

**COALITION FOR THE PROTECTION OF GREYHOUNDS
SUBMISSION TO THE REVIEW OF
THE GREYHOUND RACING ACT 2017 NO 13**

Introduction

The NSW Government has called for submissions to the review of the Greyhound Racing Act 2017 (the Act). This submission, from the Coalition for the Protection of Greyhounds (CPG) recommends a number of amendments to the Act. These amendments are shown in the relevant part of the Act. Those amendments which require words to be inserted or replaced are shown in red. Those amendments which require words to be deleted are shown in blue. The reasons for the amendments are shown immediately following the relevant clause enclosed by horizontal lines. General comments that do not involve specific rewording are shown in green.

Executive Summary

The principle recommendations of this submission are as follows:

1. The NSW Government to retain and fund the Greyhound Welfare and Integrity Commission (GWIC).
2. Change the name of the Greyhound Racing Act and the definition of a greyhound to ensure that GWIC can monitor and inspect all greyhounds regardless of ownership.
3. Expand the class of persons described as registered greyhound industry participants to make it consistent with *Greyhound Racing Regulations 2019* (NSW).
4. Empower GWIC to undertake the following additional tasks:
 - (a) to set minimum standards for racecourse design and construction and greyhound training facilities,
 - (b) to licence racecourses and training facilities,
 - (c) to track and inspect, at least once per year, every greyhound owned by a registered industry participant and every greyhound rehomed privately by a registered industry participant.
 - (d) to set maximum breeding targets for greyhounds in NSW.
 - (e) to set the standards for Greyhound as Pets NSW (GAP) behavioural assessment.
5. Require the NSW government to fund:
 - (a) greyhound private re-homing organisations,
 - (b) greyhound sanctuaries,
 - (c) approved animal welfare organisations for investigation and prosecution of matters concerning greyhounds.

6. Remove certain functions from Greyhound Racing NSW (GRNSW) as follows:
 - (a) to develop safety standards for licensed racecourses,
 - (b) to, set minimum standards with respect to racecourse design and construction and greyhound training facilities
7. Reduce race fields to six greyhounds to reduce deaths and injuries during racing.
8. Define the term ‘in the public interest’ so that it is clear on what basis a minister could properly exercise this ministerial discretion and in relation to inquiries.
9. Ban the euthanasia of healthy greyhounds.

GREYHOUND WELFARE AND INTEGRITY COMMISSION

The continued existence of GWIC is vital to ensuring the welfare of greyhounds. Both the Special Commission of Inquiry into the Greyhound Racing Industry in NSW and the Greyhound Industry Reform Panel (the Panel) considered that having welfare and integrity responsibilities vested in the commercial entity (GRNSW) creates a conflict of interest. The separation of the commercial and regulatory functions minimises the potential for conflicts of interest.

Recommendation 1 of the Panel was that ‘the commercial and regulatory functions for the industry should be separated and vested in two different entities.’ The Government accepted this recommendation. Recommendation 15 of the Panel stated ‘A Greyhound Welfare and Integrity Commission (the integrity commission) should be established as an independent statutory corporation in legislation. The integrity commission should represent the State.’ The Government accepted this recommendation.

Any attempt to return any or all GWIC responsibilities to the commercial entity would result in a reduction in greyhound welfare and would be detrimental to the integrity of the industry. This submission recommends moving additional functions and responsibilities from GRNSW to GWIC to increase successful welfare outcomes for greyhounds.

Recent media coverage has suggested GRNSW's financial situation will make its funding of GWIC problematic. Instead, GWIC should be funded by the NSW Government which in turn recoups those funds from the industry via Point of Consumption taxes on the gambling industry which is legislated in the Betting Tax Act 2001. The industry should not be directly involved with the regulator's annual funding.

GREYHOUND RACING ACT 2017 NO 13

Part 1 Preliminary

1 Name of Act

Amend:

This Act is the ***Replace*** Greyhound Racing Act 2017 ***with*** Greyhound Welfare and Racing Industry Integrity Act.

Reason. This would position greyhound welfare as the predominant purpose of the Act and expressly recognise the creation of GWIC as a main welfare body in the industry.

3 Definitions

Amend:

Replace: greyhound means a greyhound that is owned or kept in connection with greyhound racing. ***with: greyhound*** is a dog registered as a greyhound on the Greyhound Register in the first 17 weeks of life.

