



Current state of greyhound racing regulation: Victoria



Victoria: Time to get serious about regulation

**Prepared by the Coalition for the Protection of Greyhounds
(October 2023)**

We acknowledge the Traditional Owners of Country across Australia. We pay our respects to Elders past, present and emerging and recognise the role Elders play in maintaining connection to Country, Culture and Community.

End greyhound suffering

About the Coalition for the Protection of Greyhounds

The Coalition for the Protection of Greyhounds (CPG) is a not-for-profit committed to ending greyhound suffering by exposing the cruelty and corruption of the greyhound racing industry and lobbying for law reform. We have members across Australia.

We call on Australia's state governments to:

End taxpayer funding. A national survey on attitudes towards dog racing revealed that 69% of Australians oppose the use of taxpayer funds to prop up the greyhound racing industry. State and territory governments must listen to their constituents and stop diverting funds from education, healthcare and employment programs to support this archaic and callous industry.

Stop unsustainable breeding. The greyhound racing industry breeds many more dogs than can be rehomed. Caps on breeding must be introduced to ensure that all dogs bred by the industry are able to live out their lives as pets at the end of their racing career.

Implement whole-of-life tracking. Greyhounds in the racing industry are vulnerable to unnecessary euthanasia, particularly those puppies who do not race and dogs who are rehomed by industry participants. A system must be implemented to monitor the welfare of each greyhound for their entire life.

Establish independent regulators in all jurisdictions. Most jurisdictions rely on self-regulation by the industry, which has been shown again and again to be corrupted by conflicts of interest. Governments benefiting from betting tax revenue must establish independent regulators that prioritise the welfare of greyhounds.

Stop building new tracks. Attempts by the industry to build 'safe' tracks have failed. The evidence shows that greyhounds continue to be injured and killed on all track designs currently in operation, including straight tracks. There is no such thing as a safe dog racing track.

Executive summary

Greyhound Racing Victoria (GRV) is a not-for-profit organisation responsible both for promoting and regulating the Victorian greyhound racing industry. Such regulatory models are notorious for producing significant and irreconcilable conflicts of interest, which is why they have been abandoned across many jurisdictions.

This report analyses information provided by GRV and the Victorian Racing Tribunal (VRT), with a focus on how effective the Victorian greyhound racing industry is regulated.

On the whole, this report uncovers some serious, but not unexpected, shortcomings of the regulatory framework that impact directly on the health, welfare, and future of the animals that are raced, including:

- **Poor regulation** - Self-regulation creates a conflict in an industry that must protect itself from reputational damage and bad press, to secure ongoing funding and attract more gamblers.
- **Ineffective doping controls** - The GRV doping control program relies largely on race day samples. This is an antiquated approach that is highly predictable and makes it easy for those wishing to avoid detection to plan their doping so their dogs are drug free on race days. Victorian greyhound races are not a level playing field.
- **Decisions inconsistent with community expectations** - Attitudinal research clearly shows that the community expects wrongdoers to be punished when they transgress animal welfare requirements.¹ Yet, the mechanisms established by the Victorian Government to action this when it comes to greyhounds are fundamentally flawed. Consequently, there is an urgent need to mandate that GRV's penalty guidelines should apply to breaches of rules with the usual scope for the decision-making body - the Victorian Racing Tribunal (VRT) - to consider specific circumstances.
- **Any excuse is accepted** - A long list of mitigating factors is provided, including "personal circumstances, special circumstances, character" as valid factors. The VRT appears to apply mitigation beyond the standard 25% reduction practised in other courts.
- **Slow justice** - It takes an average of nine months for a rule breach to come to a tribunal decision and sentencing. This is too long where animals are at risk.

¹ <https://theconversation.com/not-just-activists-9-out-of-10-people-are-concerned-about-animal-welfare-in-australian-farming-117077>

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CPG makes the following 13 recommendations:

Recommendation 1

That the Victorian Government introduce legislation to ensure effective regulation of the state's greyhound racing industry by establishing a statutory authority that:

- is not funded from industry or wagering revenue, and
- has no responsibilities relating to racing operations, commercial interests or promotion of the industry.

Recommendation 2

That GRV update its Regulatory Approach document to reflect current best regulatory practice.

Recommendation 3

That GRV implement a mechanism to effectively engage with animal welfare groups.

Recommendation 4

That the Victorian Government amend the *Racing Act 1958* to allow the Victorian Racing Integrity Board to consider complaints from other persons, including anonymous complaints, and provide specific protections to whistleblowers.

Recommendation 5

That GRV develop and implement an intelligence-driven doping control program that is consistent with the approaches and strategies implemented by Sport Integrity Australia.

Recommendation 6

That the Victorian Government amend the racing legislation to mandate penalties specified in the *Penalty Guidelines - Prohibited Substances*, with appropriate provision for the VRT to consider specific circumstances. For repeat offenders a penalty higher than the minimum penalty must apply.

Recommendation 7

That the Victorian Government amend the racing legislation to:

- make the presence of a prohibited substance in a greyhound a strict liability offence, and
- allow for provisional suspension of those presenting a greyhound with a prohibited substance.

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Recommendation 8

That GRV review its evidence gathering processes to reduce the time between a positive doping control sample and VRT hearing.

Recommendation 9

That the Victorian Government amend the racing legislation to mandate the penalties specified in the *Penalty Guidelines – Animal Welfare*, with appropriate provision for the VRT to consider specific circumstances. For repeat offenders a penalty higher than the minimum penalty must apply.

Recommendation 10

That Local Rules be amended to require any person registered with GRV who, by omission or direct action causes the death of a greyhound, or causes a greyhound to be in such condition that euthanasia is the only option, to be:

- referred to the relevant body for investigation and possible prosecution under the POCTAA,
- suspended from any further participation in greyhound racing while the investigation and prosecution is in progress, and
- banned from any involvement in greyhound racing if convicted under the POCTAA.

Recommendation 11

That GRV implement:

- a genuine whole-of-life tracking system that records the whereabouts of every greyhound from the day they are born to the day that they pass on,
- a kennel inspection program that includes intelligence driven inspection programs, such as more frequent unannounced inspections of industry participants who have breached any racing rule,
- more significant penalties for offences relating to the 'disappearing' of greyhounds, and
- mandatory necropsies of greyhound carcasses found on premises and investigation to ascertain the location and well being of greyhounds claimed to be rehomed without any supporting evidence.

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Recommendation 12

That Local Rules be amended to require all greyhounds that have been trained at a facility, where the use of live animals and/or animal bodies/parts is:

- suspected, be removed from further racing and provided with a behavioural assessment, and/or
- confirmed, undergo behavioural training to maximise their chances of transitioning to life as a pet.

Recommendation 13

That GRV publish comprehensive information about how they perform as a regulator of the greyhound racing industry and how well they ensure the welfare of greyhounds that race in Victoria. The information gaps identified in this report must be addressed.

Governance, entities and legal frameworks

Greyhound racing activity in Victoria is controlled by Greyhound Racing Victoria² (GRV) and is governed under *The Racing Act 1958*³.

GRV is a registered not-for-profit organisation run by a private board and governed by national and local rules of racing⁴. There is no independent regulator in Victoria who oversees the greyhound racing industry. Rule breaches and statutory issues are referred to the Victorian Racing Tribunal⁵ (as of 2019).

For serious offences, GRV is empowered to refer cases for prosecution under the Prevention of Cruelty to Animals Act 1986 (POCTAA).

In 2016, GRV established the Industry Consultative Group (ICG) to liaise with greyhound industry groups such as the Greyhound Owner Trainer Breeder Association, racing clubs, participants, and the animal welfare and veterinary industry.

Laws, rules, codes

The following are the main laws, rules, and codes that apply in the Victorian greyhound racing industry:

- *The Racing Act 1958*⁶
- Greyhound Australasia Rules (GARs)⁷
- GRV Rules of Racing (Local and track rules)⁸
- GRV Code of Practice⁹
- *Prevention of Cruelty to Animals Act 1986*¹⁰
- Code of Practice for the Keeping of Racing Greyhounds¹¹

In addition to the above, GRV also provides policies and guidelines for rehoming, training, housing, transport, and more.¹²

² <http://www.grv.org.au/>

³ https://djpr.vic.gov.au/_data/assets/pdf_file/0004/1880149/Racing-Act-1958.pdf

⁴ <https://greyhoundcare.grv.org.au/rules-of-racing/>

⁵ <https://www.vic.gov.au/victorian-racing-tribunal>

⁶ https://djpr.vic.gov.au/_data/assets/pdf_file/0004/1880149/Racing-Act-1958.pdf

⁷ <https://galtd.org.au/industry/rules/>

⁸ <https://greyhoundcare.grv.org.au/rules-of-racing/>

⁹ <https://greyhoundcare.grv.org.au/code-of-practice/>

¹⁰ <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/POCTA-act-1986>

¹¹ https://agriculture.vic.gov.au/_data/assets/pdf_file/0006/529566/Code-of-Practice-Keeping-Racing-Greyhounds.pdf

¹² <https://greyhoundcare.grv.org.au/policies-and-guidance/>

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Greyhound Racing Victoria (GRV)

Greyhound Racing Victoria is responsible for the control of greyhound racing in Victoria. "GRV is a 'non budgeted government entity' and obtains its funds from the activities that it manages on behalf of the greyhound industry in Victoria." As a not for profit organisation, all profits are reinvested in the greyhound racing industry.

