



10 May 2023

Hon Peter Foster MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office of Western Australia
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005
env@parliament.wa.gov.au

Petition No. 064 – Ban Greyhound Racing in WA

1. Thank you for your correspondence regarding Petition No. 064 and also for sharing the letters that you received back from both Minister Reece Whitby, Minister for Racing and Gaming, and Minister Jackie Jarvis, Minister for Agriculture and Food.
2. In light of the Standing Committee's decision in relation to our petition and the letters from Ministers Whitby and Jarvis on which the Standing Committee relied in reaching that decision, Free The Hounds is concerned that the issues raised in its submission dated 17 October 2022 in reference to the petition tabled on 20 and 21 September 2022 (**Submissions**) have not been properly considered or investigated by the Standing Committee.
3. Free The Hounds takes an evidence-based approach to raising awareness and sharing information with the public about issues within greyhound racing in Western Australia, and relies principally on information obtained under Freedom of Information and Stewards Reports produced by Racing and Wagering WA (**RWWA**), together with independently obtained expert evidence and guidance from national and international animal welfare organisations, including the RSPCA and Animals Australia.
4. The purpose of this letter is to:
 - (a) correct the inaccuracies in the Ministers' letters; and
 - (b) request that the Standing Committee advise the basis on which it made its decision, and whether it undertook any independent investigations or whether it solely relied on the Ministers' responses.

Minister Whitby's letter

5. The letter presented by Minister Whitby's office, which we understand was based on information provided by RWWA, is ill-informed and inaccurate, which raises concerns regarding the dissemination of, and the Standing Committee's reliance on, misleading information by a State Government Corporation.

Full Life-Cycle Tracking Program

6. RWWA's "*Full Life-Cycle Tracking Program*" does not track the full life cycle of a greyhound. It simply tracks a greyhound from approximately 16 weeks of age to retirement from racing.

7. Once greyhound puppies are born, their owner is required to notify RWWA within 14 days the number of pups born, their sex and their colours. It is not until between the age of 10 to 16 weeks, and after the pups have been vaccinated with both C3 and C5 vaccines, microchipped, and the DNA footprint analysis for the Sire and the Dam have been completed and notified to RWWA, that a Steward is appointed to attend for marking up and ear tattooing. At any time between their birth and 16 weeks, the puppies are not tracked and there is potential for them to be discarded by the owner.
8. At the time of a greyhound's retirement from racing, unless the greyhound is accepted into one of the two RWWA Injury Schemes or Greyhounds As Pets for rehoming to the public, the owner must notify RWWA where the dog has been retired to. At this point RWWA has absolutely nothing more to do with the dog.
9. Calling this a "*Full Life-Cycle Tracking Program*" is both disingenuous and misleading.

Injury Recovery Schemes

10. The injury recovery schemes are certainly a welcome addition to RWWA's welfare initiatives, and many greyhounds will benefit from them. However, for others, it means protracted time in kennels, multiple surgeries, medication for long periods of time, and ultimately death for those who do not survive surgery or who die post-surgery during rehabilitation.
11. Since its introduction in August 2019, 179 dogs have entered the Greyhound Injury Full Recovery Scheme (**GIFRS**) and 13 have died in the scheme. Three months is the shortest amount of time a greyhound has taken to transition through the GIFRS, and 24 months is the longest. On average, one greyhound per week has been injured and entered into the GIFRS. On average, a greyhound spends eight months in the scheme.
12. Being moved to different kennels, foster homes, vet clinics, and being cared for by different people is certainly not the ideal situation for greyhounds preparing to enter pet life. Not only is there the psychological harm of spending an inordinate amount of time in kennels, but also the greater chance of a life-long recurring injury or debilitating arthritis due to the major injury.
13. There is no data on this kind of mass program of rehabilitation nor on the cost to the public for the long-term care of dogs in this situation.
14. The effectiveness of the Greyhound Injury Surgery Rebate (**GISR**) scheme is very hard to gauge as 50% of the injuries seemingly occurred off track, for which no reporting is done. Of these, two dogs ended up deceased. Two of the dogs reported to Free The Hounds by RWWA are not correct, so the number of 29 reported in the Annual Report may not be correct. Almost 50% of the greyhounds in this scheme also went on to be registered for breeding (females). This is the difference when entering them into the GISR rather than the GIFRS. In the former, the owner keeps the greyhound while RWWA pays for its rehabilitation. The owner then makes further gains from the dog due to breeding or being able to race them again, as in the case of five dogs still registered to race.
15. These schemes were originally started to reduce euthanasia rates by giving participants a financial incentive to get medical treatment for injured greyhounds, in order to keep the social license of greyhound racing. Previously, the vast majority of these greyhounds would have been euthanised on track.