Reason. At present the definition of greyhound covers dogs owned or kept in relation to greyhound racing. Greyhound racing is further defined as greyhound racing namely, engaged in race meets/trials. This definition is too narrow.

The suggested amendment would widen the definition of greyhounds to those involved at various stages of their racing career, i.e. pre-racing, during-racing and post-racing and include dogs held by non-industry participants. This would better facilitate whole-of-life tracking.

The Act currently defines a greyhound as: ‘***greyhound***’ means a greyhound that is owned or kept in connection with greyhound racing.’ In the GWIC Update: True Facts About GWIC dated 15 April 2020 the number of registered greyhounds is reported as 26,852, broken down as follows:

Actively racing 6,505

Whelped but not yet racing 6,970

Retired to industry participants 13,377.

Based on these figures, the total number of actively racing greyhounds and those whelped but not yet racing is 13,475. The total number of greyhounds retired to industry participants is 13,377. Therefore nearly 50% of greyhounds registered to industry participants are no longer owned or kept in connection with greyhound racing. This does not include greyhounds retired and re-homed either privately by industry participants or by GAP or private re-homers. If these dogs are included the number of greyhounds no longer required for racing exceeds the number actively racing or whelped but not yet racing.

CPG believes that the current definition of greyhound in the Act is not fit for purpose and should be replaced with the definition shown in red above.

greyhound racing industry participant means any of the following persons, whether or not the person is employed or engaged on a full-time basis and whether or not the person receives payment or other consideration for the activity concerned—

- (a) a person who owns, breeds or keeps greyhounds,
- (b) a person who trains greyhounds,
- (c) a person who handles greyhounds at a greyhound race or trial,
- (d) a person who acts as a bookmaker or bookmaker's clerk in connection with greyhound racing,
- (e) a person who provides such health services to greyhounds as are prescribed by the regulations **Insert: including massage therapy, acupuncture, non-invasive injury detection and chiropractic treatment. This subclause does not apply to health services provided by a veterinary practitioner within the meaning of the Veterinary Practice Act 2003.**
- (f) any other person who is of a class of persons associated with greyhound racing that is prescribed by the regulations for the purposes of this definition **Insert: as follows:**
 - i. a person who handles greyhounds (other than at a greyhound race or trial),
 - ii. the proprietor of a greyhound trial track,
 - iii. a person who, in an official capacity at a greyhound race or trial, is engaged in starting the race or trial, judging the outcome of the race or trial, operating a lure during the race or trial or kennelling greyhounds,
 - iv. a person who offers, or invites applications for, an interest in a greyhound,
 - v. a person who manages the ownership of a greyhound on behalf of two or more other persons who own the greyhound jointly,
 - vi. a person who artificially inseminates a greyhound.

Reason. While a reasonably wide definition, it is noted that the **greyhound racing industry participant** definition is supplemented by the *Greyhound Racing Regulations 2019* (NSW). This regulation incorporates various health service providers, kennel attendants and others as participants. As the Act is under review it seems prudent to include the full definition in s.3 of the Act to ensure that the full extent of who is a **greyhound racing industry participant** is known and understood, thus ensuring all participants are aware of their obligations under the Act.

Part 2 Greyhound Welfare and Integrity Commission

Division 1 Constitution and management of Commission

8 Ministerial directions

(1) The Minister may give the Commission a written direction with respect to the functions of the Commission if the Minister is satisfied that it is necessary to do so **in the public interest**.

(See Comment below)

(2) The Commission must ensure that the direction is complied with.

(3) A direction under this section cannot be made in relation to the following matters—

- (a) the content of any advice, report or recommendation by the Commission,
- (b) any decision relating to the registration of a particular greyhound, person or greyhound trial track,
- (c) any decision to institute criminal proceedings for offences under this Act or the regulations or to take disciplinary action under Division 1 of Part 6,
- (d) any decision relating to the exercise of powers under Part 7.

(4) The Minister is required to cause a notice to be published in the Gazette setting out the reasons why a direction was given under this section and why it is in the public interest that the direction was given. Any such notice is to be published in the Gazette within 1 month after the direction is given.

