



Submission



Review of SA Animal Welfare Act

**Prepared by the Coalition for the Protection of Greyhounds
23 March 2023**

End greyhound suffering

Introduction

As part of its review of the [Animal Welfare Act](#), the South Australian Government invited people to share their perspectives on animal welfare, how the current laws are working and how they might be improved.

The SA Government provided an overview of the Act and its parts in a consultation paper: [Community Consultation Paper: 2023 Review of the Animal Welfare Act 1985](#).

People were invited to provide feedback via an [online survey](#). It was noted that if people did not wish to respond to all questions in the survey, they could opt to provide a 'general comment' only.

Submission

The Coalition for the Protection of Greyhounds (CPG) welcomed the opportunity to make a submission on the review of the SA Animal Welfare Act. CPG opted to respond to all questions in the survey. These appear in italics below along with the CPG responses.

Question 6.

Do you agree that the current purpose of the Act provides a good understanding of the general aims and principles of the legislation?

☒ Disagree

Question 7.

You can add a comment, provide an explanation or give examples on the purpose of the Act:

The current purpose of the Act focuses on 'promoting' animal welfare. This is inadequate as the South Australian Government has a clear public mandate to ensure the welfare of animals. A more appropriate purpose would include words relating to ensuring animal welfare and enforcing the legislation where animals have suffered harm.

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Question 8.

Should the Act include specific objects?

☒ Yes

Question 9.

What might these objects be or what themes should they reflect?

The future legislative framework needs to recognise that all animals are sentient creatures and that people have a moral duty to protect their welfare. We submit that the objects should be amended to more closely reflect section 4A of the Animal Welfare Act 1992 (ACT), specifically, the main objects of that Act are to recognise that:

- (a) animals are sentient beings that are able to subjectively feel and perceive the world around them
- (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflect their intrinsic value; and
- (c) people have a duty to care for the physical and mental welfare of animals.

Question 10.

Do you agree that the definition of 'animal' included in the Act is appropriate?

☒ Strongly disagree

Question 11.

If not, what should the definition of 'animal' be?

Excluding fish from the definition of animal is nonsensical. Studies have shown that fish are able to adapt their behaviour in response to physical injury. Therefore, fish should be afforded the same protections as other species. The Department for Environment has published a number of animal welfare codes of practice. The same should be done for fish.

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Question 12.

Do you agree that the definition of 'harm' in the Act provides adequate protections for the welfare of animals when used in the context of ill treatment?

☒ Strongly disagree

Question 13.

You can add a comment, provide an explanation or give examples about the definition of harm here:

The current definition of harm does not address the five freedoms of animal welfare. Specifically, it is now accepted that preventing animals from expressing their natural behaviours produces irreversible psychological damage. The definition of harm therefore must include provision for harm that impairs or damages the psychological well-being of the animal. A perfect example is the greyhound racing industry, where the dogs are kept isolated in kennels and they are not provided with opportunities to express their natural behaviours. Although the industry tends to focus on socialisation, this is only one aspect. This is a double-whammy for the dogs as the training methods result in prey driven dogs, which are difficult to rehome. This is exacerbated by the lack of opportunities for the dogs to be socialised and otherwise express their natural behaviours.

The GRSA Animal Welfare Policy is totally inadequate as it does not specify evidence based minimum periods for socialisation/natural expression activities. As a result the Greyhound Adoption Program kills greyhounds every year that are psychologically damaged beyond the point where they can be rehomed. Clearly, this is an area where the South Australian Government must ensure accountability, which is not possible under the current self-regulatory model. Therefore, the definition of harm must explicitly mention harms resulting from the lack of opportunities to express normal behaviours. This in turn means that the definition of ill treatment must also include denial of opportunities to express natural behaviours.

The definition of harm must also include a provision that recognises harm done to greyhounds (and horses) by doping. Currently the South Australian animal welfare regulatory framework does not provide any legal consequences for doping, which causes harm. The Greyhound Australasia Rules are woefully inadequate as the penalties are limited to suspensions from racing and small fines. In most cases, suspensions from racing are fully suspended, effectively allowing those in the greyhound racing industry to get away with causing harm to greyhounds. This is an area that must be captured in law and provide credible disincentives, such as the other offence provisions in the Animal Welfare Act 1985.

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Question 14.

Do you agree that the definition of 'serious harm' in the Act provides adequate protections for the welfare of animals when used in the context of ill treatment?

☒ Somewhat disagree

Question 15.

You can add a comment, provide an explanation or give examples about the definition of serious harm here:

The definition of serious harm must include the most serious consequences of animals being denied their five freedoms. In particular, behavioural/psychological issues caused by this resulting in the euthanasia of the animal must be considered serious harm.

Question 16.

