



# Submission on NSW Animal Welfare Reform

## Prepared by Coalition for the Protection of Greyhounds

The NSW Government is seeking community views on a review of the current legislative framework related to animal welfare; specifically, to replace the current Prevention of Cruelty to Animals Act 1979 (POCTAA), Animal Research Act 1985 and Exhibited Animals Protection Act 1986 and associated subordinate legislation with a single Act of Parliament and subordinate legislation.

This submission is made by the Coalition for the Protection of Greyhounds (CPG). CPG is specifically concerned with the following areas of the review:

- Proposal 4. Introduce a minimum care requirement
- Proposal 5. Update the definition of cruelty

### Proposal 4 – Introduce a minimum care requirement

CPG notes the proposed Category 3 offences relating to failures "*to take reasonable steps to meet minimum care requirement*" (page 44 of the Discussion Paper) and provides comment on the following requirements:

*"Providing for the treatment of disease or injury (including timely provision of veterinary treatment where needed)"*

### CPG response

The future legislative framework must include a provision that prohibits euthanising animals that have treatable injuries resulting from a race or exhibition event.

### Is this requirement covered in other NSW legislation?

**No.**

The *Greyhound Racing Act 2017* and the *Greyhound Racing Regulation 2019* do not specifically include a requirement that greyhounds with treatable injuries are not euthanised. Both these legislative instruments rely on the *NSW Greyhound Welfare Code of Practice* to establish animal welfare requirements. This Code of Practice specifies that



"Veterinary treatment must be provided to a greyhound or puppy where necessary" but it does not prohibit the euthanasia of greyhounds with treatable injuries.

Similarly, the *NSW Companion Animals Act 1998* does not include a provision to prevent the unnecessary euthanasia of animals that have treatable injuries.

## Evidence

CPG analysed thousands of official stewards' reports, including those produced by Greyhound Racing NSW, to produce new research: '*Lethal tracks 2020 - track-related deaths and injuries*'. This report<sup>1</sup> shows that 87.1% of the 202 greyhounds euthanased on Australian racetracks in 2020 suffered leg fractures. These types of injuries are not lethal and can be treated.

## Justification

There has been a massive shift in public opinion regarding animal welfare in the last twenty years ie there are increased animal welfare expectations and consumer preferences. Most obviously, the public is regularly outraged at the minor penalties incurred by those who inflict animal cruelty.

Backed by academic research, there also is growing awareness that animal abusers become abusers of their fellow humans<sup>2</sup>.

Finally, while the evidence shows that most Australians do not support greyhound racing and consider it cruel, they are also concerned about the welfare of farm animals. CPG submits that the legislative framework governing animal care in NSW must be amended to differentiate between animals used in the human food chain and animals used for entertainment and gambling.

There is a fundamental difference in the way the Australian public views these two groups of animals. The majority of Australians believe it is a priority to improve the welfare of farm animals. They also consider the treatment of racing greyhounds is inexcusable as most Australians have no interest in gambling on activities involving animal cruelty.

There are many examples of this shift in public attitude, as well as global surveys which show Australia has slipped to a remarkably low position in animal welfare rankings.

These sources are annotated and listed below:

