



Animal Defenders Office  
Using the law to protect animals

ABN: 12837355070 | Member: CLCNSW Inc. | GPO Box 2259 Canberra ACT 2601 | [www.ado.org.au](http://www.ado.org.au) | [www.facebook.com/ADOACT](https://www.facebook.com/ADOACT) | [contact@ado.org.au](mailto:contact@ado.org.au)

---

Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales  
GPO Box 25  
SYDNEY NSW 2001

Email: [sigri@cs0.nsw.gov.au](mailto:sigri@cs0.nsw.gov.au)

15 January 2016

Dear Sir/Madam

**Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales—Governance and Social Contribution Issues Paper**

Thank you for the opportunity to provide a submission in relation to the Commission's Governance and Social Contribution Issues Paper (the Paper).

**About the Animal Defenders Office**

The Animal Defenders Office (ADO) is a non-profit, community law practice that specialises in animal law. The ADO offers information and representation for individuals and groups wanting to take action for animals. The ADO also produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is a member of Community Legal Centres NSW Inc.

Our responses to the questions raised in the Paper are set out below.

**Governance**

*(1) Should the commercial and regulatory functions of the greyhound industry be separated into two different bodies? If yes, why? If no, why not?*

If commercial greyhound racing is to continue in NSW, the ADO argues that it is imperative to separate the commercial and regulatory functions of the greyhound industry into two completely separate bodies.

The dual role of the current controlling body, Greyhound Racing New South Wales (GRNSW), in promoting the economic viability of greyhound racing on the one hand, and acting as the primary body for monitoring and responding to animal welfare issues on the other, creates a serious conflict of interest.

Given the animal welfare risks inherent in the industry, a regulatory or enforcement body that is both independent from the commercial part of the industry, and adequately resourced to monitor and respond to animal welfare issues, should be established.

A separate regulatory or enforcement body is required because the *Greyhound Racing Act 2009* (NSW) (the Act) currently does not contain any animal welfare standards. The two references to ‘welfare’ in the Act are to the welfare of the industry, not of the animals on whom the industry depends (ss9(2)(c) and 12(2)). Nor does the Act create or impose any duties or obligations on GRNSW in relation to what should be the industry’s prime concern—namely, animal welfare.

The ADO is aware that having two separate bodies would be a departure from the traditional regulation of the industry, which has to date been left to industry and industry-related entities. However, the damning revelations of live-baiting<sup>1</sup> and clandestine destruction of dogs<sup>2</sup> in 2015 are just two examples demonstrating that the industry is inherently incapable of regulating itself when it comes to animal welfare.

*(2) If the commercial and regulatory functions of the greyhound racing industry in NSW are to be separated into two separate bodies:*

*(a) What is the appropriate composition for the Board of the body vested with regulatory functions? Why do you take this view? Should it include industry participants? If so, please provide reasons why.*

As mentioned above, animal welfare risks are inherent in the industry, and therefore a regulatory or enforcement body that is both independent from the commercial part of the industry and adequately resourced to monitor and respond to animal welfare issues should be established.

There should also be at least two animal protection experts on such a regulatory body. These experts should be in addition to a member or members with veterinary qualifications, and should be sourced from community animal protection organisations and charities. At least two animal protection members would be required to militate against the marginalisation or intimidation of a single animal protection member.

The Board of the body vested with regulatory functions could also include a government representative. In general the NSW government should play a much greater role in acting in the public interest to ensure that animal welfare becomes the top priority of the industry.

The ADO believes there should be few or no industry participants on the Board. Given the ongoing failure of the industry to provide adequate protection of animals, the industry should have less rather than more autonomy when it comes to regulatory oversight of greyhound racing in NSW. Those responsible for the proper regulation of the industry should have the freedom and confidence to discuss matters without interference from the industry itself. Industry participants could be invited by the regulatory Board to attend meetings or provide advice when and as required.

