to racing activities, and where these activities comprise a significant component of their business income; or
 - c. ACT residents who have been registered with GRNSW as owners/breeders and trainers at a date specified by the Government.
15. That a central agency, or consultancy firm with appropriate expertise, conducts one-on-one assessments of the needs of people exiting the industry, taking into account:
 - a. redundancy and other entitlements of employees;
 - b. hours worked by staff;
 - c. other employment or contracting activities being undertaken by participants;
 - d. participants' training and reskilling objectives;
 - e. income generated from participation in the industry and the opportunity costs associated with the cessation of activities;
 - f. assets valuations and opportunities for resale of assets and infrastructure;
 - g. counselling and support needs of participants.
16. That a call for submissions is undertaken in relation to any businesses, which are not included in the recommended list of eligible parties for assistance, and which claim that they are significantly affected by the decision to end the greyhound racing industry.
17. To enable a full transition prior to the end of 30 June 2018, that legislation provides for the cessation of greyhound racing in 2017, prior to the date that the NSW Greyhound Welfare and Integrity Commission is established.
18. That provision is included in legislation to preserve ongoing court and tribunal processes and the imposition of penalties arising out of inquiries.

Recommendations were also made to the Canberra Greyhound Racing Club (CGRC) during the course of this inquiry to ensure that its Rules and practices are compliant with ACT regulatory requirements, while racing continues throughout 2017 and possibly during some of 2018. The CGRC's comments on those recommendations are included in this report.

TERMS OF REFERENCE

This analysis was formally announced on 3 March 2017 with the following Terms of Reference.

Terms of Reference – Greyhound Industry Transition Options Analysis

The ACT Government has announced that funding for the greyhound racing industry in the ACT will cease after 30 June 2017 and that the funding that had previously been forecast for the following financial year would be redirected to the transition program to assist workers to re-skill, as well as re-home and care for the greyhounds.

Taking into account the findings of the *Special Commission of Inquiry into the Greyhound Racing Industry in NSW* (the McHugh Inquiry) and the subsequent agreement in the Parliamentary Agreement for the 9th Legislative Assembly in the ACT to actively support the transition steps required to end the operation of the greyhound racing industry, including animal welfare and training support, the purpose of this Transition Options Analysis is to examine and make recommendations on the issues and options that need to be considered in the transition to ending the operation of the greyhound racing industry in the ACT. The analysis will include consideration of:

- a. an end date of June 2018 for the transition, and the identification of anything that it is not possible or optimal to resolve by this date;
- b. assistance for people exiting the industry; and
- c. ensuring the best outcome for animals transitioning out of the industry.

Analysis should include, but not be limited to, the animal welfare issues associated with greyhound breeding and racing in the ACT, taking into account the nature and extent of interstate participation in the ACT industry and the impact on the ACT of reforms being considered in NSW noting, in particular, the *Recommendations of the Greyhound Industry Reform Panel* report released on 16 February 2017. This should include the risks of interstate regulation of the industry.

The analysis will require consultation with relevant government agencies, the greyhound racing industry and animal welfare and dog rescue organisations.

The Transition Options Analysis is to be completed and a report provided to the Attorney-General by no later than 1 May 2017.

CURRENT REGULATION OF THE ACT GREYHOUND RACING INDUSTRY

Overview

Regulation of the greyhound racing industry in Canberra, and the welfare of greyhounds, is currently structured around a complex combination of ACT government regulation, self-regulation by the CGRC, and regulation by agreement with NSW greyhound racing authorities. Significant autonomy is given to the CGRC in relation to the conduct of greyhound racing and associated activities.

A number of legislative instruments and subordinate documents, such as Codes of Practice and Breeding Standards, apply. Legislation authorises the Canberra Greyhound Racing Club (CGRC) to regulate aspects of greyhound racing in accordance with Club Rules, while an Agreement (also authorised by legislation) between the CGRC and Greyhound Racing NSW (GRNSW) provides GRNSW with a number of regulatory and administrative responsibilities. The CGRC is also to operate in accordance with a Memorandum of Understanding entered into with the Australian Capital Territory.

Legislation

A number of Acts passed by the ACT Legislative Assembly, as well as subordinate documents authorised by those Acts, govern the greyhound racing industry in the ACT. The ACT does not, however, have specific legislation dedicated only to greyhound racing in Canberra like the *Greyhound Racing Act 2017 NSW*¹.

The Racing Act

The *Racing Act 1999* authorises greyhound racing in the ACT and names the CGRC as the 'Controlling Body' for managing the activities of greyhound racing in the Territory.

- Section 27 provides that the CGRC (a body incorporated under the *Associations Incorporation Act 1991*) is the Controlling Body and that the Club must not amend its Constitution without giving the Gambling and Racing Commissioner 14 days' notice in writing. It also provides that the Club's Constitution must be consistent with the Act.
- Section 28 authorises the Club to enter into reciprocal arrangements with another Controlling Body in relation to the registration of animals; the endorsement and recognition of disqualifications, licences, permits and defaulters; or any other matter relating to the administration and control of racing.
- Section 30 provides that the Club must provide the Commission with reports and accounts that are provided to its members.
- Section 31 authorises the Club to make Rules in relation to the conduct of greyhound racing.
- Section 32 provides that the Minister may, if advised to do so by the Commission following an inquiry, suspend the appointments of the directors of the Club and

¹ The NSW legislation was passed on 6 April 2017.

appoint an administrator to deal with its affairs until such time as new directors can conveniently be appointed in accordance with its Constitution.

The Race and Sports Bookmaking Act

The *Race and Sports Bookmaking Act 2001* controls elements of gambling in relation to greyhound racing and other racing industries in the ACT.

The Gambling and Racing Control Act

The *Gambling and Racing Control Act 1999* establishes the Gambling and Racing Commission with functions that include regulating racing under the Racing Act and approving gaming and racing activities. It is also empowered to investigate and conduct inquiries into racing and gaming.

The Animal Welfare Act

The *Animal Welfare Act 1992* contains provisions around a range of matters that impact on the industry's activities, for example it defines animal cruelty, and it makes certain activities illegal such as outlawing the "bleeding"² of greyhounds. The Act covers all animals, with only a small number of provisions specifically addressing greyhounds.

- Section 6B includes a duty to care for animals, which includes providing animals with the "opportunity to display behaviour that is normal for the animal", while "appropriate care" includes care that is "suitable for the needs of the animal having regard to the species, environment and circumstances of the animal".
- Section 7A provides for an offence of aggravated cruelty.
- Section 10 provides that it is an offence to injure an animal and not to take reasonable steps (including, if appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal.
- Sections 15 and 15A cover offences related to the transportation of animals.
- Section 15B covers offences related to the intensive breeding of dogs, with the intent to make a profit or commercial gain, in contravention of a breeding standard issue by the Minister.
 - *An Animal Welfare (Breeding Standard) Determination 2015 (No 1)* was signed by the Minister on 7 February 2015.
- Section 16 provides that it is an offence to work unfit animals.
- Section 17 covers offences related to matches and competitions, including that it is
 - an offence to keep or use premises for the baiting or mistreating of animals;
 - using an animal as a lure for bleeding greyhounds;
 - killing an animal for the purpose of bleeding greyhounds; or
 - using the animal in any other way in relation to the training and racing of coursing dogs.
- Section 20 provides that certain offences do not apply if the conduct was in accordance with an approved Code of Practice or a Mandatory Code of Practice – exceptions include the provisions outlined in s 17 above.

² Bleeding of greyhounds refers to the use of small animals – including rabbits, possums and piglets – for the purpose of enticing a greyhound to chase after a lure. Bleeding activities outlawed in ACT legislation include using an animal as a lure for bleeding greyhounds; or killing an animal for the purpose of bleeding greyhounds.

- Sections 21 – 23 deal with Codes of Practice and Mandatory Codes of Practice to be issued by the Minister, which include provision for a Code of Practice in relation to animal welfare in the racing industry.
 - *A Code of Practice for the Welfare of Greyhounds in the ACT* (No 95 of 1995) was issued by the Minister on 30 June 1995.
- Part 7 of the Act deals with enforcement provisions, whereby inspectors have powers to enter premises (commercial or licensed) to examine animals, inspect premises, and give assistance to animals.

Animal Welfare (Breeding Standard)

The Animal Welfare (Breeding Standard) issued in 2015 is stated to be a mandatory standard. A person must not breed a litter if the animal is not physically healthy; is exhibiting signs of or is known to carry a debilitating genetic fault; or the animal with which it is mated, is exhibiting signs of or is known to carry a disease transmissible from parent to offspring.

Dogs are not to be bred from a dog under the age of 18 months or over six years. A person must not breed a litter from a dog if the dog has already bred 4 litters and must not breed a litter from a dog more than once within an 18 month period.

A person must not breed a litter from a female dog that has previously given birth by caesarean section or suffered a failure to carry a litter to term more than 42 days after mating.

Code of Practice for the Welfare of Greyhounds in the ACT

The Code of Practice issued by the Minister in 1995 contains a number of provisions related to general housing and care, nutrition, exercise, transport and health of greyhounds. It states:

The overriding theme of this Code is that the wellbeing of the greyhound must at all times be considered above the demands of owners, breeders, trainers, sponsors, officials or spectators.³

Specific provisions related to racing include:

- A greyhound suspected of suffering from a transmissible skin condition or any other contagious disease or external parasite infestation must not be allowed to be kennelled or compete in any race or qualifying trial at the meeting.
- A greyhound that has whelped a litter shall not be allowed to compete in any race or qualifying trial held within 16 weeks after the date of the whelping.
- A greyhound that the owner or trainer knows, or has reason to believe, is in season shall not be allowed to compete in any race or qualifying trial held within 30 days after the date on which the owner or trainer first knew or suspected that the animal was in season.
- A greyhound injured during a race must be inspected by the duty veterinarian immediately after the race.

³ *Code of Practice for the Welfare of Greyhounds in the ACT* 1995, Introduction, p1.

- Severe injuries that have occurred during a race must be treated or stabilised promptly by the duty veterinarian on the race track. Less serious injuries can be handled by the owner or trainer's personal veterinarian.
- Where a greyhound has become critically injured during racing, euthanasia should be considered and may be recommended to the owner by the duty veterinarian.
- Euthanasia on the race track should be performed behind appropriate protective screens to shield the dog from public view. Disposal of the carcass should meet with ACT Government regulations.
- At all greyhound meetings in the ACT, a veterinarian should be present and all dogs should be examined by that person prior to racing.

The Code also deals with greyhounds as pets and recommends that greyhounds get as much contact as possible with humans and other dogs to facilitate possible life as a pet after their racing life.

The Domestic Animals Act

The *Domestic Animals Act 2000* deals with a number of issues around the registration and breeding of animals and includes some specific provisions related to greyhounds. In essence, the Act provides for the registration of dogs in the ACT and penalties apply for keeping unregistered dogs. Dogs must also wear registration tags.

The Act provides that it is an offence to breed dogs for profit or commercial gain without a licence (s 72) and the Registrar must refuse to issue a breeding licence unless satisfied that the applicant can comply with the requirements of the Animal Welfare Act and any Codes of Practice (s 72B).

With specific reference to greyhounds:

- Section 48 provides that greyhounds are not to be in public without wearing a muzzle and that carers must not be in a public place holding four or more greyhounds on a leash or leashes. These provisions do not apply if the greyhound and its keeper have completed a course in behaviour or socialisation training approved by the Registrar.
- Section 56(c) authorises the seizure of greyhounds in a public place in contravention of s48.
- Section 75 enables a person to apply for a permit to keep a dog that is not desexed and s 76 provides that the Registrar must issue a permit if satisfied that the dog is a racing greyhound.

Additional regulatory arrangements

A further suite of documents provide additional clarification of the regime applying to the CGRC's operation of greyhound racing.

Lease of the Canberra Greyhound Racecourse

The CGRC has a 50 year lease⁴ which was registered on 15 May 1978, and with a date of commencement of 23 November 1977. The lease provides that the CGRC is to use the premises “only for the purpose of a greyhound racecourse and ancillary facilities and subsidiary thereto a sportsground”.

Memorandum of Understanding

A Memorandum of Understanding (MOU) between the Canberra Greyhound Racing Club and the Australian Capital Territory⁵ requires the CGRC to conduct its operations professionally and within the Territory’s laws. The MOU includes specific references to the provision of optimum quality services and facilities, and the maintenance of integrity services, stewarding services and drug detection.

The MOU also provides that the Club is to conduct races and discharge its duties in line with the Australian Rules of Racing.

The MOU is expressed to be a statement of intent and does not create legal obligations (clause 2). The MOU reflects the budget allocation to the racing industry. The MOU is due to expire on 30 June 2017.

Greyhound Rules of Racing

The Racing Act authorises the CGRC to be the Controlling Body for the greyhound racing in the ACT, and for the Club to make Rules in relation to the conduct of that racing. The MOU then provides that the CGRC must conduct races and discharge its duties in line with the Australian Rules of Racing.

The *Australian Rules of Racing* are issued by Greyhounds Australasia and were most recently modified on 1 December 2016. The CGRC’s *Greyhound Racing Rules* are largely based on GRNSW’s Rules of Racing, which in turn reflect the Australian Rules. The CGRC has made some local modifications to the GRNSW Rules.

The Rules detail the processes for racing events at the CGRC. They outline the powers of the CGRC and stewards, processes in relation to prohibited substances, the appointment of veterinary surgeons, dispute resolution and appeals processes. The CGRC enforces its own Rules in specific areas. It carries out its own swabbing policy and conducts its own disciplinary inquiries.

Agreement with GRNSW

Section 28 of the Racing Act authorises the Club to enter into reciprocal arrangements with another Controlling Body in relation to the registration of animals; the endorsement and recognition of disqualifications, licences, permits and defaulters; or any other matter

⁴ The lease was granted by the Commonwealth to the CGRC. The land is now Territory Land within the meaning of section 28 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth) and is administered by the ACT Planning and Land Agency.

⁵ The Canberra Racing Club and the Canberra Harness Racing Club are also parties to the MOU.

relating to the administration and control of racing. It is through this authority that CGRC has an arrangement with GRNSW to register greyhounds, breeders, owners, trainers, attendants, partners and syndicate members.

The relationship with GRNSW is, in part, to be found in the CGRC's Constitution and the CGRC's *Greyhound Rules of Racing* (the CGRC Rules).

The *Canberra Greyhound Racing Club Incorporated Constitution* (September 2009) provides at Clause 43:

- Registrations – Owners, Trainers, Handlers and Greyhounds
Until such time as the ACT residents are notified in writing of any change by the Club they will continue to register with NSW greyhound racing authorities.

Specifically in relation to the relationship with GRNSW, relevant Rules include:

- Rule 18/LR18⁶ – In summary, this rule provides that officers of the Controlling Body have powers to enter and inspect premises; examine and inspect greyhounds; inspect tracks, equipment and documents; and take samples to determine if offences have been committed or if there have been breaches of conditions of licensing or registration.
- LR21 – If a greyhound is nominated for any event, the trainer agrees:
 - to be bound by CGRC and GRNSW rules;
 - that he/she certifies he/she is registered with GRNSW and that he/she is the owner and/or trainer of the greyhound nominated;
 - that neither the owner, trainer nor the greyhound are at the time of nomination subject to disqualification or other disability or prohibition which would make the greyhound ineligible for the meeting; and
 - that he/she has certified that the greyhound is not the subject of inquiry.
- LR21A – Graders appointed pursuant to this Rule are responsible for grading of greyhounds in race meetings in accordance with the relevant GRNSW grading policy effective from time to time.
- LR92 – A greyhound is prohibited from competing in any event while an inquiry [by the CGRC] is being conducted and the greyhound must not be sold or transferred to the care, custody or training of any other person, or otherwise disposed of, without the prior written authorisation of the Controlling Body. Similar provisions apply if an inquiry is being conducted in NSW or other jurisdiction.
- LR122 – GRNSW is to keep registers in which are recorded the names of all registered owners, trainers, attendants, partners or syndicate members.
- LR125 – A person must be registered as a breeder by GRNSW to undertake a number of named activities related to breeding, such as arrange for the service or artificial insemination of a dam; care for a dam whelping a litter of pups; care for an unnamed greyhound, including times the greyhound is being whelped and reared.
 - A registered breeder must comply with the GRNSW Code of Practice for Breeding, Rearing and Education.

⁶ Rules are referred to as R# if they simply adopt the Australian Rules of Racing, and as LR# if they have been modified/extended in developing local rules.

- A person who contravenes the breeding rules is guilty of an offence.

Clarity of arrangements with GRNSW

It is clear from the CGRC Rules that GRNSW registers dogs, owners, trainers, handlers and breeders of greyhounds for the purposes of racing activities. As a consequence, GRNSW is also responsible for ongoing compliance activities in relation to registration, such as:

- breeding activities (e.g. registering sires and dams, checking that DNA fingerprinting and fertility testing has been undertaken, registration of litters etc);
- owners and trainers' ongoing registration obligations (e.g. that the duties of persons keeping a greyhound are met, administering transfers of ownership); and
- ongoing requirements in relation to dogs (e.g. ensuring the rules in relation to microchipping and ear branding have been met, that treatment records are kept in accordance with the rules).

GRNSW also acts as the Controlling Body in relation to grading all of CGRC's race meetings, undertakes kennel inspections and other inspections related to regulatory matters, and produces race books. These activities are currently undertaken on a fee-for-service basis.

GRNSW's regulatory role is not, however, fully evident in the CGRC Rules. Rule 18/LR18, for example, gives officers of the Controlling Body a wide range of inspection powers. The Controlling Body in the ACT is the CGRC. The CGRC Rules do not, however, distinguish between when the CGRC might exercise such powers as the Controlling Body, and when GRNSW officers or agents might perform the functions of the Controlling Body in the ACT.

