

Monger, Brett

From: Monger, Brett
Sent: Thursday, 8 December 2016 11:18 AM
To: [REDACTED]
Cc: Greenland, Karen; Maclean, Natalie
Subject: RE: [REDACTED] Response to RFQ for Review of the MoU between the ACT Government and the ACT Racing Industry [SEC=UNOFFICIAL]

Dear [REDACTED]

Thank you for submitting a quote for the review of the Memorandum of Understanding for the Racing Industry in the ACT.

Since the request for quote was sought, the ACT Government has had an election which changed the responsibility and administration of racing and gaming policy. As a result of this, we will not be requiring the services of any submissions for the review of the MoU into the racing industry.

I apologise for this inaction, and thank you again for your submission.

Regards,

Brett

Brett Monger | Senior Manager, Racing & Gaming Policy | Legislation, Policy & Programs | Justice and Community Services Directorate | ACT Government
brett.monger@act.gov.au | ph: (02) 6207 7470

Please consider the environment before printing this email - or if printing is necessary, please print double-sided.

From: [REDACTED]
Sent: Friday, 4 November 2016 4:51 PM
To: Monger, Brett
Cc: [REDACTED]
Subject: [REDACTED] Response to RFQ for Review of the MoU between the ACT Government and the ACT Racing Industry

This email is to be read subject to the disclaimer below.

Dear Brett,

Thank you for inviting [REDACTED] to respond to your RFQ. Please find attached our response for your consideration. If you have any queries regarding our proposal, please feel free to contact us.

I would be grateful if you could please confirm receipt of our submission.

Kind regards,

[REDACTED]

Monger, Brett

From: Monger, Brett
Sent: Thursday, 8 December 2016 11:20 AM
To: [REDACTED]
Cc: Greenland, Karen; Maclean, Natalie
Subject: RE: [REDACTED] - Review of MOU between ACT Govt & ACT Racing Industry
 [SEC=UNOFFICIAL]

Dear [REDACTED]

Thank you for submitting a quote for the review of the Memorandum of Understanding for the Racing Industry in the ACT.

Since the request for quote was sought, the ACT Government has had an election which changed the responsibility and administration of racing and gaming policy. As a result of this, we will not be requiring the services of any submissions for the review of the MoU into the racing industry.

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Brett

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 Directorate | ACT Government
brett.monger@act.gov.au | ph: (02) 6207 7470

Please consider the environment before printing this email - or if printing is necessary, please print double-sided.

From: [REDACTED]
Sent: Friday, 4 November 2016 4:13 PM
To: Monger, Brett
Cc: [REDACTED]
Subject: [REDACTED] response - Review of MOU between ACT Govt & ACT Racing Industry

Dear Brett,

I refer to your request for [REDACTED] to provide a proposal to review the memorandum of understanding between the ACT Government and the ACT Racing Industry.

[REDACTED] is pleased to provide the **attached** response.

We look forward to hearing from you.

Regards

[REDACTED]

Monger, Brett

From: Monger, Brett
Sent: Thursday, 8 December 2016 11:19 AM
To: [REDACTED]
Cc: Greenland, Karen; Maclean, Natalie
Subject: RE: [REDACTED] Quotation - Review of MoU between ACT Government and ACT Racing Industry [SEC=UNOFFICIAL]

Dear [REDACTED]

Thank you for submitting a quote for the review of the Memorandum of Understanding for the Racing Industry in the ACT.

As discussed at your phone call, since the request for quote was sought, the ACT Government has had an election which changed the responsibility and administration of racing and gaming policy. As a result of this, we will not be requiring the services of any submissions for the review of the MoU into the racing industry.

I apologise for this inaction, and thank you again for your submission.

Regards,

Brett

Brett Monger | Senior Manager, Racing & Gaming Policy | Legislation, Policy & Programs | Justice and Community Services Directorate | ACT Government
brett.monger@act.gov.au | ph: (02) 6207 7470

Please consider the environment before printing this email.- or if printing is necessary, please print double-sided.

From: [REDACTED]
Sent: Friday, 4 November 2016 4:57 PM
To: Monger, Brett
Cc: [REDACTED]
Subject: [REDACTED] Quotation - Review of MoU between ACT Government and ACT Racing Industry

Dear Brett,

Please find attached [REDACTED] quotation for the review of the MoU between the ACT Government and the ACT Racing Industry.

Should you have any questions, or require further information, please do not hesitate to call me on [REDACTED]
[REDACTED]

Many thanks for the opportunity,

[REDACTED]

Maclean, Natalie

From: Monger, Brett
Sent: Monday, 7 November 2016 10:23 AM
To: Tennent, Simon
Cc: McDonald, Helen; Avell, Pamela; Maclean, Natalie; Hanigan, Jessica
Subject: Review of the Racing Industry MoU [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Simon,

For info the Requests for Quote relating to the Review of the Racing Industry MoU closed at cob last Friday.

While there is a great level of detail in the responses, broadly the values are:



The electronic versions are at the following link within the relevant company folder
<G:\LAPS\SF\Policy\Racing and Gaming Policy\Racing issues\MoU btwn the Territory and ACT Racing Clubs\2016 MoU Review\2016 Procurement for Review>

Cheers

Brett

Brett Monger | Deputy Director, Strategy and Program Design | Chief Minister, Treasury and Economic Development Directorate | ACT Government
brett.monger@act.gov.au | ph: (02) 6207 7470 | fax: (02) 6213 0748

Please consider the environment before printing this email - or if printing is necessary, please print double-sided.



ACT
Government

Chief Minister, Treasury and
Economic Development

24 October 2017



Dear Sir/Madam,

Economic Development would like to formally invite [REDACTED] to provide a quote for the review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry.

Please find attached a Request for Quotation Form, including the terms of reference for the review.

The Request for Quotation Form (including a proposed delivery date of the report) must be returned by 5:00pm on Friday 4 November 2017 via email to the requesting officer, Mr Brett Monger (brett.monger@act.gov.au).

If you have any questions on this matter, please contact Mr Brett Monger, Deputy Director Strategy & Program Design on 6207 7470 or via email at brett.monger@act.gov.au.

I look forward to receiving your proposal.

Yours sincerely

Simon Tennent
A/g Director
Strategy & Program Design
Chief Minister, Treasury and Economic Development Directorate

October 2016



ACT
Government

Chief Minister, Treasury and
Economic Development

24 October 2017

Dear Sir/Madam,

Economic Development would like to formally invite [REDACTED] to provide a quote for the review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry.

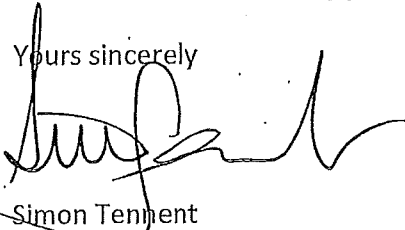
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I look forward to receiving your proposal.

Yours sincerely



Simon Tennent

A/g Director

Strategy & Program Design

Chief Minister, Treasury and Economic Development Directorate

October 2016



ACT
Government

Chief Minister, Treasury and
Economic Development

24 October 2017



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Yours sincerely

Simon Tennent
A/g Director

Strategy & Program Design
Chief Minister, Treasury and Economic Development Directorate

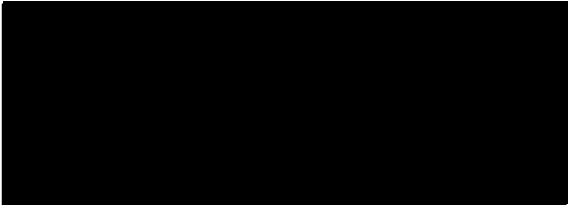
October 2016



ACT
Government

Chief Minister, Treasury and
Economic Development

24 October 2017



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If you have any questions on this matter, please contact Mr Brett Monger, Deputy Director Strategy & Program Design on 6207 7470 or via email at brett.monger@act.gov.au.

I look forward to receiving your proposal.

Yours sincerely

Simon Tennent

A/g Director

Strategy & Program Design

Chief Minister, Treasury and Economic Development Directorate

October 2016



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 7 October 2016 TRIM No: BM16/2442
File No: _____
To A/g Director-General, Economic Development *Please note comments as marked. 7.10.16*
From A/g Director, Strategy and Program Design
Subject Review of the Memorandum of Understanding with the Racing Industry

Critical date and reason

1. **14 October 2016.** This allows for progression during the caretaker period if appropriate.

