

**FIVE YEAR STATUTORY
REVIEW OF THE
*GREYHOUND RACING ACT 2009***

REVIEW REPORT
May 2015



Introduction

The NSW Office of Liquor, Gaming and Racing (OLGR) commenced a review of the *Greyhound Racing Act 2009* (the Act) in December 2014. The purpose of, and terms of reference for, the review are set out in section 49 of the Act. The Act requires that the review determine whether the policy objectives of the Act (which are currently unstated) remain valid and whether its terms remain appropriate for securing those objectives.

Work on the review was informed by contributions made in response to a public call for submissions and invitations forwarded to interested stakeholder groups. The submission process was assisted by a discussion paper prepared by OLGR and released in December 2014, with a closing date of 13 February 2015. It was proposed that the review also take account of a number of recommendations of the March 2014 report of the Legislative Council Select Committee on greyhound racing in New South Wales.

Four Corners Program

On 11 February 2015, the RSPCA conducted a series of coordinated raids on greyhound properties and registered trial tracks in NSW, Victoria and Queensland. The raids related to evidence obtained by animal welfare organisations of live baiting at the properties involved. The raids also coincided with a three-month long investigation into the greyhound racing industry by the ABC's Four Corners program.

On 16 February 2015, the ABC's Four Corners program was broadcast containing video evidence of live baiting activities. Following the program broadcast, Greyhound Racing NSW stood down five registered participants for alleged live baiting offences. The controlling body also suspended a large number of greyhounds from racing in relation to the matter.

Greyhound Racing NSW

On 19 February 2015, the Government announced that members of Greyhound Racing NSW had agreed to step down and the Chief Executive Officer had stood aside, pending finalisation of an investigation into live baiting and a review of the integrity and probity arrangements for the industry.

The review was to be led by former High Court Justice Michael McHugh AM QC. Mr Paul Newson (then Executive Director of the Office of Liquor, Gaming and Racing) was appointed as the interim GRNSW Chief Executive Officer to continue the day to day operations of the controlling body and the enforcement of any breaches of the rules of racing.

The closing date for submissions to the five year statutory review of the *Greyhound Racing Act 2009* was extended until Monday 2 March 2015.

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

On the 4 March 2015, the Government announced that the review noted above had been replaced with a Special Commission of Inquiry. The Inquiry, which is being conducted by former Justice Michael McHugh, has the same wide ranging powers as a Royal Commission. It will consider issues in relation to governance, integrity and animal welfare standards in the greyhound racing industry in NSW. It will also review the management and governance of Greyhound Racing NSW and provide a final report to Government by 30 September 2015.

A copy of the Terms of Reference for the Special Commission of Inquiry is at attachment A.

Submissions to the five year statutory review

The statutory review received 1065 submissions, the majority of which are in the form of 'petition letters'. Of those received, 907 are in the form of the attached Petition Letter A and 47 in the form of Petition Letter B. In addition, six individuals submitted both forms of letter. Another 105 submissions were received from interested individuals and organisations.

Many individual submissions to the review support the implementation of the recommendations of the Legislative Council Select Committee on greyhound racing in NSW, and in particular that the role of the Greyhound Racing Integrity Auditor be reformed and that a Racing Integrity Commissioner be established. There is also support for the racing controlling bodies to be subject to oversight by the Independent Commission Against Corruption (ICAC).

The following themes reflect other issues raised in individual submissions to the review.

1. Governance framework for the sustainable economic development and future viability of the greyhound racing industry

There was support for greater involvement of the Greyhound Racing Industry Consultation Group (GRICG) in the appointment of members of the controlling body, and for the board of the controlling body to be made up of greyhound racing industry representatives (or at least persons with industry knowledge). The separation of the commercial and regulatory functions of the racing controlling body was also supported.

2. Governance framework for the integrity of the conduct of greyhound racing and associated wagering on greyhound racing

Certain submissions opined that the current governance arrangements do not promote accountability and transparency. There was a perceived conflict of interest in the one body being responsible for both the commercial and regulatory functions for the industry, together with support for oversight by the ICAC and/or the establishment of a Racing Integrity Commissioner.

