

## Coalition for the Protection of Greyhounds

# Submission on the review of the Tasmanian *Racing Regulation Act 2004*

## Introduction

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The Tasmanian Government, via its Department of Primary Industries, Parks, Water and Environment, is seeking submissions from interested parties on the review of the *Racing Regulation Act 2004* (the Act).

The Coalition for the Protection of Greyhounds (the Coalition) undertakes research to provide the Australian public and State and Territory governments with accurate information about greyhound welfare and other matters associated with greyhound racing. For more information about the Coalition, including our White Papers and reports, such as the *Lethal Tracks* report, please visit <https://greyhoundcoalition.com/>.

The Coalition has members across Australia, including Tasmania, and would like to thank the Tasmanian Government for the opportunity to make a submission on the review of the Act.

## Executive summary

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The Coalition has proposed a number of improvements to the proposed integrity model. These improvements are based on best practice approaches applied by public and private organisations. The Coalition view reflects that of the many members of the community who have concerns about the behaviour of members of the animal racing industry and poor animal welfare outcomes for racing animals.

### Transparency: give the community the information they need

A key strategy for building and maintaining community confidence in animal racing is to provide them with the information they need. The following Coalition recommendations address key information gaps that the future integrity model must fill:

- Provide the community with easy access to information about the performance of the racing industry against animal welfare rules, policies and industry standards (see our responses to Questions 1, 3 and 4), including:
  - injuries and deaths resulting from trials,
  - lifetime tracking of racing animals,
  - rehoming rates
  - number of animals bred by the industry that do not make it to the racetrack and what happens to them.
- Collect and publish information about on-course gambling revenue to inform the Tasmanian Government and interested parties about the potential impact of the industry on Tasmanian gamblers (see our responses to Questions 1, 3 and 4).
- Consolidate information about integrity decisions in a 'one-stop-shop' (see our response to Question 11).

### **Stakeholder engagement: give non-industry stakeholders a voice in the integrity model**

A key strategy for building and maintaining community confidence in animal racing is to engage them in the integrity model. The Coalition proposes the establishment of a racing integrity advisory committee, comprising representatives from industry, animal welfare groups and expert veterinarians to support the TasRIC in developing and revising rules, policies and industry standards and assessing the annual TasRacing integrity plan (see our responses to Questions 1, 2, 3 and 5).

### **Separation of functions: avoiding conflicts of interest**

The proposed integrity model includes a number of regulatory functions as well as functions relating to the development and funding of the industry. To have any credibility, the integrity model must clearly and unambiguously separate responsibility for these functions. The Coalition therefore recommends that responsibility for all functions relating to compliance and enforcement (including stewards) and the development/revision of rules, policies and industry standards must be with the TasRIC (see our responses to Questions 5 – 10).

### **Amend the legislative framework to limit euthanasia to untreatable injuries**

Too many racing animals are euthanised not because of untreatable injuries, but because it is cheaper than treating the injury or caring for greyhounds until they can be rehomed. This wasteful loss of life is one of the issues about which the community is most concerned. Taking action to make these practices illegal would be a strong signal that the Tasmanian Government is addressing community concerns with the view of raising confidence in the Tasmanian racing industry (see our responses to Questions 3 and 9).

### **Amend the legislative framework to include a transparent statutory process for suspending industry participants being investigated for animal cruelty**

Recent high-profile cases have highlighted that giving decision makers discretion over whether or not to suspend industry participants being investigated for animal cruelty offences results in unacceptable conflicts of interest affecting those decisions. The Coalition provide examples and propose the establishment of statutory processes for such suspensions (including appeals processes), which would bring Tasmania on par with other jurisdictions (see our response to Question 3). The Coalition also proposes that contingencies must be in place to ensure animals owned by suspended persons can be reassigned or cared for appropriately (see our response to Question 7).

## ***Coalition responses to questions outlined in the *Review of the Racing Regulation Act 2004 Discussion Paper****

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### **1. Are these principles suitable for an integrity model in Tasmania? What others should apply?**

The objectives and principles proposed in the discussion paper are not suitable for a Tasmanian integrity model.