---

<sup>1</sup> See the ABC Four Corners program ‘[Making a Killing](#)’ on 16 February 2015.

<sup>2</sup> <http://www.abc.net.au/news/2015-04-01/more-than-50-greyhound-carcasses-found-bushland-near-bundaberg/6366078> and <http://www.couriermail.com.au/news/queensland/some-of-the-55-greyhounds-in-mass-grave-may-have-been-beaten-to-death/news-story/240bad5d19ec5bdbb786d02ee44a0ac5>.

*(b) What is the appropriate composition for the Board of the body vested with commercial functions? Why do you take this view? Should it include industry participants? If so, please provide reasons.*

If commercial greyhound racing is to continue in NSW for the short- to medium-term, the ADO recommends that independent business experts be appointed to the commercial Board for relatively short periods of time. A regular turn-over of commercial Board members would help maintain the integrity and independence of the board. The Board should be responsible for running the industry as a not-for-profit entity, and ultimately winding the industry up in a fair and responsible manner. Again, industry participants could be invited to attend meetings of the commercial Board or provide advice when and as required.

*(c) Is there a continuing need for a Greyhound Racing Industry Consultation Group? If so, should its role be limited to consultation with the Board of the body vested with commercial functions? Please provide reasons for your view.*

The Greyhound Racing Industry Consultation Group (GRICG) is established under s32 of the Act.

GRICG has the function of ‘consulting with and making recommendations to GRNSW on matters concerning greyhound racing in the State’ (s35(1) of the Act).

Recent minutes of GRICG meetings<sup>3</sup> do not reveal that GRICG performs any valuable function or has contributed to the improved regulation of the industry or protection of the animals at the core of its business.

Indeed, in the minutes of its meeting on 4 August 2015 the GRICG expresses its concerns at the low ‘breeding numbers’ in the industry, and that the industry ‘may face issues providing sufficient numbers’. This would appear to ignore completely the serious animal welfare problem of overbreeding greyhounds within the industry.

The consequences associated with overbreeding within the industry, particularly in relation to high euthanasia rates and low rehoming rates, are far reaching. Nationally, it is estimated that as many as 18,000 healthy dogs are euthanized each year as a result of overbreeding in the industry.<sup>4</sup> This figure does not take into account those greyhounds who are surrendered to pounds and shelters and subsequently destroyed, or those killed by their owners and not reported. Expressing concern about a feared under-supply of dogs suggests the CRICG is completely out of touch with community concern about the industry and about animal welfare problems such as overbreeding.

Rather than suggesting that more dogs be bred, the CRICG should have considered what action could be undertaken to reduce absolutely the number of greyhounds born, and how the industry could invest greater resources to increase rehoming capacity.

---

<sup>3</sup> <http://www.thedogs.com.au/DPage.aspx?id=79>.

<sup>4</sup> <http://www.animalsaustralia.org/issues/greyhound-racing.php>.

The GRICG itself also suggests that ‘the GRICG structure/relationship with GRNSW is a failure, due to the fact that any constructive feedback provide by the group has been dismissed by GRNSW’ (letter from Wayne Billett, for and on behalf of CRICG, to CEO of GRNSW, 10 August 2015).

In light of these concerns (both within and outside CRICG) about its viability and its failure to act on significant animal welfare matters, the ADO suggests that there is not a continuing need for a Greyhound Racing Industry Consultation Group.

*(d) What functions should a greyhound racing Integrity Auditor undertake? What powers should that person be able to exercise? Please provide reasons.*

The Integrity Auditor is appointed by GRNSW under s25 of the Act. The person holding the office requires ‘suitable legal qualifications’ (s25(1)). Its functions are to be exercised independently of GRNSW (s26(2)).

The Act currently limits the Auditor’s functions to:

- overseeing GRNSW functions relating to stewards, drug testing and control and registration; and
- receiving and investigating complaints against racing officials in respect of the exercise of functions relating to greyhound racing (s26(1)).