3. Consultation and reporting

Some submissions called for greater transparency in the manner in which the racing controlling body deals with industry finances, while others called for greater communication by the racing controlling bodies with industry stakeholders. This theme also included providing GRICG with a greater role in the administration of the industry.

4. Animal welfare

A common theme throughout submissions was the shock and dismay at the animal welfare practices revealed by the Four Corners program. Many submission makers called for more regular inspections of greyhound kennels and training facilities by authorities, and that there should be legislated standards for the breeding, racing and training of greyhounds. A number of submissions supported the establishment by Government of dedicated mechanisms to support and promote animal welfare.

Conclusion

It is noted that the Terms of Reference for the Special Commission of Inquiry into Greyhound Racing in NSW require it to review existing materials from the Legislative Council Select Committee on greyhound racing in New South Wales along with this statutory review of the *Greyhound Racing Act 2009*, to inform development of a discussion paper.

The Terms of Reference of the Special Commission of Inquiry are broad, and require the Inquiry to examine a wide range of issues fundamental to the future conduct of greyhound racing in NSW. The Inquiry's terms of reference necessarily encompass the issues required to be considered by this statutory review.

In the circumstances, it is considered appropriate that the statutory review should make no recommendations, and should instead defer to the Inquiry. Copies of submissions to this statutory review have been provided to the Inquiry for its consideration.

Terms of Reference
Special Commission of Inquiry into the Greyhound Racing Industry in NSW

- A. Identify issues relating to the governance, integrity and animal welfare standards of the greyhound racing industry in NSW.
- B. Review:
1. the existing legislative framework for the greyhound racing industry in NSW including (but not limited to) the Greyhound Racing Act 2009 (NSW), the Greyhound Racing Rules, the Prevention of Cruelty to Animals Act 1979 (NSW), and associated legislative instruments, rules, policies, practices and procedures relevant to "Greyhound Racing NSW" ("GRNSW") and the "Royal Society for the Prevention of Cruelty to Animals NSW" ("RSPCA NSW");
 2. legislation in place, and practices which are currently employed, in other jurisdictions in relation to the greyhound racing industry and animal welfare standards;
 3. existing materials from the Legislative Counsel Select Committee and the Five Year Statutory Review of the Greyhound Racing Act 2009.
- C. Evaluate:
1. legislation, policy and practices in place in NSW in relation to (but not limited to) those in relation to:
 - a. the management, supervision and registration of greyhound breeders, pre-trainers, trainers and others involved in these aspects of the greyhound racing industry;
 - b. the management and supervision of activities associated with greyhound racing such as the operation of trial tracks and training facilities; and
 - c. breeding and animal welfare standards.
 2. best practices which are currently employed in NSW and other jurisdictions in relation to governance of the greyhound racing industry;
 3. contemporary standards relating to the welfare of animals;
 4. key NSW government agencies' powers and capability to properly investigate alleged incidents of animal cruelty and effectively prosecute where appropriate;
 5. the merits of an independent integrity authority to oversee and regulate the greyhound racing industry; and
 6. whether the issues identified in Term A are able to be appropriately addressed, to permit the continuation of a greyhound racing industry in NSW that is sustainable and provides an ongoing economic and social contribution to the State.
- D. Identify contemporary best practice for adoption by the greyhound racing industry, including:
1. overarching principles to be considered when any industry body makes decisions affecting the welfare of animals;
 2. standards to be adopted when an industry body makes a decision affecting the welfare of animals;
 3. appropriately robust industry supervision procedures; and
 4. the powers, capability and resourcing necessary for GRNSW, key government agencies or an industry regulator to:
 - a. provide governance to the greyhound racing industry;
 - b. ensure the integrity of the industry; and
 - c. detect, investigate and respond to suspected unlawful activity in the industry including (without limitation) animal cruelty and the practice of living baiting.