Are there any other terms that should be included or amended in the 'interpretation' section of the Act to provide greater clarity in understanding or applying the Act?

☒ Yes

Question 17.

What terms should be included and/or amended and how should they be defined? (You can also provide a comment, explanation or give examples)?

Part (b) of the current definition is too subjective and does not prevent a person from arbitrarily making the decision that an animal has to be put down, because not doing so is cruel. It also does not specify that euthanasia must be done humanely. Therefore, the legislative framework must include criteria that must be met, and evidence provided, that a suitably qualified person, such as a veterinarian made the decision and that the method of euthanasia was humane. Given the animals have no voice it is important that there is mandatory accountability and traceability for such decisions.

Greater focus on human actions where animals are denied their five freedoms must be included in the legislative framework. These should be strict liability offences holding the people who own the animal responsible for the welfare of the animals. In particular in the greyhound racing industry there is a culture of blaming someone else and getting away with it. Even a cursory examination of the Integrity Hearing Panel decisions confirms this. As the greyhound racing industry self-regulatory model has failed to prioritise greyhound welfare, the South Australian Government must step in and provide a regulatory framework that ensures the welfare of the dogs and independently holds to account those who harm the dogs.

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Question 18.

Do you agree that the administrative arrangements and functions of the Animal Welfare Advisory Committee, established by the Act, support the promotion of animal welfare?

☒ Disagree

Question 19.

You can add a comment, provide an explanation or give examples on the administrative arrangements here:

All greyhound injuries and deaths must be referred to the Animal Welfare Committee for assessment of root causes and recommendations for corrective and preventive actions. The AWC membership must include a veterinarian with no links to animal racing and at least one member of an animal welfare organisation in addition to RSPCA.

Question 20.

Do you agree that the Act adequately prohibits the ill treatment of animals through the activities described in Section 13?

☒ Strongly disagree

Question 21.

You can add a comment, provide an explanation or give examples about ill treatment here:

The animal welfare legislative framework must:

1. prohibit the euthanasia of dogs that have treatable injuries resulting from a race or trial event. We submit that this can be achieved by either:
 - a. Amending section 13(3) of the Animal Welfare Act 1985 to classify the euthanasia of a dog with a treatable injury incurred from a race, trial or exhibition as a 'prohibited procedure'; or
 - b. Amending Part 2 of the Animal Welfare Regulations to classify the euthanasia of a dog that has suffered an injury incurred from a race or exhibition as a 'restricted procedure' that can only be performed by a veterinary practitioner for the purpose of providing relief from a terminal disease, illness or injury.

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2. prohibit the artificial surgical insemination on a dog. The review of the legislation provides the South Australian Government with an opportunity to align with Australia's veterinarian peak body, the Australian Veterinary Association (AVA) and ban this archaic procedure that causes so many dogs, particularly racing greyhounds, so much unnecessary pain. No doubt the greyhound racing industry will argue against this recommendation. However, the AVA policy includes a description of the unnecessary pain this procedure causes and provides no circumstances under which surgical AI should be allowed. This will bring the South Australian Government in line with the AVA Policy on Surgical Artificial Insemination of Dogs, which states that:
 - a. Surgical artificial insemination (AI) must not be performed in dogs. Welfare considerations indicate that only non-surgical artificial insemination may be performed.
 - b. All states and territories in Australia should adopt the prohibition of surgical AI in dogs, in their respective Animal Welfare Acts.

Question 22.

Do you agree that the Act sets out appropriate requirements for owners' care of their animals?

☒ Disagree

Question 23.

You can add a comment, provide an explanation or give examples regarding owners' care of their animals here:

Greyhound Racing South Australia has published an Animal Welfare Policy, which is inadequately enforced. As evidence the decisions by the Integrity Hearing Panel should be examined, which demonstrates that the weak penalties and sanctions specified in the Greyhound Australasia Rules are applied extremely leniently. This is another example of the failure of the self-regulatory model.

The SA Animal Welfare legislative framework therefore must specify minimum standards for greyhound welfare and penalties for breaching these. As a precedent, the SA Department for Environment and Water publishes a number of Animal Welfare Codes of Practice, as specified in the Animal Welfare Regulations 2012. A Code of Practice for the Welfare of Greyhounds must be developed in accordance with the regulations and enforced.

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Question 24.

☒ Disagree

Question 25.

Do you agree that the prohibited activities (Section 14) and items (Section 14a) listed in the Act adequately protect animals, that may be subjected to these activities, from harm?

The prohibited events provisions should be amended to include the following event:

A greyhound race on a track that:

- is not a straight track
- involves more than six greyhounds
- has a lure less than two metres from the rail.