Strategic priorities

GRV's vision is to ensure "Victorian Greyhound Racing is a vibrant, entertaining and thriving sport with animal welfare at its heart". However, the GRV strategic goals¹³ highlight the key problem with a regulatory body that also has responsibility for the commercial viability of the industry it is supposed to regulate: conflicts of interest. Two of GRV's five 'strategic pillars' relate to the financial viability of the industry; i.e. to increase revenue from greyhound racing and ensure the viability of clubs. The single strategic priority that includes greyhound welfare is focused on optimising and maintaining racing assets. Interestingly, there is not a single 'strategic pillar' dedicated to monitoring and enforcing compliance with requirements to ensure the welfare of the racing dogs. These responsibilities are buried in low level documentation.

A regulatory body that has responsibilities for ensuring animal welfare and racing integrity as well as the financial viability of the industry it regulates faces conflicts of interest that are not possible to manage effectively. A best practice, modern doping control program will identify large scale doping in the industry, which will negatively impact on betting revenue, on which the greyhound racing industry relies. As a result, GRV has no incentive to modernise its doping control program (see below) and published doping offences are an underestimate of the real doping levels. Any instances of cruelty to greyhounds will create negative publicity for the sector, which provides GRV with little incentive to undertake a rigorous and unpredictable kennel inspection program.

Recommendation 1

That the Victorian Government introduce legislation to ensure effective regulation of the state's greyhound racing industry by establishing a statutory authority that:

- is not funded from industry or wagering revenue, and
- has no responsibilities relating to racing operations, commercial interests or promotion of the industry.

¹³ <https://www.grv.org.au/wp-content/uploads/2022/07/GRV-Strategic-Plan-2019-2024.pdf>

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Regulatory approach

GRV describes its regulatory approach in the following terms:

Greyhound Racing Victoria is responsible for promoting, investigating, auditing and enforcing compliance with Victoria's greyhound racing regulation. This includes:

- carrying out inspections and investigations
- ensuring the probity and conduct of registered persons
- providing compliance information, guidance and advice to regulated persons on how to comply
- initiating timely, appropriate and proportionate enforcement actions where breaches are detected
- minimising harm and promoting animal welfare.

As this report will show, GRV does not publish information that demonstrates how effectively the sector is regulated.

The lack of focus by GRV on its regulatory responsibilities is further demonstrated by the fact that they have not published an updated *GRV Regulatory Approach* since 2019-2020.¹⁴ This is inconsistent with Principles 2 and 3 of the *Toward Best Practice Regulation Handbook* published by the Victorian Government, which require Victorian regulators to refine their regulatory approach to ensure it remains effective and fit for purpose.¹⁵

Unless GRV has applied a static approach to monitoring and enforcing compliance since 2019-20, they also run the risk of not meeting Principle 5, which requires regulators to support those they regulate to understand their obligations.

Recommendation 2

That GRV updates its Regulatory Approach document to reflect current best regulatory practice.

GRV Industry Consultative Group (ICG)

GRV's Industry Consultative Group (ICG) is described as an advisory group for assisting GRV set strategic direction and manage the industry. Members of the ICG are predominantly drawn from within the industry; specifically they come from the Greyhound Owner Trainer Breeder Association, Greyhound Racing Clubs, Greyhound Racing Sport Participants, GRV Board. Although ICG includes a representative from the veterinary section, it does not include any animal welfare representatives.

¹⁴ https://www.grv.org.au/wp-content/uploads/2020/02/GRV_Regulatory_Approach_2019_2020.pdf

¹⁵ <https://www.vic.gov.au/sites/default/files/2023-03/Towards-Best-Practice-Handbook.pdf>

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CPG is concerned that GRV has no engagement mechanism with animal welfare groups and its main consultative mechanism is biased toward industry members. This highlights GRV's focus on its obligations to maintaining a viable industry.

Recommendation 3

That GRV implements a mechanism to effectively engage with animal welfare groups.

Other industry bodies

The Victorian Racing Tribunal

The Victorian Racing Tribunal (VRT) has jurisdiction for all matters involving serious offences under the rules of racing of the respective racing codes, including greyhound racing. It also has jurisdiction to hear appeals from decisions of stewards in relation to other offences.

While the VRT provides an avenue for applying sanctions for breaches of code and local rules, this report shows that many VRT decisions do not appear to align with GRV's penalty guidelines¹⁶. CPG is concerned that this sends the wrong message to industry participants who breach animal welfare and other requirements. As the penalty guidelines are not a legislative instrument, there is no requirement for the VRT to heed them. Further, for the majority of racing rules in the Greyhounds Australia Rules,¹⁷ there are no penalties specified. As this report shows (see below), there is a need to mandate penalties that should apply for breaches of the rules, with the usual scope for the decision making body (in this case VRT) to consider specific circumstances.

Victorian Racing Integrity Board

VRIB¹⁸ is an independent, cross-code integrity board established to ensure racing integrity in Victoria and provide an enhanced integrity framework for the Victorian Racing Industry.

VRIB's stated primary function is to ensure the integrity of all animal racing codes: horse racing, harness racing, and greyhound racing. Which is to say they ensure that the codes are run in accordance with prescribed legislation.

The Board was established to enhance the Victorian Racing Industry's integrity framework and ensure racing integrity in Victoria is subject to an independent and transparent system of checks and balances.

¹⁶ <https://greyhoundcare.grv.org.au/wp-content/uploads/2018/05/Penalty-Guidelines-Greyhound-Welfare-2018.pdf>

¹⁷ <https://galtd.org.au/industry/rules/>

¹⁸ <https://www.vic.gov.au/victorian-racing-integrity-board>

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The VRIB annual reports¹⁹ show, however, that VRIB has performed administrative duties specified in Part IVB of the Racing Act 1958 - such as reviewing a controlling body's integrity plan (GRV being a controlling body) - but not any of its regulatory powers, such as using a direction to a controlling body in relation to an integrity complaint. This is not surprising as complaints can be made to VRIB only by the following officeholders: board member or director, integrity manager, chief steward or deputy chief steward. VRIB can not accept or respond to anonymous complaints or complaints made by any other person.

CPG is concerned that VRIB is prevented from acting as a genuine integrity oversight body. This means that the mechanism established by the Victorian Government to ensure commercial responsibilities of its racing regulatory bodies, including GRV, is fundamentally flawed.

Recommendation 4

That the Victorian Government amend the *Racing Act 1958* to allow VRIB to consider complaints from other persons, including anonymous complaints, and provide specific protections to whistleblowers.

Office of the Racing Integrity Commissioner

The Racing Integrity Commission²⁰ was established under the *Racing Act 1958* (Vic) to provide independent oversight of integrity across all three racing codes.

The Racing Integrity Commissioner is an independent statutory officer, appointed by the Governor in Council, under the *Racing Act 1958* (Vic). Mr Sean Carroll was appointed as Victoria's Racing Integrity Commissioner in March 2021.

While they do not specify anything at all related to animal welfare, their website does note that "Matters associated with crime and corruption are certainly considered to be integrity related."

The Minister for racing

GRV appears to still be working to a six year old Statement of Expectations handed down by then Minister for Racing the Hon. Martin Pakula in 2017.²¹

There is no publicly available information about whether the current Minister for Racing, the Hon. Anthony Carabine, is working with GRV on a current and relevant Statement of Expectations.

¹⁹ <https://www.vic.gov.au/about-board>

²⁰ <https://racingintegrity.vic.gov.au/>

²¹ <https://www.grv.org.au/wp-content/uploads/2018/01/Letter-from-Minister-for-Racing-to-Greyhound-Racing-Victoria-2018-19-Statement-of-Expectation-Signed-by-Minister-12-January-2018.pdf>

Analysis of tribunal reports and rule breaches

Doping: Greyhound racing is NOT a level playing field

Doping occurs in the greyhound racing industry, with over 70 doping offences decided by the VRT between 1 July 2021 and 31 December 2022. Depending on the drug, they may provide enhanced performance, mask pain or illness, and cover up injuries. Some drugs are given to reduce performance, which is done to throw races. In two cases, illegal street drugs (cocaine) were detected.

