



Reg No: A0017661V

ABN: 67 306 599 068

**Submissions: Greyhound Owners Trainers Breeders  
Association of Victoria Inc.**

**Draft Code of Practice for the Keeping of Racing  
Greyhounds**

14 August 2017

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## 1. Introduction

- 1.1 These submissions are made by the committee of the Greyhound Owners, Trainers and Breeders Association of Victoria Inc. (Reg No: A0017661V) (ABN: 67 306 599 068) (**GOTBA Vic**) for and on behalf of GOTBA Vic.
- 1.2 In 2015/16, Victorian greyhound racing provided total direct and indirect employment impact of just under 3000 full-time jobs and generated total direct spending of \$298.3 million into the Victorian economy.<sup>1</sup> It is a Victoria-wide industry, encompassing and supporting a wide range of economic, community and social activities by hobbyists, as well as by micro, small and medium businesses (including ancillary service providers) in urban, but in particular regional, areas of the State.
- 1.3 GOTBA Vic represents a large number of Victoria's registered greyhound racing participants across a range of roles.
- 1.4 As an organisation, we are committed to serving the interests of our members and advancing the sport of greyhound racing. This includes recognising that the welfare of the greyhound is at the centre of any robust greyhound racing industry, and participation in it.
- 1.5 Submissions are made in this document in respect of:
- the draft Code of Practice for the Keeping of Racing Greyhounds (**Draft Code**); and
  - the Regulatory Impact Statement (**Regulatory Impact Statement** or **RIS**),
- in each case published for consultation by the Department of Economic Development, Jobs, Transport and Resource at <http://agriculture.vic.gov.au/pets/dogs/greyhounds/code-of-practice> as at the date of this document.
- 1.6 At Appendix A, we have marked up a copy of the Draft Code but that mark-up must be read in conjunction with the body of this document for a complete understanding of our submissions.
- 1.7 In the course of preparing these submissions, we have directly canvassed and received feedback from members and conducted a series of feedback workshops across Victoria.

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<sup>1</sup> *Size and Scope of the Victorian Greyhound Racing Industry*, IER Pty Ltd March 2017 available at [http://www.grv.org.au/wp-content/uploads/2017/05/GRV\\_VGRI.pdf](http://www.grv.org.au/wp-content/uploads/2017/05/GRV_VGRI.pdf) at pg 04.

## 2. Executive Summary – the Draft Code and a better way forward

### The Draft Code

- 2.1 The Draft Code is not fit for purpose under almost any conceivable criteria.
- 2.2 It would not achieve the overall policy objective of the Draft Code expressed in the RIS<sup>2</sup> - its proposals would not materially improve the welfare, quality of life or transition to retirement outcomes for GRV Greyhounds (as that term is defined in the Draft Code).<sup>3</sup>
- 2.3 Even so, it threatens criminal sanction and fines of up to \$38,000 (individual) and \$93,000 (body corporate), and its detail requires massive increased upfront and continuing cost and administrative burden upon all<sup>4</sup> those who keep GRV Greyhounds.
- 2.4 Indeed, the Regulatory Impact Statement, whose cost/benefit analysis we consider is flawed in very many respects – and which we discuss in detail in section 4 (The Regulatory Impact Statement and the Draft Code) – **severely underestimates** the true cost impact of the Draft Code, **by up to 10 times**, including by making flawed assumptions as to by whom costs are ultimately borne.<sup>5</sup> **The Draft Code would at least double the cost of owning a GRV Greyhound.**
- 2.5 In direct contrast to statements in the RIS,<sup>6</sup> direct feedback we have received indicates that the Draft Code, if implemented in its current form, would:
- almost certainly lead to significant exodus of participants from the sport of greyhound racing, particularly lower level or non-professional participants and those in regional areas, seriously endangering the viability of the sport in Victoria in the near term; and

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<sup>2</sup> RIS, pg 9.

<sup>3</sup> See sections 3 (Victorian Greyhound Racing Regulation and Welfare Performance), and 4 (The Regulatory Impact Statement and the Draft Code) of these submissions for more detail.

<sup>4</sup> Including 'hobby establishments' - see our comments on section 8 of the Draft Code in section 5 of these submissions.

<sup>5</sup> We refer here principally to the flawed assumption that there is a group of third party owners, who carry out no other roles, upon whom costs can be placed and who willingly absorb them, independently of breeders, whelpers, rearers, educators, and trainers. See section 4 (The Regulatory Impact Statement and the Draft Code) of these submissions for more detail.

<sup>6</sup> See RIS pgs 18 and 86. See further section 4 (The Regulatory Impact Statement and the Draft Code) of these submissions for more detail.

- be a significant barrier to entry for new participants, by reason of upfront cost, undue liability risk and unwarranted management and administrative burden.
- 2.6 Any significant exodus of participants endangers ancillary organisations and businesses. The Victorian economy, particularly the regional economy, would lose significant direct benefit and Community Social Benefit arising from such withdrawal of participation.<sup>7</sup>
- 2.7 The Draft Code’s much more prescriptive approach - applying the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 (July 2015 version)* as a template<sup>8</sup> – is very poorly suited to prescribe the nature of activities appropriately conducted in the lifecycle of the GRV Greyhound either as a racing proposition, or as a retirement one. It leaves little or no room for responsible management of animal husbandry by participants themselves. As we set out in our detailed review of the Draft Code provisions in section 5 (The Draft Code – Specific Comments), and in Appendix A, its prescription in several places actually *positively endangers* greyhound welfare.
- 2.8 As we explain in section 3 (Victorian greyhound racing regulation and welfare performance), the Draft Code does not properly take into account or cater for the current, tailored, enforced regime applying to the keeping of GRV Greyhounds by registered participants,<sup>9</sup> or indeed the measured performance by participants on re-homing and welfare matters.
- 2.9 Notably, that regulatory and performance landscape includes (in addition to general welfare obligations under the *Prevention of Cruelty to Animals Act 1986* (Vic) (**POCTA Act**)):
- significantly improved re-homing and euthanasia outcomes for the greyhound racing industry in Victoria without the Draft Code, including a 50% increase year on

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<sup>7</sup> As to the latter, see *Size and Scope of the Victorian Racing Industry* prepared by IER / September 2013 available at [https://cdn.racing.com/~media/rv/files/reports/ier\\_vicracingstudy\\_lowres.pdf?la=en](https://cdn.racing.com/~media/rv/files/reports/ier_vicracingstudy_lowres.pdf?la=en) and *Size and Scope of the Victorian Greyhound Racing Industry*, IER Pty Ltd March 2017 available at [http://www.grv.org.au/wp-content/uploads/2017/05/GRV\\_VGRI.pdf](http://www.grv.org.au/wp-content/uploads/2017/05/GRV_VGRI.pdf). Presumably based upon the RIS’s faulty assumption as to non-effect on participation, there is no RIS analysis of Community Social Benefit cost.

<sup>8</sup> As a comment, we doubt very much whether that code truly ‘reflects society’s expectations about the treatment of dogs and cats’, a statement made at pg 6 of the Regulatory Impact Statement apparently justifying the use of such a template for present purposes. That code is **not** imposed on society generally – the *Code for the Private Keeping of Dogs* (under the POCTA Act), for example, is significantly different. In any event, that is a very poor reason to simply apply the template code’s prescriptive terms to keeping of a specific animal without *proper* regard either to the animal’s attributes, the reasons for or manner in which it is kept or how the existing regulatory structure is policed to advance greyhound welfare. Nor does the Milne Report – discussed in section 3 below – provide such a reason.

<sup>9</sup> Including the projected increase in the GRV welfare inspectorate to up to 40 persons.

year increase in 2016/17 in total re-homing (from the highest baseline in Australia) and a significantly reduced euthanasia rate;<sup>10</sup>

Fin Year	GAP adoptions	Other adoptions	Total adoptions
2014-15	692	600	1292
2015-16	798	923	1721
2016-17	1314	1379	2693

*(Adoption figures sourced directly from GRV)*

- updated rules and policies of greyhound racing covering welfare of all GRV Greyhounds, at all stages of their lifecycle into retirement, including as to overarching obligations of participants to ready greyhounds for re-homing;<sup>11</sup>
- an active racing regulator – Greyhound Racing Victoria (GRV) – that now conducts a significant independent inspection and enforcement program regarding the above rules and policies at all greyhound establishments (**3956** property (including welfare) inspections in financial year 16-17,<sup>12</sup> over and above veterinary and other checks of greyhounds at each race track presentation<sup>13</sup>). These inspections cover welfare and other checks, and GRV retains the power to impose significant penalties upon participants under the rules of greyhound racing;
- reduction in greyhound breeding to (and prospectively under) the numbers required, with increased pre-requisites to be complied with under the rules of greyhound racing for breeding to occur; and
- active tracking of GRV Greyhounds under the rules of greyhound racing.

2.10 Contrary to the Regulatory Impact Statement, the Draft Code very certainly does not, ‘standardise, consolidate or give effect to various provisions of existing legislation and local rules’ or ‘provide clearer regulatory framework and wider coverage of all people involved

<sup>10</sup> GOTBA Vic notes that, at pg 11 of the Regulatory Impact Statement, having greyhounds suitable for re-homing is ‘*the primary objective of the proposed Code*’.

<sup>11</sup> Local Rule 42.6, for example, requires ‘every effort’ to be made to re-home a greyhound, with evidence upon request. Breach is a serious offence under the rules and will almost certainly result in disqualification.

<sup>12</sup> Source: GRV figure, which we are taken to understand will appear in the 2016-2017 annual report.

<sup>13</sup> At least 2300 vet checks per week for the racing population.

with greyhounds at all stages of their lifecycle'.<sup>14</sup> Instead, in most respects the Draft Code merely adds prescriptive, inconsistent and welfare-inappropriate additional regulation.

