

Special Commission of  
Inquiry into the Greyhound  
Racing Industry in New  
South Wales

**Report | Volume 2**

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# Contents

<b>11</b>	<b>Wastage: an overview .....</b>	<b>1</b>
	From birth to racer .....	1
	The racing greyhound .....	2
	The missing greyhounds .....	3
	Wastage defined – the industry’s approach .....	4
	Wastage defined – the correct approach .....	5
	Contributors to wastage .....	6
	Incomplete data .....	6
	The scale of the problem .....	8
	Conclusions .....	38
<b>12</b>	<b>Wastage: overbreeding and poor breeding.....</b>	<b>39</b>
	Introduction.....	39
	Poor breeding – the heritability of negative traits and disease.....	40
	What further requirements will breeders need to meet? .....	51
<b>13</b>	<b>Wastage: how many greyhounds are required to sustain the industry?.....</b>	<b>53</b>
	Background.....	53
<b>14</b>	<b>Wastage: GRNSW’s proposals to reduce the wastage of uncompetitive greyhounds .....</b>	<b>73</b>
	Existing measures .....	73
	Aspirations for the future .....	75
	Targeting the younger uncompetitive greyhounds .....	76
	Tier 3 racing .....	77
	The current grading system .....	78
	Proposed review of grading system .....	81
	Grading based on ability .....	83
	Race programming and support for less competitive greyhounds.....	84
	The bottom up racing model and pathways racing .....	85
	Masters Racing – extending the racing careers of older racing greyhounds .....	87
	Training methods and career longevity .....	90
	The Chase Motivation Project .....	93
	Career longevity and wastage .....	94
	The proposal for breeding quotas .....	95
	A summary of the JWG recommendations.....	98
	GRNSW’s response to breeding targets and quotas.....	99
	The enforceability of a quota system .....	101
	Breeding restrictions and cultural change .....	101
	Are breeding quotas and targets a realistic response to wastage? .....	102
	What wastage level does GRNSW consider that it can achieve by its proposed initiatives?.....	103
<b>15</b>	<b>Wastage: injuries.....</b>	<b>105</b>
	Introduction.....	105
	Track injuries .....	105
	Recommendations.....	135

<b>16</b>	<b>Wastage: socialisation and habituation .....</b>	<b>137</b>
	Introduction .....	137
	The critical stage of development.....	138
	Socialisation and habituation during the critical period and beyond .....	138
	Socialisation and the industry’s greyhounds.....	140
	The consequences of inadequate socialisation and habituation on rehoming prospects .....	146
	The consequences of inadequate socialisation and habituation on performance .....	147
	GRNSW’s proposals for the future .....	148
	GRNSW’s proposals for further education.....	153
	Establishing a structured socialisation and habituation program in the greyhound racing industry .....	155
<b>17</b>	<b>Integrity: veterinarian care and “muscle men” .....</b>	<b>157</b>
	Introduction .....	157
	The Rules relating to veterinary surgeons .....	157
	Self-help measures adopted by industry participants.....	159
	The rise of the ‘muscle men’ .....	163
	GRNSW’s developing role in respect of veterinary services .....	168
	On-track veterinarian services that GRNSW provides.....	170
	The demanding role of an on-track veterinarian .....	172
	Veterinarians and greyhound trials.....	174
	The Nous Group Report .....	176
	Findings .....	178
	Recommendations .....	181
<b>18</b>	<b>Integrity: rehoming .....</b>	<b>183</b>
	Background .....	183
	Greyhounds As Pets Program .....	184
	The promotion of the GAP Program .....	186
	Has the GAP Program been successful?.....	191
	Volunteer rehoming.....	194
	The proposed “euthanasia rule” – is it an appropriate and effective response to wastage? .....	199
	Community perceptions and rehoming – the “Greenhounds Program” .....	201
	Will industry participants assume responsibility for their greyhounds?.....	202
	Recommendations .....	205
<b>19</b>	<b>Export of greyhounds .....</b>	<b>207</b>
	Introduction .....	207
	Greyhound exports – the numbers and destinations of greyhounds .....	207
	Proportion of exported greyhounds from NSW .....	208
	Animal welfare concerns.....	209
	Regulation of live greyhound exports from Australia .....	213
	Regulation of livestock – exporter supply chain assurance system .....	219
	Deficiencies in GA’s greyhound passport scheme and GAR 124 .....	220
	Engagement by GA with the Federal Government .....	222
	Findings .....	225
	Recommendations .....	226
	<b>Abbreviations.....</b>	<b>227</b>
	<b>Glossary .....</b>	<b>233</b>

## Volume 1

### Preface

- 1 Overview of the Special Commission of Inquiry
- 2 Conduct of the Special Commission of Inquiry
- 3 Live baiting
- 4 Deception of the public by GRNSW: misreporting of injuries and failure to report the deaths of dogs at race tracks
- 5 Governance: industry history, existing clubs and tracks
- 6 Governance: GRNSW history, organisational structure and the “Board”
- 7 Governance: Greyhounds Australasia
- 8 Animal welfare: the statutory scheme
- 9 Animal welfare: the compliance regime, policies and codes
- 10 Animal welfare: statutory requirements and strategic planning

## Volume 3

- 20 Integrity: drug use, testing and enforcement
- 21 Veterinary and scientific use of greyhounds
- 22 Kennel inspections and trial tracks
- 23 Licensing of industry participants
- 24 Stewards: powers and responsibilities
- 25 Economic sustainability: GRNSW’s current financial status
- 26 Economic sustainability: impact of additional welfare spending – track rationalisation and ‘Centres of Excellence’
- 27 Economic sustainability: Impact on participants
- 28 Social contribution of the greyhound racing industry in NSW
- 29 Future governance: models and issues
- 30 Future governance: separation of commercial and regulatory functions
- 31 Future governance: the Integrity Auditor

## Volume 4

### Appendixes



# 11 Wastage: an overview

## From birth to racer

- 11.1 Greyhounds that do not participate in the greyhound racing industry have a life expectancy of between approximately 12 and 15 years.<sup>1</sup> For the industry's greyhounds, the life expectancy is often far shorter. Many are put down before the age of four and a half years. Those that have a racing career are put down once it is over unless they are rehomed, or are retained as stud dogs, breeding females or pets by industry participants.
- 11.2 Within 14 days of the first service of a bitch, a studmaster or artificial insemination technician must lodge a registration of service form with Greyhound Racing New South Wales ("GRNSW").<sup>2</sup> Since 1 July 2015, only persons registered as breeders can arrange for the service or artificial insemination of a dam, care for a dam whelping a litter of pups, or care for those pups.<sup>3</sup>
- 11.3 The owner of the bitch is required to notify GRNSW of the result of the service or insemination within 14 days of whelping or within 14 days of the due whelping date.<sup>4</sup> The whelping notice must include an address at which the pups are located and at which they may be inspected.<sup>5</sup> Except with the prior consent of GRNSW, a litter of pups cannot be divided or relocated from that address until 14 days after they have been ear branded, microchipped and vaccinated.<sup>6</sup>
- 11.4 Upon receipt of the whelping notice, an integrity officer from GRNSW makes contact with the breeder and arranges an appointment during which the pups are ear branded and microchipped. The pups must be 12 weeks of age before these procedures can be carried out. They are generally carried out before the pups are 16 weeks old.<sup>7</sup> When attending the property, the integrity officer completes a "Confirmation of Identification" form and leaves the breeder with an "Application to Register a Litter" form to allow an application to be made for registration of the litter. A vaccination certificate from a veterinary surgeon must accompany the application to register the litter.<sup>8</sup>
- 11.5 Pups are usually weaned at around eight weeks of age and are raised in litters until the age of approximately six months.<sup>9</sup> At this point they can be advertised and sold; they are often transferred off the property where they were born and relocated to a rearing complex. The rearing period ends when they greyhounds are approximately 12-16 months old. During the rearing period, many greyhounds live in a semi-rural or open space environment to assist them in gaining physical strength and cardiovascular fitness. Prior to six months of age, young greyhounds often have limited one-on-one interaction with humans.<sup>10</sup>

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<sup>1</sup> Greyhounds Australasia ("GA"), "Greyhounds Adoption Program": <<http://www.galtd.org.au/welfare/greyhounds-adoption-program>> (accessed 17 May 2016).

<sup>2</sup> As the controlling body in NSW: Greyhound Racing New South Wales ("GRNSW") The Rules R 128(2).

<sup>3</sup> The Rules LR 125(1).

<sup>4</sup> Calculated as being 63 days after the date of service or insemination: The Rules R 136(1).

<sup>5</sup> The Rules R 136(2).

<sup>6</sup> The Rules R 136(3).

<sup>7</sup> GRNSW website, "The breeding process at a glance": <<http://www.thedogs.com.au/Uploads/Userfiles/120416%20Factsheet%20-%20Breeding%20Fact%20Sheet.pdf>> (accessed 18 May 2016).

<sup>8</sup> The Rules R 137.

<sup>9</sup> WDA report "Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context" (July 2015): Ex S (17-19 November 2015), p. 27.

<sup>10</sup> Ibid.

- 11.6 When a pup reaches the age of 12 months,<sup>11</sup> it can be registered with a greyhound racing controlling body and named. Registration and naming are preconditions to racing.<sup>12</sup> GRNSW must be informed of any transfer of a named greyhound<sup>13</sup> and, since 1 January 2016, of an unnamed greyhound.<sup>14</sup>
- 11.7 In order to become a racer, a greyhound must go through a ‘breaking-in’ process. It is sometimes referred to as “education”. Breaking-in involves an intensive form of training during which the animal first learns to chase a lure around a racetrack.<sup>15</sup> Between the age of 12 and 13 months breaking into lead walking generally occurs, at which point they start to be regularly handled. The greyhound is also taught to go into a starting box. While breaking-in can occur from as early as 12 months of age, many recommend that around 14 to 15 months of age is more suitable. This is because the young greyhound will be more physically developed to cope with the intensity of its training regime and less likely to sustain injuries.<sup>16</sup> The breaking-in process is complete when the greyhound can confidently exit the starting box at speed and chase the lure around the track with 100% commitment. The breaking-in period lasts for an average of four weeks but can take anywhere between three to six weeks depending on the pup’s progress and ability.
- 11.8 Some pups go straight from breaking-in to “pre-training”. Others are spelled. Some are assessed as unsuitable or uncompetitive and do not progress further. During a spell, the greyhound’s exercise generally consists of free galloping with no visits to the track, loading into boxes or hard runs. This gives the animal time to recover both physically and mentally.
- 11.9 Pre-training is the process by which greyhounds adjust to kennel life and achieve race fitness by regular trialling, either individually or against other young greyhounds. The pre-training stage generally occurs over a period of two to four months beginning around 14 months of age. It involves moving the greyhound to a racing kennel, changing to a racing diet high in fat and energy, increasing aerobic fitness and ultimately running in qualifying trials.
- 11.10 At the age of approximately 16 months, greyhounds that have successfully completed pre-training will be ready to race.

## The racing greyhound

- 11.11 In a normal racing schedule, greyhounds race approximately once a week, or sometimes every four to five days if they recover well and have not sustained significant injuries. If a greyhound is running every four to five days, they generally do not require any training other than some free galloping in between race meetings to maintain condition. If the period between races is longer, then it may be necessary to trial the greyhound between race starts.<sup>17</sup>
- 11.12 Although there are exceptions, greyhounds generally race from age 18 months to 3.5 to 4.5 years of age. The average length of a racing career is 363 days.<sup>18</sup> As is often the case with averages, this average length of career figure must be approached with caution. The racing

<sup>11</sup> GRNSW website, “The Breeding Process at a Glance”: <<http://www.thedogs.com.au/Uploads/Userfiles/120416%20Factsheet%20-%20Breeding%20Fact%20Sheet.pdf>> (accessed 18 May 2016).

<sup>12</sup> The Rules R 115(1).

<sup>13</sup> The Rules R 117.

<sup>14</sup> The Rules R 118. This rule was amended on 1 January 2016. Prior to that time the obligation to notify only arose if the greyhound was subsequently named/registered.

<sup>15</sup> GRV Website, “Breaking In: What’s involved?”: <<http://www.grv.org.au/ownership/buying-a-greyhound-pup/breaking-in-involved/>> (accessed 17 May 2016).

<sup>16</sup> Ibid.

<sup>17</sup> GRV Website, “Trainer’s Competency Pack: Level 2 – Owner/Training”: [http://www.grv.org.au/wp-content/uploads/2014/01/9833-TrainerPack\\_Lvl2\\_v3.pdf](http://www.grv.org.au/wp-content/uploads/2014/01/9833-TrainerPack_Lvl2_v3.pdf) (accessed 18 May 2016).

<sup>18</sup> GRNSW, Response 20A to Breeding Issues Paper dated 11 January 2016, [5].



careers of some greyhounds are far greater than 363 days. A notable current example is the greyhound, Big Dac, who was whelped in July 2011, had his first start in January 2013 and over three years later is still racing competitively, having won at Albion Park on 7 February 2016. As at 10 March 2016, he had had 217 starts for 23 wins, 38 seconds and 44 thirds, and had won over \$89k in prize money.<sup>19</sup> In contrast, the careers of many greyhounds are often very short: 20.8% of greyhounds that actually make it to the track and race will compete in five or fewer races. Over 15% are of an age of less than 2.5 years when their racing careers are over.<sup>20</sup>

**Table 11.1 Number of starts for greyhounds with at least one start in a race**

Starts	1	2	3	4	5	5 or fewer
Number of greyhounds	744	780	653	583	567	3,327
Percent of greyhounds	4.6%	4.9%	4.1%	3.6%	3.5%	20.8%

Source: GRNSW Final Response 20A to Breeding Issues Paper dated 11 January 2016.

**Table 11.2 Number of starts for greyhounds with at least one start in a race**

Starts	10 or fewer	20 or fewer	30 or fewer	40 or fewer	50 or fewer	Total
Number of greyhounds	5,532	8,867	11,152	12,772	13,924	16,016
Percent of greyhounds	34.5%	55.4%	69.6%	79.7%	86.9%	100%

Source: GRNSW, provided in Final Response 20A to Breeding Issues Paper dated 11 January 2016.

- 11.13 GRNSW placed considerable emphasis in its submissions to the Commission on measures which it proposes to take to extend the ‘career longevity’ of greyhounds. That is important. However, it is just as important to recognise that racing careers will not commence until approximately 16 months and will rarely extend beyond 4.5 years and perhaps 5.5 years for the small number of greyhounds that go on to participate in the Masters Racing program. Whatever the success of steps taken to extend ‘racing longevity’ there will remain thousands of greyhounds each year that need to be rehomed.

## The missing greyhounds

- 11.14 Over the last 12 years,<sup>21</sup> in excess of 229,219 greyhound pups have been whelped in Australia.<sup>22</sup> Of these, approximately 97,783 were whelped in NSW.<sup>23</sup>
- 11.15 Twelve years is within the natural lifespan of a greyhound and some will live longer. There are currently 6,809 registered racing greyhounds in NSW.<sup>24</sup> That number will have varied slightly over this time period. Absent death through misadventure or illness, it follows that approximately 90,974 greyhounds should be alive today. Some pups that were whelped in the last 18 months may be within litters, being reared, broken-in or in race training. However, even taking into account the unlikely possibility that none of these juvenile animals (approximately 10,253) have been destroyed, where are the remaining 80,721 greyhounds? What was their likely fate?

<sup>19</sup> Article “Bundaberg Cup a real family affair” by Paul Dolan, 10 March 2016, *The Greyhound Recorder*: <<http://www.thegreyhoundrecorder.com.au/bundaberg-cup-a-real-family-affair/>> (accessed 18 May 2016).

<sup>20</sup> GRNSW, Response 20A to Breeding Issues Paper dated 11 January 2016, [6], [90-91]. These figures were calculated by GRNSW using data collected between 2010 and 2015.

<sup>21</sup> From 2004 to 2015.

<sup>22</sup> This figure represents the number of registered litters reported by Greyhounds Australasia x 6.3 pups. The Queensland and Western Australian registered litter numbers for 2015 are yet to be reported. See Greyhounds Australasia website, “Australasian Statistics”.

<sup>23</sup> See table 11.4.

<sup>24</sup> GRNSW, Response to Order 27 dated 19 February 2016, [20].

- 11.16 These questions are addressed in this Chapter. In drawing conclusions based upon the number of pups whelped in any particular year, the Commission recognises that the greyhounds which are the subject of yearly figures may have reached various stages of development. For example, they may not have been named, registered or raced because of age. However, the number of pups whelped in NSW in each year between 2009 and 2015 has been broadly consistent, and the average for those years is 7,596 per year. The Commission is satisfied that the outcomes for greyhounds over that period has also been consistent and that this will continue for those greyhounds whelped in 2014 and 2015 that have not yet reached racing age.

## Wastage defined – the industry’s approach

- 11.17 The Commission accepts that some level of wastage is likely to occur in any industry where animals are bred specifically for commercial purposes and are required to engage in an activity where there is a risk of injury. It is unrealistic to have an expectation that wastage in the greyhound industry can be completely eliminated. However, this does not mean that the destruction of a very large number of young healthy greyhounds every year, for no reason other than they are uncompetitive, is acceptable.
- 11.18 In its August 2015 report to GRNSW, the Australian Working Dog Alliance (“the WDA”) expressed the view that wastage represents one of the most significant threats to the industry’s sustainability and its public licence to operate.<sup>25</sup> Recently, GRNSW also acknowledged that the overproduction and unnecessary destruction of greyhounds remained the main threat to the industry.<sup>26</sup> The Commission agrees.
- 11.19 Wastage in the greyhound racing industry has attracted attention for decades. It has led some to question whether greyhound racing should have any place in a modern civilised society. This is unsurprising. The career of a greyhound that has been bred to race is just so short. Its usefulness as a racing animal is generally over while it is a juvenile. Racing beyond the age of 4.5 years is the exception. Many greyhounds are discarded by the industry well before they reach that age.
- 11.20 With an increasing focus on protecting animals from cruelty and abuse and on ensuring better welfare outcomes for them, the wider community does not support the destruction of healthy young greyhounds merely because they are surplus to the industry’s needs. As one well known industry commentator recently suggested:

The industry must accept and cater for litters where the norm, if you are lucky, is to see one good dog, perhaps one more of fair/average quality and a remainder with little hope of being competitive or even keen to race. It is that remainder that needs attention, not the good ones.<sup>27</sup>

- 11.21 These sentiments, from an industry insider, reflect one important aspect of the problem of wastage which has not been adequately addressed by the industry to date. However, it is not only the fate of uncompetitive dogs which has not been addressed. Those who compete do so for a very short period. What happens then?
- 11.22 It is not to the point to suggest, as GRNSW has, that wastage “... while undesirable and distasteful to confront, is not prohibited under the law”.<sup>28</sup> Social licence is informed by ethical and moral considerations. It is not necessarily co-extensive with what may be permitted or

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<sup>25</sup> Ex S (17-19 November 2015), p. 7.

<sup>26</sup> Paul Newson, 2 October 2015: T409.1-3. See also GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [218].

<sup>27</sup> Article “Joint Working Group report is another curate’s egg” by Bruce Teague, 13 February 2016, *Australian Racing Greyhound*: <<http://www.australianracinggreyhound.com/australian-greyhound-racing/new-south-wales-greyhound-racing/joint-working-group-report-is-another-curates-egg/74033>> (accessed 30 May 2016).

<sup>28</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [72].

prohibited under the law. A social licence to operate exists when an activity has the ongoing approval of the community and other stakeholders. As was noted by the WDA:

The racing greyhound industry has many external stakeholders. Historically, GRNSW has only acknowledged its members and industry participants as stakeholders. Recognising that the general public, animal advocacy groups, animal welfare legislators and media are significant influencers on the industry's social licence to operate, and therefore future sustainability, is an important cultural shift that needs to occur.<sup>29</sup>

- 11.23 For too long the industry has approached the matter with a mindset of 'us and them'. Those who have expressed genuine welfare concerns have been described as "welfare extremists".<sup>30</sup> The industry has often questioned the motives of those who have raised legitimate welfare concerns, even to the extent of suggesting that wastage is not an issue and that those who say otherwise have particular agendas. By way of example, the former Chief Executive of GRNSW, Mr Brent Hogan, had this to say to the NSW Legislative Council's 2014 Select Committee on Greyhound Racing in NSW ("the Select Committee") when confronted with RSPCA's assessment that between 35% and 40% of greyhounds whelped never made it to the track:

I am not aware of the basis of the RSPCA making that comment. What I would say is that 'wastage' is not a term used within the racing industry. That is not a concept that we speak of. We do not 'waste' greyhounds. Clearly that is terminology used by people who do not support our industry and who, if you like, represent our product and our people in a more negative light.<sup>31</sup>

- 11.24 To the extent that, in the past, the industry acknowledged that there was a problem it sought to limit any negative impact by defining wastage in a particular way. It adopted a restrictive interpretation of the concept of wastage (more recently described by it as "leakage")<sup>32</sup> for the purpose of providing information to the Commission.

- 11.25 The Commission sought information from GRNSW in relation to the number of healthy greyhounds which are discarded by the industry each year. In response, GRNSW said:

GRNSW understands that within the industry "wastage" is a term with a narrower meaning specifically referring to greyhound pups which are whelped but never registered to race and officially named.

As such, GRNSW has, for the purposes of answering paragraph 27 below assumed that 'wastage' means the difference between the number of greyhounds whelped but never registered to race.

GRNSW recognises that the term "wastage" may be applied inconsistently by stakeholders and commentators and may be associated with representations around the number of greyhounds that are euthanised at large annually. GRNSW does not currently have sufficient data to provide reliable figures on the more liberal use of the term "wastage" but is taking steps to address this fundamental information gap.<sup>33</sup>

- 11.26 Unsurprisingly, the usefulness of the information which GRNSW provided to the Commission was limited by reason of this approach.

## Wastage defined – the correct approach

- 11.27 The Commission does not accept that it is appropriate to define wastage solely by reference to the number of greyhound pups which are whelped but never registered to race or officially

<sup>29</sup> WDA report "Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context" (July 2015): Ex S (17-19 November 2015), p. 9.

<sup>30</sup> GRNSW "Project Welfare Implementation Plan Board Report": Ex F (28 September – 2 October 2015), p. 2.

<sup>31</sup> Brent Hogan, Select Committee Public Hearing 15 November 2013: T14.

<sup>32</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, Appendix A.

<sup>33</sup> GRNSW, Response to Order 1 dated 1 May 2015, [26].

named. It disguises the true number of young healthy greyhounds that are put down each year. To define wastage in this way is not consistent with the way in which the wider community approaches this particular welfare issue, and it is a singularly unhelpful measure of the scale of the problem which the industry has failed to address.

11.28 Wastage means the number of individual greyhounds bred to race which are subsequently discarded by the industry. It was expressed in the following way by the WDA:

For racing greyhounds, wastage can be used to refer to the number of dogs bred for the purpose of racing that are then discarded (euthanased) for a number of different reasons that may include: failing to become racers, being excess to a participant's need, or being unable to be rehomed, whether due to behaviour, physical, training or injury reasons.<sup>34</sup>

## Contributors to wastage

11.29 Wastage is a function of the interaction between the overbreeding of greyhounds in the pursuit of more competitive dogs and the destruction of excess greyhounds if they do not meet the competitive threshold or are no longer competitive. In other words, once their commercial value has diminished they are candidates for an early death.<sup>35</sup>

11.30 The Commission identified a number of matters which contribute to the disparity between the number of greyhounds bred and those that are ultimately retained by industry participants or rehomed. They are:

- poor breeding practices and over breeding leading to an excess of uncompetitive animals;
- track injuries occurring during races or at trials;
- inappropriate rearing and training practices leading to limited rehoming opportunities because of the animal's unsuitable behavioural characteristics;
- a lack of accountability and responsibility of owners to rehome their greyhounds;
- a lack of rehoming opportunities; and
- an industry culture that is resistant to change. In the words of Greyhounds Australasia ("GA"), it is a culture which to date has been defined by animal deaths being acceptable and necessary and where profits come before welfare.<sup>36</sup>

11.31 Each of these matters is addressed in subsequent Chapters of this Report. This Chapter is concerned with the Commission's assessment of the scale of the wastage problem.

## Incomplete data

11.32 The Commission received and assessed a considerable quantity of data, evidence and submissions concerning the level of wastage within the greyhound racing industry each year. The data was not sufficiently robust to allow the Commission to determine the precise number of greyhounds that are destroyed each year in this State. That was largely because of GRNSW's

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<sup>34</sup> WDA report "Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context" (July 2015): Ex S (17-19 November 2015), p. 3.

<sup>35</sup> GRNSW, Response to Order 1 dated 15 May 2015, [30(b)].

<sup>36</sup> Greyhounds Australasia (with Greyhounds SA) Memorandum "Crisis to Recovery Program- Framework for Achieving Zero Euthanasia" dated 23 April 2015: Ex J (28 September – 2 October 2015).

failure to maintain complete lifecycle records over many years and its failure to ensure that industry participants accurately reported relevant lifecycle information.

- 11.33 In GRNSW's first Strategic Plan "Chasing 2020",<sup>37</sup> adopted by the GRNSW Board in July 2010, GRNSW identified the need to improve lifecycle tracking. It was considered to be a strategy that would "ensure that NSW greyhound racing is alive and well in 2020 and beyond".<sup>38</sup> That aspiration was also publicly reported in the GRNSW Annual Report 2010.<sup>39</sup> It was not mentioned again in subsequent Annual Reports. It is another aspiration which was not achieved.
- 11.34 The Commission does not accept that deficiencies in the lifecycle data are solely attributable to weaknesses in the information technology systems inherited from the Greyhound and Harness Racing Regulatory Authority ("the GHRRRA"). Those systems were inherited almost seven years ago. In September 2011, the digital greyhound tracking database, OzChase, was introduced but the status of individual greyhounds was not fully documented or maintained within the system.<sup>40</sup> It was not until March 2013 that OzChase was used to record the reasons for a greyhound's death, including reasons why it was euthanased. However, that information was not entered into the system until the owner or trainer of the animal lodged an R 106 Form and even then it was not always entered.<sup>41</sup> GRNSW did not enforce R 106 compliance. In late 2015 and early 2016, for the first time, GRNSW, sought to enforce compliance with R 106. It provided the data derived from that exercise to the Commission.<sup>42</sup> That data is addressed later in this Chapter.
- 11.35 It has very much suited the industry under prior management to maintain substandard and incomplete records of lifecycle outcomes. It enabled GRNSW to claim, when challenged, that because there were many possibilities or "pathways", no definitive conclusions could be drawn. The former Chief Executive adopted such an approach in the evidence he gave to the Select Committee concerning the wastage of greyhounds that were never named or registered. When asked to explain what happened to the many greyhounds who never made it to the track, he said:
- There are a variety of pathways that it could follow. This is a complex issue. This is not a straight black and white issue. The New South Wales racing industry is part of a broader national industry, it is a borderless industry: dogs are moving from State to State, trainer to trainer, track to track. The issue of 30% to which you refer is that they could be, in many cases they are, retained by their owners as pets. They could be privately adopted by those owners to other individuals or adopted through an agency such as our own, Greyhounds as Pets, or one of the private agencies that do similar work. They could also be used for breeding purposes. There are a variety of pathways that could follow at that point.<sup>43</sup>
- 11.36 One possibility or "pathway" that was rarely mentioned by the industry or its regulator was that many greyhounds were simply destroyed each year.

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<sup>37</sup> Ex FFF (17-18 February 2016).

<sup>38</sup> *Ibid*, p. 12.

<sup>39</sup> Ex G (28 September – 2 October 2015).

<sup>40</sup> GRNSW, Response to Order 1 dated 15 May 2015, [27(b)].

<sup>41</sup> In October 2015, GRNSW commenced a campaign to promote greater compliance with the retirement notification requirements imposed by R 106. Rule 106 required owners of greyhounds to notify GRNSW if their greyhound had transferred ownership, retired as a pet, retired as a breeding greyhound, transferred to an adoption program, been exported, been surrendered to another agency, been euthanised or deceased.

<sup>42</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [189]. A similar program was adopted in Tasmania in December 2013: see Rod Andrewartha and Tony Murray, final report "Review of Arrangements for Animal Welfare in the Tasmanian Greyhound Racing Industry" (13 March 2015) ("the Tasmanian Report"), p. 25.

<sup>43</sup> Brent Hogan, Select Committee Public Hearing 15 November 2013: T14.

## The scale of the problem

- 11.37 The Commission considers that it is unnecessary to arrive at a precise figure to conclude that wastage in the industry is unacceptably high. To debate the precise figure, as some sought to do during the course of the Commission's inquiry, is a distraction. Even the most conservative analysis carried out by the industry demonstrates that wastage is of a magnitude that is at odds with the animal welfare expectations of modern Australians and would be repugnant to many of them. Ultimately, what is important is to identify the scale of the problem. The question then is to determine whether it can be addressed.
- 11.38 The Commission has determined the magnitude of the problem within a broad and conservative range. The material upon which it has relied is addressed below.

### Greyhounds Australasia assessment – an industry analysis

- 11.39 GA details of the litters registered in each State and Territory across Australia each year.<sup>44</sup> The data extends as far back as FY03.
- 11.40 There is no precise correlation between these statistics and those supplied to the Commission by GRNSW. The discrepancies are not readily explicable. For the purpose of examining the scale of wastage at a national level, however, the discrepancies are of little importance. Table 11.3 below is based upon the publicly available statistics.

**Table 11.3 Litters registered per State/Territory**

Year	State	NSW	ACT	NT	SA	TAS	VIC	QLD	WA	Total
2015	Litters	1,232	TBC	3	105	93	1029	426	118	3,006
	Pups	7,761.6	-	18.9	661.5	585.9	6,482.7	2,683.8	743.4	18,937.8
2014	Litters	1,248	0	1	94	112	952	474	86	2,967
	Pups	7,862.4	-	6.3	592.2	705.6	5,997.6	2,986.2	541.8	18,692.1
2013	Litters	1,069	0	0	99	80	1,003	354	100	2,705
	Pups	6,734.7	-	-	623.7	504	6,318.9	2,230.2	630	17,041.5
2012	Litters	1,148	0	0	91	94	937	315	80	2,665
	Pups	7,232.4	-	-	573.3	592.2	5,903.1	1,984.5	504	16,789.5
2011	Litters	1,276	0	0	89	87	994	350	91	2,887
	Pups	8,038.8	-	-	560.7	548.1	6,262.2	2,205	573.3	18,188.1
2010	Litters	1306	0	0	90	82	1,083	369	117	3,047
	Pups	8,227.8	-	-	567	516.6	6,822.9	2,324.7	737.1	19,196.1
2009	Litters	1305	0	0	111	74	1,015	373	110	2,988
	Pups	8,221.5	-	-	699.3	466.2	6,394.5	2,349.9	693	18,824.4
Total	Litters	8,584	0	4	679	622	7,013	2,661	702	20,265
	Pups	54,079.2	-	25.2	4,277.7	3,918.6	44,181.9	16,764.3	4,422.6	127,669.5

Source: Greyhounds Australasia website, "Australasian Statistics"

- 11.41 GA does not publish the number of greyhounds whelped. The above table assumes an average litter size of 6.3 pups. That is why many of these figures end with a decimal point. The table covers the period of FY09 to FY15. That is the period in which GRNSW has existed in its current form. The figures do not include litters whelped in Queensland, Western Australia, and the Australian Capital Territory for FY15 which are yet to be confirmed.

<sup>44</sup> GA website, "Australasian Statistics" (excluding statistics which are also available for New Zealand): <<http://www.galtd.org.au/industry/australasian-statistics>> (accessed 17 May 2016).

- 11.42 On 23 April 2015, GA created a “strictly confidential” document described as the “Crisis to Recovery Program”.<sup>45</sup> The document contains a range of figures which the Commission considers provide a valuable insight into the scale of the problem.
- 11.43 Since May 2014, GA has been engaged in implementing the National Greyhound Welfare Strategy (“the NGWS”), part of which concerns introducing measures to reduce wastage. It established a Welfare Working Party (“the WWP”) to recommend and oversee the implementation of the NGWS. The WWP consists of industry representatives from the various GA member bodies.<sup>46</sup> The Commission is satisfied that during the course of its work the WWP would have developed a sound understanding of the scale of the wastage problem nationally. It needed to do so before it could recommend and implement measures to address it.
- 11.44 The Crisis to Recovery Program was created shortly after the exposure of live baiting in the *Four Corners* program. In that context, GA plainly recognised that there would be increased focus on the industry’s welfare practices and that the scale of wastage was such that the industry might not survive. It described the “unnecessary deaths” of thousands of “healthy greyhounds” as a “disturbing reality” and one of the industry’s greatest challenges “... to short, medium and long term sustainability”.<sup>47</sup>
- 11.45 In its August 2015 submission to the Commission, GRNSW noted that the Crisis to Recovery Program was underpinned by the notion that over breeding combined with low rehoming rates resulted in the unnecessary deaths of healthy greyhounds and that this had facilitated a racing culture which prioritised profits over welfare.<sup>48</sup>
- 11.46 GA estimated that:
- 7,000 greyhounds a year did not make it to the track (40% of all greyhounds whelped);
  - the industry sponsored Greyhounds As Pets (“GAP”) program rehomed around 6% of all pre-raced and retired greyhounds; and
  - the industry was responsible for the deaths of anywhere between 13,000 and 17,000 healthy greyhounds a year.<sup>49</sup>
- 11.47 Subject to the qualifications below, these figures suggest that between approximately 74% and 97% of the industry’s greyhounds are destroyed at some point at or before the age of approximately 4.5 years (at birth, prior to naming, after naming or upon retirement from racing).
- 11.48 The Commission does not consider that the picture painted by GA can be any better in NSW. GRNSW informed the Commission that, as the biggest greyhound breeding jurisdiction, the greyhound racing industry in NSW was the largest contributor to wastage.<sup>50</sup>
- 11.49 GA subsequently sought to qualify the figures contained in the Crisis to Recovery Program. It noted that:<sup>51</sup>

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<sup>45</sup> Ex J (28 September – 2 October 2015).

<sup>46</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [470].

<sup>47</sup> Greyhounds Australasia (with Greyhounds SA) Memorandum “Crisis to Recovery Program- Framework for Achieving Zero Euthanasia” dated 23 April 2015: Ex J (28 September – 2 October 2015).

<sup>48</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [473].

<sup>49</sup> Ex J (28 September – 2 October 2015).

<sup>50</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [498].

<sup>51</sup> GA, Response 21 to Breeding Issues Paper dated 23 November 2015, [2].

- The document was prepared for the Chief Executive Officers of the various controlling bodies and the Directors of GA on a “Strictly Confidential” basis although this was not to avoid transparency or accountability.

The Commission does not consider that this qualification materially affects the reliability of GA’s assessment. That it was prepared for internal purposes and as a confidential document does not mean that it contains anything other than the authors’ best assessment of the extent of the problem and the likely consequences if it was not addressed. The authors were senior industry participants.<sup>52</sup>

- The range did not include greyhounds that were rehomed through private charities or greyhounds that lived out their full lives on owner-trainer properties, or the properties of relatives and/or friends of those owners-trainers.

The Commission agrees that this is a proper qualification. Based on an analysis carried out in November 2015, GA suggested that the retention rate by industry participants may have been as high as 14.5% and that the rehoming rate through private charities may have been as high as 12%. The Commission has significant reservations in relation to the retention rate by industry participants. For example, its analysis of one of the largest owner/breeders in this State suggests that large scale producers of greyhound pups euthanase in excess of 70% of greyhounds under their care or control each year and that approximately 1% are retained for breeding purposes or as a pet of the owner/breeder or a third party. The Commission is also not satisfied that private charities rehome up to 12%. The Commission’s analysis of rehoming in this State suggests that no more than 4.3% of greyhounds whelped each year are ultimately rehomed by private charities such as RSPCA NSW and other welfare organisations.<sup>53</sup>

- The figures included New Zealand.

The Commission considers that, although this is relevant, the impact is slight. In FY14, only 142 litters were registered in New Zealand.<sup>54</sup> That accounts for approximately 895 or 5% of the annual whelping figure of 18,000 examined by GA.

- The document was drafted at a time where participant compliance with R 106<sup>55</sup> was less than 30% and, accordingly, the figures were based upon poor quality data.

The Commission considers that this may be a relevant consideration for determining the precise number of greyhounds destroyed each year. However, that is not the approach which has been taken by the Commission. Nor was it the approach taken by GA. No doubt low compliance rates would have been referred to by the authors if they genuinely believed that higher compliance rates would lead to a more favourable picture. On the basis of all that has been put before the Commission it does not accept, nor did GA suggest, that higher R 106 compliance rates would demonstrate that, contrary to the industry’s own assessment, wastage is not unacceptably high. In fact improved compliance has produced figures which continue to show that wastage is simply out of control.

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<sup>52</sup> The document was prepared on 23 April 2015 by the Chief Executive Officers of GA and Greyhound Racing South Australia.

<sup>53</sup> These matters are addressed in Chapter 18.

<sup>54</sup> GA website, “Australasian Statistics”: <<http://www.galtd.org.au/industry/australasian-statistics>> (accessed 17 May 2016).

<sup>55</sup> R 106(3) currently provides that the last registered owner of a greyhound shall notify the Controlling Body within ten working days if that greyhound has transferred ownership, been retired as a pet or a breeding greyhound, been transferred to an adoption program, exported, surrendered to another agency; and within two working days if it has been euthanased by a veterinary surgeon or is deceased.



- The authors of the document were concerned not to underestimate the extent of the euthanasia challenge and, accordingly, accepted for internal discussion purposes only a very conservative estimate that up to four thousand greyhounds nationally were *not* euthanased every year.

The Commission accepts that this is an appropriate qualification. The Commission is satisfied that the document was intended to provide a real wakeup call to the controlling bodies and did so by informing them of a range which included the worst case.

- 11.50 On any view, the figures contained in the Crisis to Recovery Program suggest that an unacceptable number of greyhounds are destroyed every year. That they might not be accurate to the last greyhound, or must be qualified in the ways suggested by GA, is beside the point. The Crisis to Recovery Program records the *industry's* informed assessment of the scale of wastage and its recognition that matters have reached the point where the industry might come to an end.
- 11.51 Recently, GA informed the Commission that on 23 November 2015 it had prepared an R 106(3) Compliance Report ("Compliance Report").
- 11.52 GA pointed to the fact that this Compliance Report demonstrated improved participant compliance with R 106(3) of 44%. The Report identified that, of the 22,905 greyhounds whelped after 1 January 2011 (and where a decision had been made not to race the greyhound or not to race the greyhound again):
- 58.3% were euthanased;
  - 14% had been retired into an industry GAP Program;
  - 5.6% became breeders;
  - 8.9% had been kept as pets by owners/trainers or their relatives and friends;
  - less than 1% had been exported; and
  - a further 12% were classified as "other" with an assumption that a significant proportion were given the opportunity of being rehomed through charity groups.<sup>56</sup>
- 11.53 GA noted that, based upon this Compliance Report and the known 18,000 greyhounds which were whelped in FY14, it could be argued that approximately 10,500 greyhounds were euthanased each year.<sup>57</sup> As has been noted, this represents a destruction rate of 58.3%. The figure of 10,500 greyhounds destroyed each year is considerably less than the most conservative estimate provided by GA to other controlling bodies in the Crises to Recovery Program document. However, no reasonable person could suggest that a wastage rate of 58.3% is acceptable. Whether the figure is 97%, 74%, or 58.3%, the scale of the problem is immense. GA did not suggest otherwise.
- 11.54 GA also indicated that it remained cautious about extrapolating data that covered less than 50% of the relevant greyhound population.<sup>58</sup> It did not assume that the destination of the 56% of retired greyhounds which were not accounted for under R 106(3) could be the same, or even similar, as that shown in the Compliance Report.
- 11.55 The Commission agrees that one needs to be cautious in arriving at precise figures based upon an extrapolation. However, as has already been noted, the Commission has not sought to do so.

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<sup>56</sup> GA, Response 21 to Breeding Issues Paper dated 23 November 2015, p. 2.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

Nevertheless, for statistical purposes, the sample size of the population used by GA was very large. If error there be, it would be surprising if the error was so great as to falsify the conclusion that the rate of wastage of greyhounds in Australia and NSW has been, and continues to be, totally unacceptable under modern animal welfare standards.

- 11.56 The Commission acknowledges that to retrospectively require industry participants to lodge R 106 Forms for past years is problematic. Many may fill out their forms accurately but others may not. Some participants may not actually recollect what happened to particular greyhounds but nevertheless feel compelled to complete an R 106 Form which suggests that they do recall. Other participants may suggest outcomes for particular greyhounds that are not accurate. In the current environment, participants might consider that it is more palatable to suggest that a greyhound has died by accident or misadventure (eg. snake bite) rather than that it was euthanased.
- 11.57 Nevertheless, the figures produced to the Commission by GA from its Compliance Report are consistent with what other evidence demonstrates, namely, that this industry has a wastage problem of unacceptable proportions. The prospect that greater compliance with R 106 will produce reliable figures that demonstrate that wastage is at an acceptable level is very unlikely. So is the chance that in its Crisis to Recovery Program document GA made an error of such magnitude that it mistakenly reached an entirely contrary conclusion. As the Commission understood GA's submissions, it was not putting this forward as a possibility. The evidence pointing to an unacceptable level of wastage is all one way. An assessment of the problem, and the size of the task that confronts the industry if it is to deal with it, is not affected by adding or subtracting a few additional percentage points.

### **GRNSW's assessment – a further industry analysis**

- 11.58 In the early stages of this inquiry, GRNSW informed the Commission that its estimate of wastage was 3,000 greyhounds per year.<sup>59</sup> It claimed that the figure was "... largely speculative and confidence in this figure is low".<sup>60</sup>
- 11.59 Historically, GRNSW has used the figure of 3,000 when it has been called upon to disclose the extent of wastage in the industry. However, consistent with its definition of wastage outlined in paragraph 11.25 above, the calculation concerns only those greyhounds that are never named or registered. It was the estimate given by the former Chief Executive to the Select Committee.<sup>61</sup>
- 11.60 The former Chief Executive also provided an estimate to the Select Committee of 30% in relation to greyhounds which were never named or registered.<sup>62</sup> However, he did not refer to the number of greyhounds which although named or registered never race. Although it is often said that a further 10% of greyhounds which are named or registered do not make it to the track the percentages are not precise. The consensus industry view is that whatever the precise percentages of unnamed and named greyhounds that never race, the overall percentage is approximately 40%. That was accepted by GRNSW's Chief Veterinary Officer, Dr Elizabeth Arnott, during the evidence she gave to the Commission; she also agreed that this figure was uncontroversial.<sup>63</sup> The figure of 40% has been accepted by both GA,<sup>64</sup> and the Joint Working

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<sup>59</sup> GRNSW, Response to Order 1 dated 1 May 2015, [27(g)].

<sup>60</sup> Ibid, [27(g)].

<sup>61</sup> Brent Hogan, Select Committee Public Hearing 15 November 2013: T15.

<sup>62</sup> Ibid, T14.

<sup>63</sup> 19 November 2015: T732.4-10. It is also the estimate used by GA: see Ex J (28 September – 2 October 2015).

<sup>64</sup> Ex J (28 September – 2 October 2015). In a GA Board Memorandum dated 11 August 2015, the percentage was stated as being "more than" 40% over the last 10 years: GRNSW Response to Order 26 dated 19 January 2016.

Group (“JWG”) in its recent report to GRNSW (“the JWG Report”).<sup>65</sup> The WDA’s calculations suggest that it is approximately 44%.<sup>66</sup> The Commission is satisfied that at least 40% of the greyhound pups whelped each year never race. This is the approximate scale of pre-race wastage in the greyhound racing industry in NSW and it has been adopted by the Commission in this Report.

- 11.61 Table 11.4 below sets out the figures which GRNSW, late in the conduct of the Commission’s inquiry, said represent the number of greyhound pups whelped between 2004 and September 2015,<sup>67</sup> and the number of greyhounds whelped/registered, named/registered and raced between 2009 and 2015.<sup>68</sup>
- 11.62 The figures for 2014 and 2015 have been excluded from the average percentage calculations. They are unreliable. Some of the greyhounds for 2014 and 2015 would not have been of racing age.

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<sup>65</sup> JWG, final report “Implementing reform in the NSW Greyhound Racing Industry: Report to the Interim Chief Executive of Greyhound Racing NSW from the Joint Working Group” (29 January 2016) (“the JWG Report”), p. 25.

<sup>66</sup> WDA report “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context” (July 2015): Ex S (17-19 November 2015), p. 37.

<sup>67</sup> GRNSW, Response to Order 31 dated 31 March 2016.

<sup>68</sup> The WDA undertook an analysis of the number of greyhounds that raced in 2010 to 2013 and identified an average of 4,438 per year. That information is discussed in Chapter 13. The difference from these figures appears to be related to the fact that the figures for “Raced Pups” refers to the number of pups that were whelped between 2009 and 2015 *and* had raced. The figures did not include greyhounds which had been whelped in prior to 2009 but had raced in or beyond 2009.

Table 11.4 GRNSW Breeding figures, registered, named and raced pups: 2009-2015

Year	Litters whelped	Reported pups whelped	Pups registered	Reported whelped v registered	Named pups	% of registered v named	Raced	% of named v raced
2004	1,696	10,274	10,714	440				
2005	1,628	10,065	10,589	524				
2006	1,463	9,016	9,529	513				
2007	1,328	8,011	8,463	452				
2008	1,206	7,246	7,549	303				
2009	1,325	8,005	8,350	345	5,212	62.4%	5,245	62.8%
2010	1,262	7,850	8,238	388	5,328	64.7%	5,133	62.3%
2011	1,225	7,889	7,971	82	5,721	71.8%	5,222	65.5%
2012	1,133	7,242	7,271	29	5,181	71.3%	4,660	64.1%
2013	1,254	7,974	7,973	-1	5,556	69.7%	4,885	61.3%
2014	1,251	7,916	7,917	1	3,399	42.9%	2,287	28.9%
2015	965	6,295	6,322	27	30	4.7%	0	0%
Total 2004–2015	15,736	97,783	100,886		3,103 more pups registered than reported whelped			
Total 2009–2015	8,415	53,171	54,042		30,427	56.3%	27,432	50.8%
Total 2009–2013	6,199	38,960	39,803		26,998	67.8%	25,145	63.2%
Average 2009–2013	1,239	7,792	7,960		5,400	67.8%	5,029	63.2%
Average no. of pups reported whelped per litter - 6.3								
Average no. of pups registered whelped per litter - 6.4								
Total % of registered that are named (2009 to 2013) - 67.8%								
Total % of registered that are raced (2009 to 2013) - 63.2%								

Source: GRNSW Response to Order 31 dated 31 March 2015; WDA Report Pt. 6.5

- 11.63 GRNSW provided the Commission with an explanation of the status of the greyhound pups referred to in table 11.4. “Litters Whelped” referred to the number of litters which were the subject of notification by industry participants to GRNSW. There is no formal registration of litters. “Reported Pups Whelped” referred to the number of pups from each litter which were the subject of notification by industry participants to GRNSW. “Pups Registered” referred to pups that had been ear branded. “Named Pups” referred to the greyhound pups that had received their 12-month vaccination and had been issued with a name and a certificate.
- 11.64 There is a discrepancy between the number of pups registered and those reported as having been registered. There were 3,103 more pups registered than whelped. GRNSW’s Interim Chief Executive, Mr Paul Newson, provided the following explanation to the Commission:
- I am informed that where the number of “Registered Pups” is higher than the number of “Reported Pups Whelped”, this is due to the time between pups whelped and ear branded. In some cases if the pups were whelped in September to December, they may not be ear branded until the following year.<sup>69</sup>
- 11.65 This explanation is unlikely to account entirely for the discrepancy. The data covers a 12-year period. An alternative explanation might be that industry participants under reported the number of pups whelped. Whatever the explanation, it is of minor significance in terms of the overall picture.
- 11.66 GRNSW advised the Commission that “Raced Pups” referred to the number of pups that were whelped in NSW in the corresponding year and had since raced, in any year. For example, of the number of pups reported whelped in 2009 (8,005),<sup>70</sup> 5,245 had raced at some point. Similarly, “Named Pups” referred to the number of pups that were whelped in NSW in the corresponding year and had since been named. For example, of the 8,005 pups whelped in 2009 some 5,212 had since been named at some point. If a greyhound pup is to be named, it usually occurs around the age of 12 months. Therefore, any pup whelped in the later months of 2014 may not yet have reached racing age during the period covered by the table so that the figure for “Raced Pups” would be lower than previous years.
- 11.67 On 6 April 2016, GRNSW provided the Commission with a table that showed the number of greyhounds that were named in a year, having been whelped in any prior year. It said that, prior to mid-2013, OzChase did not store the date at which a greyhound’s status was changed so that figures for earlier years were unavailable.<sup>71</sup>

**Table 11.5 Greyhounds named per year: 2013-2015**

Year	Greyhounds named
2013	2991
2014	5567
2015	5549
Average	4,702

Source: GRNSW Response to Order 31 (further material received 6 April 2016)

- 11.68 According to this data, the average number of greyhounds named each year is 4,702. This is significantly less greyhounds named than the average of 5,400 which has been calculated from the data previously provided to the Commission by GRNSW as reproduced in table 11.4.

<sup>69</sup> GRNSW, Response to Order 31 dated 31 March 2016, [1].

<sup>70</sup> See table 11.4.

<sup>71</sup> GRNSW, Response to Order 31 (further material received on 6 April 2016).

- 11.69 In addition, the WDA reported that, from 2010 to 2013 the average number of greyhounds from each year that had commenced racing was 4,438.<sup>72</sup>

**Table 11.6 Average number of greyhounds raced per year: 2010-2013**

Year	No. of greyhounds raced
2010	5,028
2011	5,087
2012	4,474
2013	3,162
Total	17,751
Average per year	4,438

Source: WDA Report, p. 36

- 11.70 Again 4,438 is significantly less than the 5,029 greyhounds that have raced which was calculated by the Commission from the data previously provided to it by GRNSW as reproduced in the table 11.4 above.
- 11.71 It is not possible to reconcile the figures which GRNSW has provided to the Commission on various occasions, whether independently or by way of the WDA's calculations.
- 11.72 Noting the multiple discrepancies, the Commission has used the average of 5,400 named greyhounds, the figure of 5,029 having commenced racing, and the attrition rate from birth to racing of approximately 40%.<sup>73</sup>
- 11.73 Consequently, in the period 2009-2013,<sup>74</sup> the average annual whelping figure in NSW was 7,792.
- 11.74 Based upon the average number of greyhounds whelped during this period (7,792) and an attrition rate of approximately 40%, the number of greyhounds whelped but never named in NSW is in the order of 3,117 pups per year.
- 11.75 A memorandum from the Office Manager of GA to the Board of GA dated 11 August 2015 acknowledged that:
- It is clear that the industry has not made significant improvement in its ability to get greyhounds to the track over the past 10 years reflecting a lack of industry priority to address the number one industry risk.<sup>75</sup>
- 11.76 To consider wastage solely in terms of the cohort of greyhounds which are never named or registered does not tell the full story. Estimates of the true size of the problem need to also take into account greyhounds that are discarded because they do not perform, or are injured or retired and are not kept as pets or breeding animals by industry participants, or rehomed. It is a sobering thought that, even on the most conservative assessment of GA (58.3%) based on the average number of greyhounds whelped for 2009-2013 (7,792), the number of young greyhounds destroyed in this State each year was in the order of 4,543.
- 11.77 Subsequently, GRNSW responded to the Commission's Issues Paper on Overbreeding and Wastage ("the Breeding Issues Paper"). The Breeding Issues Paper is addressed in Chapter 12. GRNSW put to the Commission that poor compliance with R 106:

<sup>72</sup> Ex S (17-19 November 2015), p. 36.

<sup>73</sup> Per table above.

<sup>74</sup> From 2009 to 2013. See table above. As has been noted, the data for 2014-2015 cannot be relied upon.

<sup>75</sup> GRNSW, Response to Order 26 dated 19 January 2016.

... has meant that while the credibility of the figures raised at the ongoing Special Commission are undoubtedly questionable, GRNSW is not able to clarify these figures until it has improved the accuracy, completeness and integrity of data.<sup>76</sup>

- 11.78 That was a particularly unhelpful submission. GRNSW has had more than a year to reflect upon the issue of wastage and to provide the Commission with realistic estimates. It is an industry insider. The Commission is not. It is also currently the industry's regulator. GA had no difficulty providing estimates within a range to its member bodies, based not only on the same data but its industry experience. For too long, GRNSW has avoided transparency in relation to the true level of wastage, as distinct from precise figures, by decrying, and then apologising for, the inadequacy of its data.
- 11.79 In responding to the Breeding Issues Paper, GRNSW put forward the results of its limited R 106 Compliance Project ("the R 106 Project"). It is reasonable to infer that GRNSW did so with an expectation that the Commission would rely upon those results.
- 11.80 The R 106 Project was initiated in late October 2015. It was intended to capture information on the ultimate outcomes for greyhounds whelped between 1 January 2011 to 31 December 2013 excluding greyhounds that had raced in 2015, or had been transferred to new owners. It was also intended to ensure compliance with R 106 moving forward. It did not assess the greyhounds which had ceased racing at some point in 2015.
- 11.81 The figures provided by GRNSW to the Commission were riddled with inconsistencies, inclusions and exclusions from the targeted population which were not adequately explained, and with duplication. As a consequence, the Commission was compelled to order GRNSW to provide further clarification.
- 11.82 GRNSW's R 106 compliance data remains insufficiently robust to enable the Commission to arrive at precise wastage figures. Nevertheless, the results of the R 106 Project also point to the conclusion that the wastage of young greyhounds is unacceptably high in NSW. This is not disputed by GRNSW.
- 11.83 In order to identify the target population for the R 106 Project, GRNSW started with a population of 31,382 greyhounds whelped between 1 January 2011 and September 2015.<sup>77</sup>
- 11.84 It then subtracted all those greyhounds with any race activity in 2015. That was 7,609 greyhounds. It also subtracted those greyhounds with new owners but no race activity in 2015. That was 5,986 greyhounds. From the remaining population with no race or owner activity in 2015, GRNSW then subtracted all the greyhounds that were whelped in 2014 or 2015. The Commission was informed that this was 6,575 greyhounds. This left a combined population of 11,212 greyhounds – which was subsequently reduced to 11,167, as 45 greyhounds were identified as being "duplicates" and were deleted from the OzChase system.
- 11.85 By way of summary, this target population ("Combined Population") of 11,167 was made up of greyhounds that were whelped between 1 January 2011 and 31 December 2013, did not race in 2015 and were not transferred to a new owner in 2015.
- 11.86 There were three different cohorts which comprised the Combined Population.
- 11.87 First, 1,315 greyhounds of the larger scale owners which included non-compliant owners with more than 25 greyhounds ("Larger Scale Owners Non-Compliant Population").

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<sup>76</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [186].

<sup>77</sup> GRNSW initially advised that the target population was 31,382 greyhounds. On 1 April 2016, GRNSW produced additional material to the Commission which included their most recent calculations the figures are in fact 37,316.

- 11.88 Second, 7,789 greyhounds of the non-compliant owners of less than 25 greyhounds (“Smaller Scale Owners Non-Compliant Population”).<sup>78</sup>
- 11.89 Third, 2,063 greyhounds of compliant owners. That is, those who had already submitted an R 106 form for their greyhounds (“Compliant Population”).
- 11.90 A total of 9,104 greyhounds were identified (“Target Population”) where there had been non-compliance.<sup>79</sup>
- 11.91 Industry participants were required to comply by 1 January 2016. If they did not do so, they would be fined \$100. If the R 106 Forms were not lodged by 1 February 2016, the fine increased to \$200. The fine then increased to \$500 after 1 March 2016. Prize money of owners was to be frozen until unpaid late fees had been paid and there would be no right to nominate a greyhound until outstanding notifications had been lodged and fines paid.<sup>80</sup>
- 11.92 A number of matters should be noted.
- 11.93 First, the Compliant Population comprised 2,063 greyhounds whelped during the period where industry participants had *already* complied with their obligations voluntarily as and when R 106 required them to do so. The Target Population obviously did not include the greyhounds of compliant participants. However, the figures are still relevant to the determination of the outcomes for those greyhounds.
- 11.94 Second, participants were not given the option to record that they simply did not recollect what had happened to greyhounds that had been under their care or control.<sup>81</sup> It is possible that some participants recorded outcomes which they could not recall. They might have been influenced by the prospect of fines, frozen prize money, and loss of the right to nominate. Further, as has already been noted in relation to the information provided by GA, it is possible that some participants provided information that they considered might, in the current environment, be more palatable; in particular that their greyhounds died through accident or misadventure rather than having been put down.
- 11.95 This issue was raised by GRNSW’s then General Manager of Compliance in an email to Mr Newson and a number of other GRNSW staff members. Reporting on the progress of the R 106 Project on 17 December 2015, she said:
- Deceased by snakebites seems to be the excuse of choice for owners who can’t remember who they transferred their dogs to or who have killed their dogs.<sup>82</sup>
- 11.96 In the final report of the R 106 Project of 15 January 2016, the Project Manager recommended that areas for further investigation by the intelligence unit should include prevalence of “snake bite, parvovirus, ticks, etc.”<sup>83</sup>
- 11.97 Third, in producing the data gathered from its R 106 Project to the Commission, GRNSW introduced a number of categories and codes that made its data difficult to analyse. By way of example, whereas GA was able to provide a straightforward percentage of greyhounds’

<sup>78</sup> The online portal created by GRNSW to facilitate compliance was unable to process any industry participant who had more than 25 greyhounds under their care or control.

<sup>79</sup> This consisted of the Smaller Scale Owners Non-Compliant Population and the Larger Scale Owners Non-Compliant Population, less the 45 duplicate greyhounds.

<sup>80</sup> GRNSW website, “106 Compliance Project – What you need to know”: <<http://www.thedogs.com.au/Uploads/FAQ%20-%20GA106.pdf>> (accessed: 18 May 2016).

<sup>81</sup> It seems that GRNSW used the expression “Other” to deal with these greyhounds together with a number of further greyhounds where the status was unclear.

<sup>82</sup> GRNSW, Response to Order 26 dated 19 January 2016.

<sup>83</sup> Report, “GAR106 Compliance Project Report”: GRNSW Response to Order 26 dated 19 January 2016.



euthanased (58.3%), GRNSW introduced various categories of euthanasia and death, included categories such as “Other”, and qualified certain greyhounds by seemingly meaningless codes such as “Legacy”.

- 11.98 GRNSW informed the Commission that, as a result of the R106 Project, it had identified the status of 93% of the Combined Population.<sup>84</sup> If this was meant to convey to the Commission that it had determined the outcomes for 93% of the Combined Population, it was simply wrong.
- 11.99 The outcomes for the cohorts which comprised the Combined Population and the Compliant Population are addressed below.

### **Larger Scale Owners Non-Compliant Population**

- 11.100 As has already been noted, this component of the target population was said by GRNSW to comprise 1,315 greyhounds. The information provided by GRNSW in relation to these greyhounds was problematic. 542 of these greyhounds were categorised as “Owner Transfer”. When the Commission requested GRNSW to explain what this meant, it became apparent that the outcome for these greyhounds was unknown and that GRNSW was still in the process of confirming the status of these greyhounds with the new owner, assuming that was possible. GRNSW stated:

It is anticipated that GRNSW will contact new owners where information has been provided, however in many cases the participant has only stated that the dog has been transferred but cannot recall details of who it was transferred to, or have provided insufficient information.<sup>85</sup>

- 11.101 There were 114 greyhounds described as “Confirmed”. They were greyhounds which had not finished their racing careers.
- 11.102 There were a number of greyhounds described as “Deceased (Legacy)”, “Euthanased (Legacy)”, “Pet (Legacy)” and “Breeding (Legacy)”. Upon seeking clarification, the Commission was informed by GRNSW that this “generally means that the data is old and further information is unavailable”.<sup>86</sup> It noted that it did not intend to make “legacy” entries in the OzChase system in the future. For the purpose of the Commission’s assessment of the scale of the industry’s wastage, the use of the word “Legacy” is of no importance. That a greyhound was euthanased, became a pet or was retained for the purpose of breeding is sufficient.
- 11.103 There were a number of greyhounds where the description “Other” was used by GRNSW. Again the Commission was required to seek clarification. It was informed by GRNSW that the description had been mostly used “... in cases where the participant was unsure or could not remember the status of the greyhound, or were unsure whether to continue racing or retire their greyhound.”<sup>87</sup>
- 11.104 Table 11.7 below sets out the Commission’s assessment of the likely outcomes of those greyhounds which comprised the Larger Scale Owners Non-Compliant Population. For the reasons referred to above, the categories of “Owner Transfer”, “Confirmed”, and “Other” were excluded. This accounted for 657 or approximately 50% of the cohort comprising this population. Accordingly, the conclusions to be drawn from the table must be approached with caution.

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<sup>84</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [189].

<sup>85</sup> GRNSW, Response to Order 29 dated 15 March 2016, p. 3.

<sup>86</sup> Ibid, p. 7.

<sup>87</sup> Ibid, p. 8.

**Table 11.7 Commission's assessment of likely outcomes for greyhounds: larger scale owners non-compliant population**

Category	No. of greyhounds	% Total
<b>Deceased</b>		
Accidental Causes	40	6.1%
Track Injury	4	0.6%
Natural Causes	3	0.4%
Illness Age	39	5.9%
Deceased (Legacy)	177	26.9%
<b>Total Deceased</b>	<b>263</b>	<b>40%</b>
<b>Euthanased</b>		
Illness Age	8	1.2%
Not suitable for re-homing	33	5%
Injury	91	13.8%
Not For Racing	48	7.3%
At Track	0	0%
Euthanased (Legacy)	87	13.2%
<b>Total Euthanased</b>	<b>267</b>	<b>40.6%</b>
<b>Total Euthanased/Deceased</b>	<b>530</b>	<b>80.5%</b>
<b>Retired</b>		
Breeding Owner	6	0.8%
Breeding Trainer	0	0%
Breeding (Legacy)	-	-
Exported	23	3.5%
Pet 3 <sup>rd</sup> Party	16	24.3%
Pet Owner	12	18.2%
Pet Adoption Program	4	0.6%
Pet Trainer	0	0%
Pet (Legacy)	63	9.6%
No reason recorded	-	-
Surrendered to Another Agency	4	0.6%

11.105 Because of the quality of the data, it is not possible to be confident that, of the 80.5% of the deceased greyhounds, there is a precise demarcation between those which were euthanased and those which died through other causes. However, what is clear is that the greyhounds within this cohort were no older than approximately 4.5 years and the youngest would have been approximately 20 months old. By September 2015, approximately 80% of that cohort was dead.

11.106 Because of the limited size of the cohort of greyhounds of larger scale owners which was made available by GRNSW to the Commission for analysis, the Commission independently required some of the largest owner/breeders to provide information. The Commission had received evidence that R 106 compliance amongst the bigger owners, breeders and trainers was generally satisfactory.<sup>88</sup> One particular industry participant who is licenced as an owner, breeder and trainer was particularly cooperative and open with the Commission. He provided information that had been retrieved by him from GRNSW in relation to the number of greyhounds under his care or control (including those under the care or control of immediate family members involved in his business) that had been euthanased, were deceased, or had been retired in the previous two financial years. The Commission corrected some of the information provided by this

<sup>88</sup> Anthony O'Mara, 3 February 2016: Ex WW (17-18 February), p. 23.

industry participant following advice from GRNSW that its records showed that some of the greyhounds were deceased outside the relevant period. The results appear in table 11.8.

**Table 11.8 Number of greyhounds retired, deceased or euthanased: 2013-14 and 2014-15**

Category	Industry Participant	Immediate Family Member	Immediate Family Member	Total No. of greyhounds	% Total
<b>Deceased</b>	14	1	0	15	3.1%
Accidental Causes	0	1	0	1	0.2%
Track Injury	18	0	1	19	3.9%
Natural Causes	14	1	3	18	3.7%
Illness Age	3	0	2	5	1%
Deceased (Legacy)					
<b>Total Deceased</b>				58	11.9%
<b>Euthanased</b>					
Illness Age	8	1	1	10	2%
Not suitable for re-homing	37	15	18	70	14.3%
Injury	55	27	14	96	19.6%
Not For Racing	83	41	24	148	30.3%
At Track	17	8	12	37	7.6%
Euthanased (Legacy)	5	1	3	9	1.8%
<b>Total Euthanased</b>				370	75.7%
<b>Total Euthanased/Deceased</b>				428	87.5%
<b>Retired</b>					
Breeding Owner	1	0	0	1	0.2%
Breeding Trainer	0	0	0	0	0%
Breeding (Legacy)	0	0	0	0	0%
Exported	0	0	1	1	0.2%
Pet 3 <sup>rd</sup> Party	3	0	1	4	0.8%
Pet Owner	0	0	0	0	0%
Pet Adoption Program	27	15	13	55	11.3%
Pet Trainer	0	0	0	0	0%
Pet (Legacy)	0	0	0	0	0%
Surrendered to Another Agency	0	0	0	0	0%
<b>Total Retired</b>				61	12.5%
<b>Total</b>				489	100%

Source: Paul Wheeler Response to Order 1 (clarified by GRNSW)

- 11.107 Given the size, success and rule compliance record of this owner/breeder family operation, the above figures may well represent close to the minimum percentages of greyhounds euthanased in NSW. They indicate that over 70% of the greyhounds bred by this breeder are euthanased because they are not suitable for racing or rehoming or that they were killed at the track or were injured, presumably in races or in training.

### Smaller Scale Owners Non-Compliant Population

- 11.108 The non-compliant smaller scale owners were responsible for 7,789 greyhounds. They are the greyhounds of owners with less than 25 greyhounds under their care and control.
- 11.109 For the purpose of the Commission's analysis, greyhounds described as "Other" (99), "Confirmed" (708), "Owner Transfer" (1,363) were again excluded. There were also 472 greyhounds described by GRNSW as "Unconfirmed". GRNSW informed the Commission that the status of these greyhounds could not be confirmed because the last registered owner was

uncontactable or no longer held a licence. There were three greyhounds where no explanation as to their status was supplied by GRNSW. These greyhounds were also excluded.

- 11.110 The greyhounds excluded account for 2,645, or approximately 34% of the Smaller Scale Owners Non-Compliant Population. This left 5,144 greyhounds, or approximately 66%, for analysis. Table 11.9 below analyses the results from this cohort.

**Table 11.9 Commission's assessment of likely outcomes for greyhounds: smaller scale owners non-compliant population**

Category	No. of greyhounds	% Total
<b>Deceased – with reasons</b>		
Accidental Causes	927	18%
Track Injury	331	6.4%
Natural Causes	236	4.6%
Illness Age	348	6.8%
Deceased (Legacy)	3	0.0%
Total Deceased - with reasons	1845	35.9%
<b>Euthanased – with reasons</b>		
Illness Age	129	2.5%
Not suitable for re-homing	211	4.1%
Injury	628	12.2%
Not For Racing	533	10.4%
At Track	57	1.1%
Euthanased (Legacy)	35	0.7%
Total Euthanased – with reasons	1593	31%
Euthanased/Deceased - with no reasons	13	0.3%
Total Euthanased/Deceased	3451	67.1%
<b>Retired</b>		
Breeding Owner	191	3.7%
Breeding Trainer	22	0.7%
Breeding (Legacy)	2	0%
Exported	250	4.9%
Pet 3 <sup>rd</sup> Party	582	11.3%
Pet Owner	332	6.5%
Pet Adoption Program	180	3.5%
Pet Trainer	62	1.2%
Pet (Legacy)	0	0%
No reason recorded	12	0.2%
Surrendered to Another Agency	60	1.2%
Total Retired	1693	32.9%
Total	5144	100%
Owner Transfer (status unknown)	1,363	51.54%
Confirmed (as still racing)	708	26.76%
Other (status unknown)	99	3.74%

- 11.111 Again, one cannot be satisfied that there is a precise demarcation between those greyhounds which were euthanased and those which died through other causes. What is clear is that again the greyhounds within this cohort were no older than approximately 4.5 years and the youngest would have been approximately 20 months of age. By September 2015, approximately 67.1% of this cohort was dead.

## The Compliant Population

- 11.112 As has been noted, the Compliant Population comprised 2,063 greyhounds whose owners had submitted R 106 Forms.
- 11.113 There were 21 greyhounds in this cohort which were described by GRNSW as “Under Penalty” at the time at which the project’s target population was identified. As no further information was provided by GRNSW they were excluded. They may have returned to racing. They might be deceased. Three greyhounds described as “Other” were also excluded. Accordingly, 24 greyhounds or 1.2% were excluded. Perhaps greater confidence can be placed on the results for this cohort because there are larger numbers of greyhounds and because compliance was voluntary. The results of the analysis appear in table 11.10 below.

**Table 11.10 Commission’s assessment of likely outcomes for greyhounds: compliant population**

Category	No. of greyhounds	% of Total
<b>Deceased – with reasons</b>		
Accidental Causes	16	0.8%
Track Injury	5	0.2%
Natural Causes	236	11.6%
Illness Age	80	3.9%
Deceased (Legacy)	30	1.5%
<b>Total Deceased - with reasons</b>	<b>367</b>	<b>18%</b>
<b>Euthanased – with reasons</b>		
Illness Age	27	1.3%
Not suitable for re-homing	76	3.7%
Injury	178	8.7%
Not For Racing	180	8.8%
At Track	44	2.2%
Euthanased (Legacy)	142	7%
<b>Total Euthanased – with reasons</b>	<b>647</b>	<b>31.7%</b>
<b>Euthanased/Deceased - with no reasons</b>	<b>563</b>	<b>27.6%</b>
<b>Total Euthanased/Deceased</b>	<b>1577</b>	<b>77.3%</b>
<b>Retired</b>		
Breeding Owner	171	8.4%
Breeding Trainer	7	0.3%
Breeding (Legacy)	6	0.3%
Exported	10	0.5%
Pet 3 <sup>rd</sup> Party	17	0.8%
Pet Owner	58	2.8%
Pet Adoption Program	155	7.6%
Pet Trainer	3	0.1%
Pet (Legacy)	0	0%
No reason recorded	22	1.1%
Surrendered to Another Agency	13	0.6%
<b>Total Retired</b>	<b>462</b>	<b>22.7%</b>
<b>Total</b>	<b>2039</b>	<b>100%</b>

- 11.114 The greyhounds within this cohort were no older than approximately 4.5 years and the youngest would have been approximately 20 months. By September 2015, approximately 77% were dead.

## The WDA's assessment

- 11.115 As has previously been noted, the WDA was retained by GRNSW to report on best practice in the rearing, socialisation, education and training of racing greyhounds. The WDA estimated that in NSW:
- 31,329 greyhounds were whelped between 2010 and 2013 (7,832 on average per year);<sup>89</sup>
  - an average of 30% of pups whelped went “missing” within the first year before they were named;
  - close to a further 10% went missing after being named;
  - just over 25% of greyhounds whelped had an end point accounted for, recorded as deceased, retired or rehomed through the GAP Program; and
  - on average, close to 60% of dogs bred into the greyhound racing industry in New South Wales started in a race but, of these, two thirds were subsequently unaccounted for with no career end point recorded.<sup>90</sup>
- 11.116 The WDA acknowledged that the data upon which it relied might not be fully independent and could contain overlapping categories. For example, some of the dogs noted as missing between whelping and naming might be recorded as deceased. Likewise, some of the dogs recorded as retired might have been rehomed through the GAP Program. The WDA also recognised that groups other than the GAP Program were involved in rehoming racing greyhounds and that some might end their careers interstate or overseas (eg. New Zealand). Some might not be accounted for within the NSW OzChase data collection system. Further, it was unclear whether an equivalent number of greyhounds that originated in other jurisdictions ended their careers in NSW.
- 11.117 Notwithstanding these limitations, the WDA suggested that the figures referred to above provided the most accurate measure available in NSW and that they showed a “.....high level of wastage” over the four years covered by the WDA Report. As has already been noted, the WDA considered the level to be such that it represented one of the most significant threats to the industry's sustainability and its social licence to operate.<sup>91</sup>
- 11.118 The Commission notes that GRNSW did not dispute these conclusions. It embraced the WDA Report as being a “landmark” report which would inform the review of existing policy positions and all future welfare initiatives.<sup>92</sup> During the course of the Commission's public hearings, the Interim Chief Executive of GRNSW also acknowledged that the over production and unnecessary destruction of greyhounds remained the main threat to the industry.<sup>93</sup> The Commission took this evidence as an acknowledgement by GRNSW that, however defined, the current level of wastage in the industry is unacceptable.

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<sup>89</sup> The data was obtained from the OzChase records system.

<sup>90</sup> WDA report “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context” (July 2015): Ex S (17-19 November 2015), pp. 36-37.

<sup>91</sup> Ex S (17-19 November 2015), p. 38.

<sup>92</sup> Article “GRNSW Release Landmark Report” by GRNSW, 10 August 2015, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=6716>> (accessed 18 May 2016).

<sup>93</sup> Paul Newson, 2 October 2015: T408.45-409.6.

## Assessments by welfare organisations

- 11.119 A number of welfare organisations provided their assessments of wastage to the Commission. Some had previously made like submissions to the Select Committee and to the Five Year Statutory Review of the *Greyhound Racing Act 2009* (NSW) (“the Five Year Statutory Review”).
- 11.120 RSPCA Australia estimated that, on the basis that 18,000 pups were whelped annually, approximately 35-40% (6,000-7,000) were not named and therefore never raced.<sup>94</sup> It drew attention to the fact that GRNSW had itself assessed this figure to be in the order of 30%. RSPCA Australia pointed to the fact that this was the “immediate” wastage rate but that over time ongoing wastage occurred as greyhounds were discarded owing to injury or sub-optimal performance. It should be noted that RSPCA Australia’s figures do not include greyhounds that are rehomed or kept as breeding animals or pets by industry participants.
- 11.121 Animals Australia suggested that nationally up to 18,000 healthy greyhounds were killed each year. It is not clear how this figure was calculated. It suggested that it was likely that in NSW between 5,000<sup>95</sup> and 6,800 greyhounds were killed each year, the latter comprising 2,800 unnamed pups and 4,000 retiring greyhounds.<sup>96</sup> It noted that between 2009 and 2013 just over 300 retired greyhounds were adopted via the GAP Program. It also drew attention to the fact that in 2013 only ten unnamed pups had been rehomed through the GAP Program.<sup>97</sup> Animals Australia expressed concern that it may have underestimated the number of greyhounds destroyed each year because in-person inspections and registrations of litters did not take place until 12-16 weeks after whelping. Although breeders are required to submit a whelping notification within 14 days, the process provides a significant opportunity for breeders to under report litter sizes and dispose of pups prior to the first inspection by GRNSW which would occur for the purpose of microchipping and identification.
- 11.122 The Commission notes that a number of whelping notices which were provided to it by GRNSW stated that the litter comprised far fewer than the average litter size of 6.3 pups. Significant numbers of litters were reported and registered as one pup only. One explanation for this may be that some participants do not want to incur the expense of raising, training and racing more than one or two dogs and discard the remainder rather than having them registered.
- 11.123 The Animals Australia figures do not take into account the greyhounds kept by industry participants as breeders or pets, or those rehomed through welfare organisations. However, Animals Australia noted, correctly, that few female breeding greyhounds had litters once they reached six years of age. Industry statistics show that most litters are whelped when the female greyhound is in the age range of two to six years and that very few whelp litters after the age of seven years.<sup>98</sup>
- 11.124 A number of other welfare organisations made submissions to the Commission which contained similar estimates to those of RSPCA Australia and Animals Australia. Most acknowledged that the precise number is unknown.

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<sup>94</sup> RSPCA, Submission 239 to the Commission dated 3 July 2015, [1.1].

<sup>95</sup> Animals Australia, Submission 5A to the Five Year Statutory Review dated 13 February 2015, [1.1]. It noted, however, that the number of greyhounds killed in NSW is not readily available.

<sup>96</sup> Animals Australia, Submission 651 to the Commission 6 July 2015, [1.2.1]. Animals Australia, Submission 5B to the Five Year Statutory Review dated 2 March 2015, [1.1]. This was based upon an estimate of 7,064 pups whelped in 2012. The GA figures suggest 7,232.

<sup>97</sup> Animals Australia, Submission 5B to the Five Year Statutory Review dated 2 March 2015, [1.1].

<sup>98</sup> GRV Website, “National Greyhound Welfare Strategy: Industry Notification and Feedback-Breeding and Vaccination Requirements”: <<http://www.grv.org.au/wp-content/uploads/2014/12/Participant-Feedback-Form-National-Greyhound-Welfare-Strategy.pdf>> (accessed 18 May 2016).

- 11.125 It should not be thought that the external assessment of the magnitude of wastage within the greyhound racing industry has been of interest to animal welfare organisations only.

## Assessments by Government and persons reporting to Government

### *NSW – The Select Committee First Report*

- 11.126 The Select Committee dealt with wastage in the context of overbreeding in its First Report dated March 2014.<sup>99</sup> The Commission addresses overbreeding, and the question whether there is any reasonable prospect of controlling it, in Chapter 12.

- 11.127 The Select Committee noted that it had been advised by GRNSW that, on average, 8,000 greyhound pups were whelped annually in NSW. Approximately 70% were named as part of the greyhound registration process. Approximately 2,400 greyhounds each year were not registered as racing greyhounds. The Select Committee concluded:

The fate of these ‘excess dogs’, sometimes referred to as ‘wastage’ in the industry, is not clearly identified. However, most are likely euthanised.<sup>100</sup>

- 11.128 The Select Committee’s conclusion concerned wastage up to the point of naming only. It did not cover named/registered greyhounds that did not go on to race, those that did not perform, those that retired early because of injury, and those that did have a full racing career but were destroyed around 4.5 years of age.

- 11.129 The Select Committee recommended that the Minister for Primary Industries appoint an independent inquiry to conduct an investigation into the frequency and number of litters permitted for each breeding female.<sup>101</sup>

- 11.130 Government did not support the recommendation.<sup>102</sup> GRNSW had provided figures to Government that indicated that, of the 14,773 breeding female greyhounds nationally between 2000 and 2010, approximately 45% had only one litter, 27% had two litters, 14% had three litters, 7.5% had four litters and only 6% had five or more litters. Government concluded that the number and frequency of litters per breeding female was not as significant an issue as the breeding of poor quality racing animals and the relatively short racing career of a greyhound. Government relied on figure 11.11 below, which was provided to it by GRNSW.

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<sup>99</sup> Select Committee, report “Greyhound Racing in New South Wales – First Report” (March 2014) (“the Select Committee First Report”), [7.27].

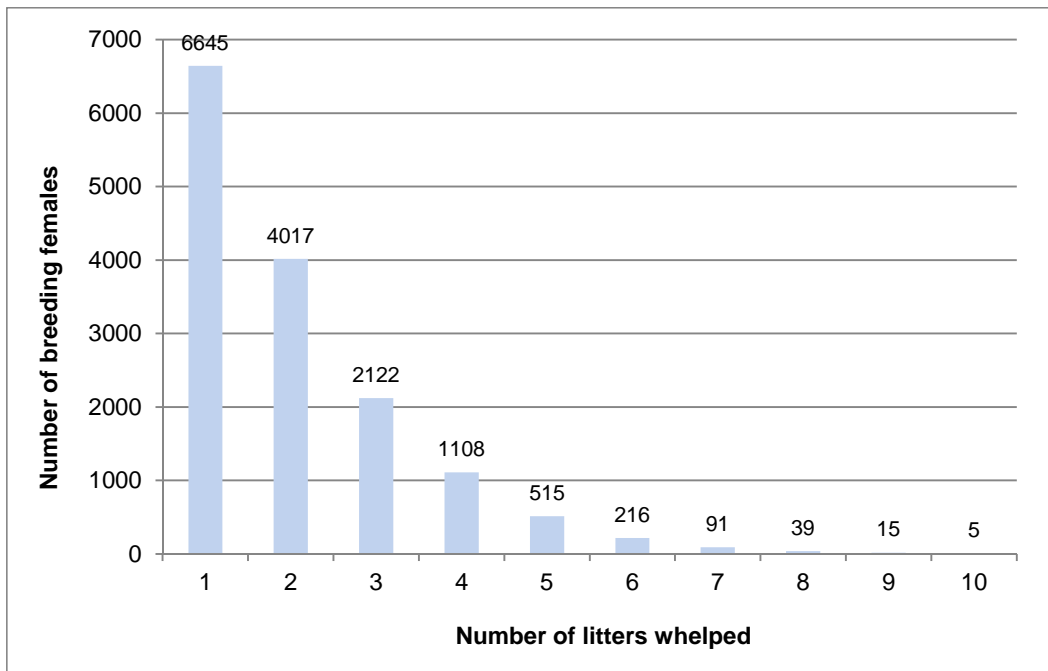
<sup>100</sup> Ibid, [7.28].

<sup>101</sup> Ibid, Recommendation 14.

<sup>102</sup> NSW Government, “Government Response to the ‘Select Committee on Greyhound Racing in NSW First Report’” (September 2014), p. 19.



Figure 11.11 Parity count of breeding females whelped 2000-2010 (national data)



Source: Government Response to Select Committee First Report

- 11.131 Despite the approach of GRNSW towards litter restrictions in its dealings with the Select Committee and Government in 2013-2014, it has recently imposed restrictions on the number of litters permitted for breeding females as a means of reducing the number of pups whelped each year. It now claims that reducing litter numbers per breeding female will partly address overbreeding. This is addressed in Chapter 12. The Commission has concluded that this measure is unlikely to have any measureable impact on wastage levels.

#### Victoria – The Lewis Report

- 11.132 In March 2008, the Victorian Government appointed Judge Gordon Lewis AM to lead discussions with racing industry controlling bodies and other stakeholders on options for possible changes to the structure of racing integrity assurance services in the Victorian racing industry. He reported to the Victorian Government on 1 August 2008 (“the Lewis Report”).<sup>103</sup> The Lewis Report included a number of recommendations which were adopted by the Victorian Government including the creation of the Office of the Racing Integrity Commissioner.<sup>104</sup>
- 11.133 During the course of his Honour’s inquiry, he became aware of matters which, although strictly outside the Terms of Reference, he felt compelled to raise with the Victorian Minister for Racing. One such matter was the level of wastage within the greyhound racing industry. He described it as “carnage”.<sup>105</sup>
- 11.134 In his letter to the Minister which enclosed the Lewis Report, his Honour said:

GRV endorses the safety and welfare of greyhounds through the Greyhound Adoption Program (GAP). However, this program is extremely limited, placing in a domestic environment only 4.2% of greyhounds bred.

<sup>103</sup> Judge Gordon Lewis AM, report “A Report on Integrity Assurance in the Victorian Racing Industry” (August 2008) (“the Lewis Report”).

<sup>104</sup> *Racing Legislation Amendment (Racing Integrity Assurance Act) 2009 (Vic)*.

<sup>105</sup> Article, “Action urged on killing of ‘slow’ horses and dogs” by Mark Russell, 24 August 2008, *Sydney Morning Herald*: <<http://www.smh.com.au/national/action-urged-on-killing-of-slow-horses-and-dogs-20080823-40xz.html>> (accessed 30 May 2016).

Statistics provided by GRV in respect of 2006 showed that just over 7,500 (7,680) live greyhound pups were born.

4,000 of these pups are registered as racing greyhounds. Of these, about 700 dogs are kept for breeding purposes, or retained by their owners as pets. A further 320 dogs will pass successfully through the GAP. That leaves about 3,000 fit young dogs who are killed.

From the original 7,500 the remaining 3,500 dogs, which are not registered as racing greyhounds, do not make it to the track. I accept that the greater proportion are killed because they are too slow to race.

The conclusion which can be drawn is that of the 7,500 greyhounds born, approximately only 1,000 will live a full life span.

GRV acknowledged that many of the litters, which are registered, would produce pups, with no real prospect of success and facing a very bleak future ... GRV should utilise its existing regulatory powers to control registration to breed, to minimise the present unnecessary carnage involving young and healthy dogs.<sup>106</sup>

- 11.135 His Honour’s assessment concerned the Victorian greyhound industry. However, there is no reason to believe that at the time Victorian breeding practices were any different to those that existed in NSW.
- 11.136 Although the Commission is less confident than his Honour that precise figures can be calculated, the picture painted by him was, to say the least, grim.
- 11.137 His Honour’s figures are broadly consistent with those assessed by the industry in April 2015 in GA’s Crisis to Recovery Program.<sup>107</sup> His Honour’s figures are reproduced in table 11.12 below.

**Table 11.12 Lewis Report (2008) euthanasia rates**

Category	No. of greyhounds	% of Total
Whelped	7500	100%
Named		
Retired – GAP	320	4.3%
Retired – Breeding/Pet	700	9.3%
Deceased/Euthanased	2980	39.7%
Total Named	4000	53.3%
Unnamed		
Deceased/Euthanased	3500*	46.7%
Total Unnamed	3500	46.7%
Total Deceased/Euthanased	6480	86.4%
Total Retired	1020	13.6%

Source: Lewis Report

### **Victoria – The Milne Report**

- 11.138 Following the exposure of the practice of live baiting in February 2015, the Victorian Minister for Racing and Minister for Agriculture commissioned Victoria’s Chief Veterinary Officer, Dr Charles Milne, to carry out a review of animal welfare and cruelty in the Victorian greyhound industry.
- 11.139 Dr Milne issued his final Report on 30 April 2015 (“the Milne Report”).<sup>108</sup> He gave limited attention to wastage. That is not a criticism. Dr Milne had but ten weeks to carry out his review

<sup>106</sup> The Lewis Report, Cover Letter to the Minister.

<sup>107</sup> Ex J (28 September – 2 October 2015).