GRV doping control program is predictable

According to the GRV Annual Report²², in the 2021/22 financial year, Victorian stewards took a total of 10,666 swabs from dogs both on and off the track (including 1 elective swab). Of these samples, 70 returned positive results, and a further 110 were referred for further testing.

Table 1: GRV doping control program is too predictable

Financial year	Samples taken at race meetings	Out of competition samples
2018-19	11,086 (90%)	1,275 (10%)
2019-20	8,552 (88%)	1,209 (12%)
2020-21	9,909 (94%)	666 (6%)
2021-22	9,660 (91%)	1,005 (9%)

Just like with humans, performance enhancing drugs can be given to a dog during periods where the dog is not competing. Administration can be stopped in sufficient time before a race so that the drug will be cleared from the dog's system and any race day samples will be negative for the drug. Diuretics can also help clear the drugs rapidly.

The World-Anti Doping Agency has long recognised a doping control program that focuses on race day samples will be too predictable and easy to circumvent. Human athlete doping control testing now includes about as many, or more, out-of-competition tests compared with in-competition tests.²³ This should also be the case in greyhound racing. In 2021/2022 only 1,005 of 10,666 swabs (9%) were taken out of competition.

If GRV really wants to create a level playing field, they should apply intelligence-driven doping control programs, such as those developed in human sports. This would need to go

²² <https://www.grv.org.au/about-grv/resources/annual-report/>

²³ https://www.wada-ama.org/sites/default/files/2022-01/2020_anti-doping_testing_figures_en.pdf

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hand in hand with penalties similar to those applied to human athletes caught doping, which often are career-ending.

Recommendation 5

That GRV develop and implement an intelligence-driven doping control program that is consistent with the approaches and strategies implemented by Sport Integrity Australia.

How does GRV apply its Penalty Guidelines?

GRV provides clear guidance on the penalties for rule breaches. The *2019 Penalty Guidelines - Prohibited Substances*²⁴ outlines the rules, drugs, and penalties for doping.

Greyhound Australasia Rule (GAR) 83(1):

Deliberately gives or knows a dog received prohibited substances that would affect its performance. Zero tolerance.

GAR83(1A)

Deliberately gives or knows a dog received performance altering substances and the dog tests positive at an event.

GAR83(2)

Presents a dog that has prohibited substances in its system at a trial or race.

Classes of prohibited substances

The guidelines clearly list and categorise prohibited substances:

1. **Therapeutic:** substances such as some muscle relaxants, cough medicines, non-steroidal anti-inflammatories, corticosteroids and some analgesics.
2. **Stimulants, Depressants and Other Prohibited Substances:** stimulants such as caffeine and its metabolites, depressants such as barbiturates, antidepressants such as diazepam, performance enhancing substances such as cobalt and arsenic.
3. **Permanently Banned Substances:** includes erythropoietin (EPO), anabolic steroids, illegal drugs (such as amphetamines), opiates (e.g. morphine) and other substances.

Commonly found drugs in Victorian doping cases reviewed by CPG

During the period from 1 July 2021 to 30 December 2022, the commonly detected prohibited substances included meloxicam, ketoprofen, nurofen, morphine, codeine,

²⁴ <https://greyhoundcare.grv.org.au/wp-content/uploads/2022/08/Penalty-Guidelines-Prohibited-Substances-2019.pdf>

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theobromine, caffeine, cough medicines. Less commonly detected were amphetamines including cocaine, arsenic, cobalt, and vasodilators.

During this period, the VRT decided on 73 doping offences. Table 2 shows how many decisions related to the different classes of prohibited substances.

Table 2: Number of VRT hearings for doping offences 1 July 2021 - 31 December 2022

Drug class	Therapeutic	Stimulants, depressants	Permanently banned substances
Tribunal hearings*	38	27	8

* These figures do not match the figures reported by GRV above, as they reflect the number of VRT hearings for doping offences and the time lag between detection and VRT hearing can be considerable (in some cases more than 12 months).

Comparing actual penalties with the Penalty Guidelines

The 2019 GRV *Penalty Guidelines - Prohibited Substances* state that "GRV has zero tolerance for cheating and will pursue higher penalties accordingly". However, CPG's analysis of VRT decisions on doping cases shows that actual penalties given are much lower than even the minimum penalties specified in the *Penalty Guidelines - Prohibited Substances*.

Table 3 presents the outcomes of CPG's analysis of penalties given by VRT for doping offences during the period of 1 July 2021 to 31 December 2022. In assessing the data, the following should be noted:

- The numbers below do not match the number of hearings because several hearings involved multiple breaches of the rules. For example, many hearings that involved Rule GAR83(2) (presenting a dog not free of a prohibited substance) also involved Rule GAR83(1) and/or GAR83(1A). The VRT decision reports specify penalties given for each individual rule. CPG therefore has taken the same approach and analysed each type of doping rule separately.
- VRT commonly issues suspensions and/or fines, but suspends these for a period, usually 12 or 24 months. For example, a trainer might be given a suspension of 6 months, but 4 months of this is suspended for 12 months. This means that the actual period of suspension served is two months. CPG has therefore subtracted any suspended sentences to calculate whether the minimum penalty specified in the Penalty Guideline has been issued. In this example, CPG would have taken the penalty given to be two months, not six months.
- Where a hearing involves multiple charges, VRT almost always gives concurrent penalties. For example, a trainer may have been charged with one count of GAR83(2) (Charge 1) and one count of GAR83(1) (Charge 2). If VRT issued a two month suspension for Charge 1 and a two month suspension for Charge 2, the

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person would almost always serve the suspension concurrently. This means the two month suspension for Charge 2 would be served concurrently with the two month suspension for Charge 1. The effect of this is that the trainer or owner would not serve an actual suspension period for Charge 2. In this example, CPG would have taken the penalty for Charge 1 to be a two month suspension and the penalty for Charge 2 to be no suspension.

- For a number of rule breaches the Penalty Guidelines specify a minimum or maximum penalty that includes a period of disqualification or suspension as well as a fine. Where only a fine was issued without a period of suspension/disqualification, CPG has taken this as not meeting the minimum penalty, and vice versa.
- The Penalty Guidelines specify a period of disqualification for a number of rule breaches. A disqualification means that the offender's registration with GRV is cancelled. At the end of the disqualification period they will need to reapply for registration, at which point their past compliance with racing rules is taken into consideration. In contrast, a suspension period does not involve cancellation of their registration and at the end of the suspension period they can recommence their greyhound racing activities.

Clearly a suspension is a lower order penalty than disqualification. Therefore, where VRT issued a suspension period, where the Penalty Guidelines specify a disqualification period, CPG has taken this as the minimum penalty not having been met.

Table 3: Actual penalties for doping offences given by VRT

Rules	Minimum penalty	Maximum penalty	Number of breaches where minimum penalty given	Comments
Therapeutic (38 hearings)				
GAR83(1)	2 year disqualification and \$3,000 fine	Life disqualification	No charges laid under this GAR	
GAR83(1A)	1 month suspension and \$1,000 fine	2 year disqualification and \$2,000 fine	0/11	2 x no suspension or fine. 1 x 3 month suspension no fine. 8 x fines no suspension (two less than \$1,000).
GAR83(2)	\$500 fine	1 year disqualification	19/34	12 x no fine or disqualification. 18 x fine no disqualification (three less than \$500). 2 x suspension only. 2 x fine and suspension.

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Rules	Minimum penalty	Maximum penalty	Number of breaches where minimum penalty given	Comments
Stimulants and depressants (27 hearings)				
GAR83(1)	2 year disqualification and \$3,000 fine	Life disqualification	No charges laid under this GAR	
GAR83(1A)	1 year suspension and \$2,000 fine	5 year disqualification and \$3,000 fine	0/11	3 x no suspension or fine. 7 x 2 month suspension no fine. 2 x 1 month suspension no fine.
GAR83(2)	3 months suspension and \$1,500 fine	1 year disqualification and \$3,000 fine	0/23	9 x no suspension or fine. 2 x 1 month suspension no fine. 5 x 2 month suspension no fine. 1 x 3 month suspension no fine. 2 x \$500 fine no suspension. 1 x \$750 fine no suspension. 2 x 2 months suspension and \$500 fine. 1 x 1 month suspension and \$500 fine.
Permanently banned substances (8 hearings)				
GAR83(1)	3 year disqualification and \$5,000 fine	Life disqualification	No charges laid under this GAR	
GAR83(1A)	18 month disqualification and \$3,500 fine	Life disqualification	0/2	1 x 3 month suspension no fine. 1 x \$1,000 fine no disqualification.
GAR83(2)	1 year disqualification and \$2,500	3 year disqualification and \$5,000 fine	0/8	3 x no disqualification or fine. 1 x 2 month suspension. 2 x 6 month suspension. 1 x 12 month suspension (two prior convictions). 1 x 15 month disqualification*

* This person had already left the industry by the time the VRT heard the case.