2.11 Nor does the Draft Code support industry reform work already undertaken.

2.12 There is a better way.

### A Better Way Forward

2.13 Participants understand and acknowledge that the welfare of the greyhound is at the centre of any greyhound racing industry, and participation in it.

2.14 Participants are bound not only by general welfare obligations under the POCTA Act,<sup>15</sup> but detailed welfare, re-homing and euthanasia obligations applying to all GRV Greyhounds under the rules of greyhound racing that cater for the activities actually conducted by GRV Greyhounds. Breach of either is very closely monitored<sup>16</sup> and results in very serious consequences, including significant fines and potential multi-decade or life bans from participation in the sport, in any capacity.

2.15 Within those welfare parameters, however, participants apply functional, flexible animal husbandry practice naturally directed to the future or current performance of the racing greyhound. That necessarily includes socialisation of the greyhound. Prescription, particularly at level of detail of the Draft Code<sup>17</sup> and even more so when it attempts to do this during the actual race training of greyhounds,<sup>18</sup> leads to adverse outcomes.

2.16 In context then, any code of practice applying to GRV Greyhounds under Part 4AA of the *Domestic Animals Act 1996 (Vic)* best 'gives effect to ... provisions of existing legislation and local rules',<sup>19</sup> by taking a different approach.

2.17 That different approach, and better way forward:

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<sup>14</sup> Regulatory Impact Statement, pg 7.

<sup>15</sup> Including as most recently amended specifically to include or amend offences/penalties for egregious welfare contraventions

<sup>16</sup> See paragraph 2.9 above and its reference to almost 4000 property inspections undertaken in financial year 2016-17.

<sup>17</sup> For example, the number of walks a dog **must** have per week (see section 6.3.9) or per day, including where and for how long (6.3.12).

<sup>18</sup> See for example, Draft Code Table 1 Exercise and enrichment for Greyhounds which at 'Pre-training, training and racing' attempts to mandate not only the minimum amount of exercise per day but also then the minimum number of weekly exposures to starting boxes, circular training facilities, cages, lures and cars and trailers.

<sup>19</sup> Regulatory Impact Statement, pg 7.



1. **An outcome based code:** a non-prescriptive<sup>20</sup> code of practice based upon outcomes and non-prescriptive standards, properly tailored to the greyhound racing industry allowing flexibility in animal husbandry (including rearing and keeping practices and facilities) and approaches to re-homing.<sup>21</sup>
  - The *Code of Practice for the Keeping of Greyhounds Within The Western Australian Racing Industry* (Version 1, December 2016)<sup>22</sup> with associated Kennel Guidelines,<sup>23</sup> provides a good example of that type of code on animal husbandry matters.
  - It is important to note that this WA code was developed in consultation with the RSPCA.
2. **Welfare-based enforcement:** active policing and enforcement of the code under the DAA by the specialist greyhound regulatory body, who also polices the rules of greyhound racing,<sup>24</sup> on the overall tenet that observable welfare of the individual greyhound, on inspection or otherwise, and measurable re-homing outcomes, rather than immutable procedure, criteria or facility type, is determinative of compliance with satisfactory health management and husbandry;
3. **Consequences first under greyhound racing rules and then DAA.** Save for serious instances of alleged contravention, first-time or minor code contraventions are dealt with solely under the rules of greyhound racing,<sup>25</sup> with high tolerance for firm (but fair) penalties under those rules for non-compliance, and only further or more serious matters prosecuted under the DAA (without derogation from action being taken under any other welfare legislation or rule of racing).

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<sup>20</sup> We are aware that the Milne Report recommended prescription. We discuss why this is not appropriate in the context of greyhound racing in section 3 of these submissions.

<sup>21</sup> We are also aware of and have read section 4.2.1 (less prescriptive standards...) of the RIS, which attempts to set out reasons why non-prescription is inappropriate, although it was noted that the RIS does not analyse less prescriptive standards. We touch upon this in section 4. The assumptions made are flawed – particularly DEDJTR’s assertion of their non-acceptance by the government, industry or the community.

<sup>22</sup> See <https://www.rwwa.com.au/home/documents/ind01/RWWA%20Code%20of%20Practice%20V1.0.pdf>

<sup>23</sup> See <https://www.rwwa.com.au/home/documents/gre01/kennel%20guidelines-2013.pdf>.

<sup>24</sup> We note that the Milne Report recommended establishment of a separate integrity inspectorate which may police such a Draft Code, if regulated. We make no comment on that possibility save that it would need to be sufficiently staffed (including as to expertise of the greyhound) and independent, but with the overarching industry purpose playing a role.

<sup>25</sup> For the avoidance of doubt, serious offences under the greyhound racing rules are prosecuted before an independent statutory tribunal under the *Racing Act 1958* (Vic).

### 3. Victorian greyhound racing regulation and welfare performance

3.1 Participation in Victorian greyhound racing is heavily regulated, both directly under the rules of greyhound racing, but also indirectly via general welfare legislation, planning laws and local by-laws and regulation.

3.2 At page 36 of the RIS, it is stated that:

*The current legislative environment does not offer consistent protection of a greyhound, throughout its whole lifecycle. In addition, it offers no prescriptive requirements to ensure adequate housing, socialisation, health checks and monitoring.*

3.3 The first sentence is fundamentally misconceived – greyhounds are ‘protected’ by legislation in exactly the same way as other animals for their whole lifecycle AND then have the benefit of the overlay of enforced, policed rules and policies of greyhound racing to the point of actual retirement, already described previously and described further below.

3.4 The second sentence is true as far it goes in respect of a lack of prescription, but it simply does not logically follow that those matters, left unprescribed, are correspondingly neglected in fact – where is the evidence that they are? Nor does it follow that such prescription is of benefit, even if its cost could be justified. As John Stuart Mill says,

*‘Law and government do not undertake to prescribe by whom any social or industrial operation is to be conducted, or what modes of conducting them shall be lawful... It is not that all processes are supposed to be equally good...but that freedom of individual choice is now known to be the only thing which procures the adoption of the best processes and throws each operation into the hands of those best qualified for it.’<sup>26</sup>*

3.5 Instead, the Draft Code has progressed on the assumption – unwarranted and unevidenced – that non-prescription is unacceptable. We are particularly unimpressed by the assumption expressly attributed to DEDJTR noted in section 4.2.1 of the RIS that:<sup>27</sup>

*such an option would not be deemed to be acceptable by either government, industry or the community*

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<sup>26</sup> J.S.Mill *On Liberty and The Subjection of Women* (1869) (Wordsworth Editions Limited 1996), pg 132-133.

<sup>27</sup> RIS pg 69, Section 4.2.1 *Less prescriptive standards for participants with good greyhound welfare track record*

3.6 With respect, even if true – which we severely doubt - that is not the way to justify an alternative of prescription- by reference to what a person *thinks others might think*, rather than real evidence. Much of what then follows in section 4.2.1 as apparent justification for a departure from a non-prescriptive document, would, on the erroneous logic offered, be even more acute an issue for a prescriptive Draft Code.

3.7 Turning to actual evidence, it ought be noted that, even without the Draft Code:

- by the end of 2017, every single registered greyhound establishment in the State of Victoria will have been inspected for welfare and general compliance by Greyhound Racing Victoria welfare inspectors at least once in the preceding 18 months, and many more than once;<sup>28</sup>
- in 2016/2017, **2693** GRV Greyhounds were re-homed in Victoria – noting that this includes private re-homing by registered greyhound participants in addition to the formal adoption program process - an increase of **50%** from 2015/2016 and **100%** from 2014-2015;<sup>29</sup>
- breeding of greyhounds in Victoria is, on current statistics, *under* the requirements for racing in the State (ie there is no over-breeding in Victoria).

3.8 In addition, it is important for the purposes of consideration of the Draft Code to note that of the official reports noted at page 6 of the Regulatory Impact Statement applicable to Victoria, being:

- Investigation into animal welfare and cruelty in the Victorian greyhound industry (30 April 2015) by Chief Veterinary Officer Dr Charles Milne (**Milne Report**);
- 2015 Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria by Racing Integrity Commissioner Dr Sal Perna (**Perna Report**);
- Review of Integrity Structures of the Victorian Racing Industry by Paul Bittar April 2016 (**Bittar Report**),

key recommendations relevant to welfare of the racing greyhound have been or are in the process of being implemented, absent the Draft Code.

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<sup>28</sup> See above paragraph 2.9 of these submissions. Anecdotally, there have been statistically negligible instances of any form of welfare rule breach allegations in consequence of these inspections, showing a high level of compliance on welfare matters by participants.

<sup>29</sup> See above paragraph 2.9 of these submissions.

3.9 In consequence of the Perna Report and the Milne Report:<sup>30</sup>

- the POCTA Act has been amended in respect of live baiting matters (it being noted that the Draft Code (appropriately) does not attempt to address this topic);
- the rules of greyhound racing have been amended to significantly increase financial and participation penalties and broaden offences across a range of welfare matters;
- participant registration requirements are being amended so that minimum prescribed education or experience requirements are conditions of certain categories of licence;
- the coverage of greyhound racing rules across a range of participants has been, or is in the process of being, increased to cover **all GRV Greyhounds**, and active tracking of GRV Greyhounds implemented; and
- the information sharing and enforcement capability and activity of Greyhound Racing Victoria has been significantly improved, with significant inspection and compliance capability and activity.