<sup>108</sup> Dr Charles Milne, Chief Veterinary Officer, report “Investigation into Animal Welfare and Cruelty in the Victorian Greyhound Industry”.

and to report. He noted that the percentage of greyhounds named had increased from 58% in 2008 to 66% in 2013, indicating less “breeding” wastage in the industry.<sup>109</sup>

- 11.140 The percentage of greyhounds named in NSW in 2013 was similar to Victoria. In NSW 69.7% of the 7,974 greyhounds whelped in that year were named. However, as has already been noted, although it is generally accepted that approximately 30% of greyhounds whelped are not named,<sup>110</sup> it is also accepted that a further 10% will not go on to race. The consensus is that there is a pre-race wastage rate of 40%.<sup>111</sup> Victoria’s 2013 figures support this.
- 11.141 Neither the Victorian nor the NSW figures take into account the greyhounds which although named do not race, those that race but are found to be uncompetitive, those whose racing careers are cut short because of injury or those that are destroyed when they retire at around 4.5 years of age.
- 11.142 Further, as has been noted, approximately 20.8% of greyhounds have five or fewer races.
- 11.143 Dr Milne also commented upon rehoming. For a number of years now, Greyhound Racing Victoria (“GRV”) has claimed a higher rate of rehoming through its GAP Program than NSW. Dr Milne noted that in 2014, GRV rehomed 536 greyhounds through its GAP Program and that a “more modest” number was “thought to be diverted to other rescue groups or shelters for adoption”.<sup>112</sup>

#### **Victoria – The Perna Report**

- 11.144 Following the *Four Corners program* in February 2015, the Victorian Racing Integrity Commissioner, Sal Perna, commenced an Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria.
- 11.145 Commissioner Perna issued his Final Report on 11 June 2015 (“the Perna Report”).<sup>113</sup>
- 11.146 Commissioner Perna noted that a number of issues concerning the lifecycle of greyhounds had come to his attention during his inquiry. They included:
- allegations of mass greyhound burial pits;
  - the inability of GRV to prevent or control interstate breeders from oversupplying and dominating Victorian greyhound racing;
  - the disproportionate number of litters that are born when compared to the number of greyhounds that ultimately race; and
  - what occurs to racing greyhounds at the end of their racing life.<sup>114</sup>

- 11.147 Commissioner Perna noted that:

On the basis that if between 5,000 and 6,000 pups are whelped annually, and allowing for natural attrition of 1,000, 500 going into the GAP and 300 retained for breeding or as pets, it is estimated that as many as 4,000 are killed before their fifth birthday.<sup>115</sup>

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<sup>109</sup> Milne Report, p. 47.

<sup>110</sup> Ex S (17-19 November 2015), p. 37.

<sup>111</sup> It has already been noted that this figure is accepted by most, including GRNSW’s Chief Veterinary Officer. Again it should be noted that this percentage does not take into account greyhounds which are rehomed, kept as breeders or as pets by industry participants.

<sup>112</sup> Milne Report, p. 48.

<sup>113</sup> Commissioner Sal Perna, final report “2015 Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria”.

<sup>114</sup> Perna Report, [247].

11.148 Commissioner Perna concluded his treatment of wastage by noting that the culling of greyhounds was clearly a concern and warranted a thorough review in order to create a regulatory framework that would oversee the entire lifecycle and ensure the welfare of all greyhounds bred.<sup>116</sup>

#### **Queensland – The MacSporran Report**

11.149 Following the exposure of live baiting in February 2015, the Governor in Council in Queensland approved the establishment of a Commission of Inquiry under the *Commissions of Inquiry Act 1950* (Qld). Alan MacSporran QC was appointed Commissioner.<sup>117</sup>

11.150 On 1 June 2015, Commissioner MacSporran issued his final report (“the MacSporran Report”).<sup>118</sup> He noted that, although there was an issue as to the accuracy of the numbers, the magnitude of the difference between the number of pups whelped and those who were named and ultimately registered to race and had a full life in the industry suggested an unacceptable level of wastage.<sup>119</sup> Based upon the figures that were made available by Racing Queensland (“RQ”), wastage to the point of naming was approximately 30% for the years 2003 to 2013.<sup>120</sup>

11.151 Commissioner MacSporran undertook what he described as the “challenging” exercise of examining all R 106(3) Forms that RQ had received since 1 May 2013. A total of 1,462 retirement forms were provided to that Commission. Of these, 1,195 were stamped as having been received in 2014.<sup>121</sup> The forms were unclear on retirement and lodgement dates indicating that the number of retirement forms lodged did not accurately reflect the actual number of greyhounds retired from racing in any given year. Commissioner MacSporran noted that it was highly improbable that the figure of 1,462 greyhounds registered as retired (including 1,195 in 2014) was accurate. The actual number which should have been recorded was around 8,500. Between 2003 and 2013 approximately 7,000 were unaccounted for.<sup>122</sup>

11.152 The Commissioner noted that the retirement forms reviewed by that Commission showed that the majority of ex-racing greyhounds were either destroyed, died as a result of accidents (the most common being snake bites) or would simply go missing.

11.153 The MacSporran Report contains the following table showing the percentage of greyhounds notified as deceased on the retirement forms and the reasons for their death:<sup>123</sup>

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<sup>115</sup> These figures seem to have been an updated version of those relied upon by Judge Lewis AM.

<sup>116</sup> Perna Report, [249].

<sup>117</sup> The Terms of Reference are set out as an Appendix in Volume 4.

<sup>118</sup> Commissioner Alan MacSporran QC, report “Final Report of the Queensland Greyhound Racing Industry Commission of Inquiry” (2015).

<sup>119</sup> The Commissioner was speaking of wastage up to the point of naming only: MacSporran Report, [281].

<sup>120</sup> *Ibid*, [285].

<sup>121</sup> *Ibid*, [313].

<sup>122</sup> *Ibid*, [314]-[316].

<sup>123</sup> *Ibid*, [319].

**Table 11.13 Percentage of greyhounds notified as deceased and reasons for death (MacSporran Report)**

Year	Greyhounds euthanased	Accidents, deceased, no reason provided or missing	Greyhounds listed as exported, transferred interstate, used for breeding and those with unknown outcomes that die prematurely	Total estimated deaths post retirement	Average percentage
2014	59.5%	5.5%	7.8%	72.8%	76%
2013	74.4%	6.8%	6.5%	87.7%	
2012	65.3%	20.4%	0%	85.7%	
2011	64.3%	14.3%	0%	78.6%	
2010	76.5%	14.7%	5.6%	96.8%	

Source: MacSporran Report

11.154 Commissioner MacSporran concluded that, given the lack of variation over the years in the percentage of greyhounds that died subsequent to racing (76%), it was very likely that the high number of greyhounds that should have been registered as retired (7,000) also suffered the same fate.<sup>124</sup>

#### **Tasmania – The Tasmanian Report**

11.155 The day following the *Four Corners* program, the Chief Veterinary Officer, Bio-Security and the Director of Racing, Racing Services Tasmania, were instructed by the Tasmanian Minister for Racing to undertake a review of animal welfare arrangements in the greyhound racing industry to ensure that there was a robust welfare/reporting system in that State. On 13 March 2015, they issued their report (the “Tasmanian Report”).<sup>125</sup>

11.156 The Tasmanian Report contains an analysis of wastage in the Tasmanian greyhound racing industry. The data was captured as a consequence of an R 106 compliance project initiated by the Director of Racing in December 2013. The purpose of that project was to “identify the lifecycle of each greyhound whelped” and to “identify the compliance of participants in properly notifying the regulator when a greyhound is retired, rehomed, euthanised or dies from natural or other causes”.<sup>126</sup>

11.157 The data upon which the analysis was made concerned each greyhound whelped in Tasmania from 2011-2012 to 2013-2014. The data was updated on 11 June 2015 in a Submission by the Director of Racing to the Joint Select Committee on Greyhound Racing in Tasmania (“the Tasmanian Select Committee”).<sup>127</sup>

11.158 The Tasmanian Report noted that, as the oldest age of greyhounds in the initial season under review was three years and seven months, the analysis of results, particularly compliance, was still a work in progress. Nevertheless, the Chief Veterinary Officer and the Director of Racing considered that, given the scope of their review, it was important for the results to be published.<sup>128</sup> There were greyhounds still engaged in education or training; they were therefore classified as “Other”. As at June 2015, the oldest greyhound in the data captured would have been three years 11 months, and the youngest 11 months of age. Given that a proportion of the greyhounds, particularly from 2012-2013 and 2013-2014, may not have started or finished their

<sup>124</sup> Ibid, [320].

<sup>125</sup> Rod Andrewartha and Tony Murray, final report “Review of Arrangements for Animal Welfare in the Tasmanian Greyhound Racing Industry”.

<sup>126</sup> Ibid, p. 25.

<sup>127</sup> Tony Murray, Director of Racing, Submission to the Inquiry of the Joint Select Committee into Greyhound Racing in Tasmania dated June 2015.

<sup>128</sup> Tasmanian Report, p. 26.

racings careers when the data was collected, the Tasmanian Select Committee relied primarily on the data from 2011-2012 except where otherwise indicated.

- 11.159 The data disclosed that one in 12 greyhounds died *prior* to the litter being registered at approximately 12 weeks.

**Table 11.14 Deaths prior to registration of litter (Tasmanian Report)**

Year	2011-12	2012-13	2013-14
Deceased Pups (prior to 4 months)	42	61	59
Total Pups	617	608	694
% of total	6.8%	10%	8.5%
Average % of greyhounds deceased prior to registration			8.4%

Source: Tasmanian Report

- 11.160 The data also indicated that 44.25% of greyhounds whelped were never named.<sup>129</sup>

**Table 11.15 Named and unnamed greyhounds (Tasmanian Report)**

Year	2011-12	2012-13	2013-14
Named	306	319	
Unnamed	269	228	
Total	575	547	Not relied upon
% of Named	53.2%	58.3%	
% of Unnamed	46.8%	41.7%	
Average % of Named greyhounds			55.75%
Average % of Unnamed greyhounds			44.25%

Source: Tasmanian Report

- 11.161 The Tasmanian Report did not distinguish between named greyhounds who were euthanased and those who died through illness or misadventure. Table 11.16 reflects the figures for unnamed greyhounds.

**Table 11.16 Deaths of named and raced greyhounds (Tasmanian Report)**

Category	2011-12		2012-13		2013-14	
	No. of greyhounds	% of Total	No. of greyhounds	% of Total	No. of greyhounds	% of Total
Deceased	217	80.7%	162	71.1%	63	10.9%
Retired	27	10%	20	8.8%	5	0.9%
Other	25	9.3%	46	20.2%	509	88.2%
Total	269	100%	228	100%	577	100%

Source: Tasmanian Report

- 11.162 It should be noted that only the greyhounds in the 2011-12 and 2012-13 category would have reached the age for registration (12 months of age).<sup>130</sup> The youngest greyhound in the group from 2012-13 would be one year and 11 months of age.

- 11.163 In summary, as at 2013-2014:

<sup>129</sup> Data from the 2013-2014 season was not relied upon because the greyhounds in those years may not have reached the usual age for registration (12 months).

<sup>130</sup> Tasmanian Report, p. 25.

- at approximately one to two years of age, one in ten unnamed greyhounds were deceased, a negligible number of unnamed greyhounds were retired, and nine in ten unnamed greyhounds were still in active training or racing (although “Other” might reflect a greyhound which was not training or racing);
- at approximately two to three years of age, seven in ten unnamed greyhounds were deceased, one in ten were retired, and two in ten were still in active training or deceased; and
- by three to four years of age, eight in ten unnamed greyhounds were deceased, one in ten was retired, and one in ten was still in active training or racing.

11.164 Table 11.17 reflects the deaths of both named and raced greyhounds. Again the Tasmanian Report did not distinguish between death through euthanasia and death through illness or misadventure.

**Table 11.17 Deaths of named and raced greyhounds (Tasmanian Report)**

Category	2011-12		2012-13		2013-14	
	No. of greyhounds	% of Total	No. of greyhounds	% of Total	No. of greyhounds	% of Total
Deceased	113	41.4%	65	24.3%	1	5.3%
Retired	19	7%	8	3%	0	0
Other	141	51.6%	195	72.8%	18	94.7%
Total	273	100%	268	100%	19	100%

Source: Tasmanian Report

11.165 In summary:

- at approximately one to two years of age, one in 20 named greyhounds were deceased, no named greyhounds were retired, and 19 in 20 named greyhounds were still in active training (although, again, “Other” might refer to a greyhound which was not training or racing);
- at approximately two to three years of age, eight in 33 named greyhounds were deceased, one in 33 were retired, and 24 in 33 were still active in training or racing; and
- at approximately three to four years of age, eight in 20 greyhounds were deceased, less than one in 20 named greyhounds were retired, and ten in 20 named greyhounds were still in active training or racing.

11.166 It was also possible to consider the named greyhounds that never raced. The more important statistics are those for the years 2011-2012 and 2012-2013. In 2011-012, the youngest greyhound would have been 35 months and the oldest 47 months. In 2012-2013, the youngest greyhound would have been 23 months and the oldest, 35 months. For the 2013-2014 year, the youngest greyhound would have been 11 months and the oldest 23 months. Table 11.18 concerns the data for 2011-2012 and 2012-2013.

**Table 11.18 Named greyhounds that are never raced (Tasmanian Report)**

Year	2011-12	2012-13
Raced	273	268
Unraced	33	51
Total	306	319
% Raced	89.2%	84%
% Unraced	10.8%	16%

Source: Tasmanian Report

11.167 These figures suggest that on average one in seven named greyhounds never race.

11.168 The 2011-2012 data is the most informative. That is because the majority of greyhounds in that cohort would have finished their racing careers, if they had one. Table 11.19 compares the cohorts of retired and deceased greyhounds.

**Table 11.19 Overview of all statistics for retired versus deceased greyhounds (Tasmanian Report)**

Category	2011-12		2012-13		2013-14	
	No. of greyhounds	% of Total	No. of greyhounds	% of Total	No. of greyhounds	% of Total
Deceased						
Deceased prior to registration	42	6.8%	61	10%	59	8.5%
Unnamed deceased	217	35.2%	162	26.6%	63	9.1%
Named deceased	142	23%	84	13.8%	2	0.3%
Total Deceased	401	65%	307	50.6%	124	17.9%
Retired						
Unnamed retired	27	4.4%	20	3.3%	5	0.7%
Named retired	19	3.1%	13	2.1%	0	0%
Total Retired	46	7.5%	33	5.4%	5	0.7%
Other	170	27.6%	268	44.1%	565	81.4%
Total	617	100%	608	100%	694	100%

Source: Tasmanian Report

11.169 In summary:

- at approximately one to two years of age, four in 20 greyhounds were deceased, a negligible number of greyhounds were retired, and 16 in 20 greyhounds were still in active training or racing (again, "Other" might reflect a greyhound which was not training or racing);
- at approximately two to three years of age, ten in 20 greyhounds were deceased, one in 20 were retired and nine in 20 were still active in training or racing; and
- at approximately three to four years of age, 13 in 20 greyhounds were deceased, less than two in 20 were retired, and five in 20 were still in active training or racing.

11.170 The Chief Veterinary Officer and the Director of Racing also collected data on all greyhounds in Tasmania (either whelped in Tasmania or relocated to Tasmania at some stage) that had been retired, rehomed – including through the Tasmanian GAP Program – euthanased or died from natural or other causes. The figures are shown in table 11.20 below.



**Table 11.20 “Minimum figures” of euthanasia rates (Tasmanian Report)**

Category	2013-14		2014-15		2 Years
	No. of greyhounds	% of Total	No. of greyhounds	% of Total	Average %
Deceased (understood to be natural or other causes ie. snake bite)	28	4.4%	27	6.9%	5.65%
Euthanased	486	76.5%	267	68.1%	72.3%
Total Euthanased/Deceased	514	80.9%	294	75%	77.95%
Retired					
Greyhounds As Pets Program	62	9.8%	51	13%	11.4%
Other Re-homing/Retirement	59	9.3%	47	12%	10.65%
Total Retired	121	19.1%	98	25%	22.05%
Total	635	100%	392	100%	100%

Source: Tasmanian Report

- 11.171 In summary, in the past two financial years in Tasmania, approximately one in 20 greyhounds died without euthanasia, 14 in 20 were euthanased, 16 in 20 were euthanased or deceased, two in 20 were rehomed through the Tasmanian GAP Program and two in 20 were otherwise rehomed.
- 11.172 The Chief Veterinary Officer and the Director of Racing noted that the accuracy of their figures was reliant upon those in charge of a greyhound notifying the regulator, in accordance with the rules of racing applicable in that State, as to the fate of the greyhound once it was no longer competing in races. They also noted that, until an audit of kennels was finalised, the figures should be viewed as “minimum figures”.<sup>131</sup> For this reason, the Tasmanian figures need to be considered with a degree of caution.
- 11.173 Tasmania has a small greyhound racing industry. Although this Commission did not receive any evidence which would suggest that there are logical reasons why the operations of the industry in Tasmania would be such as to produce higher wastage rates, the Tasmanian industry is smaller by most measures.

**Table 11.21 Comparison of NSW and Tasmanian racing industries: FY15**

2015 Statistics	NSW	Tasmania	Percentage
Number of meetings	1253	157	12.5
Number of races	12,422	1,615	7.7
Number of starters	94,222	12,477	7.6
Number of clubs	34	3	11.3
Stakemoney Paid	23,030,582	3,818,150	6
Licensed Persons	6268	681	9.2
Greyhounds Named	5,645	307	18.4
Litters registered	1232	93	13.2
<b>Average % size of TAS compared to NSW</b>			<b>10.7%</b>

Source: Greyhounds Australasia, “Australasian Statistics”

### **Wastage in other jurisdictions**

- 11.174 Unacceptably high levels of wastage are not unique to greyhound racing in Australia or to this State.

<sup>131</sup> Tasmanian Report, p. 27. .

- 11.175 Wastage has been recognised as a significant welfare issue in the greyhound industry internationally.<sup>132</sup> The Commission received submissions from as far afield as Argentina where racing dogs include both greyhounds and Spanish galgos.

### **What Is The Scale of Wastage in New South Wales?**

- 11.176 The precise number of greyhounds destroyed by the industry each year in New South Wales is unknown. Nevertheless, on any rational view the magnitude of the problem is substantial and it is unacceptable. Few submissions received by the Commission suggested otherwise.
- 11.177 In order to gain an understanding of the issue of wastage, the starting point is the number of greyhounds whelped each year. The endpoint is the number of greyhounds that, once they have reached the age of approximately 4.5 years, have not been rehomed by GAP, have not been rehomed by other animal welfare organisations or council pounds, have not been retired as the pets of industry participants, have not been kept as breeding animals, or have not died through natural causes. Put simply, and using the whelping figures provided by GRNSW of pups reported,<sup>133</sup> the average annual whelping rate since 2009 is 7,596. Of those 7,596 greyhounds, the *potential* wastage is 7,596 greyhounds – 100%. The actual wastage must take into account the matters referred to above.
- 11.178 The Commission considers that the percentages referred to below provide a very conservative insight into the scale of wastage in this State. It has likely been reasonably constant for decades, if not longer. The percentages also provide an insight into the challenge that confronts not only the industry, but welfare organisations. Far too often, those organisations have been called upon to take responsibility for the industry’s greyhounds. Industry participants have been largely unaccountable.

#### ***Rehoming by the GAP Program***

- 11.179 Rehoming is discussed in detail in Chapter 18.
- 11.180 The Commission considers that, assuming the most optimistic outcome, the GAP Program is unlikely to find homes for more than 13.7% of the pups whelped in NSW in any given year. GRNSW’s assessment was that by 2018 it could rehome 775 greyhounds per year, which would amount to 10% of greyhound pups whelped on average per year.<sup>134</sup>

#### ***Rehoming by welfare organisations***

- 11.181 As noted, rehoming is addressed in Chapter 18.
- 11.182 The Commission considers that no more than 4.3% of greyhounds whelped in NSW each year will be rehomed through non-industry welfare organisations.

#### ***Greyhounds retained to breed***

- 11.183 A number of greyhounds are retained as breeding animals, although in the case of breeding females that is unlikely to extend their lifecycle for more than two years. The most recent information provided by GA was that 5.6% of the 22,905 greyhounds whelped nationally after 1 January 2011 became breeders.<sup>135</sup> GRNSW informed the Commission that there are currently

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<sup>132</sup> See A Cook, “High Stakes – Greyhound Racing in the United States” (2015); Grey2K USA Worldwide website: <<http://www.grey2kusa.org/action/worldwide.html>> (accessed 30 May 2016); Associate Parliamentary Group for Animal Welfare, “The Welfare of Greyhounds” (May 2007); Lord Donoughue of Ashton, report “Independent Review of the Greyhound Industry in Great Britain” (27 November 2007); Grey2K USA Worldwide website, “Take Action: Macau (SAR of China)”: <<http://www.grey2kusa.org/action/worldwide/macau.php>> (accessed 18 May 2016).

<sup>133</sup> GRNSW, Response to Order 31 dated 31 March 2016, [1].

<sup>134</sup> The figure assumes a 185% increase on the number re-homed in 2015.

<sup>135</sup> GA, Response 21 to Breeding Issues Paper dated 23 November 2015, p. 2.

151 stud sires that have been registered since 2011. There are 833 active and 207 inactive registered breeding females. It is not possible to derive from the information provided by GRNSW a figure which represents the number of greyhounds that are retained each year for breeding purposes.

- 11.184 The Commission considers that it is unlikely that more greyhounds than the figure advanced by GA are retained as breeding stock in this State each year. The Commission has adopted a figure of 6% for the purpose of its assessment.

#### ***Pet greyhounds***

- 11.185 The Commission considers that it is likely that no more than 10% of greyhounds will be retained as pets by owners/trainers or their relatives in any year.
- 11.186 GA made an assessment of greyhounds kept as pets by owners/trainers or their relatives and friends and suggested 8.9% based upon the figures derived from the R 106 Forms examined in November 2014.
- 11.187 In Queensland, Commissioner MacSporran did not separately calculate greyhounds kept as pets by industry participants.
- 11.188 The Tasmanian Chief Veterinary Officer and Director of Racing do not appear to have considered the number of greyhounds kept as pets or retained by industry participants separately. There were 121 greyhounds reported as “retired/rehomed” in 2013-2014. There were 62 greyhounds rehomed via the Tasmanian GAP Program. The remaining 59 greyhounds may have been rehomed by other welfare organisations or retained as pets. The same can be said of the 2014-2015 figures.

#### ***Interstate exports***

- 11.189 The Commission was informed that a significant number of greyhound pups whelped in this State are sold or transferred interstate.
- 11.190 The Commission has considered whether the export of greyhounds whelped in NSW to other States materially affects the scale of wastage.
- 11.191 The Commission considers that, for at least two reasons, the export of greyhounds interstate does not materially affect the scale of the wastage problem.
- 11.192 First, and perhaps most importantly, it is clear from the evidence and other materials received by the Commission that wastage is common to all States and Territories. There is nothing to suggest that greyhounds transferred to other States and Territories have a significantly greater chance of survival. Wastage does not cease to be wastage merely because a greyhound has crossed a border.
- 11.193 Second, although the precise number is uncertain, a significant number of greyhounds whelped in other States are imported into NSW.

#### ***Death by illness, accident or misadventure***

- 11.194 Neither in its Crisis to Recovery Program nor in figures provided to the Commission from its Compliance Report did GA mention death by illness, accident or misadventure as being significant in the assessment of the scale of wastage in the industry. The data obtained by the Chief Veterinary Officer and the Director of Racing in Tasmania suggested a rate of approximately 4% for 2013-2014 and approximately 7% for 2014-2015. The assessment made in Queensland by Commissioner MacSporran was approximately 12.34%. However, he also included within that category R 106 Forms where no reason had been provided for a greyhound’s death. The rates reported as part of GRNSW’s R 106 Project varied. Whereas non-

compliant industry participants reported rates as high as 40%, the compliant population reported a rate of 18%. The Commission does not accept that the rate reported by the non-compliant industry participants is accurate. It is unlikely to be accurate for the reasons already noted, the important point being the high overall death rate. The large owner/breeder who was the subject of the Commission's case study had a rate for deaths by illness, accident and misadventure of 11.7%.

- 11.195 The Commission considers that it is very unlikely that more than 15% of greyhounds whelped in any year will die from illness, accident or misadventure before they reach the age of approximately 4.5 years but it has adopted this rate for the purpose of assessing the scale of wastage in this State.
- 11.196 As noted in Chapter 10, as part of what appears to be a continuation of the R 106 Compliance Project, GRNSW recently informed the Commission that a "data review" will be conducted by a contractor in June and July 2016 with the assistance of a Retirement Officer. GRNSW expects this process will accurately update the status of 118,887 greyhounds.<sup>136</sup>

## Conclusions

- 11.197 Based upon all of the materials, evidence, and submissions that have been considered by the Commission it is comfortably satisfied that *at least* 50% of greyhounds whelped each year in NSW will be discarded by the industry and destroyed. The figure is likely to be considerably higher than this. The figures of the leading breeder referred to earlier in this Chapter suggest that the percentage may be as high as 75%.
- 11.198 Each calculation to which the Commission has referred, including the Commission's own calculations, have shortcomings. Nevertheless, the preponderance of evidence is all one way. The greyhound racing industry in this State has an immense wastage problem. The magnitude of the problem is so great that the question must be asked: 'Can wastage ever be reduced to a level that would justify the continuation of the social licence which the industry has enjoyed to date?'
- 11.199 The answer to that question involves an analysis of the number of greyhound pups which must be whelped to meet GRNSW's race schedules, what GRNSW has done to date to address wastage, and what it proposes for the future. These matters are addressed in Chapters 12, 13 and 14.

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<sup>136</sup> GRNSW Submission to the Commission dated 7 June 2016, [93].

# 12 Wastage: overbreeding and poor breeding

## Introduction

- 12.1 In Chapter 11 the Commission provided an overview of wastage in the greyhound racing industry. It concluded that the scale of wastage was unacceptable.
- 12.2 The failure to socialise young greyhounds, the prevalence of track injuries, and a lack of rehoming opportunities all contribute to the wastage problem. These issues are discussed in later Chapters. Some of these factors have a more marked impact during a greyhound's racing career; some when it is over. However, by any measure, the most significant contributor to immediate wastage<sup>137</sup> is the number of greyhound pups whelped each year that are simply uncompetitive. Some of these greyhounds are discarded by the industry without having had any racing careers. Additional greyhounds are discarded following a racing career of short duration.
- 12.3 In its submission to the NSW Legislative Council's 2014 Select Committee on Greyhound Racing in NSW ("the Select Committee"), the Australian Veterinary Association made the following observation:
- ... [t]he biggest problem with greyhound racing in Australia is that significantly more animals are born than will have a long, healthy career in racing leading to unacceptable wastage levels.<sup>138</sup>
- 12.4 As previously noted, it is largely common ground that 40% of greyhound pups will never make it to the race track. Of those that make it to the track, 15% will have racing careers that come to an end before they reach the age of 2.5 years. Approximately 20.8% of greyhounds will compete in five or fewer races.<sup>139</sup> No doubt, track injuries play a role in these outcomes, but many young greyhounds are simply too slow to be competitive and are expendable.
- 12.5 A number of factors produce uncompetitive greyhounds. They include poor breeding, environmental factors such as inadequate nutrition, and inappropriate rearing practices. An industry culture which is resistant to change is another factor.
- 12.6 A number of these matters are addressed in this Chapter.
- 12.7 The Commission is satisfied that, as matters stand, the industry cannot survive without the whelping of many excess greyhounds. If it does not do so, then Greyhound Racing New South Wales ("GRNSW") cannot maintain the fields of runners per race that are required to meet its race schedules and contractual requirements. This is addressed in the next Chapter.

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<sup>137</sup> Those greyhounds that do not make it to the track.

<sup>138</sup> Australian Veterinary Association ("AVA"), Submission 390 to the Select Committee dated 6 November 2013, p. 2. See also AVA, Submission 12 to the Five Year Statutory Review.

<sup>139</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [6], [89]. These figures were calculated by GRNSW using data collected between 2010 and 2015.

## Poor breeding – the heritability of negative traits and disease

- 12.8 Poor breeding has the capacity to contribute to underperformance. Although the impact of genes upon speed, if any, has been the focus of some research,<sup>140</sup> the results are inconclusive and some of the methodologies used have been questioned.<sup>141</sup> Nevertheless, particular negative traits and diseases are heritable in any greyhound population.
- 12.9 Fear and anxiety are highly heritable.<sup>142</sup> To some extent, predatory aggression is also heritable although environmental factors also play a significant role. The dynamics are complex. Matters such as inadequate socialisation and inappropriate rearing practices will promote fear, anxiety and predatory aggression which can then be passed on to the greyhound's offspring.<sup>143</sup>
- 12.10 In its submissions to the Commission,<sup>144</sup> GRNSW acknowledged that, based on current research, although selective breeding practices might have some effect on genetic and phenotypic gain, heritability estimates indicated that non-genetic factors had a considerable impact on racing performance. These factors were likely to include socialisation, rearing, education and training practices. GRNSW acknowledged that all of these factors might be crucial in determining the length of a greyhound's career and lifetime starts.<sup>145</sup> The Commission is satisfied that negative heritable traits also have a significant impact on the prospects of greyhounds being rehomed.
- 12.11 A wide range of diseases, which are heritable in greyhounds, can also have an adverse effect on performance. They include pannus, osteochondritis dissecans and dystocia.<sup>146</sup>

### GRNSW's proposed research

- 12.12 In its Annual Report 2015, GRNSW stated that it proposed to engage a quantitative geneticist to carry out research in relation to the heritability of racing performance traits, in the same way as has been attempted in respect of racing thoroughbred horses. The purpose of the research will be to identify traits that are most suitable for selection in effective breeding programs and also to analyse whether injury risk is hereditary. It will examine the appropriateness of the current practice of using retired injured bitches and dogs for breeding, which GRNSW claims might result in the production of greyhounds that are at a greater risk of injury.<sup>147</sup> GRNSW has allocated \$15,000 for this research to be carried out.<sup>148</sup>
- 12.13 Any research which has the capacity to identify positive performance traits that can be passed on through selective breeding would be a positive development. So too would research that might reduce the number of race and trial track injuries. Recent information published by GRNSW suggests that the rate of major or catastrophic injury may be as high as 5%.<sup>149</sup> Nevertheless, the following matters should be noted.

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<sup>140</sup> Helge Taubert, Dorthe Akena and Henner Simianer, "Genetic Analysis of Racing Performance in Irish Greyhounds" (2007) 124(3) *Journal of Animal Breeding and Genetics*, 117.

<sup>141</sup> John Swallow, Jack Hayes, Pawel Koteja and Theodore Garland, "Selection Experiments and Experimental Evolution of Performance and Physiology" in Theodore Garland and Michael Rose (eds), *Experimental Evolution: Concepts, Methods and Application of Selection Experiments* (University of California Press, 2009) 301.

<sup>142</sup> Dr Karen Dawson, 18 November 2015: T554.28-29.

<sup>143</sup> These environmental factors are addressed in Chapter 12.

<sup>144</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [129].

<sup>145</sup> *Ibid*, [129].

<sup>146</sup> University of Sydney Website, "Faculty of Veterinary Science":

<<http://sydney.edu.au/vetscience/lida/dogs/search/breed/71/greyhound>> (accessed 24 May 2016).

<sup>147</sup> GRNSW Annual Report 2015, p. 14.

<sup>148</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [85].

<sup>149</sup> GRNSW, "GRNSW Preliminary Greyhound Racing Injury Report (15 November -1 February 2016)", 12 February 2016. The Report was created by GRNSW's Chief Veterinary Officer.

- 12.14 First, the research is likely to be very challenging. GRNSW proposes to use “.....the existing databases and pedigree information”. It is that information which GRNSW claims will play a “vital role in identifying traits that are most suitable for selection in effective breeding programs”.<sup>150</sup> GRNSW has now obtained approval from the controlling bodies of other states to access OzChase for the required data.<sup>151</sup> OzChase is the same database used by GRNSW to provide the Commission with relevant information on a range of topics. The quality of the data may lead to questionable research results. Time and time again information provided to the Commission by GRNSW proved to be unreliable. The Commission’s frequent attempts to clarify information produced by GRNSW were often met with explanations to the effect that the quality of data drawn from GRNSW’s OzChase database was poor.
- 12.15 Second, GRNSW has not disclosed when the quantitative geneticist will be engaged, whether that person considers that what has been proposed by GRNSW can be achieved and whether the results are likely to be useful – even if to demonstrate no more than that performance traits are unlikely to be heritable. As such, the Commission is not aware when the results are likely to be available and, most importantly, what GRNSW proposes to do with them. On 24 May 2016, GRNSW advised the Commission that its Chief Veterinary Officer had held “discussions” with a statistician to identify and analyse the “best metrics” to define the “problems associated with wastage in the greyhound racing industry” and that, once defined, “they will be able to be utilised by GRNSW’s Veterinary Services Unit in seeking to address wastage in the industry”.<sup>152</sup> This now represents the research project announced in its Annual Report 2015. It is not readily apparent how the use of metrics by GRNSW’s Veterinary Services Unit will promote responsible breeding practices by industry participants.
- 12.16 It is one thing to obtain data pointing to heritable traits that might affect performance or have a role in injury rates. It is quite another to have industry participants adopt the results of the research and engage in breeding practices that have the capacity to produce the desired results. The Working Dog Alliance Australia (“the WDA”) noted that, historically, the intuitive (subjective) observations of industry participants had been utilised to select both racing dogs and breeding stock based on their own experiences.<sup>153</sup> In circumstances where the culture of the industry is so resistant to change, any positive developments likely to result in measurable improvements may not occur for many years, if at all.
- 12.17 Third, and most concerning, whatever the results of the research, GRNSW is *currently* promoting breeding practices that not only have the capacity to facilitate the production of excess pups but also to produce genetically inferior stock.

### **The Breeder’s Licence and Breeder’s Education Package – breeding measures to reduce wastage**

- 12.18 It would be naive to think that industry participants will adopt best practice if the regulator promotes something less than best practice.
- 12.19 In its Annual Report 2015, GRNSW made the following claim:

On 1 July 2015, GRNSW introduced a raft of new breeding measures which was the first significant initiative delivered under the NGWS.<sup>154</sup> These new breeding measures (discussed on page 15) are

<sup>150</sup> GRNSW Annual Report 2015, p. 14.

<sup>151</sup> GRNSW, Submission to the Commission dated 24 May 2016, [152].

<sup>152</sup> Ibid, [151].

<sup>153</sup> WDA report, “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context” (July 2015) Ex S (17 November – 19 November 2015), p. 32.

<sup>154</sup> Greyhounds Australasia Greyhound Welfare Strategy.

designed to encourage breeders to make **informed and considered** breeding decisions **in order to decrease the number of greyhounds bred that are unsuitable for racing.**<sup>155</sup> (Emphasis added)

- 12.20 The “raft of new measures” heralded as “the first significant initiative” delivered under the National Greyhound Welfare Strategy (“the NGWS”) were limited to the following:<sup>156</sup>
- introducing a Breeder’s Licence tied to a Breeder’s Education Package and an inspection in accordance with the GRNSW Code of Practice for Breeding, Rearing and Education (“the GRNSW Breeding Code”);
  - requiring all breeding females to be registered with GRNSW as a breeding female;
  - requiring persons to seek approval from GRNSW if they wish for a breeding female to breed over the age of eight or a fourth litter or more;<sup>157</sup>
  - limiting the frequency of litters to two litters in any 18 month period for all breeding females.<sup>158</sup>
  - increasing the vaccination requirements for pups and young greyhounds; and
  - ceasing the Blue Paws NSW Breeders and Owners Incentive Scheme (“Blue Paws”).
- 12.21 Apart from a small number of voluntary industry seminars these matters remain the only *substantive* initiatives which GRNSW has implemented to date to combat overbreeding and control poor breeding outcomes. That is not to say that many ideas have not been floated or that GRNSW has not made aspirational statements concerning what might be done in the future.<sup>159</sup>
- 12.22 It is the first initiative which is considered in this Chapter and, more particularly, GRNSW’s introduction of the Breeder’s Licence and use of the Breeder’s Education Pack. It is unnecessary to further address the GRNSW Breeding Code; that has been addressed in Chapter 9 and found to be entirely inadequate. The Commission has already noted that it was likely cobbled together and published as a reaction to a renewed focus on greyhound welfare brought about by the exposure of live baiting in February 2015 and the Commission’s work. The Commission has already noted its concern in relation to the current review of the GRNSW Codes of Practice announced on 18 March 2016. It has not been suggested by GRNSW that any new minimum standards will address overbreeding or poor breeding. The GRNSW Breeding Code primarily concerns minimum standards for the care of breeding females during and after whelping and the care of greyhound pups.<sup>160</sup>
- 12.23 Since 1 July 2015, breeders have been required to obtain a licence.<sup>161</sup> Those licences are currently provided free of charge although GRNSW stated that “from 2016” a fee would be introduced “... to offset costs of administration and promote considered breeding decisions.”<sup>162</sup> On 24 May 2016, GRNSW informed the Commission that a “possible” change that was “being

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<sup>155</sup> GRNSW Annual Report 2015, p. 13.

<sup>156</sup> *Ibid*, p. 15.

<sup>157</sup> The lack of utility in this requirement has been addressed in Chapter 9.

<sup>158</sup> The utility of this restriction and the fact that it requires less than that required by the Animal Welfare Code of Practice – Breeding Dogs and Cats made under the *Prevention of Cruelty to Animals Act 1979* (NSW) has been addressed in Chapter 9.

<sup>159</sup> GRNSW’s voluntary industry seminars are addressed in Chapter 9.

<sup>160</sup> Although the GRNSW Breeding Code notes the requirement that breeding females cannot whelp more than two litters in any 18-month period or breed beyond eight years of age without GRNSW’s approval, the Commission does not consider that such restrictions will significantly reduce wastage. These limitations are addressed later in this Chapter and in Chapters 9 and 10.

<sup>161</sup> The licencing of industry participants is addressed in Chapter 23.

<sup>162</sup> GRNSW website, “Fact Sheet-GRNSW Licencing Breeders”:

<<http://www.thedogs.com.au/Uploads/150617%20Fact%20Sheet%20-%20GRNSW%20Licencing%20Breeders.pdf>> (accessed 24 May 2016).



investigated” was increased licence fees “to price excessive breeding out of the market”. GRNSW also noted that “[i]ncreasing breeding licensing fees (as recommended by Lord Donoughue of Ashton) will both increase revenue and provide a disincentive to those who cannot afford to meet the necessary standards”.<sup>163</sup> A fee cannot be increased if it does not exist. In fact there is now uncertainty in relation to whether a Breeder’s Licence fee will be introduced at all.

- 12.24 It is now June 2016. GRNSW’s Schedule of Fees indicates that there is still no licence fee for a Breeder’s Licence.<sup>164</sup> Whether this is because of industry resistance, or for some other reason, is unknown.
- 12.25 Requiring breeders to hold a licence will not, without much more, do anything to promote responsible breeding. However, the fact that GRNSW has failed to introduce any licence fee to date does not inspire confidence. The Commission does not suggest that the imposition of a significant licence fee would necessarily promote better breeding practices or less breeding, but it might at least promote more considered decisions by industry participants before they embarked upon the process of breeding litters with their associated costs and uncertain outcome.
- 12.26 The preconditions to obtaining a Breeder’s Licence are minimal. In fact, there are only two that are relevant to the issues raised in this Chapter.<sup>165</sup>
- 12.27 First, those industry participants seeking a Breeder’s Licence must have a kennel inspection, “... in accordance with the standards set out in the Code of Practice for Breeding, Rearing & Education.”<sup>166</sup> Those standards are minimum standards and many have no specific application to breeders or what might be required in the interests of a breeding female and her pups. The Commission has already drawn attention to the fact that the only kennel size requirements in the GRNSW Breeding Code relate to “racing kennels” – kennels which should rarely, if ever, house a greyhound being reared (where open space is required) or one being broken-in.<sup>167</sup> The Commission received no evidence or other materials suggesting that a racing kennel would be appropriate for a breeding female or her litter. Further, those minimum standards that do apply to breeding females and litters concern the care of both *after* the litter has been whelped. The first precondition to obtaining a Breeder’s Licence will not have any impact on the overproduction of greyhound pups or the breeding of pups with a substandard genetic makeup.
- 12.28 Second, those industry participants seeking a Breeder’s Licence – currently the requirement to have one extends to those who wish to rear or educate greyhounds but have no interest whatsoever in breeding a litter – must “complete” the Breeder’s Education Package.<sup>168</sup>
- 12.29 The Breeder’s Education Package has four units. They are described as “Getting Started”, “The Pregnancy”, “Whelping the Litter” and “Raising the Litter”. As the Commission understands the position, none of these units have been formally accredited by any independent agency. ‘Completion’ of the Breeder’s Education Package means no more than completing a questionnaire. Across the four units that means answering a total of 24 multiple choice

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<sup>163</sup> GRNSW, Submission to the Commission dated 24 May 2016, [44].

<sup>164</sup> GRNSW website, “GRNSW Fees”: <<http://www.grnsw.com.au/licensing/fees/grnsw-schedule>> (accessed 24 May 2016).

<sup>165</sup> The others are to consent to a National Criminal History Record Check, provide a certified copy of a driver’s licence, passport or birth certificate and provide two referees.

<sup>166</sup> GRNSW website, “Code of Practice for Breeding, Rearing and Education: Inspection and Preparation Checklist”: <<http://www.thedogs.com.au/Uploads/1%20Dec%202015%20-%20Checklist%20-%20Breeding.pdf>> (accessed 30 May 2016).

<sup>167</sup> See Chapter 9.

<sup>168</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [504].

questions – six per unit.<sup>169</sup> Many of the questions would not require the participant to have read the Breeder’s Education Package.<sup>170</sup> All questions could be answered by the participant simply making an inquiry of a more experienced industry participant.

- 12.30 GRNSW set great store in the Breeder’s Education Package and the fact that tying it to its new Breeder’s Licence would promote responsible breeding. Initially, the Commission assumed that the Breeder’s Education Package was new and that it had been specifically designed by GRNSW during the past year to address wastage and the overbreeding of uncompetitive greyhounds. That was in part because of GRNSW’s claim that it was part of a “raft of new measures”<sup>171</sup> and, as has been noted, a measure that “represented the first significant initiative delivered under the NGWS”. It is likely that those who read GRNSW’s Annual Report 2015 would have made the same assumption.
- 12.31 The Breeder’s Education Package has been in circulation for years, although it has been updated from time to time. It should not have been promoted by GRNSW as being part of any “raft of new measures”. It was developed by Greyhound Racing Victoria (“GRV”) in 2008. That was before GRNSW in its current form came into existence. Between 2009 and 2013, the Breeder’s Education Package was republished by the controlling bodies of South Australia,<sup>172</sup> Western Australia,<sup>173</sup> Tasmania,<sup>174</sup> and Queensland,<sup>175</sup> as a breeding brochure or breeding booklet. It was not re-published and circulated for the purpose of making knowledge of its contents a precondition to obtaining any Breeder’s Licence.
- 12.32 On 10 April 2015 the Commission served the first of a series of Orders on GRNSW requiring it to answer questions, provide information, and produce documents. In particular, the Commission required GRNSW to do so in relation to the critical welfare issues of overbreeding and wastage. The Commission sought details of any measures that GRNSW had implemented to address these issues since 2009. On 1 May 2015 GRNSW responded to the Commission’s Order. It would not be going too far to say that, although GRNSW referred to many aspirations, it acknowledged that it had done nothing of substance to address wastage and overbreeding in the past.
- 12.33 Recently GRNSW informed the Commission that it “first received the BEP on or about 27 May, 2015.” The Breeder’s Education Package was uploaded to GRNSW’s website on 18 June 2015.<sup>176</sup> It is more likely than not that GRNSW’s reliance on the Breeder’s Education Package was a reaction to the Commission’s focus on wastage. The Commission has noted that the publication of the GRNSW Breeding Code had a like purpose.
- 12.34 On 22 April 2016 GRNSW informed the Commission that:

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<sup>169</sup> GRNSW website, “Greyhound Racing New South Wales Breeders Education Pack”:  
<<http://www.thedogs.com.au/Uploads/150527%20Questionnaire%20-%20Breeders%20Ed%20Pack%20V1.pdf>> (accessed 24 May 2016).

<sup>170</sup> For example the question, “*What is the most reliable way to tell when your bitch is ready to mate?*”: GRNSW website, “Greyhound Racing NSW Breeders Education Pack Questionnaire”.

<sup>171</sup> GRNSW Annual Report 2015, pp. 13, 15.

<sup>172</sup> Greyhound Racing South Australia website, “Greyhound Racing SA Breeder Education Pack”:  
<[http://sa.thedogs.com.au/Uploads/Userfiles/GR9264EEM\\_A4\\_Breeding\\_Brochure\\_WEB.pdf](http://sa.thedogs.com.au/Uploads/Userfiles/GR9264EEM_A4_Breeding_Brochure_WEB.pdf)> (accessed 24 May 2016).

<sup>173</sup> Racing and Wagering Western Australia website, “Racing and Wagering Western Australia Breeder’s Education Package”:  
<[https://www.rwwa.com.au/home/documents/ind01/Breeders%20Education%20Package\\_Unit%201\\_Getting%20Started%20EDITE D.pdf](https://www.rwwa.com.au/home/documents/ind01/Breeders%20Education%20Package_Unit%201_Getting%20Started%20EDITE D.pdf)> (accessed 24 May 2016).

<sup>174</sup> Tasmanian Department of Primary Industries, Parks, Water and Environment, Office of Racing Integrity website, “Information for anyone interested in breeding a litter of greyhounds”:  
<[http://www.racing.tas.gov.au/\\_data/assets/pdf\\_file/0009/83673/Information\\_for\\_persons\\_interested\\_in\\_breeding\\_a\\_litter\\_2012.pdf](http://www.racing.tas.gov.au/_data/assets/pdf_file/0009/83673/Information_for_persons_interested_in_breeding_a_litter_2012.pdf)> (accessed 24 May 2016).

<sup>175</sup> Racing Queensland website, “Breeders Education Package”: <[http://www.racingqueensland.com.au/getmedia/2f043bbf-44f9-4dc2-bf9b-5d3d513553d1/breeders\\_education\\_package.pdf.aspx](http://www.racingqueensland.com.au/getmedia/2f043bbf-44f9-4dc2-bf9b-5d3d513553d1/breeders_education_package.pdf.aspx)> (accessed 24 May 2016).

<sup>176</sup> GRNSW, Response to Order 32 dated 22 April 2016, [2].

The BEP serves as an introductory guide to greyhound breeding, covering key areas of the breeding process, and providing details of the commitment, preparation, time and resources required to become a licenced breeder. Applicants for a breeder's licence are required to successfully complete a questionnaire at the end of the BEP, before being issued a licence.<sup>177</sup>

- 12.35 The version of the Breeder's Education Package which is currently being used by GRNSW is version 1.2. It bears a number of logos including the "Blue Paws" logo.<sup>178</sup> The Blue Paws scheme actively promoted overbreeding. It was recently abandoned by GRNSW. The front cover indicates that version 1.2 was created by GRV in 2014. The content of the Breeder's Education Package suggests that it is yet a further example of welfare materials developed by the greyhound industry in-house without appropriate input from persons with independent welfare expertise. GRNSW does not suggest that it sought advice from any independent expert concerning whether the Breeder's Education Package was appropriate and consistent with best practice breeding standards. The changes that GRNSW made to the document following its receipt in May 2015 were of a formal nature only. For example it was amended to refer to the GRNSW Breeding Code introduced by GRNSW on 1 July 2015.
- 12.36 GRNSW's claim that the Breeder's Education Package, together with the other limited measures which have been introduced to deal with wastage, will "encourage breeders to make informed and considered breeding decisions in order to decrease the number of greyhounds bred that are unsuitable for racing"<sup>179</sup> is not merely fanciful; it is disingenuous. It would not be going too far to suggest that, in the current environment, it is no more than spin.
- 12.37 As has been noted, the Breeder's Education Package has been used by a number of controlling bodies, including GRNSW, in the period since 2008. However, it has had no measurable impact on decreasing the number of unsuitable greyhounds bred by the industry. By April 2015, Greyhounds Australasia ("GA") described the oversupply of greyhounds as having created a welfare "crisis". Its estimate was that between 13,000 and 17,000 healthy greyhounds are being destroyed each year.<sup>180</sup> Not only has the Breeder's Education Package failed to have any measurable impact upon overbreeding and the scale of wastage but its contents have the capacity to promote overbreeding and poor breeding practices.

### The contents of the Breeder's Education Package

- 12.38 The Breeder's Education Package provides very little concrete and practical guidance that would assist potential breeders to understand what they might do, and must not do, if they are to contribute to a reduction in wastage or wish to ensure that the pups which they breed will have a higher likelihood of being genetically sound. Nowhere does it suggest that there should be *any* restriction on the number of litters bred.<sup>181</sup> The Breeder's Education Package assumes that breeders will produce multiple, perhaps many, litters. It notes:

If you have never bred a litter before, your first step will be to successfully complete GRNSW's Breeder Competency Requirements so that you become a recognised "Breeder". The competency is aimed at providing you with valuable information prior to you making any decisions about breeding and also to act as a reference **when the time comes to whelp your first few litters.**<sup>182</sup>  
(Emphasis added)

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<sup>177</sup> GRNSW, Response to Order 32 dated 22 April 2016, [2].

<sup>178</sup> Ex OO (17-19 November 2015).

<sup>179</sup> GRNSW Annual Report 2015, pp. 13, 15.

<sup>180</sup> GA Memorandum "Crisis to Recovery Program-Framework for Achieving Zero Euthanasia", Ex J (28 September – 1 October 2016). That industry assessment has been addressed in Chapter 11.

<sup>181</sup> Possible breeding restrictions were suggested in GRNSW, Final Response 20A to the Breeding Issues Paper dated 11 January 2016.

<sup>182</sup> Ex OO (17-19 November 2015), p. 5.

12.39 The Breeder’s Education Package claims that successful breeding “often takes time” and that the “hallmark” of a successful breeder is one that “... takes time each time you have a litter.”<sup>183</sup>

12.40 The Breeder’s Education Package also promotes the production of large litters. It claims that the selection of a breeding female is important in this regard:

Unless there are problems with the male’s fertility, it is actually the bitch who determines litter size based on the number of eggs produced. Look for a bitch who has come from a large litter herself, rather than one who came from a small litter. Smaller litters are more likely to lead to problems such as the need for caesarean section, and of course the costs of the litter are spread over fewer pups. Ask the previous owner for as much information as possible about the bitch’s reproductive cycle – when she was last on season, how she cycles, the day(s) she was mated etc. The more information you have the better.<sup>184</sup>

12.41 In fact, the Breeder’s Education Package also promotes breeding techniques that facilitate the production of excess greyhounds. One is artificial insemination.

12.42 Artificial insemination is a practice which is used extensively within the industry. This is clear from GRNSW’s Service Statistics.<sup>185</sup> By way of example, there were 122 services reported for September and October 2015. Only two were by way of a natural mating. Three were by way of surgical artificial insemination (“AI”); the rest were impregnation by the use of frozen semen artificial insemination (“FI”).

12.43 AI is reported to increase breeding productivity efficiency and convenience. FI removes the need to have the two breeding animals in the same location, which means that a sire dog can inseminate multiple females simultaneously and even after the sire dog is deceased.<sup>186</sup>

12.44 AI and FI dominate the breeding of greyhounds in this State. The Commission received submissions, some from industry participants, suggesting that new rules should be formulated which ban the use of these methods and that the industry should revert to the use of natural mating services. It was claimed that this would reduce the litter numbers and increase the time span between litters.<sup>187</sup>

12.45 The practice of breeding by way of AI and FI also gives rise to significant welfare issues over and above its contribution to overbreeding. RSPCA Australia informed the Commission that AI is a highly invasive procedure that causes significant pain to the female greyhound. It is illegal in some European countries as it is considered to be ethically unacceptable.<sup>188</sup>

12.46 The Breeder’s Education Package notes that timing the insemination of the breeding female is very important. Indeed, not just important but a factor which affects the size of the litter:

Get it wrong and you will find the bitch either has a very small litter, or worse still, misses altogether. This can be very frustrating as you then have to wait six or more months before you can try again.<sup>189</sup>

12.47 Far from suggesting that indiscriminate use of AI or FI might contribute to overbreeding, the Breeder’s Education Package promotes its virtues. Breeders are encouraged to use this method:

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<sup>183</sup> Ibid, p. 9.

<sup>184</sup> Ibid, p. 11.

<sup>185</sup> GRNSW website, “Whelping and Service Stats”: <<http://www.thedogs.com.au/racing/integrity/WhelpingAndServiceStats.aspx>> (accessed 30 May 2016).

<sup>186</sup> RSPCA, Response 27 to Breeding Issues Paper dated 7 December 2016, p. 12.

<sup>187</sup> Joyce Alamango, Response 17 to Breeding Issues Paper dated 23 November 2016, p. 2.

<sup>188</sup> RSPCA’s comments on the GRNSW Breeder’s Education Package, Ex PP (17-19 November 2015), [5].

<sup>189</sup> Ex OO (17-19 November 2015), p. 16.

Many years ago, the accepted practice for mating was to put the stud dog and the bitch in the yard together on day 10 of her cycle, and again 2 days later – very little was known about the bitch’s cycle and there were no tests to determine when she was actually ready to be mated. Luckily, science has progressed where we now have a number of different methods of getting bitches pregnant along with ways to tell when she is most fertile and should be mated. Frozen semen technology means we can now access dogs from interstate or overseas without the need to ship the bitch to the dog, opening up a lot more opportunities to capture the best bloodlines. Artificial Insemination techniques are getting better and better as new freezing techniques and extenders are used.<sup>190</sup>

- 12.48 The treatment of genetics in the Breeder’s Education Package provides no real instruction as to the ways in which an optimum outcome might be achieved.
- 12.49 GRNSW’s Breeder’s Education Package encourages potential breeders to understand the “daunting” science of genetics. It provides a list of references to assist them to “... better understand genetics and how dogs inherit traits from their parents”.<sup>191</sup> Three of the six references which GRNSW provided for “further reading” give little or no guidance in relation to genetics and suitable heritable traits. One, the Animal Welfare Code of Practice – Breeding Dogs and Cats of 2009 (NSW), made under the *Prevention of Cruelty to Animals Act 1979* (NSW), provides very little guidance in relation to genetics or heritable traits. Two others, the GRNSW Greyhound Racing Rules and the GRNSW Breeding Code, do not even mention such matters.
- 12.50 Instructions that a breeder must seek to achieve genetic perfection without giving any real guidance concerning how it might be achieved are worthless, as is demonstrated by the following:
- Every step of the way, you need to ‘get it right’ to ensure your pups can reach their genetic potential. Growing pups need the benefit of the best possible food, the right amount of handling and exercise, and close monitoring if they are to develop into athletes...<sup>192</sup>
- 12.51 Putting to one side whether an uninformed reader might conclude from this that genetics is primarily concerned with food, exercise and handling, no guidance is provided in relation to how a potential breeder might “get it right.” Worse, there is advice in the Breeder’s Education Package which creates a risk that a potential breeder will ‘get it wrong’.
- 12.52 Particular breeding practices have the potential to produce inferior greyhounds. The Commission was informed that line-breeding and in-breeding are examples. Science and genetics recognise that line-breeding and in-breeding increase the incidence of inherited disease in the offspring.<sup>193</sup>
- 12.53 Having acknowledged that the science of genetics would be very daunting to many breeders, the Breeder’s Education Package promotes line-breeding by suggesting that its aim is to try to stabilise desirable traits by increasing the frequency of the desired genes in the pups. There is no mention of the risk of increasing the incidence of inherited diseases.
- 12.54 The Breeder’s Education Package also deals with in-breeding, which it describes as “the mating of closely related animals such as brother-sister, mother-son etc ...” It notes that in-breeding might lead to a “doubling up” of problem genes and the depression of fertility. The advice offered is that it is “best avoided by inexperienced breeders”.<sup>194</sup> Greyhounds are bred in the hope that there will be financial gain. To imply that experienced breeders can and do in-breed their greyhounds is capable of suggesting to the novice that, if they do likewise, they might gain

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<sup>190</sup> Ibid, p. 16.

<sup>191</sup> Ibid, p. 9.

<sup>192</sup> Ibid, pp. 2-3.

<sup>193</sup> Dr Jade Norris, 19 November 2015: T684.35-37.

<sup>194</sup> Ex OO (17-19 November 2015), p. 10.

an edge. Veterinarian and RSPCA Australia Scientific Officer Dr Jade Norris gave evidence to the Commission that, having regard to the significant breeding problems within the industry, it was unacceptable to suggest that in-breeding could be appropriate in any circumstances.<sup>195</sup> The Commission agrees.

- 12.55 To the limited extent to which the Breeder's Education Package provides advice on what to look for so as to breed a greyhound that will perform, the advice is highly questionable. It proceeds on the premise that, if a female greyhound has performed well as a racer, then so will her progeny. The materials considered by the Commission suggest that there is currently no reliable evidence which demonstrates that performance traits can be passed down in this way. That is the reason why GRNSW proposes to engage a quantitative geneticist or statistician. The Breeder's Education Package contains the following advice:

#### **Starting a Breeding Program**

The first step to starting a breeding program is to learn everything you can about greyhounds, greyhound racing and breeding. It may be that you attend seminars, read books or search the internet for information. There are also a number of chat sites dedicated to greyhounds, but remember anyone can be an expert online.

The more you know about greyhounds and racing, the better the choices you will make. Study pedigrees of dogs that you admire, and dogs that perform well. You will probably notice that there are definite trends and families that do better than others. If you are going to purchase a brood bitch, try to get the best bitch that you can afford and have your mentor help advise you on suitable bitches.

**Remember: pedigrees are helpful but the racing form of the bitch you purchase is more important than anything on paper.**<sup>196</sup> [Emphasis in original]

- 12.56 The advice given in relation to stud dogs is of the same quality. The Breeder's Education Package notes:

Next you will need to select a stud dog that will compliment your bitch and any faults she might have. Maybe you are looking for **a little more early speed**, maybe for **a little more strength or endurance**. Discuss the list of potential mates with your mentor. Your aim should be to use the sire that is best for your bitch, not just the most popular or best advertised sire at the time, or the most convenient one to access.<sup>197</sup> [Emphasis added]

- 12.57 No real guidance is provided in terms of what to look for to ensure that the stud dog selected will "compliment" the bitch or is the "best for your bitch". Nor is there any guidance concerning choosing a particular stud dog to produce greyhounds that have "early speed" or greyhounds with "a little more strength and endurance", assuming that choosing particular stud dogs can achieve those aims, in their offspring. And these omissions are from a document which GRNSW claims is part of its "raft of new measures" designed to encourage breeders to make "informed and considered breeding decisions".<sup>198</sup>

- 12.58 According to GRNSW's Breeder's Education Package, the selection of an appropriate stud dog is much like supermarket shopping:

The first step in selecting a suitable sire should be to list your bitch's strengths and weaknesses. Once you have these, you need to prioritise the things you would like to improve. This then

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<sup>195</sup> 19 November 2015: T685.11.

<sup>196</sup> Ex OO (17-19 November 2015), p. 8.

<sup>197</sup> Ibid, pp. 8-9.

<sup>198</sup> GRNSW Annual Report 2015, p. 13.

becomes your 'shopping list' as you consider each sire. When considering a sire, remember you do not want to double up on faults or weaknesses.<sup>199</sup>

- 12.59 To the extent that GRNSW intended to provide information to potential breeders that would assist them in the making of an "informed" breeding decision, this statement is of little, if any, assistance.
- 12.60 GRNSW's reference to seeking advice from a "mentor" is also problematic.
- 12.61 The Commission does not suggest that industry experience should be disregarded in relation to many matters. It could be invaluable. However, in relation to breeding practices industry experience ought to have a secondary role, if any role, in light of what has emerged during the Commission's Inquiry. The combined experience of industry participants has played a primary role in the overproduction of uncompetitive greyhounds for many years. As has already been noted in this Chapter, the WDA reported that the intuitive (subjective) observations of greyhound industry members were responsible for the selection of breeding stock based upon no more than their own experiences.<sup>200</sup> The WDA highlighted that certain practices within the industry are often based on no more than "hearsay and mythology".<sup>201</sup> GRNSW's Breeder's Education Package promotes the continuation of such an approach. That is an inadequate response to overbreeding and the production of uncompetitive greyhounds. It promotes the continuation of an approach to breeding that has failed over many years.
- 12.62 And it is not just a "mentor" which should be the first port of call for potential breeders. It needs to be one with particular qualifications:

#### **Finding a Mentor**

If you are seriously considering breeding, the first thing to do is to find yourself a suitable mentor. Mentors are people who have been in the industry over a long period of time and who have had success over a number of years, not just one or two good dogs. They should be knowledgeable in all facets of the industry with a good understanding of genetics, anatomy, and breeding. Look for someone who is well respected and has a good reputation within the industry. A good mentor is worth their weight in gold. They are a source of information that is not going to be found in books or on the internet.<sup>202</sup>

- 12.63 There may be industry participants who are knowledgeable in genetics, anatomy and breeding. However, the Commission doubts that many such persons exist in this industry. The fact that 40% of litters do not make it to the track is compelling evidence that the collective breeding knowledge of the greyhound industry is not high. Further, it seems likely that, in a competitive industry, those who have specialised knowledge which gives them an advantage would be unlikely to share what they know.
- 12.64 Of greater concern, the Breeder's Education Package does not acknowledge overbreeding and wastage as being critical welfare issues. It contains little information concerning rehoming and it fails to convey any clear message that the breeder must assume responsibility for rehoming the greyhounds which they breed. The breeder is required to do no more than "think and act in a mature way" about what might happen to the pups which do not make it to the track (40%) and to have an understanding of the industry's Greyhounds As Pets ("GAP") Program:

You also need to think about what will happen to those dogs that do not make the track. Not every puppy you produce will be a race winner. Greyhounds are fantastic dogs, and many make great

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<sup>199</sup> Ex OO (17-19 November 2015), p. 12.

<sup>200</sup> WDA report "Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context" (July 2015): Ex S (17-19 November 2015), p. 32.

<sup>201</sup> Ex S (17-19 November 2015), p. 5.

<sup>202</sup> Ex OO (17-19 November 2015), p. 3.

pets. Understanding the greyhound rehoming process and what is required can help you prepare any pups that are not going to make it as race dogs for a second chance at life as a loved family pet.

**Remember: Under the GRNSW Greyhound Racing Rules you are responsible for the greyhounds you own and you are required to think and act in a mature way when considering the future of your greyhounds if and when they retire as racing or breeding greyhounds.**<sup>203</sup> (Emphasis in original)

## The impact of cultural resistance

12.65 The Commission considers that, for too long, the culture of the industry has accepted that the destruction of large numbers of healthy greyhounds is simply an unavoidable feature of its operations. Irresponsible breeding practices are a key indicator of this attitude. Industry participants have not been prepared to shoulder the cost of rehoming their greyhounds, even the limited cost of seeking to find a new home through the industry's GAP Program. No attempt has been made to align breeding practices with the limited number of rehoming opportunities which are available and will likely be available in the future.

12.66 The Breeder's Education Package puts forward nothing of substance to change this mindset and it is clear that there remains considerable resistance within the industry to change.<sup>204</sup>

12.67 The Interim Chief Executive of GRNSW confirmed that there had been resistance to the imposition of any controls on breeding.<sup>205</sup> Some industry participants were concerned that it might lead to a shortage of dogs. They put forward the fact that it was not uncommon to have a shortfall in nominations as evidence that there was currently a shortage.<sup>206</sup> Dr Arnott also confirmed that there remained industry resistance to the imposition of breeding restrictions. Her evidence was to the effect that some industry participants still believed that it was acceptable to continue to use a female greyhound to breed more litters in circumstance where that female had produced one or two successful progeny at the expense of several litters. The imposition of breeding restrictions was "largely questioned".<sup>207</sup> She said:

... if there's evidence that that breeding female doesn't produce successful progeny, then that's a useful limitation, however it doesn't stop the individual breeding from an additional female, and therefore continuing to increase numbers, but that's where the overall life of the restrictions that will restrict individual breeders rather than individual females will take care of that situation.<sup>208</sup>

12.68 The Commission does not share Dr Arnott's optimism. GRNSW's proposed restrictions are addressed in the Chapter 9. At this point, they remain aspirational and fail to take into account the fact that the number of runners required to meet GRNSW's contractual commitments will necessarily mean that the industry will continue to have an unacceptable level of wastage. The question of how many greyhounds are required to be whelped each year is addressed in the next Chapter.

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<sup>203</sup> Ex OO (17-19 November 2015), p. 3.

<sup>204</sup> See, for example, Minutes of 4 August 2015 GRICG meeting, Ex K (28 September – 2 October 2015) and letter to current Chief Executive Officer of GRNSW from GRICG dated 10 August 2015 Ex L (28 September – 2 October 2015).

<sup>205</sup> Paul Newson, 2 October 2015: T409. 16-20.

<sup>206</sup> Ibid, T409.22-24.

<sup>207</sup> 19 November 2015: T740.4.

<sup>208</sup> Ibid, T740.9-14.



## Conclusions – will the Breeder’s Licence and Breeder’s Education Package reduce wastage to an acceptable level?

- 12.69 The Commission is satisfied that the free<sup>209</sup> Breeder’s Licence and the Breeder’s Education Package will not, either alone or with the “raft” of other new measures announced in the GRNSW Annual Report 2015, have any impact on wastage.
- 12.70 As has been noted, the additional measures are the requirement to register breeding females, increased vaccination requirements, litter restrictions for breeding females,<sup>210</sup> and requiring breeders to seek approval from GRNSW if they wish a breeding female over the age of eight to have a fourth litter.<sup>211</sup> They are the only substantive measures which GRNSW has implemented since the commencement of the Commission’s inquiry. These additional measures are, to a significant extent, token measures. As has been noted, they will not have any significant impact on wastage. In fact it is likely that they will not have any impact at all. The Commission does not accept that the reduced number of litters for 2015 and the first four months of 2016 were in response to these measures. It is more likely than not that this was a response to the considerable uncertainty created by the exposure of live baiting and the Commission’s work. The industry was on notice that the future of the industry was very much in issue, including whether there would be any future at all.

## What further requirements will breeders need to meet?

- 12.71 The Commission was informed in August 2015 that the Welfare Working Party of GA was developing a National Tiered Licencing Scheme, which was scheduled to commence in July 2016.<sup>212</sup>
- 12.72 GRNSW informed the Commission that all those who cared for greyhounds at any stage of their lifecycle would be “assessed on core educational competencies before obtaining relevant licences”.<sup>213</sup> That is to include breeders.
- 12.73 In GRNSW’s Final Response to the Commission’s Issues Paper on Overbreeding and Wastage (“the Breeding Issues Paper”), received in January 2016, GRNSW claimed that:
- ...there will be tiered licences for trainers and breeders. Breeding licences will be categorised as B1, B2 or B3 licences, with tiered restrictions on breeding numbers permitted based on experience and educational attainment. GRNSW will also consider tiered licence fee structures in accordance with licence category and quota allowance.<sup>214</sup>
- 12.74 Recently matters have become far more uncertain. That is regrettable. On 19 February 2016, GRNSW informed the Commission of the following:

GRNSW is unable to confirm whether or not the licensing framework will be adopted by all states in July 2016, however GRNSW has commenced the work necessary to begin implementation activities in or around July 2016 ... The difficulties inherent in the project arise at least in part from the desire to achieve a nationally coherent licensing framework across what is a State regulated activity.<sup>215</sup>

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<sup>209</sup> As has been noted, the suggestion made by GRNSW that it would introduce a fee from 2016 to offset the cost of administration and to promote “considered” breeding decisions has not occurred.

<sup>210</sup> Addressed in Chapter 9.

<sup>211</sup> Ibid.

<sup>212</sup> The licencing and education of industry participants is addressed in Chapter 23.

<sup>213</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [565]; see also GRNSW, Response 20 to Breeding Issues Paper dated 23 November 2015, [32]; and GRNSW Annual Report 2015, p. 13.

<sup>214</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [104].

<sup>215</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 1.

- 12.75 GRNSW also informed the Commission that it was “continuing to work and collaborate with other States to ensure that wherever possible there are consistent licensing standards, however, GRNSW will take unilateral action where appropriate.”<sup>216</sup>
- 12.76 GRNSW did not elaborate on what “implementation activities” will be initiated “in or around July 2016”. It is tolerably clear, however, that a tiered licencing system which makes core competencies a precondition to holding a Breeder’s Licence and imposes restrictions on litter numbers will be not be in place by July 2016. Further, GRNSW has not informed the Commission when, if at all, such a system will be in place.
- 12.77 Once more, there appears to be a tension between GRNSW, GA and controlling bodies in other jurisdictions in relation to what needs to be done and how it can be achieved. GRNSW has indicated that, if “appropriate”, it might go it alone. Based on the industry’s past approach to overbreeding, the fact that so little has been done to address it since the Commission commenced its work and the industry’s continuing resistance to a significant reduction in the number of greyhounds whelped each year, the Commission is not satisfied that matters will change in the foreseeable future.

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<sup>216</sup> Ibid, pp. 1-2.

# 13 Wastage: how many greyhounds are required to sustain the industry?

## Background

- 13.1 Having recognised that wastage is a critical welfare issue and one that threatened the greyhound racing industry's ongoing viability, the Commission issued an Issues Paper on Overbreeding and Wastage ("the Breeding Issues Paper")<sup>217</sup> on 21 October 2015. Responses were required by 23 November 2015. GRNSW provided a preliminary response on that date, having sought, and been granted, an extension of time to provide a final response. GRNSW's Final Response to the Breeding Issues Paper ("the GRNSW Final Response") was received by the Commission on 11 January 2016.
- 13.2 The Breeding Issues Paper raised a number of important questions concerning overbreeding and wastage. The Commission sought constructive and considered suggestions in relation to the elimination or substantial reduction of wastage within the industry. A key question was the number of greyhounds that are required to be in training to maintain fields of eight runners per race meeting held in NSW each year, for example, the meetings for the year 2015.<sup>218</sup> A second, and perhaps more important, question was the minimum number of greyhounds required to be bred each year to maintain those numbers.<sup>219</sup>
- 13.3 These key questions are examined in this Chapter.

## Career length and race starts

- 13.4 Based upon statistics derived from 16,000 greyhounds which raced over the past five years, GRNSW concluded that the average career length for a racing greyhound in NSW was 363 days from first race to last race.<sup>220</sup>
- 13.5 Using the same data, GRNSW also provided an estimate of the average number of races in which a greyhound would participate in this State. On average, a greyhound had 24 career starts although, as shown in figure 13.1 below, many greyhounds had less starts than the average and many had more.<sup>221</sup>

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<sup>217</sup> Commission's Issues Paper on Overbreeding and Wastage Breeding issued 21 October 2015 ("the Breeding Issues Paper").

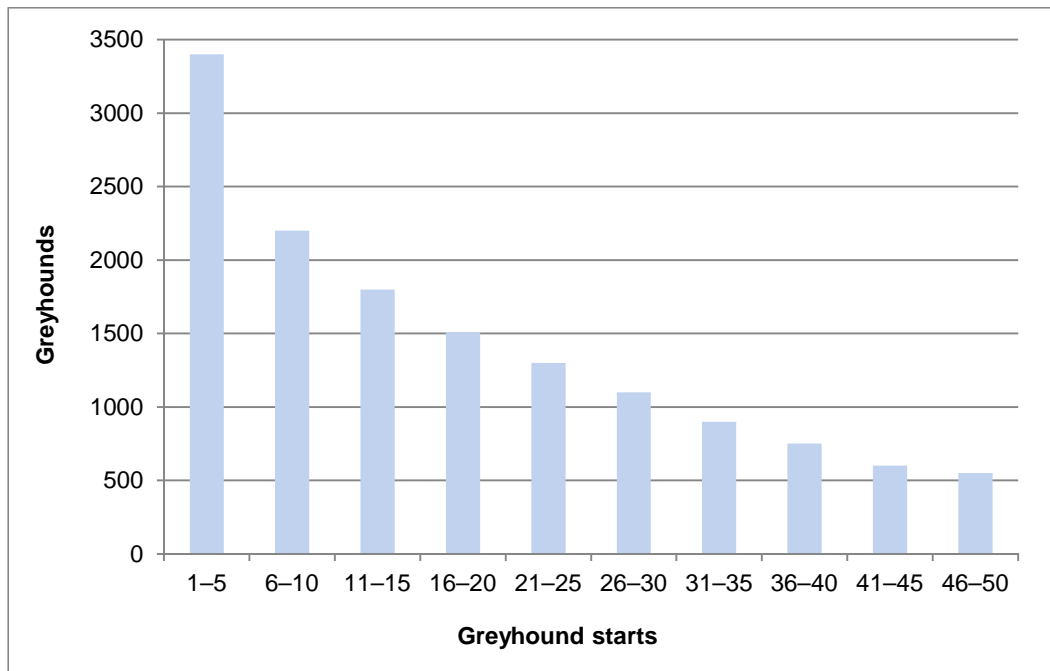
<sup>218</sup> Breeding Issues Paper, p. 3.

<sup>219</sup> Ibid, p. 3.

<sup>220</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [5]. This estimate was broadly consistent with those made by Greyhounds Australasia ("GA"), RSPCA Australia and Animals Australia. The Australian Veterinary Association ("AVA") estimated the average career length to be two years. Other industry participants provided a range between 1.5 and 3 years.

<sup>221</sup> Other estimates were higher. GA suggested 31.3 starts applying a national and New Zealand average. RSPCA Australia and the AVA relied upon an estimate by Greyhound Racing Victoria of 31. The Greyhound Breeders and Trainers' Association ("GBOTA") indicated that GRNSW would be best placed to provide the information but estimated that the figure would be between 50 and 100 starts. Other responses suggested between 30 and 60 starts.

Figure 13.1 Number of starts for greyhounds with at least one start in a race, presented as a graph



Source: GRNSW, provided in Final Response 20A to Breeding Issues Paper dated 11 January 2016

### GRNSW 2015-2016 race schedules – no reduction in breeding

- 13.6 GRNSW informed the Commission that its 2015-2016 TAB and non-TAB race schedules<sup>222</sup> had been planned on the basis that there would be a total of 879 TAB race meetings and 342 non-TAB race meetings, although the number could vary slightly throughout the year because of the weather or because additional funding might allow certain tracks to host additional track meetings.<sup>223</sup>
- 13.7 GRNSW also informed the Commission that these 1,221 race meetings averaged ten races at each TAB meeting and nine races at each non-TAB meeting.<sup>224</sup> GRNSW said that, accordingly, there was to be 12,210 individual races over the 12 months. On the assumption that race fields would have eight runners in every race, GRNSW said that a total of 97,680 starts would be available.<sup>225</sup> When, however, the averages of ten and nine races are respectively calculated, the number of available starts reduces to 94,944. Nevertheless, for the purpose of assessing the number of greyhounds which the industry needs to breed each year to meet its race schedules, the Commission has proceeded (as GRNSW has proceeded) on the basis that at both TAB and non-TAB meetings ten races is the norm.<sup>226</sup>
- 13.8 GRNSW calculated that the *minimum* number of greyhounds required to be in training to meet the 2015-2016 Race Schedule was 4,070.<sup>227</sup>

<sup>222</sup> 1 July 2015 – 30 June 2016.

<sup>223</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [8].

<sup>224</sup> Ibid, [9].

<sup>225</sup> Ibid, [10].

<sup>226</sup> GRNSW provided a submission to the Commission on 24 May 2016 which [at 104(a)] again used ten races in further calculations relating to possible revised race schedules.

<sup>227</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [11]. There were assessments provided to the Commission by other interested persons and organisations. By way of example, the AVA suggested that a minimum of 7,228 greyhounds were required to be in training: AVA, Response 16 to Breeding Issues Paper dated 23 November 2015. RSPCA Australia concluded that 7,009 greyhounds needed to be whelped each year: RSPCA Australia, Response 27 to Breeding Issues Paper dated 7

13.9 GRNSW’s calculation did not take into account a number of variables. In the GRNSW Final Response it said:

This figure (i.e. 4,070) does not take into account the average number of scratchings, greyhounds required as reserves to fill places of scratched competitors, greyhounds that may not be able to race due to injury or penalties and greyhounds that are in training but do not get the opportunity to start in a race. Hence, the figures should be seen as a theoretical minimum with the required number somewhat higher depending on the factors noted in the previous sentence.<sup>228</sup>

13.10 The number of greyhounds required to be in training is not the same as the number of greyhound pups that must be whelped each year to produce the number of greyhounds in training that the industry needs to maintain its race schedules. That is because many greyhounds will not make it to the track. They will be discarded by industry participants for a variety of reasons including that they have been assessed as uncompetitive.

13.11 GRNSW informed the Commission that 7,548 greyhounds needed to be *whelped* each year to meet the 2015-2016 Race Schedule requirement of 97,680 starts per year. It said:

It has been calculated that 7,548 greyhounds will be required to be bred per year to meet the current scheduling requirements of 97,680 per year. This calculation took into account greyhounds resting, spelling, injured or unable to race for whatever reason and the current levels of wastage...<sup>229</sup>

13.12 A requirement that 7,548 pups be whelped each year is slightly less than the average number of pups whelped each year between 2009 and 2015. GRNSW provided the statistics in the following table, which identifies that an average of 7,596 greyhound pups were whelped each year during this period.<sup>230</sup>

**Table 13.2 Litters and pups whelped 2004-2015**

Year	Litters whelped	Reported pups whelped
2004	1,696	10,274
2005	1,628	10,065
2006	1,463	9,016
2007	1,328	8,011
2008	1,206	7,246
2009	1,325	8,005
2010	1,262	7,850
2011	1,225	7,889
2012	1,133	7,242
2013	1,254	7,974
2014	1,251	7,916
2015	965	6,295
<b>Total</b>	<b>15,737</b>	<b>97,783</b>

Source: GRNSW Response to Order 31 dated 31 March 2016

December 2015. Other industry participants provided assessments ranging from a minimum of 3,000 greyhounds “ready to race”: Joyce Alamango, Response 17 to Breeding Issues Paper dated 23 November 2015; to three times the number of “ready to race” greyhounds so as to account for a number of variables: Glen Midson, Response 19 to Breeding Issues Paper dated 23 November 2015.

<sup>228</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [12].

<sup>229</sup> Ibid, [95].

<sup>230</sup> GRNSW, Response to Order 31 dated 31 March 2016, [2]. In GRNSW’s submission dated 24 May 2016, it provided yet further figures for the number of pups whelped in 2014 (7,917) and 2015 (6,336). The Commission has relied on the figures produced in GRNSW’s Response to Order 31 dated 31 March 2016, rather than what has been included in its submissions. The average whelping figure for 2009 to 2015 on these new numbers would be 7,601. Based upon GRNSW’s assessment of the number of greyhound pups that needed to be whelped to meet its 2015-2016 Race Schedule (7,548) it is immaterial. However, it is another example of GRNSW’s ever changing position in relation to the supply of information to the Commission.

13.13 On GRNSW's calculations, and on the basis of its assessment of pre-race wastage,<sup>231</sup> the 2015-2016 Race Schedule requires the current average number of pups whelped each year to be maintained. Put another way, with the current levels of wastage, a racing schedule requiring 97,680 starts could not be satisfied if there were any restrictions placed upon breeding, with a reduction in pups whelped, whether by way of a quota system or otherwise.

13.14 GRNSW drew attention to the fact that the Working Dog Alliance Australia ("the WDA") had calculated that the average number of pups whelped between 2010 and 2013 was 7,832 per year. It noted that:

By reducing the number of greyhounds required to be bred each year to 7,548, this would result in a reduction of wastage of 284 or 3.6%.<sup>232</sup>

13.15 It is inappropriate to draw a precise conclusion of greyhound numbers from estimates of the average number of pups whelped over a number of years. Reducing the number of greyhounds required to be bred by a mere 3.6% is no cause for celebration. A small reduction in the number of pups required to be whelped does not suggest that the scale of wastage in the industry has improved, or that any of its causes have been addressed. The Commission considers that it is not possible to calculate the exact number of greyhound pups that must be whelped each year to sustain GRNSW's race schedules. It is only possible to arrive at figures that are within a range. The Commission accepts that GRNSW's assessment of the number of greyhound pups which the industry must breed each year to sustain a racing schedule of the scale of the 2015-2016 Race Schedule (7,548) is within the likely range of the number of pups required.

13.16 GRNSW did not provide the Commission with its calculations to reach this figure. However, it did provide the Commission with a break-up of a further assessment based upon two different scenarios which assumed that wastage would be reduced.

13.17 These were scenarios that GRNSW claimed might reduce the number of greyhounds required from 7,548 to either 6,054 or, alternatively, 6,317. These scenarios were described as follows:

Scenario 1: A reduction in greyhound wastage from the point of whelping to racing by 10% to 20% for greyhounds whelped but not named, and 7.5% to 10% for greyhounds named but not raced, the number of greyhounds required to be bred for the current schedule was **6,054**, a reduction of **23%** from the estimated current average.

Scenario 2: This scenario attempts to address the welfare of greyhounds currently in the system as well as reduce the wastage of greyhounds being born into racing. In addition to the same wastage reductions outlined in Scenario 1, dogs who retired at younger than 3 years with fewer than 20 races were modelled to keep racing, doubling whatever their career length. The number of days between their races was also increased to 20 days, up from the average of 17. The outcome was a breeding requirement of **6,317**, a reduction of **19%** from the estimated current average. The key driver of this outcome is the average number of races per year per greyhound. By reducing this value and keeping all else constant, the number of greyhounds to be bred for racing increases, though not as much as it would compared to current rates of wastage.<sup>233</sup> (Emphasis in original).

13.18 These scenarios are far from compelling. They assume that critical variables such as the scale of pre-race wastage will be addressed without identifying how this will be achieved. The measures which GRNSW has proposed, that might have some relevance to these scenarios, have been addressed in a number of Chapters of this Report. It should not be overlooked, however, that even if GRNSW can successfully implement measures that achieve the underlying assumptions in its two scenarios, the number of pups that would be required to be whelped each year to meet a racing schedule similar to GRNSW's 2015-2016 Race Schedule remains extremely high. Absent

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<sup>231</sup> Greyhounds unnamed and those named which do not race.

<sup>232</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [96].

<sup>233</sup> *Ibid*, [98].

death through misadventure, illness, or catastrophic track injuries, up to 6,317 young greyhounds would need to be rehomed each year unless kept by industry participants as pets or breeding animals.

- 13.19 The GRNSW Final Response contained a table setting out its calculations in respect of the first alternative scenario:<sup>234</sup>

**Appendix A  
Estimating the required number of greyhounds to be bred**

The following section outlines the methodology used to calculate the required number of greyhounds under the current racing schedule (2015/16).

97,680	<b>A. Total places required (annual)</b>
24.00	<b>B. # of races per year per dog (avg)- Base</b>
4,070	<b>C. Total number of dogs racing</b>
2.0%	Add: Dogs injured
5.0%	Add: Dogs in preparation
0.1%	Add: Dogs penalised
7.1%	<b>D. Total loading for out of competition dogs</b>
4,359	<b>E. Total pool of active training greyhounds</b>
3,809	<b>F. Equivalent average births of racers</b>
10.0%	Add: Dogs leaked after naming, prior to racing
4,843	<b>G. Total dogs named, but never raced</b>
20.0%	Add: Dogs whelped but not named
6,054	<b>H. Total dogs whelped, never named</b>
7,832	<b>I. Compare to average whelpings</b>
-22.7%	J. % difference between calculated and est avg
1,778	J. # difference between calculated and est avg

Item Code	Item Description
A	The number of starts as outlined in the main body of the report
B	The average number of races per year per dog as outlined in the main body of the report
C	Calculated by dividing A by B; equals the number of dogs required for the current racing schedule
D	Assumptions for the proportion of dogs considered able to race but unable to fulfill racing starts because of injury, training, penalties or otherwise
E	The total pool of dogs potentially available for racing (active training)
F	Not used in the calculation; for illustrative purposes only. This was an average of dog births from historical OzChase data.
G	This number of dogs includes the % of wastage in the phase between naming and racing derived from Working Dog Alliance (WDA) estimates. The percentage loading was based on historical wastage estimates.
H	This number of dogs includes the % of wastage in the phase between whelping and naming derived from Working Dog Alliance (WDA) estimates. The percentage loading was based on historical wastage estimates. The calculated result is the estimated total number of greyhounds required for breeding.
I	The average number of dogs whelped per year according to WDA estimates
J	Comparative measures between the WDA estimate (I) and the calculated result (H)

<sup>234</sup> Appendix A to GRNSW Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 59.

## Further variables – additional pre-race wastage, higher injury rates and reserve runners

- 13.20 Quite apart from the reliability of the assumptions that underpin the reduced wastage scenario reflected in the table at 13.19 above, the Commission considers that additional matters need to be taken into account.

### *Pre-race wastage*

- 13.21 The first is the pre-race wastage rate. At present, it is overly optimistic to use a pre-race wastage figure of 30% for the purpose of establishing the number of pups which must be whelped each year to meet a racing schedule. The Commission has not received any material which demonstrates that pre-race wastage rates have improved on the widely accepted figure of 40% or that it is probable that pre-race wastage will be reduced by any of the measures implemented by GRNSW during the last year or proposed by it as initiatives for the future.
- 13.22 As was noted in Chapter 11, most industry participants – including Greyhounds Australasia (“GA”), GRNSW’s Chief Veterinary Officer, the WDA and the Joint Working Group (“JWG”) – accept that a figure of approximately 40% is the true measure of pre-race wastage.

### *Injuries*

- 13.23 Furthermore, GRNSW used a figure of 2% in relation to injuries. The Commission considers that 2% may significantly understate the true position. Injuries to racing greyhounds are addressed in Chapter 15. As identified in that Chapter, the Commission considers that the rate of serious and catastrophic injuries is likely to be closer to 5%.