It appears that no written agreement with GRNSW exists. Neither CGRC, nor GRNSW, are aware of a written document being entered into at the time the reciprocal arrangements commenced. A service level agreement is currently being drafted but it is intended only to cover the operational/racing services provided to the CGRC, such as centralised prizemoney payments, form analysis, race book production, grading, and public liability insurance. CGRC's request for a service level agreement was driven chiefly by the benefits of cost advantages offered by a 'bundling' process. Currently, individual services provided by GRNSW have been agreed to on a case-by-case basis.

The service level agreement has not been intended to encompass regulatory services provided by GRNSW. Such an Agreement would provide clarity in relation to the respective roles of each Controlling Body, particularly as corporate memory can be lost over time when personnel in each organisation change. It will also provide transparency for participants and provide a basis for GRNSW's authority when it undertakes compliance activities in the ACT.

Recommendations were made to the CGRC to address these issues and ensure that its processes are transparent during the interim period while any racing may continue. These were:

- That a Service Level Agreement outlining all arrangements between CGRC and GRNSW be developed and published to ensure that the activities undertaken by CGRC and GRNSW are clear to all participants; and

- That CGRC updates its Rules to reflect the breadth of GRNSW's role and clarify GRNSW's authority to undertake compliance activities in the ACT.

CGRC Response

The CGRC was provided with the opportunity to comment on this section.

The CGRC Board of Management acknowledged that *“some harmonisation and improvements to consistency in documents can occur. Where required, the CGRC will include among its ongoing review and continuous improvement practices.”* The CGRC BOM did not accept that there was necessarily an inconsistency in the example cited above in relation to when the CGRC was acting as the Controlling Body and when the GRNSW was undertaking activities on behalf of the CGRC.

The CGRC noted that it has the ability to delegate responsibilities and *“the CGRC BOM believes it has appropriately delegated its inspection powers rather than created a conflict in rules and/or processes. Legal advice was sought.”* The CGRC further advised *“However, the CGRC is happy to accept advice and recommendations if expert opinion contradicts.”*

Further comment

The Note to s 29 of the Racing Act refers to the *Legislation Act 2001* for guidance on the making of delegations and the exercise of delegated functions. Section 232 of the Legislation Act provides that *“a delegation must be made, or evidenced, by writing signed by the appointer”*.

Further evidence was sought in relation to the CGRC's delegation of powers to GRNSW. No delegation documents were available. If the authority to delegate is not exercised in an appropriate manner, there may be risks that the functions undertaken in relation to any purported delegation may lack validity.

ANIMAL WELFARE & OTHER ISSUES

The Terms of Reference provide that analysis “should include, but not be limited to, the animal welfare issues associated with greyhound breeding and racing in the ACT, taking into account the nature and extent of interstate participation in the ACT industry and the impact on the ACT of reforms being considered in NSW noting, in particular, the *Recommendations of the Greyhound Industry Reform Panel* report released on 16 February 2017. This should include the risks of interstate regulation of the industry.”

This section discusses the animal welfare and other issues associated with greyhound breeding and racing in the ACT, providing the context for a later examination of interstate participation and the risks associated with regulation of the industry by another jurisdiction.

It is worth noting that this analysis was conducted in a short time frame without the resources or powers available to the *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*. It has not been possible to investigate issues or test evidence to any significant extent. While specific allegations were made in the course of this inquiry, they have not been included unless reliable evidence was supplied to support claims that were made. Contemporaneous documents were requested from all parties to seek to ensure that statements could be verified.

An analysis of the Canberra industry against the main animal welfare concerns raised in the Special Commission’s report cannot, therefore, be considered as an exhaustive assessment of the ACT industry.

Animal welfare issues

Animal welfare issues in relation to the greyhound racing industry were highlighted in an episode of *Four Corners* on the ABC on 16 February 2015, which exposed the practice of live baiting by some involved in the greyhound industry. Following the *Four Corners* program, an extensive inquiry into greyhound racing was established by the New South Wales Government under the *Special Commissions of Inquiry Act 1983*.

The inquiry was headed by Michael McHugh AC QC.

The Special Commission’s report was an extensive and thorough analysis of the greyhound racing industry in NSW. It was conducted over a period of some 16 months, with a dedicated team of staff, legal expertise, and wide powers to interview witnesses under oath and to compel the production of documents. The report *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales* (the McHugh Report) was published on 16 June 2016.

The Commission summarised its view of the Greyhound Racing industry in NSW in the following terms:

... the industry has lost the integrity-based trust of the community and other stakeholders. It could hardly be otherwise. That is because the greyhound racing industry has been exposed as an industry that:

- *has implicitly condoned as well as caused, the unnecessary deaths of tens of thousands of healthy greyhounds;*
- *has failed to demonstrate that in the future it will be able to reduce the deaths of healthy greyhounds to levels the community could tolerate;*
- *has engaged in the barbaric practice of live baiting;*
- *has caused and will continue to cause injuries to greyhounds that range from minor to catastrophic;*
- *has treated greyhounds as dispensable commercial commodities;*
- *has deceived the community concerning the extent of injuries and deaths caused during race meetings;*
- *has preferred the commercial interests of the industry to the animal welfare interests of greyhounds;*
- *has exported greyhounds to race in places such as Macau where animal welfare standards are very poor; and*
- *has ignored or failed to recognise that the industry has obligations to the community that go beyond its strictly legal obligations.”⁷*

While some of the data in the McHugh report has been challenged by some industry participants, its overall findings were not rejected by the NSW Government. In reversing his decision to end greyhound racing, the then NSW Premier, Mike Baird, stated that the Government was giving the industry the opportunity to reform and reaffirmed its acceptance of McHugh’s overall findings.

The NSW Government will give in principle support for greyhound racing to have one final chance in NSW, subject to industry agreeing to the strictest regulations that exist anywhere in the country to clamp down on animal cruelty...

“We firmly believed the government’s decisive response to the animal cruelty outlined in Justice McHugh’s report was the right one - but we misjudged the community’s response to that report,” Mr Baird said...

“It’s clear the community agrees that the cruelty must end, but we underestimated the community’s desire to give the greyhound industry one last chance to reform and conform to the highest standards of animal welfare...

“The industry can’t return to the status quo – the barbaric practices of live baiting, cruel wastage and high rates of injury must end.”⁸

Greyhound welfare in the ACT

As noted above, this discussion around greyhound welfare issues in the ACT cannot be considered as totally comprehensive. Some inquiries were undertaken in relation to the most significant of the concerns raised in the McHugh Report.

⁷ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, Vol 1, p18, 1.113.

⁸ Premier Mike Baird Press Release, 11 October 2016

Live baiting

The McHugh report found that participants in the industry had engaged in the practice of live baiting. There have been no prosecutions for live baiting in the ACT and no evidence has been provided to this inquiry to indicate that live baiting is occurring, or has occurred, in the Territory. One *Canberra Times* article from 26 September 1979 referred to an allegation of live bleeding in relation to an injured possum found in Gungahlin but this matter did not lead to a prosecution.

Injuries and deaths of greyhounds

McHugh concluded that the industry has caused and will continue to cause injuries to greyhounds that range from minor to catastrophic, and noted that GRNSW had deceived the community concerning the extent of injuries and deaths caused during race meetings. The McHugh report found that industry data was unreliable:

The injury figures in both reports [provided by GRNSW] were those identified by on-track veterinarians. The figures did not include greyhounds that had sustained an injury during a trial where there was no on-track veterinarian in attendance, greyhounds that had suffered any sort of injury during a race meeting that had not been identified by an on-track veterinarian, or greyhounds that were later euthanased because of injury sustained while racing or trialling.⁹

It is not possible to compare CGRC's injury data with other data to determine whether overall injuries are above, below or on par with NSW or national injury rates. For the reasons outlined by McHugh above, the GRNSW data is simply incomplete and inaccurate.

The veterinarian and the stewards at the CGRC sign the one document in relation to injuries and dogs euthanised at the track on race days and this forms the information that is made available to the public. The Steward's report includes a section which notes: *The euthanasia, fatalities, injuries and incapacitation information in this report was reviewed by the Veterinary Surgeon present at the meeting and confirmed as accurate at TIME on DATE.* No evidence has been provided to indicate that stewards or the CGRC have sanitised records in the ACT and under-reported injuries and deaths in the manner that had been occurring in NSW, where "GRNSW management took steps to ensure that information about deaths on tracks was not made available to the public, in stewards' reports".¹⁰ The CGRC's Head Veterinarian advised that his reports have not been concealed or sanitised.

The CGRC data is "*prepared using the information collected in the CGRC "Veterinary Examination Details" forms submitted every meeting by the CGRC Veterinarian*".¹¹ The data

⁹ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, 1.67 Vol 1.*

¹⁰ GRNSW engaged in the conduct knowingly, and with the clear intent of 'sanitising' the information that became available to the public about the injuries suffered by greyhounds, with the hope that, by doing so, it would avoid substantial criticism of the greyhound racing industry in NSW. To similar effect, the non-reporting of deaths on tracks was intended, by GRNSW, to avoid criticisms of the industry. *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, paras 4.3 and 4.10, p87, Vol 1.

¹¹ January – December 2016 CGRC Greyhound Racing Injury Report.

therefore only relates to meetings and trials¹² that a veterinarian attends. A veterinarian is at the track for race meetings held on a Sunday (and sometimes Wednesdays) when trials occur before and after the racing events. Veterinarians do not attend trials unrelated to race meetings.

An analysis of CGRC data would appear to indicate that, from around 27,288 dogs that raced over the five years from 2012 to 2016:

- 171 greyhounds experienced minor injuries
- 92 greyhounds experienced medium injuries
- 39 greyhounds experienced major injuries
- 26 greyhounds experienced catastrophic injuries – all of these were euthanised at the track on the day of racing.

On average therefore it would appear that:

- 34 greyhounds experience minor injuries per annum
- 18 greyhounds experience medium injuries per annum
- 8 greyhounds experience major injuries per annum
- 5 greyhounds experience catastrophic injuries per annum.

The CGRC's 2016 *Injury Report* includes the following table in relation to approximately 8020 dogs that raced in that year. While the first column states 'total injuries', it is really total veterinarian inspections. A number of the inspections revealed no injury.

Type	Vet Check Results	Percentage to Greyhounds Raced
No injuries	136	1.78%
Minor injuries	58	0.76%
Medium injuries	6	0.08%
Major injuries	8	0.10%
Catastrophic	6	0.08%
Total injuries	214	

CGRC has advised that around 11,000 dogs race in meets and trials annually. Data is not therefore available in relation to any injuries incurred by around 3,000 dogs that raced at separate trials in the 2016 year.

CGRC comment

The CGRC was provided with the opportunity to comment on this section and advised that trials are demonstrably safer than race meetings and that they result in fewer injuries due to their nature. The CGRC's submission noted safety measures introduced to reduce injuries:

¹² A "qualifying trial" means the competitive pursuit of a lure by 1 or more greyhounds in a trial held pursuant to conditions prescribed by the Controlling Body and by which the eligibility of greyhounds to compete in an Event is determined. CGRC Rules, definitions, p.5.

- *The CGRC built a safety rail around the entire track at a cost of around \$60,000. This was supported without question by the CGRC board after Dr Tim Mather recommended it as an animal welfare measure several years ago.*
- *The CGRC groundsmen, trainers and vet have worked cooperatively to develop a unique 80:20 mix of Bungendore sand & other soils to create a racing surface that perfectly delivers firmness for racing & speed, but softness for absorption to prevent injuries. The redevelopment of the track took place approximately six years ago at a cost of around \$200,000.*
- *In addition to a key focus on the track, our groundsmen deliver a monthly report formally to the board & make requests for funding initiatives & support on an as needs basis.*
- *The CGRC has successfully trialed & is now installing a new 'mop' or 'hoop arm' lure that sits further out from the rail & is manufactured in the blue-yellow spectrum seen by dogs. It spreads the field & prevents collisions, as well as having the advantage of not resembling any small animal.*
- *Every square inch of the CGRC grounds & facilities are recorded by high resolution CCTV cameras. The CGRC has the capacity for three years of storage. Any incident or allegation can be checked, including by Government officials.*

Post-race data

As noted in the McHugh Report, the injury rates and euthanasia of dogs, following their participation at a race meeting, do not often appear in the data made available to the public.

The outcomes for 42 greyhounds, which were assessed by the on-track veterinarian for suspected injuries when racing at the CGRC, are outlined below. These greyhounds raced between January 2014 and December 2015 and none of them competed in another race or trial following their last race in Canberra.

The data is compiled from Stewards Reports in relation to the veterinarian checks of the dogs, and from OzChase¹³ in relation to the outcomes and dates that the records were amended.

Five of the greyhounds were trained by Canberra trainers, with the rest being trained in NSW (except for one Queensland and one Victorian trainer). It has not been possible to determine how many of these dogs were owned by ACT residents.

The outcomes for these 42 dogs were:

- 31 are recorded as euthanised, or dead from natural or unknown causes. Seven of these greyhounds were euthanised trackside following veterinarian inspection. 17 of the other deaths occurred within 1-2 months of the dogs' last race.
- 11 are noted as retired as pets, in rehoming programs, or having been transferred to a new owner. It is not clear in relation to some of these animals whether or not they have successfully been rehomed or simply admitted to the GRNSW Greyhounds as

¹³ The IT platform used by GRNSW to input and record data for the administration of greyhound racing in NSW.

Pets (GAP) program. The McHugh report noted that the GAP had “a dismal record of rehoming”¹⁴.

	Race date	Description on steward’s report	Outcome	Record updated ¹⁵
1	02.02.2014	A POST RACE Veterinarian Examination found the greyhound sustained a broken nearside leg when the greyhound fell severely at the first turn and the greyhound was humanly euthanized.	Euthanised at track Vet – [name]	5.3.14
2	02.02.2014	Veterinarians found that the greyhound sustained an injury to the offside pad and was issued with a 10 Day Incapacitation certificate to commence on 02.02.2014 and conclude on 11.02.2014.	Euthanised Canberra Track - Dog hit rails after being hit by another greyhound. Vet – [name]	05.03.14
3	16.02.2014	A Veterinary examination of greyhound revealed split webbing to the near side hind foot. 10 Days Incapacitation Certificate issued.	Euthanised - Legacy	18.03.14
4	30.03.2014	Sustained an injury to both hind legs and issued with a 10 Day Incapacitation Certificate.	Accidental Causes - Found in Kennel (Cause Unknown)	2.12.15
5	30.03.2014	Greyhound Euthanased broken offside Hock.	Euthanised - NOR & Vet Certificate stated due to injury.	1.4.14
6	06.04.2014	No apparent injury and issued with second offence for marring under RULE 69(2) (b) being the greyhounds second offence issued with a 3 months suspension and subject to a satisfactory trial before Stewards.	Euthanised - Not suitable for rehoming/ GAP (2 marring offences). Vet – [name]	5.6.14
7	13.04.2014	Injury to the nearside Shoulder and issued with 10 Days Incapacitation Certificate.	Named - Greyhound sold to xxx (identified in 106 Project) ¹⁶	11.3.14
8	01.06.2014	No apparent Injury.	Euthanised - Weight book and card from Steward advising greyhound was euthanised. Vet – [name]	8.7.14

¹⁴ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, para 1.19, p3, Vol 1.

¹⁵ This date does not refer to the date that a greyhound died or changed hands but the date that the records were updated in relation to the greyhound. Significant delays in recording updates are noted in relation to a number of the greyhounds.

¹⁶ GRNSW’s 106 Project was commenced in October 2015 to improve its data on the status and movements of greyhounds. GRNSW contacted participants who were required to confirm the status of their inactive greyhounds by 1 January 2016.

