



# Submission on the Animal Care and Protection Bill 2024



**Prepared by the Coalition for the Protection of Greyhounds  
March 2024**

*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.*

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**End greyhound suffering**

## About the Coalition for the Protection of Greyhounds

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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**

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CPG appreciates the opportunity to make a submission on the Victorian Animal Care and Protection Bill 2024 (the Bill). Our submission focuses on elements of the Bill that relate to greyhound racing, or that could address greyhound welfare concerns that exist under the current legislation.

In this submission we identify a number of concerns with the proposed amendments, and provide evidence to support these concerns, including:

- The Bill does not include surgical artificial insemination in the list of controlled procedures on animals in section 37 of the Bill.
- The requirements of the *Victorian Code of Practice for the Keeping of Greyhounds* must be legally mandated by inclusion in the Regulations.
- Given the greyhound racing industry breeds many times more greyhounds than can be rehomed, it is becoming more common for greyhound owners to keep greyhounds on their premises once they no longer race. These dogs are no longer registered with Greyhound Racing Victoria (GRV) as racing dogs, so the *Victorian Code of Practice for the Keeping of Dogs* applies. However, the former specify a lower standard of housing than the latter. This creates an animal welfare gap that is not addressed by the Bill.
- The Bill specifies a number of requirements relating to care of animals, but does not protect the welfare of animals competing or performing in events on hot days. For example, GRV's hot weather policy allows greyhounds to race at temperature up to 38°C. Hot weather restrictions for non-air conditioned events involving animals must be included in the Bill, or in Regulations.
- The Bill prohibits live baiting, animal cruelty, neglect and failure to provide duty of care and includes serious consequences, such as heavy fines and/or imprisonment for offences. The Greyhounds Australasia Rules and Local Rules of Racing (GARs) applied by GRV cover the same animal welfare concerns, but specify much smaller fines and no custodial sentences. By maintaining this dichotomy, the Victorian Government effectively protects greyhound racing participants from consequences that other Victorians would face. This goes against democratic principles and must be corrected.

CPG makes the following 5 recommendations:

### **Recommendation 1**

That the Victorian Government add the following paragraph to section 37 of the Bill:

- (k) surgical artificial insemination of a dog.

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**Recommendation 2**

That the Victorian Government amend paragraph 38(2) of the Bill as follows:

- Replace "A registered veterinary practitioner does not contravene a paragraph of section 37..." with "A registered veterinary practitioner does not contravene paragraphs (a), (b), (c), (d) or (j) of section 37..."

**Recommendation 3**

That the Victorian Government:

- make the requirements specified in the Victorian *Code of Practice for the Keeping of Racing Greyhounds* legal requirements
- introduce penalties for non-compliance that have significant deterrent effect
- include a provision in Division 1 of Part 3 of the Bill to allow detailed requirements relating to animal care and protection obligations to be specified in regulations.

**Recommendation 4**

That the Victorian Government:

- develop and implement legal requirements for the housing and care of retired greyhounds kept by racing industry participants to ensure they are kept in enclosures that meet those specified in the Victorian *Code of Practice for the Private Keeping of Dogs*
- ensure sufficient resources are available to monitor compliance with these requirements and take enforcement action where non-compliance has been identified.

**Recommendation 5**

That the Victorian Government make consequential amendments to the greyhound racing regulatory framework that

- abolish any Greyhounds Australasia Rules or Local Rules of racing that duplicate an offence under the Bill
- require GRV to refer any suspected offences under the Bill to the relevant law enforcement authority.

## Discussion and recommendations

### ***Surgical artificial insemination (SAI) must be included in the list of controlled procedures***

In line with recommendations from veterinarians with specialisation in the field of theriogenology and reproduction, the Australian Veterinary Association (AVA), the leading body representing veterinarians nationally, now has ratified its position statement regarding SAI of dogs,<sup>1</sup> stating that:

1. Surgical artificial insemination (AI) must not be performed in dogs. Welfare considerations indicate that only non-surgical artificial insemination may be performed
2. All states and territories in Australia should adopt the prohibition of surgical AI in dogs, in their respective Animal Welfare Acts.

On their website, AVA, support their policy with references to scientific and clinical articles showing that a non-surgical procedure, transcervical artificial insemination (TCI), is as effective, if not more effective, for achieving pregnancies.

Surgical AI is prohibited by UK animal welfare legislation, which legally restricts mutilations to animals, i.e. procedures which interfere with sensitive tissue or bone structure.<sup>2</sup> There are no exemptions to this prohibition. Surgical AI is also banned in the Netherlands, Sweden and Norway, where it is considered to be ethically unacceptable.<sup>3</sup>

It therefore time for 'surgical artificial insemination of a dog' to be included as a controlled procedure in section 37 of the Bill to further secure the welfare of breeding greyhounds in Victoria.