Comment. Explanation, either by form of a note in the legislation or a definition, should be given as to what “the public interest” means. The Act has many references to certain things being done in the “public interest of racing”. Clarification should be provided so that is clear on what basis a minister could properly exercise this ministerial discretion, although it is noted that s.8(3) should have the effect of preserving the independence of the GWIC from the Racing Minister. This independence must be preserved.

Division 2 Objectives and functions of Commission

11 Principal objectives of Commission

The principal objectives of the Commission are as follows—

Insert:

- (a) to promote and protect the welfare of **Insert: all greyhounds** **Insert: on the Greyhound Register and the NSW Pet Registry**,
- (b) to safeguard the integrity of greyhound racing and betting,
- (c) to maintain public confidence in the greyhound racing industry.

Reason. Section 11(a) states one of the principal objectives of GWIC is to **promote and protect the welfare of greyhounds**. It is noted that if sub clause (a) is expanded as proposed above this would have the effect of expanding the welfare and protection jurisdiction of GWIC. It would enable GWIC to track and inspect all greyhounds, regardless of the stage of their career: preparing to race, racing or retired. This would apply to all greyhounds irrespective of ownership as opposed to only those greyhounds owned by registered industry participants.

CPG is concerned that the Act restricts GWIC to monitoring and inspecting only those greyhounds owned by registered industry participants. Our concern is not so much with greyhounds adopted through GAP and private re-homing organisations, but with those greyhounds that are re-homed privately by the owner or trainer to a non-industry participant. GWIC statistics show there have been 162 greyhounds privately re-homed by an owner or trainer to a non-industry participant between July 2019 and March 2020.

Any measure that enhances whole-of-life tracking and truth in registration status is a welcome development.

12 Functions of Commission

The Commission has the following functions—

- (a) to control, supervise and regulate (subject to this Act) greyhound racing in the State,
- (b) to initiate, develop and implement policies relating to the welfare of greyhounds,
- (c) to undertake research and investigation into any aspect of the breeding of greyhounds and of greyhound racing generally,
- (d) to consult with animal welfare bodies in developing changes to legislation relating to the welfare of greyhounds,
- (e) to provide the Minister with such information, advice or reports as the Minister may request,
- (f) to inform the Minister about any event or matter that may adversely affect the integrity of greyhound racing,
- (g) such other functions as are conferred or imposed on the Commission by or under this or any other Act,

Insert.

- (h) to set minimum standards for racecourse design and construction and greyhound training facilities,
- (i) to licence racecourses and training facilities,
- (j) to fund private re-homing organisations,
- (k) to fund greyhound sanctuaries,
- (l) to track and inspect, at least once per year, every greyhound owned by a registered industry participant and every greyhound rehomed privately by a registered industry participant.
- (m) to set maximum breeding targets for greyhounds in NSW.
- (n) to set the behavioural assessment standards used by Greyhounds as Pets NSW (GAP) to assess a greyhound's suitability to be re-homed in a private home.

Note. The Commission's other functions under this Act include registering greyhounds, greyhound racing industry participants and greyhound trial tracks, preparing the code of practice for the welfare of greyhounds and making greyhound racing rules.

Reason. sub clause (h) and (i). GWIC as the industry regulator must have the power to set and enforce minimum safety standards for all tracks and training facilities.

Reason sub clause (j). See Attachment 1. Funding for NSW Greyhound Rehoming Providers

Reason sub clause (k). See Attachment 2. Greyhound Sanctuaries

Reason sub clause (l). See Attachment 3. The Disappeared Greyhounds. This amendment is to ensure that registered industry participants, or those to whom they directly transfer their dogs, cannot euthanase these greyhounds once they are transferred from the Greyhound Register. In a manner consistent with World Organisation for Animal Health standards and guidelines, greyhounds that are the responsibility of industry participants in NSW must undergo at least annual traceability checks. This will ensure that greyhounds are accounted for throughout the supply chain. Independent auditing will also ensure conformity with requirements, the accountability of exporters and public transparency.

Reason sub clause (m). See Attachment 4. Breeding Targets

Reason sub clause (n). The greyhound re-homing policy requires owners to submit a greyhound no longer required by the owner to GAP. If the greyhound is rejected by GAP and cannot be taken by a private re-homer then the greyhound can be euthanased. Because the consequence of a second GAP rejection leads to euthanasia GWIC must set the standard for a GAP rejection.