3.10 GOTBA Vic does recognise that the Milne Report, in early 2015, described the existing *Code of Practice for the Operation of Greyhound Establishments*, which the Draft Code would replace, as ‘lacking in content and scope’ and ‘not includ[ing] critical standards that address a greyhound’s exercise, socialisation, handling, transportation and enrichment needs’ and ‘inconsistent with the detail of the DAA Code of Practice for the Operation of Breeding and Rearing Businesses’.<sup>31</sup> This is also noted in the RIS.<sup>32</sup>

3.11 With respect to Dr Milne, however, who conducted his review in a febrile environment arising out of live baiting allegations (which this Draft Code does not address) and within a 10 week period,<sup>33</sup> and whose review did not in any way test exercise, socialisation, handling or enrichment of the greyhound population in any way,<sup>34</sup> inconsistency with the detail of the

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<sup>30</sup> For a concise list of reform measures, see GRV Annual Report 2015/2016 pg 7 available at [https://gallery.mailchimp.com/af6e39bd97629b9f9dc3ee1dc/files/GRV\\_Annual\\_Report\\_2016.pdf](https://gallery.mailchimp.com/af6e39bd97629b9f9dc3ee1dc/files/GRV_Annual_Report_2016.pdf)

<sup>31</sup> Milne Report, pg 15.

<sup>32</sup> RIS, pg 37.

<sup>33</sup> Milne Report, Foreword.

<sup>34</sup> The Milne Report’s bibliography only lists 2 possibly relevant documents – which are not discussed or referenced in the body of the Report - Coppinger, R., and Zucotti, J. (1999) *Kennel Enrichment: Exercise and Socialisation of Dogs*. Journal of Applied Animal Welfare Science, 2, pp281-296; Jongman, E.C., Hemsworth, P.H. and Borg, S. (2006) *The effects of space allowance and exercise for greyhounds on welfare*. Report produced by the Animal Welfare Science Centre for the Department of Primary Industries, Victoria.

DAA Code of Practice for the Operation of Breeding and Rearing **Businesses** is a good thing when that detail:

- does not take into account a specific animal's (greyhound's) needs or working animal tasks – at the very simplest level, including the 'enrichment' a greyhound receives from the basic conduct of chasing tasks;
- does not contemplate or cater for the oversight of a specialist controlling body, including welfare inspections;
- does not properly contemplate the existence of separate existing rules and policies of greyhound racing addressing certain of those matters;
- does not cater for health and other inspections occurring during racing participation itself; and
- in its *extreme* level of prescription, seeks to impose cost and administrative burden both on businesses (to whom the DAA code applies) AND individuals.

3.12 GOTBA Vic is not suggesting that the *Code of Practice for the Operation of Greyhound Establishments* could not be improved upon. But the measurable regulatory environment in late 2017 is markedly different to April 2015 when Dr Milne made the above comments. When improvements to GRV Rules and matters of general welfare performance are taken into account, including re-homing, it should be seen that this aspect of the Milne Report assumes lesser importance. Those Milne Report comments certainly cannot justify the form of Draft Code that is currently proposed.

3.13 In many respects, in the present context, the Draft Code attempts to solve for perceived problems that, to the extent that they have been shown to exist, are being measurably better addressed elsewhere.

3.14 To add another layer of detailed regulation on top of existing welfare and indeed, in so far as facilities are concerned, planning legislation and rules – particularly an overlapping one with criminal consequence and particularly one with the significant cost and limited benefit consequence discussed immediately below – is neither prudent nor sensible to achieve stated purposes.

## 4. The Regulatory Impact Statement and the Draft Code

### Introduction

4.1 On no measure can we agree that the RIS meets the standard set for it by Victoria’s Commissioner for Better Regulation, being:

“a RIS is deemed to be adequate when it contains analysis that is logical, draws on relevant evidence, is transparent about assumptions made, and is proportionate to the proposal’s expected effects.”<sup>35</sup>

4.2 The principal difficulty we have with much of the RIS is the lack of evident, studied basis in the greyhound industry for much of its content. Even cursory analysis of bases that are relied upon, particularly for evidence of underlying welfare issues sought to be addressed by the Draft Code, reveals significant flaws in methodology or approach. If the foundations are weak, the building (in this case the Draft Code) is unsound.

4.3 The Regulatory Impact Statement, in a manner then leading to a deficient analysis:

- overstates the purported benefits of the Draft Code (most notably the rehoming potential of it), without tested, evidenced analysis of:
  - the existence or prevalence of welfare and re-homing risks identified in the RIS or even how the Draft Code specifically addresses those particular risks;<sup>36</sup> or
  - the actual existing (and projected) mitigation of those risks, by increased inspectorate activity without reference to implementation of the Draft Code;
- severely underestimates the economic and social costs of Draft Code implementation; and

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<sup>35</sup> Letter of adequacy dated 3 March 2017 entitled *Regulatory Impact Statement For The Proposed Code Of Practice For The Keeping Of Racing Greyhounds 2017* from Ms Anna Cronin, Commissioner for Better Regulation, to Ms Sally Fensling, Executive Director, Domestic Animals, Forestry and Game Branch, Department of Economic Development, Jobs, Transport and Resources.

<sup>36</sup> We go into further detail in this section 4 about the almost magical – but certainly unevidenced – effect that the RIS give section 6.3.12 of the Draft Code upon rehoming outcomes. It is notable that the RIS DOES NOT seek to afford any re-homing benefit to any other part of the Draft Code – there is no *evidence or analysis* that socialisation, enrichment or exercise prescription has any re-homing benefit.

- does not even attempt to take into account Community Social Benefit of greyhound racing<sup>37</sup> and the potential effect of the Draft Code on it.

4.4 On the welfare, or ‘benefits’ side, instead of, for example:

- pointing to identifiable, studied instances of industry wide<sup>38</sup> welfare risks in a way that justifies the statistical analysis of welfare risks in say in Table 13 of the RIS – which feed directly into the RIS’s costs/benefit analysis; or
- identifying the ‘residual problems’ the Draft Code purports to address using numerical, testable analysis of reported instances or studies specific to greyhounds in the section entitled ‘Identification and description of residual problems’,<sup>39</sup>

the RIS either provides no basis at all for risk / problem identification, uses estimated, general figures which are almost self-evidently wrong in light of actual inspected outcomes,<sup>40</sup> or gives birth to risks via extrapolation from motherhood statements.

4.5 A simple example, but a revelatory one, is the use in several places in the RIS of the RSPCA document entitled *What are the animal welfare issues associated with greyhound racing in Australia? (April 2016)*.<sup>41</sup> That document is listed in the RIS’s bibliography at pg 94 and is referred to as ‘RSPCA (2016)’ in the RIS.

4.6 Look at that document. It contains no studies or references. Not one figure or allegation is footnoted. **Victoria is not mentioned even once in it.** It is not a report of any analytical utility whatsoever, indeed it is a webpage that says at its base, ‘*We make no warranties that the website is accurate or suitable for a person’s unique circumstances and provide the website on the basis that all persons accessing the website responsibly assess the relevance and accuracy of its content*’. It was originally retrievable by clicking through the RSPCA’s website ‘Campaigns’ page which section includes statements such as ‘The RSPCA believes that there should be a national approach to ending greyhound racing across Australia’. It is

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<sup>37</sup> See *Size and Scope of the Victorian Racing Industry* prepared by IER / September 2013 available at [https://cdn.racing.com/~media/rv/files/reports/ier\\_vicracingstudy\\_lowres.pdf?la=en](https://cdn.racing.com/~media/rv/files/reports/ier_vicracingstudy_lowres.pdf?la=en).

<sup>38</sup> As opposed to individual, statistically insignificant examples.

<sup>39</sup> RIS from pg 52.

<sup>40</sup> See the ‘*estimated compliance data*’ made by DEDJTR at Table 11 of the RIS, suggesting that 64% of small operators do not comply with welfare and other regulatory obligations. Contrast it with the results of, for example, welfare inspections conducted by GRV since 2015, in respect of which non-compliance rate is minimal.

<sup>41</sup> Available at [http://kb.rspca.org.au/What-are-the-animal-welfare-issues-associated-with-greyhound-racing-in-Australia\\_617.html](http://kb.rspca.org.au/What-are-the-animal-welfare-issues-associated-with-greyhound-racing-in-Australia_617.html).

precisely the type of document and activity for which RSPCA Victoria was subsequently criticised;<sup>42</sup> and which its chief executive formally accepted was to be stopped.<sup>4344</sup>

4.7 **And yet**, the RIS - **completely unjustifiably** - uses this unsourced document as follows:

- At 1.4.1 – *social license*<sup>45</sup> – as the quoted source for ‘...unwanted greyhounds will be euthanased despite being otherwise healthy and rehomeable’. No source for that comment is determinable;
- At 1.4.4 – *poor welfare of animals* –  

‘The Royal Society for the Prevention of Cruelty to Animals (RSPCA) report [NOTE: See above, **NOT** a report.] that injuries are very common for racing dogs and can be ongoing ‘*Injuries are a major animal welfare issue that often cause pain, suffering and distress*’ [NOTE: No reference, consideration of figures or when, how they arise or what is done about them]. RSPCA go on to report that many puppies and adult greyhounds are not socialised with other dogs or humans [NOTE: Source? Real numbers?] increasing the likelihood of the development of fearfulness and antisocial behaviour which impacts negatively on their welfare.’ [NOTE: No source for either the link between socialisation and likelihood of fearfulness/antisocial behaviour or any identified adverse impact on welfare?]
- At 2.1 - *Residual problem – risk to animal welfare and quality of life*: which section attempts to describe ‘residual problems’ to be addressed by the Draft Code and which results in the Draft Code seeking to mandate how greyhounds are managed at all stages of their lifecycle:

(pg 52) ‘RSPCA report that many puppies and adult greyhounds are not socialised with other dogs or humans increasing the likelihood of the development of fearfulness and antisocial behaviour which impacts negatively on their welfare’ [NOTE: See immediately above.]

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<sup>42</sup> *Independent Review of the RSPCA Victoria Inspectorate* Final Report of Neil Comrie AO, APM dated 1 September 2016 available at [http://www.rspcavic.org/documents/RSPCA\\_IndependantReview\\_final.pdf](http://www.rspcavic.org/documents/RSPCA_IndependantReview_final.pdf) . See in particular *Chapter 5: Advocacy versus Activism* and Recommendation 21.