#### **Recommendation 1**

That the Victorian Government add the following paragraph to section 37 of the Bill:

- (k) surgical artificial insemination of a dog.

<sup>1</sup> <https://www.ava.com.au/policy-advocacy/policies/companion-animals-health/surgical-artificial-insemination-in-dogs/>

<sup>2</sup> <https://www.rcvs.org.uk/news-and-views/features/standards-and-advice-update-january-2019>

<sup>3</sup> <https://www.canirep.com/insemination/>

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CPG notes the clearly and strongly worded AVA policy, and that in the UK there are no exemptions to the prohibition of SAI in dogs. We are concerned that in the absence of any reporting requirements or powers to monitor compliance with the exemptions in section 38, some veterinarians will use this exemption to continue to conduct unnecessary SAI. CPG notes also that there are other controlled procedures that should not have any exemptions.

**Recommendation 2**

That the Victorian Government amend paragraph 38(2) of the Bill as follows:

- Replace "A registered veterinary practitioner does not contravene a paragraph of section 37..." with "A registered veterinary practitioner does not contravene paragraphs (a), (b), (c), (d) or (j) of section 37..."

## Amendments to Division 1 of Part 3 of the Bill

### ***Code of Practice for the Keeping of Racing Greyhounds must be mandated***

CPG recently published a detailed analysis of how well the Victorian Government protects greyhounds that race on Victorian race tracks - *Current state of greyhound racing regulation: Victoria*.<sup>4</sup> CPG analysed all Victorian Racing Tribunal (VRT) decision summaries published between 1 July 2021 and 31 December 2022. This identified 14 cases involving 80 greyhounds that had been 'disappeared' by industry participants. CPG uses the term 'disappeared' when a greyhound:

- has been transferred to a third party but no evidence is provided about the dog's location and condition
- has died but no veterinary certificate is provided and there is no body/carcase
- has died and there is a carcass but no veterinary certificate has been provided.

GRV Stewards did not further investigate the whereabouts of the supposedly transferred dogs in any of these cases, and in only one case was a necropsy conducted (which found the skulls of four greyhounds had been caved in with a blunt instrument). CPG is particularly disappointed that in 11 of the 14 cases the person involved did not serve a ban.

The Victorian *Code of Practice for the Keeping of Racing Greyhounds* specifies requirements, including for record keeping, that clearly were not met in the above cases. Further, the Greyhounds Australasia Rules of racing also include relevant rules. These, and other findings (including that live baiting is still practised in Victoria), demonstrate that these requirements are consistently not met and penalties given clearly do not have a

<sup>4</sup> <https://greyhoundcoalition.com/racing-regulation/>

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deterrent effect. Given the industry breeds 6 times more greyhounds than they can rehome,<sup>5</sup> CPG expects that more Victorian greyhounds will be 'disappeared' over the coming years.

The greyhound racing industry has had 9 years, since the public outrage in 2015 over the finding that live baiting is widespread in the greyhound racing industry,<sup>6</sup> to fix these issues. Given that 57% of Australians support the phasing out of greyhound racing,<sup>7</sup> it is time for the Victorian Government to address this regulatory failure.

The Victorian Government has the opportunity to strengthen regulatory oversight of this industry by making the requirements of the Victorian *Code of Practice for the Keeping of Racing Greyhounds* legal requirements, with significant penalties for breaches. One option would be to mandate the Code of Practice requirements via the Regulations. However, CPG notes that Division 1 of Part 3 of the Bill does not include a provision to allow detailed requirements relating to animal care and protection obligations to be specified in regulations.

### ***Hot weather racing must be stopped***

Currently, GRV prohibits racing greyhounds only in temperatures that exceed 38°C. This is a significant health risk to racing dogs and blatantly prioritises gambling over greyhound welfare. A study involving 229 Australian racing greyhounds showed:

- 39% of dogs raced at ambient temperature of 38°C had a rectal temperature of 41.5°C or greater (this being the temperature at which heat illness is likely)
- about 25% of dogs racing at ambient temperature of 30°C had a rectal temperature of more than 41.5°C
- 31°C appears to be a physiologically safer threshold temperature for racing.

RSPCA Australia has also published its concerns about greyhound races being held at 38°C.<sup>8</sup>

Division 8 of Part 5 of the Bill specifies relates to activities and events involving animals, including greyhound races. The Bill therefore provides the Victorian Government with an opportunity to introduce threshold temperatures for events involving animals. These threshold temperatures should be evidence-based and must prioritise reducing the risk of heat illness in greyhounds and other animals that compete in non-air conditioned events. This is especially important as over the coming years the number of hot weather days will increase.