9	13.07.2014	A post-race Veterinarian Examination of the greyhound revealed that the greyhound sustained an injury to the off-side wrist and was issued with a 21 Day Incapacitation Certificate.	Euthanised – Injury. Vet Hospital – [name]	3.10.14
10	20.07.2014	Greyhound found to have a torn offside hind and was issued with a 21 day Incapacitation.	Retired - Pet	5.5.15
11	07.09.2014	Veterinarians found that the greyhound sustained a fractured nearside hock and was issued with a 30 Day Incapacitation Period.	Named - Currently owned by [name]	4.9.13
12	12.10.2014	Torn nearside front Shoulder and issued with a 10 Day Incapacitation.	Euthanised – Injury. Vet [name]	15.7.15
13	12.10.2014	Offside torn hind leg Muscle, issued with a 28 Day Incapacitation Certificate.	Retired - GRNSW GAP registered greyhound	10.6.15
14	26.10.2014	Greyhound sustained a broken nearside hock and was humanly euthanased by Veterinarians.	Euthanised - Injury, Broken Hock On Course Vet - Canberra	28.10.14
15	02.11.2014	Vet revealed no injury.	Euthanised - Injury 106 Project - dropped back muscle after racing in ACT	10.1.16
16	07.12.2014	Post race veterinary examination revealed no apparent injury... and the greyhound was issued with an endorsement for failing to pursue the lure under GAR 69 (2)(a). Consequently, suspended from racing at all tracks until completing a satisfactory trial under GAR 72.	Euthanised - Track, severe injury	16.9.15
17	04.01.2015	A Veterinary examination revealed an injured offside thigh. An Incapacitation Certificate was issued for a period of 10 days commencing 4/1/15 and concluding 13/1/15.	Euthanised - Injury	25.2.15
18	04.01.2015	A Veterinary examination revealed an injured offside hock. An Incapacitation Certificate was issued for a period of 30 days commencing 4/1/15 and concluding 2/2/15.	Retired - GRNSW GAP registered greyhound. New Owner [name]	30.1.17
19	11.01.2015	A Veterinary examination revealed an injured offside hock.	Euthanised - Track, injury Fractured Hock	26.1.15
20	18.01.2015	A Veterinary examination revealed an injured offside groin. An Incapacitation Certificate was issued for a period of 20 days commencing 18/1/15 and concluding 6/2/15.	Euthanised - Injury	25.5.15
21	25.01.2015	Greyhound Sustained an injury to the nearside posterior and was issued with a 10 Day Incapacitation Period.	Retired - Adoption Program. Rehome through FOH, ACT.	2.12.16
22	08.02.2015	Stewards requested that greyhound be Vetted post event – The greyhound sustained an offside broken hock and was euthanased.	Euthanised - Track Injury Canberra	17.2.15

23	08.02.2015	Vetted post race after falling in the catching pen. No apparent injury found.	Retired - 3rd Party. [name] rehoming greyhound	24.7.15
24	15.02.2015	No apparent injury.	Retired - Adoption Program.	18.2.15
25	22.02.2015	Clipped the heels of another greyhound approaching the turn out of the back straight subsequently causing to fall heavily and did not complete the event and was attended to by Veterinarians immediately after the running of the event.	Euthanised - Injury	3.3.15
26	22.03.2015	Veterinarians found that the greyhound sustained a fractured offside Hock.	Euthanised - Track Injury, broken hock. Canberra, Club Vet	24.4.15
27	29.03.2015	Sustained a fractured offside Hock and was treated by Veterinarians.	Euthanised - Track Injury, Race 4 Canberra 29/3. Club Vet.	24.4.15
28	03.05.2015	Veterinarians found that the greyhound sustained no apparent injury but showed signs of stress and demonstrated a high temperature and was treated by Club Veterinarians, subsequently the greyhound was issued with a 10 Day Incapacitation Period.	Natural Cause - Found deceased in kennel	10.6.15
29	10.05.2015	The greyhound was stood down for 28 Days being in breach of Rule 69 being a first offence for Marring another greyhound during an event and subject of a Clearance Trial under the provisions of GAR Rule 72.	Named - Currently owned by [name]	10.4.17
30	12.07.2015	Post race veterinary examination revealed no apparent injury.	Named - Currently owned by [name]	10.4.17
31	12.07.2015	Post race veterinary examination revealed no apparent injury.	Euthanised - Not suitable for re-homing.	3.8.15
32	26.07.2015	Post race veterinary examination revealed no apparent injury.	Euthanised - Not suitable for racing. Young Vet [name]	26.8.15
33	06.09.2015	Greyhound sustained a broken nearside wrist and was humanly euthanased.	Euthanised - Track Injury (broken radius/ ulnar. Canberra Vet – [name]	11.9.15
34	20.09.2015	Stewards requested that greyhound undergo a Veterinarian's Examination after the event after escaping from the catching pen after the event.	Euthanised – Injury. Young Vet Clinic	7.10.15
35	20.09.2015	No apparent injury was found.	Euthanised - Injury, hind leg muscles torn & broke toe. Vet – [name]	7.10.15
36	20.09.2015	Sustained an injury to the offside hind leg and issued with a 10 Day Incapacitation Period.	Euthanised - Illness, Abdominal Catastrophy. Vet – [name]	9.2.16

37	22.11.2015	Veterinarians found that greyhound sustained a fractured offside hind leg and was humanly euthanased.	Euthanised – Injury. Vet Kambah ACT – [name]	1.12.15
38	29.11.2015	There was no apparent injury found.	Deceased - Legacy 106 Project data	23.6.16
39	29.11.2015	The greyhound was found to have no apparent injury post race, Stewards issued the greyhound with a charge of marring R69 (2)(c) and being the greyhounds third offense, stood down for 12 months at all tracks until a Satisfactory Trial.	Euthanised - Track injury. Vet Kambah ACT – [name]	19.1.16
40	29.11.2015	The greyhound was found to have no apparent injury post race, Stewards issued greyhound with a second offence charge of Marring R69 (2)(b) and the greyhound is prohibited from racing for 3 months at all tracks and until a Satisfactory Trial.	Euthanised - Not suitable for racing. Vet Kambah ACT – [name]	4.12.15
41	06.12.2015	Veterinarians examined the greyhound after the greyhound cramped in the catching pen and was immediately attended to by Veterinarians. Stewards stood the greyhound down until the greyhound performs a Satisfactory Trial before Stewards and examined by Club Veterinarians post event.	Pet - Adoption Program (GAP). Owner – [name]	12.4.16
42	13.12.2015	A post race Veterinarian examination of the greyhound revealed the greyhound sustained a fractured offside front leg resulting in the greyhound being humanely euthanased.	Euthanised - after racing in Canberra. Vet Kambah ACT – [name]	17.12.15

CGRC comment

The CGRC was provided with an opportunity to comment on this section. The CGRC noted that the list *“is neither random nor representative of what happened to greyhounds that raced at Canberra over the stated two year period”*. The CGRC noted that a further check of OzChase may highlight a discrepancy in relation to greyhound 11 as the updated data precedes the date of the dog’s last race. Time did not permit a further check but the particular entry highlights the need for GRNSW to continue improving the quality of its data. The CGRC noted *“The data also shows for cases where the greyhound did not race again and was not euthanized that there were good outcomes e.g. greyhound case 10”*.

The CGRC’s submission advised:

... the CGRC constantly drives towards injury prevention on the track & ensuring retired racers, or those never having a racing career, have long and happy lives. That is why we introduced policies to deliver no unnecessary euthanasia & 100% rehoming.

The *Euthanasia and Rehoming Policy*, adopted in September 2016, includes:

In the event of an injury where the attending vet believes treatment and recovery is an option, but the owner/trainer advises that it is beyond their financial means, the CGRC will positively intervene. The greyhound will be stabilized and referred for treatment. The CGRC

will work with the owner/trainer to make payments for treatment and see the greyhound rehomed or the charges repaid, if preferred. Agreements will be constructed sensitively and on a case-by-case basis.

Based on experience and injury rate figures, it is believed the CGRC will only face this circumstance once or twice a year. The board will budget for an average of three incidents annually, in order to ensure the club's accounts appropriately factor in possible costs of achieving zero euthanasia.

Wastage

The McHugh Report found that the greyhound racing industry in NSW had implicitly condoned, as well as caused, the unnecessary deaths of tens of thousands of healthy greyhounds.

In the greyhound industry, this mass slaughter of young and older greyhounds bred for the purpose of greyhound racing, and which are subsequently destroyed either prior to being named or raced, or upon retirement from racing, is euphemistically called "wastage" or euthanasia.¹⁷

The numbers in the McHugh report have been disputed by the industry but it is acknowledged by all parties that significant wastage has occurred.

The Report to the interim Chief Executive of Greyhound Racing NSW from the Joint Working Group: Implementing reform in the New South Wales greyhound racing industry, on 29 January 2016, stated:

'Wastage' of greyhounds is at the centre of animal welfare concerns.... Of paramount concern to the JWG is the high percentage and number of greyhounds that do not make it to the track, particularly as this often results in euthanasia.

When appearing before the Special Commission, the interim Chief Executive of GRNSW stated: ...engaging with the over-production and the unnecessary euthanasia of the greyhounds is the substantive issue that we must resolve. The [Special] Commission has identified that a significant issue concerning the welfare of greyhounds and the ongoing sustainability of the greyhound racing industry in New South Wales is the killing of many healthy greyhounds which have been purpose bred to race... It is widely agreed that the industry must successfully address this issue if it is to meet community expectations as being an ethical and humane industry.

It has not been possible to determine the extent of wastage that has occurred in the ACT or in relation to greyhounds owned by ACT residents. The McHugh Report noted, however:

First, and perhaps most importantly, it is clear from the evidence and other materials received by the Commission that wastage is common to all States and Territories.¹⁸

¹⁷ Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, Vol 1, p1, 1.5.

¹⁸ Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, 11.192, p37, Vol 2.

The table in the previous section regarding the outcomes for 42 dogs that had their last race in Canberra would appear to indicate that wastage may have been a factor in a number of cases, although caution would prevent a definitive conclusion on this issue without further information regarding each dog. It is also noted that the vast majority of these greyhounds were trained in NSW and time has not permitted the opportunity to identify the ownership of the dogs.

The NSW Greyhounds Racing Industry Alliance provided the NSW Government with a set of *Industry Guarantees* on 9 August 2016 which included:

We guarantee total lifecycle management of all our greyhounds, including every greyhound unable to race as well as all retired greyhounds. The NSW greyhound racing industry will make it essential that every greyhound bred is subjected to total lifecycle management. No greyhound will be unnecessarily euthanised. We will deliver the guarantee that there will be no wastage of greyhounds in the future.

While such guarantees have been provided, the McHugh Report concluded that the industry:

has failed to demonstrate that in the future it will be able to reduce the deaths of healthy greyhounds to levels the community could tolerate.¹⁹

Whether the industry will have been successful in meeting its guarantees will not be known until after the review of a new NSW regime is conducted in 3-4 years.

Compliance with ACT regulatory requirements

It is clear that the CGRC will continue racing for a period of time leading up to the end of the greyhound racing industry in the ACT. This could be for around 12 months. It is important that during this interim period, the CGRC ensures that its participants comply with local laws. In the event that some activities continue when racing ends, such as owning, breeding and training greyhounds for participation in interstate racing, a number of these regulatory provisions will continue to apply.

While it has not been possible in the time available to thoroughly examine the CGRC Rules and their consistency with ACT laws, Standards and Codes of Practice, some of the Club's Rules appear to be problematic. During the course of this analysis, it was recommended to the CGRC that it undertake an analysis of its Rules and practices to determine whether they comply with local regulation.

The Animal Welfare (Breeding Standard)

The *Animal Welfare (Breeding Standard)*²⁰ provides that:

¹⁹ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, 1.113, p18, Vol 1.*

²⁰ The standard provides: This document is a breeding standard for the purposes of section 15B of the Act. It contains mandatory standards for the breeding of cats and dogs. Under section 15B (4) of the Act, it is an offence for a person who is in charge of a female cat or dog to allow the cat or dog to breed when the person is reckless as to whether the breeding contravenes a breeding standard. Under section 15B (5) of the Act, it is an offence for a person in charge of a female cat or dog to allow the cat or dog to breed in a way that contravenes a breeding standard if done with the intention of making a profit or commercial gain. Under

- Dogs are not to be bred from a dog under the age of 18 months or over six years. A person must not breed a litter from a dog if the dog has already bred 4 litters and must not breed a litter from a dog more than once within an 18 month period.

The CGRC Rules provide:

- The owner of a breeding female, or the person with authority to breed that female, shall not cause her to be mated if that breeding female is over eight (8) years of age without prior veterinary certification of appropriate health and fitness, and the approval of the Controlling Body in writing. The approval granted by the Controlling Body under this sub-rule will be to allow one service/insemination only, irrespective of the result of said service/insemination. The veterinary certification must be obtained within 120 days prior to the date of the service.
- The owner of a breeding female, or the person with authority to breed that female, shall not cause her to whelp more than two litters in any 18 month period.

The Code of Practice for the Welfare of Greyhounds

The *Code of Practice for the Welfare of Greyhounds* provides:

- A greyhound that has whelped a litter shall not be allowed to compete in any race or qualifying trial held within 16 weeks after the date of the whelping.

The CGRC Rules provide:

- A greyhound which has whelped a litter shall not be nominated for an Event to be conducted within 10 weeks after the date of the whelping and until it has completed a satisfactory trial in the presence of the Stewards pursuant to Rule 72.

The *Code of Practice* provides:

- A greyhound that the owner or trainer knows, or has reason to believe, is in season shall not be allowed to compete in any race or qualifying trial held within 30 days after the date on which the owner or trainer first knew or suspected that the animal was in season.

The CGRC Rules provide:

- If a greyhound is withdrawn from an Event by reason of it being in season, it shall not be eligible or be nominated to compete in an Event for a period of 28 days commencing on the date of the Event from which the greyhound is withdrawn unless a veterinary certificate is produced to the satisfaction of the Stewards that the greyhound has ceased to be in season.

The *Code of Practice* provides:

- At all greyhound meetings in the ACT, a veterinarian should be present and all dogs should be examined by that person prior to racing.

section 15B (6) of the Act, these offences do not apply where the person allows the cat or dog to breed in accordance with the written approval of a veterinary surgeon.

A veterinarian is present at all Events (race meetings) conducted by the CGRC. While veterinarians are present at trial meetings conducted in conjunction with race meetings, veterinarians do not attend other trials.

The McHugh report analysed data from GRNSW reports into greyhound racing injuries, where injury figures were identified by on-track veterinarians. The injury data was incomplete as figures did not include greyhounds that had sustained an injury during a trial where no on-track veterinarian was in attendance.²¹ McHugh recommended:

*As soon as it is reasonably practicable to do so, Greyhound Racing NSW, or any new regulator, should amend the Rules of Racing to introduce a requirement that greyhounds cannot be trialled at public trials without a veterinarian being present.*²²

While the Code of Practice is not a mandatory Code, it is arguable that the Government intended “all meetings” to mean trial meetings as well as race meetings. Even if “all meetings” could be interpreted as only encompassing race meetings, best practice might indicate that a veterinarian should be present to oversee animal welfare at trials.

In responding to the McHugh Report, the Report of the NSW Greyhound Industry Reform Panel, took the view that it may not be necessary for veterinarians to attend all trials when the trials being conducted are low risk. The Panel noted:

*The panel agreed that it is not practical to have a veterinarian present every time a public trial track is in use. Trial tracks can be in use all day, multiple times a week. Trialling conditions also vary in intensity and in some cases the conditions can pose little risk to greyhound safety. Veterinarians should be present where activities at trial tracks are high risk e.g. where they mimic race-track conditions and the risk of injuries increases including where multiple greyhounds race one another. In addition, all public trial tracks and licenced private trial tracks will be required to have agreements with local veterinarians who can be on call to give advice or provide assistance if an injury occurs.*²³

The NSW Government responded to recommendation 97 of the Report, noting that it accepted this recommendation in principle, subject to further consultation with the veterinary industry:

Recommendation 97: All trial track managers, including licensed private trial track managers, will be required to establish access agreements with veterinarians during trials where injuries occur during low risk activities.

The Domestic Animals Act:

Section 72 of the Domestic Animals Act provides that:

²¹ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, Vol 1, paras 1.66-1.67.

²² *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, Vol 1, Rec 42.

²³ Report of the Greyhound Industry Reform Panel, February 2017, p 73.

- it is an offence to breed dogs for profit or commercial gain without a licence (s 72) and the Registrar must refuse to issue a breeding licence unless satisfied that the applicant can comply with the requirements of the Animal Welfare Act and any Codes of Practice (s 72B).

There are currently five ACT residents who are registered with GRNSW to breed greyhounds. Domestic Animal Services, Transport Canberra and City Services Directorate, has advised that “A search of DAS records located nil licences having been issued to persons wishing to breed greyhounds under section 72B of the Domestic Animals Act 2000”. It is possible that the system of registration and licensing administered by GRNSW for the purposes of greyhound racing has led people to believe that they have met registration requirements for breeding under local law, which is not the case.

The Domestic Animals Act also requires the registration of all dogs in the ACT and penalties apply for keeping unregistered dogs.

The CGRC Rules provide:

- Greyhounds no longer registered for the purpose of Greyhound Racing
 - 1) In the event that a registered greyhound is notified to the relevant Controlling Body as having become subject to retirement as a pet, transferred to an adoption program or surrendered to another agency, it shall cease to be registered as a greyhound for the purposes of racing or breeding under the provisions of these rules and/or the Greyhound Racing Act as amended from time to time.
 - 2) Any greyhound becoming subject to the provisions of sub-rule (1) must be registered with Canberra Connect Shopfronts, Domestic Animal Services or www.canberraconnect.act.gov.au in accordance with the Australian Capital Territory Domestic Animals Act 2000 as amended from time to time.

This requirement in the Rules is also likely to mislead ACT greyhound owners that registration of their dogs with ACT authorities is only required when they retire and are de-registered for the purposes of racing. Dogs are required to be registered with Domestic Animal Services at all times, not just on retirement from racing.

The following recommendations were made to the CGRC to ensure that its processes are transparent while racing continues during the transition period. These were:

- That the CGRC reviews its *Greyhound Racing Rules* to ensure that they are consistent with local legislation and subordinate documents.
- That the CGRC advises all greyhound racing participants of the requirement to comply with dog registration and breeding registration laws in the ACT.

A further **recommendation** is made to the Gambling and Racing Commission:

1. That, while racing continues in the transition period, the Gambling and Racing Commission advises the Industry regarding its expectations about the presence of a veterinarian at all trial meetings.

The Gambling and Racing Commission has advised that it accepts this recommendation.

CGRC response:

The CGRC was provided with the opportunity to comment on this section.