Background

2. The ACT Government currently has a Memorandum of Understanding (MoU) with the ACT Racing Industry, which comprises Thoroughbred, Harness and Greyhound racing. This MoU is due to expire on 30 June 2017.
3. The ACT Government always intended reviewing this MoU in late 2016 to early 2017, to provide the racing industry with security of future funding prior to the expiration of the MoU.
4. The NSW ban on greyhound racing has complicated the review of the MoU, both in terms of timing and substance. Subject to your agreement, the MOU review will be progressed shortly and a separate independent review will consider the viability of greyhound racing in the ACT after the caretaker period. That review will also identify the impact to the ACT of the NSW greyhound racing ban.
5. The Independent Competition and Regulatory Commission (ICRC) was originally approached to conduct both reviews but due to time and cost constraints this option was considered unsuitable in this instance.

Issues

6. Consideration has been given to caretaker conventions. On balance, it is recommended that procurement for the MOU review can proceed during the caretaker period because:
 - a. the Minister for Racing and Gaming has previously announced the review prior to the caretaker period;
 - b. it is not considered politically contentious (unlike the review into the viability of greyhound racing in the ACT, which could not occur during the caretaker period);
 - c. the MOU review will provide information only, to inform future decision-making by government;
 - d. undertaking the MOU review does not require Ministerial approval; and

- e. the MoU review is not expected to incur a significant cost.
- 7. It is intended to approach the major accounting firms to get quotes for the completion of the MoU review. Should the quotes significantly exceed the expected cost, procurement action will cease and the review will not progress until after a new government has formed.
- 8. Attachment A identifies the proposed scope of the MoU review.
- 9. The ACT Government procurement processes will be followed, with the 'Simple Purchasing' process being appropriate in this instance.
- 10. Subject to the conclusions of the review into greyhound racing in the ACT, the outcomes of the MoU review should allow for the separation of the racing codes to enable, if necessary, the removal of greyhound racing from the revised MoU (from 1 July 2017).

Consultation

- 11. Nil.

Financial

- 12. The cost of the review into the MoU is expected to be less than \$50,000 which would need to be met from the yet to be approved budget.

Risks/ Sensitivities

- 13. The Canberra Greyhound Racing Club, the RSPCA, other animal welfare groups and the broader community may want to contribute to the MoU review. It is more appropriate they contribute to the review into the viability of greyhound racing in the ACT. It is not considered appropriate for them to contribute to the review of the MoU.

Media

- 14. There is a potential for media to scrutinise the MoU review given the intense media interest in the greyhound industry, both in the ACT and NSW.

Recommendation.

That you agree to Strategy & Program Design seeking quotes during the caretaker period from major accounting firms to conduct a review of the MoU between ACT Government and the ACT Racing Industry, based on the attached scope.

While: I am comfortable with seeking quotes at this time, this cannot progress unless there is an agreed and approved budget (refs para 12 above).

Ben Ponton *[Signature]* 7/10/16
 AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Please update me on the quotes received and budget as soon as possible

Executive Clearance: Simon Tennent
 Action Officer: Brett Monger
 Phone: x77470

Thank you
 Ben

Scope of the Review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry

The review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry will:

- a. identify the level of economic return to the Territory for each of the three racing codes – both in aggregate and separately;
- b. consider the process of funding for the racing industry, including but not limited to:
 - i. timing of payments to the entities (including prospective vs retrospective payment);
 - ii. term of the MoU;
 - iii. indexation applying to the funding;
 - iv. allocation across the different codes identified in the MoU (including responsibility for determining the appropriate allocation of funding between the codes);
- c. develop meaningful and measurable Key Performance Indicators for the industry overall and, if appropriate, each code separately;
- d. identify appropriate consequences (including possible funding reductions or termination) for not meeting the requirements of the MoU (e.g. in relation to integrity; animal welfare; etc.);
- e. identify appropriate reporting requirements in relation to KPI's;
- f. identify whether the current MoU has performed in delivering against the objectives within the MoU and if these objectives remain valid; and
- g. determine if a new MoU is an effective vehicle for meeting shared objectives with the racing industry codes.

Document 8: pages 12-13 - Exempted

Section 35 – Documents of the Executive



TRIM: BM16/2307

To: Chief Minister
 Minister for Racing and Gaming

Subject: Reviews of ACT Racing Industry Memorandum of Understanding (MoU) and the future of ACT Greyhound Racing

Critical date and reason

1. Nil. For information.

Recommendations

2. That you note the information in this brief.

NOTED/PLEASE DISCUSS

Andrew Barr MLA / /

NOTED/PLEASE DISCUSS

Mick Gentleman MLA / /

Supporting Reasoning

3. There are currently two ACT racing industry matters that require immediate attention from the Government:
 - a. Review of the MoU with the ACT racing industry (thoroughbred, harness and greyhound); and
 - b. Review the viability of greyhound racing in the ACT.
4. It is proposed to engage one of the major accounting firms to conduct these reviews. It is considered prudent to conduct the reviews separately rather than together.
 - a. The MoU Review relates to all three codes and funding arrangements; and
 - b. The greyhound review will consider aspects such as the implications of the NSW bans and any practical responses.
5. The Independent Competition and Regulatory Commission (ICRC) were considered to conduct these reviews but due to time constraints, cost and the need for them to engage specialists to undertake different parts of the review it is recommended not to use them. In a preliminary meeting with the ICRC they advised a completion date of May 2017 was the earliest a review could be completed. This timeframe is not suitable.

Review of the MoU with the Racing Industry

6. The current MoU with the three racing industry codes is due to expire on 30 June 2017.
7. Some of the matters the review will address which will be able to be incorporated into a future MoU with the industry are to:
 - a. identify the level of economic return to the Territory for each of the three racing codes separately;
 - b. consider the appropriateness and process of funding for the racing industry (e.g. timing, term, indexation, allocation); and
 - c. develop meaningful and measurable Key Performance Indicators which the industry will be held against.
8. The review will also look at if the current MoU:
 - a. has performed in delivering against the shared objectives within the MoU and if these remain valid; and
 - b. is a new MoU an effective vehicle for meeting shared objectives with the three racing industry codes.
9. It is anticipated that, if found plausible, a future MoU will be drafted as part of this review to incorporate thoroughbred, harness and greyhound racing but will separate them enough that, subject to the outcome of the Review of the Greyhound Industry in the ACT, the greyhound sector could be removed from the MoU without implications for the other codes if required.

Review of the Greyhound Industry in the ACT

10. The NSW Government has banned greyhound racing in NSW (including breeding or keeping dogs in NSW for racing in another jurisdiction) on the basis of abhorrent animal welfare practices.
 - a. Legislative amendments were passed on 24 August 2016 to enable the ban with effect from 1 July 2017.
11. In controlling greyhound racing in the ACT, the Canberra Greyhound Racing Club (CGRC) has a reciprocal arrangement with Greyhound Racing NSW to license all ACT trainers and to investigate matters relevant to ACT racing.
12. The review will consider:
 - a. the implications to the ACT of the *Special Commission of Inquiry into the Greyhound Racing Industry in NSW* and the *Greyhound Racing Prohibition Act 2016* (NSW);
 - b. whether the Greyhound Industry is a viable concern in its current form, without the assistance of Greyhound Racing NSW;
 - c. whether the Greyhound Industry is a viable concern in a different form, without the assistance of Greyhound Racing NSW;
 - d. the impact on the ACT (including additional compliance and regulatory functions) if the ACT industry was to continue with the existing regulatory context; and

- e. what the expenditure and social impact could be on the ACT if the banned industry from NSW was to 'relocate' to the ACT.

Consultation and Communication

- 13. Representatives from the CGRC have met with Minister Gentleman to discuss matters, including delivering a proposal to continue greyhound racing in the ACT.
- 14. Staff from Economic Development and Transport Canberra & City Services have met on a number of occasions to address matters of animal welfare.