### *Reserves*

- 13.24 As noted, GRNSW informed the Commission that it did not include the number of reserve greyhounds that would be required for each race meeting.
- 13.25 However, GRNSW informed the Commission that reserves are drawn in all races where more than eight runners are nominated.<sup>235</sup> If eight or fewer greyhounds are nominated for a race, there is no need for reserves. The first reserve gets a start only if there is a scratching or withdrawal in a race. It will wear the rug marked with the number nine. If there is a second scratching or withdrawal, the second reserve, which wears the rug marked ten, will get a start.<sup>236</sup>
- 13.26 If ten greyhounds are required to be available to race rather than the eight greyhounds which actually start, then the number of greyhounds required to be in training and the number of pups which must be whelped each year increases by 20%.
- 13.27 The stewards’ reports for TAB meetings reviewed by the Commission suggest that ten starters are commonly available for each race.<sup>237</sup> On the other hand, the Commission heard evidence from GRNSW’s Interim Chief Executive that the number of nomination extension notices issued by GRNSW suggested that there were occasions when GRNSW experienced difficulties achieving full fields. To some extent this problem may be limited to non-TAB meetings. In other words, there may be a disparity between the number of greyhound reserves available at TAB and non-TAB meetings. Steward’s reports for non-TAB race meetings are not available online.

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<sup>235</sup> Correspondence dated 21 April 2016 from Paul Newson, GRNSW Interim Chief Executive, to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.

<sup>236</sup> The Rules govern the deployment of reserve greyhounds. See, for example, LR 22 which applies to TAB meetings.

<sup>237</sup> See, for example, GRNSW website, “Stewards’ Report for Dapto on 25 February 2016”:

<<http://www.thedogs.com.au/uploads/pdfs/233058.pdf>> (accessed 30 May 2016). The Commission considered many such reports during the course of its investigation.



- 13.28 The Commission undertook a review of 36 TAB meetings and identified that 2,952 dogs had a box draw and 442 were reserves for the races. The percentage of reserves to box dogs was 14.97%. The Commission has adopted 15% for the calculations which follow.
- 13.29 In assessing the number of pups that would need to be whelped each year to support the 2015-2016 Race Schedule, GRNSW allowed for greyhounds in preparation (5%) and greyhounds under penalty (0.1%). How those percentages were calculated does not appear. However, the Commission has seen nothing to suggest that these allowances are unreasonable. Where it has been necessary to refer to greyhounds in preparation and greyhounds that might not be racing because a penalty has been imposed upon them, the Commission has used these figures.

### The Commission's assessment of GRNSW's 2015-2016 Race Schedules

- 13.30 As earlier noted, the Commission considers that GRNSW's assessment that 7,548 greyhounds must be whelped each year to meet a racing schedule with the characteristics to the 2015-2016 Race Schedule falls within the appropriate range. It accords with the Commission's own assessment.
- 13.31 The table and calculations below reflect the Commission's assessment of the minimum number of greyhound pups that would need to be whelped each year to satisfy GRNSW's 2015-2016 Race Schedule or a schedule of the same scale if it was adopted by GRNSW in the future. It is intended to provide an insight into the industry's breeding requirements. It is not an assessment that is intended to account for every single greyhound which might be required.
- 13.32 Because reserve greyhounds have been included in some of the calculations, the Commission has ignored injured greyhounds (which would be replaced by the reserves), greyhounds in preparation, and greyhounds that are temporarily precluded from racing. Over time, these numbers will flow through as the greyhounds commence or return to race. Greyhounds in preparation will experience injuries. It is impossible to calculate precisely the effects in numbers because they depend on unknown probabilities over time. If the Commission had included a further allowance for these matters, the number of required greyhound pups would have increased. Where a calculation has been performed without reserve greyhounds, an allowance for injuries, greyhounds in preparation, and greyhounds that may not be racing because of a penalty have been included. GRNSW took the same approach in its calculations which have been produced earlier in this Chapter.

**Table 13.3 Commission's calculations for minimum number of pups required to be whelped annually to satisfy GRNSW's 2015-2016 Race Schedule**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2015-2016	879 TAB 342 non-TAB 1,221 total race meets
Number of TAB and non-TAB starters per year (not including reserves)	8 greyhound starters x 10 races x 1,221 race meets = 97,680
Number of reserves	1.5 greyhound reserves x 10 races x 1,221 race meets = 18,315
Number of reserves for TAB races only	1.5 greyhound reserves x 10 races x 879 race meets = 13,185
Total starts	115,995 with reserves at all races 110,865 with reserves at TAB only
Starts per greyhound per annum	24
Dogs unable to race due to injury or death % (major and catastrophic injuries included)	5%
Dogs unable to race due to penalty	0.1%
Dogs 'in preparation' and unable to race	5%

- 13.33 Utilising this data, there are 115,995 starts required (including reserves) with 24 starts per greyhound. There are 4,833 greyhounds required ( $115,995 \div 24$ ). This excludes greyhounds required because of injuries or because they are under penalty or in preparation. There is pre-race wastage of 40%. Accordingly, an additional 3,222 greyhounds are required ( $4,833 \div 6 \times 10 = 8,055$ ; and  $8,055 - 4,833 = 3,222$ ). As such there would need to be 8,055 greyhound pups whelped each year to maintain a racing schedule having the number of races and field sizes as GRNSW's 2015-2016 Race Schedule.
- 13.34 As has been noted, the Commission's review of 36 race meetings covered TAB meetings. Assuming that, from time to time, there are less greyhound reserves at non-TAB meetings, the figure of 8,055 might be adjusted.
- 13.35 Using the most conservative assumption that there are *never* any reserves required at non-TAB meetings, there are 110,865 starts required (including reserves at TABs). In the absence of reserves for non-TAB meetings, utilising GRNSW's methodology, 10.1% additional greyhounds are required to be calculated for those races because of injuries or because of greyhounds that are under penalty or in preparation ( $8 \text{ starters} \times 10 \text{ races} \times 342 \text{ race meets} = 27,360$ ; and  $10.1\%$  of  $27,360 = 2,763$ ). There are 113,628 starts required ( $110,865 + 2,763 = 113,628$ ). There are 4,735 greyhounds required ( $113,628 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 3,157 ( $4,735 \div 6 \times 10 = 7,892$ ; and  $7,892 - 4,735 = 3,157$ ) greyhounds are required. As such there would need to be 7,892 greyhound pups whelped each year to maintain a racing schedule having the number of races and field sizes as GRNSW's 2015-2016 Race Schedule.<sup>238</sup>
- 13.36 The Commission is satisfied that, unless there is a substantial reduction in pre-race wastage, the GRNSW 2015-2016 Race Schedule, or a racing schedule of like size, could not be sustained if there was to be any significant reduction in the number of greyhounds whelped each year. That is an unacceptable state of affairs and a state of affairs that cannot be addressed by the imposition of breeding quotas or breeding restrictions which would reduce the number of greyhounds available to race. A better outcome can only be achieved if pre-race wastage rates can be substantially reduced or the racing careers of greyhounds can be extended beyond an average of 24 starts.

### GRNSW 2016-2017 TAB Race Schedule

- 13.37 On 29 February 2016, GRNSW released a draft 2016-2017 Race Schedule and called for industry feedback.<sup>239</sup> This draft schedule concerned TAB meetings only. GRNSW's 2015-2016 Race Schedule included 342 non-TAB meetings.
- 13.38 GRNSW did *not* reduce the number of TAB meetings in its draft 2016-2017 TAB Race Schedule. Rather, it increased the number of meetings from 879 to 882.<sup>240</sup>
- 13.39 When, on 12 April 2016, GRNSW published the final 2016-2017 TAB Race Schedule it had scheduled yet further TAB meetings. There will now be 891 TAB meetings. When releasing the GRNSW 2016-2017 TAB Race Schedule, GRNSW noted that the most significant change was the introduction of 13 TAB meetings for both the Mid-North Coast and New England regions. Expressions of Interest are to be called to determine which clubs will host the meetings in both regions. Expressions of Interest will also be called to determine which club will host the 26 TAB

<sup>238</sup> A separate calculation based upon an assumption that there are no reserves at non-TAB meetings has not been carried out for the purpose of examining other race schedule requirements later in this Chapter.

<sup>239</sup> Article "GRNSW Releases Draft 2016/17 Racing Schedule" by GRNSW, 29 February 2016, *GRNSW website*:

<<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7407>> (accessed 24 May 2016). Feedback was to be provided by 14 March 2016. Feedback was to be provided by 14 March 2016.

<sup>240</sup> GRNSW website, "2016-2017 draft TAB Race Schedule":

<<http://www.thedogs.com.au/Uploads/160229%202017%20TAB%20Race%20Date%20Allocations.pdf>> (accessed 8 June 2016).

meetings scheduled for the Riverina region. This was because of "... concerns with the Wagga club's non-compliance with a number of governance and racing standard's (sic) in recent months." GRNSW's 2016-2017 TAB Race Schedule is reproduced below.<sup>241</sup>

**Table 13.4 GRNSW 2016-2017 TAB Race Schedule**

FY17	Monday	52	Tuesday	52	Wednesda	52	Thursday	52	Friday	53	Saturday	52	Sunday	52
									Good Friday	52			Xmas Day	51
Day			Goulburn	40			Dubbo	29	Casino Grafton Dubbo	47 2 3			Mid Nth Coa	13
Twilight	Bathurst	52			Richmond	52	Maitland Gosford	51 1	Gardens	52	Gardens	52	New Eng	13
	Nowra	40			Grafton	2								
Night	Grafton Nowra	44 8	Gosford Lismore	52 52	W. Park	52	Dipto	52	Richmond	52	W. Park	52		
									Riverina Dubbo	24 2	Bulli Riverina	50 2		
		144		144		106		133		182		156		26

Source: GRNSW website

### GRNSW draft 2016-2017 non-TAB Race Schedule

13.40 On 11 March 2016, GRNSW made an announcement concerning its proposed 2016-2017 non-TAB Race Schedule. The announcement was as follows:

Greyhound Racing NSW (GRNSW) has today written to all non-TAB clubs today to inform them that the number of Non-TAB meetings will drop to 250 in total.

The drop, from approximately 350 in 2015/16, represents a 25% reduction in racing across the Non-TAB sector.

The drop in Non-TAB meetings has been announced prior to anticipated further work around industry rationalisation and further reduction in racing. In total, funding for Non-TAB racing will be reduced by 10% with the money to be reinvested into boosting integrity and veterinary services in the Non-TAB sector.

While the number of Non-TAB Meetings will be reduced, GRNSW has called for expressions of Interest from clubs located in the New England and Mid-North Coast to determine which club will stage 13 TAB meetings scheduled for both regions in 2016/17.

In other changes to the Non-TAB sector, GRNSW will introduce a new requirement that a veterinarian must be present during kennelling for all Non-TAB meetings as well as the race meeting, bringing the Non-TAB sector in line with the veterinary requirements at TAB meetings.

In addition to the Non-TAB racing Schedule for 2016/17, GRNSW has engaged Sector Seven to conduct an independent review of the GRNSW stewarding function, which will include identifying and addressing any deficiencies in the current approach to stewarding at Non-TAB tracks.

A full schedule for Non-TAB racing in 2016/17 will be released in the coming months.<sup>242</sup>

<sup>241</sup> Article "2016/17 TAB Race Dates Released" by GRNSW, *GRNSW website*, 12 April 2016: <<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=7534>> (accessed 8 June 2016).

13.41 GRNSW has not released a final non-TAB Race Schedule. In submissions provided to the Commission on 24 May 2016, it indicated that “presently” it had scheduled 248 non-TAB meetings for 2016-2017. That would produce a reduction of 82 meetings compared with the combined TAB and non-TAB 2015-2016 Race Schedules.<sup>243</sup> GRNSW informed the Commission that it had “put on hold” any further reduction in the number of TAB and non-TAB meetings foreshadowed in the 2016-2017 Race Schedules pending the Commission’s Report. It also noted:

It appears to GRNSW that decisions in relation to reduction of meetings will also be impacted by race track and Club rationalisation. Though race track and Club rationalisation is something GRNSW recognises as a reality of the future of the Code, those matters realistically cannot be progressed with clarity until the NSW Government provides its responds to the final report of the Special Commission.<sup>244</sup>

13.42 In truth, it seems that GRNSW’s proposed track and club rationalisation has not progressed at all. That is despite the fact that it has now stated unequivocally that it “recognises and accepts that it would be logical for non-TAB race meets to come to an end” and that its position is to “bring to an end all non-TAB racing and to focus solely on TAB racing in NSW.”<sup>245</sup>

### Pups required to meet GRNSW 2016-2017 TAB Race Schedule and draft non-TAB Race Schedule

13.43 Table 13.5 and the calculations below reflect the Commission’s assessment of the minimum number of greyhound pups that would need to be whelped each year to satisfy both GRNSW’s 2016-2017 TAB Race Schedule and the draft 2016-2017 non-TAB Race Schedule, which GRNSW has indicated it presently proposes will apply. Again the Commission stresses that it is an estimate which is intended to provide an insight into the industry’s breeding requirements. It is not a calculation that is intended to account for every single greyhound which might be required.

**Table 13.5 Commission’s calculations for 2016-2017 of minimum number of pups required to be whelped annually to satisfy GRNSW’s TAB Race Schedule and draft 2016-2017 non-TAB Race Schedule**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2016-17	891 TAB 248 non-TAB 1,139 total race meets
Number of TAB and non-TAB starters per year (not including reserves)	8 greyhound starters x 10 races x 1,139 race meets = 91,120
Number of reserves	1.5 greyhound reserves x 10 races x 1,139 race meets = 17,085
Total starts	108,205
Starts per greyhound per annum	24

13.44 Utilising this data, there are 108,205 starts required (including reserves) with 24 starts per greyhound. There are 4,509 greyhounds required (108,205 ÷ 24). There is pre-race wastage of 40%. Accordingly, an additional 3,006 greyhounds are required (4,509 ÷ 6 x 10 = 7,515; and 7,515 – 4,509 = 3006). As such there would need to be 7,515 greyhound pups whelped each year to maintain a racing schedule having the number of races and field sizes as GRNSW’s 2016-2017 TAB Race Schedule and the draft 2016-2017 non-TAB Race Schedule.

<sup>242</sup> Article “Changes to Non-TAB Racing Announced” by GRNSW, *GRNSW website*, 11 March 2016: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7447>> (accessed 24 May 2016).

<sup>243</sup> GRNSW, Submission to the Commission dated 24 May 2016, [104(a)].

<sup>244</sup> *Ibid*, [114].

<sup>245</sup> *Ibid*, [103], [114].

## What conclusions can be drawn?

- 13.45 The industry faces a conundrum.
- 13.46 On the one hand, GRNSW has sought to persuade the Commission that it will reduce the number of pups whelped each year by the introduction of measures such as breeding quotas, litter restrictions, licencing and better education. On the other hand, it has produced race schedules that will continue until 1 July 2017 which require most of the greyhound pups that are currently whelped each year to continue. There is no guarantee that the race schedules will be reduced in the future. Reduced race schedules and a reduced number of competing greyhounds are issues that are addressed below. These measures have not been embraced by GRNSW.
- 13.47 The key to resolving GRNSW's conundrum is to recognise that the problem facing the industry is not about reducing breeding numbers. That is not only a superficial response to the problem but it cannot be implemented. GRNSW's race schedules will not accommodate such an outcome. What is in issue is the number of greyhound pups that need to be whelped to ensure that those that make it to the track will be there in sufficient numbers to ensure that GRNSW can meet its race schedules.
- 13.48 The current level of breeding is driven by pre-race wastage (40%). However, that is by no means the end of the matter. Getting to the track is only part of the story. The other is what happens thereafter.
- 13.49 In Chapter 11, the Commission addressed the scale of wastage in the industry. It concluded that at least 50% of all greyhounds bred by the industry will be discarded and destroyed around or before they reach the age of 4.5 years. It also noted that the true number was likely to be considerably higher. A large proportion of greyhounds which make it to the track will be destroyed when they prove to be of no value or when they retire.
- 13.50 If the current level of breeding is maintained then it is likely that at least 7,500 greyhound pups will need to be whelped each year to maintain a race schedule that is of similar scale to GRNSW's combined 2016-2017 TAB and non-TAB Race Schedules. If that is so, then *at least* 3,750 greyhound pups will be discarded and destroyed each year by the industry in NSW. The true number is likely to be higher. The number of greyhounds put down by the large scale breeder referred to in Chapter 11 was approximately 75%. That would suggest that approximately 5,625 will be discarded and destroyed. As noted in Chapter 11 the percentage of greyhounds put down by this breeder may well represent the minimum percentage of greyhounds put down by the industry in NSW each year.
- 13.51 GRNSW informed the Commission that it recognised that:
- ... in the interests of improved animal welfare outcomes, there should be a further reduction in racing across the State, particularly non-TAB meetings. If that is done, GRNSW would need to obtain further expert assistance to perform modelling in order to determine the minimum breeding requirements to meaningfully sustain those race commitments. It is committed to doing that work in the interests of animal welfare, and reducing euthanasia and wastage.<sup>246</sup>
- 13.52 The Commission does not consider that it is necessary to perform complex modelling to determine the approximate number of greyhound pups that must be whelped each year to sustain a racing schedule. Both GRNSW and the Commission have made assessments based upon the 2015-2016 and 2016-2017 Race Schedules which provide approximate numbers within a range. If GRNSW genuinely considered that further modelling is necessary, it is not readily apparent why, for so many months, it has done nothing to carry out such modelling. Later in this

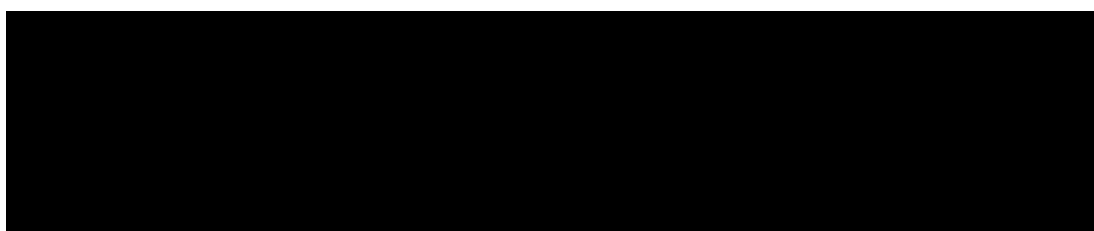
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<sup>246</sup> GRNSW, Submission to the Commission dated 24 May 2016, [105].

Chapter the Commission addresses similar modelling which was to have been carried out by GA. It was supposed to have been completed by the week commencing 26 February 2016. It was not completed and there remains considerable doubt that it will ever be completed.

## A reduced racing schedule

- 13.53 In the GRNSW Final Response, GRNSW examined the question whether breeding numbers could be reduced if it reduced not only the number of non-TAB meetings but also reduced the number of TAB meetings.
- 13.54 GRNSW and TAB are parties to a Racing Distribution Agreement (“the RDA”). GRNSW is required to hold a minimum of 593 TAB race meetings per year.<sup>247</sup>
- 13.55 Table 13.6 sets out how those meetings are apportioned:<sup>248</sup>



Source: GRNSW Final Response 20A to Breeding Issues Paper dated 11 January 2016

- 13.56 GRNSW noted that, if it were to hold the minimum number of 593 TAB race meetings per year, this would amount to 47,440 starts per year (allowing for a ten race program and assuming eight greyhounds per race). GRNSW calculated that 1,977 pups would need to be whelped each year. GRNSW’s calculation assumes a pre-race wastage rate of 30%, no reserve runners, and an injury rate of 2%.
- 13.57 Table 13.7 sets out the Commission’s assessment of the minimum number of pups which the industry would be required to whelp each year to maintain GRNSW’s minimum commitment under the RDA:

**Table 13.7 Commission’s assessment of minimum number of pups required to be whelped annually to maintain minimum commitment under the RDA**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB Meetings	593 TAB meetings
Number of TAB starters per year (not including reserves)	8 greyhound starters x 10 races x 593 race meets = 47,440
Number of reserves	1.5 greyhound reserves x 10 races x 593 race meets = 8,895
Total starts	56,335
Starts per greyhound per annum	24

- 13.58 By way of summary, there are 2,347 greyhounds required ( $56,335 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 1,567 greyhounds are required ( $2,347 \div 6 \times 10 =$

<sup>247</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [52].

<sup>248</sup> Ibid, [52].

3,912; and  $3,912 - 2,345 = 1,567$ ). As such there would need to be 3,912 greyhound pups whelped each year to maintain GRNSW's minimum commitment under the RDA.<sup>249</sup>

- 13.59 The reduction of GRNSW's racing schedules from 1,139<sup>250</sup> to 593 raises significant issues in relation to the financial viability of the industry. They are addressed in Chapter 25. The Commission does not consider that the greyhound industry in NSW is financially sustainable if there are but 593 TAB race meetings each year. However, the Commission considers that a reduction of race meetings to 593 will not reduce wastage to a level which the wider community would regard as acceptable. As has been noted in Chapter 11, wastage in the industry is at least 50% although the true number is likely to be much higher. That means that to support the continuation of the industry at least 2,000 healthy greyhounds will be destroyed each year.
- 13.60 GRNSW flagged to the Commission that, if it was limited to conducting 593 TAB race meetings each year, it might "look to expand to a 12 race program" and that this would require 2,372 greyhounds each year.<sup>251</sup>
- 13.61 Table 13.8 sets out the Commission's assessment of the number of pups which would need to be whelped each year to meet a racing schedule of 593 TAB race meetings with 12 races per meeting:

**Table 13.8 Commission's assessment of number of pups required to be whelped annually to meet a schedule of 593 TAB race meetings with 12 races per meeting**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2015-2016	593 TAB meetings
Number of TAB starters per year (not including reserves)	8 greyhound starters x 12 races x 593 race meets = 56,928
Number of reserves	1.5 greyhound reserves x 12 races x 593 race meets = 10,674
Total starts	67,602
Starts per greyhound per annum	24

- 13.62 By way of summary, there are 2,817 greyhounds required ( $67,602 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 1,878 greyhounds are required ( $2,817 \div 6 \times 10 = 4,695$  and  $4,695 - 2,817 = 1,878$ ). As such 4,695 greyhound pups must be whelped each year to maintain a racing schedule of 593 TAB race meetings with 12 races per meeting.<sup>252</sup>
- 13.63 GRNSW's consideration of the possibility of limiting the number of race meetings to 593 proceeded on the assumption that this would occur as "part of a track rationalisation process".<sup>253</sup> It assumed "... a conservative number of club closures, leaving a club network of 14 tracks".<sup>254</sup> Although GRNSW referred to the negative financial impact of reducing the racing schedule to 593 races, it did not provide any assessment to the Commission that would enable any reliable conclusions to be drawn. It excluded the cost of "... the proposed infrastructure development as part of GRNSW's Centre of Excellence concept ..." <sup>255</sup> It also noted that reducing

<sup>249</sup> This assessment assumes that there would be no non-TAB race meetings.

<sup>250</sup> The current combined 2016-2017 TAB and non-TAB race schedules.

<sup>251</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [54].

<sup>252</sup> Once more this assessment assumes that there would be no non-TAB race meetings.

<sup>253</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [53].

<sup>254</sup> Ibid, [51]. Apart from Gosford, GRNSW has not confirmed which clubs will remain. In Chapter 26, the Commission concluded that, although it has not been acknowledged by GRNSW in its submissions to the Commission, it is certain that GRNSW plans to cease all non-TAB racing in this State.

<sup>255</sup> Ibid, [57].

the number of TAB race meetings to 593 per year would result in reduced wagering turnover “... in particular impacting on Race Field Information Use Fees for GRNSW, and also reducing TAB distributions for all racing codes, as per the arrangements of the Intercode Agreement that apportions these payments”.<sup>256</sup>

- 13.64 On 24 May 2016, GRNSW submitted to the Commission that “internal preliminary financial modelling” based on a reduction of race meetings to 593 TAB meetings each year suggested that the industry would remain financially viable. A spread sheet was provided to the Commission as evidence of that modelling. There are a number of deficiencies in the modelling. One is that it is based upon reducing the number of clubs to ten and the costs of track and club rationalisation and the development of the proposed Centres of Excellence have been excluded.
- 13.65 In Chapter 26, the Commission addresses proposed track rationalisation, club closures and the development of Centres of Excellence. The Commission has noted that presently GRNSW’s plans are merely aspirational. It has not yet determined the optimal number of clubs necessary to achieve its goals. It has posited that ten to 14 tracks or, alternatively, eight to 14 tracks might be closed. This is not wholly evidenced based. It may turn out to be wrong.<sup>257</sup>
- 13.66 On 24 March 2016, GRNSW indicated to the Commission that, like the race schedule of 593 meetings, preliminary internal modelling indicated that, if the number of race meetings was reduced to 740 each year, GRNSW would remain financially viable. This is also addressed in Chapter 26. However, whether or not such a race schedule would be financially viable, the likely wastage is unacceptable. The number of greyhound pups which would be required to be whelped each year is shown in table 13.9 below.<sup>258</sup>

**Table 13.9** Number of greyhound pups required to be whelped annually with reduction in race meetings to remain financially viable

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2015-2016	740 race meets
Number of TAB and non-TAB starters per year (not including reserves)	8 greyhound starters x 10 races x 740 race meets = 59,200
Number of reserves	1.5 greyhound reserves x 10 races x 740 race meets = 11,100
Total starts	70,300
Starts per greyhound per annum	24

Source: GRNSW, Submission dated 24 May 2016

- 13.67 By way of summary, there are 2,929 greyhounds required ( $70,300 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 1,953 greyhounds are required ( $2,929 \div 6 \times 10 = 4,882$ ; and  $4,882 - 2,929 = 1,953$ ). As such there needs to be 4,882 greyhound pups whelped each year to maintain a racing schedule of 740 meetings per year with ten races per meeting.

<sup>256</sup> Ibid, [53].

<sup>257</sup> GRNSW’s submission to the Commission indicated a figure of ten to 14 tracks: GRNSW, Submission 769 to the Commission dated 24 August 2015, [556]. GRNSW’s Response to Order 24 indicated a figure of eight to 14 tracks: GRNSW, Response to Order 24 dated 19 January 2016. The JWG did not give an estimate of the number of tracks to remain.

<sup>258</sup> Again, GRNSW suggested that, on the basis of internal preliminary modelling, it would remain financially viable with such a reduction. This is addressed in Chapter 26.



## Smaller fields

- 13.68 In the GRNSW Final Response, GRNSW addressed the question of whether reducing the number of runners from eight to six would reduce the number of pups that were required to be whelped each year to meet its scheduling requirements.
- 13.69 GRNSW referred to greyhound racing in the United Kingdom. It noted that the sport evolved from greyhound coursing, which involved two greyhounds and which was increased to six when the artificial lure was introduced in 1876.
- 13.70 On the basis of GRNSW's 2015-2016 Race Schedule which contemplates 879 TAB meetings and 342 non-TAB meetings, GRNSW calculated that the minimum number of greyhounds required was 3,053.
- 13.71 Table 13.10 below sets out the Commission's assessment of the minimum number of pups which would be need to be whelped each year to meet GRNSW's 2015-2016 Race Schedule or a race schedule of like size if it was adopted by GRNSW in the future. It assumes six runners per race and 10 races per meeting.

**Table 13.10 Minimum number of pups required to be whelped annually to meet 2015-2016 TAB Race Schedule and 2015-2016 non-TAB Race Schedule (six runners per race and 10 races per meeting)**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2015-2016	879 TAB 342 non-TAB 1,221 total race meets
Number of TAB and non-TAB starters per year (not including reserves)	6 greyhound starters x 10 races x 1221 race meets = 73,260
Number of reserves	1.5 greyhound reserves x 10 races x 1221 race meets = 18,315
Total Starts	91,575
Starts per greyhound per annum	24

- 13.72 By way of summary, there are 3,816 greyhounds required ( $91,575 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 2,544 greyhounds are required ( $3,816 \div 6 \times 10 = 6,360$ ; and  $6,360 - 3,816 = 2,544$ ). As such there needs to be 6,359 greyhound pups whelped each year to maintain GRNSW's 2015-2016 Race Schedule or a race schedule of like size with six runners per race.
- 13.73 Table 13.11 below sets out the Commission's assessment of the minimum number of pups which would be need to be whelped each year to meet GRNSW's Draft 2016-2017 TAB Race Schedule and GRNSW's draft 2016-2017 non-TAB Race Schedule or race schedules of like size if adopted by GRNSW in the future. It assumes six runners per race and ten races per meeting:

**Table 13.11 Minimum number of pups required to be whelped annually to meet 2016-2017 TAB Race Schedule and draft 2016-2017 non-TAB Race Schedule (six runners per race and ten races per meeting)**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2016-2017	891 TAB 248 non-TAB 1,139 total race meets
Number of TAB and non-TAB starters per year (not including reserves)	6 greyhound starters x 10 races x 1,139 race meets = 68,340
Number of reserves	1.5 greyhound reserves x 10 races x 1,139 race meets = 17,085
Total starts	85,425
Starts per greyhound per annum	24

13.74 By way of summary, there are 3,559 greyhounds required ( $85,425 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 2,373 greyhounds are required ( $3,559 \div 6 \times 10 = 5,932$ ; and  $5,932 - 3,559 = 2,373$ ). As such there needs to be 5,932 greyhound pups whelped each year to maintain GRNSW's 2016-2017 TAB Race Schedule and its draft 2016-2017 non-TAB Race Schedule, or race schedules of like size with six runners per race and ten races per meeting.

13.75 GRNSW informed the Commission that it "... could consider expanding to a 12 race program for all meetings with a six greyhound field to compensate for the decrease in field size".<sup>259</sup>

13.76 On the assumption that there would be 12 races per meeting, table 13.12 below sets out the Commission's assessment of the minimum number of pups which would need to be whelped each year to meet GRNSW's 2016-2017 TAB Race Schedule and GRNSW's draft 2016-2017 non-TAB Race Schedule, or race schedules of like size if adopted by GRNSW in the future. It assumes six runners per race.

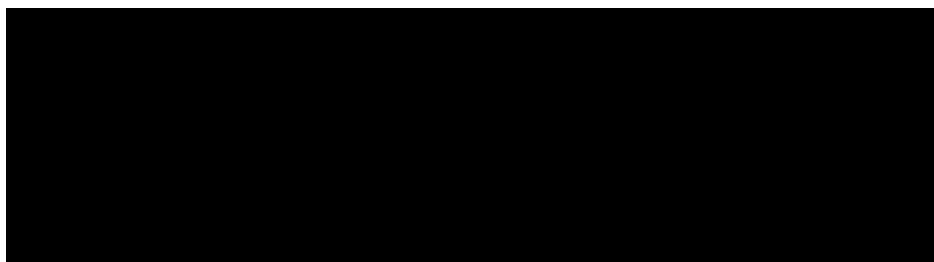
**Table 13.12 Minimum number of pups required to be whelped annually to meet 2016-2017 TAB Race Schedule and draft 2016-2017 non-TAB Race Schedule (six runners per race and 12 races per meeting)**

Variable	Estimate
Career length	363 days (rounded up to one year for calculation purposes)
No. of TAB and non-TAB race meets scheduled for 2016-2017	891 TAB 248 non-TAB 1,139 total race meets
Number of TAB and non-TAB starters per year (not including reserves)	6 greyhound starters x 12 races x 1,139 race meets = 82,008
Number of reserves	1.5 greyhound reserves x 12 races x 1,139 race meets = 20,502
Total starts	102,510
Starts per greyhound per annum	24

13.77 By way of summary, there are 4,271 greyhounds required ( $102,510 \div 24$ ). There is pre-race wastage of 40%. Accordingly, an additional 2,847 greyhounds are required ( $4,271 \div 6 \times 10 = 7,118$ ; and  $7,118 - 4,271 = 2,847$ ). As such there needs to be 7,119 greyhound pups whelped each year to maintain GRNSW's 2016-2017 TAB Race Schedule and draft 2016-2017 non-TAB Race Schedule or race schedules of like size with six runners per race and 12 races.

<sup>259</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [19].

- 13.78 GRNSW did not support a reduction from eight to six greyhounds. It informed the Commission that a "... significant loss of wagering income would be reasonably expected as a result of a move to six greyhound fields."<sup>260</sup> The reduction in field sizes would reduce turnover and revenue for corporate bookmakers. This would diminish GRNSW's income from Race Field Information Use Fees.<sup>261</sup> GRNSW estimated that a 7% difference between a field size of eight greyhounds and six greyhounds would represent a reduction in wagering turnover of \$2,300,000 which "... could potentially be offset by a 12 race program, however the extent to which is yet to be determined".<sup>262</sup>
- 13.79 Table 13.13, which was provided to GRNSW by Tabcorp, was said to illustrate the effect of reducing the number of greyhounds per race from eight to six on wagering turnover.<sup>263</sup>



Source: GRNSW Final Response 20A to Breeding Issues Paper dated 11 January 2016

- 13.80 GRNSW relied upon the 2014 Global Symposium on Racing and Gaming<sup>264</sup> and informed the Commission that declining field sizes was the focus of that symposium. Small and falling fields were correlated with declining betting turnover.<sup>265</sup>
- 13.81 GRNSW also pointed to additional costs that would be incurred if there was a reduction in field sizes. It would require significant and complex system changes to OzChase, which would cost between \$50,000 and \$75,000. It noted that it was possible to implement a reduction in field sizes by using the existing eight greyhound boxes and having greyhounds start from numbers one to six, but that the cost would be high if all starting boxes had to be replaced to accommodate races with six greyhounds. It would involve the replacement of "... on average four starting boxes at approximately 15 tracks ..." GRNSW estimated that the overall cost would be between \$2,000,000 and \$2,150,000.<sup>266</sup> It did not indicate what option would be adopted and why that option was the most appropriate option.
- 13.82 GRNSW noted that, if it was required to adopt field sizes of six greyhounds, NSW would become the only greyhound racing jurisdiction in Australia that operated with fields of fewer than eight greyhounds. It claimed that this was undesirable at a time when there was a national push by GA and controlling bodies for greater collaboration and consistency in grading models, terminology and racing principles.<sup>267</sup> A move to reduce field sizes in NSW would "disturb the momentum" towards achieving national consistency and present uncertain consequences for NSW and the national competition. It said:

It could potentially drive participants and punters interstate as the NSW wagering product is made less attractive and less profitable to wagering operators. This may also lead to broadcasters such

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<sup>260</sup> Ibid, [22].

<sup>261</sup> Ibid.

<sup>262</sup> Ibid, [27].

<sup>263</sup> Ibid, [21].

<sup>264</sup> Symposium, "Declining Field Size: A Global Issue" (2014) *University of Arizona Race Track Industry Program 1*.

<sup>265</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [23].

<sup>266</sup> Ibid, [25].

<sup>267</sup> Ibid, [29].

as Sky offering less popular timeslots for coverage of NSW races. A reduction in wagering turnover will impact GRNSW's financial capacity to fund welfare initiatives and industry reform.<sup>268</sup>

## The GA Project

13.83 In its first submission to the Commission dated August 2015, GRNSW addressed proposed breeding restrictions and whether they would be sustainable. In its submission, GRNSW referred to a project which was being undertaken by GA (the "GA Project"). It noted that:

GRNSW recognises that any breeding restrictions placed on industry participants need to be measured to ensure that the racing industry is sustainable and there is an adequate supply of greyhounds to participate in the sport. As the biggest exporter of greyhounds to other States, GRNSW and other controlling bodies have recognised that the imposition of breeding restrictions will have a flow-on effect to the greyhound racing industry in other states.

As such, GA is in the process of engaging specialist assistance to develop a methodology to analyse the flow of greyhounds through the Australian greyhound industry and identify the options to support an industry that can thrive while meeting the community's animal welfare expectations. Broadly, the task will involve scenario-based modelling of greyhound breeding, the impact on commercial arrangements, policy and reform including an analysis of the number of greyhounds to support the number of greyhounds required to support the number of races that are required to be run (under contractual arrangements) around Australia.

Once completed, this report will inform GRNSW's thinking on the development of evidence-based policies to regulate breeding activity in NSW.<sup>269</sup>

13.84 GRNSW did not refer to the GA Project in the GRNSW Final Response. However, as part of its "preliminary costing of each of the measures to reduce overbreeding and wastage," it included an amount of \$120,000 which was allocated to "Industry Breeding Modelling".<sup>270</sup>

13.85 GA informed the Commission that in coordination with each of the State controlling bodies, and in response to a requirement that controlling authorities take a more evidence-based approach to decision making, it had engaged an independent consultant (KPMG) to develop a model to be used by the Australian States, including GRNSW, to identify the impacts of change on national industry sustainability. It would establish the flow of greyhounds entering and exiting the industry so as to gain a clear understanding of the number of greyhounds which were euthanased and at which stage of the lifecycle. GA indicated that this work would model the financial impact of various "change levers" aimed at reducing breeding volume and was due to be completed by 22 February 2016.<sup>271</sup>

13.86 In its Final Report to GRNSW dated 29 January 2016,<sup>272</sup> the JWG noted the following:

The JWG considers that one lever for reducing the number of greyhounds that do not race is to reduce breeding numbers.

In broad terms, reducing the quantum of breeding first requires the identification of an appropriate breeding target – GRNSW has undertaken preliminary estimates identifying around 7,500 pups per year are required to meeting (sic.) current scheduling requirements. These figures are heavily dependent on assumptions around the percentage of greyhounds that race, how many races they undertake over their career, their career lifespan, and the number of races. Changing key assumptions such as average career length, changes the estimated breeding requirement this is an area requiring additional analysis with a current Greyhounds Australasia Research Project expected to provide guidance. Indeed, the JWG is concerned that the introduction of an NSW only

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<sup>268</sup> Ibid, [30].

<sup>269</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [519]-[521].

<sup>270</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [84]-[85].

<sup>271</sup> GA, Response 21 to Breeding Issues Paper dated 23 November 2015, p. 3.

<sup>272</sup> JWG, final report "Implementing reform in the NSW Greyhound Racing Industry: Report to the Interim Chief Executive of Greyhound Racing NSW from the Joint Working Group" (29 January 2016) ("the JWG Report").

target will be problematic in the absence of a national breeding target, such that GRNSW should advocate for a national target with Greyhounds Australasia and its member organisation. The need for a national target is due to the significant interstate movement (and to a lesser extent international movement) of greyhounds for racing and breeding.<sup>273</sup>

- 13.87 The Commission accepts that in a perfect world it would be preferable to set a national breeding target. Greyhound racing operates in all States and Territories. However, as has been noted by the Commission throughout this report, national welfare initiatives have produced little and they have certainly not produced concrete results in terms of the most pressing welfare issue – wastage. Arriving at a national breeding target must come second to addressing wastage in this State. It is cold comfort that the JWG proposes that GRNSW should simply “advocate for a national target with GA and its member organisations”.<sup>274</sup> The time for advocacy on a national front to reduce wastage is long gone.
- 13.88 If there is a need to demonstrate that it is unrealistic to rely upon a coordinated national approach to wastage in NSW, the GA Project does so. GRNSW, the JWG and GA put the project forward as a key measure that would enable the industry to have a reliable framework to address overbreeding. GRNSW also put forward the GA Project as one which would support an industry that would not only thrive but might “meet the community’s animal welfare expectations”.<sup>275</sup> It was supposed to be delivered by 22 February 2016. It was not delivered.
- 13.89 It is unfortunate that the GA Project was not delivered on time. It would appear that the integrity of the underlying data is such that it is not possible to produce a model which has utility. No guidance was provided to the Commission concerning when, if at all, the GA Project would be completed.
- 13.90 The Commission is not satisfied that national modelling will substantially reduce the scale of wastage in this State. GRNSW put it no higher than that the GA Project “will inform GRNSW’s thinking on the development of evidence-based policies to regulate breeding activity in NSW”.<sup>276</sup> The JWG suggested no more than that it would be “expected to provide guidance” and that GRNSW should not proceed to establish its own breeding “target”.<sup>277</sup>
- 13.91 The last word on the GA Project was from the Interim Chief Executive of GRNSW, Mr Paul Newson. This is no criticism of him, but it is an example of another failed national initiative:

I haven’t received the model as yet and I don’t believe it has been delivered by KPMG to GA. Importantly I was very cautious with its current utility given the integrity issues with the underlying information. While we are alive and improving data sets the utility of the model is severely impaired until confidence in the data feeding is significantly improved. I believe the model will be an excellent tool once the data integrity is resolved.<sup>278</sup>

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<sup>273</sup> JWG Report, p. 38.

<sup>274</sup> Ibid, pp. 38-39.

<sup>275</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [520].

<sup>276</sup> Ibid, [521].

<sup>277</sup> JWG Report, p. 38.

<sup>278</sup> Correspondence dated 11 April 2016 from Paul Newson, GRNSW Interim Chief Executive, to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.



# 14 Wastage: GRNSW’s proposals to reduce the wastage of uncompetitive greyhounds

## Existing measures

14.1 As noted in Chapter 12, the measures that GRNSW currently has in place to address the excessive breeding of uncompetitive greyhounds are limited to the following:

- introducing a Breeder’s Licence tied to a Breeder’s Education Package and an inspection in accordance with the Code of Practice for Breeding, Rearing and Education (“the GRNSW Breeding Code”);
- requiring all breeding females to be registered with GRNSW as a breeding female;
- requiring persons to seek approval from GRNSW if they wish for a breeding female to breed over the age of eight or a fourth litter or more;<sup>279</sup>
- limiting the frequency of litters to two litters in any 18 month period for all breeding females.<sup>280</sup>
- increasing the vaccination requirements for pups and young greyhounds
- ceasing the Blue Paws NSW Breeders and Owners Incentive Scheme (“Blue Paws”).<sup>281</sup>

14.2 GRNSW has acknowledged that, at least until 1 July 2015, the industry’s breeding practices were such that the number of uncompetitive greyhounds which never made it to the track were readily replaced by other greyhounds. It said:

For various reasons the numbers of greyhounds that are ‘lost’ before making the racetrack are being easily replaced by current breeding practices (prior to 1 July 2015). Owners and educators are also not currently provided with perceived or real opportunities to find a successful entry point into the racing network for each and every greyhound regardless of initial ability.<sup>282</sup>

14.3 GRNSW informed the Commission that:

Breeding licencing has already contributed to a reduction in breeding compared to the same period in 2014. Notably, further registration and comprehensive licencing of rearers and educators will be key to reducing wastage for greyhounds before they are named.<sup>283</sup>

14.4 The Commission has already expressed the view that the measures which are currently in place will not have any impact on wastage.<sup>284</sup> It is not satisfied that since 1 July 2015 breeding practices have changed even though there has been a reduction in the number of litters

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<sup>279</sup> The lack of utility in this requirement has been addressed in Chapter 11.

<sup>280</sup> The utility of this restriction and the fact that it requires less than that required by the Animal Welfare Code of Practice – Breeding Dogs and Cats made under the *Prevention of Cruelty to Animals Act 1979* (NSW) is addressed in Chapter 9.

<sup>281</sup> GRNSW Annual Report 2015, p. 15.

<sup>282</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [70].

<sup>283</sup> *Ibid*, [118].

<sup>284</sup> See Chapter 11.

whelped.<sup>285</sup> As noted in Chapter 12, the Commission does not accept that the reduction in the number of litters in 2015 and the first four months of 2016 was in response to any of the measures that GRNSW has introduced to date. It is more likely than not that the reduction was a response to the considerable uncertainty created by the exposure of live baiting and the Commission’s inquiry. Whether there should be a greyhound racing in NSW has been very much in issue.

- 14.5 The Commission notes that GRNSW originally acknowledged that the decline in numbers might “...also be attributed to industry uncertainty”<sup>286</sup>. More recently it informed the Commission that it “had not yet had sufficient time to analyse, including by expert analysis, all of the particular factors which are causing the reduction in breeding numbers.”<sup>287</sup> Nevertheless it sought to persuade the Commission that:

... though further analysis will be required through 2016, there is a sound basis to consider that breeding and licencing requirements and restrictions have been part of the reason for the reduction in the pups whelped in the above table<sup>288</sup>. If the pace of improvement can be retained, evidence based initiatives implemented and the number of race meets reduced, significant further reductions in pups bred is achievable, that then has the potential to significantly reduce wastage.<sup>289</sup>

- 14.6 A number of matters should be noted.
- 14.7 The only “breeding and licencing restrictions” that have been implemented to date are those referred to at 14.1 above. They have been addressed in Chapters 9 and 11.
- 14.8 By way of summary, the Breeder’s Licence is currently free. The Breeder’s Education Package does nothing to encourage responsible breeding or address overbreeding. If anything, it promotes the converse. Obtaining a Breeder’s Licence involves nothing more than having an inspection and carrying out a limited multiple choice questionnaire.<sup>290</sup>
- 14.9 A requirement to register breeding females does not limit the number of greyhound pups whelped or ensure their quality.
- 14.10 Requiring regulatory approval for a female greyhound to breed over the age of eight years or for a fourth litter or more will achieve nothing in terms of wastage. As was pointed out by Greyhounds Australasia (“GA”) when seeking industry feedback on the proposed introduction of R 107(10) of the Greyhounds Australasia Rules (“the GAR”), which prohibits the mating of a female greyhound over the age of eight years without a veterinary certification that the greyhound is appropriately fit and healthy and the approval of the relevant controlling body.<sup>291</sup>
- 14.11 Industry statistics show that most litters are whelped when the bitch is in the age range of two to six years and that very few bitches whelp litters after the age of seven years.

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<sup>285</sup> GRNSW advised the Commission that 965 litters were whelped in 2015, producing 6,295 pups: GRNSW Response to Order 31 dated 31 March 2016. On 24 May 2016, the Commission received a submission which suggested that the number of litters whelped in 2015 was 967, producing 6,336 pups. To date in 2016, 236 litters have been whelped, producing 1,590 pups.

<sup>286</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [121].

<sup>287</sup> GRNSW, Submission to the Commission dated 24 May 2016, [62].

<sup>288</sup> The table was one included in GRNSW’s Submission to the Commission dated 24 May 2016 setting out whelping figures for 2014, 2015 and the first four months of 2016.

<sup>289</sup> GRNSW, Submission to the Commission dated 24 May 2016, [62(c)].

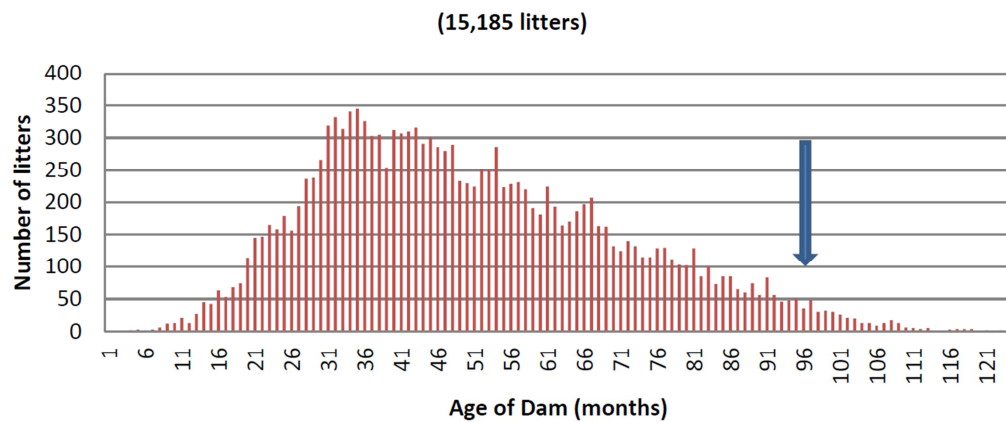
<sup>290</sup> Commissioner Alan MacSporran QC, report “Final Report of the Queensland Greyhound Racing Industry Commission of Inquiry” (2015). Commissioner MacSporran described it as “fairly rudimentary and unlikely to be adequate” at [332].

<sup>291</sup> Greyhounds Australasia (“GA”) website, “National Greyhound Welfare Strategy Industry Notification and Feedback – Breeding & Vaccination Requirements”: <<http://www.grv.org.au/wp-content/uploads/2014/12/Participant-Feedback-Form-National-Greyhound-Welfare-Strategy.pdf>> (accessed 8 June 2016).



- 14.12 Figure 14.1 below was produced by GA to demonstrate the point that the proposed restriction would not be a restriction at all.<sup>292</sup>

**Figure 14.1 Age of dam at time of whelping for litters whelped in the last five years nationally**



Source: "National Greyhound Welfare Strategy Industry Notification and Feedback – Breeding & Vaccination Requirements"

- 14.13 Similarly, limiting the number of litters to four and restricting litters to two in any 18-month period will not reduce wastage. As has been noted in Chapter 11, the NSW Legislative Council’s 2014 Select Committee into Greyhound Racing in NSW (“the Select Committee”) recommended that an independent inquiry conduct an investigation into the frequency and number of litters permitted for each breeding female. GRNSW responded by drawing to the attention of Government that, nationally, between 2000 and 2010, approximately 45% of breeding females had only one litter, 27% had two litters, 14% had three litters, 7.5% had four litters and only 6% had five or more litters.
- 14.14 Increased vaccination requirements might promote the health of young greyhounds. It will not reduce wastage.
- 14.15 The abandonment of the Blue Paws scheme is a positive development. However, no one, including GRNSW, suggested that it would reduce wastage in the longer term.

## Aspirations for the future

- 14.16 The Commission was informed by GRNSW that it had considered a number of options that might reduce the overproduction of uncompetitive greyhounds in the future, get more greyhounds to the track, and extend their racing careers. Apart from the measures noted earlier in this Chapter, and an amendment to GRNSW’s race programming known as “Pathways Racing”, none have been progressed to a point where they have been adopted by GRNSW as a firm policy.
- 14.17 In this Chapter the Commission examines options for the future that have been put forward by GRNSW. It claimed that they will reduce wastage. These options concern getting young greyhounds and uncompetitive greyhounds to the track. They also concern keeping older greyhounds on the track. Finally, they concern introducing breeding targets and quotas to reduce pre-race wastage.

<sup>292</sup> Ibid.

## Targeting the younger uncompetitive greyhounds

- 14.18 GRNSW has identified that a substantial proportion of racing greyhounds receive five starts or fewer and retire at between two and 2.5 years of age. This is shown by the section in red in table 14.2 below.<sup>293</sup>
- 14.19 The Commission was informed by GRNSW that this indicated where it needed to concentrate its efforts to maximise racing opportunities. The data suggested that over 15% of the greyhounds analysed by GRNSW retired from racing having run fewer than five races and at less than 2.5 years of age. GRNSW suggested that these greyhounds may have been retired so early because they were uncompetitive.<sup>294</sup> The Commission accepts that this is the likely explanation.

**Table 14.2 Count of greyhounds by number of races and age of greyhound at retirement**

# of races	Age of dogs (years) at last race																					
	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.75	3.00	3.25	3.50	3.75	4.00	4.25	4.50	4.75	5.00	5.25	5.50	5.75	27.40	
-	5		37	428	275	235	497	343	211	119	78	39	24	12	11	2						
6	10		1	66	323	466	419	324	225	154	113	58	23	14	9	3		1	1			
11	15			6	66	251	385	341	278	171	129	86	38	21	8	6		2	1			1
16	20				31	112	257	312	240	250	141	87	43	29	14	7	2					
21	25				11	66	130	241	228	193	138	98	58	25	12	11	7					1
26	30				1	15	82	175	197	193	162	115	57	35	11	9	5	3	1	1		
31	35				1	6	37	92	140	151	145	110	73	47	33	14	8	4				
36	40						25	63	98	135	118	125	78	50	31	18	8	2	2			
41	45				1		10	49	71	101	118	107	71	46	21	14	3	1	1			2
46	50						4	20	72	77	99	97	65	45	31	17	3	2	2			
51	55						2	14	31	60	73	98	58	46	29	14	11	1	2			1
56	60							5	21	55	65	89	71	42	32	7	9	2	3			1
61	65							4	9	33	38	42	54	41	28	17	5	5				
66	70							1	9	27	23	40	40	35	25	12	5	1	1			1
71	75							1	3	11	17	31	40	22	25	13	6	1	1			1
76	80									3	3	21	13	25	18	25	10	6	3	2		1
81	85											13	19	17	24	18	15	2	1			
86	90										1	9	8	27	15	13	9	6	4			1
91	95										3	5	10	14	17	12	4	4	3			1
96	100											3	4	7	10	10	9	6	1			1
101	5,000											3	6	13	22	31	15	20	13	7		1

Source: GRNSW provided in Final Response 20A to Breeding Issues Paper dated 11 January 2016

- 14.20 GRNSW noted that:
- Rather than targeting older greyhounds, the grading and programming system must be targeted towards providing greater opportunities to the greatest number of greyhounds in the current system until the proposed measures can reduce the number of greyhounds bred. Figure 4 [table above] suggests that these strategies would be best directed at providing slower, younger greyhounds with more opportunities to start in races.<sup>295</sup>
- 14.21 It is not entirely clear what “proposed measures” or “strategies” GRNSW had in mind. The Commission assumes that GRNSW was referring to revised grading and race programming which are addressed later in this Chapter.
- 14.22 A number of industry participants made submissions to both the Select Committee<sup>296</sup> and the Commission concerning the lack of opportunity for younger greyhounds to compete. They can be summarised as follows:
- the grading policy did not “...give young or average dogs a chance to compete”,<sup>297</sup>
  - it was difficult for regional trainers to enter younger greyhounds into races because they were required to travel large distances to attend performance trials where the lower categories of races are held,<sup>298</sup>

<sup>293</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [89].

<sup>294</sup> Ibid, [91].

<sup>295</sup> Ibid.

<sup>296</sup> Grading was not the subject of any recommendations to Government.

<sup>297</sup> David Kiernan, Submission 15 to the Commission dated 1 June 2015, p. 20.

- running full race fields meant that greyhounds with less experience (and ranked lower on the Order of Entry) missed out on racing if there were not eight starters to make up the last race;<sup>299</sup> and
- the discontinuance of qualification trials, where greyhounds trial with other greyhounds, and the introduction of performance trials, where they trial alone or with only one or two additional greyhounds, meant that many young greyhounds were unprepared for racing in larger fields.

## Tier 3 racing

- 14.23 GRNSW referred to the race programming and grading policy of Greyhound Racing Victoria (“GRV”) which includes Tier 3 races. Tier 3 races provide greater opportunities for Grade 5, 6, 7 and maiden greyhounds that have not run faster than GRV’s time standards. Unless otherwise indicated, all Tier 3 races are run for half the usual prize money. One criterion for selecting greyhounds to be drawn in Tier 3 races is the number of unsuccessful nominations since their last start. Those with a greater number of unsuccessful nominations are given priority.<sup>300</sup>
- 14.24 The Joint Working Group (“the JWG”) reported to GRNSW in January 2016 that it “strongly agreed” that increasing the number of opportunities for racing greyhounds was necessary and, in particular “weaker and less competitive greyhounds”.<sup>301</sup>
- 14.25 Tier 3 racing is not without its critics:

The future of Tier 3 racing in Victoria must surely be under the spotlight, with many rank and file participants questioning the concept, declaring that the current system promotes mediocrity.

A growing number of Owners and Trainers are concerned with the non-grading of these meetings and the random way the competing greyhounds are selected. Although fields are compiled around how much prizemoney the greyhound has won, it’s the greyhounds that are being drawn “randomly” that have participants questioning the grading. The current system doesn’t guarantee that the best performed greyhounds are receiving a start. Whilst the betting turnover on these meetings appear satisfactory, many believe a change is required to grade the greyhounds as per normal, thus assuring the better performed greyhounds are starting in Tier 3 meetings...While GRV is content with the status quo of random selection of fields for Tier 3 racing, the long term effect on Greyhound Racing in Victoria might have implications that are not being considered or intended.

Some consequences may include the loss of some long term participants, the disenfranchisement of others and a de-valuation in pups and breeding stock.<sup>302</sup>

- 14.26 It is possible that a grading system which allows greyhounds that might otherwise be uncompetitive to race may have an impact upon the scale of pre-race wastage. More pups will make it to the track. However, for the reasons identified below it is by no means certain. Further, it is unlikely to reduce overall wastage rates. By the age of 4.5 years, if not earlier, these greyhounds will need to be rehomed. If they are of inferior quality in terms of performance then

<sup>298</sup> Young & District Greyhound Racing Club, Submission 302 to the Select Committee dated 30 October 2013.

<sup>299</sup> Carly Absalom, Submission 414 to the Select Committee dated 5 November 2013, p. 26.

<sup>300</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [63]. See also GRV website, “Greyhound Racing Victoria Grading Guidelines”: <<https://fasttrack.blob.core.windows.net/webcontent/documents/GradingGuidelines.pdf>> (accessed 8 June 2016).

<sup>301</sup> Joint Working Group, final report “Implementing reform in the NSW Greyhound Racing Industry: Report to the Interim Chief Executive of Greyhound Racing NSW from the Joint Working Group” (29 January 2016) (“the JWG Report”), p. 41.

<sup>302</sup> Article, “Is Tier 3 Racing Good for the Industry?” by Ron Rogers, 21 December 2013, *Australian Racing Greyhound*: <<http://www.australianracinggreyhound.com/australian-greyhound-racing/victorian-greyhound-racing/is-tier-3-racing-good-for-the-industry/46169>> (accessed 8 June 2016).

they are unlikely to be kept as breeding stock, although some may be kept by industry participants as pets.

14.27 There are two welfare issues which are relevant to the question whether racing younger uncompetitive greyhounds in a different class of race will reduce pre-race wastage. The first, which has been acknowledged by GRNSW, is that it might promote indiscriminate breeding. The second, which was identified by Dr Leonie Finster,<sup>303</sup> is that it might promote the rapid turnover of greyhounds and substandard care.

14.28 GRNSW informed the Commission that:

While there is a concern that providing racing opportunities for less competitive greyhounds may incentivise indiscriminate breeding, halving the prizemoney for such races would help to encourage breeding targeted at producing faster greyhounds that may win the more lucrative prize money available for higher tier racing. At the same time, providing racing opportunities for greyhounds otherwise considered uncompetitive may increase the greyhound's value to the owner or trainer. These owners or trainers may persist with the greyhound's training, in the knowledge that the longer the greyhound has waited to gain a start in a race, the more likely the greyhound would be to gain a start under this model. Race programming and prizemoney structure are key supporting levers which will, in conjunction with the grading policy, directly contribute to a racing structure that supports greyhounds of all abilities and ensures that the racing life of greyhounds are maximised.<sup>304</sup>

14.29 It is not readily apparent why "halving the prizemoney for such races would help to encourage breeding targeted at producing faster greyhounds that may win the more lucrative prize money available for higher tier racing". Every industry participant who breeds a litter hopes that the pups will secure the most lucrative prize money even though the chance of this occurring for most is remote.

14.30 Dr Finster, in her evidence to the Commission, expressed the opinion that there was a link between lower class racing, lower prize money and the provision of adequate veterinary care. Her evidence was as follows:

Q. Using your Queensland experience, have you noticed that the general health and wellbeing of the dog varies depending upon what class they're racing in?

A. Yes. I think the dogs who are racing, such as our track at Capalaba in Brisbane, winning a race for a \$500 win, those dogs would rarely, if ever, see a vet there. Because that's their limitation, they're turned over very quickly. I don't think that they would be on the receiving end of any regular veterinary care, and when they breakdown generally euthanasia is awaiting them, or some of them try to rehome, but the majority are euthanased. But the bigger tracks, because they're racing for really good prize money, it's in their best interests to seek the best treatment they can.<sup>305</sup>

14.31 GRNSW recognised that if the younger and less competitive greyhounds were to have any racing career then the current grading system would need to be revised as would club programming. It informed the Commission that, if clubs did not meet GRNSW's expectations, then it would be necessary for GRNSW to intervene.

## The current grading system

14.32 The current grading system in NSW is complex. By way of summary, when a greyhound is ready to race at around 16 months it is required to race in a Maiden Race. In order to be eligible to

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<sup>303</sup> A veterinary surgeon with many years' experience treating greyhounds, who gave evidence to the Commission on 18 November 2015. For details of Dr Finster's expertise and experience see Chapter 8.

<sup>304</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [64].

<sup>305</sup> 18 November 2015, T612.25-35.

compete in a TAB Maiden Race at any Category A, B or C meeting it must have completed a performance trial or a qualifying trial. A trial is not required if the greyhound is to race in Category D Maiden events. A greyhound must win a Maiden Race before it can be classified as fifth grade. There are also separate races, for greyhounds aged 45 months or older (“Masters Racing”), as well as non-graded and free-for-all (“FFA”) races.<sup>306</sup>

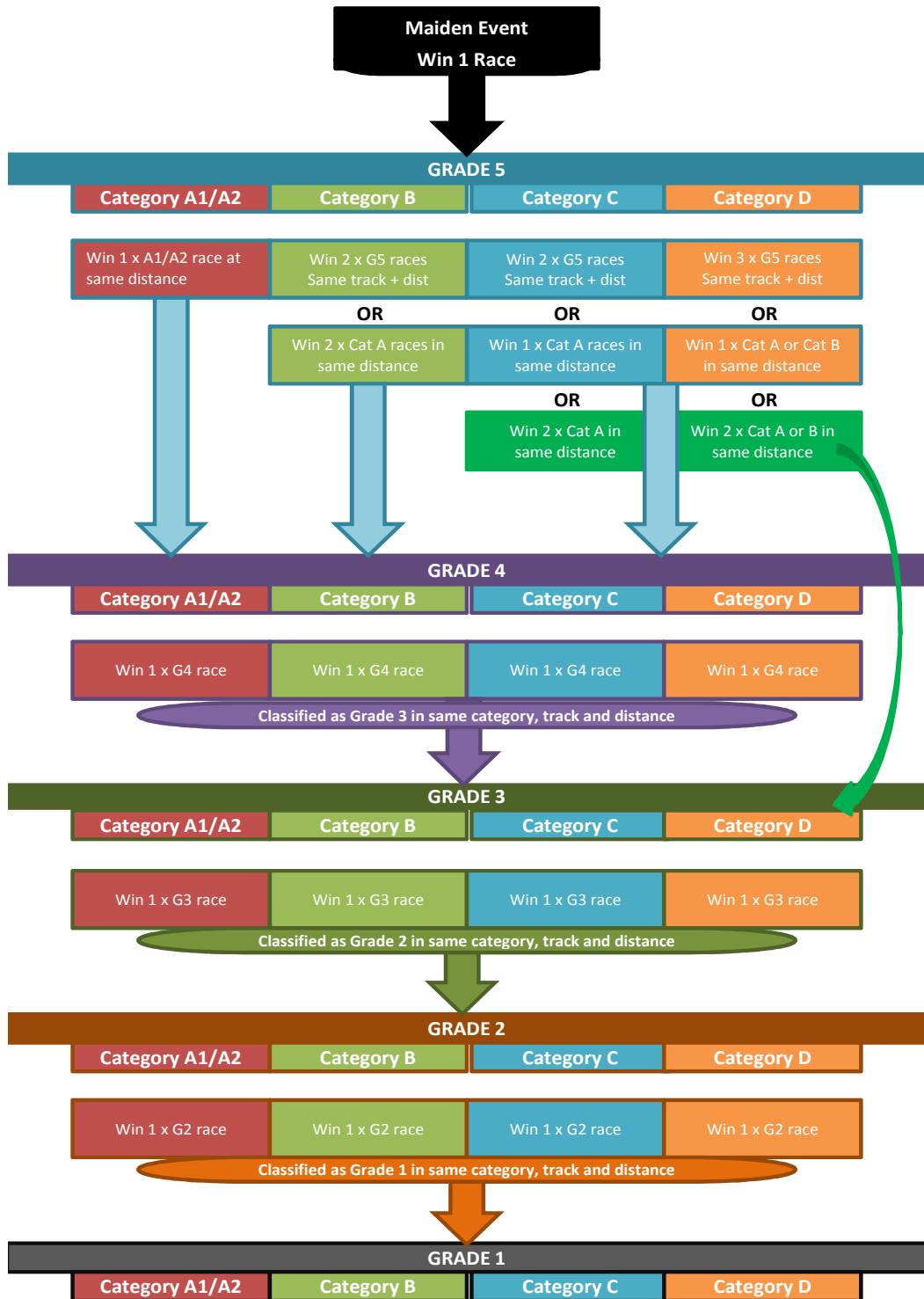
- 14.33 Each event category has its own eligibility requirements which a greyhound must satisfy to nominate. The TAB categories are summarised below. The flow chart sets out GRNSW’s basic grading system.<sup>307</sup> The flow chart and summary (reproduced at figure 14.3 below) need to be read together.

**Figure 14.3 GRNSW Grading Policy**

<p><b>Category A – City meetings</b></p> <ul style="list-style-type: none"> <li>• At Wentworth Park, Saturday and Monday meetings are considered to be separate entities with different grading categories (Saturday events being of a higher category).</li> <li>• Upon winning one race in each grade a greyhound progresses to the next grade.</li> <li>• Upon achieving two Category A 5<sup>th</sup> grade wins a greyhound becomes a 4<sup>th</sup> grade dog at all City and TAB venues in NSW or 3<sup>rd</sup> grade at Category C tracks.</li> <li>• Whilst ever a greyhound is graded as 3<sup>rd</sup> grade at Wentworth Park - Saturday it cannot be graded lower than a 4<sup>th</sup> grade at a Wentworth Park - Monday.</li> </ul>
<p><b>Category B – TAB meetings</b></p> <ul style="list-style-type: none"> <li>• A greyhound can win two 5<sup>th</sup> grades over any one distance at the same Category B track before progressing to 4<sup>th</sup> grade, then advance to the next highest grade after one win in each grade over that same distance.</li> <li>• A greyhound will only advance from grade 5 to grade 4 at a particular distance and at a particular track, unless it either; <ul style="list-style-type: none"> <li>– Wins two Category A races, within a respective distance classification; or</li> <li>– Wins ten Category A and B races combined within the respective distance classification; whereupon it becomes a 4<sup>th</sup> grade greyhound at all Category B tracks in that particular distance classification.</li> </ul> </li> </ul>
<p><b>Category C – TAB C meetings</b></p> <ul style="list-style-type: none"> <li>• The same principals apply as per Category B except; <ul style="list-style-type: none"> <li>– One Category A win elevates a greyhound to 4<sup>th</sup> grade at Category C over a respective distance classification.</li> <li>– A combination of six Category B &amp; C wins elevates a greyhound to 4<sup>th</sup> grade at Category C within the respective distance classification.</li> <li>– Two Category A wins or a combination of ten Category A and B wins elevates a greyhound to 3<sup>rd</sup> grade at Category C within the respective distance classification.</li> </ul> </li> <li>• A greyhound nominated for a Category C meeting cannot be graded lower than its Category B grade at a particular track and distance.</li> <li>• Wins at Category C meetings will not affect a greyhound’s grade at a higher category of meeting.</li> <li>• Category C and D meetings are to be considered equal when grading Category D non-TAB meetings.</li> </ul>

<sup>306</sup> JWG Report, p. 77.

<sup>307</sup> GRNSW, “NSW Grading Policy” (updated 17 December 2013), cl. 3.



14.34 A greyhound in 4<sup>th</sup> grade or above will drop back one grade after two unplaced non-consecutive runs over the same distance at the same track and in the same category of race meeting.<sup>308</sup>

<sup>308</sup> GRNSW, "NSW Grading Policy" (updated 17 December 2013), cl. 6.1(a).

- 14.35 If a greyhound drops down a grade, then upon winning one race in the lower category at the particular distance, track and category, it will be elevated one grade at that distance, track and category.
- 14.36 At non-TAB tracks all races are Category D.

## Proposed review of grading system

- 14.37 The aim of the current GRNSW grading policy is to:
- create a fair, equitable and transparent system for participants to compete that ensures greyhounds with the most appropriate form secure starts and are grouped with greyhounds of like ability; and
  - ensure the viability of the industry by promoting the highest standard of racing possible that maximizes the racing career of greyhounds in NSW.
- 14.38 In March 2015 GRNSW announced a Grading Policy Review.<sup>309</sup> It sought feedback from industry participants on its current grading policy. The deadline for submissions was 15 June 2015. Forums on grading were also to be held at selected venues to gain feedback.
- 14.39 On 24 August 2015 GRNSW informed the Commission that:
- GRNSW is currently in the process of collating participant feedback which will form the basis of a discussion paper. The discussion paper will be released for stakeholder comment prior to any changes being further considered, announced and implemented.<sup>310</sup>
- 14.40 It seems that the discussion paper was not finalised. That is not a criticism of GRNSW. It informed the Commission that the scope of the review had been “significantly expanded” to include the Irish and United Kingdom grading system. GRNSW also noted that the JWG would inform the review of grading policy. The objective of the expanded review was to ensure that the grading policy maximised welfare outcomes, including career longevity, while achieving its objective of promoting the highest possible standing of racing.<sup>311</sup> The JWG reported that the review had been placed on hold to enable it to discuss these issues and develop recommendations.<sup>312</sup>
- 14.41 The JWG reported that a key theme that had been identified in discussions amongst the JWG members was that less competitive greyhounds were able to “get a race” which could be addressed, in part, through changes to both grading and programming policy.<sup>313</sup>
- 14.42 Having collected information in relation to the grading policies of New Zealand, Ireland, England, the United States and other Australian states, the JWG identified a number of “themes” including that:
- the NSW grading policy was more complicated than other jurisdictions because grade movement was tied to performance at specific tracks; and
  - the application of subjective and objective elements varied greatly between jurisdictions; there were no subjective elements in NSW.

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<sup>309</sup> GRNSW website, “Grading Policy Review”: <<http://www.thedogs.com.au/DPage.aspx?id=376>> (accessed 8 June 2016).

<sup>310</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [529].

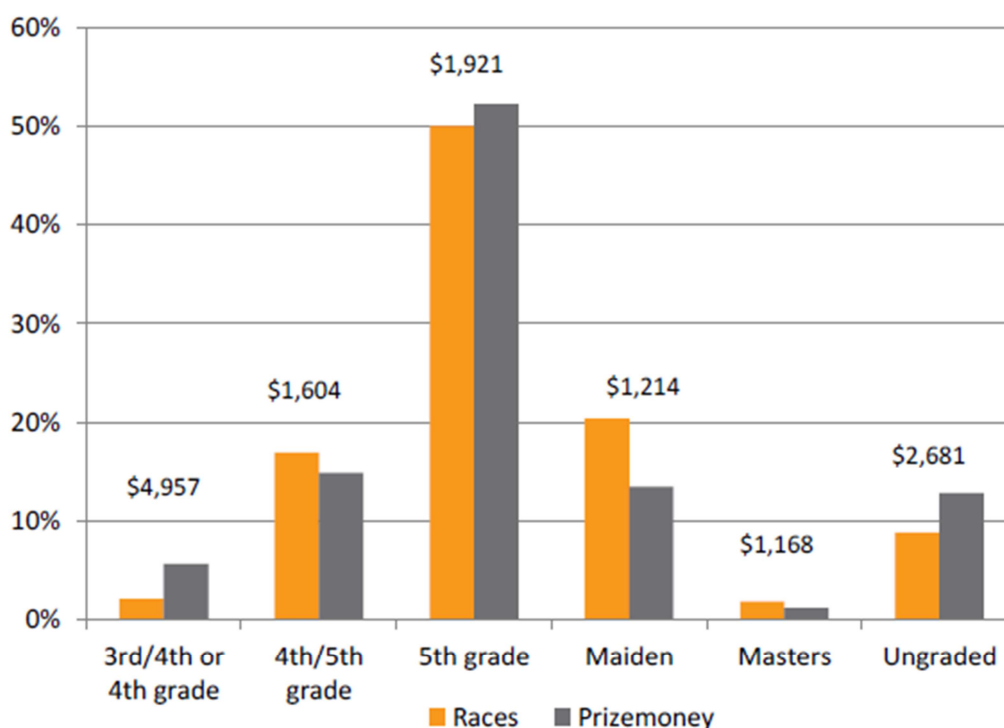
<sup>311</sup> GRNSW, Interim Response 20 to Breeding Issues Paper dated 23 November 2015, [26]-[28].

<sup>312</sup> JWG Report, p. 76.

<sup>313</sup> Ibid.

14.43 The JWG noted that in NSW 5<sup>th</sup> grade is the dominant grade. GRNSW estimated that 60-70% of racing greyhounds are classified as 5<sup>th</sup> grade. In November 2015, only 50% of races and 52% of prize money were allocated to 5<sup>th</sup> grade. There was a mismatch between the distribution of greyhounds and races by grade. In contrast, there are seven grades in Victoria. Victoria introduced 6<sup>th</sup> and 7<sup>th</sup> grades in January 2015 with the objective of allowing greyhounds to gain more experience before entering 5<sup>th</sup> grade.<sup>314</sup> The mismatch between the distribution of greyhounds and races by grade is shown in table 14.4 below.<sup>315</sup>

Figure 14.4 Distribution of races and prize money in NSW greyhound racing (November 2015)



Source: JWG Report, p. 78

14.44 The JWG considered that animal welfare objectives should be explicitly stated within the aims of the GRNSW grading policy. It recommended the addition of the following words to the objectives:

Provides the opportunity for the greatest possible number of greyhounds to participate in racing, irrespective of their racing capability, age or experience.<sup>316</sup>

14.45 The JWG was also of the view that GRNSW's grading policy did not give sufficient emphasis to animal welfare concerns and specifically:

- The current grading policy, in combination with race programming, often placed young and inexperienced greyhounds into 5<sup>th</sup> grade before they were ready. A consequence was that greyhounds of proximate ability were not always matched within races.
- The current grading system did not sufficiently accommodate older greyhounds and support the extension of their racing careers.

<sup>314</sup> JWG Report, p. 78.

<sup>315</sup> Ibid.

<sup>316</sup> JWG Report, Recommendation 15, p. 79.



- Weaker and less competitive greyhounds were often unable to get a start.<sup>317</sup>
- 14.46 The JWG recognised that some of the above issues were best addressed through race programming and the allocation of prize money. Race programming is addressed below.
- 14.47 The JWG identified the following features as necessary to underpin a best practice grading policy:
- a policy that was simple and objective;
  - a policy that provided for separate grading of juvenile, older and other weaker and less-competitive greyhounds; and
  - a policy that ensured races were a relatively equal playing field.<sup>318</sup>
- 14.48 The JWG did not favour continuing the Masters Racing program. Masters Racing is addressed later in this Chapter. The JWG noted that its principal concern was ensuring that there were appropriate opportunities for younger and less experienced greyhounds, as well as less competitive greyhounds, to race. It recommended that GRNSW, as a matter of priority, finalise the grading policy review giving priority to the following matters:
- integrate the Masters Racing guidelines into the grading policy, with the racing requirements of older greyhounds primarily considered through programming initiatives;
  - consider the addition of additional grades, such that younger and less experienced greyhounds, as well as less competitive greyhounds, are protected and compete against greyhounds of their own age and ability longer; and
  - undertake further analysis to determine eligibility requirements for all grades.<sup>319</sup>
- 14.49 The Grading Policy Review has not been completed. The Commission asked GRNSW to identify how long it would take to achieve this measure.<sup>320</sup> It was unable to do so. It informed the Commission that:
- Once the grading policy has been reviewed and relevant systems in OzChase have been activated, changes to the grading policy can be implemented immediately. It is foreseeable that race programming will also need to be adjusted to accommodate the greyhound racing population to ensure that as many greyhounds as possible have the opportunity to race.<sup>321</sup>
- 14.50 GRNSW also noted that changes to grading policy and race programming might have an indirect negative financial impact on prize money if a programming decision was made to run a greater number of 5<sup>th</sup> grade races in the place of Maiden Races. The minimum payout for 5<sup>th</sup> grade races is higher than that of Maiden Races. GRNSW did not provide the Commission with any assessment.

## Grading based on ability

- 14.51 As the JWG Report emphasises, the current grading system is flawed. Many trainers who gave evidence before the Commission criticised the system. A common complaint was that the system forced young, inexperienced greyhounds to compete against older, more experienced

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<sup>317</sup> JWG Report, p. 79.

<sup>318</sup> Ibid.

<sup>319</sup> JWG Report, Recommendation 16, p. 80.

<sup>320</sup> The Commission's "Issues Paper on Overbreeding and Wastage" issued 21 October 2015, [7(b)].

<sup>321</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [181].

greyhounds. The Commission is of the view that the grading system needs fundamental reform if it is to ensure competitive racing and regular opportunities for a greater number of greyhounds to compete.

- 14.52 A grading system that is based on wins has inherent flaws. That a greyhound has won in a particular grade reveals little about its competitive ability compared to other greyhounds who win in that grade. There are winners and winners. Even when track surface and design conditions are similar, some dogs will just beat their rivals in slow time for the grade; others will win by large margins in fast times for that grade. A fairer and more competitive grading system should be based on ability, not on whether a dog has won in a particular grade at a particular track.
- 14.53 To a large extent, the thoroughbred racing industry has abandoned reliance on the class/win system – the equivalent of the grade system in greyhound racing – in favour of a rating system where races are programmed and horses are allocated weights based on their rating, which is a number that reflects their ability compared to other horses. A criticism that can be made of the thoroughbred rating system is that it depends to some extent at least on the subjective view of the official handicappers.
- 14.54 However, there is no reason why an objectively based rating system could not be developed for greyhound racing based on ability. Ireland already has such a system under which greyhounds are graded according to times they run. For example, the range of times for grade A1 at 525 yards is 28.70 – 28.89; for grade A10 it is 30.50 – 30.70. A second is equivalent to about 14.5 dog lengths,<sup>322</sup> meaning that in a race at 525 yards, the top A1 standard is about 26 lengths faster than the top A10 standard. This spread gives considerable scope for programming races for dogs of varying ability. In Ireland, provision is made for a greyhound to drop back a grade after three successive failures at that distance. It should be easy enough for GRNSW to develop a set of standard times at various distances for various classes and to develop the required adjustments to be made to compensate for track speed, track conditions and layouts at individual tracks. Developing such a system should be easier to achieve if the Strategic Plan for Centres of Excellence is implemented.
- 14.55 If commercial greyhound racing is to continue in NSW, then the Commission recommends that GRNSW abandon the present grading system and develop a grading or rating system based on ability.
- 14.56 Because NSW greyhounds race in other States and the greyhounds of other States race in NSW, it would be difficult to adopt a unique grading system in NSW without national endorsement.
- 14.57 If the greyhound racing industry in NSW is to continue, then it would be important for GRNSW and other controlling bodies in other states to engage in relation to a grading system based upon ability rather than wins.

## Race programming and support for less competitive greyhounds

- 14.58 The JWG noted that changes to grading policy could not be considered independently of race programming. It was necessary for programming to better reflect the characteristics of all greyhounds and not just the better performers. This issue had been highlighted by GRNSW's

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<sup>322</sup> *GRNSW Racing Rules* ("the Rules") R 60(3): "0.07 of a second shall be deemed to be the equivalent of one (1) body length of a greyhound."

estimate that, although 60-70% of greyhounds were currently in 5<sup>th</sup> grade only, 50% of races were programmed to accommodate this grade.<sup>323</sup>

- 14.59 The JWG also considered whether having race fields of six starters would ensure that races were more evenly matched and would enable younger or less competitive greyhounds to get a race, obtain race experience, and reduce the risk of injuries. It noted that the revenue implications would need to be explored, but that setting aside a proportion of race programming for six starter races might have an immaterial impact upon industry revenue but have a significant impact on greyhound welfare.<sup>324</sup> As noted in Chapter 13, GRNSW does not favour reducing fields to six starters and would likely increase the number of races per meeting from ten to 12 to offset any negative financial impact. For individual greyhounds, races with six starters might have the benefits referred to by the JWG. However, without further research it is by no means certain. Further, with an increase in the number of races from ten to 12, the scale of pre-race wastage would remain much the same as it is today. That has also been addressed in Chapter 13.
- 14.60 The JWG was of the view that, it was imperative that programming was used to enable the less competitive and younger greyhounds to race. That would likely require GRNSW to inform clubs of its expectations for future race programming and to intervene if those expectations were not being met. It recommended that GRNSW:
- develop specific objectives for race programming, to be applied by clubs in future programming decisions;
  - if necessary, proactively influence club programming in the future to ensure the objectives underpinning grading policies could be achieved; and
  - examine the feasibility, financial implications, and outcomes of including preferential box draws<sup>325</sup> and six starter races.<sup>326</sup>
- 14.61 GRNSW agreed that, moving forward, programming should be used to enable less competitive and younger greyhounds to race.<sup>327</sup>

## The bottom up racing model and pathways racing

- 14.62 Another approach considered by GRNSW in relation to getting younger and less competitive greyhounds to the track was the “bottom up racing model.”
- 14.63 This model involves drawing greyhounds in the opposite order of entry to the current practice. Slower greyhounds are drawn ahead of the higher ranked greyhounds. The current practice is for greyhounds to be drawn and races organised based upon the highest ranked greyhounds first, working down to fill races. GRNSW noted that by reversing this process it creates an opportunity for greyhounds that usually remain at or near the bottom of the list to secure a run. Those at or near the bottom of the list are uncompetitive and have performed poorly in previous races.<sup>328</sup> GRNSW noted that, whilst the number of greyhounds drawn remained the same and the number of available starts remained the same, it might be the case that a greater number of greyhounds could be sharing those starts. If some race meetings were still drawn top-down, and others were drawn bottom up:

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<sup>323</sup> JWG Report, p. 80.

<sup>324</sup> Ibid.

<sup>325</sup> Preferential box draws are addressed in Chapter 15.

<sup>326</sup> JWG Report, Recommendation 17, p. 81

<sup>327</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [179].

<sup>328</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [65].

... it would create a roster environment where each greyhound could be guaranteed or provided a start over a specific interval. Anecdotally, this would incentivise owners and trainers to keep their greyhounds for a longer period of time as they know that there is greater opportunity to utilise greyhounds that may be uncompetitive in the current environment.<sup>329</sup>

14.64 It claimed that:

... by creating greater opportunity for slower greyhounds to race more frequently, this will incentivise the owners of greyhounds not yet at racing age to continue with the education and development of greyhounds deemed to be less competitive. This, in theory, will reduce the number of greyhounds euthanased prior to reaching the race track for no other reason other than that they are deemed uncompetitive and are not worth persevering with in the current racing environment. Essentially, this means that a greater number of greyhounds bred will race ...<sup>330</sup>

14.65 In terms of getting the younger and less competitive greyhounds to the track, the bottom up model is likely to produce outcomes similar to Tier 3 racing. However, what might occur “in theory” in relation to euthanasia rates is not necessarily what would happen in practice. Like the Tier 3 system it has the potential to encourage indiscriminate and excessive breeding. This was acknowledged by GRNSW. It noted that, if the interval between starts was such that these younger and uncompetitive greyhounds could not maintain form:

... in theory the number of starts would need to increase to speed up the rotation of starts that are shared amongst the pool of greyhounds. This equates to increasing the number of races available to all greyhounds over the course of a year. While the outcomes of this model are abrasive to the rest of the paper on the surface, it could create opportunities for greyhounds of all abilities to extend their racing careers. As per example 3 above [Tier 3 Racing], higher levels of prizemoney for the most competitive greyhounds would maintain the incentive for owners and trainers to strive for the best racing outcomes, while at the same time racing opportunities for the less competitive greyhounds will increase the value of these greyhounds to their owners and trainers.<sup>331</sup>

14.66 Dr Finster was of the opinion that it would be very difficult for a greyhound to keep proper race fitness if it was only getting a run every two to three weeks.<sup>332</sup>

14.67 Bottom up racing for young greyhounds and greyhounds that would otherwise be uncompetitive raises the prospect that it will promote the rapid turnover of greyhounds and substandard care. This was a concern expressed by Dr Finster in her evidence. As has been noted, Dr Finster was of the opinion that lower prize money for races involving younger greyhounds or greyhounds that were otherwise uncompetitive meant that they would be turned over very quickly, would rarely receive veterinary care, and would usually be euthanased.<sup>333</sup>

14.68 The prize money for Category C meetings is set out in table 14.5 below.

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<sup>329</sup> Ibid, [67].

<sup>330</sup> Ibid, [66].

<sup>331</sup> Ibid, [68].

<sup>332</sup> 18 November 2015: T618.31-32.

<sup>333</sup> Ibid, T612.6-16.

**Table 14.5 TAB Category C meetings**

	Sprint	Distance		Sprint	Distance
3rd / FFA			5th Grade		
1st	700	840	1st	540	700
2nd	205	245	2nd	165	205
3rd	105	125	3rd	80	105
Total	1,010	1,210	Total	785	1,010
Travel	40	40	Travel	40	40
4th Grade			Maiden		
1st	575	700	1st	415	415
2nd	165	205	2nd	120	120
3rd	85	105	3rd	60	60
Total	825	1,010	Total	595	595
Travel	40	40	Travel	40	40

Source: GRNSW, "Club Funding Policy" (updated 12 February 2015)

- 14.69 On 24 February 2016 GRNSW announced that, from 1 March 2016, "Pathways Racing" would be programmed across all Category C TAB race meetings for the remainder of the 2015-2016 racing calendar. GRNSW stated that the aim of "Pathways Racing" was to provide race opportunities for less competitive greyhounds which were currently unable to gain a start at TAB meetings. It is based upon the bottom up model with the races to be graded bottom up using the "Order of Choice Report"<sup>334</sup> to determine the order of entry for eligible greyhounds.<sup>335</sup>
- 14.70 All races in Pathways Racing are Category C.
- 14.71 The races are to be run as an additional race at TAB Category C meetings. The tracks participating in Pathways Racing are Dubbo, Grafton, Goulburn, Wagga, the Gardens, Bathurst, Richmond and Nowra.<sup>336</sup>
- 14.72 Trials at all Category C TAB meetings were cancelled from 1 March 2016.
- 14.73 When announcing Pathways Racing, GRNSW noted that it intended to conduct an initial review in May 2016 to assess whether Pathways Racing was achieving its objective of maximising opportunities for greyhounds of all abilities to race. A follow up review is to be conducted in June 2016.