<sup>5</sup> <https://greyhoundcoalition.com/wp-content/uploads/2021/02/A-GAPing-hole-in-the-industry-FY2021-22-final.pdf>

<sup>6</sup> <https://www.abc.net.au/news/2015-02-16/live-baiting-expose-to-rock-greyhound-industry/6109878>

<sup>7</sup> <https://greyhoundcoalition.com/greyhound-racing-survey/>

<sup>8</sup> <https://kb.rspca.org.au/knowledge-base/should-greyhound-races-be-permitted-in-very-hot-weather/>



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CPG notes that the duty of care requirements specified in Division 1 of Part 3 of the Bill include ambient temperature (paragraph 17(2)(v)). However, every one of these requirements is in the context of being 'appropriate', which is a subjective term and likely to lead to legal challenges. A prudent approach is to specify what these 'appropriate' requirements are in regulations. This must include a temperature threshold for events involving animals. This division must therefore be amended to allow the development and implementation of regulations to specify more detailed duty of care requirements.

**Recommendation 3**

That the Victorian Government:

- make the requirements specified in the Victorian *Code of Practice for the Keeping of Racing Greyhounds* legal requirements
- introduce penalties for non-compliance that have significant deterrent effect
- include a provision in Division 1 of Part 3 of the Bill to allow detailed requirements relating to animal care and protection obligations to be specified in regulations.

## **Retired greyhounds must be kept in suitable enclosures**

It is becoming more common for retired greyhounds to remain with their owner, especially as rehoming groups are struggling to find homes for the available greyhounds. CPG has shown that the industry breeds 6 times more greyhounds than can be rehomed,<sup>9</sup> and that many of the greyhounds received by rehoming groups are stressed and show evidence of neglect.<sup>10</sup> Given the rehoming crisis, there is no doubt that more greyhound owners will have to care for their ex-racers. Recommendation 2 addresses CPG's concerns for the welfare of these greyhounds.

However, this highlights a regulatory gap: once greyhounds cease racing, they become a domestic dog and must be cared for in accordance with the Victorian *Code of Practice for the Private Keeping of Dogs*.<sup>11</sup> This code of practice specifies much larger enclosures for dogs of greyhound size, than does the Victorian *Code of Practice for the Private Keeping of Racing Greyhounds*. Currently, there is no information to suggest that greyhound owners provide retired greyhounds on their premises with enclosures that meet the dog code of

<sup>9</sup> <https://greyhoundcoalition.com/wp-content/uploads/2021/02/A-GAPing-hole-in-the-industry-FY2021-22-final.pdf>

<sup>10</sup> <https://greyhoundcoalition.com/wp-content/uploads/2022/06/CPG-Greyhound-Rescue-Survey-consolidated-results.pdf>

<sup>11</sup> <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/codes-of-practice/code-of-practice-for-the-private-keeping-of-dogs>



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practice. None of the GRV stewards reports or Victorian Racing Tribunal decision reports assessed by CPG<sup>12</sup> indicate that this is something assessed by GRV inspectors.

Together with the finding that many Victorian greyhounds are disappeared, and many greyhounds reaching rehoming organisations are stressed and show signs of neglect, there is a significant gap in regulatory oversight over greyhounds kept by racing industry participants. This gap poses a particular risk to retired greyhounds.

**Recommendation 4**

That the Victorian Government:

- develop and implement legal requirements for the housing and care of retired greyhounds kept by racing industry participants to ensure they are kept in enclosures that meet those specified in the Victorian *Code of Practice for the Private Keeping of Dogs*
- ensure sufficient resources are available to monitor compliance with these requirements and take enforcement action where non-compliance has been identified.

## **Current 'free pass' for greyhound racing industry participants must be eliminated**

The Bill prohibits live baiting, animal cruelty, neglect and failure to provide duty of care and includes serious consequences, such as heavy fines and/or imprisonment for offences. CPG supports these offence provisions and associated penalties. However, CPG notes that the Bill does not remove the current 'free passes' that are given to those in the greyhound racing industry who abuse or neglect their greyhounds.

CPG assessed all cases decided by the Victorian Racing Tribunal (VRT) between 1 July 2021 to 31 December 2022.<sup>13</sup> This included a number of live baiting cases and cases where greyhounds were killed directly (bludgeoned to death) or indirectly (neglect and/or failing to provide veterinary care). This analysis shows that greyhound racing participants who commit animal cruelty are processed under the Greyhounds Australasia Rules<sup>14</sup> and Local Rules of Racing,<sup>15</sup> and not Victoria's animal welfare laws. These rules cover the same

<sup>12</sup> <https://greyhoundcoalition.com/racing-regulation/>

<sup>13</sup> <https://greyhoundcoalition.com/racing-regulation/>

<sup>14</sup> <https://galtd.org.au/wp-content/uploads/2023/04/Greyhounds-Australasia-Rules-Effective-30-April-2023-1.pdf>

<sup>15</sup> <https://greyhoundcare.grv.org.au/rules-of-racing/>

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animal welfare concerns that are also prohibited in Victorian animal welfare laws, but specify much smaller fines and no custodial sentences. GRV has issued Penalty Guidelines<sup>16</sup> that specify minimum and maximum penalties, but these are rarely applied.