Financial

- 15. The ACT Government provides over \$8 million per annum to the racing industry with around \$1 million of this going to greyhound racing (a further \$1 million to harness racing and \$6 million to thoroughbred horse racing). This allocation of assistance has been determined by the three racing codes.
- 16. Subject to the outcomes of the review of the viability of greyhound racing in the ACT, and subsequent Government decisions, after 1 July 2017 the greyhound funding (\$1 million) would either be maintained for the current purposes or could be used for other, but related, purposes such as to assist with the re-homing of greyhounds and assist those within the Industry.

Management of Other Risks

- 17. Most risks associated with the decision to ban greyhound racing are currently being played out in NSW as the ACT has not definitively announced that it will ban greyhound racing in Canberra to date.
- 18. In NSW legal action has commenced as a result of the banning of greyhound racing. There is a risk that a similar response will occur in the ACT if greyhound racing was also banned here (as has been articulated by the CGRC).
- 19. The CGRC are running a media campaign stating that other sporting clubs (including horse racing) will be at risk of abolition if the ACT Government bans greyhound racing. The thoroughbred and harness racing industries may want the MoU completed urgently to ensure continuity of support and funding from the ACT Government.
 - a. Regular communication will occur between Economic Development and the thoroughbred and harness racing industries during this period.
- 20. We should continue to note that there are only a small number of owners and trainers in the ACT,

Director-General: David Dawes

Deputy-Director General, Land Development: Ben Ponton

Executive Clearance: Simon Tennent, A/g Director Strategy and Program Design

Date: 6 September 2016

Action Officer: Brett Monger

Phone: x77470

Maclean, Natalie

From: Monger, Brett
Sent: Wednesday, 7 September 2016 5:08 PM
To: Maclean, Natalie; Tennent, Simon; Avell, Pamela; Redden, Sarah
Cc: McDonald, Helen
Subject: RE: brief on racing MoU and greyhound racing review [SEC=UNOFFICIAL]

All,

Thanks for your input. I've incorporated what I think is relevant. Simon, for your comment/clearance please.

All the documents are [here](#)

Reviews of MoU & Greyhound Racing

<G:\LAPS\SF\Policy\2016 briefs\BM16-xxx Reviews on MoU + Greyhound Racing Sep16.doc>

Brief for letters re decisions

[G:\LAPS\SF\Policy\2016 briefs\BM16-xxx CM brief to \[REDACTED\] colleagues.doc](G:\LAPS\SF\Policy\2016 briefs\BM16-xxx CM brief to [REDACTED] colleagues.doc)

Letter to [REDACTED] colleagues (from CM)

<\\act.gov.au\EDD\LAPS\SF\Policy\2016 briefs\BM16-xxxx CM to Cabinet Greyhound Review.doc>

Brief to David Dawes (from CM)

<\\act.gov.au\EDD\LAPS\SF\Policy\2016 briefs\BM16-xxxx CM to DD Greyhound Review.doc>

Cheers

Brett

From: Maclean, Natalie
Sent: Wednesday, 7 September 2016 3:25 PM
To: Monger, Brett; Tennent, Simon; Avell, Pamela; Redden, Sarah
Subject: RE: brief on racing MoU and greyhound racing review [SEC=UNOFFICIAL]

Hi Brett,

I have made some comments/changes via tracked changes for your consideration.

Cheers

Nat

From: Monger, Brett
Sent: Wednesday, 7 September 2016 2:13 PM
To: Tennent, Simon; Avell, Pamela; Maclean, Natalie; Redden, Sarah
Subject: brief on racing MoU and greyhound racing review [SEC=UNOFFICIAL]

All,

Can you please have a look at this and give me your comments.

<G:\LAPS\SF\Policy\2016 briefs\BM16-xxx Reviews on MoU + Greyhound Racing Sep16.doc>

Happy to hear any thoughts (you can use track changes in this document).

Thanks

Brett

Documents 10-11: pages 19-22 - Exempted

Section 35 – Documents of the Executive

Maclean, Natalie

From: Avell, Pamela
Sent: Monday, 5 September 2016 1:06 PM
To: Tennent, Simon
Cc: Monger, Brett; Maclean, Natalie
Subject: FW: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Attachments: Draft Terms of Reference - Racing Review_PA.docx

Hi Simon

As I won't be able to attend this afternoon, I've attached some quick thoughts in relation to the Treasury comments.

Kind regards,

Pamela

From: Tennent, Simon
Sent: Friday, 2 September 2016 11:28 AM
To: Crowe, Lindsay
Cc: Monger, Brett; Avell, Pamela
Subject: FW: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Lindsay

Can I please get a 30 minute slot in Ben's Diary on Monday? Treasury wish to meet about the impending greyhound review.

Thanks

Simon

From: Goth, Kathy
Sent: Friday, 2 September 2016 10:55 AM
To: Tennent, Simon
Subject: FW: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

From: Doran, Karen
Sent: Friday, 2 September 2016 9:45 AM
To: Goth, Kathy
Subject: FW: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

As discussed – quick reactions only.

A meeting would be good to understand the intent of this process.

Ta
 Karen

From: Goth, Kathy
Sent: Thursday, 1 September 2016 4:03 PM
To: Doran, Karen; Smith, MatthewC; Wong, Nicole
Subject: FW: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi All

I had a discussion with Simon about this yesterday and offered to provide comment on the TOR when they were available.

He has just sent them through.

I will set up a time to discuss this and the proposed process tomorrow.

Regards

Kathy

From: Tennent, Simon

Sent: Thursday, 1 September 2016 3:58 PM

To: Goth, Kathy

Subject: Draft Terms of Reference - ACT Racing Industry Review [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Kathy

As discussed. I'll call now but if I miss you, can you please call asap.

Cheers

Simon

SENSITIVE

Australian Capital Territory

Independent Competition and Regulatory Commission (Investigation into the ACT Racing Industry) Terms of Reference Determination 2016 (No 1)

Disallowable Instrument DI2016-

made under the

Independent Competition and Regulatory Commission Act 1997, section 15 (Nature of industry references) and section 16 (Terms of industry references)

Reference for Investigation under Section 15

Pursuant to section 15(1) and 16 of the *Independent Competition and Regulatory Commission Act 1997* (the Act), I refer to the Independent Competition and Regulatory Commission (the Commission) the task of undertaking an investigation of the ACT racing industry.

1. The review will examine and make recommendations about the Memorandum of Understanding (MOU) between the Territory and the ACT racing industry. In making its recommendations the review will:
 - a) consider the current and projected economic impact on the ACT community of each of the racing codes (thoroughbred, harness racing and greyhound racing) in the ACT;
 - b) examine whether the existing MOU between the Territory and the ACT racing industry has met its objectives including, but not limited to:
 - i. the industry funding process (timing, term, indexation, allocation, future funding);
 - ii. performance reporting;
 - iii. multi-year contracts;
 - iv. adequacy of industry structure and governance;
 - v. ongoing industry integrity;
 - vi. ongoing implementation of the race field information amendments; and
 - vii. administration arrangements for the Racing Appeals Tribunal;
 - c) consider whether the existing MOU's objectives remain valid and identify additional future objectives and/or performance indicators; and
 - d) consider whether a new MOU would be an effective vehicle for meeting future objectives and, in particular, whether the existing format of a single MOU between the Territory and the three controlling bodies should be retained.

Comment [kd1]: Instrument to be signed by Treasurer – has he been consulted?

What is the link of the review to ICRC – competitive neutrality/regulatory effectiveness? It seems more about funding models

ionCM

Comment [PA2]: The Treasurer has not been consulted at this level of detail as yet but is aware of the Government's intention to conduct a review and will be writing to Cabinet colleagues about this issue. He will be briefed on the detail once the draft ToR are settled internally.

In relation to the link with the ICRC, this falls under their broader remit of regulated industries (s15). The ICRC completed the 2011 'Investigation Into the ACT Racing Industry'

Comment [kd3]: What are the objectives? The first three do not seem to be objectives of an MOU, and the last four are badly framed if they were meant to be the objectives.

Comment [PA4]: Dot points (i) to (vii) follow the structure of the MOU document as it currently exists. If not 'objectives' suggest the wording could be changed to 'has been effective'

Comment [kd5]: This is not for the ICRC to do?

