

Greyhound racing in NSW and the ACT: an update

This fact sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or your solicitor.

This fact sheet looks at the status of greyhound racing in NSW and the ACT as at 30 April 2018.

NSW and the ACT have both proposed bans on greyhound racing in recent times. NSW got as far as passing laws to ban the industry, but repealed the laws before the ban started. The ACT also passed laws to ban greyhound racing, and in a first for Australia, the ban actually took effect on 30 April 2018.

Why is greyhound racing an animal protection issue?

In June 2016 the Special Commission of Inquiry into the Greyhound Racing Industry in NSW found overwhelming evidence of systematic animal cruelty.¹ The Inquiry concluded that there are fundamental animal welfare issues that **cannot be remedied**. These include overbreeding, racing injuries and deaths, and of course live baiting.

What is the current status of greyhound racing in NSW?

A legislative ban on greyhound racing was due to start in NSW on 1 July 2017, but was reversed before the ban could take effect.² Instead, the NSW Government said the greyhound industry would continue under a new regulatory framework,³ informed by the recommendations made by the Greyhound Industry Reform Panel.⁴



The new laws introduced after the NSW government's infamous 'backflip' on a ban establish a Greyhound Welfare and Integrity Commission (the commission).⁵ The NSW Minister for Racing is responsible for the commission, but the commission itself is independent of government. The commission has three commissioners. They should not be connected to the greyhound racing industry,⁶ and one must be an Australian lawyer of at least seven years. Three commissioners were appointed in early September 2017.⁷ The commissioners will be appointed as inspectors under the *Prevention of Cruelty to Animals Act 1979* (NSW), and will be able to prosecute offences related to greyhounds under that Act or the *Crimes Act 1900* (NSW).⁸ Live baiting has also been added to the offence of 'serious animal cruelty' in the *Crimes Act 1900*.⁹

The commission is responsible for creating an enforceable code of practice for the welfare of greyhounds.¹⁰ The NSW government has agreed that it should include stricter licensing schemes for industry participants, a ban on the use of barking muzzles, limits on age and litter numbers for breeding females, installation of CCTV in trial tracks, tracking of greyhounds throughout their lives, and tougher penalties for live baiting.¹¹ Restrictions may also be placed on when a greyhound can be killed, with euthanasia administered only by a

¹ New South Wales, Special Commission of Inquiry into the Greyhound Racing Industry in NSW, *Report* (2016).

² Brigid Glanville and Sarah Gerathy, 'NSW Premier Mike Baird Admits he "Got it Wrong" After Backflip on Greyhound Racing Ban', *ABC News*, 11 October 2016.

³ <https://www.nsw.gov.au/media-releases-premier/greyhound-racing-given-one-final-chance-under-toughest-regulations-country>.

⁴ *Recommendations of the Greyhound Industry Reform Panel* (February 2017).

⁵ *Greyhound Racing Act 2017* (NSW), Part 2, Division 1.

⁶ *Ibid* s 5(3).

⁷ The commissioners include Chief Commissioner Alan Brown, an experienced commercial and property lawyer, and Dr John Keniry, Coordinator General of the Greyhound Transition Taskforce in 2016 and who industry members consider to be 'one of the lifesavers of the industry': <http://www.northerndailyleader.com.au/story/4900844/greyhound-commission-on-track/>. See also: <https://www.gwic.nsw.gov.au/>.

⁸ NSW Government, *Response to Greyhound Industry Reform Panel Recommendations* (2017), panel recommendations 38–39, page 7.

⁹ Section 530. See also *Prevention of Cruelty to Animals Act 1979* s 21(1)(d).

¹⁰ *Greyhound Racing Act 2017* (NSW), s 35. The code had not been published when this fact sheet was last updated.

¹¹ NSW Government, above n 8, pages 9–10.

veterinarian in the greyhound's best interest.¹² The code will not contain a cap on greyhound breeding numbers in NSW.

The new legislation also establishes the Greyhound Industry Welfare Committee (the committee), to give non-binding advice to the commission on animal welfare matters. The committee consists of an 'animal welfare expert' (not defined), and representatives from RSPCA NSW, the Department of Primary Industries, the greyhound racing industry and Greyhound Racing NSW.¹³

What is the current status of greyhound racing in the ACT?