As noted earlier, the Act does not contain any animal welfare standards, and the two references to ‘welfare’ in the Act are in relation to the industry rather than the animals on whom the industry depends (ss9(2)(c) and 12(2)). Nor does the Act create or impose any duties or obligations on the controlling body, GRNSW, in relation to animal welfare.

The ADO therefore suggests that the Integrity Auditor’s role could be expanded to deal with animal welfare issues. The role could also be responsible for the collection and publication of data on the lifecycle and outcome for greyhounds, including births, injuries, rehoming and death (including cause of death).

*(e) Who should fund the new regulatory body? Please provide reasons for your view.*

Any new regulatory body should be funded entirely by the industry. If the industry cannot cover the costs then it is not sustainable and should cease to operate, as other unsustainable industries have done recently in Australia (for example, the automotive industry).

## Social Contribution

*(3) Aside from direct financial contribution, does the greyhound racing industry provide a social contribution to cities, towns and communities in NSW? If yes, please provide reasons, which may include personal anecdotes and examples.*

The greyhound racing industry is arguably detrimental to the social fabric of cities, towns and communities in NSW. Leaving aside for the moment the social discord and division the industry creates owing to a growing community concern about the treatment of greyhounds and other animals (see response to question (5) below), the industry's *raison d'être* – gambling – can be seen to be an unsatisfactory means of cementing the social bond. The wagering at the heart of greyhound racing preys on the most socio-economically disadvantaged, fuelling unrealistic ambitions and unattainable hopes of transcending their deprivation while in reality reproducing their socio-economic immobility.<sup>5</sup> Beyond a certain threshold, gambling becomes 'problem gambling', the social evil public policy has long been unable to eradicate. The Productivity Commission estimates there to be 115,000 problem gamblers in Australia, with another 280,000 at 'moderate risk'.<sup>6</sup> And greyhound racing accounts for 17% of wagering turnover in NSW.<sup>7</sup> The social cost of problem gambling, which the Productivity Commission estimates to be at least \$4.7 billion a year,<sup>8</sup> cannot therefore be dissociated from the appraisal of the direct financial contribution of the greyhound racing industry, and ought to focus attention on the social opportunity cost of government subvention of an industry so deleterious to social welfare.

*(4) Does the greyhound racing industry provide a social contribution to the lives of industry participants in NSW? Please provide reasons, which may include personal anecdotes and examples.*

The greyhound racing industry may well provide a social contribution to the lives of industry participants in NSW. The crucial question, however, is whether the source of this social contribution – the industry itself – is morally defensible. It is uncontroversial to suggest that the suffering and abuse of greyhounds inherent in the greyhound racing industry are morally indefensible, and that these moral considerations trump the social advantages the industry may bring the relatively few who participate in it. It is to be stressed from the outset that this is far from a minority position, both within and beyond NSW. In NSW, public opinion – via

---

<sup>5</sup> See, for instance, an awkward acknowledgement of some of these problems by a defender of the greyhound racing industry: Duncan Stearn, 'Greyhound racing has heard all these objections before', *Australian Racing Greyhound*, 2 December 2015, <http://www.australianracinggreyhound.com/australian-greyhound-racing/greyhound-betting-australian-greyhound-racing/greyhound-racing-has-heard-all-these-objections-before/71944>.

<sup>6</sup> Productivity Commission, *Gambling: Productivity Commission Inquiry Report Volume 1*, Commonwealth of Australia, Canberra, 2010, p. 11.

<sup>7</sup> Productivity Commission, *Gambling: Productivity Commission Inquiry Report Volume 2*, Commonwealth of Australia, Canberra, 2010, p. 16.24.