The Victorian Government has established a self-regulatory framework for greyhound racing. CPG's report shows that this has failed and greyhounds continue to be bludgeoned to death, live baited and neglected. The report shows also that those who commit these offences are protected from facing the same criminal justice system that other Victorians would if they treated their domestic pets similarly.

The following table illustrates this point with some of the Victorian cases assessed by CPG.<sup>17</sup>

Case	Penalty given <sup>18</sup>	GRV Penalty Guideline <sup>19</sup>	Penalty provided in Bill*
Failure to provide veterinary care results in amputation	- No ban - \$2,500 fine	- 2 year ban - \$3,000 fine	Section 19 offence - \$24,038.75 fine and/or - 6 month imprisonment
Neglect of greyhound with cancer that was found emaciated, dehydrated and unresponsive and had to be euthanised	- 1 year ban - No fine	- Life time ban - \$7,000 fine	Section 22 offence - \$48,077.75 fine and/or - 1 year imprisonment
4 dogs bludgeoned to death	- Lifetime ban - No fine	- Lifetime ban - \$28,00 fine	Section 24 offence - \$96,155 fine and/or - 2 years imprisonment
5 dead dogs and 30 housed in cramped and filthy conditions	- 3 month ban fully suspended (i.e. no ban served) - \$1,000 fine	- 10 year ban - \$15,000 fine	Section 22 offence
10 dead dogs, 23 'disappeared' dogs	- 21 month ban - no fine	- 5 year ban - \$2,000 fine	Section 19 or 22 offence
7 greyhounds euthanised without attempt to rehome	- 9 month ban fully suspended (i.e. no ban served) - \$1,500 fine	- 2 year ban - \$2,000 fine	Section 19 or 22 offence

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

<sup>17</sup> <https://greyhoundcoalition.com/racing-regulation/>

<sup>18</sup> <https://www.vic.gov.au/decisions-and-reasons>

<sup>19</sup> Penalties are taken from those specified in the GRV Penalty Guidelines – Animal Welfare, available at <https://greyhoundcare.grv.org.au/wp-content/uploads/2018/05/Penalty-Guidelines-Greyhound-Welfare-2018.pdf>

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Case	Penalty given	Greyhound racing rules**	Penalty provided in Bill*
Live baiting**	- Life time ban - No fine	- Lifetime ban AND - Fine specified in animal welfare law (\$96,155)	Section 44 offence - \$96,155 fine and/or - 2 years imprisonment

\* The information in this column reflects CPG's assessment of which offence provision might apply to each case. This assessment is based on information contained in the VRT decision summary for each case.

\*\* Although Victoria's animal welfare law prohibits live baiting, GRV prosecutes under the Greyhounds Australasia racing rules.

The cases in the above table are only a selection of animal cruelty cases decided by VRT. It must be noted also that these are an underestimate of the real rate of cruelty against greyhounds by the industry, as GRV does not detect 100% of animal cruelty cases. Indeed, CPG's report shows that the actual number of cases are likely to be significantly higher; for example, GRV does not investigate matters such as 'disappeared' dogs as anything other than administrative failures and rarely conducts necropsies of greyhound carcasses found at premises.<sup>20</sup>

The greyhound racing industry has had 9 years to clean up its act (see above). CPG's report on the effectiveness of greyhound racing regulation in Victoria shows that greyhounds are still suffering horrendous neglect, live baited, bludgeoned to death and 'disappeared' at concerning rates. The greyhound racing self-regulation model implemented by the Victorian Government has failed.

This self-regulatory model also provides greyhound racing industry participants with a 'free pass' for animal cruelty offences. By prosecuting perpetrators under the greyhound racing rules, they are protected from the much more serious consequences that other Victorians would face if they killed or neglected their companion dogs.

This goes against democratic principles and must be corrected by consequential amendments to the greyhound racing regulatory framework to abolish any greyhound racing rules that duplicate offences under the Bill. This ensures that any person who engages in these behaviours in Victoria faces the same consequences through the Victorian judicial system.

<sup>20</sup> <https://greyhoundcoalition.com/racing-regulation/>

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**Recommendation 5**

That the Victorian Government make consequential amendments to the greyhound racing regulatory framework that

- abolish any Greyhounds Australasia Rules or Local Rules of racing that duplicate an offence under the Bill
- require GRV to refer any suspected offences under the Bill to the relevant law enforcement authority.