<sup>43</sup> *Response to the Independent Review of RSPCA Victoria’s Inspectorate Final Report*, pg 1 and pg 4 (re Recommendation 21), available at [http://www.rspcavic.org/documents/RSPCA\\_ResponseToReview\\_final.pdf](http://www.rspcavic.org/documents/RSPCA_ResponseToReview_final.pdf)

<sup>44</sup> GOTBA Vic notes that the document is not available on RSPCA *Victoria’s* website.

<sup>45</sup> Itself a potentially loaded concept – referred to also as an ‘*opponent’s permission*’ Crowley BL (2014) *When demands for ‘social licence’ become an attack on democracy* (Inside Policy – The Magazine of the Macdonald Laurier Institute), available at <http://www.macdonaldlaurier.ca/files/pdf/MLICommentaryCrowleysociallicence1114V1.pdf>



(pg 53) ‘The Royal Society for the Prevention of Cruelty to Animals (RSPCA) report that injuries are very common for racing dogs and can be ongoing *‘Injuries are a major animal welfare issue that often cause pain, suffering and distress’* [NOTE: See further above.]

- At 2.2 - *Residual problem – inadequate homing potential*: which section attempts to describe ‘residual problems’ to be addressed by the Draft Code:

(pg 56) *RSPCA claim many ‘unwanted greyhounds will be euthanased despite being otherwise healthy and rehomable’* [NOTE: See further above.]

4.8 The above example is not an isolated instance. The RIS bibliography also includes articles based upon studies of, for example, scrub jays,<sup>46</sup> and the anthropomorphism of animals<sup>47</sup> without any reference whatsoever to greyhounds or evident application to the Draft Code.

### Animal Welfare and Re-Homing

4.9 Much of the welfare premise of the Draft Code – as explained in the Regulatory Impact Statement – is flat wrong. Live baiting – an abhorrent practice – is addressed elsewhere.

4.10 It is absurd, bordering on offensive, for the RIS to suggest, without quoted evidence, that the Draft Code addresses welfare risks for more than 14,000 Victorian GRV Greyhounds,<sup>48</sup> such as ‘inadequate health checks for all greyhounds’, ‘inadequate perimeter fencing’ or even that it does so for a significant lesser proportion of the population of Victorian GRV Greyhounds, such as ‘insufficient food receptacles and hygiene’.

4.11 Indeed, there is **no stated evidence** of the particular welfare risks stated in the Regulatory Impact Statement even existing across the Victorian greyhound population – regulator welfare inspections suggest they do not and there is no substantive mention of them in the Milne Report or other relevant official reports – let alone those matters giving rise to welfare issues warranting the imposition of expensive, mandated purported solution by regulation.

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<sup>46</sup> See RIS bibliography pg 94 - Suddendorf, T. Busby, J. *Mental Time Travel in Animals*. Trends in Cognitive Sciences. Sept 2003. Vol 7(9): 391-396 available at [http://www.jennifervonk.com/uploads/7/7/3/2/7732985/suddendorf\\_busby.pdf](http://www.jennifervonk.com/uploads/7/7/3/2/7732985/suddendorf_busby.pdf)

<sup>47</sup> Serpell, J. A. (2002). Anthropomorphism and anthropomorphic selection beyond the “cute response.” *Society and Animals: Journal of Human–Animal Studies*, 10(4), 83–100 available at <http://www.animalsandsociety.org/wp-content/uploads/2015/11/serpell.pdf>

<sup>48</sup> RIS Table 13 (Estimated Number of Greyhounds Affected by Welfare Risks), and Appendix 4 Table A4.29.

4.12 For example:

- GRV Greyhounds receive at least 3 vet checks before the age of 14 months (vaccinations and pre-breaking in), are vet checked at every race start (ie several thousand vet checks per week across Victoria at 23 race meetings) and regularly monitored by participants in between (for obvious reasons of current or future performance);
- there is **zero** evidence of rampant escapism, or even isolated escapism, of GRV Greyhounds, or harmful incursion of other animals onto properties, requiring further 'adequate' perimeter fencing; and
- rules of greyhound racing require the keeping of treatment records and individual greyhound records showing vaccinations are available online.

4.13 The Draft Code is premised on such inaccuracies as to welfare matters. It has every appearance of a document prepared for and by persons with almost no working knowledge of the racing greyhound, or the industry in general, and for whom standard animal behaviours are explicable only in terms of purported stress or neglect.

4.14 GOTBA Vic understands the re-homing objectives of the Draft Code.<sup>49</sup> As noted previously, the rules of greyhound racing impose significant re-homing obligations upon GRV Greyhound owners. This is where it is appropriate for re-homing obligations to reside.

4.15 Most importantly, simple review of recent re-homing figures *without* the Draft Code is evidence of the lack of need for it in terms of rehoming potential (see above paragraph 2.9).

4.16 Crucially, however, there is no evidentiary basis provided by the RIS for a suggestion that imposing prescriptive care requirements for GRV Greyhounds under the Draft Code is an important matter for re-homing of the GRV Greyhound, or that it makes greyhounds any more 'suitable for re-homing' at any given time. The RIS only considers supposed re-homing benefit afforded by section 6.3.12 of the Draft Code.<sup>50</sup> This consideration is deeply flawed.

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<sup>49</sup> Such suitability for re-homing being a primary objective = see RIS pg 11.

<sup>50</sup> And the RIS makes no effort to even attempt to justify prescriptive care requirements as a factor in re-homing potential – see pg 14 (Rehoming potential criterion) - *'Although all of the proposed standards are designed to have some influence on the rehoming potential of greyhounds [NOTE: No evidence of effectiveness of such a design is offered.], rehoming reform under proposed standard 6.3.12 is considered to be the main dedicated driver of rehabilitation and rehoming potential. Consequently, options are assessed on their ability to encourage rehabilitation by owners under proposed standard 6.3.12.'*

4.17 Indeed, the RIS' rehoming potential analysis is so *extraordinarily contrived and circular*, it borders on nonsensical. That is, there is no discernible, intelligible basis for the RIS conclusion that section 6.3.12 of the Draft Code would improve rehoming potential or outcomes of the GRV Greyhound. This fundamentally warps the 're-homing potential' criteria in the 'multi-criteria analysis' used for overall cost/benefit analysis.<sup>51</sup>

4.18 To illustrate this, it is necessary to refer to the RIS analysis. As to rehoming benefit, the RIS says that:

- annually, 4,189 greyhounds that might be re-homed, out of an available total exiting population of 5,353, are affected by a '*poor rehoming potential*';<sup>52</sup>
  - while 'poor rehoming potential' itself is not explicitly defined, nor are its components determinable, the 4,189 figure is the stuff of statistical and definitional alchemy, determined (RIS pg 57, Footnote 39):

*as the difference between current rehoming (686 dogs per annum)<sup>54</sup> and projected potential rehoming (4,876)<sup>55</sup> (See Section A4.3.11 of Appendix 4 for source of estimates)*

- the RIS nonetheless offers absolutely no evidence or basis upon which it could be said that:
  - any or all greyhounds *not* adopted in any given year are affected by this 'poor rehoming potential' (whatever it is), as opposed to other factors, such as availability of homes;
  - section 6.3.12 of the Draft Code actually has **any** particular remedial impact on this 'poor rehoming potential';
  - section 6.3.12 of the Draft Code actually has the effect on 'projected potential rehoming' claimed for it (ie for implementation Options 3 and

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<sup>51</sup> See RIS from pg 12.

<sup>52</sup> RIS pg 57.

<sup>53</sup> Note: This implies that 78% of the current GRV Greyhound population exiting racing is not presently suitable for rehoming. In direct contrast, GRV suggests that 75-80% of the greyhound population is presently suitable for re-homing, **without the Draft Code**.

<sup>54</sup> Note – paragraph 2.9 – 2016/2017 rehoming is in fact 1314 through GAP and 2673 taking into account all adoptions.

<sup>55</sup> See further below – the 4,876 figure appears made up, as the unevicenced number of adoptions arising from implementation of section 6.3.12 of the Draft Code. No reason is given as to why section 6.3.12 has this effect at all, or at this level.

5, increasing actual annual re-homing to from 686 to 4,876 greyhounds)<sup>56</sup>.

- The 4,876 figure, in particular, seems made up. Section A4.11 of Appendix 4 of the RIS contains zero evidence or apparent basis for how section 6.3.12 (rehoming) of the Draft Code would generate **any proffered rehoming outcome** (under any Option), let alone result in 90% of greyhounds being adopted.

That the apparently mythical 4,876 figure then, circularly, is used to give meaning to ‘poor rehoming potential’ said to be fixable by the Draft Code is an enormous flaw in the RIS.

- implementation of the Draft Code (using Options 3 or 5, at least) will not only increase ‘*rehoming potential*’ but result in actual GRV Greyhound *rehoming itself* increasing 711% from **686** per year to **4,876** per year (or almost 90% of a possible rehoming population of 5,353 per year),<sup>57</sup>
  - No *projected* figure used in Panel A4.3 of the RIS is justified by any evidence or analysis.
  - There is NO basis for saying that the Draft Code will affect re-homing outcomes, certainly not as analysed.

4.19 GRV estimates that currently 75% to 80% of greyhounds are suitable for rehoming.<sup>58</sup> That estimates jars horribly with an assumption – unevidenced – that application of section 6.3.12 of the Draft Code will immediately address ‘poor rehoming potential’ of up to 4,189 dogs per year.