Comment [PA6]: The Minister is keen for the review to identify suitable future performance indicators. The s15 reference has a much broader remit than price directions etc – would need ICRC advice on whether it is out of their scope.

SENSITIVE

SENSITIVE

2. The review will also examine any implications of developments in greyhound racing in other jurisdictions. In making recommendations the review will consider relevant issues including, but not limited to:
 - a) the implications of the *Special Commission of Inquiry into the Greyhound Racing Industry in NSW* and the *Greyhound Racing Prohibition Act 2016 (NSW)* in the context of the current industry and regulatory framework in the ACT, in particular:
 - i. on the economic impact outlined in (1)(a) above; and
 - ii. for the existing industry funding provided by the Territory; and
 - b) any practical responses to the impact in the ACT of the closure of the industry in NSW.
3. Noting that the existing MOU expires on 30 June 2017, the review should be completed as early as practicable and no later than 30 April 2017.
4. The review may invite public submissions.

Comment [Kd7]: Too broad – but again seems to go to government policy. Not a role for the ICRC

Comment [PA8]: These points are based on GSO advice. The review of the MOU needs to consider the impact of recent changes to the greyhound racing industry in NSW as this will affect the industry in the ACT.

Andrew Barr MLA
Treasurer

September 2016

SENSITIVE

Maclean, Natalie

From: Tennent, Simon
Sent: Wednesday, 31 August 2016 10:38 AM
To: Monger, Brett
Cc: Avell, Pamela; Maclean, Natalie
Subject: ICRC Chat [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Brett/Pamela

Just an FYI that I chatted again with the ICRC Commissioner last night and he is coming back to me with a ballpark figure and timeframe for them to conduct the full review.

[REDACTED]

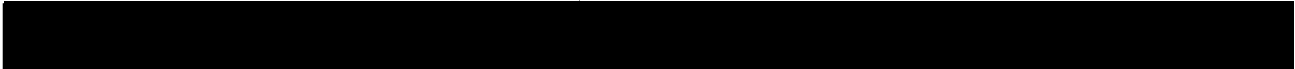
Simon

Monger, Brett

From: Tennent, Simon
Sent: Friday, 26 August 2016 2:17 PM
To: Ponton, Ben
Cc: Dawes, David; Crowe, Lindsay; Monger, Brett
Subject: ACT Greyhound Racing - current status and next steps [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Ben

Understand that you are flat out on other things so in lieu of our meeting, I just wanted to advise:

- I was present at the meeting between Minister Gentleman and the Canberra Greyhound Club to talk about the industry's future. The standard line was adopted in that no decision has been made and a review will be undertaken into the whole ACT Racing MOU in light of the NSW ban.
- 
- We then met with the ICRC commissioner (Joe Dimasi) to gauge their ability to conduct such a review in light of the NSW bill to ban the industry being passed on Wednesday.

From these discussions there is quite a bit to talk about including the urgent need to get a review underway before caretaker, the funding of such a review, and the limited capacity of the ICRC to deliver by the required February deadline. There are also some other important NSW transitional issues that the Territory need to be prepared for.

Let me know when you're free to chat.

Cheers

Simon Tennent
A/g Director
Strategy and Program Design

Phone: 02 6205 4961 | Fax 02 6207 0123 |
Chief Minister, Treasury and Economic Development Directorate | ACT Government |
Level 6 Transact House, 470 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 |
Website: www.economicdevelopment.act.gov.au

Scope of the Review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry

The review into the Memorandum of Understanding between the ACT Government and the ACT Racing Industry will:

- a. identify the level of economic return to the Territory for each of the three racing codes – both in aggregate and separately;
- b. consider the process of funding for the racing industry, including but not limited to:
 - i. timing of payments to the entities (including prospective vs retrospective payment);
 - ii. term of the MoU;
 - iii. indexation applying to the funding;
 - iv. allocation across the different codes identified in the MoU (including responsibility for determining the appropriate allocation of funding between the codes);
- c. develop meaningful and measurable Key Performance Indicators for the industry overall and, if appropriate, each code separately;
- d. identify appropriate consequences (including possible funding reductions or termination) for not meeting the requirements of the MoU (e.g. in relation to integrity; animal welfare; etc.);
- e. identify appropriate reporting requirements in relation to KPI's;
- f. identify whether the current MoU has performed in delivering against the objectives within the MoU and if these objectives remain valid; and
- g. determine if a new MoU is an effective vehicle for meeting shared objectives with the racing industry codes.

Australian Capital Territory

Independent Competition and Regulatory Commission (Investigation into the ACT racing industry) Terms of Reference Determination 2010 (No 1)

Disallowable instrument DI2010-269

made under the

Independent Competition and Regulatory Commission Act 1997, Section 15 (Nature of industry references) and Section 16 (Terms of industry references)

EXPLANATORY STATEMENT

The purpose of the instrument is to refer to the Independent Competition and Regulatory Commission (“the Commission”) the task of undertaking an investigation into the ACT racing industry.

As part of the 2010-11 Budget, the Government announced that Treasury would coordinate an independent review of the ACT racing industry funding arrangements.

The review will, among other things:

- 1) examine and make recommendations on an appropriate system of product payments and an appropriate funding outcome for the ACT racing industry;
- 2) recommend an appropriate allocation of budget funding amongst the three racing clubs;
- 3) examine the economic impact of the racing industry in the ACT;
- 4) examine race funding in the ACT compared to other jurisdictions; and
- 5) examine the impact, opportunities and challenges of a possible national statutory scheme on the ACT racing clubs and make recommendations on the future structure of the industry.

Australian Capital Territory

Independent Competition and Regulatory Commission (Investigation into the ACT Racing Industry) Terms of Reference Determination 2010 (No 1)

Disallowable Instrument DI2010-269

made under the

Independent Competition and Regulatory Commission Act 1997, Section 15 (Nature of industry references) and Section 16 (Terms of industry references)

Reference for Investigation under Section 15

Pursuant to section 15(1) and 16 of the *Independent Competition and Regulatory Commission Act 1997* (the Act), I refer to the Independent Competition and Regulatory Commission (the Commission) the task of undertaking an investigation of the ACT racing industry.

1. The review will examine and make recommendations on an appropriate system of product payments and an appropriate funding outcome for the ACT racing industry. In making its recommendations the review will:
 - a) examine the economic impact of the racing industry in the ACT, including, but not limited to:
 - i. the benefit the ACT Government receives through ACTTAB's use of race field product from the ACT racing clubs and interstate racing clubs;
 - ii. the contribution of racing in the Canberra community, the revenue streams of racing clubs (including wagering, broadcast, sponsorship and functions), employment impacts, tourism spillovers and any other relevant trends in the industry;
 - b) estimate the current value of racing product created by the ACT racing clubs and provide advice on the capacity for future growth in value of racing product;
 - c) measure the current net value of product payments to the ACT racing clubs;
 - d) compare the current net value of product payments measured at c) with:
 - i. current net value of product payments to racing clubs in other jurisdictions;
 - and

- ii. considered as comparisons of payments per capita, per racing industry full-time employee, per racing patron and per dollar of economic contribution.
2. The review will also examine and make recommendations on an appropriate allocation of ACT budget funding amongst the three racing clubs (Canberra Racing, Canberra Harness Racing Club and the Canberra Greyhound Racing Club). In making recommendations the review will consider relevant issues including, but not limited to:
 - a) any information arising from 1) above;
 - b) the level of interest/involvement in racing product both nationally and locally;
 - c) the relative costs of producing racing product and maintaining racing facilities; and
 - d) other forms of implicit and explicit government support to the racing clubs.
3. The review will also examine the impact, opportunities and challenges of a possible national statutory scheme on the ACT racing clubs and make recommendations on the future structure of the ACT racing industry. In making its recommendations the review will:
 - a) examine the opportunities and risks arising from a national product market to the ACT Government, Canberra community and ACT racing clubs; and
 - b) examine the current structure of the racing industry and identify opportunities for the industry to be more efficient, sustainable and competitive in a national product market.
4. The review will invite public submissions.