## Masters Racing – extending the racing careers of older racing greyhounds

- 14.74 In September 2014 GRNSW introduced Masters Racing for those greyhounds that had reached 3.5 years of age.
- 14.75 Masters Racing prize money is equivalent to 5<sup>th</sup> grade at the category of meeting in which the greyhound races. For example, if the Master's event is held at a Category B meeting, first prize would be \$1,080, while first place at a Category C meeting would yield \$540.
- 14.76 The Masters Racing grading guidelines appear in table 14.6 below:

<sup>334</sup> The Order of Choice Report provides information relating to the order of entry for each particular grade and distance at the meeting in question so that trainers can see where their greyhound sits in the order of entry for each grade and distance nominated.

<sup>335</sup> Media release, "Pathways Racing Coming to NSW" by GRNSW, 24 February 2016, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7389>> (accessed 8 June 2016).

<sup>336</sup> The Gardens, Bathurst, Richmond and Nowra will host such events for Category C meetings only.

Table 14.6 Masters Racing grading guidelines

<p><b>Advancing and dropping grades</b></p> <p>There are three Masters Racing categories: M1, M2 and M3.</p> <ul style="list-style-type: none"> <li>• 2 wins and the greyhound goes up a grade.</li> <li>• 2 unplaced races and the greyhound goes down a grade.</li> </ul>
<p><b>Calculation of Masters Grade at first nomination</b></p> <ul style="list-style-type: none"> <li>• No greyhounds will commence at M1.</li> <li>• A greyhound will be M2 on commencement in Masters if: <ul style="list-style-type: none"> <li>○ It has won 2 or more Category A Events (excluding maiden); or</li> <li>○ It has won 6 or more Category B Events, or a total of 6 Category A and B Events (excluding maiden); or</li> <li>○ It has a total of 12 wins (excluding maiden).</li> </ul> </li> <li>• All other greyhounds will be M3.</li> <li>• Maiden greyhounds are ineligible for Masters.</li> </ul>
<p><b>Order of Entry in Masters</b></p> <ol style="list-style-type: none"> <li>1. Last start winner in a Masters Event.</li> <li>2. Last start placegetter in a Masters Event.</li> <li>3. Greyhounds with the best form as determined by the Masters Weighted Points Score Table (<i>Masters Grading Guidelines</i>)</li> </ol>

Source: Adopted from GRNSW website, "Masters Grading Guidelines"

- 14.77 The Commission understands that industry participants soon expressed concern to GRNSW that the grading system was such that "strong" older greyhounds were able to race in both Masters and standard races.<sup>337</sup>
- 14.78 On 23 June 2015 GRNSW lifted the minimum age for Masters Racing to 45 months effective from 1 October 2015.
- 14.79 The JWG recommended that Masters Racing should not continue and that the racing requirements of older greyhounds should instead be accommodated through revised programming.<sup>338</sup> The JWG also recommended that GRNSW give consideration to the integration of the Masters Grading Guidelines into the overall grading policy.<sup>339</sup> If the industry is to continue, then it should accommodate uncompetitive greyhounds, whether that is because they are young animals or because they are old by industry standards.
- 14.80 In terms of career longevity, the most important consideration is that race programs should be adjusted to reflect the fact that these greyhounds are unlikely to compete successfully against other greyhounds that are not of similar age and ability.
- 14.81 The racing of older greyhounds also raises significant welfare concerns.
- 14.82 On 9 October 2015 the Greyhound Welfare Manager of GRV, Dr Linda Beer,<sup>340</sup> presented a paper to the Australian Greyhound Veterinarians Conference in Melbourne. Her paper concerned the

<sup>337</sup> JWG Report, p. 80.

<sup>338</sup> JWG Report, Recommendation 16, p. 80.

<sup>339</sup> *Ibid.*

<sup>340</sup> Dr Linda Beer is a qualified veterinary practitioner.

types of injuries suffered by racing greyhounds and injury rates<sup>341</sup> within the Victorian greyhound industry.<sup>342</sup>

14.83 Dr Beer noted that:

Further analysis of the data was undertaken to specifically look at potential risk factors for serious tarsal injury, one of the most common career ending injuries seen in greyhounds. It was found that the greyhound factors of increasing age and bodyweight at the time of the start significantly increased the odds of this type of injury, supporting the hypothesis that serious tarsal injury occurs with a combination of increased physical forces applied to bones of the tarsal joint as the greyhound gallops and a cumulative damage or fatigue failure model of bone fracture.<sup>343</sup>

14.84 The Commission also heard expert evidence from three veterinary surgeons that with increasing age there is an increased risk of serious tarsal bone injuries. These injuries are usually career-ending and, more often than not, the greyhound will be destroyed if there is a significant tarsal bone injury.<sup>344</sup>

14.85 Dr Finster informed the Commission that:

... there's only a certain number of circle runs in every dog, and sooner or later you'll reach that point where structures that are repeatedly subjected to stress will fatigue and fail, and most times it is a right hock injury in these dogs that gives way...<sup>345</sup>

14.86 Dr Finster noted that bone stress in racing greyhounds was cumulative. Age and the number of starts were also important. She said:

A lot of these dogs you would say have had 60 starts plus. If they're around til four years old and they're in – you know, it's a very select group getting to four years old because a lot of dogs are removed from the population before then because of limited ability or injury, and if dogs are, say, having 20 starts, they can have their 20 starts in six months, so they're long gone out of the population by four years old. So you're getting only the ones that obviously have been probably good race dogs to get to this stage of veteran or masters races, and these dogs who have been real hard triers in their careers, they're probably more likely to break down. The age and size of the dog seem to be the factors that precipitate injuries.<sup>346</sup>

14.87 The Commission was shown a video by Dr Finster of a Masters race which took place at Albion Park on 15 November 2015.<sup>347</sup> She described the Albion Park track as "... the number one track in Queensland, so it's as good as you would get."<sup>348</sup> The video showed a runner breaking down. It was beaten by approximately 20 lengths. Its right hock was swinging, which indicated to Dr Finster that the greyhound had broken it.<sup>349</sup> The stewards' report indicates that the greyhound was "Al Senior"; it was euthanased on track.<sup>350</sup> The race record of Al Senior shows that it had 58

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<sup>341</sup> The Commission addresses injuries and injury rates in Chapter 15.

<sup>342</sup> Paper, "A Study of Injuries in Victorian Racing Greyhounds 2006-2011". The paper is yet to be published. However, a synopsis was tendered during the public hearings: Ex T (17-19 November 2015). Dr Norris also provided the Commission with her notes from the Australian Greyhound Veterinarians Conference: Ex GG (17-19 November 2015). Dr Finster also presented to the conference in relation to pain management for injured greyhounds and this paper was tendered during the public hearings: Ex U (17-19 November 2015).

<sup>343</sup> Ex T (17-19 November 2015).

<sup>344</sup> Dr Leonie Finster, Dr Jade Norris and Dr Karen Dawson. Dr Jade Norris is also the Scientific Officer of RSPCA Australia.

<sup>345</sup> 18 November 2015: T618.41-44.

<sup>346</sup> Ibid, T619.10-20.

<sup>347</sup> Ex BB (17-19 November 2015).

<sup>348</sup> 18 November 2015: T620.34-35.

<sup>349</sup> Ibid, T620.10-12.

<sup>350</sup> RQ website, "Brisbane Greyhound Racing Club Inc Stewards Report – Sunday 15th November 2015:

<<http://www.racingqueensland.com.au/Greyhound/Racing-Calendar/Race-Meeting/Brisbane/20151115/Stewards-Report>> (accessed 8 June 2016).

starts, had won six races, run second place in 12 races, and run third place in five races. Its career prize money was \$11,482.<sup>351</sup>

14.88 The video also showed another greyhound, named “Dirty Dessa”, losing contact with the field. This greyhound had suffered an off hind back muscle injury. It was stood down for six weeks. However, three days later, Dirty Dessa was presented again at an Albion Park meeting to participate in a 5<sup>th</sup> grade heat. It was scratched. The stewards’ report notes “reported injured, back muscle.”<sup>352</sup> On 22 January 2016 and 26 January 2016, it was presented at Ipswich to race in 5th grade heats. It was unplaced in both heats. On 31 January 2016 Dirty Dessa was presented at Albion Park to race in a Masters race. It was scratched. The stewards’ report notes “reported injured, off side hip support”.<sup>353</sup> There is no record that Dirty Dessa was presented to race since 31 January 2016.

14.89 The race record of Dirty Dessa shows that it had 53 starts, had won three races, run second place in seven races, and run third place in eight races. Its career prize money was \$9,084.<sup>354</sup>

14.90 As noted, Dr Finster was also of the opinion that it would be difficult for a greyhound to maintain race fitness if its runs were limited. That is relevant to Masters Racing. It is also relevant to how long greyhounds in the Masters Racing program are likely to survive. Any extension of an older greyhound’s racing career is likely to be limited. She said:

Well, I think it would be very difficult to keep proper race fitness in a dog if it’s only getting a run every two to three weeks, and I just don’t think – if they’re not racing week to week, and you’ve then got to give them a trial or a run in between, which is a cost factor, I couldn’t see many people persevering with this (sic) older dogs if it meant that they were only getting a start once every two to three weeks just because of the costs of keeping the dog going in between.<sup>355</sup>

14.91 The injuries that greyhounds may suffer during racing or training are addressed in Chapter 15.

## Training methods and career longevity

14.92 There is not only variation among greyhounds in terms of the number of career starts but there is also variation among trainers in terms of the average number of career starts for the greyhounds they train.

14.93 GRNSW conducted an analysis of trainers to establish the average number of career starts for greyhounds which had been trained by them.<sup>356</sup> They were divided into ten bands.

14.94 For the 10 % of trainers with the lowest average number of career starts per greyhound (Band 1), the average number of career starts per greyhound trained was 3.4. The average number of greyhounds per trainer was 1.59.<sup>357</sup>

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<sup>351</sup> RQ website, “Racing Calendar – Race Meeting – Albion Park – 15 November 2015 – Race 6 – Al Senior Race Record”: <<http://www.racingqueensland.com.au/Greyhound/Racing-Calendar/Race-Meeting/ALBI/20151115/Race/6>> (accessed 8 June 2016).

<sup>352</sup> RQ website, “Brisbane Greyhound Racing Club Inc Stewards Report – Wednesday 18th November 2015”: <<http://www.racingqueensland.com.au/Greyhound/Racing-Calendar/Race-Meeting/Brisbane/20151118/Stewards-Report>> (accessed 8 June 2016).

<sup>353</sup> RQ website, Brisbane Greyhound Racing Club Inc Stewards Report – Sunday 31st January 2016”: <<http://www.racingqueensland.com.au/Greyhound/Racing-Calendar/Race-Meeting/Brisbane/20160131/Stewards-Report>> (accessed 8 June 2016).

<sup>354</sup> RQ website, “Racing Calendar – Race Meeting – Albion Park 31 January 2016 – Race 11 – Dirty Dessa Race Record”: <<http://www.racingqueensland.com.au/Greyhound/Racing-Calendar/Race-Meeting/Brisbane/20160131/Stewards-Report>> (accessed 8 June 2016).

<sup>355</sup> 18 November 2015: T618.31-37.

<sup>356</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [124].

<sup>357</sup> Ibid.



- 14.95 In contrast, for the 10% of trainers who have the highest average number of career starts per greyhound (Band 10), the average number of career starts per greyhound was 62.4% and the average number of greyhounds per trainer was 2.78.
- 14.96 GRNSW provided the information in table 14.7 to the Commission.

**Table 14.7 Trainer performance: average starts over the length of its career per greyhound trained**

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8	Band 9	Band 10
Average number of career starts	3.4	8.7	12.3	15.9	19.5	23.2	27.6	32.8	40.8	62.4
Average number of greyhounds per trainer	1.59	3.41	3.56	5.48	5.25	5.68	5.26	5.60	5.49	2.78

Band 1 = lowest 10% of trainers; Band 10 = highest 10% of trainers  
 Source: GRNSW provided in Final Response 20A to Breeding Issues Paper dated 11 January 2016, [126]

- 14.97 GRNSW informed the Commission that, while large scale commercial rearers, educators and trainers might have resources and time to devote to their racing greyhounds, they did not necessarily have an advantage over hobbyists when it came to producing greyhounds with a greater number of career starts.<sup>358</sup> It concluded that:

If the effective training methods used by the industry participants with the greatest number of career starts can be established, they can be taught to and implemented by industry participants throughout New South Wales, potentially increasing greyhound average career lengths, average starts per greyhound and suitability for re-homing at the end of a racing career. The same applies for best practice socialisation, rearing and education methods.<sup>359</sup>

- 14.98 To rely on the best trainers disclosing the particular training methods they have successfully utilised so that the industry can mimic them, is not credible.
- 14.99 The Commission understands that it may be common practice for trainers to teach new entrants the basics of training. However, it is unlikely to extend beyond that. The report of the Working Dog Alliance Australia (“the WDA”) dated July 2015 (“the WDA Report”), contains a review and assessment of best practice rearing, education and training.<sup>360</sup> It was commissioned by GRNSW. The Commission agrees with the following observation made by the WDA:

It is our impression that training practices commonly used in the greyhound racing industry are largely based on hearsay and mythology. This may reflect the absence of a structured education program, which results in racing outcomes (desirable and undesirable) appearing mostly to be engineered through a process of trial and error rather than the implementation of a systematic approach which takes on board current state of the art thinking from a wide knowledge base. It is common practice in the greyhound racing industry for existing trainers to teach new industry members how to train racing greyhounds. However, a critical weakness of this approach is concern expressed by industry members of losing their competitive advantage by sharing trade secrets – the ‘tricks of the trade.’<sup>361</sup>

- 14.100 The WDA Report is a dispassionate and insightful work despite the limited time frame in which it was produced. The Commission found it to be a useful resource in respect of a number of welfare issues. GRNSW claimed that the WDA Report was a “landmark report”.<sup>362</sup> At the time of

<sup>358</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [133].

<sup>359</sup> Ibid, [132].

<sup>360</sup> Dr Karen Dawson contributed to the research in the WDA Report, 18 November 2015: T548.14-16. Dr Jade Norris described it as a “very good report”, 19 November 2015: T651.39.

<sup>361</sup> Working Dog Alliance Australia, report “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context” (July 2015) (“the WDA Report”), p. 5.

<sup>362</sup> Media release “GRNSW Releases Landmark Report” by GRNSW, 10 August 2015, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=6716>> (accessed 8 June 2016).

its release the following statement was attributed to GRNSW's Interim Chief Executive, Mr Paul Newson:

Investment into research and awareness, as well as education around best practice training methodologies has not been sufficient in the greyhound racing industry to date. The report released today demonstrates GRNSW's commitment to a considered and evidence based approach to reforming the sport, safeguarding the welfare of greyhounds and ensuring industry participants are better supported.<sup>363</sup>

- 14.101 The Commission does not accept that seeking to establish "... the training methods used by the industry participants with the greatest number of career starts" is best practice. It is unlikely to be evidence based. It is likely that it would be based on anecdotal accounts and hearsay.
- 14.102 The WDA recommended that it was necessary to avoid a process of trial and error and to take a systematic approach which took on board current state of the art thinking from a wide knowledge base.<sup>364</sup> Seeking to establish the "tricks of the trade" or the trade secrets of trainers would likely be a waste of time. Trainers made it known to the WDA that they were concerned that they would lose their competitive advantage if they shared knowledge beyond basic principles of training. GRNSW's proposal to establish, and then draw upon, the training methods of the industry's most successful trainers is flawed.
- 14.103 GRNSW's proposal to increase career longevity by improved training methods is also flawed for another reason. Although GRNSW acknowledged that there were "... many causative factors feeding into the number of career starts for greyhounds ...",<sup>365</sup> its preferred approach made no allowance for them.
- 14.104 The Commission was informed by one of the most successful owner/breeders in NSW that, in the breeding and rearing stages, the greyhounds on his property had access to good quality food and plenty of exercise.<sup>366</sup> They ate and exercised together and had regular contact with those responsible for their care. Their accommodation was also significantly in excess of that required by the GRNSW Breeding Code and the Animal Welfare Code of Practice – Breeding Dogs and Cats made under the *Prevention of Cruelty to Animals Act 1979* (NSW). None of these matters involve trade secrets. They do not involve a trainer's "tricks of the trade". Although this industry participant has the care and control of many greyhounds on his property, he does not train them. They are sent to trainers both in NSW and interstate. This industry participant goes no further than breeding, rearing and breaking-in the greyhounds under his care and control. Nevertheless, he is one of the most successful industry participants in NSW. Who can say whether it is the manner in which these greyhounds are raised, rather than the manner in which they are trained by others, that makes all the difference. He informed the Commission that:

Everyone has their own idea of how to rear and break in and train. I believe it is just some do it better than others.

- 14.105 The Commission is not satisfied that GRNSW's proposal to establish the most effective training methods by reference to the practices of existing industry participants has any real prospect of getting more uncompetitive greyhounds to the track.

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<sup>363</sup> Ibid.

<sup>364</sup> The WDA had in mind research concerning working dogs – dogs used in the armed services, guide dogs, dogs used by the Australian Federal Police, Customs and Border Control and Corrective Services.

<sup>365</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [131].

<sup>366</sup> Paul Wheeler, Response to Order 1 dated 14 January 2016, p. 13.

## The Chase Motivation Project

14.106 The Commission notes that on 30 November 2015, GRNSW announced an open tender process for research proposals from Australian universities and research institutions to investigate chase motivation in the greyhound.<sup>367</sup> It claimed that the outcomes of this research could provide industry participants with the opportunity to reduce the number of ‘non-chasers’. The research will occur over a two-year period at a total cost of \$240,000.<sup>368</sup> The Commission accepts that, depending on the results of the research, it may debunk the long held belief that live baiting will give greyhounds a competitive advantage. The Commission is satisfied that the proposal to engage researchers was driven by the exposure of live baiting in February 2015 and the need to demonstrate that greyhounds do not need to be ‘blooded’ by chasing small animals attached to an arm.

14.107 On 20 April 2015, GRNSW announced that animal carcasses could no longer be used as lures.<sup>369</sup> However, it permitted the use of professionally tanned skins. On 2 November 2015, GRNSW went further. It banned the use of any animal products. In making that announcement GRNSW noted the following:

The change also signals GRNSW’s intention to prioritise investment in research and education on best practice greyhound training methodologies that will drive positively impact (sic) greyhound welfare. As part of this, GRNSW is currently developing a research agenda that will identify methods to increase greyhound career longevity. The agenda will examine the following areas:

- Characterising the ‘chase motivation’ trait;
- Lure design;
- Genetics;
- Track design; and
- Health.<sup>370</sup>

14.108 The Commission is of the view that a project designed to demonstrate that greyhounds can be motivated to chase artificial lures rather than rabbits will not promote “career longevity”. If greyhounds can be motivated to chase by the use of artificial lures rather than by small live animals then it might extend the careers of those animals who are non-chasers, although it seems unlikely that a dog who would not chase a rabbit will chase a lure. No chase motivation research, however, will extend the lives of greyhounds once they are no longer required to chase and their careers are over. As has been noted in Chapter 11, one of the most important wastage issues is what happens to the industry’s greyhounds once their racing careers are over and they become surplus to the industry’s requirements.

14.109 Although the Commission accepts that there would be considerable benefit in demonstrating to industry participants, if it can be demonstrated, that live baiting does not give a competitive advantage, the Commission does not accept GRNSW’s further claim that the research will also “... potentially decrease the number of greyhounds that need to be bred and rehomed each

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<sup>367</sup> Article “Request for Research Proposal Issued” by GRNSW, 30 November 2015, GRNSW website: <<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=7129>> (accessed 8 June 2016).

<sup>368</sup> GRNSW website, “Request for Research Proposals – Statement of Project Requirements” (Contract Name: Investigating ‘chase motivation’ in the greyhound): <<https://www.thedogs.com.au/Uploads/Motivation%20to%20chase%20-%20Request%20for%20Research%20Proposals.pdf>> (accessed 8 June 2016).

<sup>369</sup> Article “GRNSW Releases Policy on Lures” by GRNSW, 20 April 2015, GRNSW website: <<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=6335>> (accessed 8 June 2016).

<sup>370</sup> Article “GRNSW Announces Change to Lure Policy” by GRNSW, 2 November 2015, GRNSW website: <<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=7020>> (accessed 8 June 2016).

year”.<sup>371</sup> Any decrease in numbers from using artificial lures could only be the result of dogs who are non-chasers becoming chasers. Common sense suggests that the dogs that fall into this unique category, if they exist at all, would have only a minor effect on wastage. There is no logical connection between the number of greyhound pups which must be bred each year to fulfil GRNSW’s race schedule requirements and the use of artificial lures.

- 14.110 More recently, GRNSW claimed that the chase motivation research has even more extensive goals. It informed the Commission that:

Other goals of this chase motivation project are identifying best practice socialisation, rearing, education and training techniques for greyhounds which will inform the design of GRNSW’s education and training materials.<sup>372</sup>

- 14.111 This catch all claim is wrong and the Commission does not accept it. It is disingenuous. It was the WDA that was engaged to advise GRNSW on best practice rearing, socialisation, education and training methods. That was in April 2015.<sup>373</sup> As noted above, in July 2015 the WDA produced what GRNSW described as a “landmark” report.<sup>374</sup> GRNSW’s Statement of Project Requirements for the chase motivation research does not mention best practice socialisation, rearing or education.<sup>375</sup> Understandably, in light of the live baiting scandal, the chase motivation research concerns training techniques. The Statement of Project Requirements mentions rearing but only in the context of training techniques that do not use live animals. More particularly, GRNSW’s Statement of Project Requirements required those engaged in the project to “make evidence based recommendations on greyhound training techniques from rearing to racing including the use of salient stimuli”.<sup>376</sup>

- 14.112 GRNSW informed the Commission that the project will occur over a 2 year period and that the “research team is currently working on the final budget for the project, prior to finalisation of the research agreement.”<sup>377</sup> In other words the terms of engagement have not been agreed and the research has not commenced. At this point, the proposed research project has not proceeded beyond a meeting on 22 February 2016 with a project coordinator, Dr Melissa Starling, and a group of honours students studying at the University of Sydney; and a further meeting on 7 March 2016 where research milestones were agreed. GRNSW claimed that the project is “complicated” and “required expertise.” It “was taking steps for there to be interim reporting to it in relation to this project, so that it can progressively improve educational and operational measures while the project is on foot.”<sup>378</sup> The Commission is unaware of the educational or operational measures which GRNSW has in mind in relation to the proposed chase motivation research. They are not particularised in the Statement of Project Requirements.

## Career longevity and wastage

- 14.113 The racing of younger greyhounds, uncompetitive greyhounds and older greyhounds raises significant welfare issues, even if the result is that more greyhounds get a start and others continue to race after their careers would otherwise be over.

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<sup>371</sup> GRNSW, Final Response 20A to the Commission dated 11 January 2016, [135].

<sup>372</sup> GRNSW, Submission to the Commission dated 24 May 2016, [95].

<sup>373</sup> GRNSW, “Request for Quote – Statement of Project Requirements”:

<[https://www.thedogs.com.au/Uploads/Userfiles/RFQ%20Final%20-%202\\_4\\_15.pdf](https://www.thedogs.com.au/Uploads/Userfiles/RFQ%20Final%20-%202_4_15.pdf)> (accessed 8 June 2016).

<sup>374</sup> Article “GRNSW Releases Landmark Report” by GRNSW, 10 August 2015, *GRNSW website*:

<<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=6716>> (accessed 8 June 2016).

<sup>375</sup> GRNSW, “Request for Research Proposals – Statement of Project Requirements”.

<sup>376</sup> *Ibid*, p. 3. “Salient stimuli” is a term used in neuroscience in the study of perception and cognition to refer to an aspect of a stimulus that stands out from the rest.

<sup>377</sup> GRNSW, Submission to the Commission dated 24 May 2016, [94].

<sup>378</sup> *Ibid*, [96].

- 14.114 Training methods that involve live baiting do not accord with contemporary welfare standards. They are unacceptable. Whether any ‘tricks of the trade’ used by particular trainers raise significant welfare issues is unknown. However, in the unlikely event that successful trainers share their secrets with GRNSW, their training methods might do no more than get additional young greyhounds to the track. It will do nothing to reduce the overall scale of wastage in the industry.
- 14.115 It is important to consider career longevity in its proper context. Whether or not career longevity is measured in terms of securing an early race, competing in races with other uncompetitive greyhounds or racing a few more races after the age of 4.5 years, the racing career of most greyhounds is then well and truly over. At that point, career longevity is simply irrelevant.

## The proposal for breeding quotas

- 14.116 GRNSW informed the Commission that breeding quotas, which are still being formulated, will significantly contribute to a reduction in wastage and would be modelled on the targets needed to fill races.<sup>379</sup>
- 14.117 Annual breeding targets and a quota system were matters considered by the JWG. They remain theoretical. The JWG suggested that the first task was to identify an “appropriate breeding target”. It noted that GRNSW had assessed that around 7,500 greyhounds were required each year to fulfil the GRNSW 2015-2016 Race Schedule. However, GRNSW’s assessment was dependent upon assumptions such as the average career length and the average number of races per greyhound. Changing these assumptions might change the estimated breeding requirements. It was an area that required further analysis.<sup>380</sup>
- 14.118 The JWG suggested that the Greyhounds Australasia Project (“the GA Project”), discussed in Chapter 13 of this Report, was expected to provide guidance. It expressed concern that the introduction of a NSW-only target would be problematic in the absence of a national breeding target. It claimed that a national breeding target was required due to the significant interstate movement and, to a lesser extent, the international movement of greyhounds for racing and breeding<sup>381</sup>. Nevertheless, the JWG acknowledged that, in the meantime, GRNSW should move forward to establish a state-wide “target”, to be determined every six months. The JWG also suggested that GRNSW should move to identify indicative breeding targets immediately. This required the development of a robust model to monitor progress and revise breeding targets.<sup>382</sup>
- 14.119 The GA Project has stalled. The Commission was not informed when, the GA Project will be delivered, if at all. GRNSW concluded that the underlying data lacked integrity and that the utility of the model was severely impaired. The Commission concluded that it could not be satisfied that national modelling would substantially reduce the scale of wastage in NSW.
- 14.120 GRNSW has not moved to identify indicative breeding targets. It has not “...moved forward to establish a state-wide target.” Rather, it has calculated what it describes as an “achievable wastage target”. It is rudimentary in form. It assumes reductions in pre-race wastage without any credible analysis of how this might be achieved. GRNSW has not established any model, let alone one that is robust, to monitor progress and revise any indicative breeding target. GRNSW’s “achievable wastage target” was considered in Chapter 13. It is further considered in this Chapter. The “achievable wastage target” was based upon the number of greyhound pups that need to be whelped if the GRNSW 2015-2016 Race Schedule, or a race schedule of similar

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<sup>379</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [113].

<sup>380</sup> JWG Report, p. 39.

<sup>381</sup> Ibid.

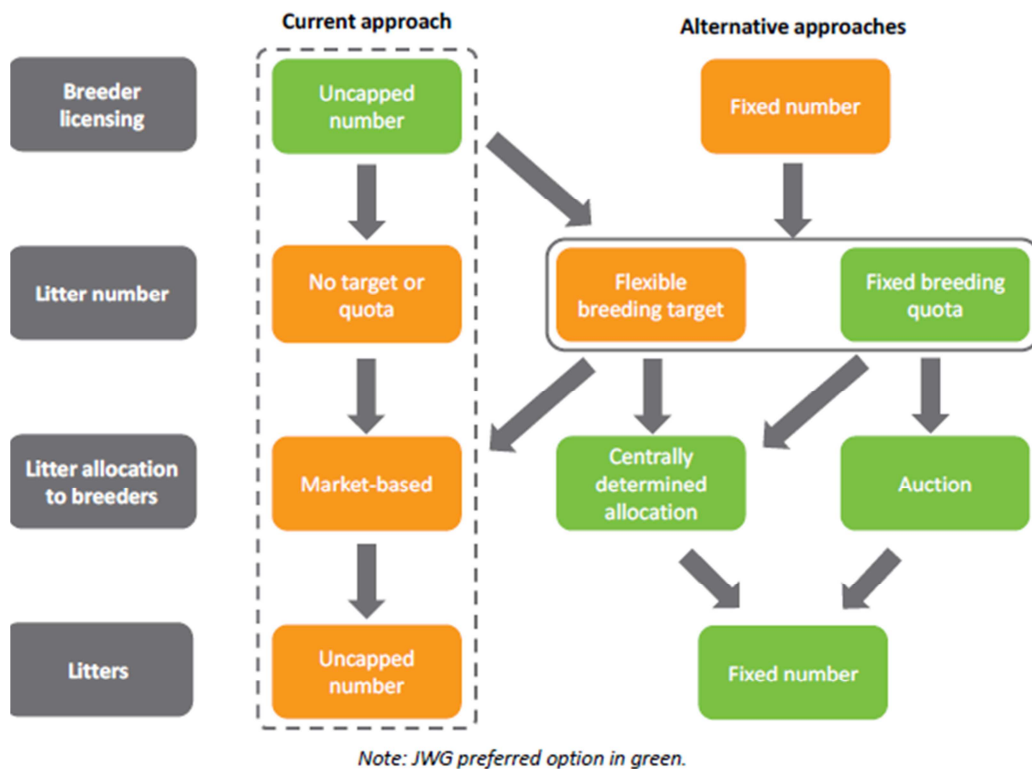
<sup>382</sup> Ibid.

magnitude, is to be met.<sup>383</sup> The wastage implicit in GRNSWs “achievable wastage target” is unacceptably high. It assumes that the destruction of thousands of young healthy greyhounds each year will continue.

14.121 The JWG noted that once an appropriate breeding target (litter target) had been established, there would be a need to implement an “appropriate regime”.<sup>384</sup> The Commission understood this to mean that there would need to be a system that limited litter numbers to the breeding target. The JWG also noted that, although there was currently an uncapped number of breeders, with no targets or quotas used to allocate litter numbers to them, “... there are new controls, currently applied by GRNSW to contain breeding”.<sup>385</sup> The Commission took this to be a reference to the limited measures which have been outlined at the commencement of this Chapter. The Commission has concluded that those measures will not reduce wastage.

14.122 Table 14.8 below was produced by the JWG. It sets out the JWG’s assessment of the measures that might be implemented to limit breeding to a breeding target.

Table 14.8 Options for implementing breeding volume limits



Source: JWG Report, p. 39 (original source: Nous Group)

14.123 The JWG noted that there were a number of dependencies associated with each approach. The options at each stage of the process were:

- Breeder licencing – **uncapped number**, or a fixed number;
- Litter number – no target or quota, flexible breeding target, or a **fixed breeding quota**;

<sup>383</sup> GRNSW suggested that, depending on a number of variables, it could reduce the number of greyhound pups required to be bred to 6,054 or, alternatively, 6,317.

<sup>384</sup> JWG Report, p. 39.

<sup>385</sup> Ibid.

- Litter allocation to breeders – market based, **centrally determined allocation**, or **auction**.<sup>386</sup>

- 14.124 It was the JWG’s view that there should be an uncapped number of breeder licences, a fixed breeding quota, and a litter allocation to breeders based upon a centrally determined allocation or an auction. This would lead to a fixed number of litters. It proposed that the new system be reviewed within two years of the commencement of the system. The JWG noted that, amongst its members, there was no consensus on the most appropriate approach to the allocation of the fixed breeding quota among breeders. However, all agreed that there should be separate allocations and procedures for “hobby breeders” and for “professional breeders”. This might extend to hobby breeders being able to appeal for a “quota exemption” in extenuating circumstances.
- 14.125 There were two options put forward by the JWG for the allocation of a fixed breeding quota among breeders.
- 14.126 First, a centrally determined allocation which would involve potential breeders applying for an allocation. It would be accompanied by a fee tied to the size of the resulting allocation and whether they were a hobby breeder or a professional breeder. The quota would be allocated based on objective criteria, such as past breeding history and the success of the greyhounds bred. It noted that a “specific set of metrics” had not been identified by the JWG.
- 14.127 Second, allocating a State-wide breeding quota with an auction process. The process would fix a price floor and also a cap on how many breeding permits a single breeder could purchase in a year. The JWG considered that this would ensure that the breeding quota was allocated to breeders who placed the highest value on it.
- 14.128 As to disbursement of the auction sale proceeds, the JWG noted that one option was that a proportion of the sale price be paid back to greyhound owners at key milestones in their lifecycle, such as first trial, first race, or rehoming. A payment would be forfeited if a greyhound did not meet the relevant milestone. Whether this refund system would produce any measurable improvement in the number of greyhounds making it to the track or being rehomed may depend upon price. A low price may be treated by many industry participants as no more than a cost of business rather than a real incentive to keep or rehome their greyhounds. This issue has been considered in relation to rehoming, which is discussed in Chapter 18. The Commission has recommended that, if the industry is to continue, there should be a substantial and transferrable fee until the greyhound has retired and it is rehomed or there is some other acceptable welfare outcome. Retention of the greyhound as a pet by an industry participant would be an example.
- 14.129 The JWG also considered, without resolving, whether breeders should be required to use their quota within a defined period (eg. 12 months), rolling quotas over into the next year, and whether breeders who had not used their quotas could sell them back to GRNSW or to other industry participants. The JWG also noted that “... it may be appropriate for some of the total breeding allocation to be kept back for exceptional circumstances”.<sup>387</sup> The Commission does not know what exceptional circumstances the JWG had in mind or why reserve allocations might be required to meet them.
- 14.130 The final option considered by the JWG was a hybrid auction for allocating the quota amongst breeders. It involved setting a percentage of the quota (for example 75%) to be allocated on the basis of historical breeding activity amongst those who applied for a licence. The remaining 25%

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<sup>386</sup> Ibid. The bold italics represent the JWG’s preferred approach.

<sup>387</sup> JWG Report, p. 40.

of the quota would be allocated annually via an auction. Those who were part of the allocation based upon past history could sell or lease their quota to other breeders.<sup>388</sup>

- 14.131 The JWG noted that the options considered by it highlighted that there were “numerous possibilities” and that, if GRNSW decided to apply the auction approach, “... specialist advice will be required to identify the most appropriate design.”<sup>389</sup>

## A summary of the JWG recommendations

- 14.132 The recommendations of the JWG do not suggest that targets or quotas will be developed and implemented in the short to medium term. At best, they remain another aspiration that might not be developed and implemented.

- 14.133 By way of summary, the recommendations made by the JWG to GRNSW were:

- GRNSW should obtain legal advice on the most appropriate process to introduce a quota, including whether a breeding quota would be legally enforceable under existing State and Commonwealth legislation, together with any specific legislative amendments that might be required. The JWG’s concern seems to have been that breeding restrictions and quotas might be anti-competitive.
- Drawing either from the impending findings of the current GA Project, or separate analysis, GRNSW should immediately undertake an estimation of a State-wide breeding quota. This analysis should also identify an appropriate phase-in period. The Commission considers that the findings of the GA Project are irrelevant. They are not pending and it seems doubtful that in the foreseeable future any will be made, if at all. This is addressed in Chapter 13.
- That the quota should be reviewed every six months and the quota system be reviewed two years after commencement to assure its effectiveness. The Commission took this recommendation to mean that GRNSW would reserve the right to amend quotas. This suggests that breeding numbers will be driven by GRNSW’s race schedules rather than a substantial reduction in pre-race wastage. It would likely mean the maintenance of the status quo. If a quota system is driven by race schedule requirements and the current levels of breeding are required to meet them, there is no need for quotas. Race schedule requirements will be the quota.
- GRNSW should undertake further analysis to identify the merits and practicalities of implementing a State-wide breeding quota through either a centrally determined allocation to breeders or an auction process. Under both approaches there would be separate allocations and procedures for “hobby” and “professional” breeders. The Commission took this recommendation to mean that GRNSW would consider the merits and practicalities of the system pursuant to which quotas would be allocated rather than whether there would be quotas at all.
- That GRNSW advocate for the introduction of a national breeding target with GA and its member organisations. This recommendation reflects the JWG’s view that:

... the introduction of a NSW-only target will be problematic in the absence of a national breeding target, such that GRNSW should advocate for a national target with Greyhounds Australasia and its member organisations”.<sup>390</sup>

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<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> JWG Report, p. 38.



As noted by the Commission in Chapter 13, the time for advocacy is well and truly over. GA has failed to progress its modelling. It has failed to introduce breeding targets or quotas at a national level, and GRNSW has failed in NSW.<sup>391</sup>

## GRNSW's response to breeding targets and quotas

- 14.134 In its August 2015 submission to the Commission,<sup>392</sup> GRNSW stated that it recognised the need for breeding restrictions but that they needed to be measured to ensure that the greyhound racing industry was sustainable and that there was an adequate supply of greyhounds to participate in the sport. It noted too that breeding restrictions would have a flow on effect to the greyhound racing industry in other states, because NSW was the biggest exporter of greyhounds. GRNSW did not refer to breeding targets or quotas.
- 14.135 GRNSW attached the December 2015 draft report of the JWG to its Final Response to the Commission's Issues Paper on Overbreeding and Wastage ("the Breeding Issues Paper").<sup>393</sup>
- 14.136 The JWG's proposals and options concerning breeding targets and quotas were described in almost identical terms in its draft report and the (final) JWG Report. In its draft Report, the JWG made the following draft recommendations:
- GRNSW should obtain legal advice on the most appropriate process to introduce a quota including whether a breeding quota would legally enforceable under existing State and Commonwealth legislation together with any specific legislative amendments that might be required
  - Drawing either from the impending findings of the current GA Project, or separate analysis, GRNSW should immediately undertake estimation of a State-wide breeding quota. This analysis should also identify an appropriate phase-in period.
  - GRNSW should undertake further analysis to identify the merits and practicalities of implementing a State-wide breeding quota through either a centrally determined allocation to breeders or an auction process. Under both approaches, there should be separate allocations and procedures for "hobby" and "professional" breeders.
- 14.137 In GRNSW's Final Response to the Breeding Issues Paper, it did not address the recommendations made by the JWG in its draft report. Further, it did not provide the Commission with any firm commitment to breeding targets or quotas, how they would operate, how they would be calculated, or any assessment of the extent to which breeding targets or quotas would reduce wastage in the industry. The level of generality in GRNSW's treatment of breeding targets and quotas made it difficult for the Commission to assess what GRNSW had in mind or might achieve.
- 14.138 In its Final Response, GRNSW noted that:
- a measure to reduce breeding was the "... implementation of breeding licences, restrictions and quotas";<sup>394</sup>
  - GRNSW aimed to "... further strengthen breeding methods through a combination of tiered breeder licences, breeding restrictions and breeding quotas";<sup>395</sup>

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<sup>391</sup> JWG Report, Recommendation 4, p. 41

<sup>392</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [519].

<sup>393</sup> Attachment B to GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [101].

<sup>394</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [83].

- it had “... been proposed by JWG that GRNSW introduce annual breeding volume limits through a quota system”;<sup>396</sup>
- it would “... consider tiered licence fee structures in accordance with licence category and quota allowance”;<sup>397</sup>
- it proposed “... imposing a cap on the number of litters to be bred. The total litter cap would be determined by the calculation of future race needs. The JWG has put forward options for implementing breeding volume limits which would encompass breeder licencing, litter numbers and litter allocation to breeders”;<sup>398</sup>
- “... under the proposed approach there would be a fixed breeding quota and a flexible breeding target could be considered in the future”;<sup>399</sup>
- “[b]reeding quotas, which were still being formulated, will significantly contribute to a reduction in wastage as figures and will (sic) be modelled on the targets needed to fill races”;<sup>400</sup>
- “... implementation of breeding litter quotas is still under consideration”;<sup>401</sup> and
- “[t]he new breeding measures will ensure that the breeders who remain committed to the industry have animal welfare as their highest priority and quotas and restrictions will ensure that the highest number of pups reach the track”.<sup>402</sup>

14.139 On 24 May 2016 GRNSW made a submission to the Commission which was exclusively concerned with wastage and the measures which GRNSW had taken, and might take in the future, to reduce it. GRNSW did not directly address quotas and breeding targets, how it might achieve them, or how they might operate.<sup>403</sup>

14.140 Again, however, GRNSW recognised that, in the interests of improved animal welfare outcomes, there should be a further reduction in racing across the State, particularly non-TAB meetings. If that is done, GRNSW would need to obtain further expert assistance to perform modelling in order to determine the minimum breeding requirements to meaningfully sustain those race commitments. It is committed to doing that work in the interests of animal welfare, and reducing euthanasia and welfare.<sup>404</sup>

14.141 GRNSW had over a year to model breeding requirements in NSW. It had months to consider the JWG recommendations and provide its *considered* views on them to the Commission, including in its submission of 24 May 2016. It did not do so. In substance, the Commission was informed of no more than that they were “still under consideration”. At the conclusion of this inquiry, the Commission remained in the position that, because of the generality of GRNSW’s treatment of breeding quotas and targets, it could not assess what GRNSW had in mind or might achieve. It is clear enough that GRNSW will not introduce breeding quotas or targets in the short to medium term. The Commission is satisfied that they might not be introduced at all.

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<sup>395</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [100].

<sup>396</sup> *Ibid*, [101].

<sup>397</sup> *Ibid*, [104].

<sup>398</sup> *Ibid*, [107].

<sup>399</sup> *Ibid*, [108].

<sup>400</sup> *Ibid*, [113].

<sup>401</sup> *Ibid*, [117].

<sup>402</sup> *Ibid*, [119].

<sup>403</sup> GRNSW, Submission to the Commission dated 24 May 2016.

<sup>404</sup> *Ibid*, [105].

## The enforceability of a quota system

- 14.142 The JWG noted that the application of a fixed quota might, in the absence of enabling legislation, contravene the *Competition and Consumer Act 2010* (Cth) and that change to the *Greyhound Racing Act 2009* (NSW) should be focused on providing GRNSW with the powers to introduce a quota.<sup>405</sup>
- 14.143 For the reasons which follow, it is not necessary to consider this question. It is satisfied that a quota system will not be an effective measure to combat wastage within the industry.

## Breeding restrictions and cultural change

- 14.144 Without cultural change to drastically reduce pre-race wastage, the number of greyhounds pups that are required to be whelped each year will far exceed the race schedule requirements of GRNSW. In Chapter 13, the Commission has assessed those requirements. The JWG noted that:

A clear vision is required to provide a guiding aspirational statement to galvanise all industry participants around a single reform platform.

In addition to the vision, the culture within the industry needs to change. There is no room for traditional beliefs in training and breeding habits and what has been seen as an acceptable level of attrition and harm in the greyhound life cycle. The JWG recognises that changing the culture of the industry is fundamental to the success of the reforms and that it is up to each participant to be part of that culture change if the industry is to continue to have a mandate from the community.<sup>406</sup>

- 14.145 In its draft report, the JWG called for feedback from industry participants. The feedback was to be provided by way of written submissions or at industry forums across rural NSW.<sup>407</sup> These forums were conducted in early 2016.
- 14.146 At a number of forums, and in a number of written submissions, industry participants expressed views that suggest that there is a significant degree of resistance to the proposals. Comments included the following:
- breeding quotas “... would be purchased by animal liberationists”;
  - quotas were a “restriction of trade”;
  - there needed to be a “sunset clause” to allow for “extreme circumstances”;
  - there was a need to protect “hobby” breeders;
  - The restrictions were being introduced to “... drive people out of the industry”;
  - breeding numbers had already been “... heavily reduced in past months”;
  - quotas are “... hard to enforce”.<sup>408</sup>
- 14.147 Resistance to the imposition of breeding restrictions was not limited to individual breeders, owners and trainers. Although the NSW Greyhound Breeders, Owners and Trainers’ Association (“GBOTA”) supported a “controlled approach to breeding levels”, it made it clear that it did not, at this point, support quotas.<sup>409</sup>

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<sup>405</sup> JWG Report, p. 40.

<sup>406</sup> Ibid, p. 17

<sup>407</sup> GRNSW website, “Joint Working Group”: <<http://www.thedogs.com.au/DPage.aspx?id=411>> (accessed 8 June 2016).

<sup>408</sup> JWG Submissions: GRNSW Response to Order 27 dated 19 February 2016.

<sup>409</sup> GBOTA Response to JWG Discussion Paper 7 December 2015 at p. 3

- 14.148 GBOTA identified a number of key issues. The first was the number of greyhounds required to meet racing obligations. Its favoured model was a “race meeting model”.<sup>410</sup> The Commission agrees that the number of greyhounds required to meet racing obligations is important. Indeed, it is a critical issue. Race schedules are the key driver in terms of the number of pups which must be whelped each year.
- 14.149 GBOTA also noted that the number of greyhounds required to meet racing obligations was connected to the supply of greyhound racing in a commercially sustainable manner.<sup>411</sup> The Commission also agrees with this observation. The financial viability of GRNSW and the industry depends upon the number of race meetings and races. Although GRNSW did not provide sufficient detailed financial information to assist the Commission to form a concluded view, GRNSW made it plain that any reduction in race meetings, races and field sizes would have a significant financial impact.
- 14.150 Another key issue identified by GBOTA as a reason why it did not support quotas was that interstate racing was reliant on the supply of greyhounds from NSW.<sup>412</sup> The Commission accepts that this factor would be relevant to a number of industry participants in NSW. However, for most it would not be relevant. Further, the Commission is concerned with commercial greyhound racing in this State. The question is whether greyhound racing in this State should continue. The question is not whether persons who breed greyhounds in this State can sell them, or indeed race them, interstate.

## Are breeding quotas and targets a realistic response to wastage?

- 14.151 As has been noted, GRNSW informed the Commission that, if it introduces breeding quotas, they “... will be modelled on the targets needed to fill races”.<sup>413</sup>
- 14.152 That is understandable but it exposes why breeding quotas modelled on race requirements rather than the scale of pre-race wastage, and a reduction of it, will likely be ineffective. The number of pups required to be whelped each year is driven by GRNSW’s race schedules. GRNSW estimated that to fulfil its 2015-2016 Race Schedule or a schedule of like size, it required a minimum of 7,548 greyhound pups to be whelped each year by industry participants.<sup>414</sup> The numbers required for its 2016-2017 TAB Race Schedule and draft non-TAB Race Schedule were not much better. If the industry does not breed sufficient greyhounds, the race schedules will not be met. However, there remains such uncertainty that the Commission is not satisfied that quotas and targets designed to reduce pre-race wastage will ever be introduced. GRNSW foreshadowed that the number of races per meeting might be reduced, or the number of race meetings might be reduced with an increase in the number of races per meeting. However, again, there remains uncertainty in relation to what GRNSW has in mind.
- 14.153 The Commission has concluded that none of the measures which GRNSW has implemented to date will have any measureable impact on wastage. It is also of the view that racing younger greyhounds and uncompetitive greyhounds is unlikely to have an impact upon wastage of sufficient magnitude to significantly reduce the number of greyhound pups required.
- 14.154 In those circumstances, the imposition of quotas is unlikely to be any more effective than simply reducing the number of races each year. That is a measure which GRNSW flagged that it will do. However, it desisted from spelling out what that means. It can only reduce the number of race

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<sup>410</sup> GBOTA Response to JWG Discussion Paper 7 December 2015.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

<sup>413</sup> GRNSW, Final Response 20A to Breeding Issues Paper, [113].

<sup>414</sup> The Commission has carried out its own assessment in Chapter 13.

meetings so far before the industry becomes unsustainable. At the present time, the imposition of breeding quotas would be little more than a crude and inefficient mechanism which, because of pre-race wastage levels, would produce the same result – less races and therefore less greyhounds. However, absent a drastic reduction in pre-race wastage, quotas, targets and a reduced race schedule will still mean that a substantial number of excess greyhound pups will be required to be bred each year.

- 14.155 And, once more, it must be kept in mind that this is only part of the story. Pre-race wastage does not represent all of the greyhounds that will be discarded and destroyed by the industry. It needs to be remembered that, whatever the number of pups whelped each year to meet GRNSW’s race schedule requirements, the overall scale of wastage within the industry will remain unacceptably high. The Commission’s assessment is contained in Chapter 13. Even if the industry was sustainable if race meetings were reduced to the minimum 593 meetings required for GRNSW to continue to meet its contractual obligations with TAB, about 2,000 greyhounds – probably more – will be destroyed.

## What wastage level does GRNSW consider that it can achieve by its proposed initiatives?

- 14.156 GRNSW informed the Commission that:

Determining the achievable reduction in wastage is not a simple task and is one that GRNSW believes must be informed by evidence through monitoring and evaluation of policy initiatives. GRNSW is not in a position to determine what the reduction in wastage will be by reference to specific figures or percentages. GRNSW submits that it is difficult and premature to outline the reduction in wastage that would be attributable to each specific measure it has put forward below. As apart from breeding figures, there are no specific wastage metrics for these measures. Therefore, GRNSW has determined achievable wastage targets by reference to the data available and will discuss how each measure will contribute to the overall objective to reduce wastage to an achievable target.<sup>415</sup>

- 14.157 The Commission accepts that to determine the achievable reduction in wastage is not a simple task.

- 14.158 Nevertheless, the “achievable wastage targets” that have been identified by GRNSW, on the basis that the measures it proposes will be successful, demonstrate that those measures will not be sufficient. In its Final Response to the Breeding Issues Paper, GRNSW suggested that an “achievable target” was a reduction in pre-race wastage of 23% or, alternatively, 19%. This was based upon its 2015-2016 Race Schedule and, absent its target, a need to whelp 7,548 greyhound pups. The difference between these scenarios depended upon the success of initiatives to address the welfare of greyhounds currently in the system and also to extend the racing careers of younger greyhounds. Based upon GRNSW’s 2015-2016 Race Schedule, GRNSW’s “achievable target” was 6,054 or 6,317 pups whelped per year.<sup>416</sup> That remains an unacceptable outcome, although the figure would be lowered by a reduction in the number of race meetings.

- 14.159 As to timing, GRNSW informed the Commission that:

It is projected that the implementation of breeder licences and breeding restrictions will substantially reduce wastage of healthy greyhounds in the next two years. Breeding quotas, which are still being formulated, will significantly contribute to a reduction in wastage as figures [sic] and will be modelled on the targets needed to fill races. This will also provide time for the grading

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<sup>415</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [93].

<sup>416</sup> Ibid, [98].

policy and race programming to accommodate the greyhound population. The overall roadmap for strategic reform of the NSW greyhound racing industry contemplates a 5 year implementation period.<sup>417</sup>

14.160 As noted, the Commission does not consider that Breeder's Licences and the breeding restrictions currently in place will reduce wastage. It is not satisfied that breeding quotas will reduce wastage. The modelling has come to a standstill.<sup>418</sup> Breeding numbers are driven by GRNSW's race schedules. With wastage at current levels, quotas would do no more than require GRNSW to reduce the number of races that are conducted each year. This is a result that it could achieve by simply reducing the number of race meetings.

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<sup>417</sup> Ibid, [113].

<sup>418</sup> The GA Project has been addressed in Chapter 13 (number of greyhounds required). It is doubtful whether the GA Project will be delivered in the medium term, if at all.

# 15 Wastage: injuries

## Introduction

- 15.1 Greyhounds run with considerable speed. When racing they can reach speeds of up to 65km per hour. During their racing careers they race regularly. Often they race every four to five days.<sup>419</sup> There is always a risk of injury, including catastrophic injury, which will require the animal to be put down. Greyhounds can also sustain injuries of a lesser nature that will mark the end of their racing career. Often, in those circumstances, the greyhound will also be put down. Finally, there are injuries that, if detected by an on-track veterinarian,<sup>420</sup> or a steward, will require the greyhound to be stood down for a period of time before it can race again.
- 15.2 In a presentation to the World Greyhound Racing Federation Conference in 2000,<sup>421</sup> Dr David Auer<sup>422</sup> observed that modern society has an expectation that the health and welfare of animals used for sport or pleasure will be protected and that, in the case of injured greyhounds, this includes identifying animals that have been injured and ensuring that they do not race again until they have recovered.<sup>423</sup> The greyhound racing industry has not met this expectation.
- 15.3 Injuries, the rate of injuries, and the matters that may contribute to both have been the catalyst for research and debate. The debate has often come from industry participants who singled out particular tracks and particular track conditions as contributing to injuries. Some industry participants also suggested that a lack of veterinary intervention on-track has meant that injuries have not been detected and that they have taken their greyhounds home without understanding that they are in need of veterinary care.<sup>424</sup>
- 15.4 Injuries to racing greyhounds are a further contributor to wastage. The injuries are often serious and they are frequent. It has been suggested by some welfare organisations that this makes greyhound racing inherently cruel.<sup>425</sup>
- 15.5 In this Chapter, the Commission examines the nature of the injuries which a greyhound may sustain when racing or participating in trials, the current injury rate, and conditions which may contribute to the frequency of injuries.

## Track injuries

- 15.6 Racing greyhounds are exposed to the risk of a range of injuries but principally injuries to muscles and bones. There are other conditions produced by the intensity of racing, such as hypoxic fits.<sup>426</sup>

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<sup>419</sup> Greyhound Racing Victoria (“GRV”) website, “Trainers Competency Pack (Level 2-Owner Trainer)”: <[http://www.grv.org.au/wp-content/uploads/2014/01/9833-TrainerPack\\_Lvl2\\_v3.pdf](http://www.grv.org.au/wp-content/uploads/2014/01/9833-TrainerPack_Lvl2_v3.pdf)> (accessed 23 May 2016).

<sup>420</sup> The role of on-track veterinarians at TAB and non-TAB race meetings and at trials is addressed in Chapter 17.

<sup>421</sup> Ex HH (17-19 November 2015).

<sup>422</sup> Director, Racing Integrity Services, Racing Science Centre, Queensland.

<sup>423</sup> Ex HH (17-19 November 2015), p. 4.

<sup>424</sup> Ex E (28 September - 2 October 2015), p. 4.

<sup>425</sup> American Society for the Prevention of Cruelty to Animals website, “Animal Cruelty-Greyhound Racing”: <<http://www.aspca.org/animal-cruelty/other-animal-issues/greyhound-racing>> (accessed 23 May 2016); Racing Dog Protection Act website (UK), “Cruelty Factors”: <<http://www.rdpa.org.uk/cruelty.html>> <<http://www.cagednw.co.uk/is-greyhound-racing-cruel/is-greyhound-racing-cruel1>> (accessed: 23 May 2016); People for the Ethical Treatment of Animals website, “Greyhound Racing”: <<http://www.peta.org/issues/animals-in-entertainment/cruel-sports/greyhound-racing/>> (accessed 23 May 2016).

15.7 Dr Leonie Finster informed the Commission that:

It's not uncommon for them to tear major muscle groups. Certainly, what's referred to as **the** gracilis muscle or the back muscle – the major muscle of the hind legs – commonly tear. Their hip support muscles. They will tear quite frequently. You'll get injuries in the front legs to shoulder muscles and then further down the leg you get wrist injuries, accessory carpal bone injuries – all of those in the wrist of the dog - and not all those will show up as injuries obvious after racing. It may become obvious the next day.<sup>427</sup>

15.8 As noted in Chapter 4, in June 2014 Dr Greg Bryant commenced employment with GRNSW as an on-track veterinarian at TAB race meetings. Dr Bryant informed the Commission that, on average, he attended four to five race meetings per week.<sup>428</sup> He said that, in addition to injuries to the gracilis muscle, the gluteal muscles, the latissimus dorsi, the deltoids and the triceps were areas where muscle injuries commonly occurred. These muscles are shown in the sketch of muscle structure below.

Figure 15.1 Greyhound muscle structure

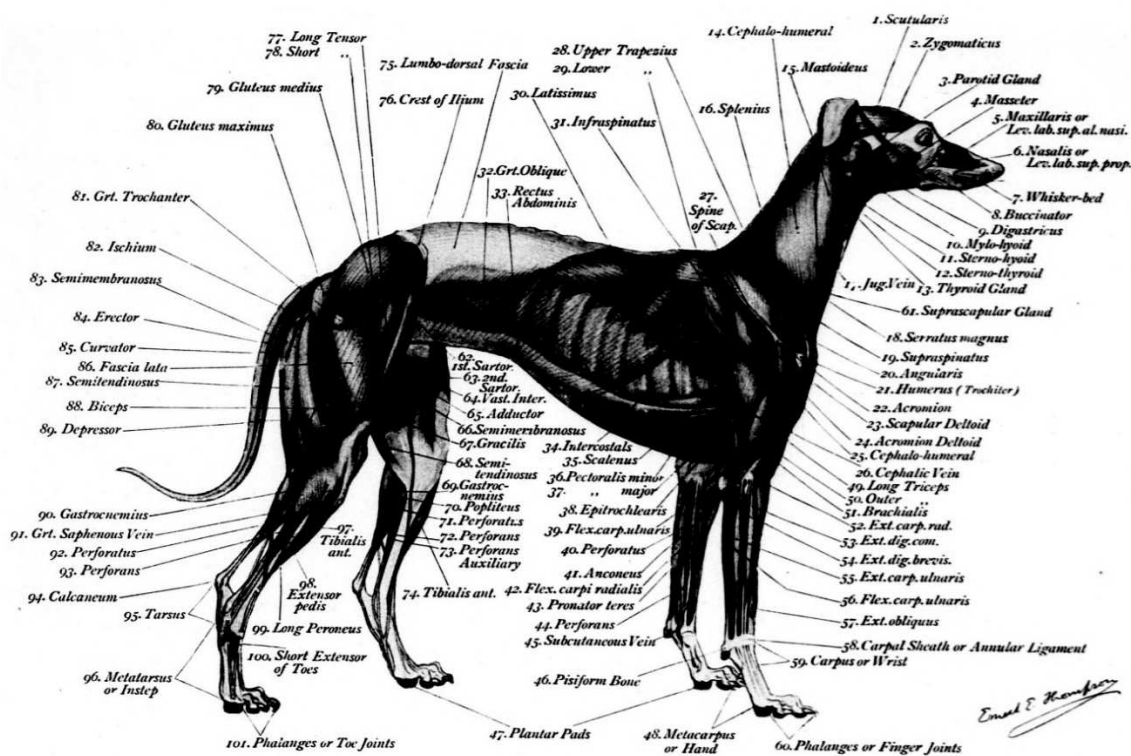


PLATE VIII.—THE ANATOMY OF THE GREYHOUND. THE IMPORTANT MUSCLES.

Source: Ernest Thompson Seton, *Studies in the Art Anatomy of Animals* (Macmillan Press, 1896)

15.9 Dr Auer's presentation to the Greyhound Racing Federation Conference in 2000<sup>429</sup> reported the results of a study which he had undertaken in relation to injuries suffered by racing greyhounds in South East Queensland.<sup>430</sup> His sample comprised 17,290 runners who had competed over distances between 340 metres and 732 metres between 17 September 1997 and 6 October

<sup>426</sup> Seizures caused by a lack of oxygen.

<sup>427</sup> 18 November 2015: T594.11-17.

<sup>428</sup> Ibid, T624.15-17.

<sup>429</sup> Ex HH (17-19 November 2015).

<sup>430</sup> Ibid.



1998. The races were conducted at Albion Park, Parklands, Beenleigh, Capalaba, and Toowoomba. From stewards' reports, Dr Auer identified 205 greyhounds that had been injured.<sup>431</sup> The most frequent injuries were tears to the gracilis muscle (44), toe ligament ruptures (39), tears to the long head of the triceps muscle (24), tears to the tensor fascia latae (18) tears to other muscles (11) and tarsal fractures (27).

15.10 A racing greyhound can suffer a number of fractures and dislocations.<sup>432</sup> They include metacarpal, calcaneal, and acetabular (pelvis) fractures. There are also elbow, styloid, radial carpal, ischial, femoral, tibial, and talar fractures.

15.11 Some of these fractures are common. Others occur infrequently.<sup>433</sup> The bone structure of the greyhound is shown in the sketch below:<sup>434</sup>

Figure 15.2 Greyhound bone structure

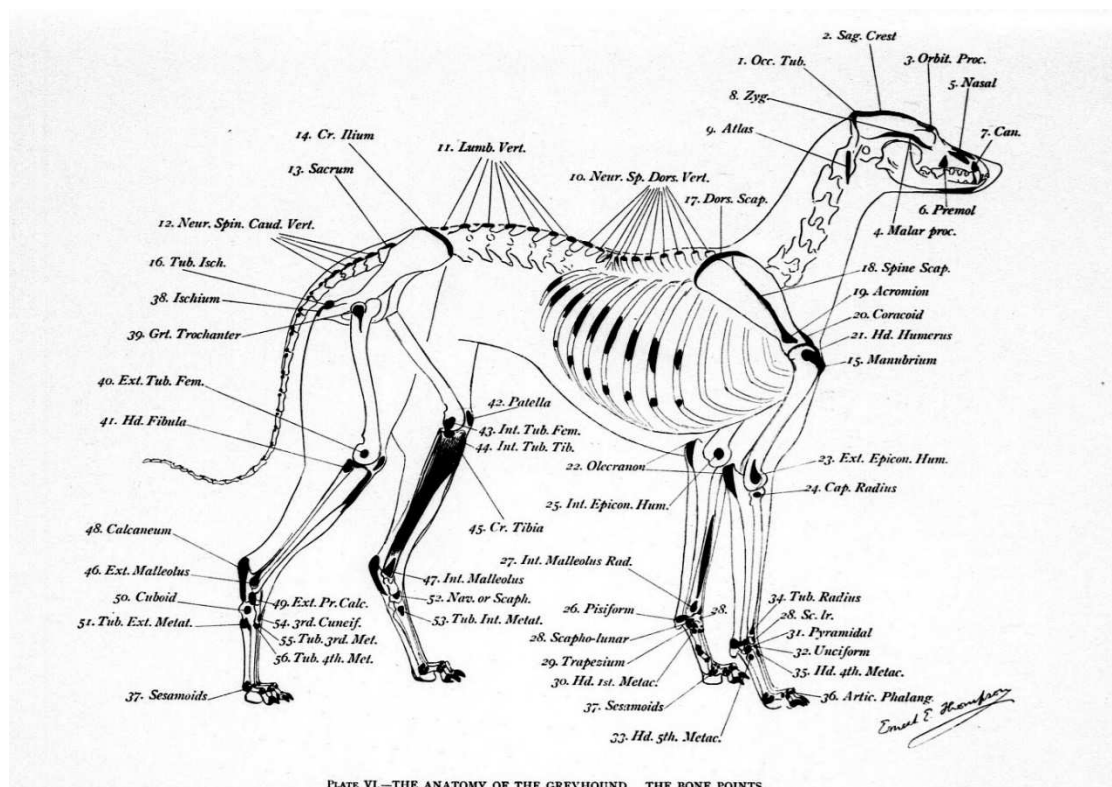


PLATE VI.—THE ANATOMY OF THE GREYHOUND. THE BONE POINTS.

Source: Ernest Thompson Seton, *Studies in the Art Anatomy of Animals* (Macmillan Press, 1896)

15.12 There is a particular bone fracture which is common in racing greyhounds. It is a comminuted fracture of the tarsus and, in particular, the right tarsus. These fractures are sometimes described as right hock fractures. They can be very serious.

<sup>431</sup> Statistical analysis based on stewards' reports have to be approached with a degree of caution. The Commission addressed the underreporting of serious injuries by stewards in NSW in Chapter 3. There is some evidence that Queensland stewards may have engaged in similar practices. Stewards' reports are based on injuries reported to them by the on-track veterinarian. As noted, many significant injuries go undetected.

<sup>432</sup> Jon Gee and Larry Gee, "Fractures and dislocations associated with the racing greyhound" in Charles Newton and David Nunamaker, *Textbook of Small Animal Orthopaedics*, (J.B. Lippincott Company, 1985).

<sup>433</sup> *Ibid.*

<sup>434</sup> Ernest Thompson Seton, *Studies in the Art Anatomy of Animals* (Macmillan Press, 1896).

- 15.13 The tarsus is made up of seven bones – the calcaneus, talus, cuboid, navicular, and the first, second, and third cuneiforms.<sup>435</sup> These are shown in the sketch of bones and muscles of the left foot below.<sup>436</sup>

Figure 15.3 Bones and muscles of the left foot in greyhounds

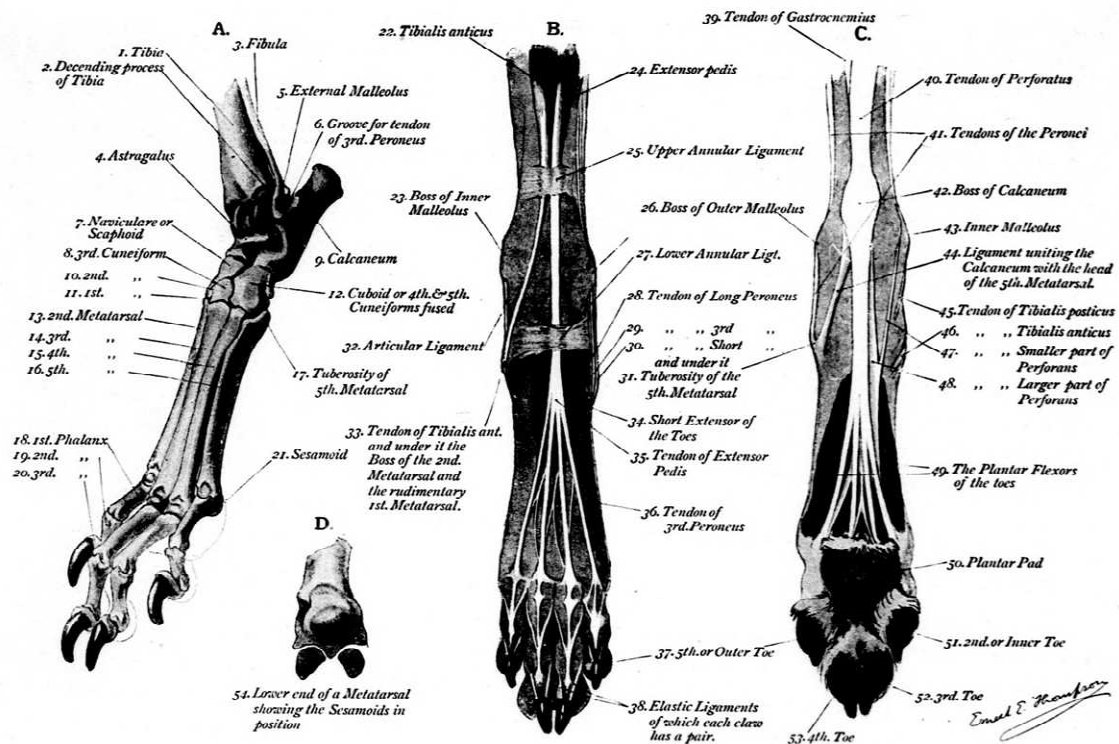


PLATE XXI.—THE ANATOMY OF THE GREYHOUND. THE BONES AND MUSCLES OF THE LEFT HIND-FOOT.  
 A. The Bones of the Foot seen from the outer side in front.  
 B. The Foot seen from above, with Skin and Fascia only removed.  
 C. The same from behind or below.  
 D. A pair of Sesamoids, showing how they form the groove for the Tendons under each Metatarsal.

Source: Ernest Thompson Seton, *Studies in the Art Anatomy of Animals* (Macmillan Press, 1896)

- 15.14 It is the central tarsal bone that has been reported as fracturing most frequently.<sup>437</sup> The central tarsal bone is positioned in the medial aspect of the tarsus and articulates with five of the other six tarsal bones.

- 15.15 Dr Finster informed the Commission that, although there were low-grade right hock fractures which might inhibit a greyhounds performance:

... the catastrophic ones involve layers of bone moving on each other – luxations of bones – and the fracture of one central tarsal bone. Those ones are just grossly unstable. A lot of those dogs would be euthanised because of the cost of repairing them adequately would run into several thousand dollars.<sup>438</sup>

- 15.16 Dr Finster was also asked whether it was common for greyhounds to be injured when they were being broken-in. Her evidence suggested that, at this point in a young greyhounds training, its prospects of reaching the track would be significantly impeded even if its injuries could be

<sup>435</sup> Ex JJ (17-19 November 2015), p. 1.

<sup>436</sup> The bones of the right foot are the bones most severely impacted by injury. The structure is the same.

<sup>437</sup> Ex JJ (17-19 November 2015), p. 1.

<sup>438</sup> 18 November 2015: T593.44-594.4.

treated over time. There was a very real prospect that the greyhound would be put down. Her evidence was as follows:

Q. Dr Finster, is it common for greyhounds to also be injured when being broken in?

A. Yes.

Q. Tell us about that.

A. They're probably injured not in a major capacity such as fractures, but they're lesser types of injuries where they make [sic] break fibula bones in their legs, which is not a catastrophic fracture, but it does cause them pain and causes them to go a bit slower. The other injury to young dogs learning to run on a circle is injuries to their left metacarpal where they're railing, trying to hug the rail. Neither of those will cause a lot of problem to the dog long term, but they need to be managed and they need to be made aware or checked for these injuries, but the problem is that no checking is done at most of these establishments and often these dogs just come home - as Karen<sup>439</sup> alerted to, these dogs will be sent home with poor reports saying that they just need to toughen up. One was sent home saying he needed to chew, which was advice from the breaking-in person to the owner who picked him up, because he was - I think he quoted that he was - the owner told him to rest him for a few weeks, give him a chew to liven him up because he had gone sour and had lost the will to chase. Another dog that was seen by this practitioner was seen to have a prolapsed eye, flea anaemia. I mean, all of these sorts of injuries tend to be treated when someone gets around to them, either - - -

Q. They're the sorts of injuries that occur during breaking in?

A. Breaking in. You know, certainly there are a lot of not career-ending injuries at breaking in, although some do, but the majority of them are more subtle injuries and they lead to these dogs being sent home with reports that they're slow. Well, some people might act on that and just not persevere with the dog at that stage.

Q. Which means what?

A. Well, euthanased, passed on to someone else. You know, big kennel establishments, they just may not persevere with dogs that are exceptionally slow.<sup>440</sup>

## The treatment of serious injuries on-track and follow-up treatment

15.17 Many injuries will not be picked up by the on-track veterinarian. This is supported by research. Some research has suggested that only 16% of serious injuries are diagnosed at the track.<sup>441</sup> It has been noted that:

Studies of the types and incidence of injuries on race tracks indicate that only a very small percentage of injuries which occur on the race track are actually recognised and diagnosed on the day or evening of the race. Many of the injuries listed in the Steward's Reports are serious injuries, where they have either caused a form reversal in a consistent performer, as a result of examination of animals involved in a collision or track fall, or where the greyhound has obviously been injured, such as a fractured hock or a severe muscle tear which results in immediate lameness or loss of speed. It is only usually these groups of animals which are examined by the veterinarian at the racetrack.<sup>442</sup>

15.18 Dr Bryant told the Commission that typically he would arrive at race meetings 45 minutes before the first race. As a minimum, he would be required to examine 80 greyhounds. There would often be additional greyhounds because of stewards' trials and performance trials. He would

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<sup>439</sup> Dr Karen Dawson.

<sup>440</sup> 18 November 2015: T598.13-599.2.

<sup>441</sup> John Kohnke, 'Aetiology and Epidemiology of Racing Injuries – An Australian Perspective' (2012).

<sup>442</sup> Ibid.

spend less than two minutes with each greyhound. This meant that his examination was necessarily a cursory one.<sup>443</sup>

15.19 Dr Finster informed the Commission that:

It's very hard. No, it's very hard to look at them after a race because the stewards present you with a dog who's panting. You know he's probably run full distance with an injury and I mean they're so worked up that they don't probably exhibit pain to you. It's very difficult. And probably if you looked at them again two or three hours later they may be more obvious but these dogs mostly go home as soon as they're examined or one race after that. So you don't generally re-examine them.<sup>444</sup>

15.20 As has been noted in Chapter 10, in late 2009 GRNSW decided to review the animal welfare policy which had been adopted by its predecessor in 2006. This resulted in "Project Welfare".

15.21 As part of Project Welfare, GRNSW held forums with industry participants. During those forums trainers expressed concern that a large number of injuries were not diagnosed and would be discovered post-race once a greyhound had cooled down.

15.22 These concerns were reported to management and the Board.<sup>445</sup> A number of matters were noted in the Project Welfare Consultation Findings ("Project Welfare Findings").<sup>446</sup> There was a proposal that GRNSW would explore the introduction of a standard injury report for both race meetings and trials across all NSW tracks. GRNSW would also explore the potential for a post-event reporting system to be developed that would allow a trainer to bring an incident to the attention of stewards without being penalised. GRNSW would develop a track-by-track reporting system to accurately record and report the data. Injuries and tracks were then to be reconciled against compliance in relation to track preparation. None of these proposed initiatives were further advanced by GRNSW.

15.23 A reporting of injury policy also formed part of GRNSW's first Strategic Plan, which was published in January 2010 ("Chasing 2020").<sup>447</sup> It was noted that:

GRNSW will facilitate the reporting of greyhound injuries following racing and trailing through the provision of an online reporting portal on the dogs.com.au. The ability to access, monitor and regularly analyse injury data will help identify problems with track design and better inform future investments decisions in infrastructure.<sup>448</sup>

15.24 This strategy was not implemented.

15.25 Dr Finster was asked to explain to the Commission how serious injuries, such as right hock injuries, were managed by the on-track veterinarians. She said:

Very differently from how they would be managed in a clinical situation. These dogs come in with obvious fractures. Most of them are just restrained without any form of pain relief or sedation to have the fractures manipulated for splints and bandages to be put on. They may or may not be given some opiate - pain reliever - which is the only effective pain relief in that situation. Most dogs would get perhaps a non-steroidal anti-inflammatory and most of those drugs take two to four hours before they'll give any pain relief. So the dog's left without any analgesia during that time. The most concerning part is once the vet has given first aid that dog is free to leave, it then becomes the trainer's responsibility. There's no onus on the owner or trainer to take this dog to an after-hour's veterinary clinic where it should be for ongoing pain relief. So they can take that dog home. They can keep it at home overnight or any time they deem fit take it back to the vet and

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<sup>443</sup> 18 November 2015: T626.8-33.

<sup>444</sup> 18 November 2015: T594.31-37.

<sup>445</sup> Ex E (28 September – 2 October 2015).

<sup>446</sup> Ibid.

<sup>447</sup> Ex FFF (17-18 February 2016).

<sup>448</sup> Ibid, p. 10.

have it treated or euthanised. Or they - some of them don't take them back and they just put in the kennel and see how it goes.<sup>449</sup>

- 15.26 Dr Finster gave examples of greyhounds presented to her and a professional colleague for treatment days after a serious injury had been sustained. She said:

Probably the worst one that comes to mind is seeing one that raced on a Saturday night at Ipswich and it had multiple fractures to its hock. It had been given a single pain tablet on Saturday night, presented to me on Monday afternoon having had no pain relief. There were various others that presented. We had one brought in for euthanasia injured in a trial on Monday night and it presented on Thursday morning, and various other hock fractures that probably had been misdiagnosed at trial tracks by other trainers as muscle injuries and therefore not regarded as serious, and yet when they do present, they're more serious injuries such as hock fractures.<sup>450</sup>

- 15.27 Dr Finster referred to an example where a greyhound was presented for treatment approximately five to six weeks after sustaining a significant injury. It had a ruptured ligament or damage to a growth plate on the inside of the left front leg causing the foot to be fixed at an angle. Dr Finster provided the Commission with a photograph.<sup>451</sup> The owners believed that the greyhound could be repaired rather than euthanased.<sup>452</sup>

- 15.28 The interpretation of x-rays can be very difficult for those who are not qualified and trained to assess this type of imagery. A hairline fracture may not be noticed by the untrained eye and darker shading might be unfathomable. The image below, which was provided to the Commission by Dr Finster, does not leave anything to the imagination. It is an image taken by a colleague at a veterinary clinic where Dr Finster was doing locum work.<sup>453</sup> Dr Finster explained that the x-ray image was of the bones of a greyhound that had fractured its radius and ulna on a Saturday morning. The pup was not taken to the clinic until the following Tuesday having received no pain relief and no support for the fracture.<sup>454</sup>

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<sup>449</sup> 18 November 2015: T594.42-595.12.

<sup>450</sup> 18 November 2015: T597.15-23.

<sup>451</sup> Ex W (17-19 November 2015).

<sup>452</sup> Dr Leonie Finster, 18 November 2015: T597.4-5.

<sup>453</sup> The practice was located in Queensland. No one, including GRNSW, put to the Commission that there is any difference in greyhound welfare and the way the animals are treated across the States and Territories. Indeed GRNSW, made a point of suggesting that there were no differences. Dr Finster has treated NSW greyhounds from the Northern Rivers area: 18 November 2015: T589.38-42. GRNSW did not put to Dr Finster that the welfare issues she had identified were peculiar to Queensland.

<sup>454</sup> 18 November 2015: T598.24-26.

Figure 15.4 Fractured radius and ulna in greyhound



Source: Dr Leonie Finster, 18 November 2015: Ex W (17-19 November 2015)

- 15.29 Dr Finster was asked whether, based on her experience, there were reasons why trainers did not take their greyhounds to an emergency clinic after a serious injury had occurred on-track. She said that it was a matter of cost, a lack of understanding perhaps promoted by the veterinary services provided on-track, and the trainers need to manage multiple greyhounds:

I think the most common reasons would be the costs involved in using after-hours centres. Some people don't want to pay that or don't have that finance available. The other reason I think is that they think the first aid given at tracks is adequate and that the dog will be okay until it's presented at a vet - at a time of their convenience. The other problem, I guess, is a lot of these people have several dogs at the track that they want to get home so they just take the injured dog home with

them and perhaps take him back in tomorrow or the next day to have treatment. Most of these injuries would occur at night so the only vets open usually would be the after-hour's centres. And they are expensive and they just don't really want to pay the fees involved.<sup>455</sup>

- 15.30 Dr Finster was of the opinion that the GRNSW Greyhound Racing Rules ("the Rules") should empower the on-track veterinarian to direct an owner or trainer to take their injured greyhound to a veterinary clinic. She said: "That's where they belong because of pain management."<sup>456</sup>
- 15.31 The Commission agrees with Dr Finster. If the industry continues, the Rules should be amended so that the on-track veterinarians and the stewards have power to direct any industry participant who has the care or control of a greyhound at a race meeting or trial to take it to a veterinary clinic. The Rules should also be amended to require that any person who has been so directed provide evidence of compliance to the regulator within 48 hours. That evidence should be in the form of a certificate from a qualified veterinary practitioner which sets out what treatment was administered, including whether the greyhound was put down. A breach of these rules should be treated as a serious offence.
- 15.32 RSPCA Australia Scientific Officer, Dr Jade Norris, was of the opinion that there should be a formal follow-up process in relation to injuries which are incurred on race day but detected post-race day.<sup>457</sup> The Commission agrees. The injury statistics are seriously deficient because there is currently no obligation on industry participants to do so. The Rules should be amended to impose an obligation upon industry participants to report such injuries within 24 hours. If they are serious, the Chief Veterinary Officer should have power to direct the person who has the care or control of the greyhound to take it to a veterinary clinic. That person should be required to report back in the same manner as has been referred to above.

#### *Injury rates*

- 15.33 The injury rates for racing and trialling greyhounds have been a source of controversy for many years. The fact that GRNSW had a policy of underreporting injuries and not reporting that a greyhound had died on track, or had been put down at the track, did not help. The under reporting of injuries has been addressed in Chapter 4.
- 15.34 In October 2015, the Animal Welfare Manager of Greyhound Racing Victoria ("GRV"), Dr Linda Beer, presented to the Australian Greyhound Veterinary Association the results of research that she had undertaken into track injuries.<sup>458</sup> The aim of the study was to retrospectively analyse data collected at greyhound race tracks across Victoria to determine the prevalence and type of injuries sustained by greyhounds during racing, and to identify possible factors that may increase and decrease the likelihood of a greyhound sustaining a serious tarsal injury during a race. The research was directed at establishing baseline information on the rates of injury amongst racing greyhounds to enable ongoing monitoring of industry strategies aimed at making racing safer for all greyhounds. The data used for the study came from stewards' reports of race meetings across Victoria from 2006 to 2011. A total of 444,046 eligible starts across a variety of race grade, track and distance combinations were included in this six-year study.<sup>459</sup>
- 15.35 Dr Beer found that:

The physical location of the injuries and the injury types recorded in this study were consistent with other racing greyhound studies published around the world by researchers and track veterinarians in the various countries and jurisdictions where racing occurs. The incidence risk of

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<sup>455</sup> 18 November 2015: T596.32-41.

<sup>456</sup> Ibid, T595.39-40.

<sup>457</sup> 19 November 2015: T664.36-38.

<sup>458</sup> Ex T (17-19 November 2015).

<sup>459</sup> Ibid.

“serious” injury (where the greyhound received a stand down period of greater than 21 days, or was euthanased subsequent to a race start) was found by to be 5.99 per 1000 starts (95%CI 5.76-6.22) during the 6-year study period.<sup>460</sup>

- 15.36 The reliability of the study was questioned in an assessment provided by RSPCA to the Commission,<sup>461</sup> and in the evidence given by Dr Norris.<sup>462</sup>
- 15.37 RSPCA was of the opinion that Dr Beer’s conclusions were likely to be an underestimate of the rate of serious injuries for the following reasons.<sup>463</sup>
- 15.38 First, the rate did not include greyhounds that died on-track subsequent to a race start. The Commission took this to be a reference to deaths which occurred during a race meeting rather than through subsequent euthanasia off track. Dr Bryant referred the Commission to an example.<sup>464</sup> On 30 January 2015, Dr Bryant was the on-track veterinarian at Wentworth Park. During race 3 a greyhound, “Are Vee Pee”, fell and broke its neck. It died on-track. The stewards’ report contained the following entry:
- A veterinary examination of ARE VEE PEE (2) revealed an injured neck.<sup>465</sup>
- 15.39 Second, the data captured was based solely on the information contained in the stewards’ reports for the race. There was no data of injuries detected in subsequent days or greyhounds destroyed after leaving the track because of an injury sustained on race day.<sup>466</sup> As noted, some research has suggested that approximately 16% of serious injuries are not detected by on-track veterinarians.
- 15.40 Third, scratchings because of injuries were common but the data relied upon did not include scratchings.<sup>467</sup>
- 15.41 Fourth, the data did not include injuries suffered during trials and training.<sup>468</sup> The Commission has previously noted that the same types of injuries are sustained by greyhounds during races and trials.
- 15.42 Fifth, the data did not reflect the total injury rate. It did not include injuries where the greyhound was ‘stood down’ for less than 21 days. Stand downs for less than 21 days were frequent.<sup>469</sup>
- 15.43 Sixth, other research suggested that injury rates were higher than those reported by Dr Beer.<sup>470</sup> Dr Auer reported that the “major” injury rate in South East Queensland was 11.59 per 1,000 starts for greyhounds racing on sand tracks and 12.06 per 1,000 starts for greyhounds racing on grass tracks.<sup>471</sup> A New Zealand study found an incidence risk of “injury-fatality” of 19.6 per 1,000 starts.<sup>472</sup>
- 15.44 RSPCA suggested that, to determine an accurate injury rate, and in order to measure improvements over time, data would need to be collected and published for all types of injuries

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<sup>460</sup> Ex T (17-19 November 2015), p. 1.

<sup>461</sup> Ex KK (17-19 November 2015), p. 1.

<sup>462</sup> 19 November 2015: T663.

<sup>463</sup> Ex KK (17-19 November 2015), p. 1

<sup>464</sup> 19 November 2015: T639.21-26.

<sup>465</sup> Exhibit FF – Part 1 (17-19 November 2015), p. 4; Ex FF – Part 2.1 (17-19 November 2015), p. 305.

<sup>466</sup> Ex KK (17-19 November 2015), p. 1.

<sup>467</sup> Ibid.

<sup>468</sup> Ibid.

<sup>469</sup> Ibid.

<sup>470</sup> Ibid.

<sup>471</sup> Ex HH (17-19 November 2015), p. 2.

<sup>472</sup> Ex JJ (17-19 November 2015), p. 1.



sustained in training, trials, and race meetings. All race meetings, including non-TAB meetings, needed to be included in the data set as did scratchings because of injury, together with all on-track deaths and euthanasia. The Commission agrees. The need for transparency and adequate lifecycle information, including injuries, has been examined in Chapter 9.

### GRNSW's assessment of injury rates

- 15.45 In Chapter 13, the Commission drew attention to the fact that GRNSW had used an injury rate of 2% when calculating the number of greyhound pups that needed to be whelped each year to meet its racing schedules.<sup>473</sup> Although it is not entirely clear, the Commission took GRNSW's injury rate to be a calculation based upon both major injuries, which would keep a greyhound away from the track for a significant time, and catastrophic injuries, which would end a greyhounds racing career.
- 15.46 On 12 February 2016, GRNSW published its "Preliminary Greyhound Racing Injury Report: 15 November 2015 to 1 February 2016" ("Preliminary Injury Report").<sup>474</sup> Prior to its publication, the Commission had exposed that, at least until the latter part of 2015, and well after the Commission had commenced its investigation, GRNSW had been underreporting injuries and had not been reporting catastrophic injuries where a greyhound died on-track or was put down.
- 15.47 The period covered by the Preliminary Injury Report was 79 days. During that period, 231 race meetings were conducted across NSW at TAB and non-TAB venues. The injury figures reported were those identified by on-track veterinarians.<sup>475</sup>
- 15.48 The figures did not include greyhounds that had sustained an injury during a trial where there was no on-track veterinarian in attendance, greyhounds that had suffered any sort of injury during a race meeting that had not been identified by an on-track veterinarian, or greyhounds that were later euthanased because of injury sustained while racing. The injury statistics were set out in Part 1 of the Preliminary Injury Report.
- 15.49 The types of injuries which led to a death on-track or death via euthanasia were set out in Part 2 of the Preliminary Injury Report. GRNSW stated that:
- This [racing fatalities] statistic does not include euthanasia that occurs subsequent to race meetings at private veterinary hospitals after further diagnostic or treatment advice is sought. While these greyhounds will be included in the injury statistics in Part 1 of this report, they are not recorded as a fatality in Part 2. These greyhounds will be reported to GRNSW through the GAR106 obligations to report greyhound retirement outcomes which will be available as lifecycle tracking data in the GRNSW annual report.<sup>476</sup>
- 15.50 The Commission understood this to mean that at some point in the future the figures would include instances where an injured greyhound had been put down post-race.
- 15.51 Because of the limitations referred to above, the true number of injuries sustained by greyhounds during the course of a race or trial, including major and catastrophic injuries, and the true number of greyhound deaths is likely to be significantly understated in the Preliminary Injury Report.