Part 3 Greyhound Racing New South Wales

Division 1 Constitution and management of GRNSW

17 Board of directors of GRNSW

- (1) There is to be a board of directors of GRNSW.
- (2) The Board is to consist of at least 5 (but no more than 7) directors appointed by the Governor on the recommendation of the Minister.
- (3) A person is not eligible to be appointed as a director if the person is a racing club official.
- (4) If 5 directors are appointed for the time being, no more than 2 may be greyhound racing industry participants.
- (5) If 6 or 7 directors are appointed for the time being, no more than 3 may be greyhound racing industry participants.
- (6) A majority of the directors for the time being must be independent directors. An independent director is a person who is not (or was not in the previous **Replace: 7 years with: 10 years**)—
 - (a) a greyhound racing industry participant, or
 - (b) a proprietor of a greyhound trial track, or
 - (c) a racing club official or a member of a greyhound racing club.

Note. Schedule 2 contains provisions relating to the directors and procedure of the Board.

Reason. Noting the widened definition of Greyhound Racing Industry Participants and in the interests of full transparency and independence, the statutory bar for Greyhound Racing Industry Participants to be eligible as independent board members should be raised to 10 years.

Division 2 Objectives and functions of GRNSW

23 Principal objectives of GRNSW

The principal objectives of GRNSW are as follows—

- (a) to be a commercially viable entity,
- (b) to exhibit a sense of social responsibility by having regard to the welfare of greyhounds, *(see Comment below)*
- (c) to promote greyhound racing in the State as a competitive and sustainable industry with a high level of public trust.

Comment. S.23(b) should be strengthened by incorporating a measurable standard beyond that of merely “having regard”. An explanation as to how to manage the inherent conflict between this objective and s.23(a) “to be a commercially viable entity” should also be provided.

Reason. The main objective of GRNSW is financial viability. It is unclear what is meant in s.23(b) where GRNSW has as one of its objectives “to exhibit a sense of social responsibility by having regard to the welfare of greyhounds”. Prima facie and in the absence of explanation or context, there is an inherent conflict between these two functions. Commercial viability will invariably trump “having regard to welfare of greyhounds”. Additionally, ‘having regard to’ is not a standard nor does it give clear guidance as to how GRNSW is to do this.

24 Functions of GRNSW

(1) GRNSW has the following functions—

- (a) to conduct greyhound race meetings or authorise greyhound race meetings to be conducted by greyhound racing clubs,
- (b) to allocate the dates on which and the licensed racecourses at which greyhound race meetings may be conducted,
- (c) to register greyhound racing clubs,
- ~~Delete:~~ (d) to develop safety standards for licensed racecourses,
- (e) to distribute money received as a result of commercial arrangements required by the Totalizator Act 1997,
- ~~Delete:~~ (f) to fund the costs of the Commission,
- (g) to manage greyhound adoption programs,
- (h) to initiate, develop and implement policies conducive to the promotion, strategic development and commercial viability of the greyhound racing industry in the State **Insert:** incorporating GWIC directions on best practice in terms of welfare of greyhounds.
- (i) to direct and supervise the dissolution of a greyhound racing club that ceases to be registered,
- (j) to appoint an administrator to conduct the affairs of a greyhound racing club,
- (k) to order an audit of the books and accounts of a greyhound racing club by an auditor nominated by GRNSW,

Reason 24 (f). It is not appropriate for a commercial entity to provide funds directly to a government entity especially if the role of the government entity is to regulate the activities of the commercial entity. This is a conflict of interest. Government regulators must be funded from consolidated revenue.

26 Minimum standards for conduct of races and greyhound race meetings

(1) GRNSW must, as soon as practicable after the commencement of this section, set minimum standards with respect to the following—

Delete: (a) racecourse design and construction,

(b) racecourse facilities and amenities (including facilities and amenities to be provided for patrons, such as grandstands and other patron amenities),

Delete: (c) greyhound training facilities.

Reason 26 (1)(a) and (c). Racetrack design and training facilities are welfare issues and in this submission are considered the responsibility of GWIC.