Simon Corbell MLA
Attorney General
13 October 2010

Maclean, Natalie

From: Maclean, Natalie
Sent: Wednesday, 24 August 2016 10:34 AM
To: Tennent, Simon
Cc: Avell, Pamela; Monger, Brett
Subject: Background information for ICRC meeting [SEC=UNCLASSIFIED]
Attachments: Signed MOU - Racing Clubs (13 Dec 2013).pdf; Talking Points Minister Gentlemen NSW Bill.docx; Attachment A - NSW Greyhound Racing Prohibition Bill 2016 key points.docx; Attachment B - The NSW greyhound racing industry - Background.pdf

Hi Simon,

Attached are some possible background documents you may want to pass on to the ICRC before the meeting tomorrow.

I have attached a copy of the:

- signed MoU with the three ACT Racing Clubs, noting that the MoU is due to expire on the 30 June 2017;
- the Talking points that were put together for Minister Gentleman on the NSW Greyhound Prohibition Bill 2016 on the 11 August which includes a fair amount of background information on the Canberra Greyhound Racing Industry along with a copy of what is happening in NSW (which may be relevant considering the Bill was passed this morning in NSW).

May also want to include that the relevance of the NSW Ban for the following points:

1. The ACT greyhound industry is subsidised through an annual grant of around \$1 million. It was intended that the rationale for this funding will be reviewed through the review of the MOU which expires on 30 June 2017.
 - a. The funding is not linked to the MOU, however it is the mechanism that is used to measure performance and hence could be used to justify any changes to the current funding arrangements.
2. Therefore it is recommended that the review to determine the future viability of the greyhound industry be undertaken as part of the review of the MOU with the Racing industry that was already anticipated for 2016-17.
3. Due to these recent developments in NSW, the draft ToR will need to be expanded to include the following issues (which are explained further below):
 - a. the regulatory and financial impacts of the NSW decision on the ACT greyhound industry;
 - b. what are the economic and social benefits from the industry;
 - c. could these benefits continue without NSW?
 - d. Is there a case for continued funding.

Also as discussed with Pamela this morning I will leave the draft Terms of Reference on the review to be forwarded by Brett.

Please let me know if there is anything else you would like us to put together.

Cheers

Nat

Natalie MacLean | Senior Policy Officer

Phone 02 6207 0704 | Email: natalie.maclean@act.gov.au

Strategy and Program Design | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 6 TransACT House, 470 Northborne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

Please note that I only work on Monday, Tuesday and Wednesday's.



ACT
Government

Economic Development

MEMORANDUM OF UNDERSTANDING



Dated	December 2013
Parties	AUSTRALIAN CAPITAL TERRITORY CANBERRA RACING CLUB CANBERRA HARNESS RACING CLUB CANBERRA GREYHOUND RACING CLUB
Prepared by	Economic Development Directorate GPO Box 158 Canberra ACT 2601 Ph: 02 6207 1763 Fax: 02 6207 0123
Version	Final

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PARTIES: **AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988 (Cth) (Territory)* represented by the Economic Development Directorate.

CANBERRA RACING CLUB
CANBERRA HARNESS RACING CLUB
CANBERRA GREYHOUND RACING CLUB

BACKGROUND

- A. This Memorandum of Understanding (MoU) details the structure and quantum of Territory funding provided in support of the local racing industry to the Canberra Racing Club, the Canberra Harness Racing Club and the Canberra Greyhound Racing Club (**Clubs**) to 30 June 2014 and budget funding estimates for the out years to 2016-17 as detailed in Budget Estimates 2013-14.
- B. Whilst it is intended to cover the period from 2013 to 2017, the parties acknowledge that there are a number of strategic decisions that are likely to be made during this period that may impact on the Clubs and that as a result, this MoU may need to be reviewed from time-to-time as agreed by the parties. These decisions may relate (but are not limited) to the following:
- future decisions made by the Territory in relation to ownership options for ACTTAB Limited; and
 - the outcome of investigations into co-location opportunities for the Territory's racing clubs.
- C. This MoU also identifies the medium to longer term policy objectives shared by the Territory and the Clubs and reflects the principles which will guide the ongoing working relationship of the parties.
-

IT IS AGREED by the parties as follows.

1. Interpretation

1.1 Definitions

The following definitions apply in this MoU, unless the context otherwise requires.

Representatives means, in relation to each party, the representatives whose names and contact details are specified in **Item 1 of Schedule 1 to this MoU**, or as notified in writing from time to time by one party to the other.

Term means the term specified in **Item 2 of Schedule 1 to this MoU**, and if extended, the initial term and the extended term.

Territory means:

- (1) when used in a geographical sense, the Australian Capital Territory; and
- (2) when used in any other sense, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth).

1.2 General

In this MoU, unless the context otherwise requires:

- (1) references to "Clubs" includes any employees, agents, contractors or sub-contractors of the Clubs;
- (2) references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation;
- (3) words importing a gender include the others; words in the singular number include the plural and vice versa; and where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (4) "include" is not to be construed as a word of limitation; and
- (5) headings have no effect on the interpretation of the provisions.

2. Intention

This MoU is a statement of intent and does not create legal obligations between the parties.

3. Variation

This MoU may be varied by the written agreement of all parties.

4. Term

This MOU is effective from the date signed by all parties to 30 June 2017.

5. Termination

This MoU may be terminated by the written agreement of all parties.

6. Budget Funding

6.1 2013-14 Appropriation

The parties agree that the estimate of budget funding provided to the Clubs over the 2013-14 financial year is \$7.827 million:

	Budget funding (\$m)	Half-yearly Instalment (\$m)
Canberra Racing Club	5.871	2.9345
Canberra Harness Racing Club	0.978	0.48925
Canberra Greyhound Racing Club	0.978	0.48925
Total	7.827	3.913

6.2 Payment Timings

- (1) In accordance with clause 6.1 and subject to paragraph 6.2 (2) below, the parties agree that payments of budget appropriation funding will be made six-monthly in advance in July and January, upon receipt of a written request for payment.
- (2) The parties acknowledge that the provisions of the *Financial Management Act 1996*, relating to supply, do not permit the payment of a sum greater than 50% of the previous year's funding, prior to the passage of the Budget for the current year.

6.3 Indexation

The total budget funding provided to the Clubs may be subject to changes in the Consumer Price Index (CPI).

Indexation applied to funding from 2014-15 will be in accordance with the formula outlined in clause 6.5.

6.4 Allocation

The parties acknowledge that budget funding is currently being directly provided to the Clubs based on the allocation agreed by the Clubs.

The parties agree the allocation will continue to be determined by the three codes noting that in line with the Government's response to Independent Competition and Regulatory Commission's (ICRC) recommendations, allocation will be reviewed (if not done so beforehand) by the three codes and the Territory as part of the 2017-18 Budget cycle.

6.5 Future Funding

The model of budget funding suggested in the ICRC *Investigation into the ACT Racing Industry Final Report* (Report 2 of 2011, April 2011) in May 2012 is considered appropriate; however, the indexation applied to funding should be set at CPI minus 0.5 per cent from 2014-15 based on 2013-14 budget levels.

Noting the above caveats, the 2013-14 Budget Estimates show the following funding estimates for the out years to 30 June 2017:

Year	Funding
2014/2015	\$8.022m (estimate)
2015/2016	\$8.226m (estimate)
2016/2017	\$8.428m (estimate)

6.6 Goods and Services Tax (GST)

Budget funding provided to the Clubs under this MoU is not subject to GST.

7. Performance Reporting Objectives

The parties agree throughout the first year of this MoU, to work in partnership to establish a standard performance framework designed to provide assurance to the Territory on the ongoing viability, integrity, governance, accountability and efficiency of the Industry going forward.

Initial key performance indicators include:

- efficient administration, promotion and maintenance of racing activities;
- maintenance of integrity services including, but not limited to, adherence to the *Australian Rules of Racing, Local Rules of Racing, the Racing Act 1999 (ACT)* stewarding services and drug detection;
- provision of optimum quality services and facilities to encourage participation by participants and spectators;
- coverage of local and interstate race meetings through TAB agencies, quality of race meetings, stake monies and overall promotion to maximise the interest of offcourse investors;
- specific opportunities taken to increase returns from wagering on racing activities; and
- optimisation of external income streams.

