



Hon Alannah MacTiernan MLC
Minister for Regional Development; Agriculture and Food;
Hydrogen Industry

Our ref.: 64-22777
Your ref.: A905982; Petition No. 009

Hon Peter Foster MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office of Western Australia
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Dear Mr Foster

PETITION NO. 009 – OPPOSE GREYHOUND RACING

Thank you for your letter of 5 August 2021 regarding Petition 009 opposing greyhound racing in Western Australia (WA). I understand that the Hon Paul Papalia MLA, as the Minister responsible for the regulation of greyhound racing in WA, will respond separately to the request of the Standing Committee on Environment and Public Affairs (Committee) for comments in relation to Petition 009.

The Department of Primary Industries and Regional Development (DPIRD) is the department principally assisting me as Minister for Agriculture and Food in the administration of the *Animal Welfare Act 2002 (Act)*.

The Act sets out circumstances in which the offence of cruelty is considered to occur and provides powers to prosecute such matters. Under the Memorandum of Understanding (MoU) between DPIRD and the Royal Society for the Prevention of Cruelty to Animals WA (RSPCA), the RSPCA is the primary recipient of reports of cruelty to animals, including for the greyhound industry. If someone is aware of a specific incident where they believe a person has caused harm to, mistreated or been cruel to an animal, they should report it to the RSPCA.

I am advised that the RSPCA has received very few cruelty reports in relation to the greyhound racing industry to date. The RSPCA believes that complaints are generally reported directly to Racing and Wagering Western Australia (RWWA). DPIRD is not aware of any recent prosecutions by the RSPCA relating to the WA greyhound racing industry.

The RWWA licensing provisions include requirements for people who own, train, breed and keep greyhounds. These and other RWWA initiatives aim to improve the management and care of greyhounds in WA. Nonetheless, the WA community continues to raise concerns about the welfare of racing greyhounds – as illustrated by petition 009.

Section 19(3) of the Act sets out some of the circumstances that give rise to the cruelty offence, i.e. where a person in charge of an animal works, drives, rides or otherwise uses the animal:

- (i) when it is not fit to be so used or has been overused; or
- (ii) in a manner that causes it, or is likely to cause it, unnecessary harm.

Petition 009 considers that greyhound racing breaches this provision. While greyhound racing is not of itself an offence under the Act, some practices and incidents may potentially be offences. The lack of reporting of potential cruelty cases to the RSPCA hinders the ability to appropriately investigate and/or prosecute cruelty cases, as well as leading to a lack of data on potential breaches.

The petition also refers to ongoing welfare concerns and their impacts on the social licence of the greyhound racing industry. I would like to outline for the Committee's information some important steps that have been taken to improve the welfare of animals in WA. I expect that these initiatives will be of benefit to all dogs, including greyhounds.

In May 2019, I commissioned an independent panel (Panel) to review the *Animal Welfare Act 2002* (Act), with a focus on the operation and effectiveness of the legislation. Several submissions relevant to the welfare of greyhounds were considered in the course of the review. The Panel's report and government response to the report were released in April 2021. The government supported nearly all recommendations and DPIRD is working to implement these recommendations through amendments to the Act, reviews of policy and other actions. In addition to strengthening the power of inspectors to enforce the legislation, it is planned to introduce a new 'duty of care' obligation on a person responsible for an animal.

With reference to the control of dog breeding, I draw the Committee's attention to this government's commitment to "Stop Puppy Farming". The *Dog Amendment (Stop Puppy Farming) Bill 2020* introduced new requirements for keeping and breeding dogs and proposed an end to the requirement for pet greyhounds to be muzzled in public.

In support of the Stop Puppy Farming initiative, in February 2020 DPIRD published Standards and Guidelines for the Health and Welfare of Dogs in WA (Dog Standards and Guidelines), which include minimum standards for keeping and breeding dogs, including greyhounds. DPIRD is working with the Parliamentary Counsel's Office to introduce new regulations under the Act, based on these standards. The regulations will strengthen the ability of inspectors to enforce welfare standards for dogs, including greyhounds.

To assist the Committee in its deliberations, I attach a short discussion paper on animal welfare issues and the greyhound racing industry of WA.

Yours sincerely



**HON ALANNAH MACTIERNAN MLC
MINISTER FOR REGIONAL DEVELOPMENT; AGRICULTURE AND FOOD;
HYDROGEN INDUSTRY**

Att. 1. Discussion paper on animal welfare issues and the greyhound racing industry of Western Australia

24 AUG 2021



Animal welfare issues and the greyhound racing industry of Western Australia

Racing causing harm

Under section 19(3) of the *Animal Welfare Act 2002* (the Act) it is a cruelty offence for a person in charge of an animal to work, drive, ride or otherwise use the animal (i) when it is not fit to be so used or has been overused; or (ii) in a manner that causes, or is likely to cause it, unnecessary harm.

Under the Act, harm to an animal includes injury, pain; and distress evidenced by severe, abnormal physiological or behavioural reactions.

Most commonly in relation to greyhound racing, the community appear concerned about the injuries sustained by racing dogs (see below). The likelihood of harm occurring is dependent upon the circumstances of the event. Harm has the potential to occur with any event that uses animals, and the circumstance would need to be tested by the courts. To date, the Department of Primary Industries and Regional Development (DPIRD) is not aware of any prosecutions brought forward under s.19(3) in relation to greyhound racing.