---

<sup>1</sup> <http://greyhoundcoalition.com/lethal-tracks-2020/>

<sup>2</sup> <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq#connection>

1. **Australia's poor global ranking on animal welfare** is clear evidence that NSW legislation (like most state-based animal welfare law in Australia) is falling way behind current public opinion in this country<sup>3</sup>. Further, the *Animal Protection Index* produced by World Animal Protection is critical of Australia's overall regulatory approach and highlights our country's appalling greyhound racing industry.<sup>4</sup>
  - On Australia's state-based laws and its failure to finalise a uniform national approach: "...enforcement mechanisms in existence lack uniformity... The withdrawal of funding and government resources demonstrates that the welfare of animals used for draught and recreation is no longer a priority for the government. Existing regulations at state and territory level suggest that some improvement should be possible on a regional basis and representatives from state and territory governments are encouraged to continue with the work previously undertaken by the Animals used for Work, Recreation, Entertainment and Display Working Group".
  - In 2015, Greyhounds Australasia admitted being responsible for the 'unnecessary deaths' of between 13,000 and 17,000 greyhounds a year, simply because the dogs are too slow to race<sup>5</sup>. As reported on ABC's 7.30 Report<sup>6</sup>, cases of greyhounds being drugged with cocaine, caffeine and anabolic steroids to run faster have existed for years."
2. **Greyhounds are bred, used and then culled by the racing industry, just like farm animals.** Given this, public attitudes on how this group of animals is treated are also highly relevant. The Federal Government commissioned a report by consultancy group FutureEye – "Australia's Shifting Mindset on Farm Animal Welfare"<sup>7</sup> - based on the results of national surveys and focus groups across the country. It shows:
  - the public distrusts government agencies charged with regulating farm animal welfare;
  - the public believes the livestock industry is too secretive about on-farm activities;
  - these factors are driving growing outrage about farm animal welfare;
  - 76 percent of Australians say whistle-blowing by activists about farm animal welfare should be encouraged (with 20 percent undecided and only four percent disagreeing); and
  - there was no difference in views between people in capital cities or regional towns.

---

<sup>3</sup> <https://vaci.voiceless.org.au/countries/australia/>

<sup>4</sup> <https://api.worldanimalprotection.org/country/australia>

<sup>5</sup> <http://greyhoundcoalition.com/wp-content/uploads/2021/02/greyhounds-australasia-crisis-to-recovery-program.pdf>

<sup>6</sup> <https://www.abc.net.au/7.30/doping-cruelty-and-collusion-claims-dog-greyhound/5024822>

<sup>7</sup> <https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>



**3. The RSPCA is one of the organisations in this country best placed to assess where public opinion lies regarding animal welfare.** They have said publicly that the increase in animal-based activism is part of a global trend and shows no sign of abating:

- *"Government regulators and the livestock sector must show meaningful leadership. That means actually doing something to improve animal welfare and making information about what's being done publicly available. Australians want real animal welfare improvements."*

**4. There is specific evidence of the lack of public support for the greyhound racing industry identified in public opinion surveys and polls.** It is obvious that NSW animal welfare laws are out of step with today's public attitudes. Given this, NSW Greyhound Racing's inadequate penalties are wholly unacceptable.

There is clear evidence that the public does not support greyhound racing, views it as a cruel sport and is concerned about how the dogs are treated. Further evidence of Australian public opinion on animal welfare is available<sup>8</sup>.

## Conclusion

CPG submits that the future legislative framework governing animal welfare in NSW must include:

1. prohibiting the euthanasia of animals that have treatable injuries resulting from a race or exhibition event;
2. clarification that minimum care provisions in the legislation apply to any injuries incurred during racing or entertainment related use of animals; and
3. indicate there is no longer any social licence for greyhounds – which are used for entertainment – to be treated any differently to companion animals when it comes to their rehabilitation and re-homing after injury or being retired from racing.

CPG is willing to be a stakeholder and contribute to the development of these amendments.

---

<sup>8</sup> <http://greyhoundcoalition.com/wp-content/uploads/2020/08/Attachment-5-to-GRA-submission-Attitudinal-Research-final.pdf>

## Proposal 5. Update the definition of cruelty

CPG notes that this proposal aims to prevent the following outcome, which is deemed to constitute cruelty:

*"unreasonably or unnecessarily causing harm to an animal (including causing pain, distress, or physical or psychological harm."*

CPG also notes that the list of activities that are deemed to always be cruel, irrespective of outcome includes:

*"advertising, promoting, or taking part in an activity in which an animal participates in a steeplechase or hurdle race."*

### CPG response

The future legislative framework must include a provision that prohibits ALL races that are likely to unreasonably and unnecessarily cause harm to participating animals. This means that the list of activities that are deemed to be always cruel should include:

- *advertising, promoting, or taking part in an activity in which a greyhound participates in a race on a track that is:*
  - *not a straight track,*
  - *that involves more than six greyhounds, and*
  - *has a lure less than two metres from the rail.*

### Is this requirement covered in other NSW legislation?

No.