8. Multi-Year Contractual Arrangements

To provide greater funding certainty to the Clubs, the Government agreed in its response to the ICRC report, to investigate the development of multi-year contractual arrangements with reporting requirements in consultation with the industry.

The Territory and Clubs agree to work together to develop these contractual arrangements throughout the first year of this MoU in readiness for implementation from the 2014-15 financial year.

9. Structure and Governance

The parties agree to participate in a detailed feasibility investigation into co-locating two or more of the three Clubs at the one location.

The parties agree to work together to complete this investigation in a timely manner.

The parties agree to continue working together to realise economies of scale in administrative arrangements between the Clubs in line with findings contained in the ICRC report. A recent example of this in practice is the administration of Race Field Information product fees.

10. Maintaining Strong Integrity

The Clubs agree to continue conducting their races and discharge their duties in line with the requirements of relevant legislation and regulations in the Territory throughout the term of this MoU.

The Clubs also agree to continue conducting their races and discharge their duties in line with the requirements of the *Australian Rules of Racing* for their respective codes throughout the term of this MoU.

11. Changes to the ACT Race Field Information Charge

The parties acknowledge the legislative changes which came into effect on 1 March 2013, which allow the Clubs to directly set and administer an appropriate race field information charge for the Industry. The Clubs agree to administer the core elements of the scheme, which became their responsibility from 1 March 2013, in accordance with the legislative requirements in the *Racing Act 1999 (ACT)* and associated regulations and in accordance with the transitional arrangements agreed to with the Territory and the ACT Gambling and Racing Commission (GRC).

From 1 July 2013, the Clubs have had full administration responsibility for the scheme within the legislative requirements in the *Racing Act 1999 (ACT)* and associated regulations. The Clubs acknowledge the specific reporting requirements placed on them under these arrangements and agree to provide the necessary information to the Territory within the timeframes required.

The Territory and GRC agree to provide support and guidance to the Clubs throughout this period when and if required.

At time of commencement of this MoU, the Canberra Harness Racing Club and the Canberra Greyhound Racing Club have agreed to appoint as their agent the Canberra Racing Club for the purposes of the scheme's administration. The Canberra Racing Club agrees to maintain an appropriate and current written authority with the Clubs in line with requirements outlined in the *Racing Act 1999 (ACT)* for the duration of the agency period.

12. Racing Appeals Tribunal

As agreed prior to the signing of this MoU, the quantum of operational costs in relation to the Racing Appeals Tribunal will be borne in the first instance by the Territory as a matter of expediency in paying members and other providers.

Where costs relating to the activities of the Racing Appeals Tribunal are to be shared, the Clubs will be invoiced based on the same split agreed for the distribution of government funding.

Any cost relating to a specific appeal matter (such as sitting fees for a tribunal member) will be borne by the Club for which the appeal relates.

13. Notices

Any notice, including any other communication, required to be given or sent to either party under this MOU must be in writing and given to the relevant Representative. A notice will be deemed to have been given:

- (1) if delivered by hand, on delivery;
- (2) if sent by prepaid mail to the last reported mailing address, on the expiration of two business days after the date on which it was sent;
- (3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
- (4) if sent by electronic mail; on the other party's acknowledgment of receipt by any means.

SCHEDULE 1**Item 1. Representatives**

For the Territory:

Joy Burch MLA
Minister for Racing and Gaming
ACT Government

For the Clubs:

Dr Chris Ward
Chairman
Canberra Racing Club Inc
PO Box 275
MITCHELL ACT 2911

Mr Ray Redman
Chairman
Canberra Harness Racing Club
PO Box 588
DICKSON ACT 2602

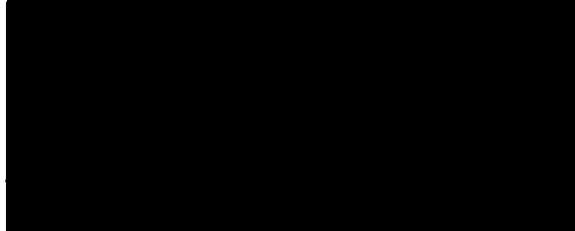
Mr Ashley Dwyer
Chairman
Canberra Greyhound Racing Club Inc
PO Box 647
FYSHWICK ACT 2609

Item 2. Term

From the date of this MOU until 30 June
2017.

DATE OF THIS MoU 13th December 2013

SIGNED for and on behalf of the
AUSTRALIAN CAPITAL
TERRITORY:

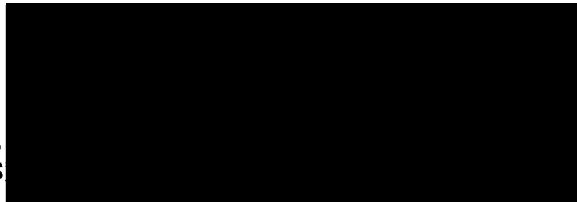


Joy Burch

.....
Print name

SIGNED by or for and on behalf of
Canberra Racing Club:

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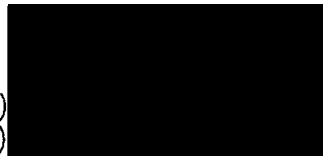


Christopher Ward

.....
Print name and position

SIGNED by or for and on behalf of the
Canberra Harness Racing Club:

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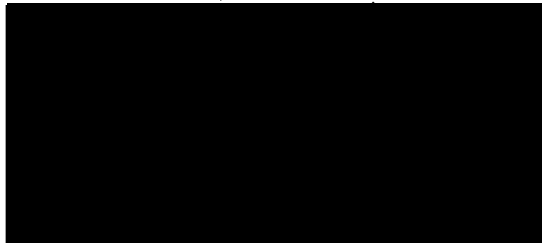
.....
Signature

Raymond Redman

.....
Print name and position

SIGNED by or for and on behalf of the
Canberra Greyhound Racing Club:

)
)
)



Ashley DWYER

.....
Print name and position

CHAIRMAN

Handwritten scribble or mark in the bottom left corner.

NSW Greyhound Racing Prohibition Bill 2016 – Minister for Racing and Gaming Talking Points

Key Messages

- The Greyhound Racing Prohibition Bill 2016 was introduced into the NSW Legislative Council (the upper house) yesterday and was passed in that house late last night. The Bill is expected to be considered today by the NSW Legislative Assembly (the lower house).
- If passed, the Bill will give legal effect to the NSW Government's announcement on Thursday, 7 July 2016 that the NSW Greyhound Racing Industry will be shut down from 1 July 2017.
 - The decision by the NSW Government followed the presentation of the findings of the Special Commission on Inquiry into the NSW Greyhound Racing Industry.
- The Bill will prohibit (from 1 July 2017, subject to transitional arrangements):
 - greyhound racing and training in NSW
 - keeping of greyhounds in NSW for the purposes of greyhound racing (within or outside NSW)
 - breeding of greyhounds (unless demonstrated as a companion animal)
 - betting on greyhound racing in NSW
- The Bill provides that no compensation is payable (however the NSW Government has separately indicated a transition plan is being developed).
- The Bill provides for the appointment of a Greyhound Racing Administrator to wind up greyhound racing in NSW and the affairs of Greyhound Racing NSW and includes provisions for the welfare of greyhounds affected by the closure.
- The ACT Government is concerned by the findings of the NSW inquiry. In particular, the continued practice of live baiting and mass killings of greyhounds by NSW based trainers.
- The ACT Government is currently reviewing the Memorandum of Understanding (MOU) that governs the relationship between the ACT Government and the ACT racing industry generally.
- The review scope and timeframes are currently being finalised by the Chief Minister, Treasury and Economic Development Directorate.
- The Minister for Racing and Gaming has a meeting with Kel Watt, Canberra Greyhound Racing Club scheduled for 23 August 2016.

Background

- See Attachment A for a brief summary of the Greyhound Racing Prohibition Bill 2016's provisions and the possible impact in the ACT.

- See Attachment B for an 'Issues Backgrounder' document from the NSW Parliament summarising the Inquiry findings.

Chief Minister's comments

- The Chief Minister announced on 7 July 2016 that "...it is untenable for the government to continue allowing and financially supporting greyhound racing."