The Coalition proposes the following objective:

The objective of the new framework is to safeguard the welfare of all animals involved in racing and ensure the integrity of the industry.

The Coalition proposes the following principles:

- All participants in the industry have an obligation to support and meet integrity objectives. (unchanged)
- The commercial and integrity functions of racing industry regulation will be separated and ensure input from industry and community groups. (amended)
- Governance must be effective, transparent and responsive to industry and community needs. (amended)
- The integrity system must be robust with appropriate education, compliance and enforcement functions, and be easily understood by participants and the community. (unchanged)

## Justification

The Coalition posits that the integrity model must include objectives and principles that place animal welfare at the forefront. The objectives proposed in the discussion paper are:

*“The objective of the new framework is, at its simplest, the maintenance of confidence in the racing of animals in Tasmania. It must also ensure the integrity of all persons involved with racing and safeguard the welfare of all animals involved in racing.”*

This objective conflates actions to achieve an objective with the desired outcome. This detracts from the impact and clarity of the objectives. Confidence in animal racing cannot be maintained without safeguarding the welfare of animals used in racing. Nor can animal welfare be safeguarded without ensuring the integrity of all persons involved with racing. The Coalition therefore proposes the above amendment to the objective of the integrity model.

The Coalition has also proposed a number of amendments to the principles of the integrity model proposed in the discussion paper. Including concepts of transparency and addressing community needs in the integrity model principles would make a clear commitment to the community that they will be informed about how the regulatory framework performs and the extent to which industry participants meet their integrity obligations. Such information will be key to maintaining community confidence in animal racing.

### **Involve non-industry groups in the integrity model: establish a racing integrity advisory committee**

The Coalition does not agree that the four principles proposed in the discussion paper are appropriate as they do not include a commitment that the integrity model provide opportunities for input from key non-industry stakeholders.

Including governance structures in the integrity model that comprise not just industry stakeholders, but also representatives from animal welfare organisations will be key to improving community confidence in animal racing. The Coalition has therefore proposed the above amendments to the second principle included in the discussion paper to ensure broader consultation with key stakeholder groups.

On page 8 of the discussion paper it is stated that *“TasRacing are responsible for the formulation of local welfare rules in consultation with the Director, and involving industry consultation.”* The current regulatory framework therefore focuses on consulting on animal welfare rules only with the industry. Given the track record of the industry it is absolutely vital that animal welfare groups are also included in the integrity model. Excluding such stakeholders from the development of policies and rules contributes to the current poor reputation of the industry in the general community.

The Coalition is of the strong view that it is not appropriate for TasRacing to have responsibility for developing local animal welfare rules. TasRacing's responsibilities relating to funding and promoting Tasmania's racing industry is a very clear conflict of interest. The new integrity model therefore must move this responsibility to the proposed TasRIC.

A well-established mechanism for involving interested non-industry parties in regulatory and integrity models is to establish advisory committees. The Coalition recommends that a racing integrity advisory committee comprised of representatives from industry and animal welfare groups as well as independent veterinary practitioners could add significant value to the proposed TasRIC, especially in relation to the development of rules, policies and industry standards and assessment of the annual TasRacing integrity plan.

### **Provide the community with information they need about the animal welfare impacts of the racing industry**

The four principles proposed in the discussion paper do not include a commitment that the integrity model provide the community with information about the performance of the regulatory framework and industry participants against community expectations.

The Coalition recognises the information that is published by Office of Racing Integrity, which we do use to prepare our white papers and reports. However, it is essentially raw data and large volumes must be perused to get the overall picture. Currently, the following information is not easily available, or not available at all, to allow the community to form a view about animal welfare concerns, such as:

- injuries and deaths resulting from racing and trials,
- lifetime tracking of racing animals,
- rehoming rates
- the number of animals bred by the industry that do not make it to the racetrack and what happens to them.

These are key animal welfare concerns of the broader community and to build their confidence in animal racing, this information must be made available in a transparent and convenient manner.