### Economic and social burden of the Draft Code

4.20 The Regulatory Impact Statement so severely underestimates the financial costs to participants of implementing the Draft Code, and makes such unwarranted assumptions about the bearing of those costs, that the underlying cost/benefit analysis and scoring is

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<sup>56</sup> RIS Panel A4.3

<sup>57</sup> RIS Panel A4.3

<sup>58</sup> GRV estimate given to GOTBA Vic.

rendered useless as an analytical tool (quite apart from the incorrect benefit assumptions previously noted).<sup>59</sup>

- 4.21 In broad terms, we expect that the approximate additional cost of the Draft Code, per greyhound, is **up to 8-10 times the \$1,550 per greyhound that is set out in the RIS**. Far from the cost of the Draft Code causing additional lifetime cost increase of 7.8% per greyhound<sup>60</sup> – a far from correct figure even on the RIS' own costing<sup>61</sup> - we estimate that the correct percentage incremental cost increase is closer to 120-150%. Needless to say that is prohibitive.
- 4.22 Of particular concern on cost are the broad assumptions made in the RIS that extra cost burdens will not affect decisions of participants to participate.<sup>62</sup>
- 4.23 Our direct research – asking participants - suggest this is wrong, and badly wrong. In any event, it does not take into account that 'owners' in greyhound racing will very often also be one or more of the breeder, rearer, educator, pre-trainer, trainer and re-homer of the greyhound too – that is, they bear all of the costs directly and have no-one to pass it to. Moreover, costs are leveraged for a litter onto one person.
- 4.24 There appears to be no consideration in the RIS evaluation as to whether family participants or individuals would be keen to seek external assistance, given the personal nature of the current involvement in and around the family home and the trust required in those outside the family unit.
- 4.25 In section 5 of these submissions, in several places, we refer to particular costs given to us for particular actions or particular sections of the Draft Code.

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<sup>59</sup> Most egregious of these figures is the expected additional cost of **\$1,550** per greyhound for the entire Draft Code (see RIS pg 17), including an extra \$450 for rearing, \$588 for training and \$512 for rehoming. As can be seen immediately below, these figures are truly laughably low.

<sup>60</sup> RIS pgs 15, 17 and 85.

<sup>61</sup> The RIS' (pg 85) estimate of an existing \$20,000 cost per greyhound for small owners is significantly over-estimated (for example, there is no way that costs are incurred for 5 years on average). That cost is closer to \$10,000 on average. Average puppy prices are less than \$6,000, and rearing and other costs are usually incurred for 12-18 months before a race career commences.

<sup>62</sup> See RIS pg 17, for example, under 'Impact on competition'. These errors would be naturally be exacerbated when the true cost of the Draft Code is considered.

4.26 We do not propose to list all of the cost consequences of the Draft Code here,<sup>63</sup> but merely highlight some of the more significant discrepancies, which either apply on a continuing basis, or are intended to apply as an upfront cost, without grandfathering:

- Rearing – the RIS assumes that rearing to the Draft Code will cost approximately \$12-\$13 more per week per greyhound for 36 weeks.<sup>64</sup> Our participants suggest that the additional rearing cost per greyhound is closer to **\$100-\$120 per week**, depending on facility size and characteristics, or between **\$3,500 to \$4,500** per greyhound;
  - *We note that the above is also an approximation for the true additional weekly costs for section 6.3.12 of Draft Code (for minimum 7 weeks - \$700-\$840 or in the region of 40-70% more than the \$512 the RIS suggests at pg 17)*
- Pre-training and training – our participants suggest to us that the additional cost per week of pre-training and training to the Draft Code is approximately **\$70 per week** (rather \$49 per week)<sup>65</sup>. We have no idea why the RIS costs its additional weekly pre-training and training cost for only 12 weeks.<sup>66</sup> It would be incurred for far longer (pre-training alone can take 6-8 weeks, let alone the greyhound’s actual race career). The figure renders significantly unlikely that many trainers will continue to train on a 50-50 prizemoney basis, when greyhounds earn, on average, well less than \$10,000 per racing greyhound, or that injured greyhounds are rehabilitated for racing while such additional cost is being incurred;
  - Even on the RIS \$49 weekly figure, we would expect that the average greyhound incurs minimum 6 months of this cost or **\$1,274** per greyhound. On our participants’ weekly cost estimation, this figure would be **\$1,820** per greyhound. In reality, the cost would be incurred for significantly longer.
- Facilities generally – the potential cost of immediately upgrading facilities to the Draft Code is very high, but of course depends on individual properties.
  - Several of our participants have *fencing* quotes alone that are more than \$100,000. We have seen others of more than \$30,000. Even on the most

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<sup>63</sup> We have not included, for example, additional education costs, or additional purchase price costs associated with the recovery of higher breeding, whelping and initial rearing costs.

<sup>64</sup> RIS pg 85.

<sup>65</sup> RIS pg 17.

<sup>66</sup> RIS pg 17.

generously costed options, the RIS states a fencing *implementation cost* of \$11m<sup>67</sup> across 1665 participants, or \$6,713 per participant. Even if correct that is very high, for a problem that does not exist,<sup>68</sup> but it clearly is not right based on information provided to us;

- The cost of kennel or other facility amendment is also very significant. As an example of under-estimation, the RIS suggests that the 10 year PV cost of indoor housing amendment to the Draft Code is, for Option 3 (being the most expensive), \$85,000, including a cost of \$200 per large trainer affected.<sup>69</sup> We would expect that there are individuals who may spend as much as is indicated for the whole industry.

### GOTBA Vic Conclusion – RIS adequacy

4.27 The RIS does not meet the test of fulsome, evidenced logical analysis and nor does it deliver a proportionate assessment of the expected effects of the Draft Code as required, for the following reasons:

- failure to justify the content or scope of the welfare risks identified within the RIS with reference to studied, independent reports or statistically significant<sup>70</sup> data from the greyhound industry (including a failure to properly take into account active mitigation of risk from GRV inspectorate results and resources including a proposed increase from 18 to 40 full time welfare staff and matters such as 2300 existing race night vet checks of greyhounds every week of the year);
- failure to identify, again with studied, independent reports or referenced expertise relevant to greyhounds, exactly how each of the Draft Code proposed measures would:
  - alone result in welfare or rehoming improvements; or

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<sup>67</sup> Table A4.29.

<sup>68</sup> See section 5 of these submissions.

<sup>69</sup> Table A4.31

<sup>70</sup> In certain cases, the RIS refers to individual cases of welfare misconduct. How that translates to an industry with several thousand participants is not clear. Better data – being the results of welfare inspections at every establishment – suggests no evidence of wider welfare risks of the types mentioned.

- (more relevantly) by reference to their difference with current regulatory requirements or measured performance statistics, effect welfare or rehoming improvements.
- failure to reference critical information and available statistics that highlights a unique participation structure, which features cross over of roles for the overwhelming majority of participants, with the result that the increased costs the RIS has assumed can be readily absorbed by owners without affecting participation levels, will be faced by breeders and trainers who are also expected to rebuild kennels, erect/adapt perimeter fences and comply with additional administrative tasks, exploding the costs of their individual participation.<sup>71</sup>
- use of incorrect financial information relating to the current costs of ownership, cost of infrastructure enhancements (notably perimeter fencing) and additional staffing required to meet new management protocols and prescribed tasks outlined in the Draft Code.
- key industry analysis has been overlooked including evidence that relates to the significant Community Social Benefit of greyhound racing,<sup>72</sup> including contributions to individual well-being and health. Accordingly, the RIS ignores potential impacts of the Code that are material to the proportionality of the assessment of benefits and burdens on implementation.
- the analysis of risk to greyhound welfare under current conditions is unreasonable and overstated, with a reliance on a statistically insignificant number of welfare cases brought against participants.
- the estimated enhancement in rehoming potential is (as best as can be said) based on the assumed efficacy of the prescribed, yet untested methodology in the Draft Code. However, opinion we have received from acknowledged expert in canine training and behaviour, Steve Austin and US research on canine behavioural development including socialization, challenges much of the detail of prescribed

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<sup>71</sup> Statistics from GRV indicate, for example, that 69% of participants that are registered as trainers (1559/2253 across the owner/trainer and public trainer categories) also hold registration or competency as breeders. The cross-over of other roles will be similarly statistically significant.

<sup>72</sup> *Size and Scope of the Victorian Greyhound Racing Industry*, IER Pty Ltd March 2017 available at [http://www.grv.org.au/wp-content/uploads/2017/05/GRV\\_VGRI.pdf](http://www.grv.org.au/wp-content/uploads/2017/05/GRV_VGRI.pdf) and *Size and Scope of the Victorian Racing Industry* prepared by IER / September 2013 available at [https://cdn.racing.com/~media/rv/files/reports/ier\\_vicracingstudy\\_lowres.pdf?la=en](https://cdn.racing.com/~media/rv/files/reports/ier_vicracingstudy_lowres.pdf?la=en)



tasks and particularly the timing of the extra work mandated in the Code for mature adult dogs that are racing.<sup>73</sup>

4.28 In contrast to the conclusions of the RIS, a significant number of participants are encouraged by the Draft Code to discontinue their participation in greyhound racing:

- the significant, unreasonable and largely irrecoverable financial imposts that will not simply be absorbed by a supposed separate group of owners, many of whom are also those breeding, rearing and training greyhounds; and
- the additional administrative and management burden that either cannot be simply passed on due to lack of suitable staff or the unreasonable expectation that hobby participants will invite outsiders into their family environment to assist with what is essentially a family activity.

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<sup>73</sup> See section 5 of these submissions (in particular from para 5.65), when we discuss socialisation aspects of the Draft Code.

## 5. The Draft Code – specific comments

### Introduction

- 5.1 This section consists of written comments within this report, as well as a marked version of the Draft Code itself (**Appendix A**).
- 5.2 It is vital that our submissions on specific aspects of the Draft Code are taken in the context of our wider submissions in this report – that any code of practice under the DAA applying to GRV Greyhounds must be significantly recast, in form and substance. In particular, that we mark a part of the Draft Code does not mean any endorsement of those or other parts of the Draft Code.
- 5.3 Participants were keen to point out to us that they already do comply with welfare requirements under the rules of greyhound racing (and other welfare legislation) and have a natural incentive to produce fit, healthy, adjusted greyhounds. Re-homing performance is continually improving.
- 5.4 The need for another code is limited. Most importantly the Draft Code fails to cater for participants to flexibly keep and train their animals for racing purposes, with little regard to the needs of the breed itself.