The CGRC BOM accepted the recommendation that it review its rules, noting: *“Regular reviews of all documents, policies, procedures and practices are conducted as a standard part of CGRC operations. The examples highlighted in the excerpts and the final report will be incorporated into the continuous improvement processes as a priority. This will include seeking expert advice.”*

The CGRC BOM further advised *“However, it must be noted that despite regular engagement with ACT Government officials, including the Gambling and Racing Commission, no breaches or inconsistencies have ever been identified or raised.”*

In relation to the attendance of veterinarians at trials the CGRC stated that it *“believes this interpretation is “arguable” and it has never been seen as including all trials in addition to race meets. Certainly, no correction or clarification from the Government was received.... The CGRC supports attendance of a vet at trials as best practice, which is why it has scheduled trials in a format that maximises vet attendance.”*

The CGRC noted: *“The CGRC has provided a response on recommendations arising from the McHugh Report and the Lemma Reform Panel, with a broad acceptance of all evidence-based reforms as they pertain to ACT legislation and circumstances. In the instance of conflict, such as recommendations on vet attendance at trials, the CGRC defers to the NSW Government decision on reform, unless the ACT Government wishes to impose the higher standard”. Further: “If it became a mandatory requirement the CGRC has no hesitation in putting it into practice”.*

In relation to the requirement that breeders be registered under ACT law as well as with GRNSW, the CGRC responded: *“The apparent conflict is, in fact, false and not a genuine case of inconsistency or an example where ACT laws are not complied with... ACT residents who are registered with GRNSW for breeding purposes have undertaken activities in nearby NSW facilities that offer state of the art facilities. The last litter of greyhounds born in the ACT to a greyhound industry member was in 2013.”*

“The CGRC BOM accepts and supports this recommendation [to advise all participants] as a fundamental part of its role. However, in the specific examples provided the BOM does not accept that ACT legislation has not been complied with. No breeding is occurring within the ACT borders. However, if it does occur, the CGRC expects the individual owner and breeder to comply with the laws. We ask that you note the CGRC is currently considering an expansion

of facilities that may see a breeding centre established. In this case, both the ACT laws and GRNSW regulations would be complied with.”

Further comment:

While government has a regulatory role, it is up to an organisation to ensure that its policies and rules conform with all ACT necessary requirements, and not for Government to assess every organisation’s documents to determine whether or not they are compliant.

Further discussions in relation to breeding indicate that, while a person may be registered as a ‘breeder’ with GRNSW, registration as a breeder is required if the owner/trainer does any one of these three things: facilitating the mating and/or insemination, the whelping, and the rearing. A person may be registered as a breeder with GRNSW if they own a particular dog and have made all the arrangements for the dog’s mating through to birth and the resulting pups. The dog will also be registered as a breeding female. The actual breeding, however, is considered to be dependent on the physical residence and facilities where breeding occurs. The breeding is considered to occur in NSW, for example, if the whelping stage and nurture of the greyhounds until separation from the mother occurs in NSW. The breeding facilities are GRNSW approved facilities for whelping, with a registered breeder to whelp and veterinarian assistance available if required.

It is possible, therefore, that the five people currently registered as breeders with GRNSW, may not be breeders for the purposes of the Domestic Animals Act, although the circumstances of the 2013 litter born in the ACT may indicate that breeding has occurred without an appropriate licence.

In the event that ownership, breeding and training of greyhounds were to continue in the ACT, a recommendation is made that the definition of breeding is clarified for participants.

Recommendation:

2. That Domestic Animal Services, Transport Canberra and City Services Directorate, clarifies its expectations for the industry regarding when a participant is assessed to be a breeder for the purposes of licensing in the ACT.

Additional welfare observations

Some additional matters that have not been addressed in the material above relate to the general health and wellbeing of greyhounds in the ACT.

Compliance with rules in relation to kennelling

There are 20 registered kennel addresses in the ACT, with 52 individual kennels. GRNSW Compliance Officers attended the ACT between the 28th and 30th of March 2017 where 18 routine kennel inspections were conducted, along with one new licence applicant inspection. All kennels were deemed compliant. The other kennels were not due for inspection in the March compliance activities, having been inspected between 2015 and 2017.

Submissions on animal welfare issues

Meetings were held with a number of animal welfare and rehoming organisations in conducting this analysis.

The discussions with these groups primarily focussed on outcomes for animals exiting the industry and rehoming considerations, rather than the decision itself, so submissions were not received in relation to the Government decision. The majority of these organisations indicated support for the Government's decision to end the industry.

In discussions with some of these groups, concerns were raised about the poor condition of greyhounds that arrive into care from the greyhound racing industry. These concerns have not been repeated in this report as organisations were unable to provide contemporaneous documentation or other verifiable evidence related to the condition of dogs. This is understood in a context where organisations are generally volunteer-based and records have not historically been kept. It is also understood that the dogs about which these concerns were raised were from NSW.

One veterinarian who provides services for dogs taken into rehoming programs noted:

We are fortunate that we have seen very few dogs suffering from malnourishment, acute injury or untreated illness... we have seen quite a few with behavioural issues but [welfare groups] always seem to be on top of their issues with management plans for them.

I guess that most of the ones we see have been on foster care for a period of time and often the issues have been dealt with already. By the time we see them their condition is improving. We have seen a good number of greyhounds with significant parasite burdens.

Only one submission was received from the general public on animal welfare issues.

I have previously enjoyed a wonderful year's friendship/ownership of an older female greyhound who had come straight from a whelping kennel. She had produced litter after litter of pups & was covered in bites & scars & was stoic to the end when she had to be 'put down'. I have always supported the greyhound rescue groups & admire their devotion & hard work in rescuing these gentle & brave dogs.

When the previous NSW Premier Mike Baird decided to cease the greyhound industry in NSW I regularly phoned his office to encourage & support him. I was bitterly disappointed when he 'changed his mind'. I now hope that the ACT may set an example to other, or all states, in Australia by banning this industry.

Integrity issues

As noted earlier, the CGRC needs to ensure that, during any period in which racing continues, governance issues are addressed. These include making sure its Rules are compliant with ACT legislation and subordinate documents, and that it formalises appropriate documentation with GRNSW in relation to the regulatory services provided by GRNSW in the Territory.

Some further observations on integrity issues follow.

Reporting obligations

The Gambling and Racing Commission advises that the CGRC has complied with all reporting obligations pursuant to the Racing Act.

Transparency

The CGRC in comments provided to this analysis claimed:

The CGRC cannot practically operate in a “more transparent way”. Nothing is hidden. The Racing Commission has the ability to investigate and inspect; all documentation is available online. Including injuries, prize money, Annual Reports, audits, swabs and results.

In its Welfare Strategy the CGRC also states:

CGRC has always and will always be transparent of their reporting of injuries and euthanasia via Stewards Reports and Injury Reporting.

A number of documents were unavailable to the public at the commencement of this inquiry, including a range of integrity documents, stewards’ reports and swab results. While some documentation was made public in March 2017, stewards’ reports and swab results remained inaccessible at the time of completing this report. While the documentation may be online, it is only available to members who log in to the CGRC website.

The McHugh Report noted:

If they are accurate and complete, stewards’ reports are an important means by which members of the public, including punters and bookmakers, can obtain information about how individual dogs performed in the race in question. Stewards’ reports can and do record such matters as whether a greyhound suffered interference, started slowly or suffered injury. The stewards’ report is a key source of information as to why a dog may have performed as it did in the race in question. It is information which is relevant for punters and bookmakers in assessing the greyhound’s chance of success in future races.²⁴

CGRC response:

The CGRC was provided with the opportunity to comment on why certain information was unavailable to the public. The CGRC advised:

Until just a few months ago all CGRC documents, including Stewards Reports & Injury Reports were published online. All documents remain available but are password protected. This safeguard was instituted after malicious cherry picking & misrepresentations of CGRC information...

The CGRC notes that publishing of our documentation, even if password protected, exceeds regulatory and legislative standards, & no breach of requirement has occurred.

As a sign of good faith & a demonstration of our genuine commitment, the CGRC is currently removing password protection. However we note that no regulations or legislation was breached in having basic tracking in place.

²⁴ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, Vol 1, para 4.7, p88.*

Prohibited substances

Different types of drugs are administered to greyhounds for varying purposes. Broadly speaking, drugs are relevantly administered to greyhounds for the purpose of enhancing performance, inhibiting performance, or for therapeutic reasons. The use of prohibited substances is an animal welfare issue, as well as an integrity issue.

Since 2012, the CGRC has conducted five formal inquiries following positive urine samples for prohibited substances. The trainers in these matters were all found or pleaded guilty and were penalised. None of these trainers were ACT trainers. Four of the trainers were from NSW, while one was from Victoria.

OPTIONS TO END THE ACT GREYHOUND RACING INDUSTRY BY 30 JUNE 2018

The Terms of Reference provide that “the purpose of this Transition Options Analysis is to examine and make recommendations on the issues and options that need to be considered in the transition to ending the operation of the greyhound racing industry in the ACT”.

Participants’ opinions on ending the industry

Many industry participants were of the view that this analysis should take a position on ending the industry. Participants were advised that a government decision had been made to transition to end the greyhound racing industry and that this analysis concerns the options for how that might be achieved.

Industry participants were given an undertaking, however, that their views and accounts of how the decision would impact upon them would be represented in this report.

Many in the industry consider that the ACT greyhound industry is effectively being ‘punished’ for the well documented failings of GRNSW. It is a reality, however, that the ACT industry and the NSW industry are inextricably linked. Greyhound racing in the ACT forms part of a broader regional industry. This is discussed further in the section *Interstate Participation and NSW Reforms*.

The CGRC submission stated:

...there is not one scintilla of evidence that the CGRC:-

- 1. Has not conducted itself in accordance with its duties under the Racing Act;*
- 2. Has not been responsible for any breach of any integrity issues;*
- 3. Has not been responsible for any animal welfare breaches; or*
- 4. Has failed in its responsibilities as a constituent part of the Racing Industry.*

We, the members of the CGRC through its chairman and vice chairmen respectfully submit that you cannot in good conscience make any recommendations which will assist the A.C.T. Government to carry out its objective of ending the operation of the not for profit Canberra Greyhound Racing Club Inc.

A letter from an industry participant stated:

As a life member of the Club, I mentor the younger staff members, sometimes passing on advice and life skills. Realistically, Sunday evenings for me is all about social inter-action, discussing the Raiders most recent performance or reiterating the fact that I will never vote Labour or Greens again!

Every single member of the Canberra Greyhound Club wants to continue to work in the local industry. A short term termination will not be accepted. A long term solution of continuing to race greyhounds in Canberra is what we will fight for! Victoria and Queensland have shown that

more emphasis on regulatory practices and animal welfare is the way forward within the greyhound industry.

I have been around the 'traps' long enough to know that there would not be a judge or a court anywhere in Australia that would close an industry after thirty eight years of clean practice, and furthermore, animal prosecutions – nil!

Another participant noted:

I believe there is plenty of common ground between participants in the sport of greyhound racing and opponents of the sport whereby continued improvements can be made under a more regulated framework and requirements that would see the sport continue and meet Government and Community expectations. This has been the case in every other jurisdiction and should be the case in the ACT. I believe your report should put that position in moving forward....

For the greyhounds, there are already high standards in place and policed to ensure the 5 freedoms are entrenched practice and exceeded by enrichment which includes racing and socialisation. The existing Code of Practice in NSW will be reviewed as part of the lemma report recommendations accepted by NSW Government. Any improvements to an ongoing Code of practice would equally be relevant to ACT residents, and participants who come to ACT to race. This addresses major expectations of Animal Welfare group on Animal welfare grounds...

Race track injuries – no injury resulting in death is wanted. Realistically in any sport involving speed and competition there is participant injury and even death. There are many risk mitigation measures already in place, as well as requiring maintenance and improvement that funding was being spent on. This should continue and be reported against. For example, safe racing surface; provision of Veterinary services; safety rail in place. Canberra has led the way nationally on these mitigation strategies.

A trainer, whose kennels were visited during the course of this inquiry, noted the personal impact for him:

What about the participant - being in the main the owner and trainer and their dogs?

Taking the racing card out of the house of cards sees the financial sustainability for all my dogs put into jeopardy, not just the ones currently racing.

In my case, after retirement from work, I took up my early year's hobby of owner trainer of greyhounds. I bought 2 pups and had them reared professionally and then brought them into town to train and race. When I retired these two I bred from the female "Peggy" who you met. "JR" the male dog you met is desexed and is a retired green hound pet at home. Also "Tiff" - the second greyhound I owned, raced and kept as a pet who was bridesmaid at our wedding. They are part of family.

"Peggy's" off spring are currently racing and the prize money they earn feeds and supports all the dogs include the Kelpie "Kusco" who you met. Presently I contribute financially to the ACT economy by way of bringing in Prizemoney from NSW based racing as well as ACT, and spending it in the ACT.

As for responsible breeding, I have waited to see and assess the success of "Peggy's" first litter before breeding again. This has meant not breeding over her last 3 breeding cycles. As the first litter have been successful on the race track, I have now bred another litter. Peggy is due to have her second litter of pups at end of April. These will again be professionally whelped and reared in country NSW.

Take away my ability to race and gain prizemoney and my whole financial arrangement and support of all my dogs is destroyed.

My options start to become very dramatic at the personal relationship level including whether to continue to live in Canberra or relocate interstate – a poor, forced related outcome from any Government policy.

Take away the Club environment and also take away my community involvement. Again at the personal level what a pleasure it was to have helped [name] by way of the disability equipped car and associated fund raising. Ask Minister of the day Joy Burch if she thought that was a valuable and worthwhile Club contribution and reason for Clubs to exist. Not only does that activity fill a void that Governments were unable to fill under the National Disability Insurance Scheme (NDIS), it was also a galvanising community effort for club members to demonstrate another reason the Club exists – being part of Community.

Any thought of Compensation to the 20-30 of the ACT resident Owner trainers is not even worth contemplating. What price do you put on loss of esteem, reason to live, and loss of relationships that often have been lifelong in socialising at regular Canberra greyhound race meetings?

The CGRC's Head Veterinarian has a long history of involvement in the industry, having worked as a veterinarian in England and Australia in greyhound-related positions for the majority of his career. He commenced working for the CGRC in 2012.

In discussions with the Head Veterinarian, he advised that it was his firm view that *"if the government is concerned with looking after the dogs, the industry should be properly regulated rather than closing it down"*. His view was that there will be adverse outcomes for greyhounds if the industry is closed down, as activities would go underground with no oversight or regulation. He was strongly of the view that the manner in which the CGRC operates is not comparable in any sense with how GRNSW has conducted the management of greyhound racing in NSW, stating *"the CGRC and GRNSW are very different organisations"*. He advised that *"if a veterinarian makes a recommendation in Canberra it is carried out"* and *"it would be a courageous steward who would ignore the veterinarian's advice at the track"*. An example he cited was his request for a safety barrier at the CGRC to minimise injuries to dogs. He advised that the second time he raised the issue, the barrier was purchased. Similar representations to GRNSW in relation to safety barriers were unsuccessful. He considered that if the industry is closed down in Canberra, facilities would still need to be available for greyhounds to exhibit normal behaviours in a controlled environment – *"greyhounds need to chase"*.

Another Canberra veterinarian provided the following observations:

Do interested parties wish to stop the industry because of the animal welfare issues or do they also consider it is not a 'nice' industry with connotations of being run by rough poorly educated

people perhaps associated with the seamy side of life... Are we, these interested parties, being too judgmental? Should we not preach tolerance and actively working to improve rather than eliminating?

It has been said that this may be a form of class warfare and, indeed, that may be so although not openly admitted. It may be quite subconscious for many. After all we wish to keep the ACT at the forefront of animal activism. We don't like what we see (or think we see). We are not Queanbeyan. We are Canberra!

Let us look at the ramifications of closing it down. Now we have a whole section of society (albeit not large) who would no longer be involved in what is, for most, their serious hobby. Like any club they are now denied their social network, a means of pursuing their personal interests, getting out of the house, exercising, maintaining their mental health and so contributing to healthier family and community relationships. For some, it will also involve their whole family with the resulting responsibilities that caring for dogs will entail.

Loss of this industry will mean a loss of jobs, something we can ill afford at present. Loss of jobs means more social problems.

I have read in detail the NSW report and doubt that anyone could have done it better. It is extremely comprehensive and with comprehensive solutions. I emphatically support these recommendations. Personally I have difficulty with much of the greyhound racing culture. It is not my world but, if the animal welfare issues can be appropriately addressed, then I do believe that the industry deserves another chance. It will come at a considerable financial cost but, if the industry cannot conform, then it must close down.

Participants' opinions v public opinion

The background to the decision to end the greyhound racing industry and these Terms of Reference are the Parliamentary Agreement and the policy position that the Government had stated prior to the last election. In its submission, the CGRC questioned the validity of the following statement made when announcing this analysis:

It remains the Government position that the continued operation of greyhound racing in the ACT is out of step with community values.²⁵

The CGRC cited a poll by Roy Morgan Research, which indicated some growing support nationally among younger people for gambling on greyhound racing²⁶. Information was also provided indicating increased revenue from betting on greyhound racing in the ACT, which may or may not come from ACT gamblers. Neither of these shines a light on the opinions of the ACT public.

Numerous representations were made to Ministers and Members of the Legislative Assembly, particularly following the *Four Corners* program and during the election period, indicating strong feelings on the issue of greyhound racing. Representations were made by the general

²⁵ Media Release, Attorney-General, Gordon Ramsay, MLA, announcing the Transition Options Analysis, 3 March 2017.

²⁶ <http://www.roymorgan.com/findings/6636-generation-y-betting-on-greyhound-races-september-2015-201601192256>

public, as well as in response to campaigns by the CGRC and animal welfare groups. It is not possible, however, to determine the scope of general community attitudes from such correspondence, as the breadth of representations to all candidates and MLA's is simply unavailable.

No formal research has been commissioned by the ACT Government on community attitudes.

A *Canberra Times* poll conducted in July 2016 asked "What do you think of the ACT government's decision to follow NSW and ban greyhound racing?" with the following results from a total of 976 votes:

- *Great move, it's about time – 80%*
- *It's a knee-jerk reaction, there were no problems in Canberra – 5%*
- *Sure there are some problems in greyhound racing, but maybe more regulations would have been a better option – 15%*

The *Canberra Times* poll included the disclaimer – *These polls are not scientific and reflect the opinion only of visitors who have chosen to participate.*

Independent research at a national and local level has been conducted on behalf of RSPCA Australia.