- E. Develop an improved model of governance of the greyhound racing industry, including (but not limited to):
1. the appropriate structure of GRNSW, key government agencies or an industry regulator to regulate and investigate the greyhound racing industry and to enforce penalties and sanctions for breaches of law;
 2. the extent of the role of the NSW Government in the oversight of the greyhound racing industry;
 3. appropriate penalties and sanctions for those breaching legal requirements in relation to the greyhound racing industry; and
 4. appropriate changes to the Greyhound Racing Act 2009 (NSW), the Greyhound Racing Rules, the Prevention of Cruelty to Animals Act 1979 (NSW), and associated legislative instruments, rules, policies, practices and procedures relevant to GRNSW, the RSPCA NSW, key government agencies, and/or an industry regulator.
- F. In conducting the Inquiry, the Commissioner:
1. may consult with any person, agency or organisation;
 2. will call for public submissions and, to the extent necessary, conduct formal hearings; and
 3. will have regard to the Quality Regulatory Services (QRS) Initiative articulated in the NSW Government's response to Industry Action Plans, including the requirements for outcomes focussed and risk based approaches to compliance and enforcement.

PETITION LETTER A

Dear Coordinating Officer,

I submit that greyhound racing is inherently cruel and that it should be banned in NSW. However, for as long as greyhound racing continues to be legal in NSW, I submit the following:

The Greyhound Racing Act 2009 entrusts Greyhound Racing NSW (GRNSW) with both commercial and regulatory functions of the greyhound racing industry in the state. It is obvious that this creates a conflict of interest. The revelations of widespread live baiting in greyhound training in NSW have clearly exposed this conflict and have shown that commercial interests take precedent with animals paying the price. GRNSW, as a non-government body that operates without transparency or public accountability, is incapable of performing both roles properly and effectively.

Concerns for the welfare of greyhounds in NSW's racing industry have long been voiced. In November 2013, the CEO of GRNSW estimated that 3,000 greyhounds are killed in the industry every year. However, as an independent non-government body, no one can hold GRNSW to account and greyhounds still disappear without a trace.

Animal welfare can't be left in the hands of an industry which has a primary objective of profiting from animals. I therefore submit that GRNSW should be abolished and that the Greyhound Racing Act 2009 should be amended to ensure that the regulatory responsibility, including the welfare of animals, for the greyhound racing industry in NSW is managed by the NSW Government or a statutory authority that is independent of any commercial functions of the industry and subject to public scrutiny. The cost of this regulatory oversight should be covered by the industry.

Furthermore, I note that the Act does not once refer to the welfare of animals used in greyhound racing. I submit that the Act should be amended to include legislated minimum standards for the welfare of greyhounds at every stage of their lives, including after their racing career has finished. Every greyhound should be traceable and a retirement plan should be prepared for every greyhound born into this industry with killing not being an option.

Yours sincerely,

PETITION LETTER B

To Whom It May Concern,

I would like to make the following points regarding the Greyhound Racing Act 2009, particularly in light of the recent expose on ABC's Four Corners:

1. Failure to protect animals in the industry

- Animal welfare is not mentioned once in the Greyhound Racing Act. At a minimum the Act should be amended to include legislated standards for dog breeding, rearing and education.
- The industry has proven to be incapable of meeting the basic animal welfare standards expected by the community. The Act should be amended to defer responsibility for regulation of animal welfare to an independent statutory authority, such as the Greens proposed Office of Animal Welfare.

2. Lack of accountability and transparency:

- As a non-government body, Greyhound Racing NSW is operating without transparency or public accountability. It is able to keep hidden from the public critical information about the performance of the industry, including the number of dog deaths and injuries.
- The Act should be amended to ensure that regulatory oversight is managed by a government body or a statutory authority that is subject to public scrutiny.

3. Conflict of interest of Greyhound Racing NSW:

- Currently the Act requires Greyhound Racing NSW to perform both commercial and regulatory functions. This creates a conflict of interest that often sees animal welfare sacrificed to boost profits.
- The Act needs to be amended to abolish Greyhound Racing NSW and have the commercial and regulatory functions of the industry managed by separate bodies.

Thank you for taking the time to read my submission.

Yours sincerely,