### Staffing – Section 3

#### Staff ratio

- 5.5 This is very poorly drafted section.
- 5.6 **Provided that animals housed at a greyhound establishment pass vet and welfare inspections regularly made, there should be no *mandated* (as opposed to recommended) staff ratio and no requirement for constant presence or overnight staffing (at any level).**<sup>74</sup>
- 5.7 It goes almost without saying that there must be sufficient competent persons available to a greyhound property – whether that property does any combination of breeding, whelping, rearing, educating, pre-training, training or spelling activities (and we note that the Draft Code does not cater for different types of establishment in that regard) - to carry out

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<sup>74</sup> Noting that participants will still be bound to ensure – separately - for example, compliance with any planning or other permit requirements for overnight presence if needed.

necessary animal husbandry tasks.<sup>75</sup> These can, and do, include family members or other competent persons with experience in animal husbandry or with qualifications recognised by their level of registration with the greyhound regulator.

- 5.8 That does not then require employment of staff, nor mandated constant (7 days per week) presence of set numbers of competent persons, nor staff on call,<sup>76</sup> at the levels set in section 3 of the Draft Code. Indeed the very nature of certain activities – pre-training/training/educating – will regularly require participants to leave their properties for at least short periods of time.
- 5.9 Nor should it be assumed that every greyhound property is a public property (in the sense of being open to the public during ‘business hours’) or that necessary care activities are evenly spread throughout a working day and require staff / competent person presence in set ratios.
- 5.10 We recognise that the existing Code of Practice for the Operation of Greyhound Establishments does have some recommended staffing ratios<sup>77</sup> – including splitting for different types of property - but without ponderous prescription. For larger scale participants that we have spoken to, none of whom have had welfare issues identified at their properties on inspection previously, we received quotes of additional Draft Code staffing costs to them of between **\$50,000** to **\$150,000** per year each, excluding on-call staff.
- 5.11 As might seem obvious, participants made clear that these costs would be passed on to other participants – commercial breeding, rearing, education and pre-training costs would increase by an average of approximately **\$100 - \$120** per week, per greyhound, although pre-training costs may increase by a lesser amount (\$70) as pricing currently contemplates significant activity with the greyhound. That is, an **additional** cost of between \$5,000 to \$7,500 per greyhound from initial rearing *to the point* of racing. When the average racing greyhound earns less than that in a race career AND owners usually split prizemoney 50/50 with trainers (if there is a third party trainer - who receive no other payment from owners), AND one must also factor in additional costs during and after racing, the additional cost is prohibitive.

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<sup>75</sup> As to which, see later submissions on exercise, socialisation and enrichment obligations.

<sup>76</sup> Each of which is significantly more difficult in regional areas, particularly any on-call requirement to travel to the establishment within 30 minutes.

<sup>77</sup> Section 2.3 *Code of Practice for the Operation of Greyhound Establishments* – 1:25 for racing/breaking kennels; 1:30 for internal boarding/spelling kennels; 1:50 for external breeding, boarding and/or spelling kennels.

Other matters – Section 3

- 5.12 Section 3.2 – 3.6 of the Draft Code should not mandate what categories of persons/position holders must do.
- 5.13 Certain of the care duties expressed in sections 3.2 to 3.4 inclusive – please see our mark-up at Appendix A – could be stated as matters that are expected to be completed at the establishment, without saying who by, which should remain a matter for the persons in charge of the establishment. The person in respect of whom the establishment is registered with GRV – for present purposes, the proprietor – is responsible for carrying them out or ensuring that they are.
- 5.14 Section 3.5 – vehicle driver – is not necessary at all. Transport policy is addressed under GRV policy, adapted to greyhounds and their travel requirements. In particular however<sup>78</sup>:
- it is not practicable to *mandate* inspection of greyhounds at least every two hours during transportation;
  - it is simply strange to mandate – again under penalty of conviction – such things as taking the most direct route to destinations;
  - a log book requirement is totally unnecessary.
- 5.15 In respect of section 3.6 – veterinary practitioner – we have more to say further below in other sections concerning health management planning and animal husbandry and the extent to which it is appropriate to mandate engagement with vets. One significant practical difficulty is the limited availability of vets with experience in greyhound health or management. In some regional areas – notably Geelong (where a very large number of greyhounds are based) and Bendigo – there is either no local vet with greyhound experience or soon to be none. This renders planning, and establishment attendance, extremely problematic, even were it necessary, which it isn't.
- 5.16 Section 3.7 – mandatory training and education – is not subject matter for the Draft Code, as opposed to the rules of racing. Failure to obtain education should be a matter for the rules of greyhound racing, not criminal sanction. Evidence of training is noted on a participant's online record with GRV – reference to evidence of completion on request is not appropriate.

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<sup>78</sup> See mark-up in Appendix A.

## Establishment operation - Section 4

### Health Management Plan

5.17 Greyhound racing participants are required by the rules of racing to keep treatment records for greyhounds in their care. Evidence of vaccinations are lodged with GRV and noted on a greyhound's online (Fasttrack) record. As stated previously, ad nauseum, GRV Greyhounds are tested and vet and general welfare - inspected regularly.

5.18 The Draft Code's *additional* (and duplicative<sup>79</sup>) requirement for a further facility health management plan:

- covering 'protocols' for minutiae (the list of 29 protocols, many of which then have sub-categories, really is ridiculous and even covers the minimum quantity and quality of food);
- signed off and updated by a vet with greyhound experience (if one can be found - see above paragraph 5.15) who may not be available or willing to do such a thing,<sup>80</sup> and which must be changed or updated annually AND if the vet moves,<sup>81</sup>

is completely over the top and completely unnecessary in a policed, inspected environment. It would apply to every single person who had custody of a GRV Greyhound at their property, even the person who has one greyhound in their backyard. Its existence alone makes low-level participation not only far more costly,<sup>82</sup> but also incredibly administratively burdensome.

5.19 We do not comment here further on the content of the health management plan – see Appendix A and further below – but its obligatory requirements contemplate matters that are not beneficial to the health of a racing greyhound.

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<sup>79</sup> As a simple example, see 6.1.3 of the Draft Code as to recording of supplements given.

<sup>80</sup> We have asked greyhound vets.

<sup>81</sup> We can see no rational reason why any health management plan would need to be reviewed simply because of a change in vet.

<sup>82</sup> With respect, the RIS 10 year additional cost of this across the industry - \$1.84m (RIS, Table A4.8)– is incredibly low. No sensible or considered veterinary opinion could be given for annual review of a health management plan of the detail required in the 15 minutes costed for, for example. No sensible or considered initial plan review could occur in 30 minutes costed for small participants. No costing is even attempted in the RIS for further reviews occurring due to change of vet (noting that, due to the paucity of such vets, the departure of one of them may result in hundreds of plans needing replacement).

### Greyhound transport vehicle

- 5.20 Participants are already bound by a detailed transport policy under the rules of greyhound racing. That transport policy reflects the practicalities of transport in racing of greyhounds in particular. It is where any detail applicable to the transport of GRV Greyhounds should be located.
- 5.21 We are particularly concerned regarding the *mandating* of two hourly stops during transportation, with water, exercise and toilet *obligations*. As a general rule, greyhound travelling over two hours are being transported for a race. Their condition is carefully calibrated for that race, as is their exercise. They are vet checked on arrival at the track – including specifically for hydration. If greyhounds are travelling interstate by plane, the Code requirements will not be possible to ensure.
- 5.22 Participants also noted that they should be able to transport individual greyhounds in the cabin of ordinary sedans or station wagons without a requirement for a cage or separate compartment. Any more than one would require separation and restraint.

### Security – 4.5

- 5.23 Please refer to Appendix A and further below regarding security and perimeter fencing. We note that there is **no evidence** of which we are aware of any issue regarding habitual escape of greyhounds or harmful incursion of unwanted animals on greyhound properties. Let alone any such issues warranting the onerous perimeter fencing obligations at 6.6 of the Draft Code.

### Section 5 – Records

- 5.24 The Draft Code records requirements for establishment records are onerous, duplicative of records already maintained for individual greyhounds with GRV and cannot be shown to be to the additional welfare benefit of the GRV Greyhound.
- 5.25 Much (but not all) record-keeping for GRV Greyhounds is online.
- 5.26 GOTBA Vic can see some benefit in GRV record keeping processes being updated so as to permit or require the recording of certain additional activities (during rearing) on an individual greyhound's record – for example, socialisation experience or achievement of certain goals – but very limited, or no, benefit, certainly in comparison to its cost and other burden, for further establishment-wide records.

- 5.27 We can see no rational requirement for records to be kept, as the Draft Code requires, for, confusingly, 12 months or 5 years (establishment ceases to operate, but also in respect of greyhounds ‘sold or retained by the establishment’<sup>83</sup>), depending on the type of record or its components. The drafters of the Draft Code seem to forget that people would actually need to comply with its contents, which first requires them to be able to discern what they are.

#### Individual greyhound identification – Section 5.2.2

- 5.28 Section 5.2.2 (individual greyhound identification) is a severe security / integrity risk – it is inappropriate to put the required identification information (as opposed to a kennel name) on every housing kennel. See Appendix A.
- 5.29 Participants also noted to us that it is inappropriate to require individual greyhound treatment records for puppies younger than 16 weeks, and this should be on a litter records basis only as separate identification (ear-branding / microchips) has not yet been carried out.

#### Husbandry – Management of Greyhounds – Section 6

##### Introduction

- 5.30 The prevailing goal of animal husbandry is to have a healthy, well-adjusted animal fit for the purpose or purposes for which it exists. That is something best measured during the keeping of a greyhound, by inspection of that individual greyhound on inspection of properties or upon presentation of the greyhound at a race track.
- 5.31 While we understand that an overall goal of the Draft Code is to increase re-homing potential, not even the RIS claims that any aspect of the Draft Code, other than section 6.3.12 – as to which see our comments on that section and in section 4 of this document as to evidenced effect – has that effect.
- 5.32 To be clear, it is the health of the individual greyhound is paramount on inspection – not the measurement of the facilities in which it is kept nor the number of chew toys it has access to. Inspection, and if necessary testing of performance, rather than prescription of process must be the guiding principle in the management of greyhounds.