- Research (conducted by McCrindle) was commissioned by RSPCA Australia in November 2015, as part of an ongoing longitudinal study into public perceptions of animal welfare issues. The online survey respondents featured a gender and age representative sample of the Australian public (18+) with over 4000 people participating. Respondents were asked the question "Please identify how you feel about the following animal welfare issues", one of which was "the treatment of greyhounds in the greyhound racing industry." At that time, 80% of respondents from the ACT (from a total of 101 respondents), felt concerned or very concerned.
- Further independent research (conducted by Digital Edge) was commissioned by RSPCA Australia in 2016, asking random ACT and NSW residents "Do you support the Government's decision to end greyhound racing?" The survey results indicated that 67% of ACT residents (from 86 respondents) supported ending greyhound racing, with 79% of those citing animal welfare concerns as a reason for supporting the decision.

Scope of 'ending the industry'

The CGRC and other interested parties have sought clarification of what 'ending the operation of the greyhound racing industry in the ACT' means. Some have interpreted this provision as requiring the end of racing operations only, while other activities such as breeding and training of greyhounds could continue.

This analysis discusses options for ending all activities associated with greyhound racing, including breeding greyhounds for racing, training and rearing greyhounds for racing, owning greyhounds for the purpose of racing, as well as the activities of racing itself.

The validity of some of the following options may well be subject to legal challenge. For example, concerns were raised by the industry when NSW intended to ban greyhound racing, that prohibiting certain activities may be inconsistent with the Constitution which provides for freedom of trade, commerce and intercourse among the States.²⁷ The CGRC in its submission to this inquiry also raised a number of legal concerns, arguing that the ACT Government could not unilaterally split the racing industry by denying funding to a constituent part of that industry, and that it is arguable that the funding provided by Government is a property right owned by the industry as a whole.

This report does not purport to form a legal opinion on these issues but raises them as matters for further consideration by Government.

Could the industry be brought to an end without legislative amendments?

One option is to speculate that the industry would decline without the Government funding that currently subsidises the industry (\$1.033m was forecast for 2017/18), until a point where it would cease to exist.

The CGRC maintains that it is in a position to continue operating despite losing this funding. The CGRC noted in its submissions:

- (1) The CGRC will enforce its rights in the Federal Court against any attempt to “end” greyhound racing in the Australian Capital Territory;*
- (2) The CGRC will continue to race until such time as a valid law prevents it from doing so.*

The CGRC has restructured business activities to ensure it remains financially viable. We note this restructure would have occurred in some format in response to the restructure of the NSW industry, regardless of ACT circumstances.

It is beyond the expertise of this inquiry to reach any conclusion on the ongoing financial viability of the Club beyond 30 June 2018. Funding from other sources, including sponsorship funding, may be a possibility.

In light of the Government’s decision to transition to end the greyhound racing industry, a ‘do nothing’ approach could well lead to unpredictable results.

Recommendation:

3. That legislative action is required to effectively transition to ending the greyhound racing industry in the ACT.

Legislative amendments

If a legislative approach is adopted, amendments to several pieces of legislation would be required to bring an end to the industry. To transition towards an end date of 30 June 2018 would appear to require a two-step process – implementing arrangements during 2017/18

²⁷ Section 92 of the Commonwealth of Australia Constitution Act provides for freedom of interstate trade and commerce between states; s69 of the *Australian Capital Territory (Self Government) Act 1988* protects freedom of trade and commerce between the ACT and any other state and territory.

to wind back activities of the CGRC, leading up to the cessation of all activities from 30 June 2018.

The Racing Act

The *Racing Act 1999* will require amendment to remove the authority for greyhound racing in the ACT. As the Government has indicated that it is seeking a transition to an end date of 30 June 2018, legislative action would be necessary well in advance of that date.

One option is to simply remove the provision in the Racing Act that the CGRC is the Controlling Body for conducting greyhound racing in the ACT. If no new Controlling Body is appointed, there will be no organisation authorised to conduct greyhound racing beyond a specified date. This option would require the CGRC to take any necessary actions to wind down the activities of racing prior to the nominated date.

Recommendation:

4. That the *Racing Act 1999* is amended to remove the CGRC's status as the Controlling Body for greyhound racing in the ACT.

The Race and Sports Bookmaking Act

The *Race and Sports Bookmaking Act 2001* may require amendment to remove sports bookmakers' authority to conduct business in relation to greyhound racing in the ACT. Licences issued under the Act may need review. The Race and Sports Bookmaking Regulation 2001 would also require amendment to remove the requirement for the Commission to advise the CGRC if it issues, suspends or cancels the licence of a bookmaker.

The Gambling and Racing Control Act

The *Gambling and Racing Control Act 1999* contains no specific references to greyhound racing and does not appear to require amendment.

The Animal Welfare Act

The *Animal Welfare Act 1992* covers all animals, with only a small number of provisions specifically addressing greyhounds. The Act will require little amendment.

The specific provisions in the Act that deal with greyhounds include the offences to be found in s17, which prohibit activities related to blooding greyhounds, using animals as lures for blooding greyhounds, killing animals for the purpose of blooding greyhounds and using animals in any way in the training of coursing dogs.

While it could be argued that these provisions would be unnecessary when greyhound racing in the ACT ceases to exist, keeping such offences on the statute book would ensure that criminal action could be taken against persons in the ACT who may undertake illegal activities for the purpose of selling blooded greyhounds elsewhere in the country.

The *Code of Practice for the Welfare of Greyhounds in the ACT* applies specifically to the welfare of greyhounds in the racing industry and might be repealed when the industry has ended. If it is not intended to bring all activities of the greyhound industry to an end, such as the breeding and training of greyhounds, the Code will need to remain in place.

The *Animal Welfare Breeding Standard* contains no provisions that are specific to greyhounds and does not require amendment.

Recommendations:

5. That the offences in s17 of the Animal Welfare Act in relation to live baiting and the use of animals for blooding greyhounds remain on the statute book.
6. That the *Code of Practice for the Welfare of Greyhounds* in the ACT remains in force if breeding and training activities are to continue or, if they are not to continue, until such time as all activities necessary to end the industry and rehome greyhounds have been implemented.

The Domestic Animals Act

There are two specific references to greyhounds in the *Domestic Animals Act 2000*.

Muzzling of greyhounds

Section 48 provides that greyhounds are not to be in public without wearing a muzzle and carers must not be in a public place holding four or more greyhounds on a leash or leashes. These provisions do not apply if the greyhound and its keeper have completed a course in behaviour or socialisation training approved by the Registrar.

Removing the requirement that greyhounds are to be muzzled in public has widespread support. Animal welfare groups and greyhound industry participants all noted that greyhounds are not innately dangerous and that muzzling obligations should only apply to dogs that have been assessed as requiring a muzzle. Rescue organisations noted that it can be more difficult to re-home greyhounds because of the muzzling requirement and perceptions arising from this.

The *Red Tape Reduction Legislation Amendment Bill 2017* (the Bill) was introduced in the Legislative Assembly on Thursday, 30 March 2017. The Bill will remove s 48, as well as s56(c), which provides for the seizure of greyhounds in contravention of s48. The repeal of these sections will also remove the requirement that greyhounds must be muzzled unless they complete a course on behaviour or socialisation training approved by the Registrar. This is discussed further in this report in the section *Ensuring the Best Outcomes for Animals Transitioning Out of the Industry*.

De-sexing greyhounds

In essence, sections 75 and 76 of the Act provide that domestic animals must be de-sexed but owners can apply to the Registrar for a permit to keep a dog that is not de-sexed. The Registrar has a general authority in relation to exemptions but, if satisfied that the dog is a racing greyhound, the Registrar must issue an exemption. This exemption would be unnecessary if all aspects of the greyhound racing industry in the ACT cease to exist.

If ownership of greyhounds, and activities such as breeding and training for the purposes of greyhound racing, were to continue, the provision would be retained.

Recommendation:

7. That s76(2) of the *Domestic Animals Act 2000* is amended to remove the provision that greyhounds are exempt from the de-sexing requirements, unless ownership, breeding and training are to continue.

Breeding, training and owning greyhounds

As noted earlier, ending the industry might include ending all activities associated with greyhound racing and not just racing itself. As also noted earlier, this analysis does not draw conclusions on the legal validity of any options to bring these activities to an end.

Option:

One option is to legislate to provide that no ACT resident is to be registered with GRNSW or any other greyhound racing authority as a participant in the industry. This would preclude participation across the categories of ownership, breeding and training of greyhounds.

If it is not the Government's intention to preclude participation in all of these categories, particular activities might be addressed separately.

Ownership

Section 16 of the NSW Greyhound Racing Prohibition Act provided:

- 1) On or after the greyhound racing closure date, a person must not keep a greyhound in New South Wales for greyhound racing in or outside New South Wales.

A similar approach could be adopted in the ACT. Options might include prohibiting the keeping of greyhounds in the ACT for greyhound racing in the ACT only; or extending a prohibition, as NSW did, to the keeping of greyhounds in the ACT for racing in any other jurisdiction. Again, no conclusion is reached regarding whether or not this would be within the Territory's powers.

Breeding

If it is intended to preclude breeding of greyhounds in the ACT, two other options appear to be available.

Refusal of licence to breed

Section 72B of the Domestic Animals Act provides that the Registrar may approve or refuse an application for a breeding licence. The Registrar must refuse to issue a licence if satisfied that the applicant cannot comply with the requirements of the Animal Welfare Act and any Codes of Practice. An option is to include in the Act that the Registrar must also refuse any application to breed greyhounds.

A prohibition on breeding

The NSW Government took the approach of completely prohibiting breeding of greyhounds for the purposes of racing. The *Greyhound Racing Prohibition Act 2016* NSW provided:

- 1) A person must not breed greyhounds.

- 2) It is a defence to a prosecution for an offence under this section if the person charged establishes that the person bred the greyhound concerned as a companion animal and not for greyhound racing or establishes any other defence provided by the regulations.²⁸

The NSW approach would provide a more transparent method of ending the industry in the ACT. It would make it clear that breeding of greyhounds would be unlawful and that offences would apply to breaches of the law. Defences could include that a greyhound was bred for the purposes of 'showing' greyhounds at dog shows.²⁹ This option would not exclude breeding of greyhounds as pets and for purposes other than racing.

Training/rearing/educating

The NSW legislation did not prohibit training in the first instance. Training was intended to continue for a period following the closure date for racing, pending the finalisation of the work being undertaken by the Greyhounds Transition Taskforce. Prior to that work being completed the NSW Government reversed its decision.

Consideration will need to be given to how, and when, training and associated activities would cease. As noted in the section *Assistance for People Exiting the Industry*, an option may be to allow training to continue for some time to enable people to realise some of their investments in greyhounds that have been reared and educated.

Memorandum of Understanding

The MOU between the CGRC (and other racing industries) and the Australian Capital Territory will cease on 30 June 2017. As noted earlier, the MOU is expressed to be a statement of intent and does not create legal obligations. While a new MOU may be negotiated with the other racing codes in the ACT, the current provisions in relation to the CGRC will cease to exist on 30 June 2017.

While the CGRC might continue to conduct racing activities for some or all of the period leading up to the cessation of greyhound racing on 30 June 2018, the regulatory provisions contained in the MOU will effectively be retained during the transition period, as they are largely a restatement of requirements in legislation and other regulatory documents.

The MOU contains performance reporting obligations that may not be fully reflected in other documents. Section 28(1) of the Racing Act outlines the functions and duties of the CGRC. Subsection 28(1)(f) includes among those duties "*to advise and inform the Minister as he or she requires*". Particularly if the Government wishes to impose further reporting

²⁸ Section 17 Greyhound Racing Prohibition Act 2016 NSW.

²⁹ A show dog is typically one that is bred, trained and groomed for presentation at a confirmation show. This is a show where purebred dogs are evaluated to determine their degree of adherence to the breed standard. A breed standard is the guideline which describes the ideal characteristics, temperament and appearance of a specific breed to ensure they are sound and fit for the purpose for which they were bred. In the case of a Greyhound that is, functional for their original purpose of hunting game. A dog that conforms to most of the items as listed in the breed standard is said to have "good conformation" and the owner would hope to be successful in the show ring. <http://www.greenhounds.com.au>

requirements during the transition, an option is for the Minister to outline those requirements pursuant to this section.

The Canberra greyhound racecourse

The CGRC has a 50 year lease³⁰ which was registered on 15 May 1978 at a rent (then) of \$3000 per annum, and with a date of commencement of 23 November 1977. Current rent is \$14,000 per annum. The lease provides that the CGRC is to use the premises *“only for the purpose of a greyhound racecourse and ancillary facilities and subsidiary thereto a sportsground”*. On 5 December 2000 a lease variation authorised the Club to use the facility for markets for one day a month over a period of 3 years. That lease variation has ceased.

The lease will have close to 9 years to run at the end date of 30 June 2018. The CGRC advises that it has applied for another 50 year lease.

The approach taken in NSW in relation to the assets of Greyhound Racing NSW, was to include in the Greyhound Racing Prohibition Act that *“Any assets, rights or liabilities of Greyhound Racing NSW become, on its dissolution, the assets, rights and liabilities of the Crown”* and that *“Any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities of Greyhound Racing NSW is authorised or required to be done by the Administrator or other person appointed for this purpose”*.³¹ Further the Act provided that compensation was not payable by the State.³²

The CGRC has invested in a significant amount of infrastructure associated with racing, as well as training tracks and a socialisation yard. The CGRC currently hires the venue for functions and occasionally conducts charity fundraising activities, but the uses of the venue are otherwise limited to the activities associated with greyhound racing.

The CGRC has indicated that it wishes to retain the lease, even if racing is discontinued. It has entertained the idea that it could continue to use the facility for training and breeding purposes, as well as expanding the facility for community sporting activities. If the Government’s intention is to end greyhound racing only, the CGRC might well retain the lease for that purpose.

For the CGRC to continue operating the facility, a lease variation may be necessary, particularly if activities unrelated to greyhound racing are to be pursued.

Another organisation, the Canberra Bulls Speedway Club, has expressed an interest in the venue. The Speedway Club advises that it has previously approached the CGRC and the Government with a proposal that motorcycle speedway racing could be conducted at the facility. It is possible that a number of parties may be interested in the venue.

³⁰ The lease was granted by the Commonwealth to the CGRC. The land is now Territory Land within the meaning of section 28 of the *Australian Capital Territory (Planning and Land Management) Act 1988 (Cth)* and is administered by the ACT Planning and Land Agency.

³¹ Sections 25(2) and 25(3) Greyhound Racing Prohibition Act 2016 NSW.

³² Section 29 Greyhound Racing Prohibition Act 2016 NSW.

It will be a matter for Government, as to whether it would seek to terminate the lease early and what the ramifications would be, such as any compensation that might be payable pursuant to the provisions of the *Lands Acquisition Act 1994*.

INTERSTATE PARTICIPATION AND NSW REFORMS

The Terms of Reference provide that analysis “should include, but not be limited to, the animal welfare issues associated with greyhound breeding and racing in the ACT, taking into account the nature and extent of interstate participation in the ACT industry and the impact on the ACT of reforms being considered in NSW noting, in particular, the *Recommendations of the Greyhound Industry Reform Panel* report released on 16 February 2017. This should include the risks of interstate regulation of the industry.”

The nature and extent of interstate participation in the industry

The local industry relies significantly on participation from NSW across a range of areas.

While CGRC has a substantial degree of autonomy in relation to the conduct of greyhound racing in the ACT, current arrangements also rely quite extensively on GRNSW in relation to a number of regulatory activities. GRNSW’s role in the ACT is summarised earlier under the heading *Agreement with GRNSW*.

The CGRC does not undertake any licensing of participants or registration of greyhounds. GRNSW licenses all participants who reside in the ACT and registers all greyhounds in the ACT, and has an ongoing responsibility to ensure that participants continue to meet licensing requirements. In addition, the CGRC has an agreement with GRNSW for the NSW Controlling Body to grade all of its race meetings, undertake regular kennel inspections and other inspections related to regulatory matters, and produce race books.

The CGRC can make or adopt rules to govern the conduct of greyhound racing and betting at race meetings. The Club has developed and enforces its own Racing Rules. It carries out its own swabbing policy and conducts its own disciplinary inquiries.

The CGRC has responsibility for providing stewards at races, who are usually sourced from NSW. The main steward for CGRC meetings is from NSW, who invoices the CGRC once a month for his services. The CGRC engages its own veterinarian for all race day activities on a fee-for-service basis.

Many trainers, breeders, educators and handlers of greyhounds owned by ACT residents are located in NSW. There are 26 individuals with a trainer’s licence, and five with a breeder’s licence who reside in the ACT. Two of these participants have their home address in ACT but operate out of NSW kennels.

Around 52 greyhounds are based in the ACT, while approximately 257³³ greyhounds owned by ACT residents are located in NSW or other jurisdictions.

³³ GRNSW has noted that the database is unreliable as owners may have not updated information. Another 50 greyhounds owned by ACT residents are noted as retired.

A significant proportion of the dogs that race in the ACT are based and trained in NSW. GRNSW has advised³⁴:

- The number of greyhounds *owned* by ACT residents that have raced in the ACT in the last 12 months is approximately 49.
- In 2015 approximately 47 greyhounds *based in the ACT* raced at the ACT track, while approximately 920 greyhounds that raced in the ACT were based in NSW.
- In 2016 approximately 71 dogs that raced *were based in the ACT*, while 1107 were from NSW.

While dogs race in the ACT from other jurisdictions, this usually occurs with larger races such as the Canberra Cup when prize money is more significant than other race meetings.

Options for interstate regulation

Interstate regulation of the industry could hypothetically be conducted via arrangements with any other State or Territory. Some jurisdictions have Racing Integrity Commissioners (e.g. Victoria, Western Australia) with a degree of oversight of the industry. Queensland has moved in a similar direction to the NSW proposal, where the regulatory and commercial operations of greyhound racing are separated and the State has assumed responsibility for all regulatory functions.