Part 4 Welfare of greyhounds

Division 1 Greyhound *Delete: Industry* Animal Welfare Committee

33 Establishment of Welfare Committee

- (1) The Greyhound *Delete: Industry* Animal Welfare Committee is established.
- (2) The Welfare Committee is to consist of the following *Replace: 5 with: 7* members appointed by the Chief Commissioner—
 - (a) a person who, in the opinion of the Chief Commissioner, has expertise in the area of animal welfare or behaviour and who is not a greyhound racing industry participant,
 - (b) a senior officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales who is nominated by the chief executive of that organisation,
 - (c) the person employed in the Public Service as the Chief Veterinary Officer or a Public Service employee nominated by the Chief Veterinary Officer,
 - (d) a representative of the greyhound racing industry
 - (e) a person nominated by GRNSW,
 - Insert: (f) a lawyer to represent the greyhounds' interests,*
 - Insert: (g) an animal science representative.*

Reason 33 (f) (g). The Committee should be entirely focused on the welfare of the greyhounds. The additional recommended persons will strengthen the emphasis on welfare as opposed to commercial interests.

34 Functions of Welfare Committee

- (1) The Welfare Committee has the following functions—
 - (a) to provide advice to the Commission, whether on its own initiative or at the request of the Commission, on any matter relating to the welfare of greyhounds including the formulation of welfare policies and standards, *Insert: and the strategic planning by the Commission.*
 - (b) such other functions as are conferred or imposed on it by or under this or any other Act.
- (2) *Replace: The Commission is, in exercising its functions, to have regard to any advice it receives from the Welfare Committee. with The Commission, in exercising its functions, must fully consider and apply unless there is a substantial reason not to, any advice it receives from the Welfare Committee. Where the Commission declines to follow the advice of the Committee, the Commission is to give written reasons that are to be made public explaining the rationale for declining to accept advice.*
Insert. The Committee has the right to appeal to the NSW Civil and Administrative Tribunal any decision made by the Commission.
- (3) A failure to comply with subsection (2) does not invalidate any decision of the Commission.

Reason 34(1)(a). The role of the Committee should be stronger in actively setting welfare standards by giving authoritative advice that must be given active and positive consideration by the Commission.

Reason 34(2). The role of the Committee should be stronger in actively setting welfare standards by giving authoritative advice that must be given active and positive consideration by the Commission. All requests for advice and advice given whether of the Committee's own initiative or on request must be made public and should be publicly available. This strengthens transparency and accountability to the NSW community.

Division 2 Code of practice for welfare of greyhounds

39 Offence to contravene certain provisions of code of practice

A person who contravenes a provision of the code of practice that is identified in the code as an "offence provision" is guilty of an offence under this section.

Maximum penalty— **Replace: 1,000 with: 2,500** penalty units in the case of a corporation and **Replace: 200 with: 500** penalty units or imprisonment for **Replace: 2 with: 4** years, or both, in the case of an individual.

Note. Failure to comply with other mandatory provisions of the code may lead to the taking of disciplinary action under this Act.

Reason. The existing penalties have no deterrent effect. The maximum penalties should reflect the seriousness of the offence. Attachment 5 to this submission provides evidence of how government and the racing industry is failing to address animal cruelty issues in a way acceptable to the Australian public.

Division 3 Miscellaneous welfare provisions

41 Prohibition on keeping certain animals on premises where greyhounds are kept etc

(1) A person must not, on any premises at or on which greyhounds are kept, trialled, trained or raced, keep any animal that is reasonably capable of being used as a lure in connection with the trialling, training or racing of greyhounds.

Maximum penalty— **Replace: 1,000 with: 2,500** penalty units in the case of a corporation and **Replace: 200 with: 500** penalty units or imprisonment for **Replace: 2 with: 4** years, or both, in the case of an individual.

Delete:

(2) The Commission may, on application by any person, make an order (an exemption order) authorising the person to keep an animal of the kind specified in the order.

(3) An exemption order may not specify possums or rabbits.)

(4) A person does not commit an offence under subsection (1) in relation to the keeping of an animal that the person is authorised to keep under an exemption order.

(5) In this section—

animal includes the carcass, or the skin or any other part, of an animal.

keep an animal includes having possession or control of the animal.

Reason 41(2)(3)(4)(5). Other small animals besides rabbits and possums are used in live baiting. There is no explanation of the basis on which an exemption order (EO) can be applied for or granted. There should be no exemption orders.

Comment. If the Commission retains EOs, there should be clear rules on what evidence is required to justify the granting of the EO. All EOs should be made public along with the reasons why they were granted. and ideally limited to companion animals in a residential setting. Where there is an existing EO naming small animals, inspectors should exercise their powers to ensure this is not being used to flout the prohibition on live baiting.