<sup>8</sup> 'Greyhound racing: following the money trail', *Animals Australia*, <http://www.animalsaustralia.org/features/greyhound-racing-money-trail.php>.

numerous reader polls,<sup>9</sup> countless opinion pieces, and newspaper editorials – attests to widespread moral condemnation of the greyhound racing industry. *The Sydney Morning Herald*, the State’s second most widely read newspaper,<sup>10</sup> and *The Sun-Herald* have both editorialised in favour of a ban on greyhound racing, referring to the industry as a ‘disgusting practice’, an ‘appalling anachronism’, and ‘littered with ethical problems’.<sup>11</sup> At the global level, greyhound racing is illegal in South Africa and Italy,<sup>12</sup> while in the United States it is illegal in 39 states and dog tracks have closed in a further 5 states.<sup>13</sup>

History is replete with instances of cruel entertainment events being prohibited, even as they attracted sizeable demographics and created spaces of social belonging. That such events did and could generate some positive social dividends for some does not, of course, confer upon those events moral approbation or entitle them to legal protection. In the ACT, for example, rodeos have been banned since 1992.<sup>14</sup> Circuses with various types of exotic animals are also banned.<sup>15</sup> These events were banned not because they failed to provide any social benefits, but because of the intrinsic cruelty of the events themselves. Foxhunting in the United Kingdom has been banned since 2005, and this despite – supposedly, recounts a former participant – ‘how deeply intertwined the tradition was with Britain’s rural economy’.<sup>16</sup> Still, this did not prevent the House of Commons from recognising foxhunting to be morally indefensible and consequently voting in favour of banning it. It is reasonable to adjudicate the matter of social contribution on ethical grounds. It is no defence of the greyhound racing industry to marshal in its favour a capacity to generate social goods for its participants, when it creates intolerable suffering to the thousands of greyhounds and other animals in its charge, abets social distress in the form of problem gambling, and gravely offends the conscience of millions of Australians.

---

<sup>9</sup> See, for instance, ‘Greens seek ban on greyhound racing’, *Newcastle Herald*, 10 May 2015, <http://www.theherald.com.au/story/3068457/greens-seek-ban-on-greyhound-racing-poll/>; Angela Thompson, ‘Bulli track boss slams push to shut down greyhound racing industry’, *Illawarra Mercury*, 11 May 2015, <http://www.illawarramercury.com.au/story/3071679/shut-down-greyhound-racing-industry-greens/>; and Sam de Brito, ‘OPINION, POLL: Greyhound racing and live baiting: time to ban the “sport of grubs”’, *Central Western Daily*, 19 February 2015, <http://www.centralwesterndaily.com.au/story/2893371/opinion-poll-greyhound-racing-and-live-baiting-time-to-ban-the-sport-of-grubs/>.

<sup>10</sup> Australian Newspaper Readership, 12 months to September 2015, Roy Morgan Research, <http://www.roymorgan.com/industries/media/readership/newspaper-readership>.

<sup>11</sup> *The Sydney Morning Herald* editorial staff, ‘Ban greyhound racing: the arguments are compelling’, *The Sydney Morning Herald*, 17 February 2015, <http://www.smh.com.au/comment/smh-editorial/ban-greyhound-racing-the-arguments-are-compelling-20150216-13gnje.html> and *The Sun-Herald* editorial staff, ‘Time runs out for greyhound racing cruelty’, *The Sun-Herald*, 10 October 2015, <http://www.smh.com.au/comment/smh-editorial/time-runs-out-for-greyhound-racing-cruelty-20151008-gk4wr0.html>.

<sup>12</sup> *The Sun-Herald* editorial staff, ‘Time runs out for greyhound racing cruelty’, *The Sun-Herald*, 10 October 2015, <http://www.smh.com.au/comment/smh-editorial/time-runs-out-for-greyhound-racing-cruelty-20151008-gk4wr0.html>.

<sup>13</sup> Grey2K USA Worldwide, <http://www.grey2kusa.org/action/states.html>.

<sup>14</sup> Section 18 in the *Animal Welfare Act 1992* (ACT) as originally enacted in [1992](#) and in the [current version](#).