Greyhounds As Pets

16. The Minister's letter does not address and ignores the inherent problems of the Greyhounds As Pets (**GAP**) program. GAP does not have the capacity to kennel the dogs they currently have in the program. This causes dogs to remain longer with their owner or trainer, where they are raced longer, or raced in a poorer physical condition, as the dog's custodian cannot afford to keep a dog that is not earning.
17. RWWA has established a second premises to expand the GAP rehoming program. This is due to the large number of dogs needing homes that must wait until after rehabilitation in the GIFRS or those that have been retired from racing under regular circumstances.
18. Previously, participants would have euthanised their greyhounds when they stopped being financially viable, or GAP would have given them to Murdoch University for blood donation and clinical experiments. To keep the social licence of greyhound racing, RWWA is now trying to rehome more greyhounds. While again, this in theory is a great initiative, where will they all go? There are currently not enough homes for these greyhounds to live in. There are not enough homes for other breeds of dog to live in. Greyhound racing is exacerbating this problem, and it is Government endorsed and funded.
19. In stark contravention to the feedback and desperate situations of other breed rescues, RWWA increased the breeding bonus for WA greyhounds in 2022 and has budgeted for further increases over the next two years, thereby showing complete disregard for the state of the rescue dog market. Despite the huge sums of money RWWA generates from gambling, GAP utilises foster homes and volunteers to help care for the greyhounds. Why are foster homes, that other rescues could be using, being used up by RWWA? This in itself is wrong. Minister Whitby's letter does not address and ignores the inherent problems of the Greyhound As Pets (**GAP**) program.

Greyhound Welfare Working Group

20. RWWA has not facilitated the Greyhound Welfare Working Group since 2019 (four years ago). In fact, RWWA has not initiated any contact with Free The Hounds to obtain any feedback or schedule further meetings to discuss greyhound welfare since then.

Euthanasia of Greyhounds

21. In relation to the euthanasia of greyhounds, the information from RWWA on which the Minister relied is inaccurate and neglected to state that injury euthanasia actually rose.
22. Two greyhounds were omitted from the data, Free the Hounds have included them, they were euthanised for being unsuitable for rehoming.
23. Some of the dogs have, we believe, been included in the wrong categories. A dog dying of "cardiac arrest during recovery from anaesthesia" is not an illness/age related injury when its hock was just fractured on a race track.
24. If the dogs were not racing, there would be no need for them to be in surgery. This is another reason the public feel that greyhound racing is self-regulated and reporting is not transparent.

25. The majority of greyhound deaths and euthanasia are reported by the owner or trainer. Why would they purposely report an injury if it was not necessary? There is absolutely no way of confirming how dogs die naturally. Those greyhounds euthanised by a veterinarian (RWWA is supplied a certificate in this instance), would only be done so with information of the actual incident by the custodian of the dog. The very people in charge of integrity are getting paid off the racing of these dogs. There is no incentive for them to report things that will make the sport look unfavourable.
26. Please see below a table outlining the figures. Euthanasia rates were, in fact, up for the year.

	2022	2021
Deceased - Accidental Causes	14	35
Deceased - Illness/Age	6	12
Deceased - Natural Causes	9	15
Euth. - Illness/Age	26	17
Euth. - At Track (Injury)	15	10
Euth. - Injury	17	16
Euth. - Unsuitable for Rehoming	2	0

Rehoming by GAP Versus Community Rescues

27. The figures in the Minister's statement regarding the greyhounds RETIRED and REHOMED are in fact not correct. The 721 greyhounds that retired from racing, were not all rehomed in the same period. They did not all go to a forever home. To claim that greyhounds are "retired" for breeding is also totally inaccurate. They still live in kennels, unless whelping or rearing, and often stay there for more than two years whelping multiple litters. They would therefore also be counted again when they truly are "rehomed".
28. Community rescue groups almost always REHOME more greyhounds than what RWWA report as retired to them. Greyhound Adoptions WA (**GAWA**) as an example, foster and rehome greyhounds relinquished and originally from GAP and other rescues as well as those from trainers.
29. "In total, the greyhound racing industry was responsible for rehoming 69 percent of retired greyhounds over the past financial year." This claim is simply untrue. Please see below a table outlining the correct figures.