Insert:

42 Race field size

(1) Race fields are restricted to a maximum of six greyhounds.

Reason. See Attachment 6. The Case for Six Dog Races.

Part 5 Control and regulation of greyhound racing industry

Division 2 Registration functions of Commission

48 Registration of greyhounds

(1) The Commission may, in accordance with the regulations, register a greyhound. **Insert:** Certain details of this register are to be available to the public. These details include:
The greyhound's name,
The greyhound's status as follows: training to be raced, racing, retired or deceased.
The geographic location of the greyhound.

Reason. One of the principle objectives of GWIC is 'to maintain public confidence in the greyhound racing industry.' The public must be assured that greyhounds no longer required by the industry are rehomed and not euthanased. Public access to the Greyhound Register will provide some assurance that rehoming is occurring.

(2) The Commission may refuse to register a greyhound if it is of the opinion that it would be in the **best interests of the greyhound racing industry** to do so. *(See Comment below)*

(3) The Commission may, on the registration of a greyhound or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by the Commission.

Comment. The phrase "best interests of the greyhound racing industry" needs to be defined. To meet industry accountability for greyhound welfare, it needs to be established why a greyhound is refused registration ie because of a perceived issue with the greyhound or with the suitability of the greyhound owner. Welfare protection must be guaranteed for those greyhounds who are refused registration as with those who are registered.

49 Registration of greyhound racing industry participants

(1) The Commission may, in accordance with the regulations, register a person as a greyhound racing industry participant.

(2) Registration as a greyhound racing industry participant authorises the person to NSW Pet Registry on the activities specified in the person's registration.

(3) The Commission may refuse to register a person as a greyhound racing industry participant if it is of the opinion that it would be in the **best interests of the greyhound racing industry** to do so. *(See Comment below)*

(4) The Commission may, on the registration of a person as a greyhound racing industry participant or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by the Commission.

Comment. The phrase "best interests of the greyhound racing industry" needs to be defined in this context.

50 Registration of greyhound trial tracks

- (1) The Commission may, in accordance with the regulations, register a greyhound trial track.
- (2) The Commission may refuse to register a greyhound trial track if—
- (a) the Commission is of the opinion that—
- (i) the greyhound trial track (in the case of a trial track that is open to the public) is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
- (ii) it would be in the best interests of the greyhound racing industry to do so, or
- (b) the registration of the greyhound trial track (whether under this or any other Act) has previously been cancelled.

Insert:

- (c) it does not meet the safety standards imposed by the Commission.

Reason. To lessen the risk of death or injury at trial tracks.

Part 7 Investigation and enforcement powers

Division 1 Preliminary

69 Arrangements with police and animal welfare bodies

(1) The Commission may enter into an arrangement with the Commissioner of Police or the head of an animal welfare body for a police officer or employee of the animal welfare body to exercise the functions of an inspector under this Part.

(2) A police officer or employee of an animal welfare body who exercises the functions of an inspector in accordance with the arrangement is taken to be an inspector for the purposes of this Act.

Insert:

(3) The Commission is to bear the costs of animal welfare bodies exercising the powers of an inspector for any matter concerning a greyhound.

(4) The Commission is to bear the costs of animal welfare bodies undertaking prosecutions for any matter concerning a greyhound.

Reason. It not just or equitable that animal welfare bodies, which are dependent on public donations, should bear the cost of inspecting dogs and prosecuting cases of cruelty to dogs which have been bred for purely commercial purposes by the greyhound racing industry. This argument is discussed in Attachments 1. Funding for NSW Greyhound Rehoming Providers and 2. Greyhound Sanctuaries.

Division 3 Powers of entry and search of premises

73 Power to enter premises

(1) An inspector may enter any premises at any ~~reasonable~~ *reasonable* time.

(2) Entry may be effected under this Act by an inspector with the aid of such other inspectors or police officers as the inspector considers necessary and with the use of reasonable force.

Reason. Inspectors should have a wider power of entry. Reasonable denotes at a time convenient to the party being searched or during business hours. To be effective as evidence gathering exercises, inspections should be unpredictable and able to occur at any time. As with police raids, which occur in the early hours of the morning or at night, this is when people are most likely to be off guard. This approach also reduces the scope for destruction of evidence.