ACT Greyhound Racing

- The number of participants located in the ACT is small and industry has indicated that it would not be practical or financially viable for greyhound racing to continue in the ACT when operations cease in NSW.
 - As of February 2016, Canberra Greyhound Racing Club has around 151 members and employs 2 full time employees and 20 casuals, plus several contractors (eg Veterinarians, stewards, accountant services). It employs 8 full time equivalent employees in total.
- The ACT greyhound racing industry is quite different to NSW and is heavily subsidised by the annual grant of \$1 million from the ACT Government.
- Participants of greyhound racing in the ACT are primarily located in NSW.
- In controlling greyhound racing in the ACT, the Canberra Greyhound Racing Club has a reciprocal arrangement with Greyhound Racing NSW to licence all ACT trainers and to investigate matters relevant to ACT racing.
- Since the announcement, the Canberra Greyhound Racing Club have launched a number of media campaigns to fight the potential ban in the Territory, mainly focusing on the perfect record of caring for greyhounds and that no allegations have ever been reported to authorities in the ACT.
 - The Clubs website has a number of messages which have also been distributed on Facebook.
 - The Club also launched a 'Save the Dogs' campaign which was received electronically via email to greyhound racing participants and supporters in Canberra and surrounds.

Greyhound Racing Site Jerrabomberra

- The site of the greyhound track (Jerrabomberra block 1255 or SYMONSTON: Block 2, Section 107) is leased to the CGRC on a 50 year concessional lease which is due to expire on 22 November 2027.
- The lease is a rental lease with payment of 4 per cent of the site value (currently \$14,000 per annum, with a rental appraisal due November 2016). The purpose of this land is for "*a greyhound racecourse and ancillary facilities and subsidiary thereto a sportsground*".
- In the event that greyhound racing is banned or otherwise comes to an end in the ACT, that will have an impact on the use that the industry can make of its racetrack but until the review is completed it is too early to express any views about any future use of the greyhound track or the site.

Greyhound Racing Prohibition Bill 2016 Key Points

Overview of Bill

The object of the Bill is to close the greyhound racing industry in NSW on 1 July 2017 (the *greyhound racing closure date*). For that purpose, the Bill:

- a) Authorises the minister to appoint a Greyhound Racing Administrator to wind up greyhound racing in NSW and the affairs of Greyhound Racing NSW, and
- b) Enables greyhound racing to continue until the greyhound racing closure date, and
- c) Makes provision for the welfare of greyhounds affected by the closure of greyhound racing, and
- d) Provides for the repeal of the *Greyhound Racing Act 2009* and the dissolution of Greyhound Racing NSW on a proclaimed date after the greyhound racing closure date.

Key Points

<i>Greyhound Racing Prohibition Bill 2016</i>	<i>Possible Impact in ACT</i>
<p>Part 4 Closure of greyhound racing</p> <p>Clause 14 prohibits on and after the greyhound racing closure date:</p> <ol style="list-style-type: none"> a) greyhound racing and training in NSW, and b) betting on greyhound racing in NSW. 	<p>NSW based trainers who are members of the Canberra Greyhound Racing Club will not be able to train greyhounds in NSW.</p>
<p>Clause 16 prohibits the keeping of greyhounds for the purposes of greyhound racing (in or outside NSW) on and after the greyhound racing closure date.</p>	<p>Persons residing in NSW will not be able to own greyhounds to race them in other jurisdictions. Greyhounds in NSW will only be able to be companion animals.</p>
<p>Clause 17 prohibits the breeding of greyhounds for greyhound racing on and from a date fixed by proclamation.</p>	<p>Persons residing in NSW will not be able to breed greyhounds.</p> <p>However it is a defence to a prosecution for an offence if the person charged establishes that the person bred the greyhound concerned as a companion animal and not for greyhound racing (i.e. the onus of proof is on the breeder).</p>
<p>Clause 20 requires Greyhound Racing NSW to be notified of the transfer of a greyhound to another registered owner or to a person or body responsible for a greyhound adoption program.</p> <p>This section has effect until the greyhound closure date and for such further period as may be prescribed by the regulations.</p>	<p>Persons residing in NSW will be able to transfer greyhounds only to registered owners in the ACT or to a person or body in the ACT that are responsible for a greyhound adoption program until 1 July 2017 (or longer by regulation).</p>
<p>Clause 21 makes it an offence for the owner of a registered greyhound to retire, export or transfer to a person not registered as a greyhound owner, or to destroy (or cause to be destroyed) the greyhound without the consent of Greyhound Racing NSW.</p>	<p>Written consent of Greyhound Racing NSW will be required for the retirement or destruction of a greyhound, or for the export or transfer to a person registered as a greyhound owner in the ACT.</p>
<p>Part 7 Miscellaneous</p> <p>Clause 29 provides that compensation is not payable by the State as a result of the enactment and operation of the proposed Act and the exercise of functions under the proposed Act.</p>	<p>There will be no compensation payable by or on behalf of the State as a result of this Act. (The NSW Government will, however, assist the industry in transitioning.)</p>



issues backgrounder

Number 2/July 2016

NSW Parliamentary Research Service

The NSW greyhound racing industry

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1. INTRODUCTION

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

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

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

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

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

2. BACKGROUND AND TIMELINE OF EVENTS

NSW GREYHOUND RACING INDUSTRY REGULATORY FRAMEWORK

Industry legislation and codes

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

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

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

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

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

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

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

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

Animal welfare legislation

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

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

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

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

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With regard to live baiting, s 21 of the *Prevention of Cruelty to Animals Act 1979* prohibits the practice:

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

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

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

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

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

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

Other legislation and codes

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

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

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

BENEFITS OF THE INDUSTRY

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

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

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

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

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

 Issues Backgrounder

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

TIMELINE OF THE NSW GREYHOUND RACING INDUSTRY

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

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

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

3. FINDINGS OF THE SPECIAL COMMISSION OF INQUIRY

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

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

COMMISSION FINDINGS

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

Wastage

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

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

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

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

Rehoming

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

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

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

Industry education and culture

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

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

In its report, WDA said:

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

Live Baiting

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

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

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

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

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

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Deception of the public concerning deaths and injuries

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

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

Has the greyhound racing industry changed since February 2015?

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

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

RECOMMENDATIONS

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

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

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

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

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

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C Phillips, [Not just greyhound racing: it's time to clean up other animal industries](#), The Conversation, 16 June 2015.

S Rubinsztein-Dunlop, [Greyhound racing industry hit with doping, cruelty, collusion allegations](#), ABC News, 16 October 2013.

N O'Brien, [NSW racing going to the dogs](#), Sydney Morning Herald, 15 July 2012.