	2022	2021
RETIRED to GAP	331	355
RETIRED to other organisations	223	217
Retired/adopted to third party	115	75
Retired to owner/trainer as pet	11	16
Retired for breeding (still working)	41	56
REHOMED by GAP	337	335
REHOMED by GAWA	306	253

Self-regulation

30. The Minister states that *"RWWA has no influence over what matters [the RSPCA WA] choose to investigate, prosecute or otherwise"*. This statement is inaccurate.
31. There is no power by any authority, with the exception of RSPCA WA, to investigate any reports of animal abuse.
32. The RSPCA WA's power to investigate abuse of racing greyhounds, however, is limited and obstructed by a Memorandum of Understanding (**MOU**) between RWWA and RSPCA WA. The MOU relevantly states as follows:

"RWWA will refer any complaints where it does not have jurisdiction to investigate or penalise under the rules of racing immediately to the RSPCA to investigate.

The RSPCA will refer any complaints, including relevant reports/evidence as appropriate, to RWWA where RSPCA jurisdiction ends".

33. So, how is it decided whether or not a welfare complaint falls under the jurisdiction of RWWA or whether it needs to be referred to the RSPCA? R6 of the Rules of Racing gives the answer:

"R6 Matters not provided for in these Rules

If any matter, issue, question, or circumstance arises and is not provided for in these Rules, that matter, issue, question, or circumstance must be considered and decided by the Controlling Body [RWWA] in the State or Territory where it arises.

34. The effect of the MOU and the Rules of Racing is that they give RWWA exclusive jurisdiction to deal with its own welfare issues.
35. Denis Borovica, the General Manager of Racing Integrity at RWWA, gave the following evidence on the extensive powers of RWWA to deal with its own welfare issues on 7 September 2015 in the proceedings of the Select Committee into the Operations of the RSPCA WA (**Select Committee proceedings**):

"Mr Borovica: *I guess from an operational aspect point of view, the powers that we have given to us under the RWWA act are very extensive powers that we afford the stewards in relation to the administration and the maintenance of integrity within the racing industry.*

36. At the time of these proceedings in 2015, consistently with the MOU, RWWA had referred to the RSPCA *"probably a couple ... possibly two times a year"* (according to Mr Borovica) concerns which fall under the Animal Welfare Act and the RSPCA's jurisdiction. However, since 2015, RWWA has publicly reported zero welfare concerns to the RSPCA. Despite this, RWWA insists that *"The greyhound racing industry is not a self-regulated industry"* and that *"The RSCPA has not had a single prosecution against any licensed person in greyhound racing. Therefore, the claim that the industry is in breach of the Animal Welfare Act 2002 is unjustified"*. It is paradoxical that RWWA has referred zero greyhound welfare concerns to the RSPCA since 2015 and then for RWWA to argue that the RSPCA has not had a single prosecution against any licenced person in greyhound racing.

Minister Jarvis's letter

1. The Minister is incorrect in the assertions made in her letter, specifically:

- (a) racing greyhounds are excluded from the *Dog Amendment (Stop Puppy Farming) Bill 2021 (WA) (Puppy Farming Reforms)*;
- (b) the Minister's letter states that, "*the petition does not raise animal welfare concerns*". This is incorrect and we refer the Minister to our Submissions provided together with the petition;
- (c) the Animal Welfare Act Review 2020 Report (**Report**) does not make any recommendations regarding racing greyhounds. Whilst the Government's response to the report states that "*The McGowan Government generally accepts the findings of the Review and supports the recommendations, noting the need for further consideration of some recommendations in consultation with regulators and stakeholders*", there is no indication that racing greyhounds will be considered in any proposed amendments to the *Animal Welfare Act 2002 (WA) (AW Act)* or associated regulations;
- (d) the Minister's letter states that "*Amendments to the Act are being prepared and, subject to drafting priorities, public consultation will be undertaken in the first quarter of 2023*" (emphasis added). This clearly has not been the case, and given that the Minister's letter to the Standing Committee is dated 17 March 2023, we are unsure how this was ever a possibility. In fact, in his response to a letter from the WA Animal Welfare Forum 2022, the Premier stated that DPIRD plans to carry out public consultation on a draft Bill to modernise the Act later in 2023;
- (e) Free The Hounds was included in the WA Animal Welfare Forum 2022, of which the Minister was made aware in correspondence to her Office dated 10 January 2023. In this letter, the following was noted:

We are now able to share with you the attached forum report which includes ideas for reform across five sectors: animals in sport, entertainment and recreation, companion animals, legislation and enforcement, wild animals and farmed animals, as well as eight cross-sector animal welfare priorities.