According to GRSA data, nearly 1,000 greyhounds were injured on race track in 2021-22 and 44 greyhounds died or were killed as a result of track related deaths. This is an unacceptable level of harm and given that greyhounds meet the legal definition of animal, and there is no other regulatory scheme to protect their welfare, Government regulation is needed to fix this self-regulatory failure. The proposed additional prohibited activity would only be bettered by including all greyhound racing as a prohibited activity.

Question 26.

Do you agree that the provisions of Part 4 relating to the use of animals for teaching and research enable the ethical, humane and responsible use of animals for teaching and research?

☒ Disagree

Question 27.

You can add a comment, provide an explanation or give examples about the use of animals for teaching and research here:

A specific Code of Practice for the Welfare of must be developed and include provisions for greyhounds that are donated to scientific research. It is well established that GRSA has a long-standing relationship with donating live ex racing dogs to the Adelaide University Veterinary school and TAFE SA. More broadly, there are several private companies operating locally and nationally that utilise greyhounds in research and blood donation programs, which often end with terminal bleeding of the greyhounds.

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CPG skipped Question 28.**Question 29.**☒ Disagree**Question 30.**

Do you agree that the compliance powers set out in Part 5 of the Act are appropriate for the administration and enforcement of the Act, regulations and codes of practice?

Powers of inspectors should be aligned with those of other law enforcement agencies, including in other jurisdictions.

Question 31.

Do you agree that the penalties and expiations for contraventions are appropriate to discourage offending under the Act?

☒ Disagree**Question 32.**

You can add a comment, provide an explanation or give examples about penalties and expiations here:

The SA self-regulatory greyhound racing industry is overseen by a commercial entity (GRSA) that applies the Greyhounds Australasia Rules, which include low level sanctions for animal welfare breaches compared with the Animal Welfare Act 1985. This essentially provides less accountability and consequences to greyhound industry participants for committing animal welfare offences that other South Australians would potentially face custodial sentences and financial penalties an order of magnitude higher. This is blatantly inconsistent with democratic principles and all Animal Welfare Act 1985 requirements and offence provisions should apply equally to those involved in greyhound racing, and they should be administered and enforced by an independent authority with full accountability to the South Australian Government.

Question 33.

Do you agree that the provisions of the Act that enable this model of shared enforcement are appropriate?

☒ Strongly disagree

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Question 34.

You can add a comment, provide an explanation or give examples about shared enforcement here:

Powers of inspectors should be limited to people who are directly accountable to the South Australian Government, specifically the police or staff of statutory authorities, all of whom are required to meet conflict of interest and other requirements of the South Australia Public Sector Act 2009. Persons from outside the private sector do not have these accountabilities and it is inappropriate to allow them to undertake activities under animal welfare legislation. This is because animals do not have a voice and are not able to challenge outcomes or seek reviews of decisions, so extra protections must be in place to ensure conflicts of interest do not contaminate proceedings.

Question 35.

Are there any other areas of the Act or regulations that could be improved to:

- *promote animal welfare in South Australia, and / or*
- *better meet community expectations of animal welfare in South Australia?*

You can add a comment, provide an explanation or give examples here:

The current purpose of the Animal Welfare Act 1985 is misleading. Specifically, it would be reasonable for a member of the public to assume that the Act covers all animals covered in the definition provided in section 3 of the Act. The Act and associated legislative instruments in fact excludes people involved in the greyhound racing industry. For example, the South Australian Animal Welfare Regulations 2012 do not include provisions to cover the welfare of greyhounds and there are no other South Australian Government legal requirements regarding ensuring the welfare of greyhounds.

The SA Government has given responsibility for greyhound welfare to a commercial entity, Greyhound Racing South Australia. Although the Greyhounds Australasia Rules include a variety of animal welfare considerations, these are not enshrined in South Australian law. This means there are no penalty provisions involving custodial sentences or significant financial penalties. The published constitution of GRSA very clearly prioritises the commercial welfare of the racing industry above greyhound welfare, which creates a legal loophole that allows South Australian greyhounds to be doped, injured and killed for injuries that are eminently survivable with veterinary care, with no South Australian law to hold those responsible to account.

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Members of the South Australian greyhound racing community who have doped and abused their dogs continue to receive minimal consequences for their actions, which are at best periods of suspension from racing (which are often fully suspended) and/or small fines. Other South Australians who treat their dogs in exactly the same way would face charges under the Animal Welfare Act 1985 offence provisions. These have serious consequences, including imprisonment up to 4 years and/or penalties up to \$50,000. Therefore, this loophole allows members of the greyhound racing community to get away with actions for which the rest of the South Australian population would face serious consequences.

This loophole must be closed with strong laws that are applied and enforced by an independent statutory authority, especially given the revenue the South Australian Government receives from race betting taxes. The review of the Animal Welfare Act 1985 is an opportunity for the South Australian Government to ensure the welfare of all animals covered by the legislation.