Including concepts of transparency and addressing community needs in the integrity model principles would make a clear commitment to the community that they will be informed about how the regulatory framework performs and the extent to which industry participants meet their obligations. Such information will be key to maintaining community confidence in animal racing.

### **Provide the community with information they need about the social welfare impacts of the racing industry**

On page 5 of the discussion paper it is claimed that Tasmania's racing industry generates more than \$185 million a year in economic activity in Tasmania, particularly benefiting rural and regional areas. Although this figure is not broken down to gambling revenue from local, interstate or overseas gamblers, data published by the Tasmanian Department of Communities in their *Gambling Support Program Strategic Framework 2019–2023*<sup>1</sup> shows that about 10% of Tasmanians gamble on horse or greyhound racing. According to June 2021 data from the Tasmanian Department of Treasury and Finance, the Tasmanian population was 541,500.

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<sup>1</sup> [https://www.communities.tas.gov.au/disability/gambling/about\\_gsp](https://www.communities.tas.gov.au/disability/gambling/about_gsp)

The *Gambling Support Program Strategic Framework 2019–2023* provides a breakdown of gambling losses incurred by Tasmanians in casino table gambling, Keno, lotteries and electronic gaming machines (EGMs). Data provided in this document shows that about 2% of these Tasmanians are high or moderate risk gamblers (i.e. gamblers who participate in gambling significantly more often and lose significantly more on gambling than no risk gamblers). Should these data apply to those who gamble on horse and greyhound racing, well over 1,000 Tasmanians would be expected suffer significant financial losses from these activities.

Clearly, this industry has a detrimental impact on the financial wellbeing and mental health of many Tasmanians, but currently neither the Tasmanian Government or the industry is making any effort to be transparent about this.

Ultimately race track revenue reflects financial losses incurred by those who gamble on horse and greyhound races. Given that one of the functions of the animal racing integrity model is to promote Tasmanian horse and greyhound racing, it is reasonable to expect that the community should be informed about how much of the industry's revenue comes from on-course gambling.

## **2. Does the creation of a TasRIC support strengthened integrity?**

Based on the information provided in the discussion paper it is not clear how the proposed TasRIC would support strengthened integrity because the functions are essentially the same or similar as in the current model, albeit with different accountabilities. In particular, the Coalition is concerned that the proposed TasRIC functions are silent on how the TasRIC will engage with stakeholders other than the racing industry or how the TasRIC will be responsive to community needs, including their information needs.

The Coalition has addressed some of these concerns in our response to Question 1 and will provide additional recommendations in our responses to subsequent questions.

## **3. Are the proposed powers and functions appropriate?**

The Coalition agrees that the TasRIC must be able to operate independently and that the TasRIC should have independent oversight of the matters listed in the discussion paper, including the Racing Stewards.

The Coalition proposes that the TasRIC must have the following additional responsibilities:

- Publication of information about
  - the racing industry's performance against animal welfare criteria
  - the impact of horse and greyhound racing on Tasmanian gamblers
  - all licensing, audit and compliance activities undertaken, including penalties given.

The Coalition also proposes that:

- The legislative framework must be amended to:
  - restrict the euthanasia of animals bred for racing only to untreatable injuries
  - establish a process by which industry participants under investigation for animal welfare breaches, particularly those related to animal cruelty, are suspended from racing for the duration of the investigation

- require TasRIC to obtain advice from a racing integrity advisory committee on the annual TasRacing Integrity Plan and all new and revised rules, policies and industry standards.

## Justification

There has been a massive shift in public opinion regarding animal welfare in the last twenty years, i.e. 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.

One of the outcomes the Tasmanian Government is trying to achieve by revising its animal racing integrity model is “...*maintenance of confidence in animal racing in Tasmania.*” (page 16 of the discussion paper). Clearly, the behaviour of some industry participants has severely eroded the public’s confidence in animal racing, especially greyhound racing. Data provided in the 2020 review of TasRacing by the Tasmanian Department of Treasury and Finance<sup>2</sup> shows that the Tasmanian animal racing industry is declining at a higher rate than the national average, although it did note the decline had stabilised in the harness racing part of the industry.

