

GREYHOUND SANCTUARIES

COMBINING ANIMAL WELFARE AND REGIONAL JOB CREATION

The Report of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW conducted by the Honourable Michael McHugh AC QC dated 16 June 2016 stated “The normal life expectancy of a greyhound is between 12 and 15 years. Over the last 12 years 97,783 dogs have been whelped in NSW. Currently, there are about 6,809 registered greyhounds. Absent death through misadventure or illness, the average life expectancy of a greyhound indicates that another 90,974 greyhounds should still be alive. Some pups that were whelped in the last 18 months may be within litters, being reared, broken in or in pre-race training and not registered. However, even assuming that none of these juvenile animals (approximately 10,253) has been destroyed, where are the remaining 80,721 greyhounds? What has happened to them?”¹

Greyhound Racing NSW (GRNSW) has officially reported the birth of 34,653 greyhounds since 2012, an average of 5,775 per year. Based on current figures approximately 150 dogs are killed each year during a race. This leaves 5,625 dogs per year that need to be rehomed either as a 12 to 18 month old who is too slow to be a racer or the remaining dogs who go on to race and are retired at approximately four years old. The Special Commission’s report showed that in 2015/16 a total of 498 dogs were rehomed in NSW. What happened to the remaining 5,127? Clearly there is no way 5,625 people in NSW are going to want to adopt a greyhound every year. The number of people wanting to adopt a dog is, and will always be, limited. Not everyone wants a companion animal, and not everyone wants a greyhound if they want a companion animal. Of note, the abundant number of homeless greyhounds are in competition with other dog breeds for adoption. If more greyhounds are adopted this results in the unnecessary deaths of other breeds. How can the maximum number of healthy dogs be saved from an early death? And how can opportunities be increased for other shelter animals to find homes?

WASTAGE

McHugh reported “In the greyhound industry, this mass slaughter of young and older greyhounds bred for the purpose of greyhound racing, and which are subsequently destroyed either prior to being named or raced, or upon retirement from racing, is euphemistically called ‘wastage’.”² To the greyhound industry a dog is merely a product producing a profit. How do other industries ethically dispose of wastage?

¹ Special Commission of Inquiry into the Greyhound Racing Industry in NSW para 1.2

² Ibid para 1.5

Extended Producer Responsibility

In the area of waste management, Extended Producer Responsibility is a strategy to add all of the costs associated with a product throughout the product life cycle, to the market price of that product. Extended Producer Responsibility is a practice and a policy approach in which producers take responsibility for the management of the disposal of products they produce once those products are designated as no longer useful by consumers. Responsibility for disposal may be financial, physical, or a combination of the two.

FINANCIAL LIABILITY

The Greyhound Industry Reform Panel was appointed by the Government in 2016 to provide recommendations on potential new animal welfare and governance arrangements to reform the industry. The Panel reported to Government in 2017. Recommendation number 48 recommended that “As a condition of the operating licence, the commercial entity should fully offset the costs to Government of maintaining the integrity commission.” The Government accepted this recommendation in principle with the added comment “Industry contribution to regulatory costs will escalate over initial 5-year transition period, in accordance with the transition plan, to 100 per cent.”

The Panel’s report also stated that “Our recommendations mean industry will have considerable autonomy in managing its commercial operations and in providing incentives that improve the whole of life care for greyhounds. The industry also provided some assurance in its August 2016 guarantees that it was viable and had the capacity to fund the cost of care for unwanted greyhounds.”³

In accordance with the recommendations of the Review Panel and the principles of the Extended Producer Responsibility the greyhound racing industry in NSW is liable for the cost of maintaining a greyhound throughout its entire lifecycle. This lifecycle extends from birth to natural death. The only exception to this should be where a registered vet decides it is in the welfare interests of the greyhound to be euthanised.

GREYHOUND RACING ACT 2017

The Greyhound Racing Act was passed by the Parliament and given Royal assent in 2017. The Act created the Greyhound Welfare and Integrity Commission (GWIC) to oversee the industry and specified that GRNSW is responsible for meeting all the costs of the GWIC.