Because of the strong links between NSW and ACT greyhound racing, and because any regulation of the industry needs to be the most rigorous possible to address the shortcomings identified in the McHugh report, any proposal for interstate regulation in the ACT needs to look to NSW. The close proximity of NSW and the ACT would also minimise the costs of compliance activities by NSW authorities e.g. kennel inspections, and the conduct of overt or covert surveillance. This analysis does not address options for regulation by any other jurisdiction.

The NSW Government has indicated its intention to introduce the strictest regime in Australia for greyhound welfare and integrity.

The NSW greyhound industry will be given "one final chance" by the Baird government under a new regime promised to contain "the strictest regulations that exist anywhere in the country".³⁵

Recommendation:

8. That any interstate regulation of aspects of the greyhound racing industry is considered only in the context of reforms being undertaken in NSW.

Recommendations of the Greyhound Industry Reform Panel (NSW)

On 11 October 2016 the NSW Government established a Greyhound Industry Reform Panel, headed by the Hon Morris Iemma, to provide recommendations on new animal welfare and governance arrangements to reform the industry. The Panel reported in February 2017, and

³⁴ GRNSW advised that: These figures are approximate as they were obtained from our Analyst Notebook software rather than OzChase. If we had more time, we could have verified it.

³⁵ *Sydney Morning Herald*, 12 October 2016

noted that in developing its recommendations, the Panel considered the substantial work already completed including:

- *the recommendations in the Report of the Special Commission of Inquiry undertaken by the Honourable Michael McHugh AC QC (McHugh);*
- *industry reform guarantees put forward to the NSW Government by the NSW Greyhound Racing Industry Alliance ;*
- *industry reform efforts currently being undertaken by Greyhound Racing NSW (GRNSW);*
- *the outcome of consultations by Dr John Keniry, Coordinator General of the Greyhounds Transition Taskforce.*³⁶

The Panel noted that it relied on the findings and information gathered through these processes as well as speaking directly to experts to inform its recommendations rather than repeating the comprehensive public consultation already undertaken.

The Reform Panel made 122 recommendations, all of which were accepted by the NSW Government, bar one. The one recommendation that was not accepted related to the form of commercial entity that would apply to GRNSW.

Based on the Reform Panel's recommendations, the NSW Government passed the Greyhound Racing Act 2017.

Greyhound Racing Act 2017 NSW

The Greyhound Racing Bill 2017 was introduced in the NSW Parliament on 28 March 2017. The legislation was passed on 6 April 2017 and the provisions in the Act give effect to recommendations made by the Greyhound Industry Reform Panel.³⁷

The Greyhound Racing Act constitutes the Greyhound Welfare and Integrity Commission as an independent regulator to oversee the greyhound racing industry, promote and protect the welfare of greyhounds and ensure compliance with the requirements under the proposed Act. It reconstitutes GRNSW, which currently has both regulatory and commercial functions, as a commercial entity exercising functions related to greyhound race meetings and registering greyhound racing clubs. It provides for the making of an enforceable code of practice for the welfare of greyhounds that contains standards relating to the care and treatment of greyhounds. Greyhounds, industry participants and trial tracks are to be registered under the proposed Act.³⁸

The Act also creates strong offences for activities associated with live baiting and will impose lifetime bans on any person who is found guilty of a live baiting offence. It confers investigative and enforcement powers on inspectors, including powers to make video recordings or take photographs while conducting a search.³⁹

³⁶ Report of the *Greyhound Industry Reform Panel*, February 2017.

³⁷ Overview, Explanatory Note, Greyhound Racing Act 2017.

³⁸ Overview, Explanatory Note, Greyhound Racing Act 2017.

³⁹ Overview, Explanatory Note, Greyhound Racing Act 2017.

A number of specific elements that are relevant to the issues of interstate regulation can be found in the Second Reading Speech:

- *The commission will be able to impose conditions on any registration, including, for example, to require industry participants to comply with the code of practice for the welfare of greyhounds.*
- *The bill will... ensure persons acting as greyhound health assistants are registered with the commission and regulated as industry participants.*
- *The bill allows for the commission, in consultation with Greyhound Racing NSW, to make rules, including in relation to the conduct of greyhound race meetings, education and training requirements, the breeding of greyhounds and the functions of stewards. The commission may take disciplinary action for any contraventions of the greyhound racing rules...*
- *The integrity commission may take disciplinary action for any contraventions of relevant legislation, regulation, code or rule... The integrity commission can impose sanctions, including suspending or cancelling registration. It may impose conditions on a registration, impose a fine of up to \$22,000, disqualify or warn off a person, or prohibit persons or greyhounds from participating in greyhound racing...*
- *The integrity commission will be able to appoint inspectors. The bill also allows the commission to enter into arrangements with the police and animal welfare bodies to exercise inspector functions to better detect and respond to animal welfare offences.*
- *The bill contains a suite of new investigation powers... To ensure these new powers can be executed and our inspectors can do their jobs, we are creating offences for failing to comply, without reasonable excuse, with a requirement of an inspector; providing false or misleading information; intentionally delaying or obstructing inspectors; assaulting, threatening or abusing inspectors; and impersonating inspectors. These new offences will attract maximum penalties of up to 100 penalty units—\$11,000—and, for some offences, imprisonment for six months.*
- *Part 8 of the bill sets up a framework for inquiries that can be conducted by the integrity commission into any matter relating to the greyhound racing industry. Either the Minister for Racing or the integrity commission can determine that an inquiry will be conducted. The concurrence of the Minister for Primary Industries is required where an inquiry is to be related to animal welfare...*
- *Part 9 of the bill covers a range of miscellaneous but important matters. To ensure that the new integrity commission, local councils, animal welfare bodies and the New South Wales police can effectively work together the bill allows for information sharing arrangements to be put in place.*
- *Finally, this part of the Act contains a regulation-making power and a provision requiring a statutory review of the Act three years following assent... The review will assess the effectiveness of the reforms in improving animal welfare outcomes.⁴⁰*

Interstate regulation and the new NSW regime

The removal of the CGRC's authority as the Controlling Body in the ACT, would mean that the CGRC's current role (much of which is delegated to GRNSW) in relation to licensing and compliance activities will lapse. The CGRC's Rules of Racing, which contain provisions relating to owners, breeders and trainers' obligations, would also be obsolete. If racing only

⁴⁰ Second Reading Speech, Paul Toole, Minister for Racing, 28 March 2017.

were to cease in the ACT, new regulation would be required in relation to other activities, such as ownership, breeding and training of greyhounds.

An Interstate Agreement between the ACT and NSW Governments could provide for the licensing and regulation of greyhounds, owners, breeders and trainers by the new Greyhound Welfare and Integrity Commission. This would either require some ongoing financial commitment from the ACT Government, or the imposition of fees on industry participants to cover the regulatory costs.

The NSW Commission is likely to be established during the transition period. This will mean that racing activities, as well as other activities, could come under the jurisdiction of the Commission in the short term.

NSW Rules and Code of Practice

The NSW Commission will be able to impose conditions on any registration, including for example, to require industry participants to comply with the Code of Practice for the welfare of greyhounds.

As discussed earlier in this report, the CGRC's Rules (based on the GRNSW Rules) are in a number of respects inconsistent with the ACT's *Code of Practice for the Welfare of Greyhounds* and the *Animal Welfare (Breeding Standard)*. During the transition period while racing continues, the CGRC will need to amend its Local Rules to be consistent with Rules developed by the new Commission but will also need to ensure that they still comply with local law.

The ACT Government will also need to consider whether local regulations should be harmonised with the NSW Code of Practice to eliminate inconsistencies and ensure that participants in the industry can comply with all requirements.

Criminal penalties and processes

The NSW legislation will introduce a new range of offences for animal welfare crimes and for failing to comply with the new regulatory arrangements, including cooperating with the Commission's inspectors. Some of these penalties include the possibility of imprisonment.

If the ACT were to agree to regulation of the industry under the new NSW arrangements, the ACT would need to harmonise the offences on its statute books to be consistent with NSW. If this is not done, the penalties for crimes committed in the ACT would lead to lesser outcomes for participants based in the ACT, than for those in NSW. Legislative amendments may also be necessary to reflect the new powers provided to the Commission and authorised officers in relation to overt and covert operations, search powers and warrants.

The Commission will also be authorised to enter into arrangements with police and animal welfare bodies to exercise inspector functions. An agreement between NSW and ACT would ensure that local authorities are designated officers to exercise the new powers on behalf of the Commission in the ACT. Any such agreement would also need to cover the sharing of information provisions.

Inquiries

The NSW Act sets up a framework for inquiries into any matter relating to the greyhound racing industry that can be conducted by the Integrity Commission. Either the Minister for Racing or the Commission can determine that an inquiry will be conducted. The concurrence of the Minister for Primary Industries is required where an inquiry is to be related to animal welfare. The ACT Government will need to consider the extent to which Ministerial agreement would be required in relation to inquiries covering ACT activities.

Issues during the transition period

The Greyhound Welfare and Integrity Commission is likely to be established in NSW during the transition period.

Licensing and registration

When the Commission is established, GRNSW will no longer have any regulatory role in NSW. It can be assumed that it will also have no authority to undertake its current regulatory role in the ACT.

NSW government authorities have advised that any existing MOUs entered into by GRNSW in relation to regulatory activities will transfer to the Greyhound Welfare and Integrity Commission. While there is currently no written MOU between GRNSW and the CGRC, this report recommends that one be developed to provide clarity around GRNSW's regulatory and other roles.

The CGRC has the legislative authority to enter into a MOU with the new Commission. Section 28 of the Racing Act authorises the Club to enter into reciprocal arrangements with another Controlling Body or any corresponding body, which *“means a body in another jurisdiction, within or outside Australia, that performs functions similar to those of a controlling body”*.⁴¹

It is not certain that the Commission would wish to take on this role during its initial establishment phase, or whether the NSW Government would want the Commission to take on this role. While the NSW Government expects the industry to finance the Commission in the longer term, it is committing \$11 million from the NSW Budget to establish the Commission.⁴² Any MOU with the Commission may be accompanied by an expectation that the CGRC or the ACT Government will also contribute to funding the Commission. In light of the expanded role and responsibilities of the Commission, the Commission's charges for services are unlikely to remain at the same rates as those currently charged by GRNSW.

The ACT Government will need to consider the implications of the Commission's establishment for the ACT regulatory framework and budget, both in the short term and the longer term if activities other than racing are to continue.

⁴¹ Racing Act 1999 ACT, Dictionary, p 54.

⁴² Media Release, Paul Toole, Minister for Racing, NSW, 28 March 2017.

Stewards

Section 55 of the *Greyhound Racing Act 2017* NSW provides that the Greyhound Welfare and Integrity Commission can make Rules in relation to greyhound racing, including for the functions of stewards. The explanatory note that accompanied the Bill included the following clause: “...*functions of stewards (who are members of the staff of the Commission)*”.

As the CGRC has the authority to appoint its own stewards, it is likely that during the ACT transition period the CGRC could continue to appoint its stewards from the industry, even though the NSW regime will undoubtedly change during this time.

If the ACT Government wishes to ensure that the enhanced regulatory arrangements in NSW will apply to racing during the transition period, it may expect the CGRC to source its stewards from the Integrity Commission to officiate in Canberra. The Reform Panel also endorsed the McHugh Report recommendation that two stewards attend each race meeting, which was accepted by the NSW Government. This will add to the CGRC’s costs. The practicality of obtaining two stewards through the Commission for each race meeting in Canberra may also present a challenge.

Recommendation:

9. That during the transition period, while racing may continue, the Government considers whether enhanced regulatory arrangements that will be implemented in NSW will be reflected in ACT legislation, or through an interstate agreement to provide oversight by the NSW Greyhound Welfare and Integrity Commission.

The risks of interstate regulation

As things stand, it is impossible to divorce the ACT greyhound racing industry from the NSW industry and the Canberra community cannot be certain that dogs being brought to the ACT to race have not come from breeders and trainers who have little regard for animal welfare.

The issues discussed in the earlier section of this report, *Animal Welfare and Other Issues*, indicate that, in the main, the most serious animal welfare and integrity concerns have historically related to NSW participants. While limited time has been available to inquire in any real depth into the local industry, major concerns similar to those identified in the McHugh Report have not been evidenced regarding the care of greyhounds by ACT owners, breeders and trainers. It may be that the risks of interstate regulation are less serious from an animal welfare perspective if ACT residents were to continue with these activities.

Any decision about interstate regulation of activities other than racing, will ultimately come down to whether or not the ACT Government can have confidence that the NSW reforms will be effective in changing the practices and culture of the industry. The McHugh Report noted that the industry:

has failed to demonstrate that in the future it will be able to reduce the deaths of healthy greyhounds to levels the community could tolerate.⁴³

and

If transferring the regulatory functions of GRNSW to a new body significantly improves the integrity of the sport, including achieving animal welfare standards which are acceptable to the wider community, then that can only promote the development of the sport. What will stymie the development of the sport are dysfunctional regulation and a culture within the industry which is not committed to change.⁴⁴

The NSW Government decided to give the industry a chance to reform. This may possibly be achievable. It will take around four years, however, before the NSW Government knows whether its reforms have been effective. The review foreshadowed in the NSW Act will commence in three years and will undoubtedly take up to 12 months to complete.

The ACT Government may consider this is too long to wait. If not, an option is to continue allowing ownership, breeding, training and related activities in the ACT during this period and make a decision regarding the future of those activities following the NSW review.

If any of these activities were to continue, there will remain a regulatory burden on the ACT Government. In summary:

- As the CGRC's regulatory role and Rules will have lapsed, new regulation would be required in relation to ownership, breeding and training of greyhounds, either by the ACT Government or by agreement with the NSW Government and the NSW Greyhound Welfare and Integrity Commission. This would include licensing and oversight of participants, registration of greyhounds and compliance activities associated with ensuring animal welfare.
- If an agreement is entered into with NSW, there will be accompanying costs that will need to be met by the ACT Government to contribute to the funding of the Greyhound Welfare and Integrity Commission. The upfront costs for establishing the Commission are \$11 million and the Commission's charges for regulatory services are likely to be higher than GRNSW's current service charges.
- The ACT will need to harmonise its laws with the NSW regulatory regime in relation to criminal and administrative penalties and processes and agreements will need to be developed in relation to inquiries, exercise of powers and information sharing.
- If the CGRC were to expand its facilities to establish a breeding centre at the Canberra Greyhound Racecourse, as it has foreshadowed, this would represent a new regulatory and oversight responsibility for the ACT.

Interstate regulation would also run the risk of reduced local oversight of industry activities. This has been a feature of the current regime where the self-regulatory responsibilities of the greyhound racing industry have resulted in reduced awareness about animal welfare

⁴³ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, 1.113, p18, Vol 1.*

⁴⁴ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales, Vol 3, para 29.75, p 191.*

matters. Until the McHugh report, NSW had not recognised the breadth of concerns that became apparent when GRNSW was put under the spotlight. While the CGRC provides copies of Board of Management meeting minutes to the Gambling and Racing Commission, animal welfare issues are not monitored by the Commission. If interstate regulation were to occur it is recommended that animal welfare reporting obligations be included in any agreement developed with NSW authorities.

Recommendations:

10. That any consideration of interstate regulation needs to balance the potentially low animal welfare risks associated with ACT owners, breeders and trainers against the additional regulatory burden that this would represent for Government.
11. If interstate regulation were to occur in relation to any aspects of the industry, that animal welfare reporting obligations be included in any agreement developed with NSW authorities.

ENSURING THE BEST OUTCOMES FOR ANIMALS TRANSITIONING OUT OF THE INDUSTRY

The Government has indicated that the funding for the greyhound racing industry will cease after 30 June 2017 and will be redirected to the transition program to assist workers to re-skill, as well as rehome and care for the greyhounds.

It is difficult to predict how many dogs will require rehoming when the greyhound racing industry ends in the ACT. This will largely depend on the Government's decisions on the scope of ending the industry. If, as discussed earlier, ownership, breeding or training of greyhounds were to continue in the ACT for the purpose of racing in other jurisdictions, it is likely that few dogs will require rehoming.

The approach proposed in this analysis is that if greyhounds are owned by Canberra residents, whether or not those dogs are based in NSW or the ACT, they should be considered as in-scope for any assistance package. It has been suggested that if a dog has ever raced in Canberra, it should also be in scope for assistance. This proposition has not been accepted for the purposes of this analysis. However, there may be individual cases that warrant consideration for assistance if it can be demonstrated that the decision to end greyhound racing in the ACT has a specific and profound impact in relation to a person's dogs.

Recommendation:

12. That an assistance package should only be available in relation to greyhounds owned by Canberra residents.

Number of greyhounds

The data provided by GRNSW and CGRC has fluctuated throughout the course of conducting this analysis. Initial data provided by GRNSW on 18 April 2017 indicated that 313 greyhounds (unnamed, racing or retired) may be located in the ACT.

GRNSW has advised however, that as there are only 52 kennels in the ACT, it appears that there is a lot of old data in OzChase⁴⁵, which has not been updated in some time. GRNSW advised:

It will be hard to get a picture of the number of greyhounds kennelled in the ACT at any one time because they can move around frequently. However, the number of racing greyhounds should match the number of available racing kennels in the ACT (i.e. it should be no more than/around 52 racing greyhounds).

⁴⁵ The IT platform used by GRNSW to input and record data for the administration of greyhound racing in NSW.

There are 20 properties and 52 individual kennels currently 'active' in the ACT. GRNSW advises that there are no littered greyhounds currently located in the ACT i.e. greyhounds that have been born but are not yet named. The data does not include greyhounds that have been retired from racing or breeding.