It is therefore difficult to see how the community’s confidence in animal racing could be improved and maintained by a new integrity model without:

1. provision of easily accessible information about the impacts of the racing industry on animal welfare and social welfare (see our response to Question 1) and
2. a formal mechanism for involving representatives of animal welfare groups in key decision-making processes.

It is well established practice for public sector agencies and statutory officers to take into account advice from advisory committees. The Coalition therefore proposes the establishment of a racing integrity advisory committee, comprising representatives from the industry, animal welfare groups and independent veterinary experts. This advisory committee should be consulted on the development or revision of rules, policies and industry standards and assessment of the annual TasRacing integrity plan. Please refer to our response to Question 1 for further justification for the establishment of a racing integrity advisory committee.

## Stop euthanasia of animals with non life-threatening injuries and animals that can’t be rehomed

Australia's poor global ranking on animal welfare is clear evidence that Tasmanian legislation (like most state-based animal welfare laws in Australia) is falling 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*”.

<sup>2</sup> <https://www.treasury.tas.gov.au/government-businesses/strategic-reviews/tasracing-2020-review>

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

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



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."

The Coalition analysed thousands of official stewards' reports, including those published by the Office of Racing Integrity, to produce new research: "*Lethal tracks 2020 - track-related deaths and injuries*". This report<sup>7</sup> shows that 87.1% of the 202 greyhounds euthanised on Australian racetracks in 2020 suffered leg fractures. These types of injuries are not lethal and can be treated.

The Coalition notes that TasRacing provides the Greyhound Recovery Rebate Scheme which provides up to \$3,000 for the treatment of injuries at racing events as well as trial sessions. It is therefore not clear why the Tasmanian Government still allows the killing of greyhounds that have suffered treatable injuries.

The Coalition report *A GAPing hole in the industry*<sup>8</sup> shows that, although the Tasmanian Government funded (via TasRacing) rehoming program performs relatively well compared to other jurisdictions, there is still a large gap between number of greyhounds that need to be rehomed and those actually rehomed. This report also shows the difficulty in assessing exactly how many greyhounds are euthanised because their owners are not prepared to care for them until they can be rehomed. In 2020, similar concerns about the fate of racing horses were aired in the media and also resulted in significant public outcry.<sup>9</sup>

The Coalition notes the information on euthanasia of racing animals provided in Tasracing's annual reports, however, this covers data only for ex-racers. Further, the Coalition's research published in the *A GAPing hole in the industry* clearly shows that community-based greyhound adoption groups are able to avoid euthanising greyhounds because they invest in the greyhounds' socialisation and training, and they commit to caring for them until they find a home. It is reasonable to expect the Tasmanian racing industry to make similar commitments.

If the Tasmanian Government wishes to achieve its objective (as stated in the discussion paper) of maintaining confidence in the racing industry, it must make a strong commitment to outlaw the practices that the community finds so abhorrent. Euthanasia of animals that do not have an untreatable injury reflects the fact that industry participants have not costed animal welfare into their business model and that they abrogate their duty of care responsibilities toward the animals they breed. The Joint Select Committee on Greyhound Racing in Tasmania heard evidence that there is a clear community view that this is not acceptable.<sup>10</sup>

Therefore, the legislative framework must include a prohibition on the euthanasia of animals that were bred by the racing industry unless they have suffered an injury that is not treatable. The Coalition has proposed the establishment of a racing integrity advisory committee, which would be ideally placed to develop rules and industry standards to provide clarity about what is an untreatable injury.

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

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

<sup>7</sup> <http://greyhoundcoalition.com/lethal-tracks-2020/>

<sup>8</sup> <https://greyhoundcoalition.com/exposing-the-issues/a-gaping-hole-in-the-industry/>

<sup>9</sup> <https://www.smh.com.au/politics/federal/racing-nsw-launches-investigation-after-race-horses-continue-to-be-slaughtered-20201029-p569v1.html>

<sup>10</sup> <https://www.parliament.tas.gov.au/ctee/Joint/Transcripts/Joint%20House%20Select%20on%20Greyhound%20Racing%20in%20Tasmania%2030%20November%202015.pdf>

### **Those investigated for animal cruelty must be suspended for the period of the investigation**

The Coalition's call for a statutory process for suspending those being investigated for suspected animal cruelty breaches is best exemplified by recent cases that gained significant media attention and demonstrated the unacceptable conflicts of interest that mar the current discretionary approach.