As shown in Table 3, for the 73 VRT hearings for doping offences analysed by CPG, the maximum penalty was never issued. More concerning is the fact that of the eleven cases involving persons who had previous convictions for the same offence, often even the same type of prohibited substances, five were not even given even the minimum penalty. Two of

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these involved permanently banned substances, which means they should have been disqualified.

The only person who did receive a disqualification did so after they had already left the greyhound racing industry.

CPG is of the view that the minimum and maximum penalties specified in the *Penalty Guidelines - Prohibited Substances* should be mandated by the racing legislative framework. Currently, these are just guidelines, which means the VRT has no obligation to follow them. Indeed, GRV advises in these guidelines that:

*"The penalty ranges suggested in this document are only a guide, and are not in anyway (sic) mandatory, nor do they bind the RADB in their decision making. Any aggravating or mitigating circumstances that may exist in each individual case will be considered."*²⁵

CPG is of the view that the *Penalty Guidelines - Prohibited Substances* do include appropriate penalties, however, in the absence of any requirement for these guidelines to be followed, they are just a hollow instrument. The greyhound racing industry exists only for the purpose of wagering. Based on the evidence assessed by CPG, those betting on Victorian greyhound races can have no confidence that they are betting on a level playing field.

If the Victorian Government is serious about protecting those who bet on Victorian greyhound races from race fixing, those who breach the rules must be given sanctions that have a strong deterrent effect. These sanctions must be specified in a legislative instrument.

Recommendation 6

That the Victorian Government amend the racing legislation to mandate penalties specified in the *Penalty Guidelines - Prohibited Substances*, with appropriate provision for the VRT to consider specific circumstances. For repeat offenders a penalty higher than the minimum penalty must apply.

Mitigating factors considered by VRT

The *Penalty Guidelines - Prohibited Substances* provide a list of mitigating factors that might be considered when deciding on penalties.

Mitigating factors that may be considered include:

- an early guilty plea,
- steps taken by the participant since the offence to ensure no similar breaches of the rules will occur in the future,

²⁵ Racing Appeals and Disciplinary Board, now replaced by the VRT.

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- good previous record,
- cooperation with inquiry and key admissions,
- personal circumstances,
- special circumstances,
- character and personal references, and
- any other relevant factors that are deemed to be mitigatory.

The list of aggravating factors that could be taken into account include “prior offending (including outside of Victoria)”.

Of the 73 VRT hearings outcomes analysed by CPG, not one included a charge for a breach of GAR83(1). According to the *Penalty Guidelines - Prohibited Substances*:

“GAR83(1) relates to a situation where a person administers a prohibited substance, aids in administration of a prohibited substance, or has prior knowledge of the administration of a prohibited substance, where the administration of the substance is for the purpose of preventing the greyhound from starting in an event, affecting its condition, behaviour or performance in an event. In relation to GAR83(1) offences, GRV has zero tolerance for cheating and will pursue higher penalties accordingly.”

In other words, this rule relates to someone deliberately giving, or knowing a dog received, prohibited substances that would affect their performance. The zero tolerance to this offence is reflected by the fact that, irrespective of the type of prohibited substance, every minimum penalty specified in the *Penalty Guidelines - Prohibited Substances* involves a two or three year disqualification period and a fine.

It is therefore instructive to look at the reasons given, and accepted by the VRT, for an offender not knowing about the presence of prohibited substances in their dog, and thus avoiding a charge for the most serious offence; i.e. GAR83(1). The following are excerpts from published VRT decisions:

Mystery cocaine (2 cases):

- “We additionally take into account [his] submission that the contamination occurred at a time when friends of his who were cocaine users were visiting his kennels. Whether so much is true is a matter of which is unproven and was a late suggestion not previously put to the Stewards.”²⁶
- “...some weeks or a month after the 23 April swab, a piece of meat containing cocaine allegedly dropped from the top of a kennel at Warragul, the kennel being one in which a dog of yours was being placed. There is no argument but that such a piece of meat was in the kennel, was given to the Stewards and did contain cocaine.

²⁶ <https://www.vic.gov.au/sites/default/files/2023-05/VRT-Decision-Fabio-Dilizia-Hearing-16-September-2021.docx>

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How it got there is not clear. You were critical of the cleaning work undertaken at the kennels, and put questions related to this in regard to both charges.”²⁷

Neither decision report mentions if these cases were referred to Victoria Police for investigation given they involved an illegal drug.

Knackery meat excuse:

This is the most commonly used excuse where substances such as meloxicam, procaine and other painkillers are detected in dogs. In 14 of the 73 cases, the ‘knackery meat excuse’ was given to avoid a charge under GAR83(1).

The poppy seed excuse:

Of the eight cases that involved permanently banned prohibited substances, five related to the detection of morphine in the dogs. In four cases, the responsible person used the poppy seed excuse, which was accepted by VRT. None of these four persons received even the minimum sentence, even though two had been previously convicted twice for doping offences.

Concerningly, in one case a fully suspended sentence and no fine was given,²⁸ i.e. the person could continue to race greyhounds without interruption. This, despite the minimum sentence being 12 month disqualification and a \$2,500 fine. The other three received suspensions, where the minimum penalty specifies disqualification.

The wood chewing excuse:

Although arsenic is a well known poison, it is a banned substance because at sub-lethal doses it can have stimulant effects. Of the 73 cases analysed by CPG, eight involved arsenic being detected above threshold levels in greyhounds. In six of these cases the excuse was put forward that the arsenic was ingested by the dogs when they chewed CCA treated pine posts.

In most cases it is unclear, based on published information, if any investigation is done to verify mitigating reasons put forward by participants, or if excuses are generally taken at face value.

As is noted by the VRT in a number of the published decisions, GRV has issued warnings to industry participants on several occasions, and over a number of years, about the use of

²⁷ <https://www.vic.gov.au/sites/default/files/2023-05/VRT-Decision-John-Galea-Hearing-22-September-2021.docx>

²⁸ <https://www.vic.gov.au/sites/default/files/2023-05/VRT-Decision-Garry-Anders-20-April-2022.docx>

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knackery meat, foods including poppy seeds etc.^{e.g.29,30,31} The *Penalty Guidelines - Prohibited Substances* also include a warning that “It is the responsibility of participants to carefully consider the use of any food to make sure that all greyhounds compete free of prohibited substances as defined in the Rules.”

It should be concerning to anyone who bets on Victorian greyhound races, that despite these warnings, these excuses are given, and accepted, to avoid sanctions that involve disqualification of those responsible for the dogs. Even more concerning is the fact that many suspensions issued are suspended, i.e. the person responsible can continue to race their dogs without interruption.

It is difficult to imagine that these penalties would have a significant deterrent effect. In particular, the absence of higher penalties, even when it involves a repeat offender, sends a clear signal that in Victoria, the doping of greyhounds is not considered a serious infraction, and that participants will not generally be stopped from participation in greyhound racing.

This is in stark contrast to human athletes, where a doping offence usually results in immediate suspension and (after completion of an investigation and hearing) sanctions of several years, which often are career limiting. Article 2 of the WADA World Anti-Doping Code³² (which is adopted in Australia) specifies very clearly that the presence of a banned substance is a strict liability offence:

“2.1.1 It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.”

Given that greyhound racing exists only for wagering, it is astonishing to see such a lax attitude by the regulator towards doping. No regulator detects 100% of offences committed, so the doping cases detected by GRV are an underestimate of the real rate of doping in the industry. This is compounded by the fact that GRV’s doping control program relies mostly on race day doping samples, which means it is very predictable and easy to circumvent. In other words, greyhound racing in Victoria is not a level playing field.

This demonstrates the need for the Victorian Government to provide certainty to the decision makers about the seriousness with which it views doping in greyhound racing.

²⁹ <https://www.grv.org.au/wp-content/uploads/2021/05/Whats-in-your-Greyhounds-Food-Bowl-GMV-July-2020.pdf>

³⁰ <https://greyhoundcare.grv.org.au/4517-2/>

³¹ <https://greyhoundcare.grv.org.au/Greyhound-Care/Health-and-Well-being/Greyhound-feeding-and-nutrition/>

³² https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf

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Recommendation 7

That the Victorian Government amend the racing legislation to:

- make the presence of a prohibited substance in a greyhound a strict liability offence, and
- allow for provisional suspension of those presenting a greyhound with a prohibited substance.

From testing to tribunal - the slow wheels of justice

Between 1 July 2021 to 31 December 2022, only one doping case was decided in less than six months. On average, it takes nine months from the date of testing to the hearing. In 30% of cases, it took longer than nine months to reach the tribunal.

CPG understands that COVID may have impacted in timelines, but notes that 2023 data³³ indicates cases involving positive doping control samples collected in late 2022 are heard six or more months later. In fact, there are a number of cases which are still awaiting an outcome more than 12 months later.