Greyhound Welfare and Integrity Commission

The NSW Greyhound Racing Act 2017 established the Commission as follows:

“Part 2 Division 1 Clause 4 Constitution of Commission

³ Greyhound Industry Reform Panel page 7

- (1) There is constituted by this Act a body corporate with the corporate name of the Greyhound Welfare and Integrity Commission.*
- (2) The Commission is, for the purposes of any Act, a NSW Government agency.*

The Act allows the Commissioner to introduce policy changes that will ensure the survival of all healthy greyhounds. The specific clauses of the Act which enable this are as follows:

Part 1, Division 2, Clause 11 The principal objectives of the Commission are as follows:

- (a) to promote and protect the welfare of greyhounds.*

Part 1, Division 2, Clause 12 The Commission has the following functions:

- (b) to initiate, develop and implement policies relating to the welfare of greyhounds.*
- (c) to maintain public confidence in the greyhound racing industry.”*

Greyhound Racing NSW

The Act also details the operations of GRNSW. Those parts of the Act which are relevant to the welfare of greyhounds are as follows:

“Part 3 Division 1 Clause 16 Constitution of GRNSW

- (1) There is constituted by this Act a body corporate with the corporate name of Greyhound Racing New South Wales.*
- (2) GRNSW is not and does not represent the Crown.*

Part 3 Division 2 Clause 24 Functions of GRNSW

- (1) GRNSW has the following functions:*
- (f) to fund the costs of the Commission.”*

Using the powers contained in the Act, the Commission can develop and implement policies which will ensure that all healthy greyhounds can live comfortably for the full term of their natural lives. As already identified, it is not possible to rehome by adoption into home situations all greyhounds which are no longer profitable. An alternative solution must be found. One such solution is the creation of greyhound sanctuaries.

GREYHOUND SANCTUARIES

Concept

One definition of the word sanctuary is a “place where injured or unwanted animals of a specified kind are cared for”. These sanctuaries would enable young and older greyhounds not required for racing to live out the remainder of their natural lives in a safe and comfortable environment and with the chance that a small percentage of them will be adopted to a loving home. The concept would involve the establishment, operation, regulation, inspection and funding of greyhound sanctuaries throughout NSW, primarily in regional areas. An additional benefit would be the creation of new jobs in regional areas.

Establishment and Operation

The concept requires the establishment and operation of greyhound sanctuaries as privately-operated businesses in accordance with standards set by Greyhound Industry Animal Welfare Committee. Persons wishing to operate a sanctuary will apply to the NSW Department of Primary Industry (DPI) for a Greyhound Sanctuary Operators Licence. All applicants will be vetted and licenced by the DPI. Industry participants will not be eligible to be licenced to operate a greyhound sanctuary.

Standards

The DPI will regulate the standards for greyhound sanctuaries to ensure the welfare of the greyhounds. The standards are to be based on the internationally recognised five domains of animal welfare and the five freedoms which form the basic framework for animal welfare standards globally.

The five domains of animal welfare are:

Nutrition. Appropriate nutrition and access to food must be provided. Nutrition requirements must be tailored to the age, gender, body mass and health of the dog. Water and feeding infrastructure must ensure accessibility to and security of food and food must be of good quality.

Environment. This must ensure environmental opportunity and choice by stipulating accommodation requirements, including sizes, materials, design, bedding, drainage, ventilation, yards, yard sizes, temperature control and location. This will include requirements for both indoor and outdoor accommodation. Sanitation requirements must include how often accommodation, pens and yards must be cleaned. Transportation requirements must ensure well ventilated transport for the greyhounds.

Health. This must ensure fitness, ableness and access to treatment. Veterinarian provision and health care, preventing the spread of infectious diseases and minimum exercise requirements must be met. A process for euthanasia whereby the greyhound can only be euthanised by a registered vet when the vet considers it is in the best interest of the greyhound must be enforced.

Behaviour. This must enable behavioural expression by banning the use of barking muzzles or other devices that hinder the dog from being able to express normal behaviours, anxiety or distress. All dogs must have access to activities that involve choice, variety and benign challenges. The use of substances not prescribed by a vet which may unnaturally alter the dog's behaviour is prohibited.

Mental or Affective State. This must encourage engagement and positive stimulation that provides goal-oriented engagement, rewards, playfulness, curiosity and affection. Security measures such as fencing to protect greyhounds from other animals which may cause harm or distress must be in place. Tethering and containment standards must be detailed. The number of dogs allowed per staff member must be specified.

The five freedoms are:

Freedom from thirst and hunger. Nutrition by ready access to fresh water and a diet to maintain full health and vigour.