The *Greyhound Racing Act 2017* and the *Greyhound Racing Regulation 2019* do not specifically include a prohibition of racing events that unreasonably or unnecessarily causing harm to an animal. Both these legislative instruments rely on the *NSW Greyhound Welfare Code of Practice* to establish animal welfare requirements. This Code of Practice does not specify particular racing track designs that avoid unreasonable or unnecessary harm to greyhounds.

Similarly, the *NSW Companion Animals Act 1998* does not include any provision to prevent the unnecessary unreasonable or unnecessary harm to greyhounds as a result of the design of the race track.

## Justification

The data presented in the `CPG Report *Lethal Tracks: NSW Update Jan – June 2021*<sup>9</sup> shows that 36 greyhounds died on NSW racetracks in the first 6 months of 2021 and there were 1521 injuries. This represents a 44% increase on the number of racing-related greyhound deaths over the same period in 2020.

This is the worst fatality rate in Australia, even taking into account an 11% increase in number of race meetings. Further, this figure does not include greyhounds who suffered serious injury and were euthanased later, nor does it include greyhounds who died during trials.

A 2016 report commissioned by Greyhound Racing NSW (GRNSW) and prepared by the University of Technology Sydney (UTS), "*Identifying Optimal Greyhound Track Design for Greyhound Safety and Welfare*"<sup>10</sup> identified that track congestion causes about 80% of catastrophic and major injuries to racing greyhounds.

The UTS study identified that race track congestion occurs for a variety of reasons, including lure position too close to the rail, race track shape, high concentration of greyhounds at the start of the race and combinations of these factors.

The UTS study analysed 33 races in which only six greyhounds started the race. The study found a statistically significant lower major and catastrophic injury rate in greyhound races with a maximum race field of six greyhounds compared with seven or eight greyhound race fields.

CPG analysis of six dog races compared with seven and eight dog races also showed that deaths and injuries will be significantly reduced by limiting the race field to six greyhounds. The CPG Whitepaper "*The Case for Six Dog Races*" is included at Attachment 1.

CPG research comparing death and injury rates between straight and oval racing tracks shows clearly that death and injury rates are significantly higher on oval tracks compared with straight tracks. CPG Whitepaper "*The Case for Straight Tracks*" is included at Attachment 2.

The UTS report makes a number of interim recommendations about greyhound races to eliminate injuries resulting from track congestion:

*A.1 Clearly the best option is to use only straight tracks*

*A.2 The use of straight tracks would eliminate all injuries associated with greyhounds needing to negotiate their way safely around the bend*

*A.4 #01 GRNSW work collaboratively with GRV [Greyhound Racing Victoria] on a third generation lure design with a reach that is greater than 2.0 m by incorporating a travelling counter balance into the design*

---

<sup>9</sup> <http://greyhoundcoalition.com/lethal-tracks-nsw-update-jan-jun-2021/>

<sup>10</sup> <https://www.grnsw.com.au/uploads/GRNSW%20Phase%20I%20Report%20FINAL%2020170605.pdf>



#### *A.4 #10 Reduce the number of starts from 8 to 6*

## **Conclusion**

The evidence shows that injuries and deaths in racing greyhounds can be significantly reduced or eliminated by changing track design, lure position and number of racing greyhounds. Therefore, CPG submits that any injuries or deaths resulting from any races conducted on tracks that do not meet the criteria identified in the UTS study will unreasonably or unnecessarily cause harm to greyhounds.