CPG understands that preparation time is required to ensure cases are investigated and presented correctly, a review of processes might identify some areas for improvement.

GRV should work with VRT to identify inefficiencies in the areas of preparation and scheduling of cases. Both parties need to work together to ensure a fairer and safer industry. GRV's reputation might be enhanced by showing it takes doping seriously and has a zero tolerance policy for prohibited substances. If lifetime bans can be handed out for baiting, then cheating by doping should be treated just as seriously.

Recommendation 8

That GRV review its evidence gathering processes to reduce the time between a positive doping control sample and VRT hearing.

³³ <https://fasttrack.grv.org.au/StewardsHearing/StewardsInquiry?Year=2023>

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Animal welfare breaches

Penalty guidelines - greyhound welfare

There were a number of serious welfare cases brought before the racing tribunal during 2021/22. Based on information published by GRV, none of these cases were referred for investigation under the *Prevention of Cruelty to Animals Act 1986* (POCTAA).

The GRV last updated the *Penalty Guidelines - Greyhound Welfare*³⁴ in 2018.

"As a regulator, GRV has no tolerance for participants that mistreat their animals. Penalties must make this clear to participants, the wider greyhound industry and the community."

The guidelines cover a number of offences, categorised as follows:

Category	Minimum	Maximum
Category 1 - failure to provide minimum conditions for the care of a greyhound	\$1000 per dog	2 year suspension and \$1500 fine per dog
Category 2 - failure to provide minimum standards for the care of a greyhound with potential for negative impact on greyhound welfare	6 months suspension and \$2000 fine per dog	5 year disqualification and \$3000 fine per dog
Category 3 - failure to provide minimum standards for the care of a greyhound resulting in greyhound ill health, pain or suffering	2 year disqualification and \$3000 fine per dog	10 year disqualification and \$3000 fine per dog
Category 4 - causing unnecessary pain or suffering to a greyhound	5 year disqualification and \$7000 fine per dog	Life disqualification and \$7000 fine per dog
Category 5 - causing harm to a greyhound	7 year disqualification and \$7000 fine per dog	Life disqualification and \$7000 fine per dog
Other - Failure to provide notification of euthanasia or death. Additional penalty for falsifying records \$2500	\$250 per month not notified	2 year disqualification and \$2500 fine
Other - Failure to provide a veterinary certificate of euthanasia where the greyhound has been euthanised	2 years disqualification and \$2000 fine	5 years disqualification and \$2000 fine

The guidelines also refer to the POCTAA and the *Domestic Animals Act 1984*, but there is no specific mention of when such offences would be referred for prosecution.

³⁴

<https://greyhoundcare.grv.org.au/wp-content/uploads/2018/05/Penalty-Guidelines-Greyhound-Welfare-2018.pdf>

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However, it is not clear why *Penalty Guidelines - Greyhound Welfare* were published, because in none of the animal cruelty cases analysed by CPG did the VRT categorise the rule breaches in accordance with the categories in the guidelines, nor do the majority of penalties applied reflect those specified in the guidelines.

Therefore, in the animal welfare cases described below, reference to offence category is CPG's interpretation of the *Penalty Guidelines - Greyhound Welfare*.

Animal welfare cases 1 July 2021 - 31 December 2022

During this period there were 17 animal cruelty/neglect cases, which, in some cases resulted in the most horrific deaths of the greyhounds involved. There were also 17 cases involving 'disappeared' greyhounds, which can range from failure to report dogs transferred to a third party (usually without evidence of where the dogs have ended up) to failure to notify dogs that have died (usually without veterinary reports as to cause of death). In addition to the current case of live baiting,³⁵ an additional four live baiting cases were heard by the VRT during the period analysed by CPG. Live baiting will be discussed in a separate section below.

CPG is pleased to see that one offender received a lifetime disqualification,³⁶ and two offenders received disqualifications of 10 years³⁷ and 6 years and three months,³⁸ respectively, for some of the most egregious cases where greyhounds died under horrific circumstances.

However, as with the *Penalty Guidelines - Prohibited Substances* (see above), the *Penalty Guidelines - Greyhound Welfare* are not mandated. This means the VRT is not obliged to apply the penalties specified therein, with appropriate consideration of specific circumstances. Nevertheless, in the below cases, CPG has conducted an assessment of the penalties that might have been applied if the *Penalty Guidelines - Greyhound Welfare* were a part of the racing legislative framework.

³⁵ <https://www.racingandsports.com.au/news/sports/other/2023-06-09/greyhound-racing-ban-call-over-vic-live-baiting-scandal/625076>

³⁶ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20ian%20anderson%206%20december%202022%20adj99514ac7-306e-40af-a2a2-e7ea9be90792.pdf>

³⁷ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20terry%20taylor%205%20july%2020220ef2f656-6058-47a8-b473-a64003d9c3a2.pdf>

³⁸ <https://www.vic.gov.au/sites/default/files/2023-05/VRT-Decision-Shane-Pye-Penalty-Hearing-21-December-2021.docx>

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Case study: Female greyhound (2009 to 2020) died of cancer and neglect³⁹

Summary

A nine year old female greyhound, died untreated by a vet in an outdoor pen on 20 December 2020 at a trainer's property. Stewards found her "emaciated, dehydrated, unresponsive to stimulus, with submandibular swelling, faecal matting, and an increased pulse and respiratory rate." She was ultimately euthanised by a vet on site who attested that she had been in these conditions for multiple days and was unable to move to access water or food.

4	16	1
Number of charges laid Number of days (at least) that Alouette Lass was left suffering and dying, unable to move	Months from time of incident until sentencing. Months from the incident that the penalty took effect.	Year disqualification aggregated for ALL charges. No fine.

Details of offence

The trainer admitted to knowing she had cancer and said he decided not to intervene with end of life care, and "let her die at home". The vet who was called to immediately attend the property after stewards found her in her outdoor pen, said that "It is unacceptable for any animal to be left in that condition for any period of time." He went on to say that "her body condition was so poor that she could not walk or access food or water and it was likely that she had been unable to move for days."

In the sentencing hearing, the tribunal noted that "For every minute that the greyhound was in the condition the Stewards found her in, she was, on the uncontradicted evidence of Dr Evans, in pain and suffering. That pain and suffering was unnecessary. She should have been taken to a veterinarian earlier, perhaps many days earlier, to be euthanised."

The tribunal notes in its decision that the trainer "deserves a severe penalty which gives recognition to general and specific deterrence and just punishment, as well as denunciation of his appalling conduct."

However, they also note that the trainer "is otherwise of good character and has not transgressed in any relevant way against the Rules of greyhound racing as an industry participant." He had previously received an effective \$500 fine in December 2015 for a dog who was found with injuries to the left thorax and right thigh, and left without vet care for

³⁹ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20kevin%20ward6ef6f334-13e1-481a-aea2-d000486583a0.pdf>

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seven days.⁴⁰ With mandatory penalties for repeat offences, the VRT would have been empowered to hand down a more appropriate sentence for such a heinous transgression.

Outcome

The trainer was disqualified for one year, 16 months after the dog's death. VRT did not apply a fine, presumably because he was leaving the industry (they have not raced any greyhounds since).⁴¹

CPG assessment

Based on available information, this would appear to be a Category 4 case, as specified in the *Penalty Guidelines - Greyhound Welfare*. Given that the greyhound died as a result of the failure to provide a minimum standard of care, and this was the trainer's second animal welfare offence, (which CPG considers to be a relevant transgression) the maximum penalty should have been applied, i.e. disqualification for life and a fine of \$7,000.

CPG believes the participant should also have been referred for investigation and possible prosecution under the POCTAA. Any non-greyhound racing industry participant who treated their dogs in this way could, under this Act, face imprisonment and a fine of up to \$46,000.

Case study: Three neglected dogs⁴²

Summary

After aggressively refusing multiple property inspections and demands for access by GRV inspectors over the course of several months, Stewards were eventually able to inspect the kennels and found three greyhounds in squalid conditions on a property. The dogs were immediately removed by RSPCA inspectors, suffering from dehydration, diarrhoea, poor coat quality and (one of them) urinary tract infection. However, it was the trainer's conduct that attracted the high disqualification penalty. It's notable that no fine was issued with the disqualifications.

1.5	5	7 of 8
Number of years disqualified for the neglect of the dogs	Number of years disqualified for poor conduct toward stewards	Charges related to the trainer's behaviour and not neglect of animals

⁴⁰ [https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2015/media_release_gar_106\(1\)\(d\)_kevin_ward1583b27a-8c1e-4df8-9727-456ad17a3784.pdf](https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2015/media_release_gar_106(1)(d)_kevin_ward1583b27a-8c1e-4df8-9727-456ad17a3784.pdf)

⁴¹ <https://www.thegreyhoundrecorder.com.au/trainers/kevin-ward/mount-moriac>

⁴² <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2020/vrt%20decisions%20shane%20pyec9fa1f1f-0439-4a64-b8ba-6bdce369d986.pdf> (misfiled in wrong year on the website)

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**'Disgraceful': Greyhound trainer's violent outburst**

A Melbourne greyhound trainer has been banned from the sport for six years following a violent outburst at officials who were attempting to seize his dogs.