In late 2021, media attention was brought into investigations by RSPCA and ORI of a prominent Tasmanian greyhound racer, Anthony Bullock, for a suspected animal cruelty violation. This received significant media attention and highlighted community concerns about the racing industry<sup>11</sup>.

However, of most concern to the Coalition is the Government's response to this matter, which demonstrated the commercial influence on compliance decisions by ORI. Specifically, the Director of ORI has discretion to suspend an industry participant who is under investigation. In this instance, the decision was taken not to suspend Mr Bullock because of the impact it would have on racing and the burden on the industry of having care for the large number of greyhounds that Mr Bullock has bred. Specifically, Mr Bullock regularly has 20 or more greyhounds running at race meetings and according to Mr Paul Eriksson (CEO Tasracing), "If the individual was suspended then he would need to reassign his dogs which would create a significant problem".<sup>12</sup>

Instances where regulatory decisions are influenced by commercial and other considerations also occur in horse racing.<sup>13</sup>

These examples clearly demonstrate why the community has a poor view of Tasmanian animal racing and exemplify the conflicts of interest that detract from decision making, even though ORI and Tasracing are purported to be separate entities. The Coalition's view is that there are two actions that the Tasmanian Government must take to eliminate such conflicts of interest:

- provide a statutory process that requires industry participants under investigation for animal cruelty to be suspended from any involvement in racing
- ensure the resources and facilities be made available to provide quality care for racing animals owned by suspended owners (please see our response to Question 7 for further details).

Models for how a statutory process to suspend industry participants under investigation exist in a number of jurisdictions, for example NSW. The Coalition would expect such processes to include appeal processes. There should therefore be no impediment to legislating a similar process in Tasmania. Failure to do so will cement the widely held view that some racing industry participants are 'too big to fail'.

## **4. What role should the TasRIC have in relation to bookmakers?**

The Coalition agrees that TasRIC should be responsible for administering, licensing and regulating the operations of Tasmanian on-course bookmakers. The Coalition further proposes that, to allow the TasRIC to report on the industry's impact on the financial welfare of gamblers, bookmakers must provide relevant information to the TasRIC.

Justification for this proposal has been provided in our responses to Questions 1 and 3.

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<sup>11</sup> <https://www.abc.net.au/news/2021-11-30/greyhound-trainer-anthony-bullock-rspca-cruelty-probe/100661386>

<sup>12</sup> <https://tasmps.greens.org.au/parliament/tasracing-ta-bernard>

<sup>13</sup> <https://www.abc.net.au/news/2021-09-02/former-head-of-tasmania-office-racing-integrity-investigation/100426828>



A requirement to provide regular reports on on-course gambling revenues could be included as a licence condition under the proposed integrity model. Failure to meet this requirement would result in suspension or cancellation of the licence.

## **5. What role should the TasRIC have in relation to animal welfare?**

The Coalition agrees with the TasRIC functions proposed on p 16-17 of the discussion paper and, in addition, proposes that the TasRIC should have primary responsibility for:

- developing new, and updating existing, rules, policies and industry standards with advice from a racing integrity advisory committee
- all monitoring, compliance and enforcement activities
- publishing information about the racing industry's performance on animal welfare, including outcomes of compliance and enforcement actions, and impact on social welfare (i.e. financial losses incurred by Tasmanian gamblers).

### **Justification**

Best practice regulatory frameworks include providing the regulator with an appropriate level of independence to avoid undue influence of the regulated entities on regulatory decisions. The model proposed in the discussion paper does specify the TasRIC being an independent body and the Coalition fully supports this.

The establishment of a racing integrity advisory committee would further strengthen the independence of TasRIC decision making and, with appropriate representation from industry, animal welfare and independent veterinary experts, would address the current situation where input into animal welfare rules is sought only from industry participants. The potential for conflicts of interest in the current model is obvious and contributes to the low level of confidence in animal racing that is evident in the broader community.