The best estimate, therefore, is that there are currently 309 greyhounds (52 based in the ACT and 257 based in NSW or other jurisdictions) that may come within the scope of this analysis.

What will happen to these dogs?

The CGRC predicts that the majority of dogs will be transferred out of the ACT during the transition period to continue racing in NSW or other jurisdictions. On the other hand, some people whose greyhounds are based in the ACT and NSW, may decide to surrender their dogs if they are no longer able to go and see them race at their local track. The costs of boarding dogs in another jurisdiction may also be prohibitive for some participants.

If the CGRC's prediction is correct, there will be relatively few dogs requiring rehoming. How many dogs will be available for rehoming will also depend upon the extent to which Government decides to act in relation to ownership, breeding and training, and when.

A number of the dogs owned by ACT residents and kennelled in the ACT may simply end up being household pets. The McHugh report noted:

There are industry participants with greyhounds under their care and control who would not wish to part with them if they did not make it to the track or, if they made it to the track, failed as racers. That is particularly so in relation to so called 'hobbyists'. Many would keep their greyhound as a pet or, if they could not do so, would make appropriate arrangements for its ongoing care.⁴⁶

It is likely that a proportion of greyhounds kennelled in the ACT will be in this category. Most ACT owners and trainers are relatively small operators, with many being 'hobby' owners whose lifestyles often revolve around their dogs. There are no large scale businesses in the ACT, primarily because land has not been available to build training tracks and establish the sizeable infrastructure that is necessary to make a living from such a business.

If ownership of greyhounds continues, it can be expected that the NSW based dogs (and probably the majority of ACT based dogs) will continue to race in that jurisdiction.

Animal welfare/rehoming organisations

There are a number of local organisations involved in the care and/or rehoming of greyhounds exiting the industry. The material below outlines the range of activities involved in caring for dogs that are surrendered and arranging their rehoming. The following has been compiled from information provided by the organisations themselves.

⁴⁶ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, Vol 2, paras 18.108, p 202.

It is fair to say that there are some differences of opinion between some of the organisations and that the approach taken by some may be questioned by others. Nonetheless, all agree that the greyhound is a gentle dog that makes a good pet. All have a commitment to avoid euthanasia of dogs unless absolutely necessary.

RSPCA ACT

RSPCA ACT's mission is the prevention of cruelty to animals in the ACT and it cares for approximately 5000 animals in need each year. RSPCA ACT employs full time licenced animal welfare inspectors. The majority of dogs that come to RSPCA ACT annually are through the Inspectorate as a result of allegations of neglect or cruelty. RSPCA ACT will also take in surrendered dogs such as greyhounds when room is available.

All canines that come to RSPCA ACT are vet checked and behaviourally assessed by certified dog trainers. Where needed, RSPCA will also provide vet treatments, microchips, vaccinations, and desexing before rehoming. RSPCA ACT had a 95.17% rehoming rate for canines in 2016. RSPCA only euthanizes animals for severe medical or behavioural concerns.

RSPCA ACT is a part of a Federation but is financially independent from any other RSPCAs in the country. Its funding sources are approximately: 40% commercial services, 45% fundraising and donations, 15% Government services agreement.

ACT Greyhound Support Network

The ACT Greyhound Support Network (AGSN) promotes greyhounds as pets, fundraises and provides support to rescue organisations, owners, foster carers and those interested in greyhounds as companions. The majority of dogs in AGSN's care come from regional NSW, although many have raced in the ACT.

While not a charity or rehoming organisation, the AGSN provides fundraising and practical support – including house checks, foster care and transport – to a number of registered charities based interstate, including Greyhound Rescue, Gumtree Greys, Friends of the Hound and selected private re-homers. The AGSN has a foster network of 22 foster carers. The AGSN provides 'welcome packs' for adopting families that include a coat, wormer, muzzle, collar, lead and a toy. Other items that may be provided on an "as needs" basis include crates, kennels, baby gates, beds and bedding, and bowls.

Before being formally adopted, all dogs are trialed for three weeks. After the trial period, the rehoming organisation with responsibility for the dog will finalise the adoption paperwork. AGSN is not involved in this process.

AGSN organises events and pack walks to provide opportunities for owners and their greyhounds to socialise in a supportive and friendly environment.

Canberra Region Greyhound Connections

Canberra Region Greyhound Connections (CRGC) is a volunteer organisation, specially focused on the rehoming of greyhounds. CRGC works directly with local breeders, owners

and trainers to connect them with people seeking a greyhound as a pet. CRGC receives funding and some administrative support from the Canberra Greyhound Racing Club.

CRGC members visit the adopting families to ensure their yard and home environment is safe and suitable to the greyhound breed. CRGC ensures all greyhounds being rehomed are temperament-tested and receive full veterinary checks. If required, dental work is completed. Desexing is undertaken and vaccinations are updated. The adopting families are provided with greyhound appropriate beds, muzzles, collars, leads, toys, blanket, raised feeding stands, food and water bowls, waste bags, two weeks' worth of high quality meat and a large bag of premium kibble.

CRGC seeks to develop a positive relationship between new owners and a greyhound's past owner/trainer and also supports current owners and trainers to ensure their greyhound is adequately prepared for reaching retirement prior to this occurring. This involves activities such as socialisation with other dog breeds, introduction to cats and other small animals in a safe and controlled environment and mixing with children and adults outside of their usual environment. CRGC conducts a weekly 'Run and Play' event held at the CGRC's straight track and socialisation yard, which is open to all breeds of dogs and members of the Canberra community.

Animal Rescue and Foster

ACT Rescue & Foster (ARF) Inc. is an incorporated association of people in the Canberra and surrounding region who rescue dogs from euthanasia and foster them temporarily in their own homes for as long as it takes to find them loving, permanent homes. ARF seeks to match dogs with the individual circumstances of prospective adopters.

ARF members foster the dogs in their own homes to assess their temperament, needs, likes and dislikes. All ARF dogs are desexed, vaccinated, microchipped and health checked. ARF also gives each dog some basic training. The adoption price ARF asks for each dog contributes to the cost of the dog's veterinarian work—the dogs themselves are free.

ARF is a non-profit organisation. All foster carers are volunteers who receive no financial benefit.

Options for administering an assistance package

A range of options may be available for administering the assistance package for dogs. The choice of option will depend upon the likely number of greyhounds that will require rehoming. If very few dogs are surrendered it will be unnecessary to implement a substantial scheme.

Funding administered under the auspices of one animal welfare organisation

Funding could be administered under the auspices of one animal welfare organisation. The RSPCA would be an obvious choice for this, particularly as it has two staff members who are certified to perform the NSW Green Collar test and who are also Delta qualified⁴⁷ for behavioural training. Initial assessments of greyhounds could be conducted by the RSPCA,

⁴⁷ Certificate IV qualifications in Companion Animal Services training.

which could then act as a conduit to other organisations undertaking rehoming activities. The RSPCA has indicated, however, that it would be unwilling to take on the management of the funding package.

Other rescue and rehoming organisations are run by volunteers and do not have the governance and financial infrastructures necessary to (potentially) employ staff, and to manage and acquit this funding.

Tendering process

A tendering process would enable the orderly transition of greyhounds from activities associated with racing to rehoming. If the number of greyhounds for rehoming ends up being low (as expected), this model would be administratively complex in comparison to the benefits that would be realised. It would also present an administrative burden to rescue and rehoming organisations, which are volunteer based, to submit tender documentation.

Rescue and rehoming organisations have also indicated that participants in the industry will generally seek to place their dogs with bodies with which they have already developed a relationship. It could be expected that participants would wish this to continue.

Funding administered by government

A preferred option for the ACT might be to have funding administered by a government agency, which would acquit expenses as they are incurred by groups involved in rehoming. Transport Canberra and City Services Directorate (TCCS), which has prime responsibility for both the Animal Welfare Act and the Domestic Animals Act, appears to be best placed to implement this initiative. If a large number of greyhounds are to be surrendered, it may be necessary to have an administrative officer employed for a period of time to manage the process.

TCCS could commence early discussions during the transition period with greyhound owners, breeders and trainers to undertake a cradle-to-grave audit of dogs and determine what the owners' plans are in relation to their dogs. TCCS could also commence early work on the options outlined below in under the heading 'rehoming considerations'.

Recommendation:

13. That an assistance package for the welfare of greyhounds is administered by Transport Canberra and City Services Directorate.

Rehoming considerations

The strategy for ensuring the best outcomes for animals will depend on how many dogs will require rehoming. If few dogs are to be surrendered, an individualised approach would be manageable. If a sudden surge of dogs require rehoming, it may be necessary to have nominated kennelling facilities available, with behaviouralists on call to triage dogs based on an assessment of their needs.

A number of considerations will need to be taken into account in developing a rehoming strategy. The Greenhounds website⁴⁸ notes things to consider in relation to greyhounds following life in a racing kennel environment:

- *Life is very disciplined with feeding, exercise and toileting routines happening at the same time each day.*
- *The majority of greyhounds have spent their entire lives in the company of other large dogs but not usually small fluffy dogs.*
- *They are used to being handled regularly for weighing, veterinary examination, massage, worming, nail clipping, etc.*
- *Most greyhounds are regularly transported so are used to travelling and being crated.*
- *Race dogs are generally taught to walk nicely on lead.*
- *They are trained to chase but it is also part of their instinct after centuries of selective breeding.*
- *Greyhounds are not taught to sit or lie down as this could mean a slow exit from the starting boxes.*
- *As with any elite athlete, a race dog must be kept in peak physical condition to achieve good results. This means they require the best quality nutrition and care.*
- *A young dog that has not made it as a racer won't have had the same level of handling and training as an older retired race dog.*

Socialisation and temperament testing

Socialisation and temperament testing are particularly important in relation to racing greyhounds. All of the animal welfare/rehoming organisations agree that socialisation and temperament testing are necessary for successfully rehoming greyhounds and this aspect of rehoming takes the most time.

Socialisation

The McHugh report noted:

[The General Manager of the GAP program] told the Commission that it was, "fairly obvious that there was a significant gap in relation to socialisation or the need to socialise dogs". He also informed the Commission that, "from the dogs coming through the GAP program, as I said earlier the better socialised dogs have more chance of making it as a pet."

The socialisation of young greyhounds is, as it is with any young dog, important to their future development. However, in relation to greyhounds it is critical. As Dr [a qualified veterinarian with particular expertise in greyhound behaviour] informed the Commission, proper socialisation can be the difference between a greyhound being put down and being rehomed.⁴⁹

The CGRC has made efforts to improve socialisation of greyhounds with the establishment of a socialization yard for retired greyhounds. The CGRC has visions to expand the facilities

⁴⁸ Greenhounds is the program in NSW to facilitate the muzzling exemptions for retired racing and pet greyhounds. Greenhounds is the sole NSW body authorised to manage and issue green collars under the NSW Companion Animal Regulations.

⁴⁹ *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, Vol 1, paras 9.126 and 9.127, p 194.

at Symonston to further increase retirement and rehoming options. The CGRC's Welfare Strategy notes:

CGRC BOM believes there is ample area at Symonston to construct a "state of the art" facility that includes a canine therapy pool, full time staffing with an on-site manager. CGRC believes this new "Retirement" facility will go alongside the recently completed Socialization Yard, specifically built for retired greyhounds, so they can socialize with other companion dogs. This facility would provide access to staff trained in behavioural assessment and providing surrender points for trainers. This facility may provide fostering or rehoming out of the facility (depending on regional adoption demand). The facility may also provide a base for community engagement focussed on increasing awareness of greyhound adoption as an option in the community. The ability to work with other key rehoming organisations in the ACT would be vital.

Any future for this vision will depend on the Government's decisions as to the extent of activities that will cease in ending the industry.

A gap in the current strategy is the need for socialisation of young animals, as noted in the extract from the McHugh report above. While the ACT industry is quite small and opportunities for early socialisation may well be occurring here, the vast majority of dogs available for rehoming are currently coming from NSW.

One rehoming organisation noted:

The additional effort to socialise a dog once 'retired' takes significant resources from organisations at the expense of dogs that have been socialised - minimising the ability of rehoming groups to intake and committing [the dogs] to euthanasia or continued 'paddock' existence.

The NSW Reform Panel recommended that under the new NSW regime there would be an enforceable Code based on the five domains of animal welfare. The report noted:

The Panel recommends the code of practice be based on the five domains of animal welfare. These are an internationally recognised framework for assessing an animal's welfare status. ...We have suggested specific issues within each of these domains that should be covered in the code. Importantly, the code of practice will set out socialisation requirements at each stage of a greyhound's life cycle. These are designed to improve the proportion of bred dogs that are suitable for both racing and rehoming to avoid unnecessary euthanasia.

The Reform Panel proposed that there would be:

minimum socialisation requirements in the whelping, rearing, educating and training phases of the greyhound's life – this will include interaction with small dogs, people and different indoor and outdoor environments.⁵⁰

A visit to a large scale operation in NSW during the course of conducting this analysis provided little reassurance that socialisation is currently seen as a priority. Adoption, and enforcement, of the Code in NSW would deliver some reassurance into the future that

⁵⁰ Report of the Greyhound Industry Reform Panel, February 2017, p 6.

greyhounds from NSW will be raised in an environment where socialisation requirements would be mandated at each stage of a greyhound's life cycle. As the majority of dogs rehomed by ACT based organisations are currently from NSW, the challenges of dealing with unsocialised dogs should be minimised in the future.

Temperament testing

There are currently different approaches to how temperament testing might be conducted. At one end of the spectrum an organisation might rely heavily on the advice of trainers regarding their dog's temperament and, if the owner is unsure regarding how their dog might react to small animals or children, some testing of a dog's reactions might be conducted in a controlled environment with a muzzle on. At the other end of the spectrum is a view that every dog needs to be temperament tested by a qualified behaviouralist.

Any rehoming strategy will necessitate a decision by Government regarding the extent of temperament testing that might be required. It is outside the expertise of this analysis. In its submission to the Reform Panel the ACT Greyhound Support Network noted:

We would also like it noted that the current behavioural assessment of the GAP program is not in line with worlds best practice and understanding of temperament testing. In our view it sets a dog up to fail, is done in an inappropriate environment and in an inappropriate timeframe. We understand it is done to triage dogs but improved measures around socialisation and breeding caps would see the need for arbitrary behaviour assessments eliminated.⁵¹

Since the McHugh report, GRNSW has worked on the development of a Greyhound Screening Tool. GRNSW has described this initiative in this way:

A key initiative aimed to meet the challenge of re-homing greyhounds, has been the development of the 'Greyhound Screening Tool'.

The 'GST' is a behavioural assessment that was piloted and presented across NSW in four workshops. Several organisations offered input into the collaborative project by animal behaviourist Georgina Caspar and veterinary behaviourist Dr Karen Dawson. The GST is a simple series of tests that can be undertaken by animal care workers to readily assist them in assessing greyhound re-homing suitability. The focus of the screening tool is to identify if the greyhound shows high levels of fear or anxiety, how they cope with unfamiliar handling, their response to some basic household items and whether or not they show predatory aggression towards small dogs. Anxiety, separation distress and aggressive behaviour towards small dogs are the main reasons reported in unsuccessful greyhound adoptions. Therefore, it is critical that animal workers can identify which greyhounds are most likely to make a successful transition to a pet home – both for the welfare of the greyhound and also the safety and wellbeing of the adopter and the general public.

The Greyhound Screening Tool may provide a useful basis for Government's consideration of temperament testing that may be required.

As noted earlier, the Red Tape Reduction Legislation Amendment Bill was introduced in the Legislative Assembly on Thursday, 30 March 2017. The Bill, if passed, will remove the

⁵¹ Report of the *Greyhound Industry Reform Panel*, February 2017, p 39.

requirement that greyhounds must be muzzled in the ACT. It will therefore also effectively remove the requirement that greyhounds must complete a course on behaviour or socialisation training approved by the Domestic Animal Services Registrar, for muzzles to be removed.

On 4 November 2016, the Registrar approved the following courses for the purposes of section 48(3):

- Behavioural/socialisation courses that meet the requirements of the guidelines for approval as a greyhound re-training program under the *NSW Companion Animals Regulation 2008*.
- Greyhound re-training programs approved in other State and Territories.

It may be that, as a matter of policy, DAS might continue to require certain greyhounds to undertake a behavioural/socialisation course if they fail temperament testing.

Options:

- That a temperament testing policy be developed outlining minimum requirements expected by government.
- That behavioural/socialisation courses continue to be available for greyhounds that fail temperament testing.

Processes for rehoming

The approaches adopted by different organisations for rehoming greyhounds have been outlined above. Their processes differ in relation to the discrete focus of each organisation and the activities they undertake. Some differences in the philosophies of how to rehome greyhounds are also apparent.

In the long run an owner or trainer's preference for which organisation it trusts, and may have already developed a relationship with, may provide the best prospects for the successful rehoming of their greyhounds. An option for the transition is to approve certain agencies for the surrender of dogs to avoid them simply being dropped off at veterinary practices or inappropriate locations. This could be accompanied with prescribing some minimum standards for how government would expect those agencies to operate, for example expectations might be set around:

- temperament testing in accordance with best practice;
- requiring home inspections;
- requiring a specified trial period with foster carers, who would then be in an optimum position to advise prospective adopting families about a dog's needs and temperament;
- requiring owners/trainers to assume ongoing responsibility for meeting a dog's needs if fostering or adoptions do not work out;
- maintaining records in relation to rehoming activities.

A protocol could be developed in conjunction with the industry and relevant welfare/rehoming organisations regarding the processes for surrendering dogs and avoiding

the prospect that organisations will receive phone calls at short notice advising that a dog has been surrendered, as can currently occur. None of the organisations could deal with a substantial influx of dogs at a moment's notice.