Appendix 4, which deals with animals in sport, entertainment and recreation, highlighted the requirements most urgent for racing greyhounds:

- *Introduce enforceable minimum welfare standards for greyhounds*
- *Amend the legislation to make it an offence to euthanise healthy greyhounds*
- *Include racing greyhounds in the Dog Standards and Guidelines, as well as the "stop puppy farming legislation"*

Contrary to what the Minister is implying, there is no indication that the State Government's Animal Welfare Advisory Committee will have the remit to advise on racing greyhounds (much like the RSPCA WA, whose hands are tied when it comes to investigating racing greyhounds).

2. Free The Hounds notes that the Minister has:
 - (a) failed to give proper consideration and respond to the issues presented in our Submissions; and
 - (b) instead re-used the Department's response to a 2021 petition to ban greyhound racing.
3. Free The Hounds considers that the Minister's approach is not commensurate with the seriousness of the issues raised in our Submissions and in the context of a petition with over 18,000 signatures.

Attachment 1

Racing causing harm

4. Attachment 1 to the Minister's letter states, "*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*". Free The Hounds would argue that a sport in which 40% of its participants are injured every single year amounts to cruelty as defined in section 19(3) of the AW Act.
5. Attachment 1 further states, "*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*". Given that RWWA is effectively self-regulated, and deals with its own internal integrity issues, it is hardly surprising that since 2015, RWWA has publicly reported zero welfare concerns to RSPCA WA and RSPCA WA has not undertaken any prosecutions against greyhound racing participants.
6. The problem is that RSPCA WA, the authority empowered to investigate and prosecute allegations of animal abuse, is severely limited in its ability to do so.
7. First, the RSPCA WA's power to investigate abuse of racing greyhounds is limited and obstructed by a Memorandum of Understanding (**MOU**) between RWWA and RSPCA WA. The MOU relevantly states as follows:

"RWWA will refer any complaints where it does not have jurisdiction to investigate or penalise under the rules of racing immediately to the RSPCA to investigate.

The RSPCA will refer any complaints, including relevant reports/evidence as appropriate, to RWWA where RSPCA jurisdiction ends".
8. So, how is it decided whether or not a welfare complaint falls under the jurisdiction of RWWA or whether it needs to be referred to RSPCA WA? R11 of the Rules of Greyhound Racing 2022 (**Rules of Racing**) give the answer:

"R6 Matters not provided for in these Rules

If any matter, issue, question, or circumstance arises and is not provided for in these Rules, that matter, issue, question, or circumstance must be considered and decided by the Controlling Body [RWWA] in the State or Territory where it arises.

9. The effect of the MOU and the Rules of Racing is that they give RWWA exclusive jurisdiction to deal with its own welfare issues.
10. Second, the Rules of Racing are not a code of practice adopted by the AW Act, and a breach of the Rules of Racing is not necessarily a breach of the AW Act, as may be the case with the codes dealing with thoroughbred and harness racing. This means that the scope for prosecutions against greyhound racing participants is limited.

Injury

11. The way that RWWA measures and publicly reports on the rate of greyhound injuries is inappropriate and misleading. RWWA does not count injuries across individual greyhounds, but injuries across “starters”, such that 855 injuries to 1,545 individual greyhounds (with some greyhounds injured multiple times and overall, 641 individual greyhounds injured), is reported as a 3% injury rate.¹
12. In any given financial year, there are approximately 1,500 individual racing greyhounds and on average 40% of them sustain an injury, with some sustaining multiple injuries in the same year. This figure does not represent the number of greyhounds which sustain at least one injury over their entire racing careers, which Free the Hounds estimates to be well over 40%.
13. Approximately 3% of individual greyhounds suffer a severe injury, 50% of which are fractured right hocks (hind leg). Most greyhounds which suffer a severe injury never return to racing.
14. It should be noted that in the latest report published by the Coalition for the Protection of Greyhounds, the Cannington racetrack has the third highest rate of greyhound deaths nationally. The Cannington racetrack has the second highest rate of greyhound injury nationally and Mandurah racetrack has the seventh. There are more than 60 greyhound tracks across the country.

