

1 March 2014

Parliament House  
Macquarie Street  
Sydney  
NSW 2000

Via email: [greyhoundracing@parliament.nsw.gov.au](mailto:greyhoundracing@parliament.nsw.gov.au)

Dear Sir/Madam,

### **Inquiry into greyhound racing in NSW – Additional information**

Thank you for the correspondence addressed to RSPCA Australia dated 13 February 2014 and the opportunity to provide additional information and respond to supplementary questions from the Committee which relate to RSPCA NSW Inspectorate matters.

#### **In response to the Supplementary Questions.**

**1. Does the Prevention of Cruelty to Animals Legislation require any amendment to help protect the welfare of greyhounds or other animals that can be used to train greyhounds?**

**a. If so, can you provide details?**

The Prevention of Cruelty to Animals Act could be amended to help protect the welfare of greyhounds and other animals that can be used to train greyhounds. In addition to the general protection that greyhounds (and all animals) are afforded under the Prevention of Cruelty to Animals Act 1979 (POCTA), section 21 of POCTA (Annexure 1) and Clause 28 of the Prevention of Cruelty to Animals Regulation 2012 (Annexure 2) (POCTA REG) relates specifically to coursing and other similar activities.

Sections 21(1)(d) and 21(1)(e) and 21 (2C) of POCTA and Clause 28 (POCTA REG) relate specifically to the welfare of animals that may be used to train greyhounds.

The Royal Society  
for the Prevention of  
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POCTA - 21(1) A person who:

- (d) uses an animal as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog, or
- (e) keeps or is in charge of an animal for use as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog,  
is guilty of an offence.

POCTA - 21(2C) In any proceedings under subsection (1) (e), evidence that the defendant was in charge of an animal of a species prescribed by the regulations at a place used for the trialing, training or racing of any coursing dog is prima facie evidence that the defendant kept or was in charge of an animal for use as a lure or kill for the purpose referred to in that subsection.

POCTA REG - Clause 28 - All species of animals that are not species commonly used as coursing dogs are prescribed for the purposes of section 21 (2C) of the Act. (For example this includes but is not limited to species such as rabbits, possums and cats)

Suggested amendments:

1. Section 21 (1)(e) of POCTA could be amended to prohibit the keeping any animal of a prescribed species at any place used for the trialing, training or racing of coursing dogs under any circumstances.

Background: the RSPCA have investigated complaints where animals of a prescribed species were kept at a place used for the trialing, training or racing of coursing dogs and while it is alleged that these animals were used as a lure, it could not be proven beyond a reasonable doubt that this was the purpose that these animals were kept at the place and action could not be taken.

2. Section 21(1)(e) 21(2C) could be amended to include the words "housing and kennelling" so that it would be an offence to keep an animal of a prescribed species at a place used for the housing, kennelling, trialing, training or racing of coursing dogs.

Background: The RSPCA NSW have investigated complaint relating to animals kept at premises where greyhounds are housed or kennelled, but as we could not prove beyond a reasonable doubt that the trialing, training or racing of greyhounds occurred at the place no offences could be established.

3. Section 21(1)(d) could be amended to include the words "live or dead" after the word animal, so that no live animal or carcass is used to train coursing dogs.

Background: With increasing knowledge and research in the animal behaviour and training field, it could be argued that there are many techniques that could be employed in the training of coursing dogs that don't require the use of dead animals as lures. If there were no circumstances in which dead animals could be used to train coursing dogs there could be no temptation for the substitution of live animals.

## **2. Can Chief Inspector David OShannessy provide examples and suggestions in relation to the allegations of the use of other animals or animal carcasses used in the training and/or education of greyhounds?**

The following is a extract or summary of the types of complaints that the RSPCA have received which relate to allegations of the use of other animals in the training and or education of greyhounds.