12. GREYHOUND RACING IN OTHER JURISDICTIONS

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

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

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

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

Author: Chris Angus

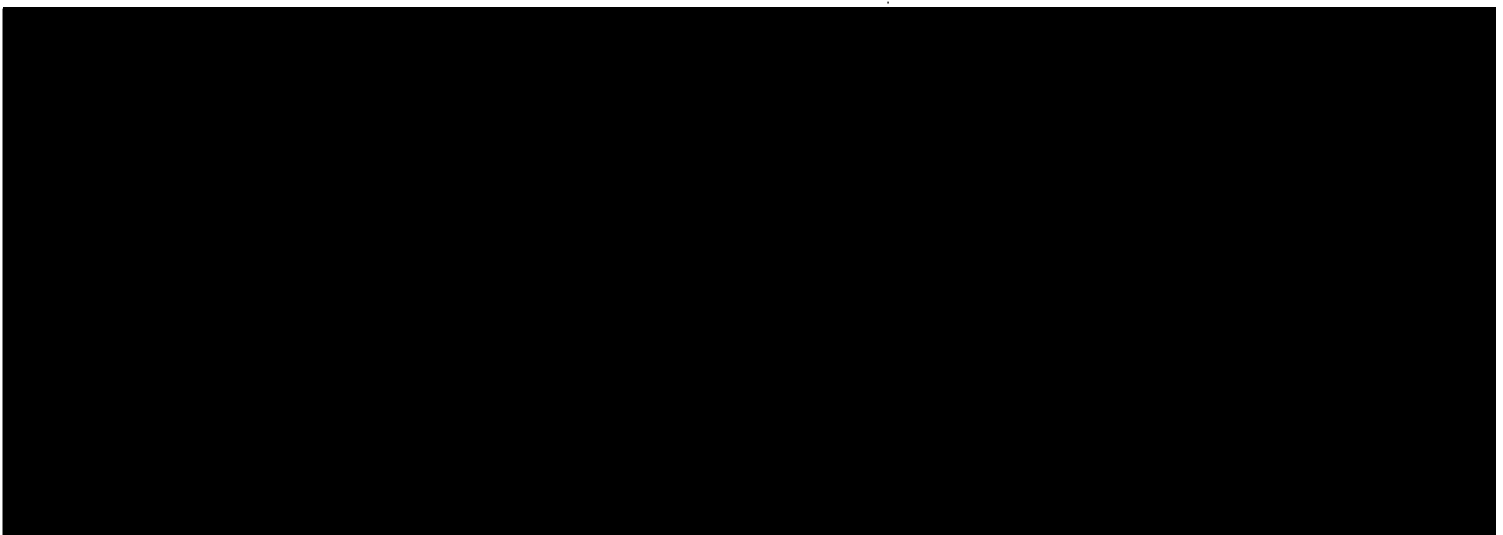
Last updated: 15 July 2016

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

Issues Backgrounders are prepared by the NSW Parliamentary Research Service for Members of Parliament on Bills or subjects of topical importance.

This Issues Backgrounder provides links to parliamentary material, journal articles, media articles and interest group web sites to provide Members with detailed information relating to matters under consideration by the NSW Parliament. Although every attempt is made to ensure that the information provided is correct at the time of publication, no guarantee can be made as to its ongoing relevancy or accuracy. This Issues Backgrounder should not be considered a comprehensive guide to this particular subject and is only a representative sample of the information available. This Issues Backgrounder does not constitute a professional legal opinion.

Maclean, Natalie



From: Tennent, Simon
Sent: Wednesday, 24 August 2016 3:11 PM
To: Monger, Brett; Maclean, Natalie
Subject: FW: Background information for ICRC meeting [SEC=UNCLASSIFIED]

....and the ICRC draft text for comment:

-----snip snip-----

Ian

Thanks for our discussions today and thanks for shuffling this meeting.

As discussed there are a number of things in play here ahead of our desired review of the MOU with the ACT Racing Industry so framing the terms of reference has required some careful consideration and legal advice

I attach as background documents the following:

- The signed MoU with the three ACT Racing Clubs, noting that the MoU is due to expire on the 30 June 2017;
- the Talking points that were put together for Minister Gentleman on the NSW Greyhound Prohibition Bill 2016 on the 11 August which includes a fair amount of background information on the Canberra Greyhound Racing Industry along with a copy of what is happening in NSW. ~~(which may be relevant considering the Bill was passed this morning in NSW).~~

You may also be aware that the NSW Bill to end greyhound racing in NSW was passed early this morning so this is clearly a consideration for the review. In particular:

1. The ACT greyhound industry is subsidised through an annual grant of around \$1 million. It was intended that the rationale for this funding will be reviewed through the review of the MOU which expires on 30 June 2017.
 - a. The funding is not linked to the MOU, however it is the mechanism that is used to measure performance and hence could be used to justify any changes to the current funding arrangements.
2. Therefore it is recommended that the review to determine the future viability of the greyhound industry be undertaken as part of the review of the MOU with the Racing industry that was already anticipated for 2016-17.
3. Due to these recent developments in NSW, the draft ToR will most likely need to be expanded to include the following issues ~~(which are explained further below)~~:
 - a. the regulatory and financial impacts of the NSW decision on the ACT greyhound industry;
 - b. what are the economic and social benefits from the industry;
 - c. could these benefits continue without NSW?
 - d. Is there a case for continued funding.

I look forward to catching up tomorrow.

Kind Regards

Simon Tennent
A/g Director
Strategy and Program Design

Phone: 02 6205 4961 | Fax 02 6207 0123 |
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ACT
Government

Chief Minister, Treasury and
Economic Development

TERMS OF REFERENCE FOR THE REVIEW OF

Memorandum of Understanding between the ACT Government and local racing industry

Overview

The Government is commissioning a review of the current Memorandum of Understanding (MoU) between the ACT Government and the Territory's racing industry (the Canberra Racing Club (thoroughbreds), the Canberra Harness Racing Club and the Canberra Greyhound Racing Club).

The existing MoU was signed on 13 December 2013 and is due to expire on 30 June 2017.

Scope of the review

The Review will seek to answer the following questions:

Has the current MoU delivered on its shared objectives?

How well has the MoU performed in delivering against the shared objectives including:

- industry funding process (timings, term, indexation, allocation, future funding, GST);
- performance reporting;
- multi-year contracts;
- adequacy of industry structure and governance;
- ongoing industry integrity;
- ongoing implementation of Race Fields Information Charge amendments; and
- administration arrangements for the Racing Appeals Tribunal.

Do current shared objectives remain valid?

Do the MoU's current shared objectives still meet the needs of both parties?

What are the future shared objectives - funding certainty, the quantum and distribution of industry funding, re-prosecution of co-location options (noting the 2014 Co-location Study) etc.?

Should a new MoU be negotiated?

Is a new MoU an effective vehicle for meeting future shared objectives?

Timing

The Review is expected to be completed by XXX.

Process

The Review will be conducted by the Strategy and Program (SPD) Design Branch of Chief Minister, Treasury and Economic Development Directorate (CMTEDD) in consultation with industry.

The Review will draw on findings from recent industry reviews undertaken in other jurisdictions including the *NSW Commission into the Greyhound racing industry*. A report will be provided to the Minister for Racing and Gaming following completion of the Review.

Maclean, Natalie

From: Donohoe, Shane
Sent: Friday, 10 June 2016 10:52 AM
To: Maclean, Natalie
Subject: FW: MOU Review [DLM=Sensitive]
Attachments: Review - Draft Terms of Reference.doc

Hi Nat,

This is the draft Terms of Reference for the proposed review of the racing industry MoU.

Shane

From: Kalleske, Mark
Sent: Monday, 16 May 2016 3:31 PM
To: Clarke, Jason
Cc: Cross, Narelle
Subject: RE: MOU Review [DLM=Sensitive]

Hi Jason

Draft Terms of Reference attached for your consideration. Scope is deliberately high level so as to capture what you are looking to get out of the review while not seeking to 'scare the horses' so to speak!

I have a question around whether the team are the right people to do the review given the circumstances. I have a consultant that I may be able to call on however he would not be able to commence work until after July.

Would appreciate feedback on the draft and clarification of timing expectations.

Thanks
 Mark

Mark Kalleske | Deputy Director | Strategy and Program Design
 Chief Minister, Treasury and Economic Development Directorate | ACT Government
 Phone 02 6207 1763 | Fax 02 6207 0123 | mark.kalleske@act.gov.au
 Level 6 Transact House, 470 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601

From: Cross, Narelle
Sent: Thursday, 12 May 2016 4:20 PM
To: Kalleske, Mark
Subject: FW: MOU Review [DLM=Sensitive]

Hi Mark

I spoke to Jason and let him know that you are currently developing the Terms of Reference (TOR) and hope to have something to him next week.

I asked if there is anything he wants the TOR to focus on. He said 'The effectiveness of the greyhound funding – what actually getting out of it.'

Kind Regards

Narelle Cross | Directorate Liaison Officer - Economic Development | 02 6205 5527
 Office of Minister Berry - Minister for Sport and Recreation | Office of Minister Bourke - Minister for Small Business and the Arts | Office of Minister Gentleman - Minister for Racing and Gaming
 Chief Minister, Treasury and Economic Development Directorate | ACT Government

PO Box 1020 Canberra City ACT 2601 | www.act.gov.au

From: Clarke, Jason
Sent: Thursday, 12 May 2016 1:55 PM
To: Cross, Narelle
Subject: MOU Review

Hi Narelle!

Just wondering if I could get an update regarding how the review of the Racing Industry MOU is going?

Ta,

Jason Clarke
Senior Advisor
Advisor for Work Safety and Industrial Relations
Advisor for Gaming and Racing
Office of Mick Gentleman MLA
Member for Brindabella
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