Outcome: While CPG recognises that the trainer was disqualified from training and racing greyhounds for six and a half years, it was his behaviour and attitude that earned the biggest share of the penalty and not his treatment of the greyhounds.

CPG assessment

Based on available information, this would appear to be a Category 3 case. The trainer should therefore have received a minimum penalty of two years disqualification and a fine of \$9,000 (\$3,000 per dog) for the animal welfare breaches.

Case study: Neglect and poor kenneling kills five greyhounds⁴³**Summary**

A trainer who was a registered greyhound trainer for 12 years was found guilty of failing to report greyhound deaths and for poor kennelling conditions. Between January and December 2019, four puppies and one adult greyhound were found deceased and were not reported to GRV as required. In addition, on inspection in 2020, kennels were found to be overcrowded with 30 dogs, awash with faeces and urine, with inadequate bedding and dirty and stagnant drinking water. The trainer was cooperative and pleaded guilty to all charges.

3	24	\$1,000
Number of months suspended for the neglect of the dogs	Suspension fully suspended for 24 months (i.e. no actual suspension from racing served)	Fine for the poor kennelling

Outcome: For a trainer of extensive experience who is responsible for many dogs, and in an industry claiming to have "animal welfare at its heart" it is disappointing that the trainer received a fully suspended period of suspension. The bulk of the penalty was for the failure to report the dead animals, for which he received 6 months disqualification (also fully suspended) and \$1000 fine (in addition to the fine listed above).

⁴³ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20jeffrey%20quy%201%20march%202022061f732a-bd0c-4e53-8b1b-4327b92bf6d9.pdf>

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CPG assessment

Based on available information, this would appear to be a Category 3 case. Given that five greyhounds died as a result of the failure to provide a minimum standard of care, the maximum penalty should have been applied, i.e. 10 year disqualification and a \$15,000 fine (\$3,000 for each dog).

With mandatory penalties, the VRT would have been able to place as much weight on the animal welfare breaches as the failure to report. Or at the very least, referred the matter for further criminal investigation.

Case study: Four dogs bludgeoned to death⁴⁴**Summary**

A long term registered trainer, when initially questioned about the fate of four greyhounds under his care at first claimed he had rehomed them with his brother interstate. Next he claimed the dogs had been shot. However, an autopsy revealed skull damage in all four dog carcasses consistent with blunt force trauma. They had been bludgeoned to death.

Life ban**\$0****Disqualified for life****No fine**

Outcome: CPG is pleased that this trainer received a lifetime disqualification from greyhound racing.

CPG assessment

Based on available information, this would appear to be a Category 5 case. Therefore, under the *Penalty Guidelines - Animal Welfare* the trainer should also have been fined \$7,000 per greyhound killed.

Although this person has been banned for life, this is an egregious example of animal cruelty and CPG is of the strong view that the trainer should have been referred for investigation and possible prosecution under the POCTAA. CPG understands the 'double jeopardy' principle, but argues that such abhorrent animal welfare cases should be heard through the strongest legislative framework available, which clearly is the POCTAA.

⁴⁴ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20ian%20anderson%206%20december%202022%20adj99514ac7-306e-40af-a2a2-e7ea9be90792.pdf>

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Case study: Failure to provide veterinary care results in amputation⁴⁵

Summary

This trainer's greyhound suffered a metatarsal fracture during a race. The track veterinarian provided instruction that a veterinary consultation must be sought within three days. The trainer left the dog with this injury for 11 days before taking it to a veterinarian. By this stage the injury had deteriorated to the point where amputation was necessary.

0	\$2,500
Number of months disqualified for failing to provide veterinary care	Fine for the poor kennelling

Outcome: The trainer did not receive a disqualification or suspension from racing, but a fine of \$2,500.

CPG assessment

Based on available information, this would appear to be a Category 3 case. Therefore, under the *Penalty Guidelines - Animal Welfare* the minimum penalty that should have been applied is two years disqualification and a \$3000.

These cases are just some of the VRT decisions relating to animal cruelty and/or welfare breaches. CPG is concerned that despite GRV publishing the *Penalty Guidelines - Greyhound Welfare*, which specify minimum and maximum penalties, there is no requirement for the VRT to apply these guidelines.

CPG is of the strong view that the Victorian Government has a responsibility to ensure that greyhound racing participants who mistreat their dogs must be held to account with penalties that have a strong deterrent effect. The penalties specified in the *Penalty Guidelines - Greyhound Welfare* could serve this purpose, but must be mandated.

Recommendation 9

That the Victorian Government amend the racing legislation to mandate the penalties specified in the *Penalty Guidelines - Animal Welfare*, with appropriate provision for the VRT to consider specific circumstances. For repeat offenders a penalty higher than the minimum penalty must apply.

⁴⁵ <https://www.vic.gov.au/sites/default/files/2023-05/VRT-Decision-Jess-Grima-Hearing-18-May-2021.docx>

Time to get serious about regulation

It is disappointing that generally any excuse offered by the defendant is taken at face value. CPG believes that this is unacceptable where it relates to cases of animal cruelty, and underscores the serious flaw in the Victorian approach to regulating greyhound racing.

In particular, on page 8 of the Guideline, GRV states that

“Please note that ‘Suspended Sentences’ are not considered appropriate where the charge relates to the welfare of the greyhounds in a participants [sic] care.”

These cases also highlight the fact that greyhound industry participants who make their dogs suffer do not face the same consequences that other Victorians would under the POCTAA. This is a significant failure of the system, as it is clear that greyhounds continue to suffer unnecessary pain and horrendous deaths at the hands of persons registered to participate in the Victorian greyhound racing industry.

Following the 2015 exposure of live baiting and other cruel practices, the Australian public were promised that the industry would be cleaned up by regulating the industry. The evidence is that regulation to date has not prevented greyhounds from suffering unnecessary pain and harm. In considering this report, it is important to note that no regulator detects 100% of non-compliance. Therefore, the GRV reports of animal cruelty cases are an underestimate of the reality that Victorian greyhounds experience.

Recommendation 10

That Local Rules be amended to require any person registered with GRV who, by omission or direct action causes the death of a greyhound, or causes a greyhound to be in such condition that euthanasia is the only option, to be:

- referred to the relevant body for investigation and possible prosecution under the POCTAA,
- suspended from any further participation in greyhound racing while the investigation and prosecution is in progress, and
- banned from any involvement in greyhound racing if convicted under the POCTAA.

The ‘disappeared’ greyhounds

It is required under Local Rule LR42 that dog owners must keep records of and inform FastTrack⁴⁶ (the data gathering system of GRV) when a dog is rehomed, transferred, euthanised, or otherwise dies. Reporting obligations are also listed in the Greyhounds Australasia Rule (GAR) 105(4)(i), which could be summarised as a failure to give notice to the controlling body of greyhounds coming into or leaving a trainer’s care.

Both the GARs and LRs that speak of greyhound tracking, are listed under an animal welfare section, clearly indicating it is an animal welfare issue to fail to track.

⁴⁶ <https://fasttrack.grv.org.au/>

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It is well-documented that the greyhound racing industry breeds many times more greyhounds than they can rehome. This is placing tremendous pressure on rehoming groups, who are struggling with much higher supply than demand.⁴⁷ The experience of rehoming groups is that generally, greyhounds they receive show evidence of having been neglected.⁴⁸ The difficulty in finding ways to legally offload their greyhounds raises the risk that greyhounds are 'disappeared' the way they were prior to the introduction of regulation, for example see the McHugh report.⁴⁹ CPG considers any retired greyhounds, whose whereabouts cannot be ascertained or whose bodies have been buried without veterinary certificate⁵⁰, to have been 'disappeared'.

The racing rules and local rules are clear about record keeping and notification of rehomed or dead dogs, and given the length of time these requirements have been in place, it is inconceivable that any industry participant would not know about them. It is therefore reasonable to conclude that any failures to notify GRV of rehomed or dead greyhounds could be suggestive of the greyhounds having been 'disappeared' to avoid ongoing costs in their upkeep. CPG would expect in these circumstances a full investigation to be conducted to ascertain the whereabouts and welfare of greyhounds claimed to have been rehomed, or an autopsy of any greyhound remains.

CPG's assessment of VRT decisions from 1 July 2021 - 31 December 2022 has revealed that 80 dogs were transferred, euthanised, or died without GRV being notified of their fate. In most cases, it was only through inspections and auditing of records that the owners were discovered to have broken the rules. CPG believes that the majority of these dogs have been 'disappeared'.