- Informant is concerned for greyhounds which are kept in a small shed approx 3x4m. The dogs are allegedly fed live rabbits and guinea pigs which are purchased from a nearby pet shop, POI (Person of Interest) drops the rabbits/guinea pigs into the shed live with all the dogs, so they fight over them. Informant believes person of interest does this to encourage them to chase at the ##### racecourse.
- The POI lives at the racecourse and keeps his greyhound dogs in kennels at the racecourse. The POI confided in the informant and told them that he uses live rabbits to train his racing dogs. The informant witnessed a live rabbit with a broken leg get put into the kennel with the dogs. She didn't see the dogs kill the rabbit, she just saw the rabbit get put in and then she heard the rabbit screaming. The POI has 4 Greyhound puppies and 5 adult Greyhound dogs. The POI also allegedly told the informant that when he doesn't have any need for a Greyhound, he said "I hit them over the head and dump them at the end of the racecourse".
- The Caller says the premises is used to train greyhounds. He says they have a rabbit hutch full of rabbits at premises and is aware they have a bullring where they put rabbits or possums for the greyhounds to kill. Says he also knows a person who used to work there that told him he left because the owner refuses to provide them enough food and they were in poor condition. The kennel can house up to a hundred dogs and caller is unsure how many would currently be housed there.
- Informant went to friend of a friends house 3 days ago and sighted 50+ greyhounds and 15+ rabbits. POI states they are breeding rabbits for greyhounds to chase and eat live. 1 rabbit had 1 leg hanging with blood all over. POI states the greyhound caught it but didn't kill it so they intend to give it to another dog to finish the job. Rabbit had clear puncture wounds to body. Rabbits are kept in 2 enclosures in backyard

- Informant visits the person of interest's. The person of interest has a huge shed at the side of the house with Greyhound dogs in cages living in their own faeces and urine and never being let out for exercise according to the informant. They also have about 15 rabbits in wooden crates inside the shed with the dogs also in faeces and urine. The whole shed stinks very badly. The Informant asked if the POI's use the rabbits as bait for the dogs to run, but the informant didn't know if that is why they have the rabbits.
- Person of interest is the owner of an established greyhound training and housing facility, on the property there exists a shed type structure where live animals (including possums, rabbits, cats, guinea pigs and chickens) are kept, they are used as bait, once the greyhounds chase the 'bait' animals, dogs are de-muzzled and allowed to kill the animals.

### **3. What changes, if any, are required to the Code of Practice for the Keeping of Greyhounds in Training to ensure the welfare of dogs in the greyhound racing industry?**

#### **Industry Code of Practice.**

The Code of Practice for the Keeping Greyhounds in Training is an industry document developed for licensed participants involved in the activity of training greyhounds.

This documents while developed from enforceable standards is not itself enforceable by officers under the Prevention of Cruelty to Animals Act. A breach of the *Code of Practice – For the Keeping of Greyhounds in Training* can only be acted upon or enforced by Greyhound Racing NSW officials and as I understand it and is viewed as a breach of the Greyhound Racing Rules.

The current version of the *Code of Practice – For the Keeping of Greyhounds in Training* relates specifically to kennel construction, kennel and yard sizes, environmental protection, security, hygiene, vermin control, nutrition, exercise, disease and health, veterinary care, transport of racing greyhounds and humane death.

There are however areas of the industry where the welfare of coursing dogs can be easily compromised or improved, that are not currently covered by the Industry Code of practice, these areas relate to specific areas of the greyhound lifecycle and include Breeding Rearing and Education of greyhounds.

In addition to providing industry enforceable standards under the greyhound racing rules, the fact that the *Code of Practice – For the Keeping of Greyhounds in Training* has been developed, adopted and published by Greyhound Racing NSW, confirms for the industry participants that this is the minimum acceptable standard for those who wish to be involved in the industry.

Unfortunately the fact that Greyhound Racing NSW have not yet published industry specific codes of practice which relate to Breeding, Rearing, Education and Re-homing of greyhounds there is an information deficient for industry participants and no clear minimum standards for these areas the industry.

### **Enforceable Standards under the Prevention of Cruelty to Animals Act.**

Under the Prevention of Cruelty to Animals Act 1979 (POCTA) and the Prevention of Cruelty to Animals Regulation 2012 (POCTA REG) there are a number of Prescribed Animal Trades.

For each of the Prescribed Animal Trades which are listed under Schedule 1 of the POCTA REG there is a corresponding Animal Welfare Code of Practice which is published of the NSW Department of Primary Industries website (<http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes>)

These Animal Welfare Codes of Practice contain enforceable Standards which prescribe in more detail the minimum standards of care required by people who care for animals involved in the various Animal Trades. These enforceable standards are only enforceable by officers under the Prevention of Cruelty to Animals Act, i.e. the RSPCA Inspectors, Animal Welfare Inspectors and NSW Police Officers.