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<sup>83</sup> Again, the phrasing shows ill-adaptation for a racing context: establishments include properties (breaking / pre-training, training) where a greyhound may be for only a comparatively short time and where many hundreds of greyhounds pass through. The phraseology used suggests a breeding establishment (ie the template has been applied without consideration).

- 5.33 Unfortunately, the level of prescription (which, based on the dog breeding code, the RIS describes as ‘much more prescriptive’<sup>84</sup>) set out in this section of the Draft Code would operate to the detriment of the GRV Greyhound, most particularly (but not exclusively) during rearing, educating, pre-training and training. It would certainly, in terms of cost and burden, operate to the significant, and possibly terminal, detriment of the greyhound racing industry in Victoria, pushing out first the hobby and regional participant.
- 5.34 For comment on specific matters, we refer you to Appendix A.
- 5.35 Section 6 of the Draft Code, overall, descends into the sort of oppressive, not to mention wrong, detail that verges on a tyrannical approach to regulation. Anything even venturing near such an approach must be line-by-line justifiable by reference to incontrovertible, measured evidence of usefulness, appropriateness and effect BEFORE then being weighed against the costs of implementation. Barely any of section 6 of the Draft Code is – most key parts of it are a bare cut and paste of the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 (July 2015 version)*<sup>85</sup> - into an industry where, for example, animal management – particularly of exercise and socialisation – is a key function of performance and which individuals have distinct incentive to manage to the benefit of the greyhound’s welfare.
- 5.36 To be clear, the Draft Code risks conviction and \$38,000/\$93,000 fines - for everyone who has a GRV Greyhound, from the single-greyhound backyard hobbyist up - for such things as:
- having water receptacles than can (in theory) be spilled;
  - not taking a breeding female to the vet within 4 weeks prior to coming on season (6.3.3), despite it being impossible to know when that will actually happen (and without any regard to the vet check obligations of a participant with a breeding female under GRV ‘Pink Card’ breeding permissions);
  - in training, not giving greyhounds weekly exposure to starting boxes, circular and straight tracks (it seems, irrespective of injury, racing program or other valid reasons to not do so for the welfare benefit of the dog);

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<sup>84</sup> RIS, Table 10, pg 45.

<sup>85</sup> See for example Tables 1, 2 and 3 of the Draft Code and Tables 1 and 2 of the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 (July 2015 version)*.



- (rearing) not walking each greyhound on a lead 4 times per week and by their collar twice weekly (6.3.9);
- not rotating chew toys weekly (Table 1) or having toys available (despite this being a **significant** welfare risk in certain instances – see Appendix A, Table 1, Lactating Females);
- not monitoring greyhounds five times daily for ‘stress’ (6.3.10) (see above re hobbyists);
- not disinfecting leads every week or not washing coats every week (irrespective of their use) (6.6.1)
- not giving greyhounds specified numbers of toilet breaks (for specified periods) or exercise periods per day (Table 3);
- for greyhounds who are on a path to retirement, not giving those greyhounds daily 20 minute walks in public (6.3.12),

and the list goes on. It is mind-bogglingly egregious in its infantile treatment of participants who, quite frankly, have not been shown to know less about the keeping of greyhounds than those by whom the above rules appear to have been made.

- 5.37 This section also too often objectionably *requires* participants to obtain the sign-off or advice from vets or ‘animal behaviourists’ for matters that are quite within ordinary animal husbandry.<sup>86</sup>
- 5.38 Moreover, the facilities requirements – from 6.6 onwards – simply do not need to be as prescriptive as they have been made (size, construction type and material etc). The industry adaptation cost alone would be prohibitive. Even if facility requirements were prescribed, requirements **MUST** be grandfathered for the existing life of the relevant facilities.
- 5.39 As we set out in more detail, much of the prescription of facilities is not appropriate for greyhound welfare in any event.

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<sup>86</sup> For example, muzzling under the direction of a veterinary practitioner (6.3.9), stress management (6.3.9), greyhound shows ‘excessive fear behaviours’ (6.3.12), any exercise modification for a pregnant or lactating female (Table 1).

#### Nutrition – section 6.1

5.40 Please see Appendix A and our comments in it. Nutrition is self-evidently measurable on inspection of the individual greyhound and greyhound property. No code of which we are aware deigns to tell farmers how and when to feed cattle, nor horse breeders or trainers how and when to feed their horses. This should simply form part of education packages necessary for registered participants under the rules of racing.

#### Health Care – section 6.2

5.41 Please see Appendix A and our comments in it.

5.42 In respect of health checks and treatment plans (6.2.3), greyhound participants have their greyhounds checked more regularly than yearly, depending on activities, but any obligation to have a check completed should be based upon observational requirement only rather than mandating annual checks.

#### Breeding – section 6.3.1 to 6.3.8

5.43 Please see Appendix A and our detailed comments in it.

5.44 Section 6.3.1 is a very problematic area of the Draft Code. It should be deleted. To breed, GRV Greyhounds must be DNA tested and registered with GRV for breeding purposes. For females that includes having a “Pink Card” whose prerequisites also include satisfactory vet checks.

5.45 The heritable defects definition the Draft Code uses does not sit well – applying to mere physical defects, such as lacking one testicle or undershot jaws – as we explain in Appendix A, but more relevantly the manner in which the Draft Code attempts to prevent breeding upon simple notification is extremely inappropriate in the context of an industry with the controls just mentioned and the significant financial consequences of the same.

5.46 We note, again, that over breeding is not presently an issue in Victoria: under breeding prospectively is.

5.47 Further, careful thought should be given to our comments at sections 6.3.4 (natural mating) and 6.3.6 (whelping) of Appendix A regarding the potential prescription of activities that may not be in the best welfare interests of the greyhound. Mandating, for example, that oxytocin be given only by a vet is positively dangerous to the welfare of bitches and puppies

– it would lead to deaths – and non-reflective of the fact that vets specifically give oxytocin to participants to use.

Preparing a greyhound for rehoming – sections 6.3.12 to 6.3.13

- 5.48 Please see Appendix A. We also refer to our comments in these submissions at section 4 in relation to the lack of true, measurable value of this section on rehoming outcomes, particularly if it was said to be the only acceptable method of preparation.
- 5.49 Participants are bound by the rules of greyhound racing (Local Rule 42.6) to make every effort to re-home greyhounds who have finished racing.
- 5.50 The re-homing of ex-racers in Victoria is increasing year on year, without the Draft Code, based upon a number of factors, but including the flexible participation in and active management of re-homing by participants themselves, whether as trainers, owners or other categories of participant. This is done in a variety of ways.
- 5.51 Not every establishment would be capable of carrying out the precise activities, or indeed having the precise facilities, needed to comply with this section of the Draft Code.
- 5.52 From a practical perspective, however, limiting the number of persons or facilities that can carry out the re-homing process, or even part of it, doesn't make much sense. Why would one *reduce* the re-homing potential of existing properties and correspondingly for greyhounds as a wider group – is that not explicitly failing to meet one of the aims of the Draft Code?<sup>87</sup>
- 5.53 Greyhounds are as diverse as people in terms of attitude and flexibility. Our participants tell us that some greyhounds are capable of transitioning from racing (or an earlier stage) immediately, even able to pass a green collar assessment, with little by way of preparation in different regime or housing. This can be especially so for greyhounds housed in smaller teams / kennels, but is just as dependant on the greyhound itself as the conditions in which it has been raised (examples included littermates raised in the same place, in the same way, with vastly different re-homing preparation requirements).
- 5.54 Equally, other greyhounds need well *more* than 4 weeks of transitioning or 6 weeks of overall preparation, unrelated to size of kennels etc, but are still quite capable of being satisfactorily re-homed with further work, which may or may not include the daily public walking mandated by the Draft Code.

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<sup>87</sup> RIS Section 2 – the Draft Code seeks to address 'inadequate homing potential'.

5.55 The point is that to do what the Code **requires** takes re-homing opportunity *backwards*, not forwards. Measurable performance has shown that the proper place for addressing re-homing detail, if any, is in the rules or policies of greyhound racing. The consequences for failing to actually comply on a measured basis with re-homing outcomes is appropriately under those rules also.

Exercise, socialisation and other requirements in rearing, education and training – sections 6.3.9 to 6.3.11 and Tables 1 and 2

5.56 Please see Appendix A and our detailed comments in it. Participants understand (and support) the obligation on the industry to consider the ability of a greyhound to be rehomed into the community – and ensure that the greyhound is adequately socialised and trained to assist that process – but a goals/outcome based requirement can do this adequately.

5.57 We again note that the great majority of the rearing, exercise and socialisation requirements of the Draft Code are dumped slabs of the *Code of Practice for the Operation of Breeding and Rearing Businesses (July 2015 version)* that are completely inapplicable to and incompatible with the activities or requirements of a GRV Greyhound. If the prescriptive detail serves another purpose – such as increasing re-homing potential of greyhounds at different life stages, as the RIS ‘residual problems’ section appears to indicate<sup>88</sup> – where is the *evidence* that particular things required actually do that?

5.58 It is difficult to know where to start in making submissions on these particular parts of the Draft Code.

5.59 As to matters of exercise – every single thing that a GRV Greyhound does from the moment of its birth all the way through its rearing, education, pre-training and training, is geared towards appropriate exercise and development for racing. Physical and mental fitness is absolutely imperative, though of course individuals will approach it in different ways and will use different facilities and processes in so doing.