Given the welfare concerns that this raises, there are serious consequences in the *Penalty Guidelines - Greyhound Welfare*:

Penalties according to the *Penalty Guidelines - Greyhound Welfare*⁵¹

Offence	Minimum	Maximum
Failure to provide notification of euthanasia or death	\$250 fine per month late per offence	Two year disqualification plus \$2500 fine
Failure to provide a veterinary certificate of euthanasia where the greyhound has been euthanised	Two year disqualification and \$2000 fine	Five year disqualification plus \$2000 fine

⁴⁷ <https://greyhoundcoalition.com/exposing-the-issues/gaping-hole-in-rehoming-2021-update/>

⁴⁸ <https://greyhoundcoalition.com/exposing-the-issues/gaping-hole-in-rehoming-2021-update/>

⁴⁹ <https://apo.org.au/node/65365>

⁵⁰ the racing rules prohibit disposal of greyhound bodies by any means other than through a veterinary clinic or approved cremation service

⁵¹ <https://greyhoundcare.grv.org.au/wp-content/uploads/2018/05/Penalty-Guidelines-Greyhound-Welfare-2018.pdf>

Time to get serious about regulation

Of the 14 tribunal cases involving 80 dogs and puppies, an alarming number were noted as healthy dogs that were euthanised for unnamed reasons. In a few cases snake bites, injuries, or a vague illness were given as reasons. In 11 cases, no suspension or disqualification was issued to the owner.

Tribunal decisions on 'disappeared' greyhound cases

Tribunal cases	Number of dogs	Penalties applied
15	80	<ul style="list-style-type: none"> • 1 x 21 month suspension • 3 x 3 month suspension • 11 x no disqualification period was given or was wholly suspended

As above, the below cases include a CPG assessment of the penalty that could have applied if those specified in the *Penalty Guidelines - Greyhound Welfare* were mandated.

Case study: 33 'disappeared' greyhounds⁵²

Summary

In a case where 23 greyhounds were 'disappeared', an attendant registered with GRV assisted his wife, the registered owner, to allegedly rehome 23 greyhounds. The owner had left the premises where the greyhounds were kept in 2020, an action which VRT considered to be misconduct as the owner is responsible for rehoming greyhounds. No investigation was conducted to determine the present location and welfare of these 23 greyhounds.

In addition, Stewards found 10 dead dogs on the premises, which had not been notified to GRV. Veterinary certificates were not provided. A necropsy was not conducted to eliminate the possibility that these greyhounds were killed.

In making their decision, the VRT noted the owner's 'difficult situation' and her husband's health concerns, but not their failure to provide veterinary certificates for the 10 dead dogs, or current location of the 23 greyhounds.

21	3	3	\$0
Number of months disqualified for abandoning the greyhounds	Number of months disqualified for the 23 disappeared greyhounds. This was wholly suspended, i.e. no suspension served	Number of months disqualified for the 10 dead greyhounds. This was wholly suspended, i.e. no suspension served	No fine

⁵² <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20katherine%20brooks%2022%20february%2020229b47f1a3-4c7d-4ca7-8aac-022837523e12.pdf>

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Outcome: In addition to the disqualification of the owner, the registered attendant, who claims to have rehomed the dogs, but has failed to provide any evidence of their whereabouts, was disqualified for a period of 3 months.⁵³

CPG assessment

Based on available information, and the fact that this case involves a total of 33 'disappeared' dogs, CPG believes the circumstances would warrant a maximum penalty in both cases. CPG also believes that a necropsy should have been conducted on the remains of the 10 greyhounds found at the property to ascertain their cause of death. CPG also believes that all attempts must be made to ascertain the fate of the 23 'disappeared' greyhounds.

Case study: Seven 'disappeared' greyhounds⁵⁴

Summary

This case involved seven unnamed greyhounds that were rehomed to the registered owner's property. Four of these dogs died and were buried at the premises. No veterinary certificate was provided, nor were autopsies conducted. Three of the dogs were claimed to have been rehomed, but Stewards did not investigate the current location and wellbeing of these dogs.

0	9	\$1,500
Number of months disqualified	Number of months suspended. This was wholly suspended, i.e. no suspension served	Fine

Outcome: The registered owner did not receive a disqualification period, but was suspended instead. However, as the suspension was fully suspended, the owner was not prevented from continuing their role in greyhound racing.

CPG assessment

Failure to provide a veterinary certificate for a deceased dog attracts a minimum two year disqualification period and a \$2,000 fine. Given that four dogs died, the owner should have received a penalty closer to the maximum penalty. CPG has serious concerns about the failure of GRV to undertake necropsy of the remains and conduct an investigation into the whereabouts of the three greyhounds claimed to have been rehomed.

⁵³ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20dougals%20blake%202022%20february%2020223b3df16b-080e-4d53-8b92-1a585f82d413.pdf>

⁵⁴ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20tim%20hore%202023%20march%2020226abf61ff-d40a-4fae-8957-dd17eca20cb6.pdf>

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Case study: Seven greyhounds euthanised without attempt to rehome^{55 56}

Summary

A father and son team were found to have taken seven healthy greyhounds to a veterinary clinic where they were euthanised, without making any attempt to rehome them. There was also a greyhound euthanised after being injured on the property.

Both claimed ignorance of the requirement to rehome. In making their decision, the VRT noted the father's health issues as mitigating factors.

0	15 + 9	\$750
Number of months disqualified	Number of months suspended. Both were wholly suspended, i.e. no suspension served	Fine for son, no fine for father

Outcome: Both periods of suspension issued were fully suspended and a \$750 fine given to one of the two industry participants..

CPG assessment

Based on available information, and the fact that this case involves a total of seven healthy greyhounds that were denied the opportunity to be rehomed and live out the remainder of their lives as pets, CPG believes that both participants should have received penalties higher than the minimum, which is two year disqualification and a \$2000 fine.

These cases are just a sample of the cases involving greyhounds being 'disappeared' or euthanised without any attempts to rehome them. They illustrate the following concerns:

Veterinary clinics that euthanise healthy greyhounds

This is outside the scope of GRV's responsibilities, but it is worth noting the fact that there are veterinary clinics that support the unethical 'disposal' of greyhounds that are surplus to their owner's needs. It is disappointing to find examples of such behaviours by veterinarians. CPG believes this is an issue for the Australian Veterinary Association and ethical guidelines should be developed to end the practice of killing healthy dogs just because they are an inconvenience for their owners.

⁵⁵ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20corey%20fulford%2022%20april%20202259defe70-bc08-4649-a289-3963b7729b32.pdf>

⁵⁶ <https://fasttrack.blob.core.windows.net/fasttrackpublic/stewardsHearing/2022/vrt%20decision%20lindsay%20fulford%2022%20april%2020221e24c27e-8fe0-4e18-8d80-ab0294bea9a0.pdf>

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Paying a fine for 'disappearing' greyhounds becomes cost of doing business

References have been provided earlier in this report for the fact that the greyhound racing industry breeds many more dogs than they can rehome. This means that there are delays between a greyhound finishing their racing career and finding a forever home. During this period the registered owner is responsible for their upkeep. The evidence from the case studies provided here is that some registered owners chose to 'disappear' their dogs. Chances are, they may get away with it. However, if they are caught, the consequences are usually a small fine, which is cheaper than housing and feeding the dogs and providing them with any other care they may need. In other words, the fines become a cost of doing business in the greyhound racing industry.

CPG is concerned that under the current legislative framework, these breaches are treated as administrative matters. CPG is of the view that the Victorian Government must be proactive in shutting this avenue for 'disappearing' greyhounds and provide the VRT with the means to provide strong penalties, including lifetime bans. This further supports CPG's Recommendation 9 above.

Further, CPG is concerned that in none of the above 'disappeared' greyhound cases did GRV undertake necropsies of greyhound carcasses buried on premises, nor did they investigate the whereabouts or welfare of dogs claimed to have been rehomed. There is therefore no evidence that can assure Victorians that the 'disappeared' greyhounds identified by CPG did not suffer.

What about unregistered greyhounds?

It is important to note that in all jurisdictions that legalise greyhound racing, including Victoria, the tracking system does not track the greyhounds for the whole of their life. These dogs are tracked only when they are registered with GRV. Therefore, the community is entitled to be concerned about the fate of greyhounds that are not registered, e.g. greyhounds that very early show signs of not being good racers, or those who are rehomed to a third party who then 'disappears' the dog.

Recommendation 11

That GRV implement:

- a genuine whole-of-life tracking system that records the whereabouts of every greyhound from the day it is born to the day that it passes on,
- a kennel inspection program that includes intelligence driven inspection programs, such as more frequent unannounced inspections of industry participants who have breached any racing rule,
- mandatory necropsies of greyhound carcasses found on premises, and
- thorough investigation to ascertain the location and well-being of greyhounds claimed to be rehomed without any supporting evidence.