Part 8 Inquiries into greyhound racing industry

85 Person or body conducting inquiries

(1) The Commission may appoint any of the following to conduct an inquiry under this Part—

- (a) any one or more of the Commissioners,
- (b) a member of staff of the Commission,
- (c) a committee of the Commission,
- (d) with the approval of the Minister, any other person or body the Commission considers appropriate to conduct the inquiry.

(2) The Commission may appoint one or more persons to assist the inquiry.

(3) The Commission may, in the case where 2 or more persons are appointed to conduct the inquiry, appoint one of those persons to preside at any meeting of those persons for the purposes of the inquiry.

(4) A person (other than a Commissioner or member of staff of the Commission) appointed by the Commission to conduct or assist the inquiry may be paid such remuneration and allowances (if any) as the Minister determines in respect of the person.

Comment. Additional membership of an inquiry should include provision for a community member to sit on an inquiry and where the inquiry relates to mistreatment or another welfare issue, there should be an animal welfare representative. This would provide a level of rigor and representation of interests other than the greyhound racing industry. It would be valuable to have a community member to give a perspective on what the general community finds acceptable or not acceptable.

88 Public nature of inquiries

(1) An inquiry under this Part is to be held in public.

(2) Before the inquiry starts, the person or body conducting it is required to give notice, by advertisement in the Gazette and ~~in such newspapers~~ **using any print, social or electronic media** as the person or body thinks appropriate, of the intention to hold the inquiry, of its subject and of the time and place at which it is to start.

(3) However, if the person or body conducting the inquiry is satisfied that it is desirable in ~~the public interest~~ **exceptional circumstances** to do so because of the confidential nature of any evidence or matter or for any other reason, the person or body may do either or both of the following—

- (a) direct that the inquiry or any part of it take place in private and give directions as to the persons who may be present,
- (b) give directions prohibiting or restricting the publication of evidence given at the inquiry or of matters contained in records provided for the inquiry.

(4) A person who publishes any evidence or matter in contravention of any such direction of the person or body conducting the inquiry is guilty of an offence unless—

- (a) the publication of the evidence was made with the consent of the person who gave the evidence or the publication of the matter was made with the consent of the person who provided the document, or
- (b) the evidence or matter has already been lawfully published, or
- (c) the person became aware of the evidence or matter otherwise than by reason, directly or indirectly, of the giving of the evidence at the inquiry or the provision of the document at the inquiry, or
- (d) the person had any other lawful excuse to do so.

Maximum penalty—100 penalty units or imprisonment for 6 months, or both.

(5) If evidence is given by written statement, the person or body conducting the inquiry is to make available to the public in such manner as the person or body thinks fit the contents of the statement. This does not apply to matter the publication of which, in the opinion of the person or body, would be contrary to the public interest because of its confidential nature or for any other reason.

Reason 88(2). Increasingly people rely on sources other than newspapers to source news and current affairs. To reflect modern media consumption patterns, information and advertisements about public enquiries held into greyhound racing should be made known across multiple media sources.

Reason 88(3). The public interest will almost invariably be served by full disclosure of evidence given at an enquiry. The ability to proceed in camera either in full or part should only be used in the most exceptional of circumstances as it is in the court system. There are ways to anonymise witness names without suppressing the entirety of evidence. Section 88(4) would only then come into effect in exceptional circumstances.

89 Report of inquiry

(1) The person or body conducting an inquiry under this Part is to prepare a report to the Commission of its findings and recommendations.

(2) The report is to be provided to the Minister by the Commission if the Minister directed that the inquiry be conducted.

Insert:

(3) Reports are to be made publicly available in total, including all evidence given and findings and recommendations made except where a ruling has been made that certain findings, recommendations and evidence should be suppressed.

Reason 89(3). To ensure accountability and transparency, inquiries should be made public except where a suppression order is in place.

Part 9 Miscellaneous

Insert:

90 Reporting breaches

Any person who believes on reasonable grounds that an act or acts in breach of the code of practice, greyhound racing rules, Prevention of Cruelty to Animals Act (POCTAA), Companion Animals Act (CAA) or the Crimes Act may report their belief and the reasonable grounds for it to GWIC, NSW Police or the RSPCA/AWL.