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<sup>473</sup> GRNSW, Appendix A to Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 59

<sup>474</sup> GRNSW website, "Preliminary Greyhound Racing Injury Report: 15 November 2015 to 1 February 2016": <<http://www.grnsw.com.au/uploads/GRNSW%20Preliminary%20Greyhound%20Racing%20Injury%20Report%20-%20Updated.pdf>> (accessed 23 May 2016).

<sup>475</sup> Ibid.

<sup>476</sup> Ex ZZ (17-18 February 2016), p. 3.

15.52 The Preliminary Injury Report referred to the four different categories of injury shown in table 15.5.

**Table 15.5 Greyhound injury rating guide indicated expected stand down periods and examples of related injury types**

Category	Incapacitation period	Typical injury types
Minor	0 to 10 days	Mild skin abrasions/grazes Grade 1 muscle injury
Medium	11- 21 days	Joint /ligament sprain Skin laceration Grade 2 muscle injury
Major	Greater than 21 days	Grade 3 muscle injury Bone fractures
Catastrophic	Deceased or euthanased immediately	Severe skull or spinal trauma Complex /open/joint fractures

Source: GRNSW website, "GRNSW Preliminary Greyhound Racing Injury Report: 15 November 2015 to 1 February 2016"

15.53 During the 79 day period covered by the Preliminary Injury Report:

- 543 greyhounds were reported as having suffered injuries (32.9 injuries per 1000 starts);
- 285 greyhounds stood down for 0-10 days (17.3 per 1000 starts);
- 140 greyhound suffered medium injuries (stood down for 11-21 days - 8.5 per 1000 starts);
- 79 greyhounds suffered major injuries (>21 days - 4.8 per 1000 starts); and
- 39 greyhounds suffered catastrophic injuries (2.4 per 1000 starts).<sup>477</sup>

15.54 Extrapolating these figures suggests that, over the course of a year (365 days), there would be approximately:

- 2,509 injuries of varying degrees of seriousness;
- 365 major injuries; and
- 180 catastrophic injuries resulting in the greyhound's death or its euthanasia on-track.

15.55 On 12 April 2016, GRNSW provided the Commission with details of the number of greyhounds that raced in a year in NSW (having been whelped in any prior year). The average is 11,061.

15.56 Using the yearly average of 11,061, the injury data contained in the Preliminary Injury Report implies that each year:

- 22.68% of greyhounds which compete in a race suffer an injury;
- 3.29% suffer a major injury;
- 1.627% suffer a catastrophic injury resulting in the greyhounds death or euthanasia on-track; and
- 4.93% suffer either a major or catastrophic injury.

15.57 On 10 May 2016, GRNSW published its "Second Greyhound Racing Injury Report: 1 January 2016 to 31 March 2016" ("Second Injury Report").<sup>478</sup> It covered a period of 91 days. According to the

<sup>477</sup> Ex ZZ (17-18 February 2016), p. 3

<sup>478</sup> GRNSW website, "GRNSW Quarterly Greyhound Racing Injury Report: 1 January 2016 to 31 March 2016", 10 May 2016: <<http://www.grnsw.com.au/uploads/GRNSW%20Preliminary%20Greyhound%20Racing%20Injury%20Report%20-%20updated.pdf>> (accessed 23 May 2016).

report, 279 race meetings were conducted across NSW at TAB and non-TAB venues during that period.

15.58 The Commission notes that, in the Second Injury Report, GRNSW changed the way in which the figures were presented. In the Preliminary Injury Report, GRNSW reported the total number of greyhounds injured and the resultant injury rate per 1,000 race starts. In the Second Injury Report, GRNSW reported *both* the total number of greyhounds injured and the total number of injury incidents.<sup>479</sup> It was the latter that GRNSW used to calculate injury rates in the Second Injury Report, and this method has been used to calculate the injury rates below.<sup>480</sup>

15.59 Once more, the figures did not include greyhounds that had sustained an injury during a trial where there was no on-track veterinarian in attendance, greyhounds that had suffered any sort of injury at a race meeting that had not been identified by an on-track veterinarian, or greyhounds that were later euthanased because of a race injury. Again, the injury statistics were set out in Part 1 of the Second Injury Report. The types of injuries which led to a death on-track or death via euthanasia were set out in Part 2 of the Second Injury Report. GRNSW stated a qualification which was different to that contained in the Preliminary Injury Report, noting that:

This [racing fatalities] statistic does not include euthanasia that occurs subsequent to race meetings at private veterinary hospitals after further diagnostic or treatment advice is sought. While these greyhounds will be included in the injury statistics in Part 1 of this report, they are not recorded as a fatality in Part 2. **An injury follow up process was implemented in February 2016 which will assist with reporting subsequent euthanasias in future.** Additionally, through the GAR106 obligations, greyhound retirement outcomes will be reported to GRNSW and will be available as lifecycle tracking data in the GRNSW annual report.<sup>481</sup> (Emphasis added)

15.60 The Commission does not know what is meant by “an injury follow up process”. GRNSW has experienced great difficulties in securing compliance with R 106 of the Rules. The fact that it now proposes a further process suggests that this is still so. The Commission has reservations whether introducing yet another process will make its figures any more reliable than those produced by way of R 106 Forms.

15.61 Again, because of the limitations referred to above, the true number of injuries sustained by greyhounds during the course of a race or trial, including major and catastrophic injuries, and the true number of greyhound deaths is likely to be significantly understated in the Second Injury Report.

15.62 During the 91 day period covered by the Second Injury Report:

- 548 greyhounds were reported as having injuries (27.1 per 1000 starts);
- 90 greyhounds suffered major injuries (>21 days – 4.2 per 1000 starts); and
- 34 greyhounds suffered catastrophic injuries (1.6 per 1000 starts).<sup>482</sup>

15.63 Extrapolating these figures suggests that, over the course of a year (365 days), there would be approximately:

- 2,342 injuries of varying degrees of seriousness;

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<sup>479</sup> Where a greyhound with at least one injury was identified by an on track veterinarian after participation in a race in NSW during this period.

<sup>480</sup> The Commission assumes that the difference between the number of incidents (584) and the number of individual greyhounds (548) is a result of particular greyhounds being examined more than once by on track veterinarians during this period.

<sup>481</sup> GRNSW website, “GRNSW Quarterly Greyhound Racing Injury Report: 1 January 2016 to 31 March 2016”, 10 May 2016, p. 5: <http://www.grnsw.com.au/uploads/GRNSW%20Preliminary%20Greyhound%20Racing%20Injury%20Report%20-%20updated.pdf> (accessed 23 May 2016).

<sup>482</sup> Ibid, p. 3.

- 361 major injuries; and
  - 136 catastrophic injuries resulting in the greyhound’s death or its euthanasia on-track.
- 15.64 Again, using the average number of greyhounds that raced in a year in NSW, having been whelped in any prior year (11,061), the injury data contained in the Second Injury Report implies that each year:
- 21.17% of greyhounds which compete in a race suffer an injury;
  - 3.26% suffer a major injury;
  - 1.23% suffer a catastrophic injury resulting in the greyhounds death or euthanasia on-track; and
  - 4.49% suffer either a major or catastrophic injury.
- 15.65 In both the Preliminary Injury Report and the Second Injury Report, GRNSW carried out an analysis of what it described as “greyhound trialling injury rates”. However, it acknowledged an obvious problem with any such analysis. Veterinarians are not required to attend all trials, and GRNSW’s sample was only of the “greyhound trialling population (monitored by GRNSW veterinarians)”. Nevertheless, it asserted that this limited data was material “... upon which some inferences can be made about trialling population injury rates”.<sup>483</sup> It did not provide any detail of the inferences which might be drawn. The Commission considers that there is only one available inference, and it is uncontroversial – injuries occur during trialling and they are sometimes fatal injuries.
- 15.66 GRNSW sought to persuade the Commission that the Second Injury Report demonstrated that the injury rate was considerably less than the assessment made by the Commission. It suggested that the Second Injury Report demonstrated that, across the total race starts in the period 1 January 2016 to 31 March 2016, there was an injury rate of 27.1 per 1,000 race starts (2.7%) identified by an on-track veterinarian and that approximately 11.2% of the total number of individual greyhounds which raced during the period suffered at least one injury.<sup>484</sup> GRNSW further suggested that the Second Injury Report demonstrated that, in the period 1 January 2016 to 31 March 2016, there was a “major” or “catastrophic” injury rate of 5.8 per 1,000 race starts (0.6%) identified by an on-track veterinarian and that approximately 3% of the total number of individual greyhounds which raced during the period received at least one major or catastrophic injury.<sup>485</sup> The Commission has doubts about the results of GRNSW’s approach.
- 15.67 The Commission carried out its assessment based on the number of greyhound starters for a year. As noted, the figure of 11,061 is the average number of starts based upon figures supplied by GRNSW to the Commission on 12 April 2016. GRNSW conducted its analysis from a base of multiplying the races conducted during the three-month period covered by the Second Injury Report and multiplying it by an average of seven starters which, it claims, was the average number of starters per race over that period. The methodology for the period from 1 January to 31 March 2016 cannot be faulted. However, it produces the curious result that 4,910 dogs, being 44% of the average annual number of starters, raced within three months of the year. If this number of starters for the period from 1 January to 31 March 2016 is extrapolated across the full year, it would indicate 19,640 starters for the year – which cannot be correct. This three-month period selected by GRNSW may not be a representative sample.

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<sup>483</sup> Ex ZZ (17-18 February 2016), p. 5.

<sup>484</sup> GRNSW, Submission to the Commission dated 24 May 2016, [119].

<sup>485</sup> *Ibid*, [123].

- 15.68 As noted in Chapter 13, the Commission took a conservative approach in its consideration of particular scenarios concerning GRNSW’s racing schedules, as it did when assessing the scale of “wastage” in the industry. Where it was necessary to refer to injury rates, it was assumed that each year 5% of greyhounds are unable to continue to race because of major or catastrophic injuries. That is likely to significantly understate the true position.

## The causes of racing injuries

### *Anatomy and locomotion*

- 15.69 Dr Norris informed the Commission that there was limited research in relation to the factors that influenced injury rates and injury types. It was multifactorial. It involved a “complex inter-play of different factors”.<sup>486</sup>
- 15.70 The Commission agrees. Nevertheless, there has been some research.
- 15.71 A racing greyhound travels at considerable speed and this can contribute to injuries and injury rates depending upon surface conditions.<sup>487</sup> It is generally accepted that the way in which a greyhound chases a lure on a track makes a significant contribution to the severity and frequency of right hock injuries. This is particularly so on tracks with turns.<sup>488</sup>
- 15.72 The process has been described as follows:

Greyhounds power locomotion by torque about the hips and extension of the back, with the main weight bearing axis of the hindlimb being transmitted from the proximal limb, through the talus, CTB [central tarsal bone], second and third tarsal bones and into the metatarsus. During racing the greyhound lands on the track with the right, and then left, hindlimb and then propels itself forward, becoming fully airborne, before it lands on its front legs. When cornering the greyhound does not change speed or gait, resulting in a 65% increase in limb forces due to an effective increase in body weight from both gravitational and centripetal acceleration. By leaning into the bend, when running in a counter-clockwise direction, additional compressive forces are sustained through the medial aspect of the right pelvic limb. With an understanding of the forces transmitted through the medial aspect of the right tarsus it is not surprising that right tarsal injuries, and in particular right CTB [central tarsal bone] injuries, are so common in racing greyhounds.<sup>489</sup>

- 15.73 Dr Finster was asked whether there was anything unique to greyhound racing which contributed to injuries of the right hock. She said:

Dogs running on a circle, they’re always running in the same direction. It’s just putting increased wear and tear and ultimately these structures may fatigue and the joint will just break down. Certainly, that’s the anatomy of the dog that’s at fault but then you’ve got issues such as track surface, track circumference. You know, they also must play a part as well.<sup>490</sup>

### *Track design*

- 15.74 Greyhound racing tracks in NSW are circular, oval shaped or straight.<sup>491</sup> The oval shaped tracks have either one or two turns.<sup>492</sup> The limited research that has been carried out suggests that each design has its strengths and shortcomings. Some industry participants believe that

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<sup>486</sup> 19 November 2015: T658.34.

<sup>487</sup> Joanne Iddon, Richard Lockyer and Stephen Frean, “The effect of season and track condition on injury rate in racing greyhounds”, (2014) 55 *Journal of Small Animal Practice* 399.

<sup>488</sup> References to circular tracks include oval shaped tracks. There does not appear to be any relevant distinction between the two designs although whether a track has one or two turns may be relevant to the nature and frequency of injuries.

<sup>489</sup> Ex JJ (17-19 November 2015), pp. 1-2; see also Ex HH (17-19 November 2015).

<sup>490</sup> 18 November 2015: T593.6-10.

<sup>491</sup> The Appin Track is the only straight track in NSW.

<sup>492</sup> There are certain tracks that will become two-turn tracks depending upon the length of the race. The Tweed Heads track is a one such track.

particular designs suit greyhounds of a particular age or with various levels of racing experience.<sup>493</sup> Examples of each design area shown in figure 15.6.

15.75 An Australian greyhound veterinary practitioner observed that, on circular tracks many if not most serious bone injuries occur whilst a greyhound is 'cornering'. Some research has suggested that 90% of muscle or bone-related serious injuries which required veterinary treatment immediately after a race or the following morning occurred in the first bend of the race track. The researchers concluded that "an increased risk of injuries on the first bend was a result of either the increased speed, competitive spirit, or the higher risk of physical contact between greyhounds cornering at speed."<sup>494</sup>

15.76 He also noted that:

... more recent studies on the theory and geometry of racetrack design, backed up by video replays of greyhounds performing on poorly designed tracks, contradicts this view. Replay of race videos indicated that there was a sudden increase in centrifugal forces on the second stride into a corner as the animal enters the bend during the acceleration phase in the first fifty metres of a race. Tracks with a minimum distance from the boxes to the first bend had a higher risk of injury because greyhounds were more likely to be grouped together entering the first bend with increased risk of interference. Some tracks are designed to spread the field at the first bend by having a lower cross fall for a given radius.<sup>495</sup>

### **Straight or turning**

15.77 The Appin track is the only straight track in NSW. In the 2015-16 racing season, no races are being conducted at Appin and it is operating as a trial venue only.<sup>496</sup>

15.78 Dr Finster was of the opinion that straight tracks resulted in fewer right tarsal bone injuries.<sup>497</sup> Dr Norris was of the same opinion. She noted that tarsal bone injuries were produced by the rotational forces as the greyhound went around the turn. However, soft tissue injuries, lacerations, cuts and bruises could occur on tracks with bends and on straight tracks.<sup>498</sup> Dr Auer observed that, although the rate of injuries did not differ between the straight track at Capalaba and the circular tracks that were the subject of his study, there were no fractures of any type recorded for the straight track.<sup>499</sup>

15.79 In the recent study undertaken by Dr Beer, she found that the Healesville straight track had the lowest "odds" of tarsal bone injury in Victoria.<sup>500</sup> It is not clear whether Dr Beer came across any such injuries in her research.

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<sup>493</sup> Article "New Casino greyhound track faster, safer, and stronger" by Luke Mortimer, 10 March 2016, *The Northern Star*: <<http://www.northernstar.com.au/news/city-class-track-up-and-running/2568637/>> (accessed 23 May 2016).

<sup>494</sup> John Kohnke, "Aetiology and Epidemiology of Racing Injuries – An Australian Perspective" (2012), citing Bloomberg, M.S., "Racing Greyhounds Injury Survey Update", 9<sup>th</sup> *Annual International Racing Greyhound Symposium*, Florida (1993). A more recent Australian study found that approximately 7% of injuries on circular tracks occurred out of the box, 65% occurred at the first turn and approximately 15% occurred at the second turn.

<sup>495</sup> Ibid. See also Gretchen Sicard, K Short and Paul Manley, "A Survey of Injuries at five Greyhound racing Tracks" (1999) 50(9) *Journal of Small Animal Practice* 428.

<sup>496</sup> NSW Greyhound Breeders Owners & Trainers' Association website, "Track Information – Appin": <<http://www.gbota.com.au/track-information/appin>> (accessed 8 June 2016).

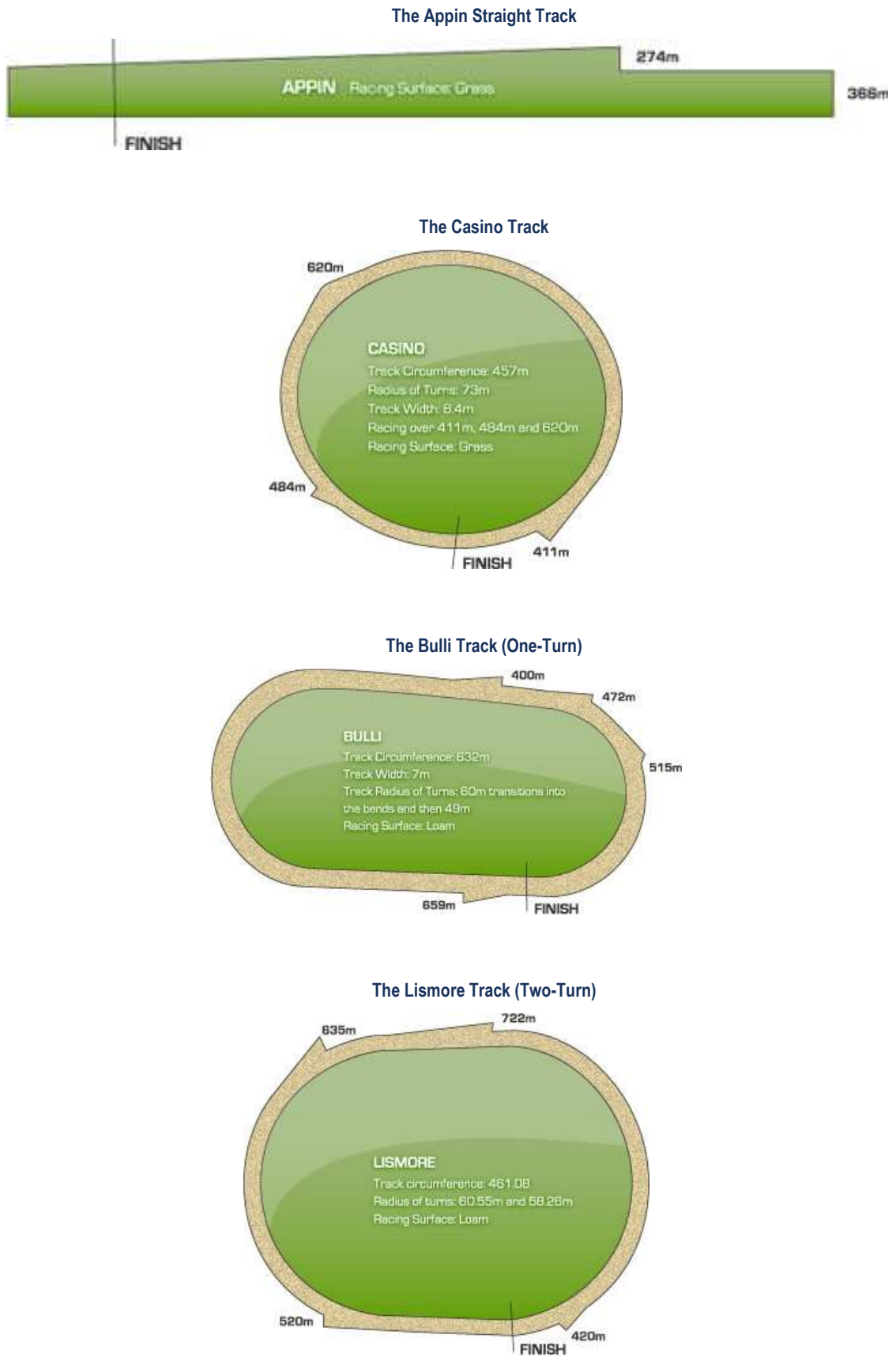
<sup>497</sup> 18 November 2015: T593.26.

<sup>498</sup> Dr Jade Norris, 19 November 2015: T658.21-23.

<sup>499</sup> Ex HH (17-19 November 2015), p. 4.

<sup>500</sup> Ex T (17-19 November 2015), p. 1.

Figure 15.6 Examples of greyhound track design (Appin, Bulli and Lismore tracks)



Source: GRNSW website, "Tracks"

- 15.80 Some researchers have concluded that greyhound tracks should be banked at the turns to enable greyhounds to maintain speed with a reduced lean.<sup>501</sup> It may be impractical to design tracks that completely negate the effects of centrifugal force as this would require the outer rim of a turn to be several metres above the inner rim. However, it has been suggested in some research that “any degree of banking on the turn will reduce the horizontal force”.<sup>502</sup> In the context of research into counteracting centrifugal forces created by thoroughbred horses racing at speed around a circular track, an expert civil engineer<sup>503</sup> suggested that tracks should have a design similar to a velodrome.<sup>504</sup>

#### **Grass or sand**

- 15.81 Research suggests that track surface may also play a role in the type and severity of on-track injuries.
- 15.82 Many “sand” track surfaces are loam comprised of sand and clay particles. Some tracks have a sand surface with a substratum of loam. The descriptions “sand” and “loam” are often used interchangeably in track research.
- 15.83 In NSW, there are 14 tracks with a grass surface, 18 tracks with a surface of loam (three of which have a sand surface), and one track which has a “sand based” surface, having switched from loam.<sup>505</sup> A number of tracks were once grass but were later resurfaced. The grass was replaced by loam.<sup>506</sup> The former CEO of GRNSW, Mr Brent Hogan, informed the Commission that, although loam tracks could cater for more race meetings than grass tracks, the cost of conversion to, and maintenance of, loam tracks meant that many clubs retained tracks with a grass surface. He said:

That tends to be the case in non-TAB, and that tends to be the case predominantly for two reasons. One is the cost. The cost of changing a track from grass to loam is not insignificant. It's generally in the hundreds of thousands of dollars if it's done properly, and obviously that's only going to come from GRNSW not from a local country club in terms of that funding, and secondly the preparation that's required on a loam track is more than a grass track. So whilst you can let the grass grow and mow it and get it ready for a race meeting, if it's a loam track it needs continual upkeep, and if it's a non-TAB track staffed by volunteer labour, that's a significant ask.<sup>507</sup>

- 15.84 Dr Auer noted that the proportion of tendon and ligament injuries was significantly greater on grass tracks. That included collateral ligament ruptures.<sup>508</sup> However, as noted below, hock fractures are particularly prevalent on tracks with a sand surface.
- 15.85 Dr Finster was of the opinion that racing greyhounds on a grass surface lessened the likelihood of catastrophic injury. She said:

With the advent of all sand track racing, hock injuries are the major cause. When we formerly had lots of grass tracks, they belonged in – there were toe injuries, but now that most of them are sand, then hock injuries have become the major problem. They're the ones that are responsible

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<sup>501</sup> A Cook, “Literature Survey of Racing Greyhound Injuries, Performance and Track Conditions” (1998) 74 *Journal of Turfgrass Science* 108, 110.

<sup>502</sup> *Ibid.*

<sup>503</sup> Bede Ireland.

<sup>504</sup> Parliament of the Commonwealth of Australia, Senate Select Committee on Animal Welfare, report “Aspects of Animal Welfare in the Racing Industry” (1991), [6.10].

<sup>505</sup> Article “Wagga to Unveil Track Upgrade” by Stuart Turner, 7 August 2014, *GRNSW website*:

<<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=5371>> (accessed 23 May 2016).

<sup>506</sup> An example is the Maitland track. In 2004 the track underwent a conversion with the old grass surface converted to loam to allow for greater use and a more suitable racing surface in inclement weather conditions. It was further upgraded in 2010 as a consequence of concerns expressed by industry participants that there were high levels of interference on the entry point to the corner coming off the back straight, resulting in a higher level of falls and injuries.

<sup>507</sup> 17 February 2016: T766.32-40.

<sup>508</sup> Ex HH (17-19 November 2015), p. 4.



for dogs not finishing races. Long bone fractures, pelvic fractures are not nearly so common as these injuries to the right hock.<sup>509</sup>

15.86 Dr Auer was of the same opinion. He noted that:

Sand tracks appeared to be associated with more serious injuries, particularly fractures of the appendicular skeleton, compared to grass. This may be related to a greater incidence of traumatic high impact collisions on sand, but more likely are a result of biomechanical factors. The vertical ground reaction force on the limb, in particular, would be expected to be considerably greater on sand surfaces. This prominent role of biomechanical factors in the incidence of fractures during racing would also be supported by an absence of fractures of any type when racing on the straight track at Capalaba.<sup>510</sup>

15.87 Dr Auer's study revealed that the proportion of tarsal fractures was significantly greater on sand than grass and that the proportion of all fractures was significantly greater on sand tracks.<sup>511</sup>

15.88 There has been considerable debate concerning the components of a track surface that will produce the best performance and fewer injuries. This has included the source of the sand, the proportion of clay, and the substratum.

15.89 On 20 May 2015, GRV announced that it had spent \$40,000 on a study into the various surfaces around Victorian tracks to determine the best possible conditions to ensure greyhound safety at the track. The announcement, "Science and Sand", claimed that the study was comprehensive in that it took into consideration all factors that could affect the performance of the surface including sand type and source, clay content, particle size, the irrigation system, the base structure and the maintenance procedures, machinery and equipment that would be used to preserve it. It concluded that "Sand is the preferred greyhound racing surface in Victoria."<sup>512</sup>

15.90 The Commission heard evidence from one industry participant that the Victorian tracks were a model of excellence. He said:

GRNSW cut corners to get cheaper sand. They need to go to Melbourne and learn how to do it properly. If you pay the money, you get good sand. I think they pay - Melbourne, for instance, pay \$180 a tonne for sand, and GRNSW does it for \$90 a tonne because they think they get two tonnes for the price of one, but it's nowhere near as good. The track curators in Melbourne are very good at what they do, the facilities are good, they have good operators, they need to go down there and learn.<sup>513</sup>

15.91 In November 2014, GRNSW's Track Maintenance Manager made similar observations of the 15 TAB tracks which he had inspected in NSW:

As the TV commercial used to say, 'oils ain't oils', nor are sands. Sand is a classification based on particle size. Whilst excluding gravel, sand has the largest particle size as determined in worldwide testing processes however there is a major difference in general characteristics between fine sands and medium to course sands. In general, sands have good drainage and porosity, but low water retention. Our tracks in NSW as you will see, consist entirely of varying sand textures, with small percentages of silt and clay.<sup>514</sup>

15.92 The Track Maintenance Manager formed the view that many of the tracks that had been inspected by him had substandard track surfaces. He noted that, in order to manage sand in a

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<sup>509</sup> 18 November 2015: T592.41-593.2.

<sup>510</sup> Ex HH (17-19 November 2015), p. 4.

<sup>511</sup> Ibid, p. 4.

<sup>512</sup> Article "Science and Sand in Victorian Greyhound Racing" by GRV, 20 May 2015, *GRV website*: <<http://www.grv.org.au/news/2015/05/20/science-sand-victorian-greyhound-racing/>> (accessed 23 May 2016).

<sup>513</sup> Industry participant, 6 November 2015 (private hearing): T14.23-33.

<sup>514</sup> Bill Wilson, GRNSW Track Maintenance Manager, report "Greyhound Racing NSW – TAB Inspections and Assessments – the initial report in developing guidelines for the ongoing management and preparation of TAB Greyhound Tracks in New South Wales" (November 2014), p. 5.

recreational profile, a lot more attention was required than simply watering, harrowing and rolling the surface.<sup>515</sup>

### **Surface preparation and track maintenance**

15.93 Some research indicates that track preparation and maintenance are important. Intuitively one would expect that to be so. Whatever surface is the optimum surface, it is reasonable to conclude that if a track is poorly presented or maintained, the greyhounds are at greater risk of injury.

15.94 Some research has shown that, because poor maintenance can lead to inconsistencies in the track surface, greyhounds are more likely to be injured because they are unable to safely adjust to changing surface conditions.

15.95 On 26 January 1988 *The Sydney Morning Herald* reported that there had been an increase in catastrophic injuries at Wentworth Park. A number of trainers expressed opinions concerning why this may have occurred. One leading Sydney trainer observed:

The night Paul's Impact broke his leg there had been show jumping at Wentworth Park and a platform was put over the dog track to walk the horses across. Two cleats at the bottom of the platform, about 1.5m by 10cm, pressed into the track leaving a deep groove which was later filled with sand. Paul's Impact and another dog both broke hocks after hitting the sand. After the last race I saw four or five men working on that section of the track.<sup>516</sup>

15.96 Although grass is the traditional racing surface, some have noted that grass tracks are often unable to sustain regular racing, particularly on bends and corners, and are hard to maintain in a safe condition.<sup>517</sup> They can also become unstable in inclement weather leading to the cancellation of race meetings.<sup>518</sup>

15.97 Some American researchers have concluded that injuries occurring on the turns of sand tracks could be minimised by ensuring that the moisture content is maintained particularly for the later races of the meeting. This could be achieved by sprinklers on the inside of the rail or the use of water trucks followed by light harrowing after every race, particularly during hot weather.<sup>519</sup>

15.98 Another issue caused by poor maintenance is surface drift. It has been noted that:

Under both wet conditions with surface runoff to the inside of the track, and dry conditions with drift down the cross fall, coupled with poor maintenance and conditioning procedures, much of the track surface will migrate to the lowest area along the running rail, reducing the crossfall or slope on the bends. Bad erosion and surface drift results in a flattening of the slope in the running rail area, with a sudden increase in the slope to the outside of the track due to centrifugal outwards "flinging" of sand by greyhounds as they corner at speed in a pack on the rail.<sup>520</sup>

### **Starting box, field position and number of runners**

15.99 Some research has shown that tracks with a minimum distance from the boxes to the first bend have a higher risk of injury because greyhounds are more likely to be grouped together entering the first bend resulting in an increased risk of interference.<sup>521</sup>

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<sup>515</sup> Ibid.

<sup>516</sup> Article "Dog Racing takes a deadly turn" by B Curtis, *The Sydney Morning Herald*, 26 January 1988.

<sup>517</sup> John Kohnke, "Aetiology and Epidemiology of Racing Injuries – An Australian Perspective" (2012), citing B Ireland, "Race Track Biomechanics and Design" in Dee and Taylor (eds), *Canine Sports Medicine and Surgery* (Bloomberg, 1998) 391-396.

<sup>518</sup> Bruce Teague, Submission 996A to the Select Committee dated 10 February 2014.

<sup>519</sup> John Kohnke, "Aetiology and Epidemiology of Racing Injuries – An Australian Perspective" (2012), p. 4.

<sup>520</sup> Ibid.

<sup>521</sup> Gretchen Sicard, K Short and Paul Manley, "A Survey of Injuries at Five greyhound Racing Tracks" (1999) 40(9) *Journal of Small Animal Practice* 428.

- 15.100 In the United Kingdom, a box draw system is used depending upon the greyhound's propensity to run wide or hug the rail. However, there is currently a lack of reliable research to support a conclusion that such a system reduces the severity of injuries or their frequency.
- 15.101 Dr Auer concluded that the starting box number was not related to the number of injuries at the first turn or to the overall injury rate.<sup>522</sup>
- 15.102 In the United Kingdom, the field comprises six greyhounds. It might be thought that a reduction in numbers would reduce the risk of collision, particularly at the first turn. However, there is currently no research which establishes that fewer runners means fewer injuries.

#### ***Other possible contributors***

- 15.103 There are other matters which have been flagged as contributing to injuries. They include age and weight,<sup>523</sup> performance diets high in meat but lacking in calcium,<sup>524</sup> and weather.<sup>525</sup>
- 15.104 The Commission's review of the research is that there is no simple answer to the question why injuries are so frequent and often so severe. If the industry is to continue, further research, and the implementation of recommendations, must be treated as a priority. The Commission notes that GRNSW recently announced that it proposes to engage in a research project concerning the likely contributors to injuries. This is addressed later in this Chapter.
- 15.105 In its submission dated 24 May 2016, GRNSW noted that other contributors to wastage was:
- ... an issue in which recommendations could helpfully be made as to racing methods. There are benefits to straight tracks, or tracks with a limited bend. Track surface assists. The number of dogs in each race assists. The possibility (on circular tracks) of dogs starting from kennels which correspond with the dog being a rails or wider runner is a change which may provide benefits. Some evidence of these matters was given before the Commission, and there is no reason to doubt the accuracy of that evidence. It appears that similar matters may have been considered by Lord Donoghue of Ashton. These are changes which can improve animal welfare.<sup>526</sup>
- 15.106 The Commission notes that, in its Final Response to the Commission's Issues Paper on Overbreeding and Wastage ("the Breeding Issues Paper"), GRNSW acknowledged that further research was required in relation to a number of the matters referred to above. For example, it noted that "there is currently no research or evidence" to support the theory that a reduction in field sizes might lead to fewer injuries.<sup>527</sup> It further noted that a reduction in field sizes might:
- ... not necessarily lead to a reduction in injury rates nor lead to a significant improvement in animal welfare, further research needs to be performed before such changes are implemented.<sup>528</sup>
- 15.107 It is not possible for the Commission to make the recommendations sought by GRNSW. Although various contributing factors were identified in the evidence and in the research, some of which are more credible than others, further research and design advice is necessary. The Commission notes that GRNSW has embarked on a research project which might provide some of the answers.

<sup>522</sup> Ex HH (17-19 November 2015), p. 3.

<sup>523</sup> Ex T (17-19 November 2015), p. 1.

<sup>524</sup> John Kohnke, "Aetiology and Epidemiology of Racing Injuries – An Australian Perspective", (2012).

<sup>525</sup> Joanne Iddon, Richard Lockyer and Stephen Frean, "The effect of season and track condition on injury rate in racing greyhounds" (2014) 55(8) *Journal of Small Animal Practice* 399.

<sup>526</sup> GRNSW, Submission to the Commission dated 24 May 2016, [121].

<sup>527</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, [31].

<sup>528</sup> *Ibid*, [39].

### Track design, track preparation and maintenance

15.108 On 1 July 2004 GRNSW, as then constituted, introduced “Operating Standards for NSW Greyhound Racing Clubs” (“the 2004 Club Operating Standards”). Section D of the 2004 Club Operating Standards concerned race track facilities and infrastructure.<sup>529</sup> The 2004 Club Operating Standards covered lures, starting boxes, track design, track lighting, photo finish equipment, semaphore boards and track design. The track design standards were basic. An extract from Section D appears at table 15.7.

**Table 15.7 GRNSW 2004 Club Operating Standards (Part D extract)**

#### Track

Item	Specification														
• Dimensions	• minimum width 5.5m (for future track conversions)														
• Construction	kikuyu (turf) or sand (white) of the following grading: (‘Sandown specification’ – for guidance only*): <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Sieve Size</th> <th>% Passing</th> </tr> </thead> <tbody> <tr> <td>2.360mm</td> <td></td> </tr> <tr> <td>1.180mm</td> <td></td> </tr> <tr> <td>0.600mm</td> <td></td> </tr> <tr> <td>0.300mm</td> <td></td> </tr> <tr> <td>0.150mm</td> <td></td> </tr> <tr> <td>0.075mm</td> <td></td> </tr> </tbody> </table>	Sieve Size	% Passing	2.360mm		1.180mm		0.600mm		0.300mm		0.150mm		0.075mm	
Sieve Size	% Passing														
2.360mm															
1.180mm															
0.600mm															
0.300mm															
0.150mm															
0.075mm															
• Outside fencing	• colorbond® or similar														
	• height: non-public areas: minimum 600mm public areas: minimum 1000mm; steel pipe post/rail and chain wire mesh also acceptable														
• Catching Pen	• height: 1.8m														
	• construction: structural steel frame (to CPEng design) with supporting wheel														
	• infill panels: pvc coated chain wire mesh														
	• (lockable) gate to prevent premature handlers access														

\* NOTE: The specification supplied is for that used at Sandown and replicated at Richmond. However, sand selection is subjective and generally based upon locally available materials. Alternative specifications exist for sands that have been used at different venues with regard to the above constraints; these are available upon request.

Source: GRNSW website, “Section D: Racecourse Facilities – D4: Racing Infrastructure”

15.109 In 2010, GRNSW undertook a review of the 2004 Club Operating Standards. Sixteen new standards were issued.<sup>530</sup> None of these standards concerned track design. It is unclear whether the 2004 Club Operating Standards concerning track design continued to apply, or whether any clubs had regard to them.

15.110 GRNSW’s first Strategic Plan, Chasing 2020,<sup>531</sup> noted that in 2008 GRNSW had commenced the development of a policy aimed at improving track preparation but that finalisation of the policy was “sidetracked by the 2009 merger”.<sup>532</sup>

15.111 As noted in Chapter 9, industry participants had raised a number of welfare issues which included inconsistent racing surfaces from week to week, hard tracks which caused injuries, lack

<sup>529</sup> GRNSW website, “Section D: Racecourse Facilities – D4: Racing Infrastructure”:

<<http://www.thedogs.com.au/resources/pdfs/D4RacingInfrast.pdf>> (accessed 29 May 2016).

<sup>530</sup> GRNSW website, “Operating Standards”: <<http://www.thedogs.com.au/DPage.aspx?id=125>> (accessed 23 May 2016).

<sup>531</sup> Ex FFF (17-18 February 2016).

<sup>532</sup> Ex E (28 September – 2 October 2015), p. 2.

of consistency in track preparation methods and lack of training for club staff who were required to maintain tracks.<sup>533</sup> It was proposed that there be a management review, in consultation with clubs, of the “2008 Improving Track Preparation Guidelines” and that management recommend a “Preparation Policy” to the Board for approval.<sup>534</sup> This did not occur.

- 15.112 Chasing 2020 noted an “aspiration” of having an ongoing program of improvement to racing surface standards. It also contained a “strategy”:

GRNSW will develop and implement standards and guidelines for consistent track preparation for trials and racing across the TAB sector to ensure punter consistency and improved animal welfare.

In recognition of the inconsistency in track surfaces and ratings across the TAB sector, GRNSW will work with clubs to develop standards and guidelines for consistent track preparation. GRNSW will assist clubs to undertake an audit of track preparation procedures, policies and associated equipment. As required, GRNSW will invest in equipment to support the implementation of new track preparation standards which will enable like-to-like racing across TAB tracks. GRNSW will carefully consider future track improvements based upon industry best practice, as well as scientific and professional research and advice.<sup>535</sup>

- 15.113 A timeline for developing and implementing standards and guidelines for consistent track preparation for trials and racing across the TAB sector was established, as was a timeline for improved track preparation. The timelines for both was two years.<sup>536</sup> They were not met.
- 15.114 The Operational Plan which supported Chasing 2020 provided that guidelines in relation to consistent track preparation and ongoing training for track curators would be developed. The former GRNSW Chief Executive told the Commission that, to the best of his recollection, he was not sure if “... that project was completed.”<sup>537</sup>
- 15.115 The reporting of progress in GRNSW’s Annual Report’s between 2011 and 2014 has been addressed in Chapter 10. The GRNSW Annual Report 2011 referred to a “project” for development of standards and guidelines for consistent track preparation. It noted that there had been a consultation session with managers of TAB tracks and staff and that “samples [were] collected to identify inconsistencies in sand quality and type”.<sup>538</sup> Standards and guidelines were to “be delivered in 2011”.<sup>539</sup> They were not delivered. The GRNSW Annual Report 2012 referred to the same “project”. However, it made no further mention of the samples or guidelines for consistent track preparation. Rather, GRNSW claimed that “training guidelines [were] complete, with rollout scheduled for second half of 2012, with a focus on WHS compliance”.<sup>540</sup>
- 15.116 A strategic plan agenda item for the 25 September 2013 board meeting noted the proposal to “Establish track preparation guidelines and standardise equipment across the State; [and] Review optimal track design and other opportunities to improve racing outcomes.” GRNSW’s draft budget dated 10 June 2014, as put to the Board, stated:

The budget provides for the employment of a Track Maintenance Manager (as outlined in the organisation restructure). This role evolved from the strategic planning consultation meetings in December 2013, specifically from the meeting between GRNSW and the TAB Clubs. The model of having a central resource in place to plan and oversee the consistent execution of track preparation standards, routine track

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<sup>533</sup> Ibid.

<sup>534</sup> Ibid, p. 3.

<sup>535</sup> Ex FFF (17-18 February 2016), p. 10.

<sup>536</sup> GRNSW website, “Strategic Snapshot Table”: <[http://www.thedogs.com.au/Uploads/Userfiles/100727-StrategicSnapshotTable\(2\).pdf](http://www.thedogs.com.au/Uploads/Userfiles/100727-StrategicSnapshotTable(2).pdf)> (accessed 23 May 2016).

<sup>537</sup> Brent Hogan, 17 February 2016: T765.39.

<sup>538</sup> GRNSW Annual Report 2011, p. 20.

<sup>539</sup> Ibid.

<sup>540</sup> GRNSW Annual Report 2012, p. 22.

maintenance, and attend to non-routine track maintenance matters is now in place in both Victoria and South Australia ...

- 15.117 There was no mention of these matters in the GRNSW Annual Report 2014, although it noted that the TAB funding model contained an allowance for a track curator.<sup>541</sup> It is plain that not much, if anything, was happening to develop any research-based track designs, methods of preparation and means of maintenance. From an animal welfare perspective that is unacceptable. GRNSW was well aware that track design, preparation, and maintenance were important welfare considerations. That is not to say that GRNSW did nothing in relation to track maintenance and capital investment.

#### ***Funding track maintenance and improved track design – the Greyhound Industry Development Fund***

- 15.118 The Greyhound Industry Development Fund (“the GIDF”) provides funding for projects involving “backlog maintenance or new capital investment at greyhound racing tracks in NSW.”<sup>542</sup> On 1 August 2007, GRNSW issued a “GIDF Policy and Guidelines”. The GIDF Policy and Guidelines stated that:

Funds received by the NSW greyhound racing industry via its commercial arrangements with other racing codes and TAB Limited are distributed in accordance with the Scheme of Distribution Policy. The amount allocated to the GIDF is a first charge against TAB distributions and is not less than 11.25% of the total available for distribution after all other first charges.<sup>543</sup>

- 15.119 Between February 2003 and June 2007, over \$6.5m was allocated to backlog maintenance projects to address “the highly dilapidated state of the industry’s assets inherited by Greyhound Racing NSW (GRNSW) at its inception.”<sup>544</sup> By August 2007, approximately \$2m per annum was being allocated to the GIDF for the purposes of meeting capital and maintenance funding requests from clubs.<sup>545</sup>
- 15.120 Clubs are responsible for funding their own regular routine maintenance to a prescribed value in the preceding financial year.<sup>546</sup> It can be “cash or kind”. Board approval is required for funding applications above \$50,000. GIDF funding is approved by reference to six “subsets” – a Maintenance and Venue Improvement Allowance (“MVIA”), Programed Major Renewals (“PMR”), Venue Enhancements and Major Projects (“VEMP”), Wentworth Park (“WP”), Occupational Health and Safety (“OH&S”) and an Emergency Works Allocation (“EWA”). Table 15.8 summarises the eligibility requirements for GIDF funding.

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<sup>541</sup> GRNSW Annual Report 2014, p. 15.

<sup>542</sup> GRNSW website, “Greyhound Industry Development Fund Policy and Guidelines”:

<<http://www.thedogs.com.au/Uploads/Userfiles/GIDFPolicy.pdf>> (accessed 23 May 2016).

<sup>543</sup> Ibid.

<sup>544</sup> Ibid.

<sup>545</sup> Ibid.

<sup>546</sup> \$60,000 for Metropolitan clubs, \$30,000 for Premier clubs, \$20,000 for Principal clubs and \$10,000 per annum for Country clubs.

**Table 15.8 Eligibility requirements for Greyhound Industry Development Fund (GIDF) funding**

	GIDF Funding Subsets						
	Club Funded Routine Maintenance	MVIA Funded Routine Maintenance	Programmed Major Renewals (PMR)	Wentworth Park (WP)	Venue Enhancement & Major Projects (VEMP)	Occupational Health & Safety Funding (OH&S)	Emergency Works Allocation (EWA)
	<i>Metro</i> \$60K pa		Projects to be scheduled in line with GHD report <sup>547</sup>	Projects to be scheduled in line with SKM report or at GRNSW Board discretion	Clubs to liaise with GRNSW over proposed new works	GRNSW to work with all clubs to address OH&S priorities at each venue	Accessible only in emergency situations with the approval of GRNSW
	<i>Premier:</i> \$30K pa	<i>Premier:</i> \$30K pa					
	<i>Principal:</i> \$20K pa	<i>Principal:</i> \$20K pa					
	<i>Country:</i> \$10K pa	<i>Country:</i> \$10K pa					
Type of Funding	Club Responsibility		<\$15,000 = Grant >\$15,000 = IFIL #				
		<\$3K= PNF					
Application Requirements	Club Responsibility	only >\$3K = PNF plus 3 quotes	GRNSW will schedule projects	GRNSW to liaise with each club regarding venue requirements			

Source: GRNSW website, "Greyhound Industry Development Fund: Policy and Guidelines"

- 15.121 From 1 July 2013, a Safety, Racing, and Welfare Maintenance Fund ("SRWMF") replaced the MVIA. The SRWMF provides clubs with funding on an annual basis but no longer allows clubs to accrue unused funds. The SRWMF guidelines provide examples of the types of projects which can receive funding. They also provide examples of "projects" where funding is not available.<sup>548</sup> The examples of projects that can receive funding are shown in the table 15.9.<sup>549</sup>

**Table 15.9 Safety, Racing and Welfare Maintenance Fund: projects available to receive funding**

Track Sand	Grass Matting	Track Electrical
Track Turf	Track Laser Levelling	Track Plumbing
Lure Supplies	Tractor Service	WHS Upgrades
Lure Repairs	Water Truck Service	Kennel & Trial Kennel Repairs
Starting Box Repairs	Internal Box Matting	Track Preparation Equipment
Box Compressors	Electrical Test & Tag	Fire Safety
Track Mowers & Services	Catching Pen Repairs	Veterinarian Infrastructure

Source: GRNSW website, "Safety, Racing and Welfare Maintenance Fund (SRWMF) Guidelines"

- 15.122 On his departure on 1 February 2012, the former Chairman of GRNSW, Professor Percy Allan AM, made a statement that included his reflections upon the challenges which GRNSW had faced in relation to track maintenance and funding. He said:

Another challenge confronted by the Board was the poor condition of many of the greyhound racing tracks across the state.

Nine years ago most of the industry's assets were on skid row and needed urgent attention to ensure their survival. To tackle this, the Board introduced the Greyhound Industry Development Fund, to overcome all significant backlogs in asset maintenance and renewals as well as pay for expansion of facilities that clubs could not afford themselves.

<sup>547</sup> GHD are asset management consultant whose review led to GRNSW's GIDF Policy and Guidelines.

<sup>548</sup> For example, computers, televisions, website costs, printers and fax machines.

<sup>549</sup> GRNSW website, "Safety, Racing and Welfare Maintenance Fund (SRWMF) Guidelines": <[http://www.thedogs.com.au/Uploads/Userfiles/SRWMF%20Guidelines\(3\).pdf](http://www.thedogs.com.au/Uploads/Userfiles/SRWMF%20Guidelines(3).pdf)> (accessed 23 May 2016).

Since February 2003, more than \$9 million has been allocated to venue renewal and improvement. One only has to visit any racing club now to see the difference it's made. Included was \$2.6million to refurbish the facilities right here at Wentworth Park. Through the fund, the Board also introduced the Maintenance and Venue Improvement Allowance, which is a "dollar-for-dollar" program that gives clubs a level of discretion in ongoing venue spending.

The allowance has become the cornerstone of our repair and maintenance program as it provides an incentive for clubs to be proactive in the ongoing upkeep of their race tracks.

In short, money spent through the Greyhound Industry Development Fund has gone a long way to ensuring our racing venues are now of a quality we can be proud of to bring family, friends and sponsors to.<sup>550</sup>

- 15.123 GRNSW's annual reports disclose that the GIDF spent funds on track maintenance and surface improvements at some TAB and non-TAB clubs.<sup>551</sup> The annual reports do not record that funds were spent on improved track design at any track. Not all items were included in the annual reports but it is reasonable to infer that GRNSW highlighted the major items. As noted, the clubs were responsible for their own routine maintenance up to a prescribed amount. It may be that club track maintenance regularly exceeded these amounts and that the GIDF provided additional funding.
- 15.124 The GRNSW Annual Report 2011 does not record that any funds from the GIDF were allocated for surface improvements, although it did note that a sum of \$86,000 was spent on an upgrade of the running rail at Potts Park track and that \$23,500 was spent on upgrading the lighting at Grafton track.<sup>552</sup>
- 15.125 The GRNSW Annual Report 2012 recorded that funds from the GIDF in an amount of \$26,000 were spent on an irrigation system upgrade at Wagga Wagga.<sup>553</sup>
- 15.126 The GRNSW Annual Report 2013 noted that there had been "continued investment in track improvements and maintenance",<sup>554</sup> and that a "further \$1.4 million has been earmarked for industry infrastructure and maintenance, with a clear prioritisation on minimising potential risk for racing greyhounds."<sup>555</sup> The GRNSW Annual Report 2013 also recorded that funds from the GIDF in amounts of \$33,472 and \$41,990 were spent on track irrigation upgrades at Richmond and Dubbo tracks. An amount of \$66,784 was spent on starting box rejuvenation and relocation.<sup>556</sup> The Commission does not know whether starting boxes were relocated because of injury concerns.
- 15.127 The GRNSW Annual Report 2014 recorded that funds from the GIDF in an amount of \$72,300 were spent on an upgrade of the track profile and surface at Wagga Wagga. A further amount of \$46,000 was spent on the rejuvenation of the track surface at Bulli. The running rail at Muswellbrook track was replaced at a cost of \$26,118.<sup>557</sup>
- 15.128 The total expended on significant track maintenance and surface improvement projects over four financial years was not substantial and it concerned improvements at only six of the industry's 34 tracks. That is not to say that individual clubs did not carry out less substantial works or that they did not receive some additional funding through the GIDF.

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<sup>550</sup> Media release "Departing Statement From Professor Percy Allan AM" by Professor Percy Allan AM, 1 February 2012, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=2830>> (accessed 23 May 2016).

<sup>551</sup> The annual reports also recorded other items of capital expenditure on such items as turnstiles, starting box covers, catering facilities and grandstand seating.

<sup>552</sup> GRNSW Annual Report 2011, p. 13.

<sup>553</sup> GRNSW Annual Report 2012, p. 19.

<sup>554</sup> GRNSW Annual Report 2013, p. 11.

<sup>555</sup> *Ibid*, p. 14.

<sup>556</sup> *Ibid*, p. 30.

<sup>557</sup> GRNSW Annual Report 2014, p. 14.



15.129 It appears that during this period, little, if anything, was spent by GRNSW on developing and improving track designs.

15.130 In March 2014, the NSW Legislative Council's 2014 Select Committee on Greyhound Racing in NSW (the "Select Committee") recommended that GRNSW develop and implement industry standards for best practice for race design.<sup>558</sup> The recommendation was supported by Government.<sup>559</sup> In its Response to the Select Committee First Report, Government suggested that a "number of reforms and initiatives" in track design and maintenance had taken place. The Commission assumes that this was based on representations made by GRNSW to this effect. Government's response included the following:

The Government notes that Greyhound Racing NSW has implemented a number of reforms and initiatives in these areas<sup>560</sup> which are outlined below.

The Government understands that after consultation with the TAB Clubs, Greyhound Racing NSW is currently recruiting a Track Maintenance Manager to contribute to the ongoing safety and maintenance of all NSW TAB tracks and be responsible for developing best practices across the industry. This position will work closely with Track Curators in the areas of track preparation and preventative maintenance to ensure consistency amongst all racetracks.

Greyhound Racing NSW assumed responsibility for animal welfare in the NSW greyhound racing industry from 1 July 2009. After assuming responsibility it commenced a review of the existing policies of the previous controlling body and lead (sic) to reforms.<sup>561</sup>

15.131 In fact, there had been no "reforms and initiatives" in track design and maintenance. GRNSW's former General Manager of Education and Welfare, Mr Tony O'Mara, pointed to the appointment of a Tracks Maintenance Manager as a step taken by GRNSW to improve track preparation.<sup>562</sup> It seems to have been the only step taken and it was not taken until September 2014. This is addressed below.

15.132 In its August 2015 submission to the Commission, GRNSW acknowledged "clubs around NSW are outdated and require significant infrastructure upgrades including improved track design."<sup>563</sup> That is borne out by the evidence.

15.133 By 2014 the upkeep and standard of tracks in NSW had become a matter of significant concern to some industry participants. Their concern that tracks in NSW were substandard was raised in a meeting of the Greyhound Racing Industry Consultation Group ("GRICG") on 18 March 2014. GRICG noted that:

There is general concern regarding the upkeep and condition of racing surface at all tracks. Whilst accepting that stewards do walk around tracks prior to race meetings, participants are not sure of the stewards' qualifications to assess the quality and condition of the tracks, e.g. assessing whether a transition turn is still as it should be. It has been proposed that a qualified person be retained to inspect tracks regularly to ensure that they are of the highest standard.<sup>564</sup>

15.134 Industry participants recognised that some matters which they considered contributed to on-track injuries were not being addressed by GRNSW. Turn radius, camber and speed entering the turn can contribute to the frequency of injuries and their severity. Industry participants thought

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<sup>558</sup> Select Committee, report "Greyhound Racing in New South Wales – First Report" (March 2014), p. 109.

<sup>559</sup> NSW Government, "Government Response to the 'Select Committee on Greyhound Racing in NSW First Report'" (September 2014) ("Government Response to Select Committee First Report").

<sup>560</sup> The recommendation also provided that GRNSW develop and implement industry standards for best practice for the provision of veterinary services. This was also supported by Government.

<sup>561</sup> Government Response to Select Committee First Report, p. 17.

<sup>562</sup> Ex WW (17-18 February 2016), p. 30.

<sup>563</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [550].

<sup>564</sup> GRNSW website, "Minutes of GRICG Meeting held Tuesday March 18<sup>th</sup> 2014 at GRNSW Offices Rhodes": <<http://www.thedogs.com.au/Uploads/Userfiles/GRICG%20Minutes%2018%2003%202014.pdf>> (accessed 23 May 2016).

that having a transitional turn might reduce the risk of injury. It is supported by some research.<sup>565</sup>

15.135 In September 2014, GRNSW employed a Track Maintenance Manager.<sup>566</sup>

15.136 In the GRNSW Annual Report 2015,<sup>567</sup> GRNSW noted that the role had been created to assist, mentor and guide track curators in track preparation and preventative maintenance, and to drive key safety initiatives on track and racing infrastructure. GRNSW claimed that the Track Maintenance Manager had inspected all TAB tracks and had compiled a report outlining issues relating to track surfaces, club maintenance equipment, racing infrastructure and the relationship between management and the curator of each venue. He had outlined and prioritised the key areas which he considered required attention and provided a three-year plan recommending action which could be taken by GRNSW to “standardise track preparation equipment, track surfaces and racing infrastructure in the TAB sector.”<sup>568</sup> The Commission did not take this to mean that the Track Maintenance Manager’s proposals were based on research or science.<sup>569</sup> The Track Maintenance Manager’s description of what he discovered during his inspection of 15 TAB tracks between 22 September 2014 and 24 October 2014 demonstrates just how little had been achieved by GRNSW in the seven years that preceded his appointment:

Whilst there is no doubt that various aspects of the Greyhound Industry have progressed and embraced latest technologies and adopted best practice, specifically in the areas of integrity and compliance,<sup>570</sup> it could be argued that one of the more important aspects of greyhound racing, the racing surface has been caught in a time warp.

Much of what is accepted currently in racetrack standards, in areas of track maintenance and preparation could be traced back to late 1980s early 1990s. Technologies and resources relating to recreational surfaces have moved on substantially since then. Whilst it is acknowledged and understood that the greyhound industry and in particular, the racing surface have some unique characteristics, it is the opinion of mine that very little of what is being done, how it is done and what it is done with would be accepted as best practice in any other recreational surface based industry ...<sup>571</sup>

15.137 GRNSW informed the Commission that, on 30 August 2015, it held an inaugural Track Curator Conference for the purpose of improving track safety and maintenance processes across NSW.<sup>572</sup>

15.138 The GRNSW Annual Report 2015 reveals that considerably more was spent or allocated to track maintenance and surface improvement projects than was the case in prior years. The sum of \$160,000 was spent or allocated to track reconstruction, starting box alterations and renovation works at Goulburn track. An amount of \$155,600 was spent or allocated to track reconstruction and replacement of the sand profile because of flooding at Maitland track and The Gardens. The sum of \$56,300 was spent or allocated to replacing track drainage and the sand profile at Gosford track. Finally, the sum of \$33,840 was spent or allocated to moving two starting

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<sup>565</sup> Stubbs A, “Racetrack Design & Performance Database of Current Knowledge: A report for the Rural Industries Research and Development Corporation” (February 2004). See also Greyhound Data website, “A new track design for safer greyhound racing”: <[http://www.greyhound-data.com/dir/638/New\\_Track\\_Design.pdf](http://www.greyhound-data.com/dir/638/New_Track_Design.pdf)> (accessed 23 May 2016).

<sup>566</sup> GRNSW website, “Minutes of GRICG Meeting held Tuesday March 18<sup>th</sup> 2014 at GRNSW Offices Rhodes”: <<http://www.thedogs.com.au/Uploads/Userfiles/GRICG%20Minutes%2018%2003%202014.pdf>> (accessed 23 May 2016).

<sup>567</sup> GRNSW Annual Report 2015, p. 24.

<sup>568</sup> Ibid.

<sup>569</sup> On 10 May 2016 GRNSW announced that it had appointed a second Track Maintenance Manager.

<sup>570</sup> The Commission does not accept this.

<sup>571</sup> Bill Wilson, GRNSW Track Maintenance Manager: “Greyhound Racing NSW – TAB Inspections and Assessments – the initial report in developing guidelines for the ongoing management & preparation of TAB Greyhound Tracks in New South Wales” (November 2014), p 4.

<sup>572</sup> GRNSW, Submission to the Commission dated 24 May 2016, [136].

positions off the Bulli track.<sup>573</sup> This expenditure was only slightly less than the combined expenditure over the prior four financial years.

- 15.139 GRNSW recently informed the Commission that it plans to complete an irrigation system audit of all TAB tracks and intends to make repairs as necessary.<sup>574</sup> It also noted that it will carry out track infrastructure repairs once the research has been completed. In late 2015 and 2016, six custom built track maintenance units were manufactured and delivered to clubs at Wagga Wagga, Nowra, Goulburn, The Gardens and Maitland. A further four to six units will be delivered to clubs during FY17.<sup>575</sup>

#### ***GRNSW's research proposal***

- 15.140 In NSW, there has been a lack of industry research into the best track designs and track surfaces which might reduce the incidence of serious track injuries.

- 15.141 Industry participants have argued that a lack of research meant that tracks were designed by guesswork and trial and error, rather than on well researched standards. As one well known industry commentator put it:

The industry is well overdue to conduct some scientifically based studies in order to produce better guidelines. Millions of dollars are spent every year building tracks with faults that could be well avoided.<sup>576</sup>

- 15.142 The Joint Working Group noted that:

Animal welfare concerns have led to minimum safety standards becoming a critical consideration. The design and surface material of a greyhound racing track can have a direct impact on the number and types of injuries caused to greyhounds. This issue is the subject of a study recently commissioned by GRNSW, which will identify optimal race track design to maximise greyhound safety and welfare.<sup>577</sup>

- 15.143 The study had been announced by GRNSW on 27 November 2015 when it called for research proposals. The proposals were directed at track design and the development of recommendations. On 11 January 2016, GRNSW issued an updated "Statement of Project Requirements". On 20 March 2016, it announced that it had commissioned the University of Technology Sydney ("UTS") to undertake research to "identify optimal greyhound race track design for canine safety and welfare". It is expected to take up to 12 months to complete.<sup>578</sup> GRNSW informed the Commission that the research commenced on 4 April 2016.<sup>579</sup> It also informed the Commission that the project was being undertaken by a team of scientists with expertise in the fields of forensic engineering, control, automation and robotics. Industry experts on track design and surface will also be consulted to provide greyhound-specific expertise. The cost of the research project will be approximately \$355,000. Greyhound Racing SA is to make a contribution.<sup>580</sup>

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<sup>573</sup> GRNSW Annual Report 2015, p. 25.

<sup>574</sup> GRNSW, Submission to the Commission dated 24 May 2015, [142].

<sup>575</sup> *Ibid*, [138]-[139].

<sup>576</sup> Article "Greyhound track designs exposed at Warrnambool" by Bruce Teague, 8 May 2015, *Australian Racing Greyhound website*: <<http://www.australianracinggreyhound.com/australian-greyhound-racing/administration/greyhound-track-designs-exposed-at-warrnambool/64834>> (accessed 23 May 2016).

<sup>577</sup> JWG Report, p. 49.

<sup>578</sup> Article "GRNSW Reform Bolstered By Major Initiatives" by GRNSW, 20 March 2016, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7469>> (accessed 23 May 2016).

<sup>579</sup> GRNSW, Submission to the Commission dated 24 May 2016, [144].

<sup>580</sup> *Ibid*, [145].

- 15.144 The study will concentrate on the “knowledge gaps” in the current evidence relating to optimal track design and surface and arrive at various “hypotheses” relating to the “safety impact” of various surfaces, track shape and layout, turn radii, transitions, banking and cross fall.<sup>581</sup>
- 15.145 In announcing this initiative under the caption “GRNSW Reform Bolstered by Major Initiatives”, GRNSW’s Interim Chief Executive, Mr Paul Newson, was reported as having said that this, and other welfare initiatives,<sup>582</sup> “... recognise that a sustainable future for greyhound racing can only be achieved through prioritising animal welfare and embracing responsible development of the industry”.<sup>583</sup> Mr Newson was also reported as having said:
- ... the research project being undertaken by UTS continued GRNSW’s leadership through independent research and evidence based policy development and signalled a major turning point in reducing on-track injuries and related euthanasia.<sup>584</sup>
- 15.146 This is an overstatement. GRNSW has not shown leadership through independent research or evidence-based policy development. The Commission’s investigation revealed that for many years it did little to improve the welfare of greyhounds by addressing contributors to wastage. Few industry participants would disagree. If the industry continues, a research initiative that might reduce on-track injuries, if its recommendations were implemented, would be important. However, by any measure, the research is not “a major turning point in reducing on-track injuries and related euthanasia”.<sup>585</sup>
- 15.147 The real issue is what will follow this research. Recommendations are not worth the paper they are written on unless they lead to change. Following the research, the question will be what, if any, of the recommendations will be implemented? If history is any guide, the answer to this question would not inspire confidence. However, given the change in management that occurred in February 2015, history may not be the best guide. The Commission is satisfied that GRNSW under its present management has made animal welfare its first priority. It is confident that, if the research indicates methods and policies that will or might reduce on-track injuries, GRNSW will give effect to it.
- 15.148 The Commission is satisfied that injuries make a significant contribution to wastage. The injuries sustained by greyhounds are often severe. When a greyhound’s performance is impaired by injury, it will often be put down even if the injury is not a major or catastrophic injury. There are no immediate solutions to this significant welfare issue. The UTS research may provide further insight and, if its recommendations are implemented, may improve injury rates and reduce the severity of some injuries. However, it remains to be seen whether the research leads to a reduction in the nature and extent of on-track injuries.

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<sup>581</sup>Article “GRNSW Reform Bolstered By Major Initiatives” by GRNSW, 20 March 2016, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7469>> (accessed 23 May 2016).

<sup>582</sup>Creating more kennel space at Wyee, a review of GRNSW’s Codes of Practice, and a greyhound rehoming grant scheme.

<sup>583</sup>Article “GRNSW Reform Bolstered By Major Initiatives” by GRNSW, 20 March 2016, *GRNSW website*: <<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7469>> (accessed 23 May 2016).

<sup>584</sup>Ibid.

<sup>585</sup>Ibid.

## Recommendations

40. The Greyhound Racing NSW Rules of Racing should be amended so that on-track veterinarians and the stewards have power to direct any industry participant who has the care or control of a greyhound at a race meeting or trial to take it to a veterinary clinic. The Rules should also be amended to require that any person who has been so directed provide evidence of compliance to the regulator within 48 hours. That evidence should be in the form of a certificate from a qualified veterinary practitioner which sets out what treatment was administered including whether the greyhound was put down. A breach of these Rules should be treated as a serious offence.
41. The Greyhound Racing NSW Rules of Racing should be amended to impose an obligation upon industry participants to report to the regulator injuries not detected by the on-track veterinarian within 24 hours. If the injuries are serious, the GRNSW Chief Veterinary Officer should have power to direct the person who has the care or control of the greyhound to take it to a veterinary clinic. That person should be required to report back in the same manner as referred to above.



# 16 Wastage: socialisation and habituation

## Introduction

- 16.1 Many dog owners might believe that their dog's wellbeing is a product of good quality food, grooming, veterinary care, and sufficient exercise. However, a dog's wellbeing and positive behavioural characteristics observed by its owner are likely to have been significantly influenced by factors which occurred when the dog was a juvenile and, in many cases, well before the owner acquired it.
- 16.2 Matters that can impact on the health and wellbeing of a dog come into play as soon as it is born. They are capable of producing negative welfare outcomes as the animal ages.
- 16.3 The Commission received submissions from a number of persons and organisations which emphasised that an important welfare issue which confronts the industry is that its greyhounds are inadequately socialised and are not sufficiently exposed to a process of habituation. The Commission also heard expert evidence on these issues.
- 16.4 Socialisation and habituation are straightforward and related concepts.
- 16.5 Socialisation is a special learning process whereby an individual pup learns to accept the close proximity of other dogs, as well as members of other species.<sup>586</sup> By learning how to interact with them, the well socialised pup develops communication skills which later enable it to recognise whether or not it is being threatened and how to recognise and respond to the intentions of others.<sup>587</sup> A dog which has not been adequately socialised may display undesirable behaviours such as anxiety, fear, and aggression.
- 16.6 Habituation is the process whereby a pup becomes accustomed to non-threatening environmental stimuli and learns to ignore them. If this does not occur, as the dog matures, and new and complex stimuli are introduced into its life, it will become fearful and withdrawn.<sup>588</sup>
- 16.7 If a greyhound is not sufficiently socialised or if it does not go through an adequate process of habituation there are significant risks that it will not perform as a racer. There are also significant risks that it will pass on negative traits such as fear and anxiety to its offspring. Fear and anxiety are highly heritable. To a lesser extent, so is predatory aggression. These matters were addressed in Chapter 12. Most importantly, however, it is also unlikely that a dog with these traits will be able to be permanently rehomed.
- 16.8 None of these matters are controversial. Nor are the means by which they could be addressed if racing greyhounds were part of the general canine population. What is controversial is whether these important welfare issues can be adequately addressed in an industry where dogs are not bred as pets but are purpose bred to race; and, if they can be addressed, what is the best way to do so.
- 16.9 In this Chapter the Commission considers these issues.

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<sup>586</sup> Australian Veterinary Association ("AVA") website, "Puppy Socialisation": <<http://www.ava.com.au/policy/610-puppy-socialisation>> (accessed 23 May 2016).

<sup>587</sup> Association of Pet Behaviour Counsellors website, "Puppy Socialisation & Habituation- Why It Is Necessary": <<http://www.apbc.org.uk/articles/puppysocialisation1>> (accessed 23 May 2016).

<sup>588</sup> Ibid.

## The critical stage of development

- 16.10 The Australian Veterinary Association (“AVA”) considers that the critical socialisation period for canines is the period between three and 12 weeks,<sup>589</sup> and that it should be a priority during the first 16 weeks of life.<sup>590</sup> This is a period during which fear is outweighed by sociability. It is the optimum period during which a dog will adapt to new people, experiences, and other animals.<sup>591</sup> These may be critical traits for a greyhound if it is to be rehomed.
- 16.11 Regardless of the exact timeframe, the critical age of socialisation is usually the period of time during which the puppy is under the care and supervision of the breeder. The AVA noted that during this critical period:

Breeders must provide optimal behavioural enrichment, including physical and mental exercise, as well as appropriate social opportunities with other animals and people and other environmental enrichment.<sup>592</sup>

## Socialisation and habituation during the critical period and beyond

- 16.12 Dr Jade Norris is a qualified veterinary practitioner and RSPCA Australia’s Scientific Officer. She graduated from the University of Sydney in 2002. In the following five years she worked in a small animal practice. In 2008, Dr Norris was engaged by RSPCA Australia in her current role. She is also currently the President of the ACT division of the AVA and is the principal officer within RSPCA Australia responsible for greyhound welfare issues.
- 16.13 During her evidence before the Commission, Dr Norris described what is required for the adequate socialisation and habituation of dogs:

So it means that they need to be exposed to a whole raft of novel stimuli, so things like other types of dogs, other types of animals, different types of humans, children, objects like cars, umbrellas, vacuum cleaners, and so forth, objects that are potentially fear provoking and objects and stimuli that they’re likely to encounter in later life, and basically if they’re exposed in a positive way during that sensitive period, it means they’re going to be less fearful of those stimuli when they are exposed to them later on.<sup>593</sup>

- 16.14 RSPCA Australia informed the NSW Legislative Council’s 2014 Select Committee on Greyhound Racing in NSW (“the Select Committee”) that standards for breeding needed to focus on housing conditions for breeding females and their pups.<sup>594</sup> Further, it said that housing conditions needed to meet the physical, behavioural and social needs of these greyhounds. Ensuring their emotional wellbeing was a key component of achieving positive welfare outcomes. RSPCA Australia recommended that breeding females and their pups should not be kept in kennels. It listed a number of strategies that would improve the socialisation and habituation of dogs, including greyhounds, from birth until 12 weeks of age. They were:

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<sup>589</sup> AVA website, “Puppy Socialisation”: <<http://www.ava.com.au/policy/610-puppy-socialisation>> (accessed 23 May 2016). The RSPCA considers that the critical period is 3-17 weeks: RSPCA Australia, Submission 239 to the Commission dated 3 July 2015, p. 10.

<sup>590</sup> AVA website, “Ten top tips for training dogs”: <<http://www.ava.com.au/public/about-pets/polite-pets-month-3>> (accessed 23 May 2016).

<sup>591</sup> American Veterinary Society of Animal Behaviour website, “AVSAB Position Statement on Puppy Socialization”: <[http://avsabonline.org/uploads/position\\_statements/puppy\\_socialization.pdf](http://avsabonline.org/uploads/position_statements/puppy_socialization.pdf)> (accessed 23 May 2016).

<sup>592</sup> AVA Pets and People Education Program website, “Puppy socialisation – position statement”: <<http://petpep.ava.com.au/policy/610-puppy-socialisation>> (accessed: 29 May 2016).

<sup>593</sup> 19 November 2015: T649.3-9.

<sup>594</sup> Select Committee, RSPCA Australia Answers to Questions on Notice, 27 February 2014, p. 14: <[https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryOther/Transcript/8292/AQON\\_RSPCA%20Australia%20.pdf](https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryOther/Transcript/8292/AQON_RSPCA%20Australia%20.pdf)> (accessed 29 May 2016).



- The provision of adequate and appropriate socialisation with humans, greyhounds and other types of compatible dogs in safe environments. Other dogs should be healthy, up to date with their vaccinations and friendly.
- Sufficient daily positive human contact and handling.
- Exposure to novel stimuli in a positive way. Stimuli should include objects, sights, sounds, scents and places that the dogs will likely encounter as they grew older ...
- Daily environmental enrichment to provide physical and mental stimulation and to allow the expression of natural behaviours.
- Appropriate daily opportunities to explore and exercise in safe environments.
- Sufficient housing space to move about.
- Adequate shelter and a comfortable sleeping area.
- Appropriate and balanced nutrition. The provision of safe items for chewing.<sup>595</sup>

16.15 The Working Dog Alliance Australia (“WDA”) was engaged by GRNSW to undertake research into best practice rearing, socialisation, education and training methods and provided a report to GRNSW in July 2015, “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhound in a Racing Context” (“the WDA Report”).<sup>596</sup> The WDA noted that, for optimum outcomes, it is necessary for all dogs to be socialised and introduced to novel stimuli in a *structured* manner.<sup>597</sup>

16.16 Initially, it is the breeder who must assume primary responsibility for this:

Instead of socialisation and habituation being a haphazard affair with experiences occurring at random, as is so often the case, a puppy’s exposure to environmental stimuli should be as systematic as possible to ensure the best chance of it developing a sound temperament and capacity to cope in all circumstances. A lot of responsibility lies with the breeder. Of course, it is the breeder who selects the genetic make-up of a dam and sire best suited to produce puppies of good temperament. The breeder’s role continues the moment a puppy is born, as it starts to get used to being handled and to the breeder’s scent. As the puppy and its litter mates group up, the breeder should increase the amount of interaction the puppies have with them and other people.<sup>598</sup>

16.17 The WDA also noted that:

Responsibility for the greyhound’s future social confidence lies with the breeder and/or rearer who has the dog during the socialisation period. The breeder’s role continues from the moment a puppy is born, as it starts to get used to being handled. As the puppy and its litter mates grow up, the breeder is the only individual who has the opportunity to increase the amount and quality of interaction the puppies have with both them and other people. If the breeder is a woman, for example, and she is the exclusive, or almost exclusive human contact the puppies have, they are likely to be less well-adjusted towards men and children...<sup>599</sup>

16.18 It is not only the breeder who must take responsibility for the socialisation and habituation of a dog. The end of the critical 12 week period does not mean that a dog will not benefit from continued socialisation and habituation. Continuous exposure to people, other dogs, and

<sup>595</sup> Select Committee, RSPCA Australia Answers to Questions on Notice, 27 February 2014, p. 14: <[https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryOther/Transcript/8292/AQON\\_RSPCA%20Australia%20.pdf](https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryOther/Transcript/8292/AQON_RSPCA%20Australia%20.pdf)> (accessed 29 May 2016).

<sup>596</sup> Ex S (17-19 November 2015).

<sup>597</sup> The WDA reported to GRNSW that this was best practice; see Ex S (17-19 November 2015), p. 8.

<sup>598</sup> Association of Pet Behaviour Counsellors website, “Puppy Socialisation & Habituation (Part 1) Why It Is Necessary”: <<http://www.apbc.org.uk/articles/puppysocialisation1>> (accessed 23 May 2016).

<sup>599</sup> Ex S (17-19 November 2015), p. 31.

environmental enrichment will reinforce earlier learning.<sup>600</sup> Some research has suggested that, for young dogs, the positive effects of adequate socialisation and habituation can “wear off” if they are not continually reinforced.<sup>601</sup>

- 16.19 Dr Karen Dawson is a veterinary practitioner. Her primary areas of interest are greyhound behaviours and rehoming. During a presentation which she gave to the Commission in the course of her evidence, she noted that:

... research tells us that socialisation is a gradual introduction to novel environments from a very early age, and this will help to overcome fear and anxiety later in life. But this has to happen in a positive way, a structured way, and it has to happen at a sensitive period for development. This is a stage of rapid brain development in the dog, and it's recognised as being between three weeks and 40 weeks of age, but it does remain an ongoing process for the first two years, and actually ongoing for the rest of the dog's life. But realistically what you're not exposed to during that first three to 40 weeks of age can have significant impacts on the dog's temperament and its welfare for the rest of its life.<sup>602</sup>

- 16.20 Adequate socialisation and habituation are critical in the early weeks. However, they remain important factors for healthy development for some time thereafter. That is of particular relevance to the greyhound racing industry. Once whelped, greyhound pups progress through a number of stages and sometimes through a number of hands before they are ready to race. Each stage and all persons involved in the process – whether as breeders, rearers, educators and trainers – can have an impact upon the greyhound's welfare.
- 16.21 In Chapter 11, the Commission gave a general overview of the various stages of a racing greyhound's lifecycle. It is important to look again at this lifecycle, in the context of socialisation and habituation.

## Socialisation and the industry's greyhounds

- 16.22 The WDA noted the following matters.
- 16.23 Greyhounds are generally reared either by the breeder or by individuals who specialise in raising young greyhounds. Bitches are generally whelped in whelping boxes and remain with their litter until weaning, which is usually around eight weeks. Pups are then raised in litter groups until the age of six months. However, in some instances, the pups may be split up into smaller group sizes than the original litter; in others, they may stay with the mother until six months or older.<sup>603</sup>
- 16.24 During the rearing period, which is generally between about 8-14 weeks and 12-16 months, most greyhounds live in a semi-rural or rural setting. They are generally kept in paddocks or even in whole woodlands, where they can play and exercise to gain physical strength and cardiovascular fitness. There is a strong belief in the industry that a greyhound's musculoskeletal system and ligaments will not mature until at least 12 months of age, so the only training done during this stage is via free running. A popular belief amongst handlers is that, if the home enclosure is too large, the consequence is that the greyhounds will not exercise properly. Accordingly, from approximately three months of age, some groups will be kept in a smaller yard

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<sup>600</sup> Vet West Animal Hospitals website, “Socialisation – Essential for Puppies”: <<http://www.vetwest.com.au/pet-library/socialisation-essential-for-puppies>> (accessed 23 May 2016); American Veterinary Society of Animal Behaviour website, “AVSAB Position Statement on Puppy Socialization”: <[http://avsabonline.org/uploads/position\\_statements/puppy\\_socialization.pdf](http://avsabonline.org/uploads/position_statements/puppy_socialization.pdf)> (accessed 23 May 2016).

<sup>601</sup> Kate Thompson, Anne McBride and Ed Redhead, “Training Engagement and the Development of Behaviour Problems in the Dog” (2010) 5(1) *Journal of Animal Behaviour* 57; “Association of Pet Behaviour Counsellors website, “Puppy Socialisation & Habituation (Part 1) Why It Is Necessary”: <<http://www.apbc.org.uk/articles/puppysocialisation1>> (accessed 23 May 2016).

<sup>602</sup> 18 November 2015: T553.35-44. For details of Dr Dawson's expertise and experience see Chapter 14.

<sup>603</sup> Ex S (17-19 November 2015), p. 27.

for most of the day, and transferred for up to several hours into a much larger paddock for more vigorous exercise.<sup>604</sup>

- 16.25 Breaking into lead walking generally occurs at some point once the dog is over six months of age. It often occurs around the time that the greyhound reaches 12 months. Lead training takes two to three weeks. This coincides with a significant turning point in the greyhound's life when it starts to be regularly handled. Prior to six months of age, greyhounds generally experience minimal one-on-one interactions with humans.<sup>605</sup>
- 16.26 From the time that education (breaking-in) and training commence at around 14 months, greyhounds tend to be singly housed, often spending most of their time alone, in indoor kennel facilities. This is the stage during which they are first given the opportunity to chase on-track. The process takes approximately one month. It gives the greyhound an opportunity to fine tune its natural instinct to chase, whilst gradually habituating it to some of the potentially fear-provoking stimuli associated with the race track.<sup>606</sup>
- 16.27 Various methods are used to encourage the greyhound to chase a lure prior to breaking-in. They include learning to chase a ball, squeaky toy or other object, a skin or cloth dragged along the ground. A second greyhound may be used to teach the greyhound to chase. Once chasing keenly, it will often be given a chance to chase on a straight run before being taken to a trialling or licenced track to be given its first hand slip. A hand slip means that the greyhound is released from the lead behind a moving lure usually on a bend of the track.<sup>607</sup>
- 16.28 Once the trainer is satisfied that the greyhound is chasing the lure keenly, a starting box is introduced, although some breeders and trainers will have habituated the greyhound to this earlier. Via gradual habituation, the greyhounds are first allowed to walk through the starting box with front and back doors open before being allowed to chase a lure in the same manner. The process continues until the greyhound is confident in the starting boxes and will reliably leave the traps in pursuit of the lure. Some greyhounds may be sold prior to educating, whilst others will be educated by their rearers and sold for a higher price.<sup>608</sup>
- 16.29 The Commission received expert evidence and materials based on expert input, such as the WDA Report, pointing to the fact that during each of the stages of development referred to above there is little, if any, structured socialisation or any processes that adequately accommodate the greyhound's need for habituation. The Commission also received submissions to like effect. The WDA described the problem in the following way:

Gradual (i.e. from lowest level to highest, in stages), calm, and positive exposure to stimuli during the sensitive period is important to minimize the chances of fears and anxiety developing in later life. Although there is a variation amongst owners and trainers, a large number of greyhounds are currently kept in a rural setting and these dogs are unlikely to be exposed to a great variation in either environmental or social stimuli until they are at least 12 months of age. In the first three months of life, they are unlikely to meet many different people or to encounter urban environments, loud noises or other potentially frightening situations. As a result, greyhounds are unlikely to become accustomed to these stimuli and are more likely to find them frightening at a later age, during training, transportation, or on-track. This is also likely to present welfare concerns during the educating, trialling, racing and retirement stages of the greyhound's life. It is possible that fearful dogs are not always identified as such. Some of those rejected for lack of motivation to chase may actually be fearful of the environment in which they are required to race. Our survey has identified some breeders and trainers who work hard to habituate dogs to a range of stimuli

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<sup>604</sup> Ex S (17-19 November 2015), p. 27.

<sup>605</sup> Ibid.

<sup>606</sup> Ibid, p. 28.

<sup>607</sup> Ibid, p. 29.

<sup>608</sup> Ibid.

including the starting boxes, vehicles, chasing stimuli and the value of these efforts upon the dogs' later ability and welfare. However, this is not common practice.<sup>609</sup>

16.30 Dr Dawson informed the Commission that, although a greyhound did not have to be exposed to everything during the critical period of socialisation and habituation, if it was not exposed to very much at all, and was kept in an overly quiet environment, it would not be sufficiently resilient to accommodate new environments without fear.<sup>610</sup> This could lead to “very serious behavioural problems later on”.<sup>611</sup>

16.31 Dr Dawson noted that, although rearing paddocks might be clean and comfortable, there is no “exposure to novel stimuli”. There is:

... nothing to help them with their cognitive development, and they're only socialising with each other, and even socialising with other groups of greyhounds would help these dogs.<sup>612</sup>

Dr Dawson was of the opinion that raising large groups of greyhounds in paddocks with no handling until they are 12-15 months of age, “... goes against every best practice standard for socialising puppies today.”<sup>613</sup>

16.32 Dr Dawson and Dr Leonie Finster<sup>614</sup> provided an account of observations which they had made at an auction of young greyhounds in Ipswich, Queensland in October 2015. They both vetted these greyhounds for injury and disease. The greyhounds were aged between four and 13 months. To both veterinarians, the young greyhounds auctioned demonstrated the consequences of inadequate socialisation and habituation.

16.33 Dr Finster told the Commission that her impression was that they were not familiar with leads, had never been in cars, were unreasonably timid of unfamiliar people, not used to noise, and were generally fearful of being separated from their mates. These pups came from “... both owner/rearer situations and from commercial premises.” There were a “... surprising number of injuries that hadn't even been detected at home.”<sup>615</sup>

16.34 Dr Dawson gave a similar account:

And so, recently, I attended a puppy auction in Ipswich and some of the dogs there were from the Northern Rivers and there are about 233 dogs, aged between four months and 13 months. And what I did was a very quick assessment of their temperaments and of course it is reasonable that these dogs might be fearful of this environment but these dogs were showing signs of significant and pathological fear. So out of context with the situation demonstrated by salivation, urination during their vet check, defecation, very fearful of loud noises, if the gates slammed behind them and they really – a significant number of them were having to be carried. Even dogs that were older than six months. They weren't lead-trained a lot of them. And I think that this shows that the impact that this lack of early socialisation can have on these dogs. And this is their first - often we ask the trainers - often it was their first time in the car and often it was the first time on a lead. And this is their first exposure to the environment they're going to work in and I do have concerns for how many of these dogs are going to be able to successfully do that, given that their first exposure was quite negative.<sup>616</sup>

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<sup>609</sup> Ex S (17-19 November 2015), p. 30.

<sup>610</sup> Dr Dawson described this as neophobia – a fear of novel situations, 18 November 2015: T558.28.

<sup>611</sup> 18 November 2015: T554.41-42.

<sup>612</sup> Ibid, T558.4-6. See also Dr Jade Norris, 19 November 2015: T651.

<sup>613</sup> Ex P (17-19 November 2015), p. 4. This Exhibit is a paper presented by Dr Dawson in 2014 to the Australian Greyhound Veterinary Conference.

<sup>614</sup> Dr Leonie Finster was qualified in Chapter 14.

<sup>615</sup> 18 November 2015: T613.7-8.

<sup>616</sup> 18 November 2015: T563.34-564.5.

16.35 Dr Dawson said that a significant number of handlers had indicated to her that it was the first occasion that many of these young greyhounds had been away from the properties upon which they were being reared.<sup>617</sup>

16.36 It is unlikely that many industry participants understand what is required of them to ensure that their greyhounds are properly socialised and habituated to give them the best chance of finding a home when they are no longer of any value to the industry and would otherwise be destroyed. Some industry participants believe that if their greyhounds are healthy and strong, that is all that is required. One of the industry's largest breeders and rearers was asked by the Commission whether he agreed with the recommendations in the WDA Report concerning the socialisation of greyhounds.<sup>618</sup> He responded as follows:

To a certain degree I do. I believe it is [an] important part of a greyhounds complete rearing from birth through to training (at about 18 months) and not just 3 to 14 weeks but throughout their entire rearing process. Of course in the past one of the stimuli was dead rabbit carcasses to enhance their hunting and chasing skills but you can no longer use this.