Freedom from discomfort by providing a suitable environment including shelter and a comfortable resting area.

Freedom from pain, injury and disease by prevention or rapid diagnosis and treatment.

Freedom to express normal behaviour by providing sufficient space, proper facilities, and the company of the animal's own kind.

Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.

Inspection

All greyhound sanctuaries are to be inspected by the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW) and the Animal Welfare League NSW (AWL NSW) at least twice per annum to ensure standards are met. RSPCA NSW and AWL NSW will be provided with additional funds by the NSW Government to undertake this task.

Number of Greyhounds Requiring Sanctuary

GRNSW advised the Special Commission that it needed 7,500 greyhounds to be whelped each year to meet a racing schedule similar to its schedule for FY15/16.⁴ The Special Commission reported that a greyhound has a life expectancy of between 12 and 15 years. Assuming an average life expectancy of 13 years the number of greyhounds requiring sanctuary based on the industry's stated requirement could be as high as 97,500 at any one time. A lower figure is arrived at if the average number of births over the last six years is used. This indicates that 73,000 greyhounds would require sanctuary at any one time.

⁴ Special Commission of Inquiry into the Greyhound Racing Industry in NSW para 1.15

Business Model

This sanctuary business model is based on private individuals or companies being paid to operate a sanctuary. The amount paid will cover all the costs of running the sanctuary. Prospective owner/operators will be able to calculate their costs and weigh these against projected income to ascertain the viability of establishing a sanctuary.

FINANCIAL RESPONSIBILITY

Financial responsibility for maintaining whole of life greyhound welfare must be met by the greyhound racing industry. It is not equitable that these costs be borne by the taxpayers of NSW and donors to private charities. The funding of the sanctuaries is based on the principles of Extended Producer Responsibility and that the cost of paying for greyhounds in sanctuaries is a cost to the racing industry of doing business. The funding must include the cost of paying the sanctuary operators, the additional costs incurred by the DPI to administer the sanctuaries scheme and those incurred by RSPCA NSW and AWL NSW to inspect the sanctuaries and investigate and prosecute any breaches of the POCTAA discovered during an inspection or reported by the public.

Greyhound racing is primarily funded by the gambling industry. The GRNSW 2018 Annual report shows a total income of \$67m. The largest contributor to this income was TAB distributions which provided \$35.5m. The additional income was derived from Race Field Information Users fees of \$24m, Tax Parity receipts of \$5m and a variety of minor sources. The greyhound racing industry's biggest prize for a single race (\$1m) in 2019 was funded by Ladbrokes. Without the gambling industry there would be no greyhound racing industry, therefore it is only just that the gambling industry should meet the costs of the whole of life welfare of greyhounds.

Betting Tax Act 2001

NSW Legislation to tax the gambling industry to provide for whole of life welfare for greyhounds already exists as the Betting Tax Act 2001. Part 2 of the Act details the amounts to be paid by the gambling industry. These amounts have varied over time.

Based on the use of the Act to vary the amount raised from the gambling industry and the precedent set to use part of that money to fund greyhound welfare⁵, it is possible for the NSW Government to raise additional monies from the gambling industry and to appropriate that money to an organisation or organisations to undertake greyhound whole of life welfare tasks. This additional appropriation is fundamental to ensuring the whole of life welfare of greyhounds and the CPG strongly recommends that this legislation be amended to allow for such an appropriation.

Financial Payment

The NSW Government will provide funds to sanctuary operators and additional funds to the DPI, RSPCA NSW and AWL NSW to undertake the extra tasks associated with the

⁵ Betting Tax Act 2001 Part 4 Division 6 clause 130 Special appropriation to Greyhound Welfare and Integrity Commission

sanctuaries. RSPCA NSW has advised that the cost of maintaining a dog in a shelter is \$19 per day per dog. This figure covers all the running costs of the shelter but not the initial construction. Sanctuary operators should receive \$19 per day per greyhound.

Employment

Greyhound sanctuaries will employ full-time employees supplemented by volunteers. There must be a sufficient number of full-time staff to operate the sanctuary in the event that volunteers cannot be found. The Special Commission identified that in FY 15 4,414 people participated in the NSW greyhound racing industry either on a full time or part time basis.⁶ These participants were trainers, owner/trainers and attendants and supported a racing population of approximately 6,800 registered greyhounds. In addition, an unknown number of people profit indirectly from the industry by providing services such as food supply, vet services and track and kennel maintenance.