As it stands, while greyhounds are not specifically mentioned, parts of the

- Animal Welfare Code of Practice - Breeding dogs and cats, and the
- NSW Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments,

may have broad application to the welfare of greyhounds but they are in no way comprehensive and nor do they adequately prescribe minimum standards for Greyhound Breeding, Rearing and education.

To ensure that the welfare of greyhounds is safeguarded at every stage of their lifecycle, a comprehensive greyhound specific Animal Welfare Code of Practice should be developed.

This Code of practice would include

- kennel construction,
- kennel and yard sizes,
- environmental protection,
- security,
- hygiene,
- vermin control,
- nutrition,
- exercise,
- disease and health,
- veterinary care,
- transport of racing greyhounds and
- humane death

it must also include

- breeding,
- rearing,
- education and
- Re-homing

specific sections.

Greyhound Racing could then be included as an Animal Trade under the Prevention of Cruelty to Animals Regulation and the greyhound specific Animal Welfare Code of Practice should then be included as an enforceable Animal Welfare Code of Practice under the Prevention of Cruelty to Animals Act and Prevention of Cruelty to Animals Regulation.

**4. Is it correct that the existing Greyhound Racing NSW Codes of Practice do not cover the whole life of a greyhound?**

The "Code of Practice - For the Keeping of Greyhounds in Training" does not currently cover the whole life of a racing greyhound.

The current version of the *Code of Practice - For the Keeping of Greyhounds in Training* relates specifically to kennel construction, kennel and yard sizes, environmental protection, security, hygiene, vermin control, nutrition, exercise, disease and health, veterinary care, transport of racing greyhounds and humane death.

The notable omissions from the "Code of Practice - For the Keeping of Greyhounds in Training" includes sections that relate specifically to the breeding, rearing, education and Re-homing of racing greyhounds.

**a. Can you comment on the impacts this lack of comprehensive focus has on the welfare of animals?**

The breeding, rearing and education of racing greyhounds are all areas in which the welfare of greyhounds could be compromised. The fact that these areas are not currently included in any industry or enforceable code of practice means that there is no clear information available to industry participants as to what the minimum acceptable standards or best practice guidelines are. In the absence of this clear standards or guidelines participants may adopt unproven, unacceptable or even illegal practices in the hope that they might be the winning formula and result in race winning dogs.

**b. How can this situation be corrected? What should be included in separate Codes of Practice covering the breeding, rearing and education of greyhounds?**

A comprehensive greyhound specific Animal Welfare Code of Practice should be developed that includes breeding, rearing and education in addition to what is already contained in the *Code of Practice - For the Keeping of Greyhounds in Training*.

As for what should be included in the breeding rearing and education sections of a code of practice this should be developed through in consultation with the industry and the RSPCA would be prepared to contribute to the development of this single comprehensive Animal Welfare Code of Practice.

**In response to Questions on Notice**

**A. Are you able to provide the committee with statistics of how many complaints you would receive in a year or over the past few years and how many actions have been taken, including prosecutions?**

The following represents the cruelty complaints received over the last three financial years and the proportion of those complaints that relate to dogs.

	2010 - 2011	2011 - 2012	2012 - 2013
Total cruelty complaints received	15011	14445	14610
Cruelty complaints relating to dogs	8302	8380	8523
% dog cruelty complaints	55%	58%	58%

The following table represents a breakdown of the complaints received relating to dogs showing the top three complained about dog breeds and greyhounds.

<b>2010 - 2011</b>	
8302 - Complaints relating to dogs	
German Shepherd	311
Staffordshire Bull Terrier	302
Maltese	240
Greyhounds	68

<b>2011 - 2012</b>	
8380 - Complaints relating to dogs	
Staffordshire Bull Terrier	427
German Shepherd Dog	280
Maltese	238
Greyhounds	71

<b>2012 - 2013</b>	
8523 - Complaints relating to dogs	
Staffordshire Bull Terrier	312
German Shepherd Dog	235
American Staffordshire Terrier	235
Greyhounds	44



The following table represents the types of complaints received regarding Greyhounds over the last three years. Please note that for each complaint that related to Greyhounds there was generally more than one type of alleged cruelty.