Interaction with humans also is very important and something we have always valued and done.

In Victoria they have a rule that states you cannot keep any more than two greyhounds nine months and older in any sized yard together, this is contrary to my belief of rearing in a race field environment to prepare them for racing with seven other greyhounds.<sup>619</sup>

16.37 This industry participant was also asked by the Commission whether he considered that there were impediments to the implementation of structured socialisation programs in the greyhound racing industry and whether he considered that raising greyhounds on rural properties (sometimes in remote locations), or the fact that large numbers of greyhounds are housed on certain properties, would make structured socialisation programs difficult to implement. His response was:

No, definitely not. There would not be a larger greyhound property in Australia than us. We do not have a problem with "impediments" to the implementation of structured socialisation and in fact our quality of greyhound has increased substantially since we have developed a larger and more remote property. The main problem would be the human element in knowing what is the correct way to set up a greyhound property with the view of producing greyhounds that are athlete's [sic] and knowing how to manage that facility in a manner to produce those athletes.

In other words it is a human element/problem not knowing how to select the correct location for the establishment, how to design the kennel complex correctly and or raising of the greyhounds correctly.<sup>620</sup>

16.38 The Commission is not critical of those industry participants who do not understand what is required in terms of socialisation and habituation. Until recently, GRNSW showed little interest in ensuring that the industry's greyhounds were bred, reared and trained in a way which would maximise their opportunities for rehoming.

16.39 Apart from cost, which is addressed later in this Chapter, there is no reason why industry participants who have bred one litter could not participate in a structured socialisation program, at least during the critical early weeks. It may not be possible once any of the pups are transferred to a rearing property. Where pups populate properties in greater numbers, the

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<sup>617</sup> Ibid, T564.1-2.

<sup>618</sup> The WDA's principal recommendation was that young greyhounds should be provided with a structured programme of controlled exposure to a range of stimuli from an early age. The stimuli should represent likely scenarios that the greyhound will experience in later life. Such protocols should be based around knowledge of the greyhound's (critical) socialisation period. See Ex S (17-19 November 2015), p. 8.

<sup>619</sup> Paul Wheeler, Response to Order 1 dated 14 January 2016, p. 15.

<sup>620</sup> Ibid, pp. 15-16.

prospect of introducing structured socialisation to promote their continuing development would be difficult, if not impossible, to achieve.

- 16.40 Dr Dawson informed the Commission that, once reared, a greyhound would face further challenges to normal development. She noted that:

And so after their rearing part of the life cycle they go on to breaking education and training, and here they are exposed to a large number of potentially fear-inducing experiences. So they are transported often to novel locations, they are often put into a kennel for the first time, there's new people involved, and these dogs haven't been prepared for that, which causes a lot of stress, compromise (sic) welfare and contributes to wastage.<sup>621</sup>

- 16.41 Dr Dawson also noted that kennelling was extremely stressful. This was particularly so if the greyhound had not been habituated to kennels at an early stage in its lifecycle and was introduced to a kennel for the first time at a breaking-in establishment. Research shows that kennelling is stressful for dogs. Dogs entering kennels demonstrate high levels of stress, reflected in their behaviour and physiological cortisol responses.<sup>622</sup> It is not a natural environment for their species. It usually involves sudden exposure to novel surroundings, offers the dog little control over its environment and deprives it of previously familiar attachment figures and human contact.<sup>623</sup>
- 16.42 Kennelling also results in a lack of environmental enrichment. Dr Dawson noted that, "... they're not given anything to actually do while they're there".<sup>624</sup> Greyhounds in such an environment would "... chew the wire and chew their beds and become quite stressed".<sup>625</sup>
- 16.43 The fact that the industry's greyhounds are required to spend a significant period of their adult life in individual animal housing was an area of particular concern to the WDA. The WDA reported that this was "unacceptable from an animal welfare standpoint".<sup>626</sup> It went on to note that dogs are highly sociable animals and single-housing eliminated their ability to demonstrate one of the Five Freedoms: the freedom to express normal behaviour. There was insufficient space, proper facilities and company of the animal's own kind. It recommended that co-housing of compatible dogs should be adopted as standard practice for greyhounds at all stages of their lifecycle.<sup>627</sup>
- 16.44 The Commission has already commented on the adequacy of the minimum standards for racing kennels contained in GRNSW's Codes of Practice. However, GRNSW's Chief Veterinary Officer, Dr Arnott, considered that to concentrate on kennel size might be a distraction from "... the bigger issue, which is the time spent in those kennels, and providing dogs with what they want and need".<sup>628</sup>
- 16.45 RSPCA Australia suggested to the Select Committee that kennelling should be avoided wherever possible. However, where kennelling was unavoidable, significant changes needed to be made to the way in which greyhounds were kennelled.<sup>629</sup> RSPCA Australia advanced further strategies

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<sup>621</sup> 18 November 2015: T559.7-12.

<sup>622</sup> Nicola Rooney, Samantha Gaines and John Bradshaw, "Behavioural and Glucocorticoid Responses of Dogs (*Canis Familiaris*) to Kennelling: Investigating Mitigation of Stress by Prior Habituation" (2007) 92(5) *Physiology & Behaviour* 847. The authors found that cortisol levels were significantly higher in dogs that had not been habituated to kennels and was a valuable indicator of acute stress, although the interpretation of behavioural responses needed to be approached with caution due to the individuality of coping strategies.

<sup>623</sup> Ex P (17-19 November 2015), p. 3.

<sup>624</sup> 18 November 2015: T559.30-31.

<sup>625</sup> *Ibid*, T560.17-18.

<sup>626</sup> Ex S (17-19 November 2015), p. 4.

<sup>627</sup> *Ibid*, p. 29. Dr Karen Dawson was of the same opinion, 18 November 2015: T561. So too was Dr Jade Norris, 19 November 2015: T652.

<sup>628</sup> 19 November 2015: T730.39-41.

<sup>629</sup> Select Committee, RSPCA Australia Answers to Questions on Notice, 27 February 2014.

which it considered would improve rearing conditions.<sup>630</sup> The Commission has already referred to the strategies which RSPCA Australia considered were important for the development of puppies during the critical period. RSPCA Australia was also of the view that those strategies should be continued during rearing. The strategies would extend to include:

- Daily opportunities to exercise in safe areas outside the area they are normally housed in.
- ...
- Where kennelling is unavoidable gradual introduction to kennels can reduce stress. Habituation involves the gradual introduction of dogs to the kennel environment using a program involving positive rewards. Caretakers and trainers should start at a level where the dog shows no anxiety and then increase slowly, giving lots of rewards when the dog shows relaxed and positive behaviour.

Selection, or breeding of individual dogs that had been shown to adapt well to the kennel environment, is a long-term strategy that may also help to minimise the stress experienced by dogs.

- Minimise the time spent in kennels each day so as to reduce stress ...
- Daily exercise outside the kennel/housing area ...
- Daily positive social contact with humans ... Caretakers should set aside time for interacting with their dogs each day ... Caretakers and handlers can increase the amount of contact with their dogs through activities such as grooming, playing, exercise, and patting, in addition to training.
- Daily positive social contact with compatible greyhounds and other types of compatible dogs.
- Daily environmental enrichment ...
- ...
- Consider compatible group or compatible pair housing as social housing can help to reduce stress.
- Predictable routine. Predictable delivery of rewards such as exercise, chew items and daily stress-relieving rewarding activities is important ... [i]n the case of kennelled dogs, this means a daily routine they can depend on ...
- Raised sleeping area (to provide a vantage point) with bedding for physical and thermal comfort. The majority of kennel designs are barren and offer little opportunity for dogs to carry out their natural behaviours. The addition of a sleeping platform can increase the complexity and available three-dimensional space.
- Sufficient space to move about. Maximise kennel size/housing area space.
- Minimise kennel noise.
- Kennel cleaning. Dogs should be moved to another dry area while their kennels are cleaned to reduce stress.<sup>631</sup>

16.46 Dr Dawson expressed the following opinion:

And so by the age of 12 to 18 months we have a whole population of dogs that have not been adequately socialised or exposed to normal stimuli, a whole range of things that we would expect our clients to do with their pets ...<sup>632</sup>

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<sup>630</sup> Ibid.

<sup>631</sup> Ibid.

<sup>632</sup> 18 November 2015: T563.3-6.

- 16.47 Dr Arnott agreed that it was unacceptable that the industry’s greyhounds were exposed to very little socialisation. She agreed that it was “appalling”.<sup>633</sup> She said that she had met “two or three” greyhound trainers who she believed were “affording their dogs a good quality of life” and that they would represent a larger number of industry participants. Dr Arnott accepted that, from a behavioural perspective, the way in which the industry raised its greyhounds made it very difficult for them to be rehomed.<sup>634</sup>
- 16.48 The Commission accepts that there may be industry participants who provide their greyhounds with a good quality of life including adequate socialisation and habituation. However, most do not. In part, that is because the practices of the industry in getting a greyhound to the track do not accommodate proper socialisation and habituation. It provides another example of the industry’s failure to align its practices with modern welfare standards.

## The consequences of inadequate socialisation and habituation on rehoming prospects

- 16.49 Drawing upon its experience with working dogs, the WDA noted that the socialisation of greyhounds needed to address their lifecycle once any racing career was over. It noted that:

It is critical to ensure that greyhound socialisation includes aspects of the dog’s post-racing life experience. This is considered such an important step in optimising the successful development of many working dog programs (eg Guide dogs, Customs and Police working dog programs) that sufficient resources are allocated to ensure that a team of staff dedicated to this phase of the working dog lifecycle are available.<sup>635</sup>

- 16.50 Dr Dawson has worked for many years rehoming greyhounds. She presented a number of videos and photographs during the course of her evidence to demonstrate the behavioural characteristics which, in many cases, make greyhounds impossible to rehome as pets.<sup>636</sup>
- 16.51 There were two observable, and dominant, behaviours which were very clear from this material – aggression and fear. The Commission accepts that, as Dr Dawson acknowledged, greyhound behaviours are “multi-factorial”,<sup>637</sup> in the sense that they can be produced by a combination of genetics and the environment. However, the Commission also accepts that these behaviours are strongly linked to inadequate socialisation and habituation. No one could reasonably, or rationally, suggest otherwise and no one did so.<sup>638</sup>
- 16.52 It is not hard to imagine why a fearful and aggressive greyhound might find it difficult to find a home. Dr Dawson put it as follows:

[T]hese dogs are not easy to live with. They prevent people from enjoying many activities with their pets that they thought they would. Through this freezing on walks they are reluctant to be able to join in with their group walks with other greyhounds. They feel a bit ostracised if their greyhounds (sic) is lunging at everybody else on these walks. And - you know - life revolves, not leaving the dog at home for those with separation distress and for those dogs that are predatory it’s really not as simple as saying, “Just muzzle the dog.” Because what happens if someone leaves the gate open or someone comes around with another pet. It can really impact on people’s ability to go to parks and all those things they want to do with their dog. And this could all impact on the

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<sup>633</sup> 19 November 2015: T729.39.

<sup>634</sup> Ibid, T730.11.

<sup>635</sup> Ex S (17-19 November 2015), p. 31.

<sup>636</sup> 18 November 2015: T564.

<sup>637</sup> Ibid, T565.22.

<sup>638</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, pp. 34, 41.



human/pet bond and increase the risk that the dog will be relinquished back to the program or to the pound.<sup>639</sup>

16.53 Dr Dawson stressed that these sorts of behavioural problems are difficult to resolve. From the greyhound's perspective, they are difficult to treat.<sup>640</sup> From a new owner's perspective, they would be unacceptable.

16.54 Dr Dawson's reference to a greyhound being predatory was a reference to predatory aggression. She explained predatory aggression as follows:

Predatory aggression – it differs to prey drive and I'll talk about this a little bit later. But prey drive is just chasing. So, you know, most dogs will have prey drive but it doesn't necessarily have to end in a fight whereas predatory aggression does and it doesn't necessarily mean kill to eat. As opposed to fear aggression with, as we saw with Ringo,<sup>641</sup> that's a negative emotional state, whereas [prey drive]<sup>642</sup> is positive. It's fun. It's the only form of aggression that is fun for the dogs and so it's very reinforcing that they will learn this behaviour. And whatever a dog does is based around genetics, learning and the current environment. So because, it is an enjoyable activity, it's very reinforcing to do [sic] the dogs.<sup>643</sup>

16.55 As an example of prey drive, as distinct from predatory aggression, Dr Dawson gave an example – a dog chasing a ball. She informed the Commission that, "... predatory aggression is relatively rare towards other dogs." A number of Dr Dawson's videos showed muzzled greyhounds displaying what she described as predatory aggression towards a very trusting Cavalier King Charles Spaniel.

16.56 Based upon her rehoming experience. Dr Dawson said:

It would be probably less than 50% that could slot straight into a home easily, much less probably, particularly when you take into account the paddock dogs, because some that have gone on to racing, you know, it's genetics, I guess, that got them through. It's a numbers game, and some of those might find the transition easier, but trying to rehome paddock dogs, it's very difficult. It's really different. A significant percentage of my dogs I rehome on anti-anxiety medication to help ease the transition. And so transition to rehoming is actually very difficult for a lot of these dogs...<sup>644</sup>

## The consequences of inadequate socialisation and habituation on performance

16.57 Poor socialisation and habituation not only adversely affect a greyhound's prospects of being rehomed, but can also affect its performance. Inadequate socialisation and habituation may determine whether a greyhound pup makes it to the track at all. It therefore contributes to wastage because it makes it more likely that a greyhound will prove to be uncompetitive and will be discarded.

16.58 Dr Dawson told the Commission that proper socialisation and habituation would increase the prospects of a racing career:

... it certainly will, because some of these dogs that we see that have been surrendered for being non-chasers will actually have quite [significant] prey drive or predatory aggression. It's just that when they're put into the work environment, there's too much else going on that's competing for their attention because of that lack of early socialisation and habituation to the track and the

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<sup>639</sup> 18 November 2015: T570.27-38.

<sup>640</sup> Ibid, T557.18.

<sup>641</sup> Ringo was a male greyhound shown in one of Dr Dawson's videos to demonstrate predatory aggression.

<sup>642</sup> Although Dr Dawson said "*predatory aggression*", it is understood that she was referring to "prey drive".

<sup>643</sup> 18 November 2015: T572.16-25

<sup>644</sup> Ibid, T566.39-567.2.

sounds and the noises and the transport and the kennelling. And so for greyhounds, a lack of socialisation during these critical periods, many greyhounds are unlikely to meet different people, which is very important. So they will have fear of new people...<sup>645</sup>

- 16.59 In a lecture given by Dr Dawson to the Australian Greyhound Veterinary Conference in 2014, she noted that the links between chronic stress and poor performance were well documented and were frequently associated with reduced immune function and an increase in disease.<sup>646</sup> She said:

Historically, the primary outcome measure for performance in the greyhound has been whether the dog is fast enough to win, but it takes more than just fast legs to be a winner. There are a range of other traits that contribute to speed, such as being motivated to chase, low aggression to race partners and the ability to cope in both a kennel and changing environments without fear. Similarly, a search dog will not perform well if it is fearful of sudden noises, strange people or novel experiences. Society would not condone guide dogs being raised in a paddock and continually rejected for fear, so why is a greyhound any different?

Furthermore, the risk of rating success on a single trait, such as speed, is that other signs indicative of a reduction in performance may be overlooked. Kennel stress, for example, can only be managed, if identified and addressed early.<sup>647</sup>

- 16.60 The WDA was also of the opinion that inadequate habituation adversely affected performance. It noted that:

This is important in the context of poor performance in greyhounds, as there is considerable research examining military, police and guide dogs, identifying traits which are linked to poor and good working ability (eg Rooney et al 2004).<sup>648</sup> In these studies fear of novel environments has been shown to be the most common reason for failure (Goddard and Beilharz 1986)<sup>649</sup> and a heritable trait (Goddard and Beilharz 1993).<sup>650</sup> Research demonstrates that gradual introduction to novel environments from an early age can help to overcome fear and anxiety in later life. So by providing young dogs with a structured programme of exposure to a range of stimuli that they are likely to encounter later in life, it may help to reduce the number of non-chasers.<sup>651</sup>

## GRNSW's proposals for the future

- 16.61 In GRNSW's Final Response to the Commission's Issues Paper on Overbreeding and Wastage ("the Breeding Issues Paper"), it acknowledged that best practice socialisation had the potential to improve racing and rehoming outcomes for greyhounds.<sup>652</sup>
- 16.62 Both the Joint Working Group ("JWG") and GRNSW suggested ways in which the issues of inadequate socialisation and habituation of young greyhounds might be addressed in the future. They are unconvincing.
- 16.63 In its final report prepared by the JWG for GRNSW in 2016,<sup>653</sup> the JWG reported that there were "notable gaps" in GRNSW's monitoring of the period following the commencement of rearing (12-14 weeks) and the registration of greyhounds for racing (around 14-16 months). The JWG

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<sup>645</sup> 18 November 2015: T555.44-556.8.

<sup>646</sup> Ex P (17-19 November 2015), p. 1.

<sup>647</sup> Ibid, p. 2.

<sup>648</sup> Nicola Rooney, Samantha Gaines and Elly Hiby, "A Practitioners Guide to Working Dog Welfare" (2009) 4(3) *Journal of Veterinary Behaviour: Clinical Applications and Research* 127.

<sup>649</sup> Michael Goddard and R Beilharz, "Early Prediction of Adult Behaviour in Potential Guide Dogs" (1986) 15(3) *Applied Animal Behaviour Science* 247.

<sup>650</sup> Michael Goddard and R Beilharz, "Genetics of Traits which Determine the Suitability of Dogs as Guide Dogs" (1983) 9(3-4) *Applied Animal Ethology* 299.

<sup>651</sup> Ex S (17-19 November 2015), p. 41.

<sup>652</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 34.

<sup>653</sup> JWG, final report "Implementing reform in the NSW Greyhound Racing Industry: Report to the Interim Chief Executive of Greyhound Racing NSW from the Joint Working Group" (29 January 2016) ("the JWG Report").

suggested that adequate socialisation should be monitored by “socialisation tests undertaken by integrity and compliance officers as part of their routine activities” and that this should be done “in line with the requirements of the national licensing program, which is to come into effect from 1 July 2016; with each licensee to be accountable for the greyhounds on their property.”<sup>654</sup> By way of example:

... the ongoing licensing of a rearer should be based on the success of their greyhounds, measured by the percentage of greyhounds that commence racing and greyhound performance on a socialisation clearance test ...<sup>655</sup>

16.64 As noted in Chapter 23, the Commission does not consider that a national licencing scheme will be in place by July 2016.

16.65 The JWG recommended that “socialisation tests” should be undertaken at each stage of the greyhound’s lifecycle. There would be three such tests. The JWG described them as follows:

- Socialisation test by integrity officers at “littering” to check milestones are being met (eg. confidence with humans/handling and novel objects, reactivity/chase interest to moving object, sound stimulus);
- Second socialisation clearance test later in rearing period to check for further milestone achievement (eg. lead walking, confidence at race track, entering kennel);
- Third socialisation clearance test in education period to check for further milestone achievement.<sup>656</sup>

16.66 The JWG also noted that its concept of “Centres of Excellence” included:

Greyhound education facilities, including socialisation areas and training (e.g. habituation lessons to teach kennelling) breaking-in facilities and a slipping track.<sup>657</sup>

16.67 In GRNSW’s Final Response to the Breeding Issues Paper it informed the Commission that its monitoring of the industry and industry participants “should include the expansion of socialisation tests undertaken by integrity officers as part of their routine activities”.<sup>658</sup>

16.68 The Commission sought further information from GRNSW in relation to the proposed “socialisation tests”, “socialisation clearance tests” and the proposed “expansion” of them. The Commission also sought clarification of GRNSW’s proposals for further education of industry participants. The Commission was concerned that much of what had been proposed might be no more than a superficial response to the contents of the WDA Report and evidence given during the Commission concerning the impact of poor socialisation and habituation on performance and on rehoming opportunities.

16.69 It became apparent that GRNSW would not be “expanding” the number of “socialisation tests” recommended by the JWG but would be reducing them from three to two. Most significantly, GRNSW made clear that it would not be carrying out any testing of young greyhounds whilst they were being reared.<sup>659</sup> As noted, the rearing period had been identified by the JWG as one of the “notable gaps” in GRNSW’s monitoring of welfare compliance.<sup>660</sup>

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<sup>654</sup> Ibid, p. 28.

<sup>655</sup> Ibid, p. 32.

<sup>656</sup> Ibid, pp. 29-30.

<sup>657</sup> Ibid, p. 6.

<sup>658</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 41.

<sup>659</sup> GRNSW, Response to Order 27 dated 19 February 2016, pp. 18-19.

<sup>660</sup> JWG Report, p. 28.

- 16.70 GRNSW informed the Commission that the first occasion upon which greyhound pups would face a “socialisation test” would be when GRNSW integrity officers (ie. stewards) attended the premises of breeders for the purpose of identifying and microchipping at 10 to 16 weeks. The second occasion would be “prior to racing”. GRNSW informed the Commission that this would be similar to a “performance trial”. It would take place at a race track.<sup>661</sup> GRNSW was unable to advise the Commission when its socialisation tests would be introduced. It noted that those that would be involved needed to be trained.<sup>662</sup>
- 16.71 Microchipping and identification of the pups in a litter is a task that *must* be carried out in accordance with the Rules. Integrity officers must attend the premises of the breeder at that point. They are the only persons currently authorised to microchip a litter of greyhounds.<sup>663</sup> That is the only occasion where integrity officers are required to attend the premises of the breeder. Usually, the greyhound pups will not be observed again by GRNSW until they are ready to race.
- 16.72 The Commission does not know what GRNSW had in mind when it referred to “expanded” socialisation testing other than to create the impression that its involvement in ensuring that the industry’s greyhounds were adequately socialised would be substantial. However, the reason why GRNSW abandoned any testing during the “notable gap” identified by the JWG is obvious. Such testing would require GRNSW’s integrity officers to attend all rearing properties. Indeed, it would require them to visit every property where greyhounds of rearing age are housed. The resources required for this to occur would be substantial.
- 16.73 The Commission considers that GRNSW’s second socialisation test would not have any value. As noted, GRNSW proposed that this test would be administered at a race track when a greyhound was otherwise ready to race. At that point the rearing and breaking-in process is over. It is unlikely that the greyhound would benefit from any behavioural intervention. It is simply too late. On the evidence of Dr Dawson, it is reasonable to conclude that the second socialisation test would be administered at a point in time when the greyhound’s behavioural characteristics would be all but set in stone.
- 16.74 The Commission sought details from GRNSW concerning any educational requirements for those who would be undertaking socialisation testing. The Commission was informed that, on 27 January 2016, 19 GRNSW staff enrolled in “an animal welfare and behaviour TAFE course”. The course is available to all GRNSW staff. However, the current intake for the course will not be resolved until 10 June 2016.<sup>664</sup> That means that no conclusion can be drawn in relation to the number of GRNSW employees who will in fact commence the course and, more importantly, complete it. The proposed course was the product of collaboration between GRNSW and TAFE NSW Illawarra Institute. GRNSW informed the Commission that this collaboration would enable it to take advantage of state-funding for professional development.<sup>665</sup> The course, which is described as “Animal Welfare Skillset” has been fashioned to focus on greyhounds. The online “Learning and Assessment Guide” contains limited references to socialisation and habituation. That does not mean that those matters will not be addressed during the delivery of the skillset. Nevertheless, on any view, the skillset is very basic.
- 16.75 The Commission is satisfied that those GRNSW integrity officers who completed the skillset would not be qualified to assess whether a greyhound has been properly socialised and habituated. To suggest that they would be equipped if they undertook a basic skillset in animal welfare is not credible. The evidence of Dr Dawson is sufficient to demonstrate this. There were

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<sup>661</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 19.

<sup>662</sup> *Ibid.*, p. 17.

<sup>663</sup> The Rules R 111.

<sup>664</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 17.

<sup>665</sup> *Ibid.*

aspects of her presentation on greyhound behaviour that required an explanation before it could be readily understood that particular behaviours were not normal but reflected fear. A good example was Dr Dawson's evidence concerning "freeze-and-fiddle" behaviour.<sup>666</sup>

16.76 The Commission is further satisfied that there is a substantial risk that socialisation tests will not be administered by GRNSW at all. The Commission came to this conclusion based upon the criteria which GRNSW proposed to use as assessment criteria and the fact that at best there will be a delay of at least two years. GRNSW informed the Commission that:

The recommended behavioural intervention and socialisation tests will be best informed by the findings of a study awarded to Prof Paul McGreevy and Dr Mel Starling of the University of Sydney. The two year study, which has not yet commenced, is to investigate Chase motivation in greyhounds and has the objectives to identify early life experiences and on-going learning that influence chase proneness.<sup>667</sup>

16.77 A study limited to chase motivation, which is yet to commence, and will not be finalised for two years after commencement, is hardly one that is likely to improve the socialisation and habituation of the industry's greyhounds. The causes and sequelae of inadequate socialisation and habituation were identified by the WDA in July 2015. They were further addressed by Drs Dawson, Norris and Finster in their evidence. It is not readily apparent why, or acceptable that, GRNSW claimed that it needed further extensive research to be carried out.

16.78 The catalyst for the WDA Report was live baiting. The WDA's focus on chase motivation was not directed at socialisation. It was primarily concerned with addressing the commonly held belief among industry participants that live baiting improved a greyhound's performance. It noted that the underlying motivation of greyhounds to chase should be further assessed before considering major infrastructure changes to lure types. More particularly:

There is simply no evidence to support the widely-held belief that it is necessary to use either a live animal or an animal-derived product to teach a greyhound to chase a lure.<sup>668</sup>

16.79 GRNSW informed the Commission that "while awaiting" the results of its chase motivation study an intervention and testing "proposal" had been drafted by GRNSW's Industry Training & Engagement Officer with input from Dr Arnott.<sup>669</sup> It is not a proposal. It is a four-page draft document which records basic principles of socialisation and habituation of dogs and a (tracked) debate between Dr Arnott and GRNSW's Industry Training & Engagement Officer concerning the possible contents of a "Behaviour Audit Proposal."

16.80 In its Final Response to the Breeding Issues Paper, GRNSW informed the Commission that "...further registration and comprehensive licensing of rearers and educators will be key to reducing wastage for greyhounds before they are named."<sup>670</sup>

16.81 The Commission sought clarification. GRNSW informed the Commission that:

- Since 21 December 2015, rearers and educators have been required to be "registered". It is proposed that from 1 July 2016 they will be issued with a "transitional licence" which will be:

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<sup>666</sup> 18 November 2015: T556.25. According to Drs Karen Dawson and Leonie Finster, a greyhound will often internalise its fear and pain, for example, after a significant injury. There are no external signs that it is suffering.

<sup>667</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 17.

<sup>668</sup> Ex S (17 November – 19 November 2015), p. 5.

<sup>669</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 18.

<sup>670</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 31.

... managed over 24 months to ensure that the requirements are met, including a requirement for participants to demonstrate reasonable progress towards meeting the new licencing requirements at 12 months.<sup>671</sup>

- The results of the socialisation tests would be linked to “licence performance criteria for whelpers, rearers and educators”.<sup>672</sup>
- Upon the expiration of the transitional licence period participants would apply for “a full licence”. The requirements for a transitional licence were “still being developed by GRNSW”.<sup>673</sup> GRNSW provided a document to the Commission to demonstrate the progress it had made in developing the requirements of its proposed “transitional” licences. It is described as “Table of Proposed Licence Categories & Requirements”. The document does not relate to transitional licences. It deals with a tiered licencing system and is rudimentary in form. It may have been created by GRNSW in relation to the national tiered licencing system proposed by Greyhounds Australasia.
- Failure to meet licence performance criteria would result in restrictions on licences, remedial education, or deregistration.<sup>674</sup> The Commission assumes that GRNSW’s reference to remedial education is a reference to educational requirements that have not yet been developed.
- If the greyhound failed a socialisation test, whelpers, rearers, and educators would be given a time period to socialise and habituate the dog to “a range of environments and stimuli and present for a recheck or provide video evidence of same”.<sup>675</sup> It is likely that GRNSW’s reference to the presentation of “video evidence” is based upon the evidence of Dr Dawson who presented video evidence of adult greyhounds displaying behaviours which made them unsuitable candidates for rehoming. It is unlikely that GRNSW’s integrity officers would have the qualifications or experience to conclude that there was a socialisation or habituation problem from a video of a litter of pups.
- A trainer of a greyhound which failed a socialisation test would be “... given remedial work to complete with the greyhound in the form of behavioural intervention and socialisation tasks”.<sup>676</sup> The Commission does not know what this means and doubts whether GRNSW does either.

16.82 GRNSW informed the Commission that it did not “propose to impose any consequences for the greyhound” which failed a socialisation test. It said that a greyhound could:

... continue to be reared and trained if there is no immediate risk to their welfare identified. If there are concerns for its ultimate success it could be registered with GAP at this point while the trainer observes its progress.<sup>677</sup>

16.83 GRNSW’s proposal has little – probably no – value as a measure for increasing rehoming numbers. If a greyhound is displaying significant behavioural problems because it has not been adequately socialised, it is unlikely that it can be rehomed. Successful intervention becomes increasingly difficult over time. Registering the greyhound with the GAP program will not change this. If the greyhound is ultimately assessed as unsuitable for rehoming, it will be destroyed.

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<sup>671</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 5.

<sup>672</sup> Ibid, p. 19.

<sup>673</sup> Ibid, p. 5. The proposal that there will be transitional licences for two years suggests that GRNSW has no expectation that Greyhounds Australasia’s proposed national tiered licencing system will come into existence for some time, if at all.

<sup>674</sup> Ibid, p. 19.

<sup>675</sup> Ibid.

<sup>676</sup> Ibid.

<sup>677</sup> Ibid.

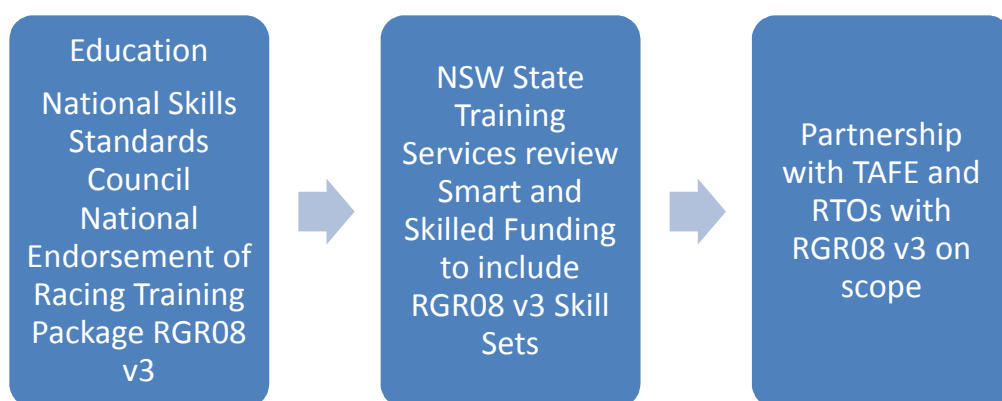
## GRNSW's proposals for further education

16.84 On a number of occasions during the course of the Commission's inquiry, GRNSW advised the Commission that it intended to introduce mandatory education as a condition of all licences.<sup>678</sup> That has not occurred, and the Commission is not satisfied that it will occur at any time in the near future. A proposal for the creation of a TAFE Certificate III course with two units in racing industry ethics and the care of greyhound health and welfare has been flagged as a possibility. However, it is not listed in the Smart and Skilled List for 2016 and there are funding issues which may have the effect that the proposal will not proceed.<sup>679</sup>

16.85 GRNSW also informed the Commission that:

A 3 unit skill set for rearers of greyhounds is currently under development. This course will have a major focus on the necessity of implementing practices to maintain the socialisation and habituation of newly weaned pups throughout their adolescence up until they are sent for primary education or start race training. This will teach rearers how to ensure the benefits of habituation and socialisation are continued beyond the sensitive period into the rearing period.<sup>680</sup>

16.86 The Commission is unaware whether the rearer skill set was being developed with input from experts in greyhound development and behaviour. A document described as "Rearer Skillset Assessment Mapping 1ch" was provided by GRNSW to the Commission. The subject and unit codes suggest that the skill set was to be delivered via a TAFE course. This was confirmed in a document provided by GRNSW, which it described as a "Timeline for Rearer Skill Set." It was not a timeline. It appears below:



16.87 The Commission has already referred to the obstacles facing GRNSW in relation to the development of its Certificate III TAFE course. The Commission is not satisfied that the rearer skill set will be developed and, more importantly, implemented at any time in the near future.

16.88 In GRNSW's Final Response to the Breeding Issues Paper, it informed the Commission that:

<sup>678</sup> See for example GRNSW, Submission 769 to the Commission dated 24 August 2015, [48] and [565].

<sup>679</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 3.

<sup>680</sup> *Ibid*, p. 10.

GRNSW has developed a trainer manual that contains a step-by-step guide to socialisation techniques including lead training and habituation to objects and environments of future relevance.<sup>681</sup>

16.89 The Commission ordered GRNSW to produce this “trainer manual”. The document produced by GRNSW demonstrated that it had not “developed a trainer manual”. The information provided to the Commission was wrong. The “trainer manual” was an “Attendant Handbook” said to have been created on 18 January 2016.<sup>682</sup> In fact, it is a handbook based upon one that was created by Dr Linda Beer of Greyhound Racing Victoria (“GRV”). It was published in 2008. GRNSW claimed that thirteen of its employees had input in relation to various sections of the handbook and that it was “... based upon the GRV version.”<sup>683</sup> The handbook reveals that it is substantially based upon one of the trainer competency packs used by GRV. In 2009, GRV launched a program to develop trainer competency. GRNSW has no such program. The GRV competency packs are:

- Trainer’s Competency Pack: Level 1 – Attendant;
- Trainer’s Competency Pack: Level 2 – Owner Trainer; and
- Trainer’s Competency Pack: Level3 – Public Trainer.

16.90 The Attendant Handbook produced to the Commission by GRNSW makes clear that it is no more than a “Trainer Attendant Level 1 Induction Manual”, which is primarily concerned with managing greyhounds at the race track, appropriate equipment, and occupational health and safety. It notes the following:

Now that you have read the Trainer Attendant Level 1 Induction Manual, you should have an understanding of greyhounds and the Greyhound Racing Industry. We hope that your interest has been sparked and that your involvement in the sport of greyhound racing will continue to develop as a life-long passion.<sup>684</sup>

16.91 Although the handbook contains useful information concerning socialisation and habituation,<sup>685</sup> it is, as its name suggests, directed at new industry participants who might be interested in obtaining a “Trainer 1 Attendant Licence”. The handbook notes that:

This licence type allows you to handle, box, catch and generally assist a trainer at a track on race days. The minimum age for an Attendant licence is 15 years of age. However, at 15 years of age you can only work for a licenced family member and you must forward a written reference from your parent/s or guardian supporting your application.<sup>686</sup>

16.92 In its Final Response to the Breeding Issues Paper, GRNSW also informed the Commission that:

Prior to the commencement of the national licencing system, GRNSW intends to develop and deliver a program of educational seminars and materials drawn from greyhound and other working dog industry members. These materials will provide guidance to participants on certain socialisation methods. The first of two training seminars took place on 22 November 2015 at Maitland and 6 December 2015 at Richmond.<sup>687</sup>

16.93 This is a positive development and both seminars seem to have been well attended. There was input from non-industry experts. One expert, Paul Adrian, the Training Manager of Guide Dogs

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<sup>681</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 41.

<sup>682</sup> GRNSW, “Greyhound Attendant Handbook” (2016): <<http://www.thedogs.com.au/Uploads/Education/GRNSW%20Attendant%20Handbook%2018%20Jan%202016.pdf>> (accessed 24 May 2016); GRNSW, Response to Order 27 dated 19 February 2016, p. 15.

<sup>683</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 16.

<sup>684</sup> GRNSW, “Greyhound Attendant Handbook” (2016), p. 77.

<sup>685</sup> Ibid, Chapter 2.

<sup>686</sup> Ibid, p. 77.

<sup>687</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 40.



Victoria, gave a 45-minute presentation during which he stressed the link between socialisation and performance.<sup>688</sup>

- 16.94 GRNSW informed the Commission that further seminars were conducted at Goulburn on 21 February 2016 and at Lismore on 6 March 2016.<sup>689</sup>
- 16.95 The agenda for the Goulburn seminar suggests that there was one 45-minute panel discussion that may have involved socialisation and habituation. It was described in the agenda as “Rearing a healthy puppy to become a confident and race-ready greyhound. Behavioural milestones for pups.”<sup>690</sup>
- 16.96 The agenda for the Lismore seminar also suggests that there was a 45-minute panel discussion that may have involved aspects of socialisation and habituation. It was described in the agenda as “Fit and feeling good: putting all the pieces together: good nutrition, exercise and welfare.”<sup>691</sup>
- 16.97 GRNSW informed the Commission that it intends to conduct further seminars. It has also made available videos online of presentations given at the seminars.<sup>692</sup> It has also developed a “Socialisation Handout”.<sup>693</sup> The handout was created on 30 November 2015. That is less than two weeks following the public hearings during which Drs Dawson, Finster and Norris gave evidence of the importance of socialisation and habituation and their effects on performance and rehoming. The handout is rudimentary in form. The author of the handout is a GRNSW employee.

## Establishing a structured socialisation and habituation program in the greyhound racing industry

- 16.98 Achieving adequate socialisation and habituation of the industry’s greyhounds is not merely challenging. The Commission is satisfied that, because of what generally occurs in the rearing and educative stages of a greyhound’s life and the expense of implementing an adequate program, it would be very difficult – probably impossible – to establish a structured program of socialisation and habituation which would cover all stages of development through which a greyhound would progress before it reaches the track
- 16.99 The Commission accepts that certain owners and breeders would be able to ensure the normal development of a greyhound pup in the critical period of three to 12 weeks. Self-education and the seminars promoted by GRNSW might play an important role. However, the industry’s practice is that, once weaned, greyhound pups move to rearing properties and breaking in establishments. Some of these properties are populated by many greyhounds, and the means of ensuring normal development are simply not available. The problem is exacerbated by the fact that the industry has a significant number of participants who breed many litters and populate their properties with the greyhounds produced. For those industry participants who breed and sometimes rear many, and sometimes hundreds of, greyhounds, achieving adequate socialisation and habituation presents cost and staffing problems that are likely to be insuperable.

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<sup>688</sup> GRNSW website, “Training for the Future Seminar – Paul Adrian”: <<http://www.thedogs.com.au/learning/?id=4>> (accessed 24 May 2016).

<sup>689</sup> GRNSW, Response to Order 27 dated 19 February 2016, pp. 11-13.

<sup>690</sup> Ibid, p. 11.

<sup>691</sup> Ibid, p. 12.

<sup>692</sup> For example, GRNSW website, “Seminars”: <<http://www.grnsw.com.au/welfare/education-and-research/seminars>> (accessed 24 May 2016).

<sup>693</sup> GRNSW, Response to Order 27 dated 19 February 2016, p. 8.

- 16.100 Dr Arnott acknowledged that there were limitations on providing appropriate enrichment and socialisation with large numbers of greyhounds. Her solution was to limit the number of greyhounds which industry participants had under their care and control.<sup>694</sup> There are currently no concrete measures in place, or credible measures proposed, that would achieve this outcome.
- 16.101 RSPCA Australia informed the Commission that implementing a broad-scale socialisation program would require considerable resources, staff, external expertise and time. This was unlikely to be financially viable.<sup>695</sup> It referred to the Association of Shelter Veterinarians' "Guidelines for Standards of Care in Animal Shelters".<sup>696</sup> These guidelines recommend a minimum of 15 minutes of care time per day just for feeding and cleaning each dog housed (nine minutes for cleaning and six minutes for feeding). RSPCA Australia noted that, if 40 greyhounds were present, a minimum of ten hours per day would be required for basic care. On a rearing property with 100 pups this would equate to a minimum of 25 hours per day of staff time. RSPCA Australia estimated that four full-time staff would be required just for feeding and cleaning. If a conservative estimate of one hour per day was required for socialisation of each pup, there would be 13 full-time staff dedicated to socialisation alone each day.<sup>697</sup>
- 16.102 Dr Dawson was of the same view. It was her opinion that a structured socialisation and habituation program would not be financially viable. This was because of:
- ... the huge changes to infrastructure that are required and the huge number of people that would need to be involved to implement a proper socialisation program.<sup>698</sup>
- 16.103 One of NSW's largest breeders and rearers, Mr Paul Wheeler, informed the Commission that he employed 13 full-time staff.<sup>699</sup> He also informed the Commission that there were approximately 484 greyhounds located on his property.<sup>700</sup> If RSPCA Australia's estimates are correct, then he has insufficient resources to carry out what is required.
- 16.104 Whether or not RSPCA Australia's estimates are entirely accurate, they support the Commission's conclusion that an industry-wide, structured program for socialisation and habituation is not viable.
- 16.105 It might be said that to apply high standards for socialisation and habituation of the industry's greyhounds is unreasonable. They are bred in great numbers for the sole purpose of racing. However, it is in part because they are bred in such numbers that their basic needs for socialisation cannot be met in most cases.
- 16.106 The Commission is satisfied that the inadequate socialisation and habituation of the industry's greyhounds is a significant contributor to wastage. It increases the number of uncompetitive greyhounds and it limits the rehoming prospects of greyhounds that have been discarded by the industry.

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<sup>694</sup> 19 November 2015: T731.16-23.

<sup>695</sup> RSPCA, Response to Breeding Issues Paper dated 7 December 2015, p. 13.

<sup>696</sup> Sandra Newbury et al, Association of Shelter Veterinarians, "Guidelines for Standards of Care in Animal Shelters" (2010): <<http://oacu.od.nih.gov/disaster/ShelterGuide.pdf>> (accessed: 29 May 2016).

<sup>697</sup> RSPCA, Response 27 to the Breeding Issues Paper dated 7 December 2015, p. 13.

<sup>698</sup> 18 November 2015: T551.5-7.

<sup>699</sup> Paul Wheeler, Response to Order 1 dated 14 January 2016, p. 9.

<sup>700</sup> *Ibid*, p. 3.

# 17 Integrity: veterinarian care and “muscle men”

## Introduction

- 17.1 If properly cared for, a greyhound will need to see a veterinarian at many stages of its life. As a pup, it will have been vaccinated. It will thereafter require veterinary assistance for ongoing health care, as well as injury prevention and management.
- 17.2 Veterinarians play a vital role in connection with the care and treatment of racing greyhounds. As will be seen, they carry out important functions, relevant to the welfare of greyhounds, at race day meetings. In a report dated June 2014, the Internal Audit Bureau (“the IAB”)<sup>701</sup> rightly said: “Ensuring that a greyhound race does not take place without a Veterinary Surgeon (Vet) being at a track meeting is critical for the welfare of the greyhounds” and “[t]he role of a Vet is paramount to the safe running of all greyhound races.”<sup>702</sup>
- 17.3 Importantly, veterinarians can also provide care and treatment for greyhounds other than at the track.
- 17.4 Veterinarians are qualified professionals. They can be contrasted with unqualified persons – commonly referred to in the greyhound industry as ‘muscle men’ – who purport to be able to treat various injuries and illnesses that greyhounds suffer. Veterinary expertise can also be contrasted with self-help measures that industry participants adopt to attempt to treat injuries and illnesses. The cost of veterinary services is the main reason why participants choose to engage muscle men and/or self-help measures. These aspects are considered below.
- 17.5 The Australian Veterinary Association (“the AVA”) has published a policy statement, with effect from 23 July 2015, on greyhound racing that emphasises the role of veterinarians. The AVA’s policy relevantly states:
- The welfare of all greyhounds must be ensured where greyhound breeding, rearing, training and racing occurs. Veterinarians must be involved in all aspects of the greyhound racing industry to protect the health and welfare of the animals.<sup>703</sup>
- 17.6 Greyhounds have some illnesses and features that are different from those typically encountered in other breeds of dogs. A veterinarian who is experienced in treating greyhounds may be better placed to be able to detect some types of injuries than a general veterinarian without such experience.

## The Rules relating to veterinary surgeons

- 17.7 The GRNSW Greyhound Racing Rules (“the Rules”), made by Greyhound Racing NSW (“GRNSW”) under s. 23(1) of the *Greyhound Racing Act 2009* (NSW) (“the Act”), contain provisions relating to the functions of veterinary surgeons.

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<sup>701</sup> The Internal Audit Bureau (“IAB”) was established under the *Internal Audit Bureau Act 1992* (NSW), relevantly, to provide “provision of audit, management review and consultancy services to public authorities”: s. 5(1)(a).

<sup>702</sup> IAB, report “Greyhound Racing NSW – Internal Audit of Animal Welfare” (June 2014) (“the IAB Welfare Audit Report”), p. 15.

<sup>703</sup> Australian Veterinarian Association (“AVA”), “Policy – Greyhound Racing”, ratified by the AVA Board on 23 July 2015, AVA website: <<http://www.ava.com.au/node/67281>> (accessed 13 June 2016).

17.8 Rule 110 deals with the appointment of a veterinary surgeon to officiate at race meetings. Rule 100 provides:

**R110 Appointment and duties of veterinary surgeon**

(1) The Controlling Body or a club may appoint any number of persons to act as veterinary surgeons, whose powers and duties may be specified by the Controlling Body.

(2) The Controlling Body may, in special circumstances, nominate a veterinary surgeon to officiate at a meeting and may charge the club conducting the meeting a fee for the services of the veterinary surgeon.

(3) Where the Controlling Body notifies a club that a veterinary surgeon has been nominated to officiate at a meeting-

- (a) any reference in these Rules to a veterinary surgeon officiating shall be read and construed as a reference to the veterinary surgeon nominated in relation to the meeting; and
- (b) no other veterinary surgeon, whether appointed by the club conducting the meeting or otherwise, shall act in relation to the meeting.

17.9 Rule 1 defines an “official” to include a veterinary surgeon, and a “veterinary surgeon” to mean a qualified veterinary surgeon registered pursuant to the appropriate State or Territory legislation.

17.10 The Rules confer, or recognise, various functions on the part of veterinary surgeons. These include the functions of a veterinarian to:

*At race meetings*

- examine a greyhound presented for an event to determine if it is fit to race and, in the case of a bitch, is not in season: R 37(1);
- provide advice to the stewards as to whether a greyhound should be withdrawn from an event because it is unfit to run: R 20(3)(j);
- provide a certificate for stewards notifying of an injury or illness to a greyhound and containing a recommended period of incapacitation: R 37(2);
- provide an opinion as to whether a greyhound is in season (and thus not permitted to be kennelled or to participate in a race): R 24(3);
- approve the need for particular gear (other than mandatory approved gear) to be worn by a greyhound in a race: R 35(3);
- provide veterinary assistance to a greyhound at a meeting, including with bandaging and strapping: R 35(6);
- inspect all greyhounds at the boxes in the event of there having been a false start to a race: R 56(6);
- examine a greyhound that, in the stewards’ opinion, failed to pursue the lure with due commitment for the first time: R69B(1);
- impose a period of incapacitation in respect of a greyhound injured during an event: R 73(1);
- take a sample from a greyhound (if so requested or instructed by the stewards) for the purpose of testing under Rules 78, 79: R 80(1);

### Generally

- provide a veterinary certificate indicating that a greyhound is fit to race: R 20(3)(v);
- provide a certificate of vaccination for an owner or trainer: LR 21(1)(c), R 137(1)(c);
- examine a greyhound which has not competed for more than six months to assess whether it is fit to return to racing: LR 21B;
- provide a certificate that a greyhound (which had previously been withdrawn from an event because it was in season) has ceased to be in season: R 24(4); and
- euthanise humanely a greyhound: R 106(3).

## Self-help measures adopted by industry participants

- 17.11 The Commission’s investigations revealed that some industry participants are willing to adopt self-help measures in relation to their greyhounds rather than to look to qualified veterinarians to provide professional assistance. This appears partly related to cost considerations, and partly based on a sense of self-confidence – often misplaced – in the participant’s ability to be able to diagnose and treat a condition.

### Mr Alex Verhagen

- 17.12 Mr Alex Verhagen has been a registered greyhound trainer for more than a decade. At the Commission’s public hearings, Mr Verhagen was examined about a number of greyhounds he had arranged to be euthanased. One such dog – named “Debbie Mulwee” – had suffered a broken hock at a private trial. Mr Verhagen did not take the dog to a veterinarian but instead tried to treat the injury himself.<sup>704</sup>
- 17.13 The injury did not heal and Mr Verhagen had the dog euthanased by a Senior Council Ranger, Mr Robert Watson.<sup>705</sup> At no relevant stage did Mr Verhagen involve a veterinarian in Debbie Mulwee’s care. In evidence before the Commission, the following exchange took place:

MR KELL (Counsel Assisting):

Q. ... And when that injury [the broken hock] was suffered did you take the dog to a vet?

A. No.

Q. Why not?

A. Because I treated the dog myself.

Q. Yes.

A. I strapped it and bandaged it. Took the dog home and it didn’t heal well enough to keep it for a brood bitch. I’ve done it many times with dogs where they have fractured hocks. You bandage them and they come good. Gallop again. This one just didn’t heal. It was - - -

COMMISSIONER:

Q. Well some information the Commission has received suggests that quite a number of trainers try to deal with injuries themselves when they should be dealt with by vets. What do you say about that?

A. Well, if I go to the races and a dog hurts itself in a race the vet will only strap it and say, “Come to the surgery.” Well, he’s only going to do - I only had done exactly the same thing as the vets do.

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<sup>704</sup> 17 November 2015: T426.17.

<sup>705</sup> Ibid, T426.42-43.

MR KELL:

Q. So you put strapping on the dog. You say the dog didn't appear to get any better?

A. That's correct.

Q. And then you took steps to have the dog put down.

A. Yes.

Q. And at no time prior to the dog being put down did you take it to a vet?

A. No, that's correct.

Q. For a qualified opinion as to the position of the dog.

A. You didn't need a qualified opinion to see it was broken and not healing.<sup>706</sup>

## Evidence from veterinarians

17.14 The Commissioner received evidence from a number of veterinarians experienced in treating greyhounds. Those veterinarians raised significant concerns about the extent to which trainers misdiagnose injuries and fail to treat them.

### *Dr Karen Dawson*

17.15 Dr Karen Dawson is an expert veterinarian with special expertise in relation to behavioural issues concerning greyhounds. She is based in south-east Queensland. Part of her work as a veterinarian includes dealing with clients who are based in NSW. Dr Dawson also previously worked, in greyhound practice, in Sydney.

17.16 Dr Dawson gave evidence that many greyhounds are not adequately socialised and are then taken from rearing properties to breaking-in facilities, which causes significant stress to the animal. Dr Dawson told the Commission that, in her experience, inappropriate medical interventions are frequent, and industry participants sometimes wrongly give painful vitamin injections to greyhounds in an attempt to help the dog, but which in fact lead to increased stress and compromised welfare.<sup>707</sup>

17.17 Dr Dawson gave further evidence as follows:

... they often have problems that may be diagnosed and treated by the trainers themselves. ... they may decide that the dog who it might be stressed and so not doing so well, they will rely heavily on vitamin injections and things like that. We often see injuries that aren't treated as well, just a sort of wait and see how it goes approach, but a lot of the issues that we see are related to stress a lot of the time, but they try and tackle them through supplements and things like that instead of the core underlying issues.<sup>708</sup>

### *Dr Leonie Finster*

17.18 Dr Leonie Finster is a qualified veterinarian who worked as a principal in a veterinary practice for over 30 years, before selling her practice in 2014. About 25% of her practice involved greyhound medicine and surgery. Dr Finster practised in Queensland near the NSW border and her clients included greyhound trainers and rearers from northern NSW. Dr Finster also owned, trained and raced several greyhounds, and worked as an on-track veterinarian. Although she has sold her practice, Dr Finster continues to do locum veterinary work.

17.19 Dr Finster gave evidence that, because greyhound racing has traditionally been perceived as a sport in which people can participate without spending a lot of money, owners and trainers

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<sup>706</sup> 17 November 2015: T426.13-427.5.

<sup>707</sup> 18 November 2015: T559.32-34.

<sup>708</sup> Ibid, T560.43-561.6.

often underestimate the real cost that should be involved in maintaining a greyhound – including the cost of veterinary treatment and proper diet – and fall short of providing what the greyhound requires.<sup>709</sup> Even if the dog enjoys some racing success, the returns from prize money may not exceed the proper costs involved in bringing up and maintaining the dog. Dr Finster said:

I think as far as trying to look at whether prize money justifies it that vets are often perceived as charging exorbitantly for services and are often consulted when home remedies have failed or time doesn't fix the problem. Many trainers have too many dogs in their kennel to be able to provide appropriate veterinary care for injured or sick dogs. That, to me, is one of the biggest issues in all greyhound welfare issues. There are 33 tracks in New South Wales. Prize money at some of the smaller tracks is low and often would not cover a visit to the vet for dogs capable of racing only at this level, and many give-away dogs, or those not up to city class, find their way to rural areas. It becomes uneconomic to treat major injuries as there are many dogs available as replacements.<sup>710</sup>

17.20 Dr Finster also said that participants sometimes fail to arrange treatment for injuries that are (wrongly) perceived to be less serious – such as moderate lameness. When such injuries are not treated in a timely manner they can end up being career-ending. Dr Finster gave the following evidence:

... Lameness is common in active young pups, but diagnosis, or misdiagnosis, is often carried out by the owner of the property and sometimes they don't even let the owner of the pup know that this dog is injured. If they've had an obvious fracture, that one will be treated if it's a long bone fracture, but there's lots of conditions in pups involving hock fractures, growth plate injuries, toe fractures, and they generally cause moderate lameness to dogs. A lot of the rearing establishments will just adopt a wait-and-see attitude to see how they go. Sometimes four or five weeks will go by, the dog is still lame. Maybe they'll let the owner know then, and often by that stage they have a career-ending injury ...<sup>711</sup>

17.21 Dr Finster further said that many participants had been self-treating dogs by giving them large doses of vitamin C for various ailments but which can cause the dog extreme pain. Dr Finster said:

We've seen an alarming number of dogs where the treatment of choice if they won't take them to a vet - either they don't want to pay fees or they don't have the funds available - and I guess one of the most common ones that we see is this use of massive doses of vitamin C, which is extremely painful for the dog, and given in 10 mil doses, that's approximately what you would give a horse.<sup>712</sup>

17.22 In evidence before the Commission, Dr Finster identified a photograph of a greyhound she had seen in her surgery.<sup>713</sup> Dr Finster said:

... This little dog was suffering from an unknown illness. The trainer gave her 5 mils of vitamin C in each side of her back leg muscles. She spent four days in the kennels with a temperature between 40 and 41 degrees. All of that area from the hocks down is just accumulation of inflammatory fluid which has gravitated down from the injection site. She was in so much pain she didn't lie down. Even with opiate drugs she couldn't lie down comfortably. That went on for days until she could be discharged from hospital. He didn't even know what he was treating, but she wasn't well, so he gave her 10 mils of vitamin C, and when I questioned him, he said, "Everyone does it." So that's the treatment of choice if you have particularly tick paralysis or snake bites in dogs apparently.

Q. Tick paralysis or snake bites?

A. Mm.

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<sup>709</sup> 18 November 2015: T609-610.

<sup>710</sup> Ibid, T611.6-16.

<sup>711</sup> Ibid, T597.28-37.

<sup>712</sup> Ibid, T611.10-15.

<sup>713</sup> Ex Y (17-19 November 2015).

Q. Is there any medical evidence to suggest that that is an effective remedy?

A. No.<sup>714</sup>

17.23 Dr Finster also gave evidence to the effect that, where a greyhound suffers serious injury at the track, the on-track veterinarian may examine the dog and suggest the trainer take it to an after-hours veterinary clinic for treatment. In Dr Finster's experience, trainers would sometimes not do this, nor would they take the dog to a veterinarian surgery in the days following, because of the costs involved. On occasions, the injured dog is never taken to a veterinarian after the race day incident. Dr Finster said:

The most concerning part is once the [on-track] vet has given first aid that dog is free to leave, it then becomes the trainer's responsibility. There's no onus on the owner or trainer to take this dog to an after-hours veterinary clinic where it should be for ongoing pain relief. So they can take that dog home. They can keep it at home overnight or any time they deem fit take it back to the vet and have it treated or euthanised. Or they - some of them don't take them back and they just put in the kennel and see how it goes.<sup>715</sup>

17.24 Dr Finster also observed that, contrary to what would be good veterinary advice, trainers often feed greyhounds a diet (of cheaper rather than premium foods) that is both inadequate for their needs and inappropriate for their teeth. This results in a dog being unfit for the rigours of racing. It also leads to plaque and gum disease that is untreated.<sup>716</sup>

#### **Dr Jade Norris**

17.25 Dr Jade Norris is a qualified veterinarian and holds the position of Scientific Officer with RSPCA Australia. She has a particular interest and expertise with respect to greyhounds. In her role, she is also in regular communication with chief inspectors of RSPCA in various states and territories, including NSW.

17.26 Dr Norris gave evidence to the Commission that, based on information RSPCA Australia has received, a lack of adequate veterinary care is provided to greyhounds compared with other dogs. Dr Norris said that some greyhound owners do not seek veterinary care at all (in circumstances when they should).<sup>717</sup>

17.27 Dr Norris gave evidence that the RSPCA routinely encountered instances where owners/trainers have failed to provide adequate veterinary care for their greyhounds. Dr Norris said, "the reason appears to be a minimisation of costs, because veterinary care is costly. It's probably one of the most expensive elements of responsible dog ownership."<sup>718</sup>

17.28 Dr Norris also said that insurance companies do not provide pet insurance for (racing) greyhounds.<sup>719</sup>

#### **Dr Elizabeth Arnott**

17.29 Dr Elizabeth Arnott is the Chief Veterinary Officer with GRNSW. She has held that position since August 2015.

17.30 At the Commission's public hearings, Dr Arnott was asked about trainers using medications intended for use for other animals on greyhounds. Dr Arnott said that "individuals who cannot

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<sup>714</sup> 18 November 2015: T611.26-42.

<sup>715</sup> Ibid, T595.5-12.

<sup>716</sup> Ibid, T615.38-44.

<sup>717</sup> 19 November 2015: T667.36-668.10.

<sup>718</sup> Ibid, T668.8-10.

<sup>719</sup> Ibid, T668.18-20.



afford the proper care to their dogs and afford that, don't have a place in the industry, or pet ownership in general".<sup>720</sup>

### Failure to seek veterinary assistance

- 17.31 As noted above, the Commission received evidence, including from veterinarians, of industry participants failing to seek veterinary assistance in circumstances when they should do so.
- 17.32 The Commission's investigations identified further particular instances where participants had clearly failed to seek veterinary assistance, such as when GRNSW compliance officers found greyhounds to be in poor condition at various properties inspected from 2013 to 2015. This included instances of:
- greyhounds with visible dental problems;
  - greyhounds underweight and with flea allergy infections;
  - a greyhound with a broken bone protruding through its skin; and
  - greyhounds in extremely poor condition.<sup>721</sup>
- 17.33 In another example, GRNSW found a greyhound to be suffering from extreme dehydration, inflamed kidneys and poor oxygenation after trialling and kennelling in extreme heat in January 2013. The trainer refused a GRNSW direction to take the dog urgently to a veterinarian. The dog died later the same day. At a subsequent stewards' inquiry, the trainer was found guilty of two offences under R 106(1) and 106(2) and disqualified for 12 months for each charge (two years cumulatively). He was reprimanded for further breaching the Rules by failing to notify GRNSW of the dog's death within the required time frame.<sup>722</sup>

### The rise of the 'muscle men'

- 17.34 The Commission's investigations revealed that 'muscle men' – unqualified persons who hold themselves out as being able to treat injuries and illnesses of greyhounds – play an increasingly significant role in the greyhound racing industry in NSW. As will be seen, Dr Finster gave evidence that the use of muscle men is very widespread in NSW.<sup>723</sup>
- 17.35 Many, if not most, people outside the industry are not aware of the existence of muscle men, and the role they play.
- 17.36 Muscle men are, however, not a new phenomenon. In 2008, the Greyhound and Harness Racing Regulatory Authority ("the GHRRA") – the predecessor regulator to GRNSW – published a "New Participant's Manual" for the greyhound industry. At least on one reading, the GHRRA gave a qualified endorsement of the role played by muscle men, as a cheaper alternative to veterinarians. In the manual, the GHRRA said:

**MUSCLE MEN:** There are some very professional and successful "Muscle Men" across the state and there are plenty who purport to be experts, however, their results are somewhat questionable.

Again be guided by the local "successful" trainer, whose advice and opinions can be taken on board.

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<sup>720</sup> 19 November 2015: T739.13-15.

<sup>721</sup> GRNSW, Response to Order 1 dated 1 May 2015.

<sup>722</sup> Article, "Tisdell Disqualified" by GRNSW, 15 February 2013, *GRNSW website*: <<http://www.grnsw.com.au/news/tisdell-disqualified-3562>> (accessed 14 June 2016).

<sup>723</sup> 18 November 2015: T600.31-38.

Many successful professional trainers do all their own muscle manipulation with excellent results, some also offer their services to other participants for a fee.

Even though an excellent muscle man won't be able to make your greyhound run faster, be wary of the muscle man who rarely trains a winner himself but promotes himself as a top muscleman.

Remember that most muscle men have no qualifications and are generally self taught, which in itself is no problem, however, be mindful of this if they are injecting substances into your greyhound's toes and muscles.

Generally fees are cheaper than that of a Vet due to lower overheads.<sup>724</sup>

## Industry participants

17.37 The Commission examined a number of industry participants who admitted using muscle men and extolled their suggested benefits.

### *Mr Bruce Carr*

17.38 Mr Bruce Carr, a greyhound trainer for over 30 years, gave evidence to the effect that, in his view, muscle men can pick up smaller fractures that veterinarians sometimes miss. Mr Carr also suggested that broken hocks are not caused by track surfaces. Mr Carr gave the following evidence:

A. You get some dogs will break their hock and they can say it's the track but it's not the track. The dog could have run the week before and had a slight fracture in the leg, he's put out a week later and he breaks his leg and they say it's the track.

Q. Yes.

A. They blame the track. But really it's too hard to pick an injury up. You go to a lot of vets and they check your dog. They go over the dog and they say, "There's nothing wrong with the dog."

Q. Yes.

A. If you can get a good muscle man and vets don't believe in them, but a good one can go over it and a lot of times he can pick up a fracture or - - -

Q. Yes.

A. - - - pick up different things with the dog.<sup>725</sup>

### *Mr Alex Verhagen*

17.39 Mr Alex Verhagen admitted to the Commission that he did not take particular greyhounds to a veterinarian before arranging for them to be euthanased. Mr Verhagen claimed, however, that he did use muscle men in respect of his greyhounds. Mr Verhagen acknowledged that veterinarians did not recommend the use of muscle men. He said that muscle men were, however, less expensive than veterinarians. Mr Verhagen gave the following evidence:

MR KELL (Counsel Assisting):

A. ... I have - people come to you, muscle men ... and I regularly - every week I have at least 20 dogs checked over, every week.

Q. You refer to muscle men.

A. Yes.

Q. What's a muscle man?

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<sup>724</sup> Greyhound and Harness Racing Regulatory Authority (NSW), "The Greyhound Industry - New Participant's Manual" (July 2008), p.10.

<sup>725</sup> 30 September 2015: T292.42-293.12.

A. They manipulate dogs' muscles, backs, joints. Although they're not veterinary surgeons, they're nearly – how could you put it? They've got more experience than vets in dealing with greyhound injuries than vets.

Q. They're not qualified in any way, are they?

A. No.

Q. And they're not recommended by vets, are they?

A. No, definitely not.

Q. In fact, they're discouraged by vets.

A. Yes.

Q. Because they're not qualified, among other things.

A. Because the vets don't get paid for it.

COMMISSIONER:

Q. Are they cheaper than the vets?

A. \$10 a dog. It costs you \$40 a dog to get your dog looked at, just for a consultation.

Q. By a vet?

A. By a vet, yes.<sup>726</sup>

17.40 Mr Verhagen later said that his decision to use muscle men was based on more than cost factors; that he believed that muscle men provide better treatment than veterinarians. Mr Verhagen said:

I've had vets check dogs and – well, on race nights they'll come along and give your dog 28 days to – well, they'll tell you it's got a torn hip support. A muscle man will manipulate a dog, crack its back and there's nothing wrong with the dog, but, yes, we've got to put up with 28 days incapacitation cause the vet didn't know what he was doing, and I've seen that happen.<sup>727</sup>

### Expert veterinarians

17.41 The Commission received evidence from expert veterinarians about the role that muscle men play in the industry and the concerns arising.

#### *Dr Leonie Finster*

17.42 The Commission heard evidence that muscle men are individuals with no formal qualifications or training. Trainers are attracted to them because they are cheaper than veterinarians. Dr Finster said:

These people [muscle men] give advice on treatments, drug administration, and often do use drugs that are unregistered, unlicensed, incorrectly labelled. So not only are they injecting substances into dogs with no diagnosis, they're injecting substances that most of the time the trainers don't even know what they're injecting, and the only reason is that these so-called muscle men, or muscle checkers, more commonly see greyhounds than vets, probably because of costs. They probably charge 10 to \$15 to look at a dog, where a veterinary consultation is a lot more than that. So they're seeing probably the vast majority of dogs just for routine checks post racing.<sup>728</sup>

17.43 Dr Finster said trainers are also attracted to muscle men because they (muscle men) are willing to provide treatments, and medications, which a veterinarian would not.<sup>729</sup> Such treatment will

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<sup>726</sup> 17 November 2015: T436.11-41.

<sup>727</sup> Ibid, T444.8-13.

<sup>728</sup> 18 November 2015: T600.31-39.

<sup>729</sup> Ibid, T601.8-10.

be aimed at getting the dog back on the racetrack (as a quickly as possible) and is not directed at fixing the injury. Dr Finster gave the following evidence:

I think [greyhound trainers are] looking for a quick fix. A lot of these medications that they're using for injections, they have no labels. You don't know what they are, but someone else has had success, so obviously that's a bit attractant (sic) for them. I guess the other thing is if you're using these sorts of treatments to inject dogs, you don't have to spend time doing physiotherapy, which is the correct way to treat most of these injuries. You can use magnetic field therapies, ultrasounds, all forms of modalities to treat these injuries, but it's slow and it's cumbersome. If you've got a lot of dogs and you want to race them week to week, it becomes a bit of a full-time occupation just to treat injuries between runs ...<sup>730</sup>

17.44 As noted, Dr Finster gave evidence that the use of muscle men is very widespread in NSW.<sup>731</sup>

17.45 Dr Finster gave evidence to the effect that the methods that muscle men use can be problematic and dangerous to the dog. Dr Finster said:

You can get the dog back on the track. You're not fixing the injury. You're either masking the pain or you're causing – an injury such as a tear in a muscle, if you inject some of these substances you can get scar tissue forming there very quickly, and tentatively get them back on the track faster than if you possibly did it by conventional means.<sup>732</sup>

#### *Blistering*

17.46 Dr Finster said that procedures such as 'blistering', which muscle men use, caused her particular concern because there was no scientific basis behind them. 'Blistering' involves rubbing irritant substances on the skin of the dog. Dr Finster further described blistering as a procedure by which:

Irritant substances are rubbed on the skin of the dogs over bone injuries in the thought that that's producing heat and to some extent inflammation in the skin, and the subcutaneous tissues will fix the bone as well. There's absolutely no science to support that. as well as causing some degree of pain for the dogs, but we have recipes such as butchers brine mixed with gum spirit. ... That seems to be a common one. 10 per cent iodine is another one, which is quite irritant.<sup>733</sup>

#### *Sclerosing*

17.47 Dr Finster gave evidence that 'sclerosing' was another procedure, which muscle men use, which caused her concern. Dr Finster said that sclerosing was even more painful to a dog than blistering.<sup>734</sup> Dr Finster described the process of sclerosing as:

... where a highly irritant substance is injected into deficits in muscles where there's a tear in the muscle. This will produce pain and severe inflammation, and obviously the body reacts by forming scar tissue there, so effectively the deficit is closed, but with scar tissue instead of ... a less invasive method such as ultrasound which would produce a better result. But that is common, and it's extremely painful, and lots of these dogs will receive multiple injections of this in one examination.<sup>735</sup>

#### *Pin firing*

17.48 Dr Finster said that 'pin firing' was a further procedure, which muscle men use, which caused her concern. Dr Finster described pin firing as follows:

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<sup>730</sup> 18 November 2015: T601.28-36.

<sup>731</sup> Ibid, T600.38-39.

<sup>732</sup> Ibid, T602.1-5.

<sup>733</sup> Ibid, T602.35-43.

<sup>734</sup> Ibid, T602.43-44.

<sup>735</sup> Ibid, T602.44-603.6.

Pin firing means that you've got an instrument akin to a soldering iron, which is put repeatedly through the skin, often on a metacarpal, and it's just placed under the skin in the subcutaneous tissues, thinking that the acute soreness and inflammation will somehow fix the chronic injury of the bone underneath it, and there is no science to support it and science in fact saying that it retards healing.<sup>736</sup>

17.49 Dr Finster said that pin firing was banned for use on horses in NSW in 2001.<sup>737</sup>

#### *'Needling' of lame dogs*

17.50 Dr Finster gave evidence that some muscle men (wrongly) consider that lame dogs require 'needling' as an appropriate treatment intervention. Dr Finster said:

... they [muscle men] just don't – don't think outside the square and that any lame dog is suffering from a bone injury or soreness and I unfortunately saw two dogs with osteosarcomas in the bone which is probably one of the most excruciatingly painful bone tumours, repeatedly needled by muscle-men until six to eight weeks later. Both of these people realised that they weren't getting better and they sought veterinary treatment and these tumours will kill dogs quite quickly. By the time they were diagnosed they were probably beyond any help of treatment.<sup>738</sup>

17.51 Dr Finster also gave evidence that the type of products that muscle men use to treat greyhounds often contain unknown ingredients. Muscle men also use vitamin B preparations, cortisone, various sclerosing agents, substances typically used for treating varicose veins in humans, ethanolamine and dynacleine.<sup>739</sup>

#### **Dr Jade Norris**

17.52 Dr Norris said that RSPCA Australia was aware of the existence of muscle men operating in the greyhound racing industry. She said that, on the reports she had received, muscle men were involved in muscle manipulation and chiropractic type activities with greyhounds. However, muscle men were also involved in injecting substances, of an unidentified nature, into greyhounds.

17.53 Dr Norris gave evidence that the existence and practices of muscle men raised animal welfare concerns. Dr Norris said:

I think it's definitely ... unacceptable from an animal welfare perspective to have people who don't have formal qualification or training in the diagnosis and treatment of animals to be applying - you know – treatments to animals and to be injecting drugs that are composed of unknown substances. I think this places the animal at significant risk of harm.<sup>740</sup>

17.54 Dr Norris said that sclerosing agents, blistering and pin-firing all cause pain to the animal and their use is unacceptable.<sup>741</sup> Dr Norris gave further evidence that the treatment of greyhounds should be done by a qualified veterinarian. Dr Norris said, "Providing animal veterinary care is a basic level requirement."<sup>742</sup>

#### **Dr Elizabeth Arnott**

17.55 At the public hearings, Dr Arnott, GRNSW's Chief Veterinary Officer, was asked about whether GRNSW had in place any procedures to control the practices and treatments given by

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<sup>736</sup> 18 November 2015: T604.7-12.

<sup>737</sup> Ibid, T603.39-40.

<sup>738</sup> Ibid, T605.35-42.

<sup>739</sup> Ibid, T606.2-8.

<sup>740</sup> 19 November 2015: T667.7-11.

<sup>741</sup> Ibid, T667.15-20.

<sup>742</sup> Ibid, T667.26-27.

unqualified people such as the muscle men. Dr Arnott said, “I have not contemplated a system of preventing access to these unqualified individuals.”<sup>743</sup>

17.56 Dr Arnott noted, however, that the Rules and the *Prevention of Cruelty to Animals Act 1979* (NSW)<sup>744</sup> each reflect a requirement to seek veterinary attention (in particular circumstances).<sup>745</sup>

## GRNSW’s developing role in respect of veterinary services

17.57 In its dual position as both the regulator and promoter of the industry, GRNSW’s role in respect of the provision of veterinary services has evolved over time.

### The Veterinary Advisory Panel

17.58 In September 2009, GRNSW established what it referred to as the Veterinary Advisory Panel (“the VAP”). The VAP was established as an independent group of veterinarians with expertise in greyhounds that could provide technical advice to GRNSW in relation to regulatory and animal welfare issues where veterinary views were relevant to matters that GRNSW was considering. As established, the VAP consisted of five veterinarians, namely Dr Ted Humphries, Dr Peter Yore, Dr Linda Corney, Dr Rob Zammit and Dr Bob May.<sup>746</sup>

### The Welfare and Veterinary Services Unit

17.59 In July 2011, GRNSW established the Welfare and Veterinary Services Unit. The Unit was part of a process by which GRNSW, in effect, moved responsibility ‘in house’ for the provision of various veterinary related services. The Unit also effectively replaced the VAP. The establishment of the Unit corresponded with GRNSW assuming responsibility for the provision of on-track veterinarians at all TAB meetings.

17.60 The Welfare and Veterinary Services Unit was responsible for:

- providing on-course veterinarians at all TAB meetings;
- providing veterinary services in GRNSW's Greyhounds as Pets (“GAP”) program;
- developing and implementing “a canine health and welfare program”;
- providing expert advice to GRNSW on veterinary matters;
- developing research programs into drug issues;
- providing “specialist advice and training to all participants throughout all stages of a greyhound’s lifecycle”; and
- improving the education of participants and track staff in relation to greyhound health and welfare issues.<sup>747</sup>

17.61 When established, Dr Brian Daniel headed the Welfare and Veterinary Services Unit.<sup>748</sup>

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<sup>743</sup> 19 November 2015: T738.43-44.

<sup>744</sup> See *Prevention of Cruelty to Animals Act 1979* (NSW), s. 5 (3)(c): a person in charge of an animal must not fail at any time “where it is necessary for the animal to be provided with veterinary treatment, whether or not over a period of time, to provide it with that treatment”.

<sup>745</sup> 19 November 2015: T738.42-44.

<sup>746</sup> Article “Veterinary Advisory Panel Established” by GRNSW, 18 September 2009, *GRNSW website*: <<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=725>> (accessed 14 June 2016).

<sup>747</sup> GRNSW Annual Report 2012, p. 16; see also GRNSW website, “Greyhound Welfare and Veterinary Services Unit”: <<https://www.thedogs.com.au/DPage.aspx?id=269>> (accessed 14 June 2016).

## July 2011 – GRNSW policy for on-track veterinarians

- 17.62 In July 2011, GRNSW introduced a requirement that all tracks, including non-TAB tracks, must have a veterinarian present at race meetings. Previously, meetings at non-TAB tracks were required only to have a veterinary surgeon on call (rather than in attendance at the meeting).<sup>749</sup> At the Commission’s public hearing, GRNSW’s former Chief Executive, Mr Brent Hogan, gave evidence about this policy in so far as extending it to non-TAB tracks:

We ... required a veterinary surgeon to be present at all race meetings regardless of whether or not it was TAB or non-TAB, and therefore the role of the vet at the non-TAB meetings superseded the requirement for people to be first aid qualified, if you like. Obviously the vet was there to perform to a much better degree [than] what a layperson could from a first aid perspective.<sup>750</sup>

- 17.63 As noted above, in July 2011, GRNSW assumed responsibility for providing veterinarian services for TAB race meetings, but not for non-TAB race meetings – with local greyhound racing clubs having to arrange the on-track veterinarian for non-TAB meetings.

## The IAB Welfare Audit Report

- 17.64 In May to June 2014, IAB conducted a review of GRNSW’s Welfare and Veterinary Services Unit. The IAB produced a report dated June 2014 (“the IAB Welfare Audit Report”). The IAB Welfare Audit Report noted that the current staffing arrangements for the Welfare and Veterinary Services Unit were inadequate to meet the Unit’s objectives.<sup>751</sup>
- 17.65 In respect of the veterinary services component of the Welfare and Veterinary Services Unit, the IAB reported that controls in regards to on-track veterinarians, welfare and integrity were operating satisfactorily. The IAB found, however, that there was a general lack of veterinarians willing to work in the greyhound racing industry, and recommended that appropriate marketing strategies should be developed to address this.<sup>752</sup>

## Further developments

- 17.66 By January 2014, the Welfare and Veterinary Services Unit was subsumed within a new business unit called the Welfare and Compliance Unit.<sup>753</sup>
- 17.67 In May 2015, GRNSW advised the Commission that additional investment in veterinary capability was under active consideration.<sup>754</sup>
- 17.68 In August 2015, GRNSW appointed its current Chief Veterinary Officer, Dr Elizabeth Arnott, to head up a new Welfare Branch.<sup>755</sup> The former head veterinarian, Dr Newell, became the Principal Veterinarian, reporting to Dr Arnott.
- 17.69 The Welfare Branch is responsible for implementing welfare strategies and enhancing veterinary services. The Welfare Branch comprises three teams, namely the Veterinarian team, the Greyhounds As Pets (“GAP”) team and the Education and Training team. As at March 2016, GRNSW employed four full-time staff, comprising the Principal Veterinarian and three Industry Veterinarians (with responsibility for the North, South and Metro regions respectively), in the

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<sup>748</sup> GRNSW Annual Report 2012, p. 16.

<sup>749</sup> GRNSW Annual Report 2012, p. 17.

<sup>750</sup> 1 October 2015: T330.5-9.

<sup>751</sup> IAB Welfare Audit Report, p. 3.

<sup>752</sup> Ibid, pp. 4, 15-16.

<sup>753</sup> GRNSW, report “Review of Welfare and Compliance Staffing Arrangements” (October 2014), p. 3.

<sup>754</sup> GRNSW, Response to Order 1 dated 1 May 2015, p. 2.

<sup>755</sup> Nous Group, report “Review of Greyhound Racing Veterinary Services in New South Wales” (24 March 2016) (“the Nous Group Report”), pp. 4, 10.

Veterinarian team. GRNSW also employs casual and locum veterinarians on an ad-hoc basis to provide the same level of service as a GRNSW-employed veterinarian.<sup>756</sup>

17.70 In its written submission to the Commission in August 2015, GRNSW identified a number of issues impacting upon the provision of greyhound veterinary services across NSW racetracks. These include:

- The difficulties experienced by GRNSW and clubs in trying to recruit and retain appropriately qualified veterinarians with greyhound experience, owing to a shortage of suitable veterinarians;
- a shortage of veterinarians in some rural areas;
- veterinarians are sometimes not equipped with the necessary medication to treat injuries at race meetings;
- inconsistent approaches to recording and reporting injuries to GRNSW, including failures in the submission of injury forms to GRNSW; and
- connectivity and information technology (IT) issues at rural tracks that may limit access to OzChase.<sup>757</sup>

17.71 In Chapter 26 the Commission refers to GRNSW's plans to rationalise the industry by reducing the number of race meetings in conjunction with its track harmonisation and Centres of Excellence proposal. Clearly, any reduction in the number of race meetings – particularly if a significant reduction – may lessen the extent of the challenges that GRNSW presently faces arising from the shortage of qualified veterinarians with greyhound experience.

17.72 In about late 2015 GRNSW commissioned Nous Group, a management consulting firm, to review the delivery of veterinary services across greyhound racing clubs in NSW. The aim of the review was to identify opportunities to improve services.<sup>758</sup>

17.73 On 24 March 2016, Nous Group provided its report to GRNSW, "Review of greyhound racing veterinary services in New South Wales" ("the Nous Group Report"). Aspects of the report are considered below.

## On-track veterinarian services that GRNSW provides

17.74 The Commission investigated the extent to which GRNSW provides on-track veterinarian services. This, in turn, is linked to the concept of TAB meetings and non-TAB meetings.

### TAB meetings and non-TAB meetings

17.75 There are currently 34 greyhound race tracks registered in NSW. The NSW Greyhound Breeders, Owners and Trainers' Association ("the GBOTA") operates nine tracks.<sup>759</sup> Individual greyhound racing clubs operate the remaining 27 race tracks.

17.76 Currently, TAB meetings occur at 15 of the 34 registered race tracks, with non-TAB meetings held at the remaining 19 tracks. In FY16, 886 TAB meetings and 358 non-TAB meetings are

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<sup>756</sup> Nous Group Report, p. 11.

<sup>757</sup> Ibid, p. 4.

<sup>758</sup> Ibid.

<sup>759</sup> GBOTA operates greyhound racetracks at Appin Way, Wentworth Park, Bathurst, Bulli, Gosford, Lismore, Maitland, Gunnedah and Temora. The Commission notes that, in the 2015-16 racing season, no races and only trials are being conducted at Appin Way: GBOTA website: <http://www.gbota.com.au/track-information/appin> (accessed 14 June 2016).



scheduled. There is a state-wide average of 36 meetings per track scheduled for FY16. However, the number of meetings varies greatly between tracks.<sup>760</sup>

### GRNSW veterinarians

- 17.77 GRNSW provides on-track veterinarians at ten of the 15 TAB tracks and none of the non-TAB tracks.<sup>761</sup> These are race tracks in the greater metropolitan, Hunter and Illawarra regions.<sup>762</sup> GRNSW-employed veterinarians are salaried employees or casuals/locums who GRNSW pays on a weekly or per meeting basis.<sup>763</sup>
- 17.78 The five TAB tracks that GRNSW does not service source their own veterinary services. GRNSW does not service these five TAB tracks because, in GRNSW's view, they are geographically distant and it would be logistically too difficult (and expensive) to cover with GRNSW-employed veterinarians.<sup>764</sup>
- 17.79 At non-TAB tracks, individual clubs similarly directly procure the veterinary services they need on track, usually from local veterinarians.<sup>765</sup>

### Veterinarians contracted by clubs

- 17.80 The veterinarians who local clubs engage for race meetings may not have the experience and expertise with greyhounds that GRNSW-employed veterinarians possess.
- 17.81 In its report, Nous Group said there was no evidence that club-contracted veterinarians were not performing their specified services on race days. Nous Group did, however, report a perception that club-appointed veterinarians often lacked greyhound specialisation and had limited exposure to greyhound race meetings. Nous Group also noted a perception that there was a high level of turnover in club-contracted veterinarians leading to poorer quality veterinary services.<sup>766</sup>
- 17.82 In response to an order for information, GRNSW told the Commission that TAB tracks that GRNSW does not service often rely on whoever is available at a local practice. GRNSW also said:
- At non-TAB tracks in rural areas, there is often a shortage of vets, which is a significant issue for GRNSW and Clubs. As a result, veterinarians who are not qualified yet have limited greyhound experience are engaged to provide services.<sup>767</sup>
- 17.83 GRNSW identified greyhound-specific education of rural veterinarians as a critical issue it needed to address.<sup>768</sup>

### GRNSW funding for on-track veterinarians

- 17.84 GRNSW funds all on-track veterinary services across NSW. It does this by allocating funding to clubs. As at March 2016, GRNSW provides an allocation of \$496 per meeting for an on-track veterinarian.

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<sup>760</sup> Nous Group Report, p. 12.

<sup>761</sup> Ibid.

<sup>762</sup> GRNSW, Response to Order 1 dated 1 May 2015, p. 42.

<sup>763</sup> Ibid, p. 43.

<sup>764</sup> Nous Group Report, p. 12.

<sup>765</sup> Ibid.

<sup>766</sup> Ibid, p. 8.

<sup>767</sup> GRNSW, Response to Order 1 dated 1 May 2015, p. 42.

<sup>768</sup> Ibid.

17.85 If GRNSW provides the on-track veterinarian, the allocated cost (\$496 per meeting) is withheld from the allocation of funding that GRNSW provides to the particular race club.<sup>769</sup>

## The demanding role of an on-track veterinarian

17.86 The role of an on-track veterinarian is very demanding. The duties of an on-track veterinarian include:

- undertaking pre-race physical checks of greyhounds;
- undertaking pre-race checks of track and weather conditions;
- communicating with the on-track steward both before and after races;
- undertaking post-race physical examinations of greyhounds for suspected injuries;
- providing post-race injury treatment for greyhounds and undertaking minor procedures;
- reporting of injuries suffered by greyhounds;
- on occasions, euthanising a dog at the track that has suffered a catastrophic injury; and
- undertaking administrative tasks.<sup>770</sup>

### Dr Gregory Bryant

17.87 Dr Gregory Bryant worked as an on-track veterinarian for GRNSW from June 2014 to August 2015. He worked at numerous race tracks, including Wentworth Park, Richmond, Bulli, Dapto, Goulburn, Nowra, Gosford, Newcastle, Maitland and Bathurst. On average, Dr Bryant worked at four to five meetings a week.<sup>771</sup>

17.88 Dr Bryant gave evidence at the Commission's public hearings. Dr Bryant said that GRNSW provided him with no formal training, by a veterinarian, when he started working; he turned up at a race meeting and, in effect, learned 'on the job'.<sup>772</sup>

17.89 Dr Bryant described the process by which he would, before the races commenced at a particular meeting, examine the dogs that had been entered and check for any indications that they were injured.<sup>773</sup>

17.90 Dr Bryant gave evidence that he would get to the track about a half an hour before kennelling, and sometimes earlier, to do things like replace microchips. Kennelling finishes about 45 minutes before the start of the first race. During kennelling, the dogs are lined up and weighed and their identities are confirmed. Dr Bryant said he would handle upwards of 80 dogs per race meeting (eight dogs plus reserves in each of the ten races). Dr Bryant said that, because there are so many dogs, he could not spend very much time with each dog (approximately only about two minutes per dog).<sup>774</sup>

17.91 Dr Bryant would watch each race event. He said that if there appeared to be a problem with a dog during a race, he would either wait until the steward nominated the dog to be checked by him, or he (Dr Bryant) would direct the trainer to bring the dog in for checking.<sup>775</sup>

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<sup>769</sup> Nous Group Report, p. 12.