The proposed TasRacing functions are too close to the industry, those involved in racing and commercial aspects relating to the industry (see also our response to Question 6). This level of engagement with the financial wellbeing of the industry would pose an unacceptable conflict of interest and would add to the perception that animal welfare rules and standards are developed primarily with industry participants in mind, rather than what's best for animals bred for, or used in, racing. This would do nothing for improving and maintaining the community's confidence in animal racing in Tasmania.

## **6. Should stewards remain under the control of TasRIC?**

The Coalition argues that stewards must be under the control of TasRIC.

### **Justification**

The current roles of TasRacing as specified by section 11 of the Act include, but are not limited to:

- promoting Tasmanian racing locally, nationally and internationally
- promoting the development of an efficient and effective racing industry

- promoting the development of an efficient and effective horse and greyhound breeding industry
- providing advice to the Minister and making appropriate policy recommendations for the development of racing
- attracting sponsorship income
- assisting racing clubs with the promotion and marketing of major race meetings and race carnivals.

The Coalition notes that the future integrity model proposed in the discussion paper is silent about TasRacing's ongoing role in the above functions, but it is assumed that these functions will remain, at least in some form.

Race stewards are an absolutely fundamental part of the integrity model and there must be no doubt in the community about their ability to operate independently and in the absence of commercial and other considerations. Placing racing stewards under the control of TasRacing would pose an unacceptable risk of a conflict of interest between commercial and animal welfare (and other integrity) issues (see also our response to Question 5).

If the Tasmanian Government wishes to build and maintain confidence in the animal racing sector, the integrity model must unambiguously separate commercial functions and integrity functions. Under the proposed integrity model this can be achieved only by stewards being under the control of TasRIC, not TasRacing.

## **7. What are your views on the proposed revised functions of TasRacing?**

It is the Coalition's view that TasRacing cannot have any integrity responsibilities, including those relating to developing rules, policies and industry standards or compliance and enforcement actions.

The Coalition proposed in our response to Question 3 that resources and facilities be made available to provide quality care for racing animals owned by suspended owners. This function should sit under the proposed TasRacing as it is complementary to its oversight of the Greyhound Adoption Program.

### **Justification**

#### **TasRacing to have no involvement in any integrity function**

The Coalition notes that the proposed integrity model is silent about what role TasRacing will play in the development and promotion of Tasmanian animal racing, including interstate and overseas. However, given the current statutory obligations imposed on TasRacing by section 11 of the Act, it is assumed that such responsibilities will remain (see also our responses to Questions 5 and 6).

It is disappointing that risks posed by such commercial responsibilities on TasRacing decision making were not considered. The Coalition notes that best practice implemented by state and federal public sector agencies with integrity and regulatory responsibilities is built on avoiding perceptions of, or actual conflicts of interest, and managing these transparently where they cannot be entirely avoided.

### **TasRacing must ensure contingencies for large intakes of greyhounds requiring care**

The current state of the integrity system is that racing participants with large numbers of animals are ‘too big to fail’; i.e. the regulatory decision makers will not suspend them while they are being investigated. From statements made by Mr Eriksson before the Tasmanian Parliament (see our response to Question 3) it is clear that regulatory decisions with potential impact on a person’s ongoing involvement in animal racing are in fact influenced by how many animals would need to be reassigned.

Resources and facilities must therefore be made available to prevent such matters from impacting on the integrity of decisions made in relation to racing industry participants. The Coalition notes Tasracing’s July 2021 response to recommendation 14 of the 2016 Joint Select Committee Report Into Greyhound Racing that “Purchase of dedicated Tasracing owned Greyhound Adoption Centre in Mangalore housing 27 dogs with room for significant expansion”.<sup>14</sup> It is therefore reasonable for the Tasmanian Government to make a commitment that reassignment of animals owned by suspended industry participants should never again influence the animal racing integrity system.