Housing conditions and Health care

15. Due to the larger number of greyhounds now kept alive after racing (euthanasia in WA is in decline due to public outrage over greyhound deaths in NSW and greyhound racing in WA needing to keep its social license), the public are expected to take these retired dogs into their homes. It is more important now, than ever before, for greyhounds, while living in kennel environments to be exposed to regular pet dog situations. This will be of benefit when they are able to transition more quickly through a rehoming program. This includes, but is not limited to:
 - (i) mixing with other dog breeds, play and mental stimulation (more than what is offered by visiting the track or training);
 - (ii) being able to have time out of their kennel for more than the prescribed 45 minutes per day (as provided by the current Code of Practice for the Keeping of Racing Greyhounds); and
 - (iii) being provided with better quality food to ensure optimal tooth care and to minimise stomach problems often encountered by their adoptive families.

¹ Free The Hounds notes that these injury figures are from the 2019-2020 racing year, which is the racing year referred to in Attachment 1 under the heading “Injury”.

Oversupply

16. Whilst the oversupply of greyhounds may not be an offence under the AW Act or the Rules of Racing, it is a burden on the public and community rescues, and against all proper conscience.
17. The Puppy Farming Reforms exclude greyhounds bred for racing purposes, and RWWA's current regulations around breeding are inadequate. There is no requirement to breed out genetic² diseases such as osteosarcoma and surgical artificial insemination³ of females is not prohibited despite being widely condemned as unethical and banned in several countries. In effect, RWWA operates the State's largest puppy farm and it is sadly not an offence under the Animal Welfare Act.
18. RWWA's rehoming arm, Greyhounds As Pets (**GAP**), was last year promoting greyhound adoption more than ever before. Waitlists for trainers and intakes of new greyhounds was long and slow moving. In fact, RWWA is aware that there is an oversupply of racing greyhounds because it has now established a second premises to expand the GAP rehoming program.
19. April each year is Greyhound Adoption Month where greyhounds are on "sale" for \$75 at GAP. This April 2023, only 19 greyhounds were rehomed during the month.
20. In 2022, GAP rehomed 337 retired greyhounds, whereas WA's largest community greyhound rescue, Greyhound Adoptions WA (**GAWA**), rehomed 306 retired greyhounds. It should be noted that, unlike GAP, GAWA is 100% volunteer-run.
21. Despite the above, RWWA increased the breeding bonus for WA greyhounds in 2022 and has budgeted for further increases over the next two years.
22. The public and community rescues simply cannot cope with the current volume of greyhound "*wastage*". There are not enough homes, foster carers and adopters to take in all of these discarded greyhounds.
23. Despite the huge sums of money RWWA generates from gambling, GAP utilises foster homes and volunteers to help care for the greyhounds. Why are foster homes, that other rescues could be using, being used up by RWWA? This in itself is wrong.

Surplus and retired greyhounds

24. Attachment 1 to the Minister's letter states, "*101 dogs were deceased or euthanased from injury, illness, accidental death, natural causes or due to being unsuitable for rehoming*". These figures are self-reported to RWWA by participants (trainers and owners) and there is no way for RWWA to authenticate them. Greyhound racing is a self-regulated "wild west" and self-reporting is absolutely an inadequate way to determine whether the death of a racing greyhound can accurately be described as being from "*illness, accidental death, natural causes*".
25. Free The Hounds is also acutely aware that the euthanasia of a dog, even if healthy, is not an offence under the AW Act if performed humanely. Again, because it is in the AW Act, does not make it ethically or morally inoffensive or right.

² The consensus in the veterinary community is that osteosarcoma is likely a genetic disease.

³ Surgical artificial insemination is a highly invasive, dangerous and painful procedure whereby a dam is anaesthetised, an incision is made in her abdomen (through every abdominal layer, including the supporting muscle), the uterus is taken out, injected with frozen semen, and then returned back into the body.

26. Ultimately, whether a greyhound is retired through GAP or a community rescue, it is the public that take on the dog. There are simply not enough homes for all the greyhounds requiring them. This means that there is absolutely an oversupply of retired greyhounds.

We feel that given the length of time it took the Standing Committee to respond to our petition, that the investigation and the responses from both Minister Whitby, as the Minister responsible for greyhound racing and Minister Jarvis, responsible for the Animal Welfare Act, would have contained information that was at the very least up to date and factual.

This petition was not only signed by Free the Hounds and its supporters, but many other members of the public after they were made aware the petition was available.

We respectfully request that the Standing Committee advise the basis on which it made its decision, and whether it undertook any other independent investigations or whether it solely relied on the Ministers' responses.

Thank you for taking the time to read our correspondence, we look forward to hearing from you in due course.

Yours sincerely

Melissa Harrison
President
Free the Hounds