<sup>770</sup> Ibid.

<sup>771</sup> 18 November 2015: T624.15-17.

<sup>772</sup> Ibid, T624.35-36.

<sup>773</sup> Ibid, T625.40-627.13.

<sup>774</sup> Ibid, T626.33.

<sup>775</sup> 18 November 2015: T631.2-5.

- 17.92 In respect of a serious injury, Dr Bryant said he would provide some (limited) treatment at the track (eg. stitch-ups, fractures) and pain relief. He would also make a record of this when it happened.<sup>776</sup>
- 17.93 Dr Bryant gave evidence that his practice was to attend and check dogs in pre-race trials, which occur on the day of the race meeting shortly before races commence. Dr Bryant said he also stayed for the post-race trials at the track. He believed that, although it was not written down, there was an expectation that GRNSW veterinarians would remain at the track until the conclusion of the post-race trials.<sup>777</sup>
- 17.94 Dr Bryant said that, in connection with incapacitation periods, when a dog was injured on-track/during a race, he would make a recommendation to the steward regarding the appropriate length of time for which the dog should be stood down. This recommendation was not, however, binding and the steward could make the ultimate decision.<sup>778</sup>
- 17.95 Dr Bryant gave evidence of having to euthanase dogs at the track that had suffered a catastrophic injury while racing. He did this on 12 occasions between January and August 2015. He would euthanase the dog in the veterinarian room, away from public view.<sup>779</sup>
- 17.96 Dr Bryant gave evidence that stewards' reports did not include information that a dog had been euthanased at the track, and instead would record an injury suffered. Dr Bryant said he was told this was deliberate, and undertaken so as not to "stir up the greenies".<sup>780</sup> The effect of Dr Bryant's evidence was also that stewards' reports at times did not accurately reflect the number or severity of injuries that occurred on track. These aspects are considered in Chapter 4.

### Dr Jade Norris

- 17.97 Dr Norris identified a particular issue arising in connection with veterinary services on track. Where a dog suffers an injury – not of a major nature – the dog might not present as being in pain when the on-track veterinarian checks it. Adrenalin in the dog's system can mask signs that might aid a diagnosis. The injury might not become apparent until after the dog has cooled down and been taken back to its kennels, by which time the trainer may decide not to seek veterinary treatment, even though such treatment should be sought.<sup>781</sup>

### Reporting of injuries

- 17.98 The reporting of injuries suffered on-track is dealt with in Chapter 4. As noted, since the Commission's public hearings in November 2015, GRNSW has changed its procedures for the reporting of greyhound injuries sustained on-track. GRNSW has introduced a revised stewards' report form, and moved towards the automation of stewards' reports and the publication of quarterly greyhound racing injury reports.
- 17.99 The revised stewards' report form contemplates that the on-track veterinarian will now review a stewards' report and confirm its accuracy – in so far as it relate to euthanasia, fatalities, injuries and incapacitations – prior to GRNSW publishing the final report online.
- 17.100 On-track veterinarians' functions under the new system include: (a) entering injury data into OzChase for each race during or after the meeting; and (b) finalising injury data for the relevant

<sup>776</sup> Ibid, T631.30-34.

<sup>777</sup> Ibid, T629.43-630.1.

<sup>778</sup> Ibid, T629.25-31.

<sup>779</sup> Ibid, T635.38-636.1.

<sup>780</sup> Ibid, T637.29-30.

<sup>781</sup> 19 November 2015: T656.24-29.

meeting for submission to OzChase.<sup>782</sup> Stewards are also required to enter race commentary and associated data into OzChase following each race, and then to submit a finalised race report to OzChase.

17.101 After the stewards have submitted their information to OzChase, an interim “race component” stewards’ report is automatically generated and posted on the GRNSW website. After the veterinarians have submitted their information to OzChase, a full stewards’ report is created/updated and posted on GRNSW website.<sup>783</sup>

17.102 In summary, GRNSW describes the expected benefits of the automated injury reporting system to be:

- Removing the requirement for on-track stewards to record information conveyed by the on-track veterinarians and pass that information on to race day controllers;
- Removing any requirement for information to be conveyed over phone, reducing the risk of information being lost in translation and errors occurring;
- Increasing integrity as the ability to tamper with data will be significantly reduced, as it will be extracted directly from OzChase;
- Preserving the integrity of data and ensuring better quality control of the steward reporting process, to be accompanied by a robust record keeping and data management policy and practice;
- Saving time for the race day controllers, as they will no longer need manually to populate stewards’ reports; and
- Saving time for stewards and veterinarians during race meetings.<sup>784</sup>

## Veterinarians and greyhound trials

17.103 The Commission examined the extent to which veterinarians are present during greyhound trials. Greyhound trials can place at the race track on the day of a race meeting, with both pre-race (performance) trials and post-race trials undertaken.

17.104 Public and private trials can also take place on other days, including during the week. Thus, for example, Richmond Race Club’s website states:

If you're looking to trial your greyhounds on one of the best tracks in Australia, Richmond has plenty of slots available. We trial every Monday, Tuesday, Thursday and Sunday as well as after every race meeting with Public and Private trials available.<sup>785</sup>

17.105 The same welfare considerations that mandate the need for a veterinarian at race meetings apply also to trials. A trainer may permit an injured dog to participate in a trial – to the detriment of the dog – in circumstances where, had it been a race event the on-track veterinarian would have stood the dog down and not permitted it to race. Similarly, it is not uncommon for a dog to suffer an injury – which may be serious – at a trial. This aspect is also discussed in Chapter 8.

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<sup>782</sup> Exhibit YY (17-18 February 2016), p. 1.

<sup>783</sup> Ibid, p. 1.

<sup>784</sup> Ibid, p. 2.

<sup>785</sup> Richmond Race Club website: <<http://www.richmondgreyhounds.com.au/>> (accessed 14 June 2016).

## Pre-race (performance) trials and post-race trials

- 17.106 Mr Anthony O'Mara worked for GRNSW from 2009 until May 2015. At relevant times, he was the General Manager of Education and Welfare. Mr O'Mara gave evidence to the Commission that, at TAB meetings, veterinarians are required to be present for pre-race (performance) trials. He said, however, veterinarians were not obliged to remain at the track for post-race trials.<sup>786</sup>
- 17.107 As noted above, Dr Bryant gave evidence that it was his practice to remain for the post-race trials.<sup>787</sup> Dr Arnott gave evidence of her understanding that veterinarians did remain for the post-race trials.<sup>788</sup>
- 17.108 In respect of non-TAB meetings, there is no requirement for a veterinarian to be present at post-race trials. Mr O'Mara said that it was at the club's discretion as to whether the club-contracted veterinarian should remain on track for any post-race trials.<sup>789</sup>
- 17.109 Mr O'Mara also said that there is no requirement for a veterinarian to be present at public trials, whether at TAB tracks or non-TAB tracks.<sup>790</sup> Dr Arnott gave evidence to similar effect.<sup>791</sup>
- 17.110 When questioned as to whether GRNSW had ever considered whether veterinarians should be required to be present at public trials, Mr O'Mara said the issue had been discussed and that "in an ideal world ... the answer would be: yes, it would be ideal to have vets, but it becomes a [sic] cost prohibitive."<sup>792</sup>
- 17.111 When similarly questioned, Dr Arnott gave evidence that GRNSW had considered requiring veterinarians to be present at public trials. Dr Arnott said: "Yes, absolutely. It's a concern that these injuries at trial sessions are not only not being recorded but possibly not being attended to by vets."<sup>793</sup> She gave evidence to the effect that the issue needed to be considered. Dr Arnott accepted that tarsal bone injuries – broken hocks and the like – were likely to occur during trialling sessions.<sup>794</sup>
- 17.112 Dr Arnott said further, however:
- It's a complicated situation in light of how many trial tracks there are in New South Wales and I don't believe there would be adequate vets to attend all these tracks during the days.<sup>795</sup>
- 17.113 Dr Arnott also gave the following evidence:
- Q. Are you saying that GRNSW just doesn't have the resources to put vets on the ground at TAB tracks for trialling sessions?
- A. Well, I was referencing all the dogs over all the tracks, which I guess their welfare is equally important and currently I don't think it would be possible for vets to attend all the trialling sessions plus the casuals, but also with regard to all the other trial tracks around the state that currently source their own vets from private practice.<sup>796</sup>

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<sup>786</sup> Ex WW (17-18 February 2016), p. 27.

<sup>787</sup> 18 November 2015: T629.43-630.1.

<sup>788</sup> 18 November 2015: T724.25-31.

<sup>789</sup> Ex WW (17-18 February 2016), p. 28 (T28.19-23).

<sup>790</sup> Ibid.

<sup>791</sup> 18 November 2015: T724.14-19.

<sup>792</sup> Ex WW (17-18 February 2016), p. 28 (T28.40-41).

<sup>793</sup> 19 November 2015: T724.42-43.

<sup>794</sup> Ibid, T725.19-726.3.

<sup>795</sup> Ibid, T725.15-17.

<sup>796</sup> 19 November 2015: T726.5-11.

17.114 Dr Finster gave evidence to the Commission that veterinarians are not present at most public trials and not at private trial tracks.<sup>797</sup> Dr Finster also gave evidence that, if the trials are conducted at night and a dog suffers an injury, the trainer may often take the dog home to the kennels because the trainer does not want to incur the expenses of using an after-hours veterinary clinic. In these circumstances, the dog may have no support for fractures and no pain relief unless and until the trainer later decides to take the dog to a veterinarian.<sup>798</sup>

## The Nous Group Report

17.115 As noted above, Nous Group provided a report to GRNSW dated 24 March 2016 following its review of greyhound racing veterinary services in NSW. Nous Group identified particular matters in respect of the delivery of veterinary services of which the Commission also has concerns. Nous Group's review considered GRNSW's written submission to the Commission, which in turn (as noted above) had identified particular deficiencies in the delivery of veterinary services.<sup>799</sup>

17.116 The Nous Group Report made a number of recommendations to GRNSW which, according to Nous Group, were capable of being implemented within 12 months. Nous Group said that pre-race veterinary services were adequate but that post-race veterinary services and related recording/compliance processes could be improved. In respect of post-race veterinary services, Nous Group recommended:

1. Improve industry participant awareness of the need for a sufficient waiting time prior to a greyhound being treated by a greyhound racing veterinarian, following an initial inspection identifying a suspected injury.
2. Ensure officials at every track provide greyhound racing veterinarians with the support they require to undertake their activities, including that the veterinary room remains open until veterinary activities have concluded.
3. Facilitate the post-race monitoring of greyhounds injured during racing, by developing a short report pro-forma to be filled in and signed by the treating private veterinarian. This report should detail injuries, treatment and outcomes, and be submitted by the greyhound owner to GRNSW within 7 days of the race. This report should be accompanied by diagnostic test results and images.
4. GRNSW integrity and welfare officers should randomly audit the treatment provided to greyhounds as documented in the short report identified in recommendation 3 above, following-up with both owners and private treating veterinarians. Follow-up should also take place when no short report has been submitted for an injured greyhound.<sup>800</sup>

17.117 Nous Group found some deficiencies in respect of the provision of first aid equipment and other on-track equipment. In this respect, Nous Group recommended that:

5. A small and portable all-purpose 'emergency first-aid kit' should be issued to all greyhound racing veterinarians.
6. Specify that all tracks are to provide appropriate greyhound transport equipment and facilities, enabling the timely movement of injured greyhounds.
7. Support the ability of tracks to implement recommendation 6, by raising awareness of the current availability of funding for the requisition of a golf cart, and consider increasing the scope and magnitude of this grant program.<sup>801</sup>

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<sup>797</sup> 18 November 2015: T597.1-2.

<sup>798</sup> Ibid, T597.2-5.

<sup>799</sup> Nous Group Report, p. 4.

<sup>800</sup> Ibid, p. 6.

<sup>801</sup> Ibid.

17.118 Nous Group identified that veterinary facilities at some greyhound racing tracks lacked quality and consistency in veterinary rooms on-track, had insufficient holding cages in veterinary areas for greyhounds awaiting treatment, lacked equipment to minimise noise exposure, lacked appropriate systems for storing medical drugs (at “multiple tracks”) and lacked air conditioning facilities in kennel blocks (at “many tracks”).<sup>802</sup> Nous Group recommended:

8. Develop and implement minimum veterinary and associated facility standards required to be met by all tracks, encompassing size, structure, safety features and quality, including:
  - cleanliness standards for the veterinary room
  - dedicated veterinary room, with an examination table
  - holding cages in close proximity to veterinary room, where greyhounds can be placed for monitoring
  - video replay facilities, with veterinarians able to control the viewing
  - provision of air conditioning in kennels.<sup>803</sup>

17.119 A further matter that the Commission identified is the difficulties that GRNSW faces in attracting and retaining a veterinary workforce. In this respect, Nous Group recommended:

9. GRNSW, in collaboration with its interstate counterparts, and Greyhounds Australasia, should, in partnership with a higher education provider, develop a national greyhound racing veterinary training course.
10. GRNSW, in collaboration with its interstate counterparts, and Greyhounds Australasia, should engage with university veterinary schools to increase the pool of potential greyhound racing veterinarians by:
  - increasing the exposure of both undergraduate and postgraduate students to greyhound racing veterinary services
  - enhancing opportunities for clinical experience for university veterinary students with greyhound racing, including offering paid positions to veterinary students to become the assistant to a greyhound racing veterinarian on race days and providing placement opportunities with GRNSW veterinary services.
11. GRNSW should enhance the professional development materials available to greyhound racing veterinarians, and provide regular, structured opportunities for targeted professional development.
12. Enhance the greyhound racing veterinarian evidence base, and improve the attractiveness of the field as a career choice by supporting a research program. The research program could be conducted within GRNSW through employing skilled researchers or the program could be provided on a project by project basis using academics or other experts.<sup>804</sup>

17.120 Nous Group considered whether changes to the structure of GRNSW’s Welfare Branch would make better use of veterinary skills. Nous Group said that GRNSW should assume responsibility for all veterinary services across the State and identified three options for how this could be achieved, namely:

- moving to a fully contracted model achieved through a market tender;
- moving to a model whereby GRNSW employs all veterinarians; or

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<sup>802</sup> Nous Group Report, p. 7.

<sup>803</sup> Ibid.

<sup>804</sup> Ibid, p. 8.

- retaining the current mixed model whereby some veterinarians are employed by GRNSW and others are contracted by clubs.<sup>805</sup>

17.121 Ultimately, Nous Group recommended:

13. GRNSW should assume responsibility for all veterinary services across the State. Three options for how this can be achieved are available. Nous recommends undertaking market testing before determining the preferred approach.<sup>806</sup>

17.122 In certain respects, the Nous Group report was limited in its focus. The report did not consider, among other things, issues relating to placement of veterinarians at public trials and issues arising in respect of muscle men.

## Findings

### The importance of veterinarians

- 17.123 Veterinarians play a vital role in connection with the care and treatment of greyhounds. Veterinarians carry out important functions at race meetings relevant to the welfare of greyhounds, including assessing whether the dog is fit to race, and examining dogs that may have suffered injury during a race. Veterinarians are also required, from time to time, to euthanase dogs at the racetrack that have suffered serious injury.
- 17.124 Veterinarians can also play an important role in providing care and treatment for greyhounds away from the race track. They can be involved at various stages of a greyhound's life. They are important for the welfare of the dog.
- 17.125 Veterinarians are qualified professionals. Many industry participants regard the cost of veterinary services as expensive, and perceive there to be cheaper alternatives available. The two main alternatives are self-help measures and the use of muscle men. These two alternatives can, however, impact adversely on the welfare of the greyhound.

### Self-help measures

- 17.126 Many trainers attempt to deal with greyhound injuries without seeking veterinarian assistance. The Commission accepts the evidence of the expert veterinarians (Dr Dawson, Dr Finster and Dr Norris) – who often see the consequences of inappropriate self-help measures – that industry participants often provide inappropriate medical interventions, including by giving dogs vitamin injections that in fact lead to increased pain, stress and compromised welfare for the greyhound.
- 17.127 Participants often fail to seek veterinary treatment for injuries – such as moderate lameness – which they wrongly perceive to be not serious. The failure to properly treat such injuries can, however, be career-ending for the dog. Further, as the Commission's investigations acutely reveal, a greyhound without a racing career faces a high probability of being euthanased.
- 17.128 Many dogs suffer injuries at racetracks. The on-track veterinarian may detect or assess such injuries, and then instruct the trainer to seek follow-up veterinary treatment within a short time. However, some participants fail to seek veterinary treatment for their greyhound notwithstanding the on-track veterinarian's instruction that they should do so. GRNSW should

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<sup>805</sup> Ibid.

<sup>806</sup> Nous Group Report, p. 9. The Nous Group Report further recommended that the "greyhound lifecycle design option", which drives animal welfare strategy, promotes accountability and identifies required specialisations in veterinarians, be adopted as the preferred structure for GRNSW's Welfare Branch.



adopt measures by which follow-up checks are made to ensure that such dogs are in fact taken for follow-up veterinary care.

## **Muscle men**

- 17.129 The Commission's investigations reveal that muscle men – unqualified persons who hold themselves out as able to treat greyhounds – play an increasingly significant role in the greyhound racing industry in NSW. The Commission accepts the evidence of Dr Finster that muscle men are widespread in NSW. Such muscle men often use, for treating greyhounds, drugs that are unregistered and unlabelled, and not intended for use for greyhounds.
- 17.130 Muscle men typically provide a treatment aimed at getting the dog back on the racetrack as quickly as possible. This will often be, in effect, a 'quick fix' – that is, not directed at addressing the underlying injury, and may lead to increased injury and pain for the animal. Muscle men also, at times, adopt methods of treatment for which there is no credible scientific basis and which can cause very significant pain to the animal. Blistering, sclerosing and pin firing are examples of such methods.
- 17.131 The widespread treatment of greyhounds by muscle men, engaged by industry participants, places many greyhounds at significant risk of harm.
- 17.132 The Commission finds that the existence and practices of muscle men raise animal welfare concerns. A qualified veterinarian should undertake the treatment of greyhounds.
- 17.133 GRNSW should take all available steps either to regulate strictly the extent to which muscle men can be involved in the treatment of greyhounds (which would include a registration process and strict limitations upon the treatment options they can provide – such as limited to muscle massaging etc), or to ensure that muscle men have no place at all in the industry. Coupled with such measures, GRNSW should take steps to make it an offence under the Rules for a registered participant to engage a muscle man for treating a greyhound. If considered necessary, the Rules could permit such engagement but only in respect of specified, limited treatment measures – such as muscle massaging. Such permitted 'carve-outs' should, however, be included in the Rules only if sanctioned by expert veterinary opinion. To this extent, GRNSW should engage with the AVA as to what, if any, role muscle men should have in respect of the treatment of greyhounds.

## **Proper veterinary involvement is not an optional measure**

- 17.134 The Commission finds that many owners and trainers underestimate the true cost that should be involved in maintaining a greyhound, including the cost of ensuring access to proper veterinary treatment throughout the dog's life – and fall short of providing what the greyhound requires. It is largely for reasons of cost that owners and trainers adopt self-help measures, fail to arrange necessary veterinary treatment and/or call upon the assistance of muscle men to treat their greyhounds. This is wholly unsatisfactory.
- 17.135 The Commission recognises that proper veterinary involvement can be one of the most expensive elements of greyhound ownership. Industry participants need to appreciate, however, that proper veterinary involvement for a dog is not optional. Welfare considerations in respect of the animal cannot be put to one side on cost grounds. The Commission accepts the evidence of Dr Arnott, in this context, that individuals who cannot afford (or who are otherwise unwilling) to provide proper veterinary care for their dogs have no place in the industry.

## Provision of on-track veterinarian services

- 17.136 GRNSW provides on-track veterinarian services only for race meetings at ten of the 15 TAB tracks in NSW and for none of the meetings held at the 19 non-TAB tracks. GRNSW-employed veterinarians are salaried employees or casuals/locums that GRNSW pays on a weekly or per meeting basis.
- 17.137 At the five TAB tracks that GRNSW does not service, and the 19 non-TAB tracks, it is left up to the individual race clubs directly to procure the veterinary services they need on-track.
- 17.138 At least in some instances, the veterinarians that local clubs engage do not have the experience and expertise with greyhounds that GRNSW-employed veterinarians possess. There can also be a high level of turnover for club-contracted veterinarians. These factors can lead to poorer quality veterinary services being provided at the tracks that GRNSW does not service.
- 17.139 The Commission is firmly of the view that, given the welfare considerations at issue, GRNSW must assume direct responsibility for providing veterinary services at all NSW race meetings, whether they are held at TAB tracks or non-TAB tracks.

## Shortage of available greyhound veterinarians

- 17.140 The Commission accepts that there is a shortage of veterinarians, in particular in rural regions, with greyhound experience and expertise. This can pose difficulties in being able to provide an appropriate on-track veterinarian for race meetings. If the greyhound racing industry is to continue, this is a matter that GRNSW needs to take steps to address.
- 17.141 The Commission notes that GRNSW plans to rationalise the industry by reducing the number of race meetings. This measure, if adopted, will lessen the extent of the challenges that GRNSW presently faces arising from the shortage of qualified veterinarians with greyhound experience.
- 17.142 The Commission notes the recommendations of the Nous Group Report on the difficulties that GRNSW faces in attracting and retaining a veterinary workforce, as well as its recommendations on other matters relating to the delivery of veterinary services. The Commission finds that, except where the Nous Group Report differs from the recommendations of the Commission, they should be adopted by GRNSW.
- 17.143 The Commission finds that GRNSW should take steps to ensure that formal training is provided for new on-track veterinarians and that they are given initial, on-track experience in the company of an experienced GRNSW veterinarian. This was not the experience of Dr Bryant.

## Public trials

- 17.144 The same welfare considerations that mandate the need for a veterinarian to be present at race meetings apply also to trials. A trainer may permit an injured dog to participate in a trial – to the detriment of the dog – in circumstances where, had it been a race event the on-track veterinarian would have stood the dog down and not permitted it to race. Further, dogs can suffer very serious injuries in the course of a trial, such as to require immediate veterinary assistance.
- 17.145 Currently, there is no requirement for a veterinarian to be present at public trials that take place other than in conjunction with race meetings. At particular tracks, such public trials often take place across a number of days during the week. The Commission finds that it is unacceptable that greyhounds can be trialled at public trials without a veterinarian being present. GRNSW should take steps immediately to ensure the introduction of such a requirement. This aspect is also considered in Chapter 8.

17.146 Trials may also take place in connection with race meetings. These comprise pre-race (performance) trials and post-race trials. Currently, on-track veterinarians are required to be present for the performance trials, which effectively form part of the race day meeting. However, on the evidence before the Commission, it is unclear whether there is a requirement that on-track veterinarians must remain for the post-race trials. Mr O'Mara believed they were not required to; Dr Bryant and Dr Arnott gave evidence as to a contrary understanding. Mr O'Mara also said that, in respect of non-TAB tracks, it was up to the local club as to whether the veterinarian it engaged was required to remain for the post-race trials. The Commission is of the view that there should be no uncertainty about this aspect, and GRNSW should take steps to amend the Rules to make clear that the on-track veterinarian is required to be in attendance for both the pre-race and post-race trials, whether they are TAB tracks or non-TAB tracks.

## Recommendations

42. As soon as it is reasonably practicable to do so, Greyhound Racing NSW, or any new regulator, should amend the Rules of Racing to introduce a requirement that greyhounds cannot be trialed at public trials without a veterinarian being present.
43. Greyhound Racing NSW or any new regulator should take steps to regulate the extent to which 'muscle men' can be involved in the treatment of greyhounds, if at all. It should be an offence under the Rules of Racing for a registered participant to engage a muscle man for treating a greyhound contrary to the Rules.
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.
45. Greyhound Racing NSW or any new regulator should adopt the recommendations of the Nous Group Report except to the extent that they differ from any recommendation of the Commission.
46. Greyhound Racing NSW or any new regulator should take steps to ensure that formal training is provided for new on-track veterinarians and that they are given initial, on-track experience in the company of an experienced Greyhound Racing NSW veterinarian.
47. Greyhound Racing NSW or any new regulator should amend the Rules of Racing to provide that an on-track veterinarian is required to be in attendance for both the pre-race and post-race trials, whether they are at TAB tracks or non-TAB tracks.



# 18 Integrity: rehoming

## Background

18.1 In Chapter 11 the Commission noted that between 2009 and 2015 the average number of greyhound pups whelped each year was 7,596. This figure highlights the scale of the challenge which faces the greyhound industry in NSW in relation to the number of greyhounds which must be rehomed if there is to be a substantial reduction in the number of healthy greyhounds discarded and destroyed. Absent death through illness, misadventure or injury, there will be thousands of greyhounds requiring new homes each year.

18.2 Currently there is no enforceable obligation imposed upon industry participants or Greyhound Racing New South Wales (“GRNSW”) to ensure that greyhounds that are no longer required by the industry are rehomed or, indeed, that any steps have been taken to rehome them. GRNSW requires participants to provide notice of retirement, or death, which informs GRNSW of the status of a greyhound once it retires. However, this requires industry participants to do no more than provide a notification. On 12 May 2016, GRNSW flagged a possible amendment to the GRNSW Greyhound Racing Rules (“the Rules”) which would impose an obligation on owners to take steps to rehome their greyhounds before they can be euthanased. Industry feedback has been sought in relation to this proposed rule change.

18.3 GRNSW has done little to make it clear to industry participants that participation in the greyhound racing industry carries with it an obligation to rehome their greyhounds, or that they should not breed more greyhound pups than could be rehomed by them once they were no longer of any utility as racers or potential racers. The GRNSW Breeder’s Education Package goes no further than suggesting that participants “think about what will happen to those dogs that do not make it to the track.” It notes that:

Understanding the greyhound rehoming process and what is required can help you prepare any pups that are not going to make it as race dogs for a second chance at life as a loved family pet.

**Remember: Under the GRNSW Greyhound Racing Rules you are responsible for the greyhounds you own and you are required to think and act in a mature way when considering the future of your greyhounds if and when they retire as racing or breeding greyhounds.**<sup>807</sup> [Emphasis in original]

18.4 Throughout the Commission’s inquiry, GRNSW stressed that it regarded the rehoming of the industry’s unwanted greyhounds as a priority, and a means by which ‘wastage’ could be significantly reduced. It also stressed that the Breeder’s Education Package was a new measure which, combined with Breeder’s Licences, would significantly reduce wastage. However, GRNSW failed to stress to the very people who might produce excess pups that their responsibility went well beyond thinking or acting in a “mature” way.

18.5 The Commission agrees with the submissions of RSPCA Australia that:

There is a pervasive lack of responsibility and accountability among owners regarding the rehoming of their greyhounds.

It is the primary responsibility of the owner to rehome a greyhound when they leave the industry...

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<sup>807</sup> GRNSW Breeders Education Package, p. 3.

Greyhound owners should not engage in racing unless they are prepared and able to cover the considerable financial costs, time and resources required to ensure the welfare of their greyhounds for their natural life.<sup>808</sup>

18.6 As industry participants do not rehome all the greyhounds that they own and, to the extent that GRNSW is unable to rehome the industry's unwanted greyhounds, many are either put down or surrendered to charitable bodies or volunteer organisations. A small number find new homes. Most do not. The industry has been prepared to place a significant burden on these bodies and organisations. They have been required to assume the industry's responsibility to find new homes.

18.7 In Chapters 11 and 16 of this Report the Commission addressed the barriers to rehoming that occur as a consequence of the industry's breeding, rearing and training practices. In this Chapter the Commission considers the question of rehoming and whether it is likely to significantly reduce wastage.

## Greyhounds As Pets Program

18.8 During the Commission's inquiry, GRNSW promoted its rehoming program as the centrepiece of its initiatives to reduce wastage.

18.9 GRNSW's annual reports reveal that, until 2008, GRNSW had a limited rehoming program.<sup>809</sup>

18.10 The GRNSW annual reports for financial years 2004 and 2005 referred to a "Greyhound Adoption Program". The GRNSW Annual Report 2004 noted that extra funds had been allocated to the program for the following year, as "many of you would like us to promote [the Greyhound Adoption Program] more vigorously in the future."<sup>810</sup> The GRNSW Annual Report 2005 noted an increase in funding and the Greyhound Adoption Program's "important role in ensuring the welfare of greyhounds after they have retired from racing."<sup>811</sup>

18.11 It was not until the GRNSW Annual Report 2007 that GRNSW acknowledged the Greyhound Adoption Program as a priority and identified issues which impact upon the successful rehoming of retired greyhounds:

There are a number of issues that currently prevent a higher adoption rate being achieved in New South Wales including a lack of kennelling space, the antiquated muzzling laws stipulating all greyhounds need to be muzzled when in a public place and general perceptions in the community about the suitability of greyhounds as domestic pets. We will be working hard to tackle these issues and getting the message to the greater public that greyhounds are affectionate and intelligent animals that make for great pets and long term companions.<sup>812</sup>

18.12 The GRNSW Annual Report 2008 recorded the relaunching of the program in May 2008 as the 'Greyhounds As Pets' Program ("the GAP Program"), and the appointment of a full-time Greyhound Adoption Program Coordinator.<sup>813</sup> The Chairman, Professor Percy Allan AM, noted that:

The year also saw great advancement in our campaign to improve animal welfare with the appointment of our new Greyhounds as Pets Coordinator and the creation of an active adoption

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<sup>808</sup> RSPCA Australia, Response 27 to Breeding Issues Paper dated 7 December 2015, p. 24.

<sup>809</sup> Under cl. 3 of Schedule 3 of the *Greyhound Racing Act 2009* (NSW) ("the Act"), GRNSW (as established by s. 6(1) of the Act) is taken for all purposes to be a continuation of, and the same legal entity as, GRNSW constituted under the *Greyhound Racing Act 2002* (NSW).

<sup>810</sup> GRNSW Annual Report 2004, p. 9.

<sup>811</sup> GRNSW Annual Report 2005, p. 8.

<sup>812</sup> GRNSW Annual Report 2007, p. 8.

<sup>813</sup> GRNSW Annual Report 2008, p. 1.

program so we can start to catch up with other states in terms of the numbers of retired greyhounds re-homed.

This is a key area for the Board and we will continue to fund it at levels that are appropriate to see the welfare of our greyhounds, either racing or non racing, as the highest priority.<sup>814</sup>

18.13 The Program's operations were also outlined:

Greyhounds entering the program are behaviourally assessed before being examined by a vet, desexed and microchipped. Following this, the greyhounds commence a six week foster program whereby they are introduced to life as a pet dog. Foster carers are asked to assist the dog with toilet training, den training and general socialisation in a home and an urban environment.

Upon completion of fostering the dogs are again behaviourally assessed and then made available for adoption.<sup>815</sup>

18.14 At this early stage, the GAP Program relied on volunteers to assist in preparing greyhounds for life as a pet.

18.15 In 2009, GRNSW launched an expansion of the GAP Program in conjunction with the NSW Department of Corrective Services. The Dillwynia Correctional Centre at Windsor became involved in the program. The GRNSW Annual Report 2009 noted that:

Corrective Services has constructed six kennels with a free run area attached and has recruited inmates to foster, rehabilitate and train our dogs. Initially two dogs will enter the facility and be cared for by up to four women who will undergo TAFE NSW training as well as specific training regarding the care and maintenance of greyhounds. Within nine months it is anticipated that all six kennels will be used regularly with dogs turning over every 8-10 weeks.<sup>816</sup>

18.16 Despite a number of announcements of expansions to the program by GRNSW in 2010 and 2011, the GAP Program largely remained unchanged throughout this period. GRNSW signed an agreement with the Department of Corrective Services for a facility to house 40 dogs to be built at the Emu Plains Correctional Centre.<sup>817</sup> However, the venture with the Department of Corrective Services ended in 2012. In November 2013, the former Chief Executive of GRNSW, Mr Brent Hogan, advised the NSW Legislative Council's 2014 Select Committee on Greyhound Racing in NSW ("the Select Committee") that the discontinuation of the program was due to a withdrawal of funding by the NSW Government.<sup>818</sup> In an April 2015 briefing paper, GRNSW's then General Manager for Education and Welfare said that the agreement was cancelled by the Department of Corrective Services due to policy changes.<sup>819</sup>

18.17 Although the GAP Program remained largely unchanged until 2014, a Special Board Meeting minute in June 2010 indicates that GRNSW's Board recognised that there were issues which limited the capacity of the program to rehome those greyhounds that had been discarded by the industry. These included:

- that the mandatory muzzling requirements created a negative image of the breed;
- there was low public demand for ex-racing greyhounds as pets;

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<sup>814</sup> GRNSW Annual Report 2008, p. 3.

<sup>815</sup> Ibid, p. 23.

<sup>816</sup> GRNSW Annual Report 2009, p. 20.

<sup>817</sup> Brent Hogan Select Committee Public Hearing 15 November 2013: T15.

<sup>818</sup> Select Committee, report "Greyhound Racing in New South Wales – First Report" (March 2014) ("Select Committee First Report"), [7.104].

<sup>819</sup> Document "Wyeer PPM Briefing Paper April 2015": GRNSW Response to Order 1 dated 1 May 2015.

- the geography of NSW and the varied location of participants made it difficult and inefficient for GRNSW to personally service the whole state centrally from the Sydney GAP kennels with only one staff member;
- GAP had no formal business plan, marketing strategy or long-term operational plan;
- GAP had been weak in providing leadership on welfare issues and promoting the greyhound breed;
- GAP had no sustainable volunteer network and there had been poor club involvement; and
- there had been a lack of support for new owners of pet greyhounds.<sup>820</sup>

18.18 The Board noted three further issues which were, and remain, particularly relevant to the question of whether the GAP Program is likely to reduce the scale of wastage in the industry:

- there was not enough capacity to meet the likely increase in participant demand for re-homing programs;<sup>821</sup>
- it was unlikely that there would ever be enough re-homing capacity to cater for all retired greyhounds; and
- not all retired greyhounds would make suitable pets.

18.19 These remain critical issues today.

## The promotion of the GAP Program

18.20 In an attempt to resolve the issues that had been identified in 2010, the GRNSW Board considered possible models for future rehoming efforts. On 8 June 2010, it decided that GRNSW would continue its rehoming activities in a defined area within NSW, while hiring an additional resource for the GAP Program, a Business Development Officer, to undertake stakeholder management, community engagement and the promotion of the greyhound breed. This person was also to conduct a thorough review of the GAP Program and develop a long-term business plan and an associated public relations/promotions campaign, to explore partnerships, develop a business case to change muzzling laws, coordinate community events and work with clubs to develop their awareness of the GAP Program.<sup>822</sup>

18.21 Despite the resolution that a new Business Development Manager would “conduct a thorough review and develop a long-term business plan and associated public relations/promotions campaign”,<sup>823</sup> it appears that the review did not take place and, as a result, there was limited marketing or promotional engagement undertaken between 2010 and 2015.

18.22 GRNSW informed the Commission of the steps taken by it from 2009 onwards to promote the GAP Program. In 2009 a GAP section was developed on GRNSW’s website, “thedogs.com.au”,<sup>824</sup> and sponsorships were obtained for worming and flea treatment and for dry food products.<sup>825</sup> The GAP Program was also introduced to RSPCA Inspectors at their Annual Conference in October 2009.<sup>826</sup> Very little promotion took place between 2010 and 2013. The only items of

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<sup>820</sup> Document “Greyhounds as Pets Programme” (100602 Board Minute – Greyhounds as Pets): GRNSW Response to Order 1 dated 1 May 2015, p. 2.

<sup>821</sup> *Ibid.*, p. 5.

<sup>822</sup> The Board approved \$15,000 for the events and promotions budget; document “100602 Board Minute – Greyhounds as Pets”: GRNSW Response to Order 1 dated 1 May 2015, p. 5.

<sup>823</sup> Document “100602 Board Minute – Greyhounds As Pets”: GRNSW Response to Order 1 dated 1 May 2015, p. 5. p. 5.

<sup>824</sup> GRNSW Annual Report 2009, p. 20.

<sup>825</sup> *Ibid.*

<sup>826</sup> GRNSW Annual Report 2010, p. 11.



note were the registration of a Facebook and Twitter account in 2011,<sup>827</sup> and the appointment of the Business Development Manager for the GAP Program in 2012.<sup>828</sup> In 2013, the GAP Program was marketed on GRNSW's online video content "Dogs TV".<sup>829</sup>

18.23 In March 2014, GRNSW launched a stand-alone website for the GAP Program, and implemented a search engine marketing program to help with exposure and to increase the number of adoptions.<sup>830</sup>

18.24 In September 2015, GRNSW described the promotional and marketing history of the GAP Program as follows:

Since its introduction, Greyhounds As Pets has had limited marketing support. Most marketing initiatives have been adhoc and unmeasured due to the absence of a dedicated marketing resource. That said, the launch of the Greyhounds As Pets website in March 2014 as well as the implementation of a search engine marketing program (Google Adwords) has helped with exposure and increased the number of adoptions per year. Contributions of Greyhounds As Pets staff have led to a small community of engaged customers on social media and participation in events has helped to educate some of the community. However despite all this, the absence of a strategic marketing plan for Greyhounds As Pets will limit its ability to grow to the new potential and desired capacity.<sup>831</sup>

18.25 In August 2014, GRNSW engaged a Marketing Manager who prepared a marketing strategy, based on market research conducted by a research agency.<sup>832</sup> GRNSW advised the Commission that a Marketing Plan was presented to the GRNSW Board at a strategic planning meeting in January 2015.<sup>833</sup> The Marketing Plan was intended to identify a strategic focus for the GAP Program, outline initiatives to increase adoptions and define a mechanism to monitor outcomes. The Marketing Plan outlined the results of the market research which included identification of the people and markets that the program should target in its advertising. Overall, the research found that younger people were more likely to adopt a greyhound and that having an effective online presence would be most effective in marketing greyhounds to this audience.

18.26 Since the Commission commenced its inquiry, GRNSW has increased its promotion of the GAP Program. In particular, it has undertaken the following marketing activities:

- Google Network and Adwords advertising;
- radio advertisements;
- open days of its kennelling facility;
- information stands in Martin Place, Sydney;
- an SMS campaign; and
- sale of GAP merchandise.

18.27 GRNSW also informed the Commission that it had engaged in a "Beware of the Greyhound Campaign" to seek to dispel misconceptions about the breed and to highlight the positive aspects that make them suitable domestic pets. It also held a greyhound "Adoption Day" on 13

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<sup>827</sup> GRNSW Annual Report 2011, p. 19.

<sup>828</sup> Document "100602 Board Minute – Greyhounds As Pets": GRNSW Response to Order 1 dated 1 May 2015, p. 12.

<sup>829</sup> GRNSW Annual Report 2013, p. 17.

<sup>830</sup> Document "141203 - Greyhounds As Pets - Marketing Plan": GRNSW Response to Order 15 dated 21 September 2015, p. 3.

<sup>831</sup> Ibid.

<sup>832</sup> Ibid.

<sup>833</sup> Ibid, p. 4.

March 2016. Four further events are planned (including two “Adoption Days”) for the second half of 2016.<sup>834</sup> In March 2016, GRNSW launched a new website for the GAP Program.<sup>835</sup>

18.28 The Commission accepts that as a consequence of its efforts GRNSW has been able to increase the number of greyhounds that have been placed into new homes.

### The Wye Playhouse Pet Motel

18.29 The most significant initiative taken by GRNSW to facilitate delivery of the GAP Program was the acquisition of its “flagship GAP property”, the Wye Playhouse Pet Motel at Wye. The property was acquired in July 2014 for \$1.45m.<sup>836</sup> Forty kennels (one third of the 120-kennel capacity) were allocated to the GAP Program.<sup>837</sup> The remaining capacity of the facility continued as a commercial operation. GRNSW’s former General Manager, Education and Welfare, Mr Anthony O’Mara, informed the Commission that money earned from the commercial kennels was used to offset the costs of the GAP Program.<sup>838</sup>

18.30 Mr O’Mara also said that the biggest issue facing GRNSW’s rehoming efforts was the limited number of greyhounds that could be housed as part of the GAP Program. He said:

... our biggest issue was the number of dogs we could house. So the more dogs you can house to start with, the greater [number] you can push through the program. When I took over the program we were commercially renting six kennels, which means, you know, a dog goes into a program, takes three months to go through the cycle.<sup>839</sup>

18.31 GRNSW informed the Commission that a retired greyhound went through a number of steps before it completed the GAP Program. In particular, the greyhound would be:

- vet-checked, vaccinated, microchipped, desexed, intestinally wormed, heart-wormed and Lifetime Registered with Council;
- provided with a martingale-type collar, lead, muzzle and temporary ID tag;
- undergo a minimum six weeks of foster care approved by the Office of Local Government to be equivalent to the six weeks in-home Greenhounds re-training program; and
- assessed and receive a Greenhounds muzzling exemption prior to adoption or assessed and, if successful, be provided with a Greenhounds collar and tag free of charge.<sup>840</sup>

18.32 GRNSW also informed the Commission that, in August 2015, it took steps to reduce the waiting times for greyhounds to enter the program.<sup>841</sup> It noted that there were a number of “long and short term initiatives” that it proposed including infrastructure improvements to build a new veterinary clinic, reception and kennel blocks, hiring additional staff and improving the “geographical capability” of the GAP Program by “reaching out” to other bodies such as RSPCA to share resources, including kennels.<sup>842</sup> For reasons that are addressed in this Chapter, this last initiative is unacceptable.

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<sup>834</sup> GRNSW, Submission to the Commission dated 24 May 2016, [183], [184].

<sup>835</sup> Ibid, [185].

<sup>836</sup> GRNSW website, “Greyhound Racing NSW expands its GAP Program”: <http://www.thedogs.com.au/NewsArticle.aspx?NewsId=5286> (accessed 24 May 2014).

<sup>837</sup> Ibid.

<sup>838</sup> 17 February 2016: T790.9-10.

<sup>839</sup> Ibid, T789.35-40.

<sup>840</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [534].

<sup>841</sup> GRNSW, Submission to the Commission dated 24 May 2016, [176].

<sup>842</sup> Ibid, [177].

- 18.33 If a greyhound is not successful in passing the behavioural assessment it is not accepted into the program and:

... GAP staff provide immediate feedback to the participant on remediation works that can be undertaken to potentially increase its chances for its next re-assessment should the participant wish to re-present the greyhound for future assessment.<sup>843</sup>

## GAP fees and incentive schemes

- 18.34 The current adoption fee for a greyhound that has progressed through the GAP Program is \$350 for greyhounds under seven years of age and \$250 for greyhounds over seven years of age.<sup>844</sup> In its August 2015 submission to the Commission, GRNSW noted that to increase rehoming rates it was considering a reduction of the adoption fee to \$150.<sup>845</sup> To date, this proposal has not been implemented.

- 18.35 In March 2014, the Select Committee reported that:

Whilst the idea of GAP is commendable, the structure of the GAP Program is adding to the euthanasia problem. It costs a non-refundable fee of \$100 to surrender a dog to GAP. The cost of surrendering the animal to GAP is likely to be more expensive than euthanasia by a vet, thereby making euthanasia financially a more viable option".<sup>846</sup>

- 18.36 Industry participants have not been prepared to shoulder this limited cost of rehoming their greyhounds. One senior industry participant informed the Commission that:

... I put a greyhound into the adoption program and it cost me \$250. I said it cost me 60 to have it put down. If I had eight dogs it would've been 2,000 compared to 500. So people make those decisions because of the cost, and that is the big driver with all this at the end of the day...

...

... if you've got a half a dozen of them and all of a sudden they're not winning and they're not doing anything and they're costing your 50 bucks a week, a hundred bucks a week, you go, "I better get rid of those two. I'll try to get those two good ones."<sup>847</sup>

- 18.37 The Commission considers that this reflects the approach of many industry participants to the long term care of their greyhounds.

- 18.38 In November 2015, GRNSW introduced a reduction in the "surrender fee" for owners and trainers of greyhounds from \$100 to \$50 per greyhound.<sup>848</sup> In announcing this initiative, in March 2016, GRNSW stated:

The decision to reduce the fee is designed to make the GAP program more affordable for industry participants and to increase the number of greyhounds that enter the program.

The \$50 entry fee will only be payable once a greyhound is accepted into the GAP program following a behavioural assessment.

The change to entry fee will complement GAP's new intake model that has now been in operation for six months and has seen a drastic reduction in waiting times for greyhounds to be entered into the program.

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<sup>843</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [536].

<sup>844</sup> Greyhounds as Pets website, "FAQS": <<http://www.gapnsw.com.au/faqs/>> (accessed 24 May 2016).

<sup>845</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [540(g)].

<sup>846</sup> Select Committee First Report, [7.105].

<sup>847</sup> Commission conference with industry participant, 19 February 2016.

<sup>848</sup> Greyhounds As Pets website, "Owners/Trainers": <<http://www.gapnsw.com.au/owners-trainers/>> (accessed 25 May 2016).

GRNSW anticipates that this cost reduction for owners and trainers, combined with the new intake model, will make re-homing an easier task for owners and therefore lead to more entries into the program.

This will support the expansion of the program via increased resources, improved infrastructure and greater marketing of the breed, all of which will drive a greater number of greyhounds being re-homed.<sup>849</sup>

18.39 In August 2015, GRNSW informed the Commission that it would consider further reducing the cost of surrender to approximately \$15 per greyhound to encourage more participants to do so, rather than destroy their greyhounds.<sup>850</sup> This has not occurred.

18.40 GRNSW also informed the Commission that it had established a “GAP Owners Incentive Scheme” for owners who intend to keep their retired greyhounds.<sup>851</sup> Under the Incentive Scheme, the owner pays the \$50 fee to enter the greyhound into the GAP Program, and if it passes the pre-assessment process, the greyhound receives a free veterinary check, dental care and a free de-sexing procedure. The greyhound is then returned to the owner and the \$350 adoption fee is waived.<sup>852</sup>

18.41 Since 1 November 2015, GRNSW has offered a rebate to animal welfare and re-homing organisations that rehome retired greyhounds. It is known as the “Re-Homing Contribution Scheme”. GRNSW will contribute \$350 to the rehoming organisation’s veterinary clinic account for each rehomed greyhound that successfully attains ‘Greenhound’ status under the *Companion Animal Act 1998* (NSW) (“the CAA”).<sup>853</sup> The scheme was backdated to provide contributions to organisations for greyhounds rehomed after 1 July 2015.

18.42 GRNSW advised the Commission that, as at 19 February 2016, it had received three applications for rehoming contributions; two had been granted and the third was being processed.<sup>854</sup> The Rehoming Contribution Scheme has not been a success. GRNSW informed the Commission that:

It may be accepted that to date the Rebate has had little effect: whether it will succeed, and whether it needs to be changed, is to be the subject of further consideration by GRNSW. The present lack of success of the Rebate demonstrates the character of the task faced by GRNSW. Common experience tells that some measures fail to achieve their object. Once a measure has failed, that measure can be improved or abandoned in favour of more effective measures. GRNSW is in the process of undertaking that in effect iterative approach...<sup>855</sup>

18.43 On 9 February 2016, GRNSW introduced a “Greyhound Adoption Grant Scheme”. The scheme provides up to \$7,000 to rehoming organisations, to assist them in their rehoming activities (eg. dog trailers or veterinary expenses)<sup>856</sup> Organisations can apply for a grant up to three times in a 12-month period. The criteria are:

- A demonstrated need for the funds;
- The impact the funding is expected to have on re-homing success;
- Evidence of good management and re-homing practices and re-homing success;

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<sup>849</sup> Article “Greyhounds As Pets Lowers Entry Fee” by GRNSW, 8 March 2016, *GRNSW website*:

<<https://www.thedogs.com.au/NewsArticle.aspx?NewsId=7433>> (accessed 25 May 2016).

<sup>850</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [540(g)].

<sup>851</sup> GRNSW Response to Order 27 dated 19 February 2016, pp. 21-22.

<sup>852</sup> *Ibid.*, p. 22.

<sup>853</sup> *Ibid.*

<sup>854</sup> GRNSW Response to Order 27 dated 19 February 2016, p. 21.

<sup>855</sup> GRNSW, Submission to the Commission dated 24 May 2016, [67].

<sup>856</sup> GRNSW Response to Order 27 dated 19 February 2016, pp. 22-23.

- Where the organisation conducts broader animal welfare activities, the organisation will need to demonstrate that the funds will be predominately directed to the care and rehoming of greyhounds.<sup>857</sup>

18.44 The funds cannot be spent on salaries, legal fees, cash prizes, advertising material, lobbying activities, costs of consultants to prepare applications, or education campaigns.

18.45 In March 2016, two rehoming organisations were each granted \$10,000. One organisation intends to use the funds for the veterinary costs of rehoming 13 greyhounds. The other will use the grant to construct a kennel facility to accommodate five greyhounds.<sup>858</sup>

18.46 The combined budget for both the Rehoming Contribution Scheme and the Greyhound Adoption Grant Scheme is \$150,000 annually.<sup>859</sup>

## Has the GAP Program been successful?

18.47 The Commission experienced considerable difficulty obtaining rehoming figures from GRNSW. In response to an Order issued by the Commission on 10 April 2015,<sup>860</sup> GRNSW informed the Commission that it “only knows the approximate number of greyhounds which have been rehomed from 2010 onwards”. Subsequently, GRNSW provided various sets of figures. They were not consistent. It was not until February 2016 that GRNSW provided the Commission with a breakdown of rehoming figures from 2008.<sup>861</sup> The Commission has proceeded on the basis that the most recent figures provided by GRNSW are the best that it can provide.

18.48 The total number of greyhounds rehomed per year and the budget for the GAP Program since its inception is shown in table 18.1.

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<sup>857</sup> Document “Briefing Note – Rehoming Contribution”: GRNSW Response to Order 27 dated 19 February 2016.

<sup>858</sup> GRNSW, Submission to the Commission dated 24 May 2016, [69].

<sup>859</sup> GRNSW Response to Order 27 dated 19 February 2016, p. 23.

<sup>860</sup> GRNSW Response to Order 1 dated 1 May 2015.

<sup>861</sup> GRNSW Response to Order 27 dated 19 February 2016.

**Table 18.1 Total expenditure and number of greyhounds rehomed through GAP program from FY2007-08 to FY2015-16**

Financial Year	GAP Expenditure	GAP Revenue	Presented for assessment	No. failing assessment	Returned	Rehomed	Euthanased
2007/08	26,118 <sup>862</sup>	-	-	-	-	-	-
2008/09	168,960 <sup>863</sup>	13,059 <sup>864</sup>	55	40	4	17	28
2009/10	172,711 <sup>865</sup>	17,952 <sup>866</sup>	70	40	4	27	28
2010/11	216,423 <sup>867</sup>	16,423 <sup>868</sup>	113	86	0	27	69
2011/12	209,123 <sup>869</sup>	20,991 <sup>870</sup>	73	42	2	29	32
2012/13	*43,296 <sup>871</sup>	22,209 <sup>872</sup>	79	41	1	37	25
2013/14	*76,461 <sup>873</sup>	36,295 <sup>874</sup>	105	23	6	81	13
2014/15	283,110 <sup>875</sup>	80,376 <sup>876</sup>	200	27	7	173	16
2015/16	346,673 <sup>877</sup>	436,207 <sup>878</sup>	284 *	18 *	1 *	202 *	11 *
Total rehomed: 593 <sup>879</sup>							

\* As at 16 February 2016. Note: Figures in the "rehomed" column include greyhounds rehomed after being returned. The accuracy of these figures is uncertain. They may be the result of a different grouping of expenditure in GRNSW's accounts (eg. the introduction of a new category for animal welfare expenditure). Source: GRNSW annual reports; and document "Greyhounds As Pets figures": GRNSW Response to Order 27 dated 19 February 2016

- 18.49 Only 593 greyhounds have been rehomed by GRNSW through the GAP Program since 2007, with average annual expenditure of \$200,000 per year since 2008. The approximate cost was therefore \$2,360 per greyhound.
- 18.50 In March 2014, the Select Committee expressed its support for rehoming but said it considered that "GRNSW needs to do more to increase the number of greyhounds rehomed at the end of their racing career." The Select Committee recommended that "GRNSW and/or the NSW Government commit greater resources for greyhound rehoming, including allocating funding for greyhound adoption centres."<sup>880</sup> Government supported the recommendation, noting that it provided annual grants of \$424,000 to RSPCA NSW and \$75,000 to the Animal Welfare League NSW. Government had also made a one off grant of \$7.5m to RSPCA NSW, for the refurbishment of the Yagoona Shelter, and continued support of the 'Greenhounds' Program and the Dillwynia Correctional Centre inmate training and greyhound socialisation program was intended. After noting GRNSW's purchase of the facility at Wyee, Government concluded that the acquisition of this facility and the ongoing GAP Program demonstrated GRNSW's continued commitment to greyhound rehoming in NSW.
- 18.51 The Commission accepts that, since the commencement of its inquiry, GRNSW has demonstrated an increased commitment to the GAP Program and the rehoming of the industry's

<sup>862</sup> GRNSW Annual Report 2009, p. 87.

<sup>863</sup> Ibid, p. 87.

<sup>864</sup> GRNSW Annual Report 2010, p. 93.

<sup>865</sup> Ibid.

<sup>866</sup> Ibid.

<sup>867</sup> GRNSW Annual Report 2011, p. 85.

<sup>868</sup> Ibid.

<sup>869</sup> GRNSW Annual Report 2012, p 46 (includes GAP and Greenhounds expenditure).

<sup>870</sup> Ibid, p. 46 (includes GAP and Greenhounds revenue).

<sup>871</sup> GRNSW Annual Report 2014, p. 32 (NB there is also additional expenditure on animal welfare).

<sup>872</sup> Ibid, p. 32.

<sup>873</sup> Ibid (NB. GRNSW Annual Report 2015 (at page 37) states expenditure was actually \$220,760 in 2014).

<sup>874</sup> Ibid.

<sup>875</sup> GRNSW Annual Report 2015, p. 37.

<sup>876</sup> Ibid.

<sup>877</sup> GRNSW Response to Order 27 dated 19 February 2016.

<sup>878</sup> Ibid.

<sup>879</sup> Ibid, p. 26.

<sup>880</sup> Select Committee First Report, Recommendation 18, p. 114.

unwanted greyhounds. It provided additional resources, and rehoming incentives were introduced.

- 18.52 On 20 March 2016, GRNSW announced that it would allocate \$1m in funding to convert the remaining 76 kennels<sup>881</sup> at the Playhouse Pet Motel to accommodate greyhounds in the GAP Program. This initiative will turn the Playhouse Pet Motel into a dedicated rehoming centre with 120 kennels for greyhounds.<sup>882</sup>
- 18.53 As noted below, it takes at least six weeks for a greyhound to progress through the GAP Program. This means that, at best, 1,040 retired greyhounds can *participate* in GRNSW's rehoming program in a year. Not all greyhounds which enter the program will be successfully rehomed.
- 18.54 In assessing the likely impact of GAP Program on wastage, it is appropriate to consider both the past history of the program and GRNSW's assessment of what might be achieved moving forward.
- 18.55 The Working Dog Alliance Australia ("the WDA") reported that the average rehoming rate of the GAP Program for the years 2010 to 2013 was 0.5%.<sup>883</sup> GRNSW informed the Commission that the rehoming rate through the GAP Program, based upon the approximate number of pups whelped in 2014, was 1.3%<sup>884</sup> and approximately 3.6% in 2015.<sup>885</sup> It has been estimated by GRNSW that in 2016 it will rehome 435 greyhounds (5.5%), 598 greyhounds in 2017 (approximately 7.6%) and 775 (9.8%) in 2018.<sup>886</sup>
- 18.56 It should be noted that the number of pups being whelped declined from 2014 to 2015. The average number of greyhound pups whelped each year which was used by GRNSW to calculate rehoming rates was 7,832 pups. This figure was the figure reported in the WDA's July 2015 report ("the WDA Report").<sup>887</sup>
- 18.57 As noted above, it was not until 31 March 2016 that GRNSW provided the Commission with its own calculation of annual whelping figures for the period from 2009 to 2015. In that period 53,171 greyhound pups were whelped. The average number of greyhound pups whelped each year was 7,596, which is slightly less than that assessed by the WDA. GRNSW informed the Commission that 6,295 pups were whelped in 2015. If the number of pups whelped remains at 2015 levels, or further declines, the percentage of greyhound pups whelped each year and rehomed will increase.<sup>888</sup> However, there would need to be a very substantial further reduction of pups whelped each year to have any significant impact on the industry's wastage. The Commission considers that this is unlikely. GRNSW's own assessment is that by 2018 it will be able to rehome no more than 10% of the pups whelped each year.
- 18.58 If the number of pups whelped each year is maintained at the 2015 level (6,295), going forward GRNSW's projections suggest that the GAP Program would rehome approximately 7% in 2016,

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<sup>881</sup> GRNSW's announcement referred to 76 rather than 80 kennels.

<sup>882</sup> GRNSW website, "GRNSW Reform Bolstered by Major Initiatives":

<<http://www.thedogs.com.au/NewsArticle.aspx?NewsId=7469>> (accessed on 24 May 2016).

<sup>883</sup> Ex 5 (17–19 November 2015), p. 36.

<sup>884</sup> GRNSW Response to Order 1 dated 1 May 2015, p. 39; GRNSW, Interim Response 20 to Breeding Issues Paper dated 23 November 2015, pp. 5-6.

<sup>885</sup> GRNSW, Final Response 20A to Breeding Issues Paper dated 11 January 2016, p. 57.

<sup>886</sup> *Ibid.*

<sup>887</sup> Working Dog Alliance Australia, report "Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context" (July 2015).

<sup>888</sup> The Commission notes that in its submission dated 24 May 2016, GRNSW suggested that the reduction in the number of litters whelped in 2015 and in the period January to April 2016 is a product of the measures it has introduced to reduce overbreeding. This is addressed in Chapter 12.

9.5% in 2017 and 12% in 2018. If GRNSW is able to rehome 12% of the greyhounds whelped each year that would be a significant improvement on what it has achieved to date. However, it is important to keep this improvement in perspective; 12% of 6,295 is a mere 755 greyhounds. What is of greater significance is whether, absent death through illness, misadventure or injury, the remaining 5,540 greyhounds whelped each year are likely to find new homes or will be kept by industry participants as pets.<sup>889</sup>

- 18.59 Given that the GAP property at Wye can kennel 120 greyhounds, the GAP Program can theoretically rehome approximately 16.5% of the greyhound pups whelped each year. This percentage is based on 1,040 greyhounds passing through the GAP Program per year (given that the minimum time period for retraining is six weeks), and greyhound whelping figures remaining at 2015 levels of 6,295. It also assumes that GRNSW will be able to find new homes for 1,040 greyhounds per year. That is unlikely. GRNSW's assessment of 10% by 2018 suggests that GRNSW recognises that this is so.
- 18.60 Based upon the average number of greyhound pups whelped each year between 2009 and 2015 (7,596) and 1,040 greyhounds passing through the program in a year, the maximum percentage of greyhounds rehomed by the GAP Program in a year to pups whelped each year would be approximately 13.7%.
- 18.61 The Commission addresses rehoming by welfare organisations and charitable bodies below. The Commission accepts that they make a significant contribution to the rehoming of greyhounds that have been discarded by the industry. However, in terms of reducing the scale of wastage their efforts provide no solution. Like GRNSW, they are struggling to deal with the sheer scale of the industry's wastage problem.

## Volunteer rehoming

### Volunteer organisations

- 18.62 There are a number of volunteer organisations that have been called upon to try to deal with the industry's discarded greyhounds. These organisations include specialist greyhound rehoming organisations and general dog and animal rehoming organisations. They also include RSPCA NSW.
- 18.63 Based on an analysis carried out in November 2015, Greyhounds Australasia suggested that the rehoming rate through private charities may have been as high as 12%. The Commission is not satisfied that private charities rehome up to 12%. The Commission's analysis of rehoming in this State suggests that, based on GRNSW's average whelping figures between 2009 and 2015, of 7,596 pups per year, no more than 4.3% greyhounds whelped each year are rehomed by charities such as RSPCA NSW and other welfare organisations.
- 18.64 The Commission contacted volunteer animal welfare/rehoming organisations in NSW and the ACT. Seventeen of those organisations confirmed that they had rehomed at least one greyhound in the past five years.
- 18.65 Table 18.2 outlines the results of those responses.

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<sup>889</sup> In Chapter 11 the Commission noted that a percentage of these greyhounds will be kept by industry participants as breeding stock. However these greyhounds will need to be rehomed once they are no longer used as breeding stock.



**Table 18.2 Number of greyhounds presented and re-homed by volunteer organisations in NSW and the ACT**

Financial Year	Presented	Accepted	Not Accepted	Adopted	Returned	Euthanased
2009/2010	325	319	6	270	2	13
2010/2011	372	367	5	337	9	15
2011/2012	287	284	3	237	22	6
2012/2013	333	331	2	285	12	5
2013/2014	388	380	8	304	8	8
2014/2015	411	407	3	381	14	4
2015/2016	340	332	7	296	8	1
Total	2,457	2,420	34	2,110	75	52
Average	350	346	5	301	11	7
% of Presented		98.5%	1.4%	85.9%	3.05%	2.1%

Source: Responses to 17 Orders (various) issued to animal welfare/rehoming organisations in NSW and the ACT issued by the Commission in March 2016

- 18.66 These organisations provide a valuable service. However, it is clear that rehoming by volunteer organisations accounts for less than 4.6% of greyhound pups whelped each year. If the 2015 whelping figure of 6,295 is maintained, the percentage would be 5.5%.
- 18.67 In rehoming retired greyhounds, each organisation expended a significant amount of money. While the cost of rehoming a greyhound can vary greatly (from \$150 if the dog only requires micro-chipping and vaccinations to \$5,000 if the dog requires surgery), on average it costs an organisation approximately \$718 per greyhound. Many of these organisations have ‘no kill’ policies, thereby increasing the cost of food and shelter until the dog is rehomed. On average the total amount spent by volunteer organisations to rehome 350 greyhounds per year is approximately \$251,000.
- 18.68 A large amount of funding received by volunteer rehoming organisations comes from donations. Only two organisations received one-off government grants, each between \$2,000 and \$3,000.
- 18.69 In providing responses to Orders issued by the Commission, the volunteer organisations noted the significant difficulties they face in trying to rehome greyhounds. Friends of the Hound Inc. advised that they are unable to accept all of the greyhounds which require rescue due to their lack of resources. This was a common theme across a number of the responses from volunteer organisations. Friends of the Hound Inc. also noted that there were resources that it required which could not be quantified in terms of financial cost. These included volunteer hours, volunteer expenses and the emotional toll taken on those involved with the organisation.
- 18.70 On any view, the burden imposed upon volunteer rehoming organisations to respond to the industry’s wastage is unacceptable. As noted later in this Chapter, GRNSW proposes to increase that burden by a change to the GRNSW Greyhound Racing Rules (“the Rules”) which will restrict the circumstances in which industry participants can put down their greyhounds.

## RSPCA NSW

- 18.71 RSPCA Australia drew the Commission’s attention to the sheer scale of the problem of rehoming the industry’s unwanted greyhounds. It made the following observations:

In RSPCA Australia’s view there are simply not enough homes available to absorb the large number of greyhounds produced each year by industry. Finding suitable homes for dogs in general is very challenging, particularly for adult dogs. Puppies are relatively easier to find homes for compared to older dogs. In the 2014/2015 financial year the RSPCA rehomed 15,647 dogs and reunited 19,057 dogs with their owners nationally. RSPCA NSW rehomed 3,713 dogs in 2014/2015. This involved considerable financial resources and organisational time and effort to achieve.

The possibility of rehoming thousands of unwanted greyhounds each year should be viewed in the context of the broader general and large unwanted dog population. The pool of thousands of

unwanted greyhounds enters a much larger pool of thousands of unwanted dogs of all breed types in the community. Greyhounds must compete with other breeds, mixed breeds and younger puppies including those from breeders and adoption avenues to find a long-term suitable home. Dog adoption market saturation may compound the problem.<sup>890</sup>

18.72 As one of the organisations that rehomes greyhounds, among all other breeds of dogs and companion animals, RSPCA NSW provided the Commission with its statistics regarding the unwanted greyhounds that it had received since June 2009.

**Table 18.3 Number of greyhounds presented and rehomed by RSPCA NSW**

Outcome	Presented	Adopted	Reclaimed	Returned	Transferred	Other/Not specified	Euthanased
2008/2009	49	12	7	2	-	1 <sup>891</sup>	14
2009/2010	68	19	18	1	2	-	35
2010/2011	65	20	8	2	7	-	35
2011/2012	107	35	1	1	4	5 <sup>892</sup>	54
2012/2013	71	30	1	1	1	4 <sup>893</sup>	44
2013/2014	67	27	5	5	3	-	25
2014/2015	35	31	3	2	1	1 <sup>894</sup>	11
2015/2016 (YTD) <sup>895</sup>	-	-	-	-	-	-	-
Total	462	174	43	14	18	11	218
Average	66	25	6	2	2.5	2	31
% of total presented		37.7%	9.3%	3.03%	3.9%	2.4%	47.2%

Source: RSPCA Response to Order 1 dated 25 May 2015. Note: Figures in the 'returned' column have been taken from the 'current status' column where an adopted or reclaimed dog's status has changed to 'euthanased' (but have not been put into euthanased figures due to not having a date of subsequent euthanasia).

18.73 Based upon the average number of greyhound pups whelped each year between 2009 and 2015, namely 7,596,<sup>896</sup> RSPCA NSW rehomes less than 0.9% of the greyhound pups whelped each year, or 1% if the number of pups whelped in 2015 (6,295) is maintained.

### Local council pounds (holding facilities)

18.74 Pounds run by local councils across NSW also receive the industry's unwanted greyhounds.

18.75 The Commission heard evidence from a Local Council Senior Ranger who, by November 2015, had euthanased close to 100 greyhounds in 2015 at the request of a small number of industry participants.<sup>897</sup>

18.76 In February 2016, GRNSW provided the Commission with a copy of the GAP Owner Trainer Information Sheet, in which GRNSW discouraged participants from surrendering greyhounds to council pounds. GRNSW claimed that this was because of the possibility that these greyhounds might be rehomed without appropriate behavioural assessment and therefore would not be able to be taken into public areas without a muzzle. The GAP Owner Trainer Information Sheet noted that "[t]he surrendering of Greyhounds to pounds gives the entire industry a bad

<sup>890</sup> RSPCA Australia, Response 27 to Breeding Issues Paper dated 7 December 2015, p. 23.

<sup>891</sup> "Adopted/reclaimed".

<sup>892</sup> Four "emergency boarding/returned to owner" and one "adopted/reclaimed".

<sup>893</sup> "Emergency boarding/returned to owner".

<sup>894</sup> "Adopted/reclaimed".

<sup>895</sup> No data was available for FY16.

<sup>896</sup> Again, it should be noted that the Commission has used the figures provided by GRNSW to the Commission on 31 March 2016 rather than the figure of 7,832 which was used by GRNSW. That figure was reported in the WDA Report.

<sup>897</sup> Robert Watson, 17 November 2015: T511.41-512.2.

reputation and does nothing to help the image of the breed which already suffers from many negative misconceptions.”<sup>898</sup>

- 18.77 The Commission sought to contact each of the 152 local councils in NSW to obtain relevant information.
- 18.78 Of the 152 local councils contacted by the Commission, 40 councils reported that they had not received any greyhounds in the past five years; 30 councils were unable to produce formal records of animals received into their facilities; and 16 councils indicated that they use third party re-homing organisations which have already been surveyed by the Commission.
- 18.79 Of the remaining councils, 24 informed the Commission that they had received less than 20 greyhounds into their care during the previous five years. Eighteen councils reported receiving more than 20 greyhounds into their care over that time. These councils hold greyhounds acquired by them in seven pounds, or holding facilities. The information provided to the Commission is contained in tables 18.4 and 18.5 below.

**Table 18.4 Outcomes for greyhounds presented to councils who received 20 or more greyhounds over the past five years**

Financial Year	Presented	Adopted	Returned	Transferred to another rehoming organisation eg RSPCA	Other/Not specified <sup>899</sup>	Euthanased
2009/2010	164	4	11	1	19	124
2010/2011	159	1	3	10	13	63
2011/2012	129	0	8	18	4	38
2012/2013	84	0	4	12	0	29
2013/2014	54	1	2	9	0	27
2014/2015	46	1	2	5	0	29
2015/2016	32	0	2	1	0	16
Date unknown <sup>900</sup>	0	8	2	123	0	78
<b>Total</b>	<b>668</b>	<b>15</b>	<b>34</b>	<b>179</b>	<b>36</b>	<b>404</b>
<b>Average</b>	<b>95.4</b>	<b>2.1</b>	<b>4.9</b>	<b>25.6</b>	<b>5.1</b>	<b>57.74</b>
<b>% of Presented</b>		<b>2.2%</b>	<b>5.1%</b>	<b>26.8%</b>	<b>5.4%</b>	<b>60.5%</b>

Source: information provided to the Commission by NSW local councils (various) in April and May 2016

<sup>898</sup> Document “GAP Trainer Owner Information Sheet”: GRNSW Response to Order 27 dated 19 February 2016.

<sup>899</sup> Goulburn Mulwaree used the term “transferred”. Port Stephens Council provided outcomes which were uncertain, including “released”.

<sup>900</sup> Tamworth Regional Council and Mid-western regional Council did not provide yearly breakdowns of greyhound outcomes. Their figures are listed in the “Date Unknown” row.

**Table 18.5 Greyhounds received by councils who received 20 or more greyhounds over the past five years**

Impounding service/facility	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Total
Blacktown City Council Pound (Animal Holding Facility)	20	16	34	9	4	2	0	85
Hawkesbury Companion Animal Shelter	0 <sup>901</sup>	62	54	33	12	7	10	178
Bathurst Regional Council Pound	17	27	13	10	8	7	11	93
Tamworth Regional Council Pound <sup>902</sup>	62	34	17	12	8	2	0	135
Mudgee Pound	5	7	7	6	3	2	3	33
Goulburn Mulwaree Companion Animal Facility	36	0	0 <sup>903</sup>	14	19	26	8	103
Port Stephens Council Pound	24	13	4	0	0	0	0	41
Total	164	159	129	84	54	46	32	668

Source: information provided to the Commission by NSW local councils (various) in April and May 2016

18.80 In calculating the number of unwanted greyhounds rehomed by reference to the average number of greyhound pups whelped between 2009 and 2015 – namely, 7,596 – local pounds account for the rehoming of less than 0.02% of the greyhound pups whelped each year, or 0.024% if the number of pups whelped in 2015 (6,295) can be maintained.

### The impact of rehoming on wastage

18.81 The Commission considers that, by reason of the number of greyhounds that need to be rehomed each year, it is simply not credible to conclude that the GAP Program, either alone or with the other measures or initiatives adopted or flagged by GRNSW as future initiatives,<sup>904</sup> will reduce wastage to a level which the wider community would consider to be acceptable.

18.82 The Commission considers that no more than 4.3% of greyhounds whelped in NSW each year will be rehomed through non-industry welfare organisations. This is based on the average number of greyhound pups whelped between 2009 and 2015 (7,596) and the current average of 326 greyhounds rehomed each year by volunteer and welfare organisations (including RSPCA NSW) or 5.2% if the number of pups whelped in 2015 (6,295) can be maintained.

18.83 As noted, the industry's failure to take responsibility for rehoming its retired greyhounds has placed a considerable burden on welfare and volunteer organisations and council pounds. With little to no support from GRNSW, the combined efforts of welfare and volunteer organisations have rehomed and continue to rehome more retired greyhounds than the GAP Program. In FY15, volunteer and welfare organisations (including RSPCA NSW) rehomed 412 greyhounds. The GAP Program rehomed only 173.

18.84 The Commission considers that the maximum number of greyhounds that could be rehomed in a year by the GAP Program, volunteer and welfare organisations, based on the most ambitious figures achievable, is approximately 1,366 greyhounds. This represents 18% of all greyhound pups whelped in a year and is based on the average number of greyhound pups whelped each year between 2009 and 2015 (7,596). If the number of greyhound pups whelped in 2015 (6,295) can be maintained, the percentage would increase to 21.7%. The Commission considers that these percentages are overly optimistic. The Commission has already referred to the observations made by RSPCA Australia in relation to the scale of the challenge to rehome the

<sup>901</sup> Hawkesbury Companion Animal Shelter was unable to provide a response for FY10.

<sup>902</sup> Tamworth Regional Council figures are the Council's best estimate of the breakdown of the number of greyhounds presented.

<sup>903</sup> Goulburn Mulwaree Council was unable to provide responses for FY11 and FY12.

<sup>904</sup> Each of GRNSW's measures and initiatives has been addressed in other Chapters of this Report.

industry's unwanted greyhounds. The market for the rehoming of dogs is not unlimited and it must cater for all breeds. The Commission agrees with RSPCA Australia that, moving forward, "market saturation" will be a problem.<sup>905</sup> The Commission considers that it will impose a significant barrier to increased rehoming in the future.

## The proposed "euthanasia rule" – is it an appropriate and effective response to wastage?

18.85 On 3 May 2016, GRNSW published a proposed new Local Rule to limit the circumstances in which a greyhound can be euthanased. It claimed that:

The proposal is part of GRNSW's efforts to reform the NSW greyhound racing industry with animal welfare at the centre of the sport.<sup>906</sup>

18.86 GRNSW called for feedback from industry participants, rehoming organisations and veterinarians.<sup>907</sup> Feedback was to be provided by 13 May 2016. On 24 May 2016, GRNSW informed the Commission that the feedback would be considered on 2 June 2016 at the second meeting of the GRNSW Welfare Code of Practice Review Reference Group.<sup>908</sup> GRNSW does not appear to have published information as to the outcome of that meeting.

18.87 The key provisions of the proposed Rule are:

### Proposed LR106A – Greyhound surrender and euthanasia

- (1) For the purpose of this Rule:
  - (a) A greyhound is considered "unable to be rehomed" if:
    - (i) the owner of the greyhound does not believe that the greyhound can be reasonably retained as a pet by the owner and the owner is able to explain why this is not possible in the relevant circumstances; and
    - (ii) a person has contacted the GRNSW Greyhounds As Pets program and at least two other rehoming providers who have declined to accept the greyhound for rehoming; or
    - (iii) a veterinary surgeon or rehoming provider has assessed the greyhound as not suitable for rehoming.
  - (b) "rehoming provider" means an organisation, charitable or non-charitable, that operates with a view to finding a new place of residence for greyhounds that are no longer racing. This may include approved animal welfare organisations under the *Companion Animals Act 1998* and other rehoming providers, but does not include local councils.

18.88 Under the proposed rule, owners will be permitted to have healthy greyhounds euthanased only where it is undertaken by a veterinary surgeon and where it can be demonstrated that reasonable efforts have been made to have the greyhound rehomed. Similarly, the owner will only be permitted to surrender a greyhound to a local council where an owner can demonstrate that they have made reasonable efforts to rehome it.

<sup>905</sup> RSPCA Australia, Response 27 to Breeding Issues Paper dated 7 December 2015, p. 23.

<sup>906</sup> Media release "Feedback sought to reduce unnecessary euthanasia" by GRNSW, 3 May 2015, *GRNSW website*.

<sup>907</sup> GRNSW website, "Participant Feedback Form – Proposed Local Rule 106A":

<<http://www.thedogs.com.au/Uploads/Participant%20Feedback%20Form%20-%20Euthanasia%20-%20Online.pdf>> (accessed 5 June 2016).

<sup>908</sup> GRNSW, Submission to the Commission dated 24 May 2016, [75].

- 18.89 The Commission considers that, for a number of reasons, the proposed rule is problematic. The proposal is a poorly considered reaction to the Commission’s examination of wastage. Although the proposed rule is designed to reduce the destruction of young healthy greyhounds, the Commission is satisfied that it will achieve little. Putting to one side the uncertain wording employed in the proposed rule, the following matters should be noted.
- 18.90 First, the proposed rule only applies to registered greyhounds.<sup>909</sup> It does not purport to extend to pups that have not been registered. Accordingly, it will not extend to approximately 30% of the greyhounds that are whelped each year.
- 18.91 Second, the rule makes no allowance for the maximum number of greyhounds that will be rehomed each year through the GAP Program, RSPCA NSW and volunteer rehoming organisations. As noted, the Commission does not consider that any more than 21.7% of the greyhound pups whelped each year can be rehomed. As has also been noted, this is an overly optimistic figure.
- 18.92 At best, and perhaps ironically, the effect of the proposed rule will simply lead to a substantial increase in the number of greyhounds seeking new homes. That would be a positive development if there were a substantial number of additional rehoming spaces available. That is not currently the case and it is unlikely to be the case in the future. The Commission has already referred to the euthanasia rate for one of the largest breeders in NSW. It is in excess of 70% of the pups whelped each year. How realistic is it to require such breeders to secure new homes for such a substantial number of greyhounds?
- 18.93 The Veterinary Institute for Animal Ethics suggested that:
- Enforcing registered owners to keep a dog that they do not have a traditional “pet owner bond” with nor the financial capacity to care for will seldom lead to a satisfactory outcome for the dog .....these measures are not proposed as being a means of rehoming a finite population of dogs. Rather, after all the heartache associated with finding some dogs a suitable home, industry participants merely restock, often several times before the original dog has a home. Thus, resulting in a perpetual cycle of abandonment to heaving pounds and rescue groups. Ethically, this approach is unacceptable.<sup>910</sup>
- 18.94 Third, the proposed rule would place an additional, and unacceptable, burden on charitable bodies, such as RSPCA NSW and volunteer organisations, to rehome even more greyhounds in circumstances where they are already struggling to cope with the industry’s wastage.
- 18.95 Similar concerns to those above were raised in submissions made to the Commission. The proposed rule was described by one veterinarian as “alarming”. There was particular concern expressed that the proposed rule would impose an unacceptable further burden on rehoming organisations and veterinarians, when there was a “chronic” shortage of available homes.<sup>911</sup>
- 18.96 The proposed rule provoked a number of emotionally-charged responses. It was suggested that the rule represented “responsible abandonment”.<sup>912</sup> One rehoming organisation expressed its concerns as follows:

The question arises as to why the emotional, physical, and financial burden of caring for and rehoming these dogs are placed on charitable, compassionate people who care about the dog’s future and volunteer their time, energy and funds to help them, - by people who overbreed, race,

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<sup>909</sup> “Greyhound” is defined in the Rules to mean “a dog or bitch of the species registered or licenced pursuant to the Rules of a Controlling Body”.

<sup>910</sup> Submission provided to the Commission.

<sup>911</sup> Dr Karen Dawson, preliminary submission to the Australian Greyhound Veterinarian Association dated 1 May 2016 (provided in correspondence from Dr Dawson to the Commission dated 1 May 2015).

<sup>912</sup> Ibid.

subject dogs to risk and injury, and don't particularly care about the dog past its usefulness in making them money? How is this a viable answer to the problem of overbreeding and wastage in this dog-killing gambling industry?<sup>913</sup>

- 18.97 GRNSW's Chief Veterinary Officer expressed concern in relation to a similar provision in GRNSW's Code of Practice for Breeding, Education and Rearing (the GRNSW Breeding Code") which was issued on 1 July 2015. Clause 14.1 of the GRNSW Breeding Code provides that euthanasia should only be considered where a greyhound becomes seriously ill or injured and where it is recommended by a veterinarian who has examined the greyhound. Like so many matters put before the Commission by GRNSW, this approach is no more than "aspirational".<sup>914</sup> This is how Dr Arnott described cl 14.1:

... I don't think at the current levels of dogs that are unsuitable for rehoming and racing, that it would be in the welfare interests of those dogs to prohibit their euthanasia because by forcing them to be kept, they (sic) are potential welfare implications. So it goes to the bigger issue that we have to address the numbers out there.<sup>915</sup>

- 18.98 The Commission does not accept that the proposed rule will ensure that industry participants will take responsibility for their greyhounds once they are no longer useful. They cannot rehome their greyhounds if there are insufficient rehoming places. The greyhounds will be destroyed. The proposed rule will not reduce wastage. The capacity of the GAP Program to take in and rehome a significant number of additional greyhounds is very limited. The Commission considers that the proposed rule is likely to place a substantial additional burden on rehoming organisations. That is unacceptable. They are currently doing more than they should be required to do to deal with the industry's failure to take responsibility for the many greyhounds that the industry discards each year.

## Community perceptions and rehoming – the “Greenhounds Program”

- 18.99 The Commission accepts that there may be a belief held by many members of the wider community that greyhounds make unsuitable pets. There are differing views whether it is necessary to muzzle retired greyhounds when they are taken into public areas.<sup>916</sup> However, it is likely that the requirement in NSW that greyhounds must be muzzled has done little to promote their suitability as pets.

- 18.100 In 2010, GRNSW noted that:

Muzzling requirements are the biggest impediment to growth in re-homing of greyhounds in NSW. The requirement to muzzle greyhounds in public places in NSW under the Animal Companions Act has a negative impact on all greyhound re-homing programmes, as it discourages people from adopting greyhounds due to the perception the animals are dangerous and aggressive. SA, VIC, WA, QLD and the ACT do not require retired greyhounds that have been through an adoption programme and passed a stringent assessment to wear muzzles in a public place whilst on a lead. The introduction of muzzling exemptions for successfully assessed greyhounds in Victoria has led to a significant increase in re-homing numbers.<sup>917</sup>

- 18.101 RSPCA Australia was also of the view that muzzles “likely contributes to public misperceptions about the suitability of greyhounds as pets” and that the image of the breed might be improved,

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<sup>913</sup> Submission provided to the Commission.

<sup>914</sup> Dr Elizabeth Arnott, 19 November 2015: T738.17.

<sup>915</sup> 19 November 2015: T738.1-5.

<sup>916</sup> Section 15 of the *Companion Animals Act 1998* (NSW) requires greyhounds to be muzzled unless on the property or in a vehicle of the owner. This is subject to the Greenhounds exemption. The Commission understands that retired greyhounds are not required to be muzzled in the United Kingdom.

<sup>917</sup> Document “100602 Board Minute – Greyhounds as Pets”: GRNSW Response to Order 1 dated 1 May 2015.

thereby promoting rehoming, if there was no requirement for greyhounds to be muzzled except in circumstances where it was unsafe not to do so.<sup>918</sup>

- 18.102 The evidence of Dr Dawson suggested that the temperament of many retired greyhounds is such that it would be unsafe to permit their owners to walk them in public without a muzzle. If greyhounds are not to wear muzzles in public places they must be assessed as suitable. The “Greenhounds Program” provides the means by which retired greyhounds can enter public places without muzzles.
- 18.103 Section 15 of the *Companion Animals Act 1998* (NSW) requires greyhounds to be muzzled in public places.
- 18.104 Regulation 33B of the *Companion Animals Regulation 2008* (NSW) provides an exemption to this requirement. It permits greyhounds to be muzzle-free in public provided that they have completed an approved greyhound retraining program. They must also wear an approved collar in public to identify them as greyhounds that have acquired ‘Greenhounds’ status. The Greenhounds Program was approved by the NSW Government on 20 December 2011.<sup>919</sup> There are two approved retraining programs in NSW. GRNSW’s program is conducted through the GAP Program. It was approved on 11 July 2012.<sup>920</sup> A program conducted by Greyhound Re-homing Centre Inc. was approved on 5 November 2013.<sup>921</sup>
- 18.105 If a greyhound passes a Greenhounds assessment, the assessor notifies the owner and the greyhound is issued with an approved green collar. The greyhound’s record on the Companion Animals Register is also updated to “muzzle exempt”.<sup>922</sup> The greyhound has achieved Greenhounds status.
- 18.106 If a greyhound fails the assessment, the assessor provides feedback to the owner about why the dog failed and advice on how to overcome any particular issues. The greyhound may be booked in to be re-assessed at a later stage. There is no limit to the number of times a greyhound can attempt the assessment.<sup>923</sup>
- 18.107 Of the 593 greyhounds that have been re-homed through the GAP Program since 2008, 351 greyhounds have obtained Greenhounds status. GRNSW informed the Commission that ten greyhounds failed the Greenhounds test and 232 greyhounds did not complete the Greenhounds assessment.<sup>924</sup> The fate of the remaining greyhounds is unknown.

## Will industry participants assume responsibility for their greyhounds?

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

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<sup>918</sup> RSPCA, Submission 239 to the Commission dated 3 July 2015, [2.6].

<sup>919</sup> New South Wales, “Government Gazette of the State of New South Wales”, No 132, 23 December 2011, p. 7364.

<sup>920</sup> Greenhounds website, “What is a Greenhound”: <<http://www.greenhounds.com.au/what-is-a-greenhound.html>> (accessed 26 May 2016).

<sup>921</sup> New South Wales, “Government Gazette of the State of New South Wales”, No 157, 15 November 2013, p. 5298.

<sup>922</sup> Greenhounds website, “I have an existing pet greyhound”: <<http://www.greenhounds.com.au/i-have-an-existing-greyhound.html>> (accessed 26 May 2016).

<sup>923</sup> Report Greenhound Figures: GRNSW Response to Order 27 dated 19 February 2016.

<sup>924</sup> GRNSW, Response to Order 27 dated 19 February 2016, [10(f)], [10(g)].