## **8. Should any changes be made to TasRacing governance if its functions are changed?**

Given TasRacing’s commercial responsibilities (see our responses to Questions 5, 6 and 7 above) TasRacing cannot have responsibility for any regulatory oversight functions. The TasRacing governance model should be based on best practice governance structures implemented for entities with similar functions, i.e. commercial development and promotion.

### **Justification**

The Coalition notes the discussion paper’s review of other state and international bodies involved in animal racing and recommends that governance models that apply in the private sector might be more appropriate.

Notable examples are the banking<sup>15</sup> and aged care<sup>16</sup> sectors, where unacceptable behaviours of those involved in the sectors resulted in public outcry. Both sectors have undergone inquiries where their ‘dirty laundry’ was aired very publicly. As a result, significant changes to governance models have been introduced – in particular in the banking sector, which has had more time to make changes.

The community has had similar reactions to unacceptable behaviours exposed in the animal racing industries, especially greyhound racing. The Coalition therefore proposes that the development of a publicly acceptable TasRacing governance model should focus on organisations outside the animal racing sector.

The Coalition notes the overview of the Sports Integrity Australia (SIA) model in the discussion paper and that agencies involved in human sport have been structured as recommended by the Coalition; i.e. a very clear separation between the bodies involved in funding and related matters (Sports Australia) and regulation/integrity (SIA).

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<sup>14</sup> <https://nre.tas.gov.au/Documents/Response%20to%20Joint%20Select%20Committee%20Report%20Table%20-%20Updated%20July%202021.pdf>

<sup>15</sup> <https://www.royalcommission.gov.au/banking>

<sup>16</sup> <https://agedcare.royalcommission.gov.au/>

## 9. What role should TasRacing have in relation to animal welfare?

The Coalition proposes that TasRacing should have processes and systems in place to ensure they act in accordance with the following principle proposed in the discussion paper “*All participants in the industry have an obligation to support and meet integrity objectives*”.

The Coalition agrees that TasRacing should continue to oversee the Greyhound Recovery Rebate Scheme and the Greyhound Adoption Program (see also our response to Question 7 in relation to care of animals owned by suspended industry participants).

However, the Coalition proposes that TasRacing must have no involvement in:

- the development of animal welfare standards, guidelines or rules
- any decision making on compliance or enforcement matters
- the racing integrity advisory committee, as proposed by the Coalition in this submission,

other than to provide information as requested or required (see also our responses to Questions 5,6 and 7).

### Justification

The Coalition reiterates our strong view that given TasRacing’s responsibilities, TasRacing cannot have direct involvement in any regulatory/integrity oversight functions. This is consistent with best regulatory practice, where commercial considerations and regulatory matters are separated to ensure the integrity of the monitoring, compliance and enforcement processes and decision making. The structural and governance arrangements established for sports are a good example of this separation of functions.

The Greyhound Recovery Rebate Scheme must be maintained to ensure that greyhounds suffering race or trial-related injuries can receive the treatment they need. The Coalition recognises that this scheme is necessary only because greyhound racing industry participants have not costed animal welfare expenses in their business model. However, the scheme will remain necessary until such time as these participants meet their duty of care obligations to all animals they breed, which will be expedited by the amendments to the legislative framework proposed by the Coalition in our response to Question 3.

Clearly, TasRacing will have information that may inform regulatory planning or decision making and such should be made available as required.

## 10. Should stewards be embedded in TasRacing?

No.

The Coalition refers to the justifications for separating regulatory/integrity functions from TasRacing in our responses to questions 5 – 9.

## 11. What improvements to TRAB powers and functions could be considered to enhance probity and integrity?

The Coalition agrees that TRAB should remain an independent board to consider and decide on appeals to decisions and proposes that TRAB outcomes should be provided in a more transparent and user-

friendly way. Specifically, to get an end to end view of ORI decisions and appeal outcomes, interested parties must trawl through multiple web pages to collate the information. The Coalition believes there is an opportunity to consolidate current reporting so that the community is provided with a one-stop shop on compliance actions and outcomes.