On 28 November 2017 the ACT Legislative Assembly passed amendments to the *Racing Act 1999*, the *Domestic Animals Act 2000*, and the *Animal Welfare Act 1992* to ban greyhound racing in the ACT. The ban took effect on 30 April 2018.¹⁴ While it is now an offence to 'conduct, or facilitate the conduct of, a greyhound race in the ACT',¹⁵ greyhounds can still be bred and trained in the ACT. To regulate these practices the ACT Government has introduced the *Code of Practice for Keeping and Breeding Racing Greyhounds in the ACT (2018)*, which contains mandatory standards.¹⁶



Bans and backflips—a timeline

16 February 2015: ABC's Four Corners program, *Making a Killing*, revealed practices of live baiting in the greyhound industry.¹⁷ In response, the NSW government formed a Special Commission to investigate animal welfare issues involved in greyhound racing.¹⁸

16 June 2016: Inquiry Commissioner Michael McHugh handed down the Commission report, revealing evidence of systematic animal cruelty. The report recommended that the industry be shut down.¹⁹

7 July 2016: NSW Premier Mike Baird announced a ban from 1 July 2017 on greyhound racing in NSW, claiming '[t]his is the inevitable conclusion to be drawn... to protect animals from further cruelty'.²⁰

8 July 2016: Chief Minister Andrew Barr announced the greyhound industry would be shut down in the ACT.²¹

11 August 2016: A bill to ban greyhound racing in NSW passed the State's Upper House, despite vehement opposition from the NSW Labor Party.²²

24 August 2016: At 3:46am the bill to ban greyhound racing passed the NSW Lower House.²³

11 October 2016: NSW Premier Mike Baird backflipped on his decision to shut down the greyhound industry, instead announcing that he would introduce new regulatory requirements for the industry.²⁴ ACT Chief Minister Mr Barr stated that he would reconsider his pledge to ban the industry.²⁵

23 June 2017: The ACT Government announced that ACT greyhound racing would be banned by mid-2018.²⁶

30 April 2018: From this day greyhound racing and trialling are illegal in the ACT. Breeding and training greyhounds are still permitted.

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¹² NSW Government, above n 8, page 14.

¹³ *Greyhound Racing Act 2017* (NSW), ss 33–34. See also: <https://www.gwic.nsw.gov.au/welfare/animal-welfare-committee>.

¹⁴ *Domestic Animals (Racing Greyhounds) Amendment Act 2017*, s 2.

¹⁵ *Animal Welfare Act 1992* (ACT), s 18A.

¹⁶ <http://www.legislation.act.gov.au/a/1992-45/current/pdf/1992-45.pdf>.

¹⁷ ABC, 'Making a Killing', *Four Corners*, 18 February 2015 (Caro Meldrum-Hanna and Sam Clark).

¹⁸ <https://www.greyhoundracinginquiry.justice.nsw.gov.au/>.

¹⁹ Special Commission of Inquiry, above n 1, Recommendation 1, page 22.

²⁰ NSW Government, 'Greyhound Racing to be Shut Down' (Media Release, 7 July 2016).

²¹ Henry Belot, 'ACT Government Says it can No Longer Support Greyhound Racing After NSW Decision', *The Canberra Times* (online) 8 July 2016.

²² Siobhan Fogarty, 'Greyhound Racing Ban: New South Wales Upper House Passes Bill', *ABC News*, 11 August 2016.

²³ Siobhan Fogarty, 'Greyhound Racing Ban: Nationals MPs Cross Floor as Bill Passes Parliament', *ABC News*, 24 August 2016.

²⁴ Brigid Glanville, www.abc.net.au/news/2016-10-06/nsw-premier-mike-bairds-leadership-tested-over-greyhound-ban/7910300, *ABC News*, 6 October 2016; Glanville and Gerathy, above n 2.

²⁵ Henry Belot, 'ACT Labor Under Pressure Over Greyhound Racing After NSW Backflip', *The Canberra Times* (online) 11 October 2016.

²⁶ Elise Scott, 'Greyhound racing: ACT passes legislation to ban the sport as industry warns fight is not over', *ABC News*, 28 November 2017.