- 18.109 However, the scale of wastage in the industry demonstrates that most industry participants take a very different view. If their greyhound or greyhounds do not perform, and are otherwise not required as breeding stock, they will be discarded and replaced. Absent rehoming that means they will be destroyed.
- 18.110 An industry with this ethos cannot survive in modern Australia. It is at odds with the values of many in the wider community. There has been an increasing recognition that sentient animals used for entertainment and profit should not simply be put down in favour of a replacement which might, but might not, provide more entertainment and more profit. It is unlikely that there is better indicia of the concern that the community has for sentient animals than the public outrage which was the catalyst for the Commission's inquiry: live baiting. Rabbits might be regarded by many as vermin. However, because they are sentient animals the community will not tolerate practices which are morally and ethically wrong. The use of small animals for live baiting is also cruel and it is unlawful. The abandonment and destruction of young healthy greyhounds is inconsistent with the social licence which operates in relation to animals used for entertainment and profit.
- 18.111 There are two challenges to GRNSW's rehoming initiatives which the Commission considers are likely to be insurmountable. The first is the lack of rehoming opportunities. The Commission is satisfied that on current measures, this problem will increase over time. That has been addressed above. The second is that most industry participants have been unwilling to take responsibility for their greyhounds for the duration of their normal lifecycle. That is a reflection of the culture of the industry.
- 18.112 The industry's resistance to change is addressed on a number of occasions throughout this Report. However, in relation to rehoming it is not just a question of resistance to change. It is also a question of shouldering responsibility for the industry's unwanted greyhounds.
- 18.113 The Commission considers that, if the industry continues, then those who seek financial gain from their greyhounds should also assume some financial pain if they do not rehome them once they are of no utility. This is not for the purpose of punishing them. Rather, it is to ensure that if others have to assume the responsibility that they have not assumed, there will be some funding available either through the GAP Program or other organisations which rehome greyhounds to give unwanted greyhounds the best chance of finding a new home.
- 18.114 The Commission recognises that this measure has been the subject of consideration in the past and there are differing views. Lord Donoughue of Ashton noted that a significant fee:
- ... could and probably would incentivise some owners to abdicate their responsibility for making appropriate arrangements for his/her greyhounds on retirement. Some might take the view that they had paid their "retirement deposit" at registration and thus the challenge of actually making the necessary arrangements when the time came could safely be left to someone else. It follows that the bigger the sum involved, the bigger would be the temptation to do just that.<sup>925</sup>
- 18.115 Notwithstanding, Lord Donoughue went on to endorse a proposal to substantially increase registration fees but provide that approximately 70% of the fee be refundable upon satisfaction that the greyhound had been sold or its future appropriately determined in accordance with the rules.

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<sup>925</sup> Lord Donoughue of Ashton, report "Independent Review of the Greyhound Industry in Great Britain" (27 November 2007), pp. 77-78.

- 18.116 Commissioner Alan MacSporran SC of the Queensland Greyhound Racing Industry Commission of Inquiry also expressed concerns as to the utility of such an approach.<sup>926</sup> Nevertheless, he acknowledged that:

Although this proposal could be viewed as a blunt tool, it may be the only means by which an entrenched culture within the industry can be changed in the short term.<sup>927</sup>

Commissioner MacSporran SC recommended an alternative approach, namely, that the applicable rules should be amended to provide for the owner in the first instance to be required to be responsible for the cost of the care of the greyhound until suitable arrangements could be made for its ongoing welfare, including by way of rehoming. Where the owner defaulted in this obligation, the cost would be borne by the industry from a fund established for such purposes.<sup>928</sup>

- 18.117 The Commission agrees that this is one approach. However, it has the capacity to transfer responsibility to the regulator. That may not sufficiently encourage industry participants to meet their responsibility.

- 18.118 The Commission favours a direct impost on industry participants. It is true that some may abdicate their responsibility to have their greyhounds rehomed but, if the fee is significant, many would not. Unlike GRNSW's proposed euthanasia rule which would require industry participants to take no more than "steps" to rehome their greyhounds before they could put them down, the potential loss of a significant fee would, more likely than not, ensure that the steps taken by most were truly focused on finding a new home. Of course the ultimate outcome would depend upon the availability of a rehoming opportunity but having industry participants involved in the process might facilitate the identification of an opportunity which GRNSW, through its GAP Program, or other welfare organisations, could not identify.

- 18.119 The Commission recommends that a significant fee be imposed upon the breeder of any greyhound which is transferable and recoverable by the last person who has the care and control of the greyhound before it is rehomed or has been retired as a pet of an industry participant. In the latter case, the fee should not be recoverable for a period of two years. There must be a disincentive for industry participants to retire a greyhound as a pet and immediately destroy it. Although it was not adopted by him, the Commission considers that the structure considered by Commissioner MacSporran SC is appropriate. He noted that:

The proposed fee would attach to the greyhound and there would need to be administrative arrangements to allow for the transfer of the funds in the event of a change of ownership or like circumstance. Each new licensee would pay the fee to allow for a refund to the previous licensee so that at any given time the greyhound would be covered by the fee. The last registered owner with responsibility for the greyhound would qualify for a refund of a proportion of the fee upon the [regulator] being satisfied that appropriate arrangements had been made for the dog's welfare in retirement.<sup>929</sup>

- 18.120 This approach would also require an amendment to the Rules. The amendment should make clear that the fee applies to all greyhounds whether or not they are named, registered or race. One way of achieving compliance with rule might be to require the fee to be paid upon lodgement of the whelping notice.

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<sup>926</sup> Commissioner Alan MacSporran QC, report "Final Report of the Queensland Greyhound Racing Industry Commission of Inquiry" (2015) ("the MacSporran Report"), [338].

<sup>927</sup> *Ibid*, [340].

<sup>928</sup> *Ibid*, Recommendation 9, p. 8.

<sup>929</sup> *Ibid*, [336].

- 18.121 The Commission has not recommended the amount of the fee. That should be set by the regulator. However, as noted, it should be substantial. A fund should be established into which these fees must be deposited. The regulator should be required to apply any unclaimed funds to the GAP Program or other welfare measures.

## Recommendations

48. A significant fee should be imposed upon the breeder of any greyhound which is transferable and recoverable by the last person who has the care and control of the greyhound before it is rehomed or has been retired as a pet of an industry participant. In the latter case the fee should not be recoverable for a period of two years.
49. The Greyhound Racing Rules of Racing should be amended to provide for such fee. The fee should apply to all greyhounds whether or not they are named, registered or race.
50. The fee should be set by Greyhound Racing NSW, or any new regulator. A fund should be established into which these fees must be deposited. The regulator should be required to apply any unclaimed funds to the Greyhounds As Pets (GAP) Program or other welfare measures.



# 19 Export of greyhounds

## Introduction

- 19.1 The export of greyhounds, from Australia, to other countries raises significant animal welfare issues. The concerns that arise for exported greyhounds include the stress inflicted upon them during transport; the inadequacy of animal welfare laws or standards in destination countries; the high rate of injuries sustained at particular overseas race tracks which leads to large numbers of greyhounds being euthanased; the substandard conditions in which greyhounds are kept in particular countries; and the lack of suitable post-racing arrangements in host countries – such as provisions for rehoming.
- 19.2 The export of greyhounds is of relevance to the Commission, and its terms of reference, given that a significant number of greyhounds are bred in NSW for the purpose of export, from Australia, to other countries. In 2015, greyhounds from NSW comprised 80% of the total number of greyhounds exported from Australia.<sup>930</sup> The breeding and supply of such dogs, from NSW, for the purpose of exporting to other countries is an aspect of the greyhound racing industry in NSW.
- 19.3 As will be seen, the Commission’s investigations, including evidence received during the Commission’s public hearings, revealed significant animal welfare concerns arising in connection with the export of greyhounds.

## Greyhound exports – the numbers and destinations of greyhounds

- 19.4 Exporting of Australian greyhounds dates back at least 40 years. Its predominant purpose has been export for racing with the vast majority of the exported dogs being introduced to the destination country’s racing population.<sup>931</sup>
- 19.5 The Commission obtained information regarding the number of greyhounds exported from Australia in four years, namely 2010, 2011, 2014 and 2015.
- 19.6 In 2015, a total of 624 greyhounds were exported from Australia.<sup>932</sup> In 2014, the total number was 654. In 2010 and 2011, the figures were 797 and 703 respectively. Putting to one side New Zealand, the major destination for exported greyhounds is Macau (200 greyhounds in 2015) followed by China (48 greyhounds in 2015) and Hong Kong (30 greyhounds in 2015).
- 19.7 In almost all cases, ownership is transferred when greyhounds are exported from Australia.<sup>933</sup>

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<sup>930</sup> Attachment C to correspondence dated 29 April 2016 from Kate Makin, Program Director, Live Animal Exports Branch/Exports Division, Department of Agriculture and Water Resources to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner; Annexure A to letter dated 26 April 2016 from Cheryl Drummy, Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner to Haddon Bell, Business Support Manager, Exports Division, Live Animal Exports Branch, Department of Agriculture and Water Resources.

<sup>931</sup> Exhibit MM (17-19 November 2015).

<sup>932</sup> This figure would include any instances – presumably minor – of a person taking a greyhound overseas as a pet race rather than for racing or breeding purposes.

<sup>933</sup> The Commission is aware of arrangements in respect of one major Australian breeder whereby 11 dogs were exported to New Zealand, the USA and Ireland for the purpose of racing or standing at stud with the Australian breeder retaining ownership of the dogs: Paul Wheeler, Response to Order 1 dated 4 February 2016.

19.8 Table 19.1 illustrates the number and destination of greyhounds exported from Australia in 2010, 2011, 2014 and 2015.

**Table 19.1 Export of greyhounds from Australia in 2010, 2011, 2014 and 2015**

Destination country	2010	2011	2014	2015
Argentina	5	13	--	--
Austria	1	1	--	1
Belgium	--	1	--	--
Chile	--	--	--	2
Canada	--	1	2	4
China	24	19	50	48
Czech Republic	--	5	1	--
Fiji	--	1	--	--
Finland	1	--	--	--
Germany	--	1	--	3
Hong Kong	135	65	72	30
India	--	1	--	--
Ireland	--	--	3	--
Italy	3	--	--	--
Japan	--	--	--	2
Macau	280	309	260	200
Malaysia	--	--	--	1
Netherlands	--	--	1	--
New Caledonia	1	--	--	--
New Zealand	330	272	242	275
Pakistan	1	1	1	4
Russia	4	1	--	--
Singapore	2	--	--	6
Slovakia	--	--	--	1
South Korea	--	--	1	6
Spain	--	--	--	1
Sweden	--	--	1	1
Taiwan	--	--	--	15
Thailand	2	--	--	1
UAE	--	--	1	9
United Kingdom	6	3	11	9
USA	2	9	9	5
Total	797	703	654	624

Source: Commonwealth of Australia, Parliamentary Debates, The Senate, Questions on Notice, Agriculture, Fisheries and Forestry: Greyhound Exports, Question No. 2649, Tuesday, 26 February 2013, Responder: Senator Joe Ludwig, pp. 1032, 1033; Exhibit LL (17-19 November 2015); Attachment C to correspondence dated 29 April 2016 from Kate Makin, Program Director, Live Animal Exports Branch/Exports Division, Department of Agriculture and Water Resources to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner; Annexure A to correspondence dated 26 April 2015 from Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner to Haddon Bell, Business Support Manager, Exports Division, Live Animal Exports Branch, Department of Agriculture and Water Resources.

## Proportion of exported greyhounds from NSW

19.9 The overwhelming majority of greyhounds exported from Australia in 2015 were sourced from NSW.

19.10 Information provided by the Commonwealth Department of Agriculture and Water Resources (“the Department of Agriculture”) records the export of greyhounds, by State, as set out in table 19.2.

**Table 19.2 Greyhound exports from Australia by State**

State	2015	%
NSW	498	80%
VIC	95	15%
QLD	22	4%
WA	7	1%
SA	2	<1%
Total	624	100%

Source: Attachment C to correspondence dated 29 April 2016 from Kate Makin, Program Director, Live Animal Exports Branch/Exports Division, Department of Agriculture and Water Resources to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.

## The Farrugia brothers

- 19.11 Stephen Farrugia and Mark Farrugia (“the Farrugia brothers”) are brothers who are involved with the greyhound racing industry in NSW. The Commission issued compulsory Orders for the production of records and information in connection with the activities of the Farrugia brothers in exporting greyhounds. The information obtained reveals that the Farrugia brothers are large-scale exporters of greyhounds from NSW to destinations including China, Macau and Taiwan.
- 19.12 Table 19.3 records the exports of greyhounds by the Farrugia brothers, by country, for the financial years 2013, 2015 and 2016.

**Table 19.3 Greyhounds exported by the Farrugia brothers by country in FY13, FY15 and FY16**

	FY13	FY15	FY16	Total by country
Dubai, UAE	2	-	6	8
Shanghai, China	40	-	30	70
Macau (SAR, China)	-	60	30	90
Taiwan	-	3	10	13
Total by year	42	63	76	181

Source: Stephen Farrugia, Response to Order 1 dated 5 May 2016 and Supplementary Response dated 11 May 2016.

- 19.13 The Farrugia brothers have never obtained a “Greyhound Passport” from Greyhounds Australasia Ltd (“GA”) before exporting greyhounds from Australia.<sup>934</sup>

## Animal welfare concerns

- 19.14 The Commission identified significant animal welfare issues arising in connection with the export of live greyhounds from Australia. The Commission heard evidence on this topic at its public hearings. In addition, the Commission obtained production of documents relevant to this issue from Greyhound Racing NSW (“GRNSW”) and from industry participants. The Commission also received written submissions from interested parties.
- 19.15 The Commission received evidence about the following animal welfare issues arising in respect of the export of live greyhounds from Australia:
- the stress inflicted upon greyhounds during transport;
  - the substandard conditions in which greyhounds are kept in particular countries;
  - the high rate of injuries sustained at particular overseas racetracks leading to large numbers of greyhounds being euthanased;

<sup>934</sup> Stephen Farrugia, Response to Order 1 dated 5 May 2016 and Supplementary Response dated 11 May 2016.

- the inadequacy of animal welfare laws or standards in destination countries; and
- the lack of suitable post-racing arrangements for exported greyhounds.

19.16 Dr Jade Norris, Scientific Officer with RPSCA Australia and a qualified veterinarian, gave evidence at the Commission’s public hearings. Dr Norris relevantly said:

There are significant animal welfare concerns with export, particularly if we focus on Macau. First of all, transport is inherently stressful for animals and they're being transported long distances. Animals should only ever be transported where it's absolutely necessary, because it is inherently stressful. We have two other concerns with export to the Asian region, and that is that there is a lack of any animal welfare laws in that region of the world, and we're also concerned that there's a risk of Australian greyhounds entering the dog meat trade, which is a trade that exists in that region of the world. So they're being exported into dangerous situations. With respect to the animal welfare concerns specific to Macau, we know that the conditions they're housed in are unacceptable and fall well below basic standards that we require in Australia.<sup>935</sup>

## The Macau Canidrome

19.17 A sizeable proportion of the greyhounds exported from NSW end up at the Yat Yuen Canidrome in Macau (“the Macau Canidrome”). The Macau Canidrome is the only greyhound racetrack in Macau. The Macau Canidrome races five nights each week, 52 weeks per year, with each meeting having 18 races. Each race consists of six dogs and races are timed at 15-minute intervals.<sup>936</sup>

19.18 The Commission received evidence that all greyhounds at the Canidrome are sourced from Australia.<sup>937</sup> RSPCA Australia and other organisations have identified particular animal welfare concerns arising in respect of the export of greyhounds to Macau.

19.19 In June 2014, GA published a report entitled “Review of Australian Greyhound Export Welfare Standards”.<sup>938</sup> The review included GA’s assessment of arrangements for greyhound racing at the Macau Canidrome. GA found that Macau was not fully compliant with what GA regarded as being the required animal welfare standards for countries seeking to import Australian greyhounds. As a result, GA continued a suspension, first imposed in March 2013, on the issuing of “Greyhound Passports” in respect of greyhounds destined for Macau. That suspension remains in place. GA’s Greyhound Passport scheme is detailed further below.

## ABC 7.30 program – 9 December 2015

19.20 On 9 December 2015, the ABC broadcast a report by the 7.30 program entitled “Australian greyhounds deemed too slow exported to Macau” (“the 7.30 program”).<sup>939</sup> The 7.30 program reported that hundreds of Australian greyhounds were being exported to Asia without greyhound passports and thus in breach of greyhound racing rules. Such dogs faced the prospect of languishing in squalid conditions, in Macau, Shanghai and Vietnam.

<sup>935</sup> 19 November 2016: T670.6-17.

<sup>936</sup> Ex MM (17-19 November 2015), p. 34.

<sup>937</sup> Dr Jade Norris, 19 November 2015: T672.16-20; article “Greyhounds Australasia bans racing dog exports to Macau track” by Simon Parry, 30 March 2014, *South China Morning Post*: <<http://www.scmp.com/news/hong-kong/article/1460628/greyhounds-australasia-bans-racing-dog-exports-macau-track>> (accessed 19 May 2016).

<sup>938</sup> Ex MM (17-19 November 2015); article “Greyhounds Australasia releases Review of Greyhound Export Welfare Standards” by Greyhounds Australasia, 24 June 2014, *Greyhounds Australasia website*: <<http://www.galtd.org.au/news-article/greyhounds-australasia-releases-review-greyhound-export-welfare-standards>> (accessed 19 May 2016).

<sup>939</sup> Article “‘Slow’ Australian greyhounds being exported to Macau, China to go on ‘death row’” by Caro Meldrum-Hanna and Sam Clark, 9 December 2015, *ABC online*: <<http://www.abc.net.au/news/2015-12-09/greyhounds-exported-to-macau-china-against-industry-rules/7014434>> (accessed 19 May 2016); article “Australian greyhounds exported to Asia receive a ‘death sentence’: ABC 7.30 report” by Kate Aubusson, 10 December 2015, *The Sydney Morning Herald*: <<http://www.smh.com.au/national/australian-greyhounds-exported-to-asia-a-straight-out-death-sentence-abc-730-20151209-gljs53.html>> (accessed 19 May 2016).



- 19.21 The program further reported a Macau Canidrome official stating that the Macau Canidrome had four suppliers from Australia and that dogs were bought monthly from the suppliers. The 7.30 program identified the Farrugia brothers as large exporters of greyhounds to Asia, including Macau.

### **Qantas ceases carrying racing greyhounds on flights to Asia**

- 19.22 Following the broadcast of the 7.30 program and the resulting public outcry, Qantas, Australia's national airline carrier, announced via social media that it would cease carrying live racing greyhounds on flights to Asia. Responding to an enquiry on Twitter, Qantas stated that: "In light of the recent '7.30 Report' story, we've decided to no longer provide greyhound racing freight services to Asia."<sup>940</sup>

### **Stress of transportation**

- 19.23 Consistent with the evidence of Dr Norris noted above, in its submission to the NSW Legislative Council's 2014 Select Committee on Greyhound Racing in New South Wales ("the Select Committee"), RSPCA Australia identified the stress of transport on animals as a concern relating to the export of greyhounds, whether to Macau or elsewhere. The longer the journey, the higher the risk of injury and stress inflicted upon the greyhound.<sup>941</sup>

### **Substandard conditions – housing**

- 19.24 Animal welfare concerns arise in respect of the kennelling and other conditions in which greyhounds may be housed in destination countries.
- 19.25 Greyhounds exported to Macau are housed (permanently) in kennel blocks at the Macau Canidrome racetrack.<sup>942</sup> In its 2014 report, GA recorded that, during an October 2013 visit to the Macau Canidrome, GA representatives observed that two thirds of kennels would not have met kennel size requirements under Australian codes of practice. The Macau Canidrome kennels were said to be 2.6 square metres. The minimum Australian standard at that time was three square metres.<sup>943</sup> GA recommended that, before greyhound passports would be issued for Macau, kennel blocks at the Macau Canidrome had to be upgraded with improvements to ventilation, climate control, increased natural light and space for each greyhound.<sup>944</sup>
- 19.26 GA also observed that there were no "runs" or outdoor yards for exercise.<sup>945</sup> It stated that the amount of daily exercise provided for greyhounds in Macau was insufficient for "optimal welfare outcomes".<sup>946</sup>

### **Racetrack injuries and associated euthanasia**

- 19.27 Animal welfare concerns arise also in respect of the high rate of greyhounds being euthanased after sustaining a racetrack injury in destination countries.

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<sup>940</sup> Article "Qantas will no longer carry racing greyhounds on flights to Asia" by Julie Power, 12 December 2015, *The Sydney Morning Herald*: <<http://www.smh.com.au/nsw/qantas-will-no-longer-carry-racing-greyhounds-on-flights-to-asia-20151212-glm08m.html>> (accessed 19 May 2016); Qantas website, "Q-Go Pets": <[https://www.qantas.com.au/qfreight/qfe/Q-GO\\_Pets/au/en](https://www.qantas.com.au/qfreight/qfe/Q-GO_Pets/au/en)> (accessed 19 May 2016).

<sup>941</sup> RSPCA, Submission 339 to the Select Committee dated 6 November 2013, p. 5.

<sup>942</sup> Dr Jade Norris, 19 November 2015: T672.22-24.

<sup>943</sup> Ex MM (17-19 November 2015).

<sup>944</sup> *Ibid.*

<sup>945</sup> *Ibid.*

<sup>946</sup> *Ibid.*

19.28 In its 2014 report, GA referred to injury and euthanasia rates at the Macau Canidrome as follows:

In July 2012 Macau management confirmed that close to 50 per cent of their racing stock were euthanised each year due to serious injury. Based on Department of Agriculture import data, this is likely to be closer to 30 to 40 per cent in 2013. This figure is still alarmingly high and GA will be very keen to see this number decrease substantially further with the introduction of improved track protocols.<sup>947</sup>

19.29 GA also noted the substandard state of the Macau Canidrome race track:

The maintenance and preparation of the race surface can improve. The track surface appears to be too dry and too hard most of the time and the manual methods of preparing the racing surface is likely to lead to inconsistent race surfaces.<sup>948</sup>

19.30 To date, GA has not removed the suspension of greyhound passports in respect of greyhounds destined for Macau.

### **Inadequate animal welfare standards in destination countries**

19.31 As Dr Norris noted in her evidence to the Commission, animal welfare issues arise as to the adequacy of animal welfare standards in some destination countries for exported greyhounds.<sup>949</sup> In respect of destinations such as China, Macau and Vietnam, animal welfare and protection laws are at lesser stages of advancement than those that are applicable in Australia. Concerns also arise as to the extent to which any applicable standards are enforced in the aforementioned countries.<sup>950</sup>

19.32 The Select Committee noted concerns of its inquiry participants, including RSPCA Australia, about the practice of exporting greyhounds to countries that do not have strong animal protection laws. The Select Committee stated:

Greyhounds are sold and exported to overseas greyhound racing industries, particularly to China, Vietnam and South Korea. In 2010, 797 greyhounds were exported from Australia, 280 of which were exported to Macau.

The RSPCA argued that many countries imported greyhounds from Australia but either do not have animal protection laws, or they are not enforced. Once greyhounds depart Australia, there is a lack of substantial animal welfare regulations and no guarantee that greyhounds will be treated humanely. The Australian Government does not take responsibility for animals once they have been exported.

The Law Society of NSW, Young Lawyers, Animal Law Committee expressed concern that the export of greyhounds to China and South Korea is a violation of animal welfare legislation in Australia. It further noted that this exportation goes against the principles of GRNSW:

... it also offends one of the principles endorsed by GRNSW regarding the export of greyhounds to countries which do not have a properly managed greyhound racing industry, or where such an industry is not sufficiently regulated to ensure the welfare of greyhounds.

#### **Committee comment**

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<sup>947</sup> Ibid.

<sup>948</sup> Ibid.

<sup>949</sup> 19 November 2015: T670.6-17.

<sup>950</sup> Alison Jones, 'Australia's Damaging International Trade Practice: The Case against Cruelty to Greyhounds' (2005) 14 *Pacific Rim Law & Policy Journal* 677.

The Committee acknowledges the concerns expressed by some Inquiry participants regarding the export of greyhounds. However, the Committee notes that this is an issue for the Australian Government.<sup>951</sup>

- 19.33 The Commission received submissions to similar effect raising concerns about greyhounds exported to countries with inadequate or non-existent animal welfare and protection laws.
- 19.34 In both its submissions to the Commission and its response to a compulsory Order for information, GRNSW recognised that countries to which Australian greyhounds are exported may have inadequate animal welfare standards. GRNSW stated, however, that there were limited steps that, in conjunction with GA, it could take and that the power to regulate exports rested with the Federal Government and the Department of Agriculture.<sup>952</sup> This aspect is considered further below.

### Absence of adequate rehoming programs

- 19.35 Animal welfare concerns arise as to the adequacy or existence of any rehoming programs for racing greyhounds in destination countries. In evidence before the Commission, Dr Norris stated that there was no effective adoption program in Macau. Dr Norris said that effectively every Australian greyhound that goes to the Macau Canidrome will be euthanased there.<sup>953</sup>
- 19.36 The evidence of Dr Norris is consistent with concerns raised in the recent 7.30 report's investigation into the export of dogs to Macau.<sup>954</sup>
- 19.37 Concerns also arise over the potential for unwanted greyhounds to enter the dog meat trade in particular Asian countries, including China and South Korea.<sup>955</sup>

### Regulation of live greyhound exports from Australia

- 19.38 GA and GRNSW provide limited regulation of live greyhound exports from Australia through R 124 of the GA Rules of Racing ("the GAR") and the GRNSW Greyhound Racing Rules ("the Rules"). This rule introduced a 'greyhound passport' system, which, from 2004, sought to preclude the export of greyhounds other than to what were, in effect, approved destinations.
- 19.39 The regulation is limited in that neither GA nor GRNSW has the power to prevent industry participants from exporting live greyhounds to destinations of their choice, including Macau. GA and GRNSW are, in effect, powerless to prevent it from happening.
- 19.40 As will be seen, GA has been attempting to persuade the Federal Government to regulate the export of greyhounds by incorporating reference to GA's greyhound passport scheme and ensuring that only countries that are endorsed by GA can be approved for the import of Australian greyhounds.

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<sup>951</sup> Select Committee, report "Greyhound Racing in New South Wales – First Report" (March 2014), [7.81]-[7.94].

<sup>952</sup> GRNSW, Submission 769 the Commission dated 24 August 2015, [580]-[594]; GRNSW Response to Order 1 (Part 2) dated 15 May 2015, pp. 17-20.

<sup>953</sup> 19 November 2016: T672.33-36.

<sup>954</sup> Program "Australian greyhounds deemed too slow exported to Macau, China against industry rules" by Caro Meldrum-Hanna, 9 December 2015, broadcast by ABC 7.30; see also RSPCA Australia, Response 27 to Breeding Issues Paper dated 7 December 2015, p. 25 (stating that: "At the Macau Canidrome track about 30 dogs are euthanased each month. There is no effective post racing adoption program in Macau.")

<sup>955</sup> Dr Jade Norris, 19 November 2015: T670.12-14; see also Alison Jones, "Australia's Damaging International Trade Practice: The Case against Cruelty to Greyhounds" (2005) 14 *Pacific Rim Law & Policy Journal* 677, 683-685.

## R 124 – GA’s ‘greyhound passport’ scheme

19.41 Since 2004, the export of greyhounds from Australia or New Zealand has been regulated under R 124 of the GAR (a rule that GRNSW adopted in the Rules).

19.42 R 124 is entitled “greyhound passport and certified pedigree” and provides:

- (1) Any person intending to export a greyhound, being the subject of these Rules or to those of a relevant Registration Controlling Body, from Australia or New Zealand to any other country (excluding Australia or New Zealand) must, prior to meeting the quarantine and inspection service requirements of the relevant country, obtain a greyhound passport and certified pedigree issued by Greyhounds Australasia.
- (2) Unless Greyhounds Australasia in special circumstances otherwise directs, a greyhound passport and certified pedigree may be issued subject to-
  - (a) the intended export greyhound having been named and being registered by an approved Registration Controlling Body;
  - (b) the transfer of ownership having been effected by the relevant Controlling Body from the registered owner to the intended new owner or trainer or exporter;
  - (c) a certification signed and lodged with Greyhounds Australasia by the previous owner or exporter confirming the purpose of export;
  - (d) Greyhounds Australasia being satisfied that the required application form has been completed in full and the prescribed passport and certified pedigree fee has been received. For the purposes of clarity, any naming or transfer of ownership fee associated with the issue of a greyhound passport and certified pedigree shall remain separate and additional to the passport and certified pedigree fee;
  - (e) the export being in the best interests of the Australasian greyhound racing industry; and
  - (f) the certificate of registration or greyhound identification card has been received by Greyhounds Australasia.

19.43 The R 124 requirements are triggered when a person intends to export a greyhound subject to the GAR (or to the rules of a relevant Controlling Body, such as the Rules) from Australia or New Zealand to any other country (except Australia or New Zealand). Prior to meeting the quarantine and inspection service requirements of the relevant county of origin, the person wishing to export the greyhound must, pursuant to R 124(1), obtain a “greyhound passport” and “certified pedigree” from GA.<sup>956</sup>

19.44 Under R 124(2), unless GA directs otherwise, a greyhound passport and certified pedigree may be issued subject to:

- the greyhound being named and registered;
- a transfer of ownership from the registered owner to the intended new owner being effected by the relevant Controlling Body;
- a certificate confirming the purpose of export being signed and lodged with GA by the previous owner or exporter;
- an application form being completed in full and the proscribed fees for the passport and pedigree being received;

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<sup>956</sup> Neither of these terms is defined in the Rules.

- export being in the best interests of the Australasian greyhound racing industry; and
- GA receiving a “certificate of registration”<sup>957</sup> or “greyhound identification card”.<sup>958</sup>

19.45 The GA “Application for Greyhound Passport” form combines the application for a greyhound passport and a certified pedigree – the latter being referred to as an “Export Pedigree”. The application form requires an applicant to provide the following details in respect of the greyhound being exported:

- name and earbrand details;
- breeding (Sire and Dam) and whelping details; and
- the original registration certificate and/or puppy papers (which must be enclosed).

19.46 An applicant must also state:

- whether there is a transfer of ownership (if yes, the signed transfer of ownership must be enclosed);
- the country of destination;
- whether the reason for export is racing, breeding or pet; and
- the name and address of the new owner/trainer.<sup>959</sup>

19.47 As at May 2016, the fee charged by GA for a greyhound passport is \$210.<sup>960</sup> GA also publishes a “Greyhound Import Form” for greyhounds being exported to New Zealand from Australia.<sup>961</sup>

19.48 On 9 June 2016, GRNSW announced that it had charged 179 owners and trainers with breaches of the Rules in connection with the alleged unauthorised export of greyhounds to Macau.<sup>962</sup>

### **GA Greyhound passports not issued in respect of Macau and Vietnam**

19.49 As noted, GA introduced R 124 in 2004. The rule represents an attempt, at least in part, to protect the welfare of Australian greyhounds exported overseas. The rule requires industry participants, when exporting a greyhound, to obtain a GA greyhound passport before meeting the Department of Agriculture’s export requirements.

19.50 In March 2013, GA suspended the receiving and processing of greyhound passport applications for Macau because of concerns that Macau was not fully compliant with export animal welfare standards.

19.51 As noted, in June 2014, GA published a report of its review of Australian greyhound export welfare standards.<sup>963</sup> The report found that Macau was not fully compliant with required animal welfare standards for countries seeking to import Australian greyhounds. In June 2014, GA’s Board accepted a recommendation of the report that GA should continue its suspension of the issuing of greyhound passports in respect of Macau. That suspension continues to remain in place. In a media release dated 10 December 2015, which confirmed the continuing suspension,

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<sup>957</sup> “Certificate of registration” means an identification document in respect of a greyhound issued by the Controlling Body: R 1.

<sup>958</sup> “Greyhound identification card” means the card which bears the name of the greyhound described thereon which has been issued by a Controlling Body in which state that greyhound has been whelped: R 1.

<sup>959</sup> GA website, “Greyhound Passport Application”: <<http://www.galtd.org.au/sites/default/files/forms-and-documents/Greyhound-Passport-Application.pdf>> (accessed 19 May 2016).

<sup>960</sup> Ibid.

<sup>961</sup> Produced by Greyhound Racing New Zealand.

<sup>962</sup> GRNSW news release: “GRNSW issues charges as part of exports inquiry” (9 June 2016).

<sup>963</sup> Ex MM (17-19 November 2015).

GA stated that when GA representatives visited the Macau Canidrome in 2013, they observed “welfare standards that fell well short of the standards we demand of Australian racing clubs and participants.”<sup>964</sup>

19.52 Vietnam did not cooperate with GA’s review that culminated in its 2014 report.<sup>965</sup> GA classified Vietnam as non-compliant with GA’s export welfare standards.<sup>966</sup>

### Other jurisdictions – Victoria, Queensland, South Australia and Western Australia

19.53 Like NSW, Victoria, Queensland, South Australia and Western Australia have adopted and incorporated the GAR, including R 124 and the greyhound passport scheme.

19.54 In a media release dated 11 January 2016, Greyhound Racing Victoria (“GRV”) expressed its strong opposition to the export of greyhounds “to any country that does not have strong animal welfare controls and greyhound racing regulations in place.” After reminding participants of their obligations under R 124, GRV said:

All Victorian exporters should ensure that the countries they are exporting to have a highly regulated greyhound industry environment, overseen by an appropriate control body that sets the best possible standards of welfare for all racing greyhounds.<sup>967</sup>

### Existing regulation under Commonwealth law

19.55 At the federal level, the export of live greyhounds from Australia is governed by the *Export Control Act 1982* (Cth) (“the ECA”) in conjunction with the *Export Control (Orders) Regulations 1982* (Cth) (“the ECOR”) and orders made pursuant to the ECO Regulations – specifically, in this context, the *Export Control (Animals) Order 2004* (Cth) (“the ECAO”).

19.56 In summary, the ECAO, which is made under the ECOR, sets out the administrative requirements that an exporter must satisfy in order to export live animals, including greyhounds, from Australia. Three main documents underpin this process:

- a notice of intention to export (“NOI”);
- an export permit (“export permit”); and
- a health certificate.

19.57 Additional quarantine procedures may also need to be satisfied prior to export.

### Export Control Act 1982 (Cth)

19.58 Part 2 of the ECA governs the export and entry of “prescribed goods”. For the purposes of the ECA, “prescribed goods” means “goods, or goods included in a class of goods, that are declared by the regulations to be prescribed goods for the purposes of this Act”.<sup>968</sup>

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<sup>964</sup> Article “GA confirms how it assesses greyhound export applications” by GA, 10 December 2015, *GA website*: <<http://www.galtd.org.au/news-article/ga-confirms-how-it-assesses-greyhound-export-applications>> (accessed 19 May 2016).

<sup>965</sup> Article “Greyhounds Australasia releases Review of Greyhound Export Welfare Standards” by Greyhounds Australasia, 24 June 2014, *Greyhounds Australasia website*: <<http://www.galtd.org.au/news-article/greyhounds-australasia-releases-review-greyhound-export-welfare-standards>> (accessed 19 May 2016).

<sup>966</sup> Article “GA confirms how it assesses greyhound export applications” by GA, 10 December 2015, *GA website*: <<http://www.galtd.org.au/news-article/ga-confirms-how-it-assesses-greyhound-export-applications>> (accessed 19 May 2016).

<sup>967</sup> Article “Export of Racing Greyhounds” by GRV, 11 January 2016, *GRV website*: <<http://www.grv.org.au/wp-content/uploads/2015/02/GRV-Media-Release-Exporting-greyhounds.pdf>> (accessed 19 May 2016).

<sup>968</sup> EC Act s. 3 (note also that, per s. 3, “regulations” includes orders, and an “order” means an order made by the Minister or Secretary under the Act or regulations).

- 19.59 Section 25 of the ECA provides that the Governor-General may make regulations not inconsistent with the ECA, including regulations which empower the Minister to make Orders with respect to any matter for or in relation to which provision may be made by the regulations.<sup>969</sup>
- 19.60 Section 7(1) of the ECA states that the regulations may prohibit the export of prescribed goods from Australia. Section 7(2) provides that a prohibition on export may be absolute,<sup>970</sup> or only in respect of export to “a specified place”.<sup>971</sup> In addition, the regulations may prohibit the export of prescribed goods, or prohibit the export of such goods to a prescribed place, “unless specified conditions or restrictions are complied with.”<sup>972</sup>
- 19.61 Further, s. 7(3)(a) states that the regulations:
- ... may provide that the export of prescribed goods, or the export of prescribed goods to a specified place, is prohibited unless a licence, permission, consent or approval to export the goods or a class of goods in which the goods are included has been granted as prescribed by the regulations.
- 19.62 Sections 8, 8A and 8B of the ECA establish various offences relating to the unauthorised export of prescribed goods and the non-compliance of exporters with any conditions or restrictions associated with the export. The maximum penalties for these offences vary, but extend to imprisonment for up to five years. Section 9 sets out an offence for contravening an export licence condition or restriction and imposes a maximum penalty of \$50,000.

### ***Export Control (Orders) Regulations 1982 (Cth)***

- 19.63 As noted, the ECA provides that the Governor-General may make regulations that empower the Minister to make orders not inconsistent with the regulations. The ECOR is such an instrument.
- 19.64 Clause 3 of the ECOR provides that the Minister may, by instrument in writing, make orders “with respect to any matter for or in relation to which provision may be made by regulations under the Act.”<sup>973</sup>

### ***Export Control (Animals) Order 2004 (Cth)***

- 19.65 The ECAO sets out the administrative framework for the export of greyhounds from Australia. Part 3 of the ECAO relevantly governs the export of live animals (other than as dealt with by other Parts) by any means.<sup>974</sup>
- 19.66 Section 1.04 of the ECAO provides that, for the purpose of the definition of “prescribed goods” in s. 3 of the ECA, “live animals” are prescribed goods. Section 3.02 of the ECAO then defines “live animals” as meaning, *inter alia*, “a warm-blooded animal intended to be exported alive”.<sup>975</sup> As such, a live greyhound falls within the definition of “prescribed goods” for the purposes of the ECA.
- 19.67 Section 3.03 of the ECAO provides that live animal exports are prohibited unless:

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<sup>969</sup> EC Act s. 25(2)(g).

<sup>970</sup> EC Act s. 7(2)(a).

<sup>971</sup> EC Act s. 7(2)(b).

<sup>972</sup> EC Act s. 7(2)(c), s. 7(2)(d).

<sup>973</sup> ECO Regulations cl. 3.

<sup>974</sup> ECA Order s. 3.01.

<sup>975</sup> ECA Order s. 3.02.

- a) an export permit has been granted to the exporter and is in effect, the animal is exported to the place specified in the export permit and the exporter complies with any conditions of the export permit;<sup>976</sup> and
- b) in the case of animals other than livestock, the exporter has completed a NOI, obtained approvals of the NOI and complied with all conditions to which the approvals are subject.<sup>977</sup>

19.68 Section 6(1) of the ECA provides that, if required to do so by the regulations, an exporter must give the Secretary or an authorised officer notice of their intention to export. Failure to do so is an offence of strict liability attracting a penalty of 12 months' imprisonment.

### Notice of Intention to export (NOI)

19.69 An NOI must be in writing and provided in a form approved by the Secretary and it must contain the details outlined in s. 3.04(2) ECAO. Information that is required includes:

- the basic details of the exporter;
- the importing country and importer;
- the relevant importing country requirements relating to pre-export;
- the date of departure;
- veterinarian details;
- description of animal(s) being exported; and
- expected departure and arrival dates and details.<sup>978</sup>

19.70 A duly completed NOI must be given to the Secretary no later than ten working days before any quarantine or isolation period begins or ten working days prior to the proposed export date.<sup>979</sup>

### Export permit

19.71 Section 3.15 of the ECAO provides that the Secretary must grant an export permit in circumstances where:

- the exporter has submitted an NOI and it has been approved by the Secretary;<sup>980</sup>
- the exporter has complied with terms of the NOI;<sup>981</sup>
- a health certificate, where required by the destination country, for the animal(s) has been provided;<sup>982</sup>
- any other importing country requirement has been met;<sup>983</sup>
- the animal(s) "are fit enough to undertake the proposed export voyage without any significant impairment of its or their health";<sup>984</sup>
- the travel arrangements are adequate for its or their health and welfare;<sup>985</sup> and

<sup>976</sup> ECA Order s. 3.03(a)-(c).

<sup>977</sup> ECA Order s. 3.03(e). In the case of live-stock, the exporter must also have obtained an export supply chain assurance system (ECAS) that applies to the export and complied with any applicable conditions: s. 3.03(d).

<sup>978</sup> ECA Order s. 3.04(2).

<sup>979</sup> ECA Order s. 3.05(1).

<sup>980</sup> ECA Order s. 3.15(1)(a)-(b).

<sup>981</sup> ECA Order s. 3.15(1)(c).

<sup>982</sup> ECA Order s. 3.15(1)(d). The requirements for Health Certificates are set out in s. 3.14.

<sup>983</sup> ECA Order s. 3.15(1)(e).

<sup>984</sup> ECA Order s. 3.15(1)(g).



- if another Commonwealth law requires the exporter to hold an authorisation for the export, the exporter holds such an authorisation.<sup>986</sup>

19.72 In addition, the export permit can be subject to any such other conditions as the Secretary sees fit.<sup>987</sup> Once granted, the animal(s) must leave Australia within 72 hours.<sup>988</sup> Export permits may also be revoked in accordance with s. 3.17 of the ECAO.

19.73 Section 3.16 of the ECAO deals with the refusal to grant an export permit. The grounds on which the Secretary may refuse to grant an export permit under s. 3.16 seemingly relate to circumstances during export.<sup>989</sup> For instance, an export permit may be refused where conditions on the aircraft are such that there is reason to believe that the health or condition of the animal may deteriorate during export.<sup>990</sup> Another ground for refusing to issue an export permit is if there is reason to believe that the destination country will not permit the animal(s) to enter.<sup>991</sup>

## Regulation of livestock – exporter supply chain assurance system

19.74 In the case of livestock, the ECAO prohibits live animals unless the exporter has obtained approvals of the NOI for the export and an Exporter Supply Chain Assurance System (“ESCAS”) that applies to the export and has complied with all conditions to which the approvals are subject.<sup>992</sup>

19.75 Section 3.04A(2) provides that an ESCAS must:

- (a) set out an outline of the details of a supply chain that will apply to exports of a particular species of live-stock to one or more specified ports or airports, up to and including the point of slaughter, including details relating to the following matters:
  - (i) the species of live-stock;
  - (ii) the port or ports of arrival;
  - (iii) transport, handling and slaughter of the live-stock;
  - (iv) feedlots;
  - (v) identification, tracking or accounting and reconciliation of live-stock;
  - (vi) independent auditing and reporting in relation to matters referred to in subparagraphs (i), (ii), (iii), (iv), (v) and (viii);
  - (vii) access to premises; and
  - (viii) any related operations and facilities.
- (b) be accompanied by any documents or information evidencing the ESCAS that the Secretary requires.

19.76 On its website, the Department of Agriculture states that:

ESCAS is an assurance system based on four principles:

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<sup>985</sup> ECA Order s. 3.15(1)(h).

<sup>986</sup> ECA Order s. 3.15(1)(i).

<sup>987</sup> ECA Order s. 3.15(6).

<sup>988</sup> ECA Order s. 3.15(5).

<sup>989</sup> ECA Order s. 3.16(1).

<sup>990</sup> ECA Order s. 3.16(1)(a).

<sup>991</sup> ECA Order s. 3.16(2).

<sup>992</sup> ECA Order s. 303(d).

1. **Animal welfare:** animal handling and slaughter in the importing country conforms to World Organisation for Animal Health (OIE) animal welfare recommendations
2. **Control through the supply chain:** the exporter has control of all supply chain arrangements for livestock transport, management and slaughter. All livestock remain in the supply chain
3. **Traceability through the supply chain:** the exporter can trace all livestock through the supply chain
4. **Independent audit:** the supply chain in the importing country is independently audited.<sup>993</sup>

19.77 The ESCAS was put in place in 2012 following the public response, in June 2011, to footage of mistreatment of Australian livestock in some Indonesian abattoirs and the then temporary suspension of trade to Indonesia of cattle for slaughter until new safeguards for animal welfare were established. The ESCAS was designed to ensure that Australian livestock exported for feeder and slaughter purposes are handled in accordance with international animal welfare standards and to provide a mechanism to deal with animal welfare issues when they occur.<sup>994</sup>

19.78 In 2013, Senator Lee Rhiannon of the Australian Greens asked a question on notice about what welfare standards are in place for the export of greyhounds “given that new export rules for the live export industry require an independently audited supply chain in the importing country to meet animal welfare standards”.

19.79 On 26 February 2013, in responding to the question on notice, Senator Joe Ludwig said:

... The Export Supply Chain Assurance System is for the export of feeder and slaughter livestock only and does not apply to the export of companion and other animals.

All dogs exported from Australia are required under the *Export Control (Animals) Order 2004* to be inspected by a veterinarian. Each dog must be found to be in good health and fit for travel by the veterinarian before the department will issue an export permit and health certificate.<sup>995</sup>

## Deficiencies in GA’s greyhound passport scheme and GAR 124

19.80 There are a number of deficiencies inherent in GA’s greyhound passport scheme and R 124. In particular, GA (and GRNSW) has very limited regulatory power to enforce any ban on the export of greyhounds to particular jurisdictions.

19.81 The greyhound passport scheme does not, without more, prevent a person from exporting greyhounds to a country that does not comply with animal welfare standards as assessed by GA. It simply makes it a breach of the rules of racing for a registered participant to do so, assuming that fact becomes known to the relevant controlling body, in NSW being GRNSW.

19.82 Persons who are not registered participants with GRNSW are under no obligation to comply with the GA passport scheme.

<sup>993</sup> Department of Agriculture and Water Resources website, “Exporter Supply Chain Assurance System (ESCAS)”: <<http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/information-exporters-industry/escas>> (accessed 20 May 2016); see also Australian Government, report “Exporter Supply Chain Assurance System Report” (January 2015) (“the ESCAS Report”).

<sup>994</sup> ESCAS Report, p. 2.

<sup>995</sup> Commonwealth of Australia, *Parliamentary Debates*, The Senate, Questions on Notice, Agriculture, Fisheries and Forestry: Greyhound Exports, Question No. 2649, 26 February 2013, pp. 1032-1033.

19.83 The greyhound passport scheme is not part of the export approval process undertaken by the Department of Agriculture. The lack, or refusal, of a greyhound passport does not preclude a greyhound from being exported from Australia.

19.84 The current regulatory scheme, at a Federal level, governing the export of greyhounds from Australia does not take into consideration the animal welfare standards of the destination country. The primary focus is on meeting the biosecurity requirements of the Department of Agriculture and the satisfaction of any import requirements.<sup>996</sup> As GA stated in its 2014 report:

While the current government regulatory system is sound in regard to ensuring that only healthy greyhounds are exported and meet the import standards of the host country, they do nothing to guarantee these jurisdictions comply with minimum welfare standards.<sup>997</sup>

19.85 GA, and its member body GRNSW, are aware of the significant limitations inherent in its greyhound passport scheme. Both GA and GRNSW have called for increased involvement by the Federal Government in connection with the export of racing greyhounds.

19.86 GRNSW told the Commission that:

GRNSW is aware that greyhounds are sold and exported to overseas greyhound racing industries and there are industry wide concerns for the welfare of these greyhounds. It is GRNSW's position that regulating the international export of greyhounds is a matter that falls within the jurisdiction of the Commonwealth government under the *Export Control Act 1982* (Cth) which is administered by the Minister for Agriculture and the Department of Agriculture. Specifically, GRNSW notes that it does not have any powers or abilities to stop greyhounds from being exported to certain countries.

GRNSW is willing to assist and work with the Department of Agriculture to regulate the exports of greyhounds and to ensure that Australia's animal welfare standards are maintained in these overseas jurisdictions. Any measures GRNSW could take to protect the welfare of greyhounds which are exported would require a joint approach from GA, all controlling bodies, industry participants and the Commonwealth government.

...

Where GA refuses to grant a passport under the Greyhound Passport Scheme, this does not necessarily guarantee that a greyhound will not be exported. This is because the *Export Control Act 1982* (Cth) does not, in any way, require a person to obtain a Greyhound Passport from GA and it only requires an Export Permit and a Health Certificate to export a live animal from Australia.

...

#### *Possible Action*

The following are a list of steps that GRNSW believes that it, GA and the Commonwealth government could take to protect the welfare of greyhounds which are exported:

- a) GRNSW believes that the *Export Control Act 1982* (Cth) could be amended to provide that a greyhound passport is required for export of all greyhounds in Australia. Coupled with proposed tiered licensing changes to capture breeders, whelpers and rearers, this amendment would ensure that any greyhounds bred for the purposes of greyhound racing would be captured by the Greyhound Passport Scheme and the *Export Control Act 1982* (Cth);
- b) GRNSW believes that *Export Control Act 1982* (Cth) and other legislation could be amended to provide that only countries officially endorsed by GA can be approved for the import of Australian greyhounds. The process of officially endorsing a country would involve an assessment of a country's compliance with Australian Standards.

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<sup>996</sup> Ex MM (17-19 November 2015).

<sup>997</sup> Ibid, p. 42.

GRNSW believes that the process for endorsement could be via legislative instrument to ensure countries can be updated without the need legislative amendment.

- c) GRNSW believes that the Department of Agriculture should notify GA where a person has submitted a Notice of Intention to Export in respect of a greyhound. This would provide GA with the ability to verify whether a greyhound passport has been issued to that greyhound and notify the Department of Agriculture who could then decide to refuse the export application.

...

In summary, GRNSW is of the view that both the Commonwealth government process for companion animal export and GA's passport system fall short in terms of limiting the export of greyhounds to countries with inappropriate welfare standards. While the current government regulatory system is sound in regard to ensuring that only healthy greyhounds are exported and meet the import standards of the host country, they do nothing to guarantee these jurisdictions comply with minimum welfare standards.<sup>998</sup>

## Engagement by GA with the Federal Government

19.87 Dating back to at least 2013, GA has engaged in dialogue with the Federal Government with a view to the Federal Government regulating the export of live greyhounds from Australia by reference to welfare considerations based on the proposed place of destination. That dialogue is ongoing.

19.88 In September 2013, Mr Craig Taberner, the then CEO of GA, wrote to the Assistant Secretary of the Department of Agriculture, Fisheries and Forestry (as it was then called) expressing concerns about the welfare of exported greyhounds to Macau.<sup>999</sup> Mr Taberner noted that a draft interim report of GA's review of Australian greyhound export welfare standards recommended that the Australian Government play a greater role in regulating the export of greyhounds.

19.89 In a letter in response dated November 2013, the Assistant Secretary stated:

Where exporters meet legislative requirements for the export of live animals, they will be permitted to export those animals. As you would be aware, relevant restrictions for the export of greyhounds will be, amongst other things, whether the animal meets health certification and other importing country requirements. It may be the case that various state and territory statutes have provisions that may serve to restrict the export of live animals; however, these may be inconsistent with the responsibilities imposed under Commonwealth export control legislation. For this reason, the Department believes that it is not prudent for the Australian Government to play a greater role in regulating the export of greyhounds.<sup>1000</sup>

19.90 On 5 August 2014, Mr Scott Parker, the Chief Executive of GA, wrote to the Hon. Barnaby Joyce MP, the Minister for Agriculture. Mr Parker referred to GA's 2014 report and its previous correspondence with the Assistant Secretary in November 2013. Mr Parker stated:

Our report makes it clear that our industry is unable to control where Australian greyhounds are exported and recommends that the Australian government play a greater role in regulating greyhound exports.

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<sup>998</sup> GRNSW, Submission 769 to the Commission dated 24 August 2015, [580]-[581], [585], [592], [594].

<sup>999</sup> Correspondence dated 17 September 2013 from Craig Taberner, Chief Executive Greyhounds Australasia, to Jackie South, Assistant Secretary, Animal Welfare Branch, Department of Agriculture, Fisheries and Forestry: Department of Agriculture website, "Freedom of Information – Disclosure Log" (FOI2015/16-05 Document 10).

<sup>1000</sup> Correspondence dated November 2013 from Jackie South, Assistant Secretary, Animal Welfare Branch, Department of Agriculture, Fisheries and Forestry to Craig Taberner, Chief Executive Greyhounds Australasia: Department of Agriculture website, "Freedom of Information – Disclosure Log", (FOI2015/16-05 Document 13).

GA now seeks your personal consideration to strengthen provisions in the Commonwealth export control legislation to minimise the risk posed to the welfare of Australian greyhounds and to Australia's reputation as a responsible live animal exporter.<sup>1001</sup>

19.91 On 3 September 2014, the Minister responded to Mr Parker's letter. In his letter, the Minister stated:

... As you are aware, the export of live animals (including greyhounds) is regulated under the Export Control (Animals) Order 2004. Where an exporter can demonstrate to the Department of Agriculture that an animal has been prepared in accordance with the importing country requirements and export legislation then the animal may be exported.

The Australian Government is focussed on removing regulation where possible. On that basis the Australian Government is not prepared to impose additional regulation without evidence of market failure and efforts by industry to resolve problems first.<sup>1002</sup>

19.92 In a letter dated 2 August 2015 to the Hon Joel Fitzgibbon MP, Shadow Minister for Agriculture, Mr Scott Parker, pressed the concerns of GA regarding inaction at a Federal level in connection with the export of racing greyhounds. In his letter, Mr Parker said:

Greyhounds Australasia (GA) remains frustrated with the lack of Federal Government support for better regulatory oversight for the exportation of Australian racing greyhounds.

Australian greyhounds are known to have been exported in large numbers to jurisdictions that are not supported by GA because the jurisdiction either lacks regulatory control or its standards of welfare do not meet Australian standards. These greyhounds are exported without the approval of GA but with the sanction of the federal government.<sup>1003</sup>

19.93 As noted, in December 2015, GA issued a media release stating that it maintains its ban on the issuing of greyhound passports for dogs bound for Macau or Vietnam. In that media release, Mr Parker stated:

It's now time the federal government supported the industry and the community by making the provision of a GA greyhound passport mandatory at the export gate. No passport should mean no export.<sup>1004</sup>

19.94 In a letter dated 14 December 2015, Mr Parker of GA again wrote to the Hon. Mr Joyce MP and referred to the "strong community support" for Federal government action elicited by the story that had recently aired on the 7.30 program about Australian greyhounds being exported to Macau. Mr Parker said:

A relatively straightforward and simple amendment to the [ECA] will stop greyhounds being sent to Macau and other destinations that do not meet Australian animal welfare standards. The change will position the federal government as responsive to significant community concerns and protect Australia's reputation as an otherwise responsible animal exporter.

The introduction of the ESCAS assurance system indicates the federal government is prepared to protect animal welfare outcomes in related industries. In this case, the issuing of a GA Passport to an exporter offers government, industry and the community an assurance that the greyhound's welfare will be prioritised after it leaves Australia.<sup>1005</sup>

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<sup>1001</sup> Correspondence dated 5 August 2014 from Scott Parker, Chief Executive Greyhounds Australasia, to the Hon. Barnaby Joyce MP, Minister for Agriculture.

<sup>1002</sup> Correspondence dated 3 September 2014 from the Hon. Barnaby Joyce MP, Minister for Agriculture to Scott Parker, Greyhounds Australasia Chief Executive.

<sup>1003</sup> Correspondence dated 2 August 2015 from Scott Parker, Greyhounds Australasia Chief Executive, to the Hon. Joel Fitzgibbon MP, Shadow Minister for Agriculture.

<sup>1004</sup> Article "GA confirms how it assesses greyhound export applications" by GA, 10 December 2015, *GA website*: <<http://www.galtd.org.au/news-article/ga-confirms-how-it-assesses-greyhound-export-applications>> (accessed 24 May 2016).

<sup>1005</sup> Correspondence dated 14 December 2015 from Scott Parker, Greyhounds Australasia Chief Executive, to the Hon. Barnaby Joyce MP, Federal Minister for Agriculture.

19.95 Mr Parker went on to state that, provided it had the same effect, GA would accept a different solution to the one it proposed. He also indicated that GA “[foreshadowed] a co-operative effort with your government and state governments, as may be required, to find a solution that meets community expectations.”<sup>1006</sup>

### Continuing dialogue: 2016

19.96 In January 2016, the Hon. Mr Joyce MP wrote to Mr Parker stating that the Australian Government shared the community’s concerns, that the footage aired on the 7.30 program was “disturbing” and that the Australian Government “takes this issue very seriously”. Mr Joyce said that “linking the ‘passport system’ to the [ECAO] is, however, not a simple process, and will not guarantee good animal welfare outcomes upon arrival at their destination.”<sup>1007</sup>

19.97 The Minister further said he had been contacted by his Victorian State counterpart – the Hon. Jaala Pulford, Victorian Minister for Agriculture – and he (Mr Joyce) outlined a possible way forward:

... Victoria, as chair of the Animal Welfare Task Group is ideally positioned to pursue this issue through the Agriculture Minister’s forum (AGMIN).

Through the AGMIN process, governments could require that a passport process for export is linked to state and territory legislation. To be effective, a nationally coordinated approach, based on consultation and cooperation would be required, and effectively delivered through the AGMIN process.<sup>1008</sup>

19.98 Since then, dialogue between GA and the Australia Government has continued. On 16 March 2016 the Minister, the Hon. Mr Joyce, met with Mr Parker. On the same day, GA presented a proposal to the Department of Agriculture calling upon Federal Government support for legislative change to recognise the industry’s greyhound passport scheme to prevent Australian greyhounds from being exported to countries with poor animal welfare standards. On 4 May 2016, officials from the Department of Agriculture met with Mr Parker.<sup>1009</sup>

19.99 On 8 May 2016, following the calling of the Federal election and the dissolution of the House of Representatives, the Federal Government entered into caretaker period.

19.100 On 20 May 2016, the Agriculture Minister’s Forum (AGMIN) met in Auckland, New Zealand. Attending ministers considered a proposal to safeguard the welfare of racing greyhounds being exported to countries that do not meet Australian welfare standards.<sup>1010</sup> The communiqué of the meeting states:

Commonwealth officials agreed to discuss with the incoming Government a proposal to safeguard the welfare of racing greyhounds exported to countries that do not meet Australian welfare standards.<sup>1011</sup>

19.101 In June 2016, the Commission obtained copies of further correspondence between GA and the Department of Agriculture, dated as late as 16 May 2016, which indicates that proposals to achieve positive regulatory reform at both a State/Territory and Federal level are being

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<sup>1006</sup> Ibid.

<sup>1007</sup> Correspondence dated 13 January 2016 from the Hon. Barnaby Joyce MP, Federal Minister for Agriculture, to Scott Parker, Greyhounds Australasia Chief Executive.

<sup>1008</sup> Ibid.

<sup>1009</sup> Correspondence dated 10 June 2016 from Trysh Stone, Acting Assistant Secretary, Live Animal Exports, Department of Agriculture, to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.

<sup>1010</sup> Ibid.

<sup>1011</sup> Agriculture Minister’s Forum Communiqué, (20 May 2016): Correspondence dated 10 June 2016 from Trysh Stone, Acting Assistant Secretary, Live Animal Exports, Department of Agriculture, to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.

progressed. Specifically, the correspondence indicates that the Department of Agriculture supports, at least in principal, a proposal by GA that the following regulatory changes be effected:

- a) on the condition that State and Territory governments formally recognise the GA passport scheme and advise the Federal Government of such recognition, a requirement that a NOI for a greyhound being exported from Australia would include a requirement that the exporter provide a copy of a GA Passport applicable to the particular greyhound;
- b) amendments to the ECA and ECAO to enable the requirements at (a) above to take effect (again on the condition that State and Territory governments formally recognise the GA passport scheme and advise the Federal Government of this); and
- c) a possible amendment to the ECAO with the effect that the Commonwealth requires greyhound exporters to meet all applicable State and Territory legislative requirements.<sup>1012</sup>

## Findings

- 19.102 The Commission finds that there is substantial community concern, including on the part of greyhound industry bodies such as GA and GRNSW, about animal welfare issues arising in connection with the export of live greyhounds from Australia. There are justifiable grounds for such concern. The export of live greyhounds raises significant animal welfare issues. The vast majority of the exported dogs are sourced from NSW. The breeding and supply of such dogs, from NSW, for the purpose of exporting is an aspect of the greyhound racing industry in NSW.
- 19.103 The concerns arising include the stress inflicted upon greyhounds during transport; the substandard conditions in which greyhounds are kept in particular countries; the high rate of injuries sustained at particular overseas race tracks leading to large numbers of greyhounds being euthanased; the inadequacy of animal welfare laws or standards in destination countries; and the lack of suitable post-racing arrangements for exported greyhounds should they survive their time at the race track.
- 19.104 GA and GRNSW have put in place, through the rules of racing, provisions providing for greyhound passports (R 124) to be required in order for registered participants to export greyhounds from Australia. GA currently refuses to grant greyhound passports in respect of greyhounds destined for Macau and Vietnam owing to animal welfare concerns for greyhounds sent to those countries.
- 19.105 The regime that GA and GRNSW have put in place is, however, of limited effectiveness at present. It does not prevent a person from exporting greyhounds to a country that does not comply with appropriate animal welfare standards. It simply makes it a breach of the rules of racing for a registered participant to do so, assuming that fact ever becomes known to GA (or, in NSW, GRNSW).
- 19.106 In addition, persons who are not registered participants with GRNSW, or a relevant State controlling body, are currently under no obligation to comply with the GA passport scheme.
- 19.107 The greyhound passport scheme is not currently a part of the export approval process undertaken by the Department of Agriculture. The lack or refusal of a greyhound passport does not preclude a greyhound from being exported.

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<sup>1012</sup> Correspondence dated 2 June 2016 from Scott Parker, Greyhounds Australasia Chief Executive, to Cheryl Drummy, Special Counsel for the NSW Crown Solicitor assisting the Commissioner.

- 19.108 Significant numbers of live greyhounds continue to be exported to Macau notwithstanding GA having suspended greyhound passports to that destination because of continued animal welfare concerns arising. The situation is manifestly unsatisfactory from an animal welfare and regulatory perspective.
- 19.109 The time is ripe for the Federal Government to step up to the plate. It is the only entity that can provide national leadership in respect of what is an important area concerning animal welfare. There is an opportunity for it to do so. This has been done previously in respect of live cattle, with the ESCAS (described above), which was based, at least in part, on animal welfare concerns. Recent dialogue between GA and the Department of Agriculture suggests that proposals to increase Federal regulation in connection with the export of live greyhounds by incorporating, at a Federal level, animal welfare concerns in the regulatory regime, are under serious consideration. This is to be encouraged.
- 19.110 The Commission recommends that GRNSW, in conjunction with GA, continue their efforts to engage with the Federal Government with a view to increased action, by the Federal Government, in connection with regulating the export of live greyhounds. Given that a sizeable percentage of dogs exported from Australia come from NSW, the Commission also recommends that, by appropriate means, the NSW Government make representations to the Federal Government to implement the recommendations of GA concerning the export of live greyhounds.

## Recommendations

51. Greyhound Racing NSW or any new regulator, in conjunction with Greyhounds Australasia, should continue to engage with the Federal Government with a view to increased action, by the Federal Government, in connection with the export of live greyhounds.
52. The NSW Government should make representations to the Federal Government to implement the recommendations of Greyhounds Australasia concerning the export of live greyhounds.



# Abbreviations

## Organisations and important roles

ANKC Ltd	Australian National Kennel Council Ltd
AVA	Australian Veterinary Association
AWA Council	NSW Animal Welfare Advisory Council
AWC	Animal Welfare Committee (proposed committee of GRIC)
AWL	Animal Welfare League NSW
CGRC	Canberra Greyhound Racing Club
DEFRA	The Department for Environment, Food and Rural Affairs (UK)
Dogs NSW	Formally, the Royal NSW Canine Council Ltd (and the NSW member body of the ANKC Ltd)
GA	Greyhounds Australasia
GBGB	Greyhound Racing Board of Great Britain
GBOTA	NSW Greyhound Breeders, Owners and Trainers' Association
GCA	Greyhound Coursing Association
GHRRA	Greyhound and Harness Racing Regulatory Authority
GRA	Greyhound Racing Authority (former controlling body for greyhound racing in NSW)
GRIC	Greyhound Racing Integrity Commission (proposed body for a remodelled NSW industry)
GRIC Board	GRIC Board (Board of proposed body for a remodelled NSW industry)
GRI Commissioner	Greyhound Racing Integrity Commissioner (proposed role for a remodelled NSW industry)
GRICG	Greyhound Industry Consultation Group
GRNSW	Greyhound Racing New South Wales
GRNSW Board	The members of GRNSW
GRNZ	Greyhound Racing New Zealand
GRSA	Greyhound Racing South Australia Ltd
GRV	Greyhound Racing Victoria
HRNSW	Harness Racing New South Wales
IAB	Internal Audit Bureau of NSW
Joint Select Committee	NSW Joint Select Committee on Companion Animal Breeding Practices
JWG	Joint Working Group Joint Working Group established by GRNSW in November 2015 to assist with the development of GRNSW's strategic approach and provide recommendations to GRNSW's Chief Executive
NCA	National Coursing Association

RQ	Racing Queensland
RAT	Racing Appeals Tribunal of NSW
RWWA	Racing and Wagering Western Australia
RSPCA Australia	Royal Society for the Prevention of Cruelty to Animals – Australia
RSPCA NSW	Royal Society for the Prevention of Cruelty to Animals – NSW
RSPCA UK	Royal Society for the Prevention of Cruelty to Animals – United Kingdom
Select Committee	NSW Legislative Council’s 2014 Select Committee on Greyhound Racing in NSW
Tabcorp	Tabcorp Holdings Limited (formerly, in NSW, the Totalisator Agency Board (TAB) and Tab Limited)
VAP	Veterinary Advisory Panel (independent panel of veterinarians who advised GRNSW between 2009 and 2011)
WDA	Working Dog Alliance Australia
WWP	Welfare Working Party (an internal GA committee comprised of representatives from its member bodies)

## Legislation and subordinate legislation

2002 Act	<i>Greyhound Racing Act 2002 (NSW)</i>
Act	<i>Greyhound Racing Act 2009 (NSW)</i>
Crimes Act	<i>Crimes Act 1900 (NSW)</i>
CAA	<i>Companion Animals Act 1998 (NSW)</i>
CAR	<i>Companion Animals Regulation 2008 (NSW)</i>
cl.	Clause
GAR	Greyhounds Australasia Rules
Greyhound Welfare Regulations (UK)	<i>Welfare of Racing Greyhounds Regulations 2010 (UK)</i>
HRA	<i>Harness Racing Act 2009 (NSW)</i>
ICAC Act	<i>Independent Commission Against Corruption Act 1988 (NSW)</i>
LR	Local Rule (of the Rules)
NPWA	<i>National Parks and Wildlife Act 1974 (NSW)</i>
POCTAA	<i>Prevention of Cruelty to Animals Act 1979 (NSW)</i>
POCTAR	<i>Prevention of Cruelty to Animals Regulation 2012 (NSW)</i>
R	Rule (of the GARs or the Rules)
RATA	<i>Racing Appeals Tribunal Act 1983 (NSW)</i>
RATR	<i>Racing Appeals Tribunal Regulation 2010 (NSW)</i>
Rules	GRNSW Greyhound Racing Rules

s.	Section or sub-section
SCI Act	<i>Special Commissions of Inquiry Act 1983</i> (NSW)
SDA	<i>Surveillance Devices Act 2007</i> (NSW)
TRA	<i>Thoroughbred Racing Act 1996</i> (NSW)

## Reports, policies and other

Auditor-General GRA/HRA Amalgamation Report	NSW Auditor-General, report entitled “Managing the Amalgamation of the Greyhound and Harness Racing Regulatory Authority” (April 2008)
Bittar Report	Paul Bittar, report entitled “Review of the Integrity Structures of the Victorian Racing Industry” (April 2016)
Board Code	GRNSW Board Code of Conduct
Blue Paws	Blue Paws Breeders and Owners Incentive Scheme
CA Register	NSW Companion Animals Register
DGR GRA/HRA Amalgamation Report	NSW Department of Gaming and Racing Working Party, report entitled “Feasibility of the Amalgamation of the Greyhound Racing Authority and the Harness Racing Authority” (August 2003)
Donoughue Report	Lord Donoughue of Ashton, report entitled “Independent Review of the Greyhound Industry in Great Britain” (November 2007)
EFRAC Report	UK Environment, Food and Rural Affairs Committee, report entitled “Greyhound Welfare”, House of Commons Second Report of Session 2015-16 (25 February 2016)
enforceable Boarding Code	NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments of 1996
enforceable Breeding Code	NSW Animal Welfare Code of Practice – Breeding Dogs and Cats of 2009
Ferrier Report	Dr Rod Ferrier, report (untitled) for GRNSW (August 2015)
Five Year Statutory Review Report	NSW Government, report entitled “Five Year Statutory Review of the <i>Greyhound Racing Act 2009</i> : Review Report” (May 2015)
Five Year Statutory Review	Five Year Statutory Review of the <i>Greyhound Racing Act 2009</i> (NSW)
<i>Four Corners report</i>	Report which aired on the ABC’s <i>Four Corners</i> program entitled “Making a Killing” (16 February 2015)
GAP Program	GRNSW’s Greyhounds As Pets program
GIDF	Greyhound Industry Development Fund
Government Response to Select Committee First Report	NSW Government, “Government Response to the ‘Select Committee on Greyhound Racing in NSW First Report’” (September 2014)
GRNSW Breeding Code	GRNSW Code of Practice for Breeding, Rearing and Education

GRNSW Codes of Practice	GRNSW Training Code and GRNSW Breeding Code
GRNSW Final Response	GRNSW, Final Response 20A to the Issues Paper on Overbreeding and Wastage dated 11 January 2016
GRNSW Training Code	GRNSW Code of Practice for the Keeping of Greyhounds in Training
IAB Welfare Audit Report	IAB, report entitled "Greyhound Racing NSW – Internal Audit of Animal Welfare" (June 2014)
IER Report	IER Pty Ltd, report for OLGR entitled "Size and Scope of the NSW Racing Industry" (2014)
Integrity Auditor	Greyhound Racing Integrity Auditor
JWG Report	JWG, final report entitled "Implementing reform in the NSW Greyhound Racing Industry: Report to the Interim Chief Executive of Greyhound Racing NSW from the Joint Working Group" (January 2016)
KLAIM	Kennel Locator and Inspection Manager
KPMG Report	KPMG, report entitled "Articulating the Way Forward" (August 2015).
Lewis Report	Judge Gordon Lewis AM, report entitled "A Report on Integrity Assurance in the Victorian Racing Industry" (August 2008)
MacSporran Report	Commissioner Alan MacSporran QC, report entitled "Final Report of the Queensland Greyhound Racing Industry Commission of Inquiry" (2015)
Madden Report	David Madden, report entitled "Comments on Drug Testing Arrangements Associated with the NSW Greyhound Racing Industry" (19 July 2015)
Milne Report	Dr Charles Milne, Chief Veterinary Officer, report entitled "Investigation into Animal Welfare and Cruelty in the Victorian Greyhound Industry" (30 April 2015)
NCA Report	National Commission of Audit, report entitled "Towards Responsible Government" (2014)
NGWS	GA's Greyhound Welfare Strategy
Nous Group Report	Nous Group, report entitled "Review of Greyhound Racing Veterinary Services in New South Wales" (24 March 2016)
OLGR Report	OLGR, report entitled "Appointments Process Review: Greyhound Racing NSW – <i>Greyhound Racing Act 2009</i> ; Harness Racing NSW – <i>Harness Racing Act 2009</i> " (November 2013)
OLGR Review	OLGR's 2011 review of Board appointments under the Act and the HRA
Perna Report	Commissioner Sal Perna, final report entitled "2015 Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria" (June 2015)
QRS Initiative	Quality Regulatory Services initiative
Scott Report	Malcolm Scott, "2008 Independent Review of the Regulatory Oversight of the NSW Racing Industry" (June 2008)
Select Committee First Report	Select Committee, report entitled "Greyhound Racing in New South Wales – First Report" (March 2014)
Sector Seven Injuries Report	Sector Seven Pty Ltd, report entitled "Review of GRNSW governance arrangements regarding Stewards reporting of greyhound racing injury, fatality, and related euthanasia" (December 2015)
Sector Seven Stewards Report	Sector Seven Pty Ltd, report entitled "Stewards Review Report" (April 2016)

Tasmanian Report	Rod Andrewartha and Tony Murray, final report entitled “Review of Arrangements for Animal Welfare in the Tasmanian Greyhound Racing Industry” (13 March 2015)
Tasmanian Select Committee	Joint Select Committee on Greyhound Racing in Tasmania
Thoroughbred Act Review	Five Year Statutory Review of the <i>Thoroughbred Racing Act 1996</i> (NSW)
Thoroughbred Act Review Report	Michael Foggo, report entitled “Five Year Statutory Review of the <i>Thoroughbred Racing Act 1996</i> and Three Year Statutory Review of the <i>Australian Jockey and Sydney Turf Clubs Merger Act 2010</i> ” (April 2014)
Victorian Greyhound Code	Victorian Code of Practice for the Operation of Greyhound Establishments (2004)
Welfare and Compliance Review	GRNSW, report entitled “Review of Welfare and Compliance Staffing Arrangements” (October 2014)
Working Dog Alliance Report	WDA, report entitled “Review & Assessment of Best Practice Rearing, Socialisation, Education & Training Methods for Greyhounds in a Racing Context” (July 2015)



# Glossary

Attendant	A <b>registered person</b> , other than an owner or trainer, who holds an Attendant's Licence with GRNSW which authorises them to be physically in charge of a greyhound while the greyhound is on the premises of a club for racing.
Barking muzzle	A device used on a greyhound for the purpose of restricting its ability to bark, which can also restrict its ability to pant and control its body temperature.
Blistering	A non-veterinary procedure, often performed by <b>muscle men</b> , by which irritant substances are rubbed on an animal's skin over a bone injury with the intention that the resultant heat and inflammation of the skin and subcutaneous tissue will heal the bone.
Blue Paws	A scheme (abandoned by <b>GRNSW</b> on 1 July 2015) that sought to promote, develop and encourage increased investment in the greyhound breeding industry. Greyhound owners had the opportunity to receive bonus payments in addition to the standard prize money if their greyhound won a race carrying a Blue Paws bonus.
Breaker	A person who cares for a greyhound between 14 and 18 months of age. A breaker teaches a greyhound the skills to compete in races and familiarises it with the race track environment before it can move to <b>pre-training</b> or <b>training</b> . Also known as an <b>educator</b> .
Breaking-in	An educative stage in greyhound training (which usually commences at around 14 months) and the first stage during which they are given an opportunity to chase on-track. The breaking-in process takes approximately one month and gives the greyhound an opportunity to fine tune its natural instinct to chase.
Breeder	A <b>registered person</b> who holds a GRNSW Breeder's Licence which enables them to: <ul style="list-style-type: none"><li>• arrange for the service or artificial insemination of a dam;</li><li>• care for a dam whelping a litter of pups; and</li><li>• care for an unnamed greyhound including times the greyhound is being whelped and reared.</li></ul>
Breeding female	A female greyhound registered with GRNSW under the Rules as being used for breeding purposes.
Brood bitch	See <b>breeding female</b> .
Bull-ring	A small track, typically enclosed and circular, containing a rail with an arm attached to it; the arm can be spun around the rail with a <b>lure</b> strapped to it.
Centres of Excellence	An expression used by GRNSW to denote greyhound racing industry hubs with upgraded racing facilities that implement best-practice animal welfare infrastructure, as well as high quality non-racing infrastructure.
Club-appointed veterinarian	A veterinary surgeon who is sourced and appointed by a greyhound racing club to provide veterinary services in connection with a greyhound race meeting. To be distinguished from <b>GRNSW-employed veterinarians</b> .
Club rationalisation	An expression used by GRNSW to describe a proposal to reduce the number of greyhound racing clubs in NSW.
Controlling Body	The approved controlling authority or the legislated body having control of greyhound racing, or an aspect thereof, in Australia or New Zealand
Corporate bookmakers	Companies who carry on business as bookmakers and who are registered in the Northern Territory or Tasmania. While individual bookmakers fielding at racecourses may operate through a corporate structure, they are not generally referred to as 'corporate bookmakers'.

Coursing	The practice of using dogs, such as greyhounds, to hunt and pursue an object. Historically, the object used in coursing was a live animal, such as a hare. These days an artificial lure is used.
Dedicated trialling session	A series of greyhound races that are not connected to a race meeting.
Education	See <b>breaking-in</b> .
Educator	See <b>breaker</b> .
EPO	Erythropoietin: A hormone produced by the kidneys which stimulates red blood cell production in the bone marrow. This increases the level of oxygen that the blood is able to absorb, thereby increasing stamina and reducing fatigue.
Euthanasia	<i>(Veterinary Science)</i> The terminating of an animal's life, usually because it is ill, injured, abandoned, etc.
Five Freedoms	A widely-used framework for assessing whether the basic needs of animals are being met. The Five Freedoms are: <ul style="list-style-type: none"> <li>• Freedom from hunger or thirst by ready access to fresh water and a diet to maintain full health and vigour.</li> <li>• Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area.</li> <li>• Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment.</li> <li>• Freedom to express normal behaviours, by providing sufficient space, proper facilities and company of the animal's own kind.</li> <li>• Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.</li> </ul>
Fixed odds wagering	Unlike pari-mutuel wagering, the odds and the potential return on a winning bet is fixed at the time the bet is placed.
GAP Program	GRNSW's 'Greyhounds As Pets' Program which aims to rehome retired racing greyhounds.
Greenhounds	A program for retired greyhounds involving a series of behavioural assessments which, if successfully completed, exempts the greyhound from the requirement under NSW law to wear a muzzle in public (provided it wears a 'Greenhound' collar).
GRNSW-employed veterinarian	A veterinary surgeon who is either a salaried GRNSW employee, or a casual/locum paid by GRNSW on a weekly or per meeting basis, to provide veterinary services in connection with greyhound racing. To be distinguished from <b>club-appointed veterinarians</b> .
Habituation	The process whereby a young animal (greyhound pup) becomes accustomed to non-threatening environmental stimuli and learns to ignore them.
Hand slip	When a person releases a greyhound from the lead to chase a moving <b>lure</b> , usually on a bend of the track.
Incapacitation period	A period of time, usually expressed in days, for which an injured greyhound is prohibited from racing. The period of time (sometimes referred to as a 'stand down period') is imposed at the discretion of stewards.
Inter-code Deed	A 99-year agreement entered into in 1998 by Racing NSW, <b>HRNSW</b> and the then Thoroughbred Racing NSW and <b>GRA</b> which governs the distribution of the funds derived from the <b>Racing Distribution Agreement</b> between the three racing codes in NSW.
Joint industry submission	A submission made to the <b>Select Committee</b> jointly by <b>GRNSW</b> , <b>GBOTA</b> , the Metropolitan and Provincial Greyhound Clubs Association, the Greyhound Racing Clubs Association and the Greyhound Action Group.



Leakage	A term used by <b>GRNSW</b> as another way to describe <b>wastage</b>
Licensed person	A person who holds one or more licence(s) with GRNSW.
Live baiting	The practice of using live animals (such as rabbits, possums and piglets) as a training method to ‘blood’ young greyhounds in the belief that they will then better chase the lure presented to them on a greyhound racing track.
Lure	An object, natural or man-made, that is strapped to an arm, attached to a rail and spun around a race track or <b>bull-ring</b> with the intention of encouraging or inciting a greyhound to pursue or attack the object.
Masters Racing	A category of greyhound racing, designed to extend career longevity, which is open to (older) greyhounds who have reached a minimum age of 45 months.
Muscle man	A person with no formal qualifications or training in the diagnosis and treatment of animals, who purports to be able to treat injuries and illnesses in greyhounds. Muscle men are often engaged by industry participants as a cheaper alternative to veterinarians.
Needling	A non-veterinary procedure, often performed by <b>muscle men</b> , as a treatment intervention for greyhounds considered to be ‘lame’.
Non-TAB meeting (or track/club)	Meetings, clubs or tracks that are not run in conjunction with Tabcorp. There are currently 20 of these clubs in NSW. See also <b>TAB meeting</b> .
On-track veterinarian	A qualified veterinary surgeon who is engaged to provide veterinary care and services in connection with a greyhound race meeting, either as a <b>GRNSW-employed veterinarian</b> or as a <b>club-appointed veterinarian</b> .
Owner	A person who has a legal or equitable interest in a greyhound, including a lessee, with the interest being registered or recorded with GRNSW.
Owner-Trainer	A <b>registered person</b> who holds a GRNSW Owner-Trainer’s Licence which enables them to train a greyhound that they either fully own or part own.
OzChase	The IT platform used by GRNSW to input and record data for the administration of greyhound racing in NSW.
Pari-mutuel wagering	The total of all wagers on a race, for any bet type, is pooled and, after appropriate deductions have been made (eg. Tabcorp’s commission), the pool of money is shared by those who picked the winners. This is a totalisator betting system.
Pre-training	The period of the lifecycle (beginning around 14 months) during which greyhounds adjust to kennel life and achieve race fitness by regular trialling, either individually or against other young greyhounds. Pre-training involves moving the greyhound to a racing kennel, changing to a racing diet high in fat and energy, increasing aerobic fitness and ultimately running in <b>qualifying trials</b> .
Pin-firing	A non-veterinary procedure, often performed by <b>muscle men</b> , by which an instrument akin to a soldering iron is repeatedly put through an animal’s skin, in the subcutaneous tissues around an injured bone, in the thought that the resultant acute soreness and inflammation will heal the chronic injury of the underlying bone.
Public trainer	A <b>registered person</b> who holds a GRNSW public Trainer’s Licence which enables them to train a greyhound for themselves and other members of the public.
Qualifying trial	The competitive pursuit of a lure by one or more greyhounds in a <b>trial</b> held pursuant to conditions prescribed by GRNSW and by which the eligibility of greyhounds to compete in races is determined.
R 106 Form	A Notice of Retirement Form submitted by an industry participant under R 106 of <b>the Rules</b> .
Race Field Information Use Fees	Fees charged by the racing control bodies to wagering operators for using race field information prepared by the controlling bodies. RFIU Fees were introduced after the NSW Parliament amended the <i>Racing Administration Act 1998</i> (NSW).

Racing Distribution Agreement	A 99-year agreement entered into in 1998 by the NSW Totalisator Agency Board (now, <b>Tabcorp</b> ), NSW Racing Pty Limited, the then <b>GRA, HRNSW</b> and the then NSW Thoroughbred Racing Board (now <b>Racing NSW</b> ) after the Totalisator Agency Board was privatised in 1997. It requires Tabcorp to pay a percentage of wagering turnover to the three racing codes in NSW.
Rearer	A person who cares for a greyhound during the rearing period.
Rearing period	The period of the lifecycle (generally between about 8-14 weeks and 12-16 months) during which most greyhounds are kept in paddocks or open space environments in a semi-rural or rural setting, where they can play and exercise to gain physical strength and fitness
Registered person	A person who is registered with GRNSW as an industry participant. This includes <b>licensed persons</b> .
Sclerosing	A non-veterinary procedure, often performed by <b>muscle men</b> , by which a highly irritant substance is injected into an animal's torn muscle, producing pain and severe inflammation, in the belief that the body's natural production of scar tissue will effectively close any deficit in the muscle.
Service	The insemination of a greyhound bitch resulting from a physical mating or a mating by artificial insemination.
Sire	A male greyhound used for the purpose of breeding.
Socialisation	A special learning process whereby an individual pup learns to accept the close proximity of other dogs, as well as members of other species, thereby learning how to interact with them.
Spelling	A period of the lifecycle during which a greyhound's exercise generally consists of free galloping with no visits to the track, loading into boxes or hard runs. This gives the greyhound time to recover from training, both physically and mentally.
Stewards' report	A report published by <b>GRNSW</b> which records occurrences at a race meeting. It is an important means by which members of the public, including punters and bookmakers, should be able to obtain information about how individual greyhounds performed in a race.
Studmaster	A <b>registered person</b> who has the care, control, or custody of a <b>sire</b> .
TAB distributions	Contractual arrangements with <b>Tabcorp</b> by which fees for delivery of a racing product are distributed between <b>GRNSW, Racing NSW</b> , the NSW Thoroughbred Racing Board, and <b>HRNSW</b> in accordance with the <b>Racing Distribution Agreement</b> .
TAB meeting (or track/club)	Meetings, clubs or tracks whose races are run in conjunction with the wagering company Tabcorp. There are 14 of these clubs in NSW. See also <b>Non-TAB meeting</b> .
Tax harmonisation	The scheme which decreases the level of tax that the NSW Government will receive from taxation on racing to match the rates set by the Victorian Government for its racing industry. The scheme was legislated in the <i>Tax Harmonisation Act 2015</i> (NSW).
Tax parity	See <b>tax harmonisation</b> .
Totalisator derived odds	Any odds derived from or contingent on totalisator odds but does not include <b>totalisator odds</b> .
Totalisator odds	Any odds which are dependent on the result of the working of a totalisator or an event of contingency.
Track rationalisation	An expression used by GRNSW to denote a proposed reduction in the number of greyhound racing tracks in NSW, with the remaining tracks accessible to the majority of existing industry participants.
Trainer	A <b>registered person</b> who holds a GRNSW Trainer's Licence which enables them to train a greyhound for a purpose pursuant to <b>the Rules</b> .

Training	The preparation, education or exercise of a greyhound to race or trial, including ongoing physical conditioning and exposure to kennelling, starting boxes, race tracks and chasing.
Trial	The competitive pursuit of a lure by one or more greyhounds at either a race track or a trial track. At a race track, trials may be performed pre-race or post-race. Trials may also be performed as part of <b>dedicated trialing sessions</b> or at unregistered trial tracks. Trials are often conducted for the purpose of assessing a greyhound's performance and fitness to race (sometimes referred to as a <b>qualifying trial</b> ).
Trial track	Land (not being a racecourse licensed under the <i>Racing Administration Act 1998</i> for greyhound racing meetings) that is held out by any person having the management or control of the land, whether as owner, lessee, occupier or otherwise, as being available for the purpose of enabling greyhounds, other than those owned by, or leased to, that person, to compete in trials or be trained in racing.