## Justification

### One-stop-shop on compliance outcomes

Currently, interested members of the community need to go to multiple web pages to find the end to end information about compliance decisions: an ORI webpage to find information about disqualifications, warned offs and defaulters and decisions, an ORI webpage to find information on steward's inquiries and a TRAB web page on appeals outcomes.

Further, the Coalition notes that this information is provided on the website of the same Tasmanian Government department<sup>17</sup>, so it should be relatively straight forward to provide a 'one-stop-shop', without reducing the amount of information provided in the decision records and statement of reasons.

The Coalition believes that, given community concerns about actions taken in response to animal welfare and other breaches, information about all cases should be provided as a 'one-stop-shop'.

## 12. What are your views on the proposed integrity model?

The Coalition has outlined a number of concerns about the proposed integrity model in the above responses. However, the Coalition also recognises that this review is a great opportunity to address a number of concerns about the current model and has made recommendations accordingly. These are provided in our responses to the above questions and Question 13.

## 13. What improvements could be made to the proposed integrity model?

The Coalition has proposed a number of improvements to the proposed integrity model. These improvements are based on best practice approaches applied by public and private organisations. The Coalition view reflects that of the many members of the community who have concerns about the behaviour of members of the animal racing industry and poor animal welfare outcomes for racing animals.

Our recommendations can be broken down to the following key themes:

### Transparency: give the community the information they need

A key strategy for building and maintaining community confidence in animal racing is to provide them with the information they need. The following Coalition recommendations address key information gaps that the future integrity model must fill:

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<sup>17</sup> <https://nre.tas.gov.au/racing>

- Provide the community with easy access to information about the performance of the racing industry against animal welfare rules, policies and industry standards (see our responses to Questions 1, 3 and 4), including:
  - injuries and deaths resulting from trials,
  - lifetime tracking of racing animals,
  - rehoming rates
  - number of animals bred by the industry that do not make it to the racetrack and what happens to them.
- Collect and publish information about on-course gambling revenue to inform the Tasmanian Government and interested parties about the potential impact of the industry on Tasmanian gamblers (see our responses to Questions 1, 3 and 4).
- Consolidate information about integrity decisions in a ‘one-stop-shop’ (see our response to Question 11).

### **Stakeholder engagement: give non-industry stakeholders a voice in the integrity model**

A key strategy for building and maintaining community confidence in animal racing is to engage them in the integrity model. The Coalition proposes the establishment of a racing integrity advisory committee, comprising representatives from industry, animal welfare groups and expert veterinarians to support the TasRIC in developing and revising rules, policies and industry standards and assessing the annual TasRacing integrity plan (see our responses to Questions 1, 3 and 5).

### **Separation of functions: avoiding conflicts of interest**

The proposed integrity model includes a number of regulatory functions as well as functions relating to the development and funding of the industry. To have any credibility, the integrity model must clearly and unambiguously separate responsibility for these functions. The Coalition therefore recommends that responsibility for all functions relating to compliance and enforcement (including stewards) and the development/revision of rules, policies and industry standards must be with the TasRIC (see our responses to Questions 5 – 10).

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### **Amend the legislative framework to limit euthanasia to untreatable injuries**

Too many racing animals are euthanised not because of untreatable injuries, but because it is cheaper than treating the injury or caring for greyhounds until they can be rehomed. This wasteful loss of life is one of the issues about which the community is most concerned. Taking action to make these practices illegal would be a strong signal that the Tasmanian Government is addressing community concerns with the view of raising confidence in the Tasmanian racing industry (see our responses to Questions 3 and 9).

### **Amend the legislative framework to include a transparent statutory process for suspending industry participants being investigated for animal cruelty**

Recent high-profile cases have highlighted that giving decision makers discretion over whether or not to suspend industry participants being investigated for animal cruelty offences results in unacceptable conflicts of interest affecting those decisions. The Coalition provide examples and propose the establishment of statutory processes for such suspensions (including appeals processes), which would



bring Tasmania on par with other jurisdictions (see our response to Question 3). The Coalition also proposes that contingencies must be in place to ensure animals owned by suspended persons can be reassigned or cared for appropriately (see our response to Question 7).