<sup>15</sup> Sections 51 and 52 of the *Animal Welfare Act 1992* (ACT).

<sup>16</sup> Quoted in Laurence Dodds, ‘Ten years on from the foxhunting ban, has anything really changed?’ *The Telegraph*, 14 July 2015, <http://www.telegraph.co.uk/news/earth/countryside/11418998/Ten-years-on-from-the-hunting-ban-has-anything-really-changed.html>.

(5) Does the greyhound racing industry in NSW contribute to community development by, for example, providing community facilities, and promoting networking and socialising opportunities? Please provide reasons, which may include personal anecdotes and examples.

For analytical purposes it is useful to distinguish between the greyhound racing community itself, and the broader community or communities of which it is merely a part. The obvious communal advantages accrued to the former by the significantly taxpayer-funded provision of racing related facilities<sup>17</sup> must be weighed against the communal discord these same investments in social infrastructure sow in the latter. Nobody disputes that the greyhound racing industry has and continues to foment intense disagreement, disapproval, and opposition throughout NSW (see the response to question (4) above). And it is a testament of the intensity of this discord that such a relatively small sector of the community – both demographically and economically – can arouse the concern and alarm it has to date. Indeed, expression of discontent has not remained limited to the media, but has spilled over into numerous protest activities at the very sites and facilities the NSW Government sponsors on the assumption that they underwrite communal solidarity and economic growth.<sup>18</sup> Across NSW, protests staged at racecourses have condemned the nature of the greyhound racing industry and the instrumental role played by the NSW Government in using taxpayer money to buttress this industry so many in NSW are against.<sup>19</sup> And the fact that the industry has been deemed to be socially corrosive in other ways as well – in sustaining, most notably, the sources of problem gambling – has not endeared local and state governments to many in several NSW communities. This combination of animal welfare and gambling concerns was at issue in the highly controversial approval in 2011 of a new racing track by Tweed Shire Council, a decision accompanied by much protest and disruption.<sup>20</sup> More recently, there have been reported instances of harassment of greyhound racing personnel, which have led to the implementation of heightened security measures ‘across [Greyhound Racing NSW] venues’.<sup>21</sup>

It is therefore difficult to see the greyhound racing industry as a carrier of communal harmony. Rather, it could be said to serve a divisive social function unhelpful to the building of contented communities.

---

<sup>17</sup> On the use and extent of taxpayer money for this purpose, see ‘Greyhound racing: following the money trail’, *Animals Australia*, <http://www.animalsaustralia.org/features/greyhound-racing-money-trail.php>.

<sup>18</sup> Again, as raised in the response to question (3) above, the measurement of economic growth tends to leave out much that is of direct concern to, and often antagonistic to, communal solidarity, notably the effects of problem gambling.

<sup>19</sup> See, for example, Andrew Pearson, ‘Bulli greyhound track draws protesters in wake of live baiting scandal’, *Illawarra Mercury*, 25 February 2015, <http://www.illawarramercury.com.au/story/2907803/bulli-greyhound-meet-draws-protesters/>; Peter Caton, ‘Greyhound track approved’, *Tweed Daily News*, 20 July 2011, <http://www.tweeddailynews.com.au/news/greyhound-racing-track-approved/910823/>; and ‘Protest: Sydney says “NO” to Greyhound Racing’, *NO to Greyhound Racing*, <https://www.facebook.com/events/719286051539423/>

<sup>20</sup> Peter Caton, ‘Greyhound track approved’, *Tweed Daily News*, 20 July 2011, <http://www.tweeddailynews.com.au/news/greyhound-racing-track-approved/910823/>.

<sup>21</sup> Quoted in Brianna Parkins, ‘Greyhound live baiting scandal: staff threatened, abused’, *Illawarra Mercury*, 19 February 2015, <http://www.illawarramercury.com.au/story/2894037/death-threats-made-against-greyhound-staff/>.