Based on the estimate that the sanctuary program would house from 72,000 up to 97,000 dogs, the employment created would be many times that of current industry numbers. Direct employment in the sanctuary program will depend upon the number of greyhounds in each sanctuary. RSPCA NSW has advised that a full-time carer is required for every 20 dogs. Based on this ratio it can be anticipated that full-time carers will number many thousands of people. The indirect jobs created by the sanctuary project will be in the order of 10 times the numbers supplying the current greyhound racing population. The majority of these new jobs would be in regional areas. Not only does the sanctuary concept maintain the current level of racing industry employment, it will create substantial new employment in regional areas.

Greyhound Adoption

The public will be able to adopt greyhounds from the sanctuaries.

FAILURE TO ADOPT SANCTUARIES

If the greyhound racing industry does not accept it is financially liable to meet the costs of the whole of natural lifecycle of greyhounds, this is evidence that the industry is not serious about animal welfare. If the industry rejects the sanctuary model, it must state what measures it intends to implement to prevent the deaths of tens of thousands of healthy dogs. Adoption either through industry adoption programs or private rescues is not an answer. Without sanctuaries thousands of healthy greyhounds will be killed each year.

A 100% adoption rate aspiration by the industry has been shown in Victoria to be a failure. Not only did such an aspiration depend on independent self-funded rescue groups, even with the adoptions made by these groups, the adoption rate fell far short of 100%. In its 2018 annual report, GRV reported that 2,641 dogs were rehomed and only 1,163 of these were rehomed by the industry GAP program. The remainder were rehomed by independent groups. A total of 975 dogs were killed. These numbers demonstrate a gross failure to meet the 100% adoption rate aspiration.

⁶ Special Commission of Inquiry into the Greyhound Racing Industry in NSW para 28.58

CONCLUSION

Currently the greyhound racing industry in NSW kills thousands of healthy dogs each year. Out of an average of 5,700 dogs whelped each year only approximately 500⁷ dogs per year are adopted. This is not an acceptable animal welfare outcome. A solution must be found to allow those dogs not adopted to live out their natural lives. These dogs require to be housed, fed and to have their health and wellbeing maintained.

The Greyhound Racing Act created the GWIC which is tasked with ensuring the welfare of greyhounds throughout their entire natural lifecycle. The Commission is empowered to regulate to achieve this goal. The Act also directs that GRNSW is responsible to fund the costs of the Commission.

The principles of Extended Producer Responsibility places upon the producer of a product that produces “waste” the responsibility for the costs associated with that product throughout the product life cycle to the market price of that product. This is the case for inanimate objects. In a moral and ethical society, it must apply in magnified strength when the ‘product’ is a sentient being. The greyhound racing industry regards greyhounds as a product and dogs who are too slow or too old to race as ‘wastage’. Therefore, in accordance with the principles of Extended Producer Responsibility, the industry is responsible to meet the full natural life cycle costs of all greyhounds.

One means of allowing all greyhounds to live to the end of their natural life is to create greyhound sanctuaries; privately operated, licenced by the NSW Government, inspected by RSPCA NSW and AWL NSW and funded by the greyhound racing industry. Greyhound sanctuaries would be located primarily in regional areas and would create substantial employment in these regions. This employment would be additional to that already existing within the greyhound racing industry and would be much larger than the current level of employment.

If the industry opposes the sanctuary concept it must state what alternative plans it has to enable greyhounds to live to the end of their natural lives.

RECOMMENDATIONS

1. That the NSW Government approves Regulations for greyhound sanctuaries.
2. That these Regulations take into account the principles outlined in this paper.
3. That the NSW Government provides funding to the sanctuary operators, RSPCA NSW and AWL NSW to operate and inspect greyhound sanctuaries.
4. That the NSW Government amends the Betting Tax Act 2001 to raise sufficient tax to cover the monies paid to sanctuary operators, RSPCA NSW and AWL.NSW.

⁷ Special Commission of Inquiry into the Greyhound Racing Industry in NSW tables 18.1 and 18.2

5. That the NSW Government amends the Betting Tax Act 2001 to raise sufficient tax to cover the expenses incurred by the DPI to administer greyhound sanctuaries.

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