2010 - 2011		2011 - 2012		2012 - 2013	
Abandoned	1	Abandoned	4	Abandoned	1
Bushfire	1	Concern For Welfare	18	Concern For Welfare	7
Concern For Welfare	19	Dead	2	Dead	2
Dead	3	Exercise Inadequate	4	Exercise Inadequate	6
Exercise Inadequate	4	Food & Water	23	Exposed To Heat	1
Exposed To Heat	1	Ill-treatment	11	Food & Water	23
Food & Water	27	Killed	2	Ill-treatment	2
Ill-treatment	6	Locked In Shed	6	Kennel Inspection	4
Kennel Inspection	1	Locked In Small Pen	9	Locked In Car	1
Locked In Car	1	Other	5	Locked In House	2
Locked In House	1	Req. Rescue	1	Locked In Shed	3
Locked In Laundry,	1	Shelter Inadequate	3	Locked In Small Pen	5
Locked In Shed	6	Tied Continually	1	Other	6
Locked In Small Pen	11	Vet Treatment	12	Shelter Inadequate	4
Shelter Inadequate	11			Tied Continually	2
Tied Continually	1			Vet Treatment	6
Vet Treatment	12				

The following table represents the total number of prosecutions and those relating to dogs over the last three years.

	2010 - 2011	2011 - 2012	2012 - 2013
Prosecutions Commenced	91	96	94
Total charges laid	514	385	297
Charges relating to dogs	301	207	192

#### Prosecutions commenced relating to Greyhounds

##### 2010-2011

- A prosecution was commenced against an offender relating to 5 dogs, they were charged with 9 x Fail to provide veterinary treatment.
- A prosecution was commenced against an offender relating to 6 dogs, they were charged with 2 x Fail to provide proper and sufficient shelter and 1 x Fail to provide adequate exercise.

##### 2011-2012

- A prosecution was commenced against an offender relating to 6 dogs, they were charged with 1 x Fail to provide vet treatment and 1 x Fail to provide proper and sufficient food.

2012-2013

- No prosecutions were commenced involving greyhounds.

2013-2014

- A prosecution was commenced against an offender relating to 5 dogs, they were charged with 1 x Fail to provide vet treatment and 1 x Fail to provide proper and sufficient food.

**B. Could you provide the Committee with information as to the amendments to the appropriate legislation?**

Please refer to supplementary question 1 above.

**C. How would you change the existing codes?**

Please refer to questions 2 and 3 above.

**D. Will you provide the Committee with the views of the RSPCA on how to improve the codes of practice?**

Please refer to questions 2 and 3 above.

**E. Is it existing codes or is there a need for a new set of codes? What would those codes contain?**

Please refer to questions 2 and 3 above.

**F. Would you provide more details to the Committee on how does the Prevention of Cruelty to Animals Act need to be improved?**

Please refer to question 1 above

**G. What are the specific ranges of improvements needed to improve that Act to make it more effective?**

Please refer to question 1 above.

**H. It might help me to better understand if you take on notice to provide information about the nature of that understanding with Greyhound Racing NSW and to what degree reported incidents have occurred in the past 12 months.**

The key objectives of the Memorandum of understanding between GRNSW and the RSPCA NSW are to;

- Adopt a proactive approach to greyhound welfare in NSW
- Develop the relationships and communication between the organizations
- Ensure that enforceable welfare policies are in place
- Develop policy and education in the area of greyhound welfare
- Encourage responsible breeding within the industry in order to reduce the numbers of greyhounds unsuitable to race
- Co-ordinate training and education between the staff of each organization
- Co-ordinate with intelligence on suspected breaches of greyhound welfare
- Develop greyhounds as pets program and increase the number of greyhounds rehomed under this program
- Pursue laws and projects which promote the welfare of greyhounds in the industry
- Ensure adherence to relevant legislation and privacy provisions.