While the *Australian Rules of Racing* (applicable to thoroughbred racing) and the *Rules of Harness Racing* (applicable to standardbred racing) are adopted codes of practice under the *Animal Welfare (General) Regulations 2003*, there is no such provision for the *Greyhound Rules of Racing* or other policies. Accordingly, unlike horse racing, there is no defence to a charge of cruelty that applies for complying with the *Greyhound Rules of Racing* or other policies. The independent panel that reviewed the Act recommended that consideration be given to reviewing and consolidating the defence provisions in the Act to ensure they serve the purpose for which they are intended. The Department of Primary Industries and Regional Development (DPIRD) is working on implementing the recommendations of this review.

Injury

The injury of dogs resulting from poor track preparation, in particular in rural areas, is a particular area of concern identified by the Royal Society for the Prevention of Cruelty to Animals WA (RSPCA). As reported by Racing and Wagering WA (RWWA), 3 per cent of total greyhound starters were impacted by an injury incident in 2019/20 financial year, with 0.2 per cent of starters reported to have a serious injury. Eight greyhounds were deceased or euthanased on track in this timeframe. While a 10 per cent increase in the absolute number of greyhound injuries was identified between 2018/19 and 2019/20 financial year, the injury rates remain consistent with previous years when compared as a percentage of total starters.

Nevertheless, improvement to infrastructure, training and racing practices to reduce the risk of injury to dogs should be supported. Additionally, assessment of the efficacy of the RWWA's injury support schemes should be supported.

Housing conditions

Animal welfare advocates express concern regarding the conditions in which greyhounds are housed throughout their racing career, including space requirements and lack of bedding.

RWWA's *Code of Practice for the Housing and Keeping of Greyhounds* (Code of Practice) provides that individual racing greyhound kennels must be a minimum of 3 m² with a minimum width of 1.2 m. This Code of Practice also provides for situations in which it is not recommended to keep greyhounds in this size kennel, for example greyhounds under 12 months of age or greyhounds undergoing preparations for retirement and rehoming should not be housed in this kennel size other than overnight. If housed in 10 m² or less, greyhounds must be given at least three 15 minutes breaks per day, except in extreme weather conditions.

These space requirements are similar to the guidance given in the *Standards and Guidelines for the Health and Welfare of Dogs in Western Australia* (Dog Standards and Guidelines). It is recommended that dogs greater than 70 cm at the shoulder are provided with a minimum floor area of 3.5 m², with a minimum width of 1.2 m. The requirements in the Dog Standards and Guidelines are based on currently available scientific evidence and consideration of existing policy in other jurisdictions. These figures are generally consistent with minimum kennel sizes in animal welfare policy in other jurisdictions, such as the *South Australian Standards and Guidelines for Breeding and Trading Companion Animals*, and the *New South Wales Animal Welfare Code of Practice Breeding Dogs and Cats*.

RWWA's Code of Practice provides requirements on the temperature of kennels and bedding requirements. These requirements exceed those in the Dog Standards and Guidelines, which provide that the area in which the dog is kept must allow access to a dry surface which offers sufficient thermal and physical comfort for the dog when resting and is suitable for the needs of the individual animal.

Dogs are kept in a wide variety of ways, and the use, breed and individual nature of dogs will influence their particular needs. While it would not be appropriate to require dogs to be kept inside, it is reasonable to require that the manner in which they are kept provides adequate welfare. Consideration should be given to the effective enforcement of existing policy within the racing industry. It is anticipated that the regulations on dog welfare will contain requirements on housing conditions, serving to strengthen these requirements.

Health care

Animal welfare advocates express concern regarding the physical and psychological health status of greyhounds exiting the industry. Anxiety and behavioural problems in greyhounds exiting the industry is often blamed on a lack of socialisation provided to greyhounds in their early life.

Under the *RWWA Rules of Greyhound Racing 2008*, it is mandatory for any person who keeps racing greyhounds to comply with RWWA's Code of Practice, as a policy adopted by a Controlling Body. Among other requirements, the Code of Practice provides for the management and health of greyhounds, including exercise, socialisation, grooming and preparation for retirement and rehoming.

Consideration should be given the effective enforcement of existing policy protecting the welfare of greyhounds by RWWA. It is anticipated that the regulations on dog welfare will contain health care requirements and will further strengthen existing welfare requirements.

Oversupply

Some groups indicate concern regarding the oversupply or 'wastage' of greyhounds. RWWA enforces controls affecting breeding, including restrictions on age, breeding frequency and dam registrations.

Proposals under the Stop Puppy Farming initiative, progressed by the Department of Local Government, Sport and Cultural Industries, may serve to tighten controls for dog breeding and increase greyhound traceability, addressing a concern of greyhound rehoming organisations.

While ongoing activity in the industry to minimise wastage is necessary, it should be noted that oversupply of dogs for any purpose is not an offence under the Animal Welfare Act.

Surplus and retired greyhounds

The fate of surplus and retired greyhounds also poses a number of animal welfare related concerns. Figures provided by RWWA indicate, of the 766 greyhounds retired from racing between 1 August 2019 and 31 July 2020, 620 greyhounds were rehomed through a number of programs, including the RWWA Greyhounds and Pets (GAP) program.

In the same reporting period 101 dogs were deceased or euthanased from injury, illness, accidental death, natural causes or due to being unsuitable for rehoming. Animal welfare advocates cite overbreeding, inadequate veterinary care and poor temperament from inadequate socialisation as factors leading to high rates of euthanasia of injured and surplus greyhounds.

While ongoing activity in the industry to reduce euthanasia rates is necessary, it should be noted that the euthanasia of a dog, even if healthy, is not an offence under the Animal Welfare Act if performed humanely.

16 August 2021