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Live baiting

Since the greyhound racing live baiting scandal was exposed on the ABC's Four Corners in February 2015, the greyhound racing industry has declared a no tolerance policy for live baiting. However, it does still happen. In 2021/22 there were four charges brought to the tribunal involving live baiting or the use of animal parts for training greyhounds.

In three of the four cases, evidence of actual baiting (and not just possession of baiting animals) was obtained. In one case a lifetime disqualification was given, but in two cases the trainers were disqualified for only five years. In one case, for possession of a sheepskin lure, a 12 month disqualification was imposed.

Under POTCA, Baiting and luring part 13 P29 1D⁵⁷, can attract a 2 year imprisonment.

(1D) A person must not use an animal as a lure or kill— (a) for the purpose of blooding a greyhound; or (b) in connection with the training or racing of any coursing dog.

It is not clear if any of the instances of live baiting were referred for prosecution under the POCTAA.

Finally, another instance of live baiting has come to light recently,⁵⁸ however at the time of publication of this report, no information has been made available on the GRV website.

Clearly, live baiting is still being practised in Victoria - in the last two years or so five cases have been detected. This, however, is an underestimate of the real situation because no regulator detects 100% of non-compliance, and the known cases are proof that this long-standing industry practice is still being practised. It just has gone underground since the ABC exposed the practice in 2015, making it harder to detect. Therefore, any industry claims that it's 'just a few rotten apples' cannot be substantiated and the only thing Victorians can be certain about is that there are more undetected 'rotten apples.'

CPG is concerned about the welfare of greyhounds that have been trained using live baiting. Firstly, in Victoria these dogs continue to race. Live baiting was developed, and continues to exist, because greyhounds trained in this way chase lures harder than other dogs, which gives them a competitive advantage. Therefore, GRV allowing dogs trained by trainers who use live baiting to continue to race is effectively State sanctioned fixing of races. Second, dogs trained to kill animals such as possums, piglets, rabbits and other animals used in live baiting, have behaviours that will make them more difficult to rehome. Any greyhounds that are known to have been trained at facilities where live baiting is suspected should immediately be suspended from any further racing. If live baiting is confirmed, they must undergo behavioural training to increase their chances of finding a home as a pet.

⁵⁷ <https://content.legislation.vic.gov.au/sites/default/files/2020-04/86-46aa096%20authorised.pdf>

⁵⁸ <https://www.abc.net.au/news/2023-09-06/greyhound-racing-victoria-live-baiting/102819810>

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Recommendation 12

That Local Rules be amended to require all greyhounds that have been trained at a facility, where the use of live animals and/or animal bodies/parts is:

- suspected, be removed from further racing and provided with a behavioural assessment, and/or
- confirmed, undergo behavioural training to maximise their chances of transitioning to life as a pet.

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Transparency

GRV is a registered not for profit organisation, and is therefore required to be transparent about revenue and expenditures, through regular reporting. GRV Annual Reports⁵⁹ are available online, dating back to 2012/2013.

Annual report

GRV annual reports are heavily focused on performance of the industry, betting revenue, industry events, marketing and racing club information. While most of the report is focused on revenue and other financial outcomes, it does include sections about animal welfare, rehoming, drug swabbing, etc.

Below is a breakdown of information available through GRV (including in the annual report).

Breeding and rehoming stats

Information	Published (Y/N)	Notes
Number of dogs bred	Y	Annual report
Number of breeding services provided	N	Tracked by Greyhound Australasia (they hold the stud book)
Number of surgical artificial inseminations	N	Breeding is federal - covered by GA.
Number of dogs rehomed via GAP	Y	Annual report
Number of dogs rehomed total	Y	Annual report

⁵⁹ https://www.grv.org.au/wp-content/uploads/2022/12/grv_annual_report_2021-2022.pdf and <https://www.grv.org.au/wp-content/uploads/2021/01/GRV-2019-2020-Annual-Report.pdf>

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Injuries and deaths stats

Information	Published (Y/N)	Notes
Number of race injuries	Y	Recorded per 1000 starters / not whole numbers
Number of injuries at trials	N	Not recorded separately to race injuries
Injury data broken down to injury categories	N	It is not clear if GRV has adopted the nationally agreed convention for classifying race injuries
Review of track injuries	N	No information to suggest reviews are conducted
Number of dogs euthanised	Y	Annual report
Number of dogs euthanised by GAP	N	Not reported, not available on GAP site either (included in total figures in AR)
Number of dogs euthanised/died on track	Y	Annual report
Euthanasia/death at trials	N	Unclear if included in race deaths
No of dogs euthanised from injury post race day	N	GRNSW tracks dogs that are euthanised within 3 months of a race injury. This is not the case in Victoria.
Number of dogs died of natural causes	N	Not reported
Review of greyhound deaths	N	Stated they do, but not reported by case numbers

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Licensing and training

Information	Published (Y/N)	Notes
Pre-licensing animal welfare competency assessment (owner-trainer)	N	Online assessment in a number of areas, but no booklet (module) specifically mentions animal welfare.
Pre-licensing animal welfare competency assessment (public trainer)	N	Online assessment in a number of areas, but no booklet (module) specifically mentions animal welfare.
Pre-licensing animal welfare competency assessment (owner)	N	No training requirement, but clear responsibility is on the owner for animal welfare.

General animal welfare

Information	Published (Y/N)	Notes
Greyhound welfare committee minutes/advice	N	Committee exists, no information or minutes available
Communication of requirements for owners	Y	Owners are fully responsible for the welfare of the animal for the whole of their life. From birth to rehoming.
Explicit animal welfare training	Y	Comprehensive information available on a separate Care and Standards website ⁶⁰
Explicit communication of standards and care	Y	Comprehensive information available on a separate Care and Standards website

⁶⁰ <https://greyhoundcare.grv.org.au/>

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Tracking and controls

Regulatory information information	Published (Y/N)	Comments
Whole of life tracking	N	GRV does not track non-registered greyhounds
Number of trainers	Y	Annual report
Number of breeders	Y	Annual report
Number of owners	Y	Annual report
Doping control sample numbers	Y	Total number only in last 2 annual reports
Out of competition sample numbers	Y	Annual report
Number of positive samples	Y	Annual report
Number of inspections	Y	Annual report
Unannounced inspections	N	
Intelligence driven inspections/issues reported	N	Claims that activities are intelligence driven are not supported by any publicly available information
Prosecution breakdown for type of offence	Y	Annual report (page 7)

GRV does provide some information about how they fulfil their regulatory responsibilities, however CPG has identified a number of areas for improvements.

Recommendation 13

That GRV publish comprehensive information about how they perform as a regulator of the greyhound racing industry and how well they ensure the welfare of greyhounds that race in Victoria. The information gaps identified in this report must be addressed.

Conclusions

Based on the evidence presented by CPG in this report, it must be concluded that the greyhound racing regulatory framework in Victoria is ineffective and compromised by GRV's conflicting responsibilities. Regulatory models giving a regulator responsibilities for the commercial viability as well as compliance/enforcement of an industry, have been abandoned in other environments because of the irreconcilable conflicts of interest this creates. The current model must be replaced with a statutory authority that has responsibility only for monitoring compliance with racing rules and applying appropriate enforcement actions in response to non-compliance.

In Victoria, outdated and predictable doping controls are applied, which means that the current detection rate is an underestimate of the real rate of greyhound doping. This, coupled with the application of penalties that have little deterrent effect, should raise concerns with anyone betting on Victorian greyhound races that it is not a level playing field. The World Anti-Doping Agency (WADA) has developed much more effective doping control strategies and sanctions with significant deterrent effect. The Victorian Government should ensure these approaches are applied to the Victorian greyhound racing industry.

When instances of animal cruelty and live baiting came to light in 2015, we were promised that these would be stamped out by regulating greyhound racing. The evidence shown in this report shows that the Victorian Government has failed to deliver on this promise. In this report, CPG has highlighted some of the horrific cruelty that Victorian greyhounds are being exposed to, and the fact that live baiting is still practised in Victoria. This report also highlights the inadequate consequences that those who commit such cruelty often face. CPG acknowledges that in some cases significant periods of disqualification, or life bans, were given. However, this report also highlights the need for the Victorian Government to make its position on animal cruelty clear by mandating strong penalties that have significant deterrent effect, and that reflect community expectations.

It is CPG's view that in the past 8 years, the Victorian greyhound racing industry has shown it is incapable of the reforms that were promised to the community. CPG's preferred position is that this industry be phased out. If this is not supported by the Victorian Government, then it must make good with the Victorian people and introduce a stringent regulatory framework that operates independently and without any responsibilities for the industry's commercial viability or marketing. The Victorian Government must give this regulator strong powers to monitor and enforce compliance, and implement arrangements to ensure that those who subject their greyhounds to unnecessary suffering and cruelty are investigated and prosecuted under the POCTAA.