Options if a large number of dogs are surrendered

Additional considerations will come into play if consultations indicate that a large number of dogs are to be surrendered, particularly around 30 June 2018. These might include whether specific kennelling facilities will be required. An option for the assistance package might be to provide some financial assistance to current kennel operators to refurbish some kennels specifically for greyhounds. The provision of transport facilities might also need to be considered.

The elements of an assistance package

To access the assistance package it would be necessary for a greyhound's identity to be proven as belonging to an ACT resident. This would include identifying the dog by name, age, sex, ear brand etc.

Depending on the condition of dogs that are surrendered, elements of an assistance package might include:

- veterinarian examinations
- veterinarian treatment for underlying conditions or euthanasia costs in medically appropriate circumstances
- desexing
- updating vaccinations
- worming/parasite treatments
- dental work
- behaviouralist assessments
- kennelling costs
- costs for greyhounds to undertake 'muzzle-off' or Greenhound⁵² courses.

The cost to adopt an adult dog through ARF is \$350. Puppies are \$400, which includes a contribution towards training classes. Older dogs (8+) are \$150. Adoption costs might be waived to maximise opportunities that greyhounds can be rehomed. The adoption price ARF asks for each dog largely contributes to the cost of veterinarian work. If all of the necessary costs can be met in advance through the assistance package, greyhounds can be provided to adopting families free of charge.

Another incentive for prospective adopting families might be to cover some start-up costs, such as the provision of food and equipment, as currently occurs through AGSN and CRGC. It would also be appropriate to consider covering reasonable costs incurred by

⁵² The NSW Companion Animals Act 1998 requires that all greyhounds must wear a muzzle when in a public place. An exemption applies to pet and retired racing greyhounds that have successfully completed an approved greyhound re-training program and passed the required assessment. These dogs do not have to wear a muzzle when in public but must wear a special "Greenhound collar" to identify them as muzzle exempt.

- foster carers in looking after surrendered greyhounds, such as beds that are appropriate for greyhounds and crates for their transport;
- rehoming and support organisations for their activities such as transport costs, the cost of crates etc.

If a large number of greyhounds are to be surrendered it may be appropriate to consider establishing a panel of veterinarians who would be willing to provide services at a bulk discount rate. Alternatively, a reasonable price might be set in consultation with the veterinary profession for the delivery of particular services, and costs could be reimbursed from the assistance package in relation to in-scope greyhounds on a case-by-case basis.

To avoid any owners seeking to access the assistance package and then selling their greyhounds, a mandatory requirement for desexing may be appropriate, thus ensuring that the dogs are legitimately retiring from greyhound racing and breeding. To streamline the rehoming process, one option might be to provide an additional incentive to owners to have their dogs desexed in advance of surrender.

ASSISTANCE FOR PEOPLE EXITING THE INDUSTRY

The Government has indicated that the funding for the greyhound racing industry will cease after 30 June 2017 and will be redirected to the transition program to assist workers to re-skill, as well as rehome and care for the greyhounds.

This aspect of this analysis has been difficult to address. Different perceptions about the extent of what 'ending the industry' means have resulted in some reluctance to share information until people know whether or not they will be affected. Until such time as the full extent of the Government decision is known i.e. whether it includes ownership, breeding and training (as well as racing), it is not possible to identify definitively who will be affected by the decision and who may be eligible for assistance.

As with the previous section in relation to the assistance package for rehoming greyhounds, this analysis considers it appropriate that support be limited to ACT participants in the greyhound racing industry.

Recommendation:

14. That assistance for people exiting the industry is limited to the following categories of persons:
 - a) people directly employed in the ACT by the CGRC; or
 - b) contractors/businesses providing services to the CGRC that are directly related to racing activities, and where these activities comprise a significant component of their business income; or
 - c) ACT residents who have been registered with GRNSW as owners/breeders and trainers at a date specified by the Government.

Size of the industry in the ACT

Clearly, ending the racing aspect of the industry will impact on the employees of the CGRC and a range of contractors who provide services at the Club, particularly on race days.

Employees and contractors

The CGRC has two full time employees (the Club secretary and the track manager) and 24 casual staff. The Club's wages are in excess of \$250,000 per annum.

Several contractors or self-employed parties generate income from the Club, primarily on race days. These include stewards, veterinarians, audio visual operators, photographer, race caller, bookmaker, and restaurant contractor. The on-course manager for the TAB engages two staff for each race meeting; the bookmaker employs one person, and the photo-finish camera supplier has a staff member at every meeting.

Greyhound owners/trainers/breeders

The data provided by GRNSW and CGRC has fluctuated throughout the course of conducting this analysis. As at 18 April 2017, GRNSW provided the following figures.

359 greyhound owners are currently registered with GRNSW. GRNSW advises, however, that owners are registered for a lifetime and they do not know if owners are active unless they filter data based on activity tests. An activity check was undertaken in relation to whether any of the following activities had been undertaken the last 12 months:

- Greyhounds drawn to race
- Greyhounds used in a service
- Greyhounds who have had a status change
- Greyhounds that have changed location (i.e. kennel notification)
- Greyhounds that have been nominated to race
- Greyhounds that have been given a penalty
- People that have been given a penalty
- People who have had a kennel inspection

When these filters were applied, 70 owners have been active in the last 12 months. 'Owners' includes anyone who has a licence that allows them owner privileges, so the data represents:

- 44 owners
- 15 owner/trainers
- 11 public trainers

Of the 26 trainers in the ACT:

- 15 owner/trainers have a home address in the ACT (two of these people have kennel addresses in NSW and not the ACT)
- 11 public trainers (all of these have kennel addresses in the ACT, one has a suspended licence)

Five people hold licences to breed greyhounds.

It is quite possible that a number of registered participants are not currently active but may intend to participate again. This will require further inquiry during the transition period.

Assisting employees

Unions ACT submitted that the closure of the greyhound racing industry needs to be based on 'just transition' principles, which have been developed by unions as a framework for providing the best possible outcomes for employees in industry closures. They proposed:

We believe the ACT Government should embed just-transition principles into its response to the greyhound industry transition. Unions should be formally consulted by the Government on the change, and consultation with unions and other stakeholders should be embedded in the transition process. In previous industry transitions, we find that about one third of workers retire, one third get another fulltime job, and one third move into low-paid, casualised work. The ACT Government should therefore have as an objective ensuring that all affected workers are supported into gaining improved employment (secure work, higher wages).

While a number of the principles may not be relevant to this particular industry closure, they include:

1. *Equitable sharing of responsibilities and fair distribution of the costs across society.*
2. *Institutionalised formal consultations with relevant stakeholders including trade unions, employers and communities, at national, regional and sectoral levels.*
3. *The promotion of secure, decent job opportunities.*
4. *Formal education, training, retraining, and life-long learning for working people, their families, and their communities.*
5. *Organised economic and employment diversification policies within sectors and communities at risk.*
6. *Social protection measures (active labour market policies, access to health services, social insurances, among others).*
7. *Respect for, and protection, of human and labour rights.*

It was not possible in the time available to meet with all staff. Fifteen employees were interviewed to gain an overall perspective on the impact of the decision on their circumstances. The wages paid to these 15 staff represent around 90% of the CGRC's payroll. All were assured that their personal information would remain private.

It was clear from this process that the nature of jobs in the industry means that any attempt to provide a standard package of assistance would be unsuitable. There needs to be a case-by-case consideration of individual circumstances to develop appropriate support.

Type of assistance

The assistance package for employees will need to be considered in the context of the CGRC's finances. If the CGRC ceases to employ a number of staff, it can be expected that funding should be available to ensure redundancies and outstanding entitlements are paid to affected workers. In the event that only racing activities are closed, some staff may remain employed if the Club continues to operate, although it is probable that hours would be reduced.

The hours worked by casual staff vary greatly, from those who work a substantial number of hours per week with regular shifts, to those who provide occasional cover for certain jobs when extra support is needed or someone is unavailable. Some staff are effectively full-time employees in the greyhound racing industry, working at different racing sites as well as Canberra e.g. Goulburn, Cowra, Young. Some have advised they will continue to do so. Some hold other jobs (full time and casual), as well as working at the racecourse on race days. For some, while their income is small, it is the only income they receive on top of Centrelink benefits.

The TAB manager advised that he employs eight staff at the greyhound racecourse and other sites. He expects that trying to share shifts across a reduced number of sites will be unattractive to people, as they will not get enough hours. To give staff a reasonable number of shifts may mean reducing the number of employees by around two.

The types of assistance that were cited by employees as being suitable for their individual situations varied. Some have stated that only compensation for wages foregone would be acceptable to them. A number of staff are interested in retraining and reskilling

opportunities, while others consider their age and their skill set will prohibit opportunities for alternative work. Some would like assistance to study with a view to obtaining full-time work. Some have identified particular industries that would be attractive to them and would welcome support in obtaining work in those industries. Others have identified particular areas where they would like to work in the ACT public service.

A number of employees are very distressed at the prospect of losing their jobs and, for many, a lifestyle that is life-long. Counselling support may be appropriate in some circumstances.

Individual assessments of the extent to which the decision will impact on employees will be necessary, as for many the income derived from the industry is only a component of their overall finances.

Assisting contractors/business owners

Several contractors or self-employed parties generate income from the Club, primarily on race days. These include stewards, veterinarians, audio visual operators, photographer, race caller, bookmaker, and restaurant contractor. Interviews were held with the majority of these people.

For some of these people, their business activities are quite specialised in relation to the activities of greyhound racing and their income is primarily derived from the industry in Canberra. Some work in other parts of the racing sector but will have their incomes reduced. A number have invested substantially in technology that may not be possible to resell.

Details of individual circumstances have not been included in this report for privacy and commercial-in-confidence reasons. They can be provided to the Government with authority from the individuals concerned.

Assistance that might be made available to this sector will again need to be assessed on a case-by-case basis. To provide any recompense to this group of people, business returns, evidence of losses that will be incurred, and the value of assets will need to be assessed. The expertise of an independent financial consultant may be appropriate.

Other businesses

The NSW Transition Taskforce was inquiring into the downstream aspects of the proposed closure of the industry in NSW, as several large businesses earned significant income from the industry in that State. The scale of the impacts in NSW, where there are 34 greyhound race tracks and numerous large-scale training and breeding operations, are unlikely to be mirrored in the ACT with only one racing venue and a relatively small number of participants.

There will be a range of downstream businesses that will be impacted in the ACT, such as the Club's maintenance contractors, electricians, plumbers, bookkeeper, accountant, security services, fire maintenance, pest control, waste disposal services, food and beverage

suppliers etc. Pet food and accessories suppliers may also be affected if ownership, training and breeding were to be discontinued.

Impacts, however, are likely to be small in the context of the overall incomes of such businesses and it is in the nature of business that clients are gained and lost as a matter of course. If any recompense for this group were to be considered, a case would need to be made that a business would experience overwhelming losses resulting from the government decision that substantially impact on their business viability. A case-by-case submission process may be appropriate.

Assisting greyhound owners, breeders and trainers

Any assistance to this group of people will largely depend on the extent of the decision. If only racing is to be ended in the ACT, it is arguable that owners, breeders and trainers will still have the opportunity to race their dogs elsewhere and that no assistance would be warranted. It is in the nature of the industry that owners/trainers take their greyhounds on a circuit of racecourses. Clubs provide small appearance fees to subsidise the costs of transporting greyhounds to different courses.

If ending the industry means owning, breeding and training greyhounds, consideration will need to be given to the costs of establishing infrastructure to comply with regulatory requirements and meet the basic needs of greyhounds. Standard equipment might include modified vehicles, laser and ultrasound treatment machines, kennels, hydro baths, treadmills, fencing etc. One owner/trainer advised that a conservative estimate of infrastructure may be around \$80,000 for a relatively small setup. It may be possible to sell some of the infrastructure but some assets would be stranded. An independent assessment on a case-by-case basis would be necessary to determine the lost capital value of owner/trainers' assets.

Investments in litters such as whelping and rearing fees will be foregone, and a fair value for individual dogs will need to be considered if they are not able to be sold.

There are 11 public trainers (people who train dogs on behalf of other owners) with kennels in the ACT and it is understood that they are primarily hobbyists, like the owner trainers, and only train a small number of dogs. While some public trainers might, in effect, be self-employed and could face the loss of business income, they would need to demonstrate this on a case-by-case basis. Like owner/trainers there will also be infrastructure implications for this group.

Consideration might be given to whether a staggered approach to ending breeding and training would be appropriate. This would enable participants to realise some value from their breeding stock, and potentially earn some income from racing, before all activities would cease.

As with employees, a number of owners/trainers have been emotionally confronted by the decision to end the industry. Assistance in terms of counselling support might also be appreciated by some in this category.

Process for assisting people exiting the industry

To determine appropriate levels of assistance for participants, only a case-by-case approach will provide an accurate assessment of individual needs arising from the decision to end the greyhound racing industry. Expertise in the areas of employment entitlements, training and education options, and financial valuations of assets would appear to be indicated.

Coordination by one area of government would provide the best opportunity to ensure that a streamlined service is available to participants, minimising additional stress in working through the range of options. This might best be managed by a central agency such as the Chief Minister, Treasury and Economic Development Directorate, or with the assistance of a consultancy firm with appropriate expertise.

Recommendations:

15. That a central agency, or consultancy firm with appropriate expertise, conducts one-on-one assessments of the needs of people exiting the industry, taking into account:
 - a) redundancy and other entitlements of employees;
 - b) hours worked by staff;
 - c) other employment or contracting activities being undertaken by participants;
 - d) participants' training and reskilling objectives;
 - e) income generated from participation in the industry and the opportunity costs associated with the cessation of activities;
 - f) assets valuations and opportunities for resale of assets and infrastructure;
 - g) counselling and support needs of participants.

16. That a call for submissions is undertaken in relation to any businesses, which are not included in the recommended list of eligible parties for assistance, and which claim that they are significantly affected by the decision to end the greyhound racing industry.

AN END DATE OF JUNE 2018

The Terms of Reference ask for consideration of an end date of June 2018 for the transition, and the identification of anything that it is not possible or optimal to resolve by this date.

As the greyhound racing industry in the ACT is relatively small, options to close it down appear to be easily achievable in the transition period. This would mean moving to legislate in the current year to provide the CGRC with sufficient time to wind back its activities leading up to 30 June 2018.

If racing is to continue up until 30 June 2018, assistance for people exiting the industry and the rehoming of greyhounds will need to be extended beyond that date.

To enable a full transition prior to 30 June 2018 i.e. that assistance packages will have been administered and all greyhounds rehomed, an earlier date for the cessation of racing would be required. People may be unlikely to seek access to any assistance package while they are able to continue with business as usual, although discussions can occur prior to the date that racing ends. Similarly, if greyhounds are to race until 30 June 2018, they cannot be desexed and rehomed until after that date.

As discussed in the section, *Interstate Participation and NSW Reforms*, an earlier date that may be appropriate would be prior to the establishment of the NSW Greyhound Welfare and Integrity Commission in NSW. Ending racing before the Commission commences operation would ensure that no interstate agreement would be necessary to bring the racing activities of the CGRC under its oversight. This will require discussion with NSW authorities.

It is understood that NSW is aiming to establish the Commission within six months from the passage of the *Greyhound Racing Act 2017* NSW. As the Greyhound Racing Act was passed on 6 April 2017, it could be expected that the Commission will be operational before the end of 2017. The cessation of racing in the ACT before the end of 2017 would allow for the completion of all assistance measures in the first six months of 2018. This should be achievable.

An option to implement a staggered approach to ending ownership, breeding and training of greyhounds has been discussed earlier. If these activities are to continue after racing ceases, or are to continue for a period of time to enable participants to realise the value of their investments in their greyhounds, any legislation to end the industry might provide specified dates for the cessation of racing, breeding, training and the keeping of dogs. This might include allowing breeding for a period of time e.g. two years, to enable litters to be whelped from dogs already owned, with a further period of around three years to enable those dogs to be trained and raced. No recommendation is made in this respect, as this option is dependent on the Government's decision regarding ownership, breeding and training.

To enable the continuation of regulatory activities following the closure of greyhound racing, some ongoing provisions would be necessary. Section 18 of the *Greyhound Prohibition Racing Act 2016* NSW included the following provisions:

Continuation of certain greyhound racing provisions after greyhound racing closure date

(1) After the greyhound racing closure date, the following provisions of the *Greyhound Racing Act 2009* and the greyhound racing rules continue to have effect, whether or not they have been repealed by this Act, in relation to acts or omissions occurring before that closure date:

- a) the provisions of that Act and those rules relating to the appointment and functions of the Greyhound Racing Integrity Auditor,
- b) the provisions of that Act and those rules relating to the conduct of inquiries, investigations and reports in relation to greyhound racing,
- c) the provisions of that Act and those rules relating to the disqualification of greyhounds from participating in a race, the prohibition of persons from participating in or associating with greyhound racing and the imposition of penalties on registered persons,
- d) any other provisions of that Act and those rules relating to matters arising from greyhound racing held before the greyhound racing closure date.

(2) After the greyhound racing closure date, the provisions of the *Racing Appeals Tribunal Act 1983* relating to greyhound racing continue to have effect, whether or not they have been repealed by this Act, in relation to decisions made before that closure date or made after that date under the provisions that continue to have effect in accordance with subsection (1).

Similar provisions would ensure that any inquiries by the ACT Gambling and Racing Commission, the ACT Civil and Administrative Tribunal, and penalties imposed by the CGRC or GRNSW would be maintained.

Recommendation:

17. To enable a full transition prior to the end of 30 June 2018, that legislation provides for the cessation of greyhound racing in 2017, prior to the date that the NSW Greyhound Welfare and Integrity Commission is established.
18. That provision is included in legislation to preserve ongoing court and tribunal processes and the imposition of penalties arising out of inquiries.