**Responsibilities under the Memorandum of Understanding.**

**Inspection Investigation and enforcement in connection with the Greyhound Racing Industry.**

- Greyhound Racing NSW animal welfare officers will accompany and assist RSPCANSW Inspectors in connection with inspections or investigations of greyhound kennels, breeders, trainers etc as reasonably requested by the RSPCA
- Greyhound Racing NSW animal welfare officers will assist RSPCA NSW Inspectors in connection with the investigation of any animal welfare issues relating to the greyhound racing industry as reasonably requested by the RSPCA NSW
- Where it is reasonable and appropriate to do so, Greyhound Racing NSW will notify the RSPCA NSW of any allegations or incidents of animal ill treatment, or any other significant animal welfare issues, in connection with the greyhound racing industry. Such information may not be provided until after any investigations completed and notification will be subject to the principles of the GRNSW Privacy Policy.
- RSPCANSW Inspectors will accompany and assist Greyhound Racing NSW animal welfare officers in connection with inspections or investigations of greyhound kennels, breeders, trainers etc as reasonably requested by the RSPCA

- RSPCA NSW Inspectors will assist Greyhound Racing NSW animal welfare officers in connection with the investigation of any animal welfare issues relating to the greyhound racing industry as reasonably requested by the RSPCA NSW
- RSPCA NSW will be available to provide advice on call in connection with any investigation or enforcement query made by Greyhound Racing NSW
- RSPCA NSW maintains its complete and unfettered right to investigate reports of Animal ill treatment, conduct routine inspections and perform such other actions as deemed appropriate in connection with the administration and enforcement of the Prevention of Cruelty to Animals Act 1979.
- Where it is reasonable and appropriate to do so, RSPCA NSW will notify the Greyhound Racing NSW of any allegations or incidents of animal ill treatment received, investigated or prosecuted by RSPCA NSW, and of routine inspections conducted by RSPCA NSW. Such notification may not be provided until after any such investigation or inspection is complete and may be subject to principles of confidentiality.

**I. I would appreciate it if you could provide an accurate number for the past 12 months. I am trying to get my head around the proportionality. The Committee has heard a great deal of evidence that greyhounds are very well treated and yesterday we heard that they are very badly treated. I would like to see empirical evidence from the regulator in this area, that is, the RSPCA.**

Please refer to question on Notice A. Above.

Thank you again for the opportunity to provide this supplementary information and should you require clarification please don't hesitate to contact me.

Yours truly

David OShannessy  
Chief Inspector  
RSPCA NSW

**Prevention of Cruelty to Animals Act 1979 No 200**

(Extract)

**21 Coursing and other similar activities prohibited**

- (1) A person who:
- (a) causes, procures, permits or encourages an activity in which an animal is released from confinement for the purpose of its being chased, caught or confined by a dog, or
  - (b) advertises the intention to conduct such an activity, or
  - (c) promotes, organises or attends such an activity, or
  - (d) uses an animal as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog, or
  - (e) keeps or is in charge of an animal for use as a lure or kill for the purpose of blooding greyhounds or in connection with the trialing, training or racing of any coursing dog, is guilty of an offence.

Maximum penalty: 1,000 penalty units in the case of a corporation or 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

- (2) In any proceedings under subsection (1), evidence in writing by a veterinary practitioner that an animal was alive at the time of its attack by a dog is prima facie evidence that the animal was alive at the time of that attack.
- (2A) In any proceedings under subsection (1) (c), evidence that the defendant was present at a place at which an activity of the kind referred to in that subsection was being conducted is prima facie evidence that the defendant attended the activity.
- (2B) In any proceedings under subsection (1) (d), evidence that the defendant was in charge of an animal that appeared to have been used as a lure or kill in the manner referred to in that subsection is prima facie evidence that the defendant used the animal as a lure or kill in that manner.
- (2C) In any proceedings under subsection (1) (e), evidence that the defendant was in charge of an animal of a species prescribed by the regulations at a place used for the trialing, training or racing of any coursing dog is prima facie evidence that the defendant kept or was in charge of an animal for use as a lure or kill for the purpose referred to in that subsection.
- (3) It is a defence to any proceedings for an offence against subsection (1) if the defendant shows that the act constituting the alleged offence was done by the defendant in the course of, and for the purpose of:
- (a) mustering stock, the working of stock in yards or any other animal husbandry activity, or
  - (b) sheep dog trials.
- (4) For the removal of doubt, section 24 (1) (b) (i), in its application to this section, includes hunting, shooting, snaring, trapping, catching or capturing an animal by using a dog, but only in a manner that inflicted no unnecessary pain on the animal.

**Prevention of Cruelty to Animals Regulation 2012**

**28 Evidence of keeping or being in charge of animal for lure or kill for coursing dog**

All species of animals that are not species commonly used as coursing dogs are prescribed for the purposes of section 21 (2C) of the Act.