91 Reasonable belief

Any person in who in the course of practising his or her official duties of office, position or employment as a greyhound racing industry participant or with GWIC or GRNSW forms the belief on reasonable grounds that an act or acts in breach of the code of practice, greyhound racing rules, POCTAA, CAA or the Crimes Act must report to NSW Police or the RSPCA/AWL that belief and the reasonable grounds for it as soon as practicable -

- (a) after forming the belief; and
- (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

(2) A reasonable belief means that if a reasonable person practising the profession, office, position or employment would have formed the belief on those grounds.

(3) Grounds for a belief are matters which a person has become aware of and any opinions based on those matters.

Reason. Information sharing should be replaced with mandatory reporting to NSW Police, the RSPCA or AWL where there are suspected offences under POCTAA, CAA and the Crimes Act. Information sharing arrangements are notoriously loose and may not be complied with. Mandatory reporting is most usually seen in the context of child protection. Children and animals have long been categorised as a having a special vulnerability. Mandatory reporting would be an appropriate recognition of the vulnerability of racing greyhounds.

92 Exchange of information

Insert: The reporting requirements in this part do not preclude GWIC entering into information sharing arrangements as shown below.

- (1) The Commission may enter into an arrangement (an information sharing arrangement) with a relevant agency for the purposes of sharing or exchanging information held by the Commission or the agency.

(2) The information to which an information sharing arrangement may relate is limited to the following—

- (a) information concerning the contravention of this Act, the regulations, the code of practice or the greyhound racing rules,
- (b) information concerning an offence under the Prevention of Cruelty to Animals Act 1979, the Companion Animals Act 1998 or section 530 of the Crimes Act 1900,
- (c) information concerning the registration of greyhounds under this Act or the Companion Animals Act 1998,
- (d) information concerning the registration of persons, greyhound trial tracks or greyhound racing clubs,
- (e) complaints relating to animal welfare,
- (f) any other information of a type prescribed by the regulations.

(3) Under an information sharing arrangement, the Commission and the relevant agency are, despite any other Act or law of the State, authorised—

- (a) to request and receive information held by the other party to the arrangement, and
- (b) to disclose information to the other party, and
- (c) to hold and use the information so received,

but only to the extent that the information is reasonably necessary to assist in the exercise of functions under this Act or of the functions of the relevant agency concerned.

(4) The Commission may also (whether as part of an information sharing arrangement or otherwise)—

- (a) refer any matter (including any complaint) with respect to greyhound racing to a relevant agency, and
- (b) receive any such matter from a relevant agency, and
- (c) conduct a joint investigation into any such matter with a relevant agency.

(5) A relevant agency is, despite any other Act or law of the State, authorised to refer such a matter to the Commission or to conduct an investigation into the matter jointly with the Commission.

(6) This section does not—

- (a) require the Commission to provide information to a relevant agency only in accordance with an information sharing arrangement where that information can otherwise be lawfully provided, or
- (b) limit the operation of any other Act or law under which a relevant agency is authorised or required to disclose information to another person or body.

(7) In this section—

information includes reports, recommendations, opinions, assessments and operational plans.
relevant agency means—

- (a) the NSW Police Force, or
- (b) an animal welfare body, or
- (c) a local council.

Insert:

93. Euthanasia

Euthanasia can only be carried out

(1) where a veterinarian certifies that the greyhound is suffering from an intractable condition or injury that causes significant pain or discomfort or a marked reduction in quality of life, such that it is inhumane or would otherwise compromise the welfare of the greyhound to delay euthanasia. The euthanasia must be performed by a veterinarian using humane methods, unless in an emergency as detailed in sub clause (2) occurs.

(2) Euthanasia of a greyhound may be performed by a person who is not a veterinarian only in an emergency where the euthanasia is:

- necessary to relieve the animal's suffering, and
- a veterinarian is unable to attend in a timely manner, or transporting the animal to a veterinarian would unreasonably prolong the animal's suffering, and
- only after a veterinarian has been consulted.

Reason. Healthy greyhounds must never be euthanased. Those greyhounds who cannot be privately re-homed for whatever reason are to be re-homed in greyhound sanctuaries.

Attachments.

1. Funding for NSW Greyhound Rehoming Providers
2. Greyhound Sanctuaries
3. The Disappeared Greyhounds
4. Breeding Targets
5. Attitudinal Research
6. The Case for Six Dog Races