5.60 To even attempt to say when and how much a greyhound needs to be walked, free exercised and handled at all of these stages is foolish. To say how often or when a GRV Greyhound must be exposed to pure racing matters (starting boxes, circular tracks), even when in training, is crazy (Table 1; 6.3.10, 6.3.11; Table 3). To require a trainer with a

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<sup>88</sup> RIS Section 2 Identification and description of residual problems.

greyhound in a race worth \$500,000 to exercise a greyhound for multiple minimum periods, potentially against his or her will, the day before that race (see Table 1) is certifiably insane.

5.61 Should the government tell Chris Waller how to exercise Winx before the Cox Plate, how many barrier trials or races she should have?

5.62 Yet that is what the Draft Code does. Inexcusably. As Dr Des Fegan, a greyhound veterinarian with decades of experience and a published author on the care of greyhounds, has told us:

*“The health of the racing greyhound is exemplary. As a population they are very closely monitored by the veterinary profession...it is already a compulsory requirement for all racing dogs to be vaccinated and it is in the interest of all trainers to maintain the health of their animals. Unlike most other forms of livestock, greyhound racing gives participants objective measure of their animals’ health on a weekly basis through their trial or race times. It would seem to me that adding a further layer of bureaucracy is unnecessary.”*

5.63 As to socialisation, GOTBA Vic agrees that there could be minimum standards for things that a greyhound must be able to do by certain ages, or reasons / corrective measures taken if they cannot. Perhaps that might be something which a Code could cover, although we expect it may be better suited to the rules of racing.

5.64 We do note however that:

- GRV Greyhounds will necessarily be socialised as part of preparation for racing, and will become accustomed, at least on and from commencement of education, and likely before, to public places, noise and other animals;
- Any re-homing process will necessarily include other socialisation activities.

5.65 In responding to this Draft Code, we sought comment from Steve Austin, a world-renowned animal (dog) behaviourist who has worked for governments worldwide. His report to us<sup>89</sup> included:

*The heaviest load for socialisation efforts is from three weeks to 16 weeks of age.*

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<sup>89</sup> Steve Austin, *Code of Practice for the Keeping of Racing Greyhounds –Professional Opinion: Socialisation, environmental conditioning and enrichment of racing greyhounds* 8 August 2017. We may provide a copy to DEDJTR upon request.

*Requirements set for minimum amounts and forms of socialisation in adult-life are likely to be met through the lifestyle of a racing greyhound eg training sessions; going to the racetrack (interaction with the off-territory environment); and general husbandry activities.*

*The guidelines provided in Table 2. Socialisation and handling for greyhounds do not seem to accurately address the specific ‘critical’ phases. For example, we know that small amounts of contact with people around three weeks of age provides a disproportionate socialisation benefit compared to far greater efforts required at any other age.*

...

*Whilst a more accurate guideline document could be produced, I believe the greater benefit would be achieved through education.*

- 5.66 As to enrichment, many of the requirements seem to us and to our members as anthropomorphising greyhounds (treating them like humans) with no evident basis for doing so. It is one thing to recommend certain things – toys, different surfaces – but totally another thing to force their use.
- 5.67 Further, it seems that little thought has been given to the environmental enrichment requirements for different life-stages, for greyhounds. Some are either positively dangerous – obligation to provide squeaky toys to lactating females (see Appendix A Table 1) or almost self-evidently unadapted to greyhounds (toileting regime).
- 5.68 Finally, we do not believe that consideration has been given in the Draft Code to the concurrency of exercise, training, socialisation and enrichment that occurs through the ordinary working life of the GRV Greyhound. As Steve Austin has said to us:<sup>90</sup>

*Exercise, training and enrichment often occurs concurrently with socialisation and handling. Programmes outlining either need to consider that both are often happening together.*

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<sup>90</sup> Steve Austin, *Code of Practice for the Keeping of Racing Greyhounds –Professional Opinion: Socialisation, environmental conditioning and enrichment of racing greyhounds* 8 August 2017. We may provide a copy to DEDJTR upon request

Facilities – section 6.6

- 5.69 Please see Appendix A and our detailed comments in it.
- 5.70 More so than any other section of the Draft Code, our participants provided detailed feedback on it. Many had costed their facility replacement obligations. Figures ranged between \$10,000 and \$200,000. None could see any noticeable welfare or re-homing benefit in doing so.
- 5.71 As a general comment, inclusion of these requirements – particularly without any effort to grandfather existing facilities with acceptable welfare outcomes – alone renders this Draft Code inoperable and cost prohibitive.
- 5.72 Not only is there little to no discernible, disclosed justification for its requirements from a welfare, exercise or socialisation perspective for the GRV Greyhound, but it is indiscriminate in its application to even the smallest participant.<sup>91</sup>
- 5.73 Greyhound participants are present across the State. In regional areas in particular, facilities are often across large properties and make use of normal farm materials (such as fencing at standard heights for such properties, approximately 1200mm) and buildings.
- 5.74 We are not aware of any prevalent underlying issues relating to the observed, monitored welfare of GRV Greyhounds that necessitate:
- *perimeter fencing requirements* – 6.6.4 – our advice is that installed fencing costs range from between **\$40 - \$64 per metre** of fencing and that the second perimeter fencing of exercise yards in regional areas would cost many thousands of dollars – and up to \$150,000 for affected participants (the percentage of them may be as high as 60%)<sup>92</sup>. Many participants are of the view that certain of the construction options – chain mesh 3.15mm wire at 50mm hole size – are unsafe;
  - installation of self-locking pen gates;
  - minimum height sizes for kennels (in fact, see Appendix A, lower height kennels will be an appropriate management tool for specific greyhounds who habitually damage or risk damage to hocks etc from jumping up in their kennels);
  - mandated ventilation requirements for indoor kennels;

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<sup>91</sup> For reasons we identify in discussing section 8 (Hobby establishments), the purported facilities exemption for establishments with 2 or less greyhounds is not an exemption at all.

<sup>92</sup> There is no known evidence of either escapism of greyhounds or harmful incursion of animals.

- mandated housing of a maximum of two 9 months or older greyhounds together (this is a matter of ordinary animal management, whose welfare outcomes are controllable through inspection of the condition of the greyhound),
- size requirements for certain kennels or pens that are the same as required for horses;
- toileting yards (6.6.10) that must be of a minimum size that allows a greyhound to free run;
- mandated exercise regimes dependant on the size of the housing of the GRV Greyhound (Table 3),

and, again, we could go on. Please look at our comments in Appendix A.

## Section 7 – Transfer and Sale of greyhounds

5.75 This section of the Draft Code is a barely (but where done, badly) modified lifting of section 5 – sale of animals – of the *Code of Practice for the Operation of Breeding and Rearing Businesses (July 2015 version)*. That code applies to the sale of animals from a breeding business. Greyhound sales occur in a vastly more complex market.<sup>93</sup>

5.76 GOTBA Vic’s view is that the section – at least as in so far as it deals with transfer requirements within the industry – should be deleted from the Draft Code and, if any such requirements are appropriate (we do not think they are) they should be placed in the rules of greyhound racing that govern both the sale and purchase sides of the transaction.

5.77 There is no reason why the requirements of this section should apply to *transfer* of greyhounds (as opposed to sale), as that term is used in the Draft Code.<sup>94</sup> That would cover all manner of temporary transfers. That is not to say that a transferred GRV Greyhound’s treatments should not be recorded, but that too is a matter for GRV rules of racing.

5.78 As to sale, there really is no practical reason to alter the ordinary basis for sale of property in this Draft Code. Greyhounds sold within the industry – ie for current or future racing or breeding - are almost always valuable purchases. These are not purchases by a person who

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<sup>93</sup> We note that, as a matter of pure procedure, the manner of transfer of GRV Greyhounds between participants has changed – paper forms are not used.

<sup>94</sup> Transfer is defined in section 2 of the Draft Code as follows - means the change in location of a Greyhound including transfers related to the hiring out or leasing of a Greyhound. Applicable changes in location exclude short distance movements of a Greyhound associated with activities such as race or trial track attendance or attendance at a Veterinary Practitioner, among other things.



walks off the street wanting a Labrador puppy. It is for the buyer to demand a veterinary certificate and/or a satisfactory racing trial as a condition of purchase.

- 5.79 It is absolutely inappropriate to require a transferor/seller to not only detail all known physical abnormalities (including injury), whatever that means, but then to also apply her or his predictive powers to say how such things may *affect the greyhound in future*, all at the risk of not only breach of the Draft Code (with fine and conviction consequences) but other civil liability consequences.

#### Sale or transfer of greyhounds out of the industry (sections 7.1 and 7.2)

- 5.80 The drafting of these two sections is particularly unclear.
- 5.81 We have doubts about the ability of any participant to oblige a non-participant to disclose to him/her and then notify GRV of the level of detail required in section 7.1.
- 5.82 While we appreciate the policy arguments around de-sexing of greyhounds transferred out of the industry – and on balance we support mandatory de-sexing prior to such transfer (which MUST NOT include transfers by participants to re-homing groups or to a dedicated re-homing provider) – this is not a common position. We see absolutely no reason why new transferees ought not be able to get the literature themselves – participants, at worst, should only be required to direct new owners’ attention to where to get it.
- 5.83 Section 7.2 should be deleted. Even if retained, its text should clearly refer to transfers out of the industry. Its drafting should not assume that it is appropriate to be able to return a greyhound notwithstanding that the relevant health or behavioural issues have been fully disclosed by the transferor as part of the transfer.

#### Section 8 – Hobby establishments

- 5.84 This is a Clayton’s section – it has no practical meaning or application.
- 5.85 Firstly, the greyhound racing industry has a totally different conception of what is a hobbyist, and therefore what is a property that is appropriately styled a ‘hobby establishment’. That is, a person whose involvement in greyhound racing is not their full-time job, being reliant on other activities for their principal source of income. There is no defined number of greyhounds owned or kept that defines a hobbyist (but in any event, it can be well north of 2 greyhounds).

- 5.86 Secondly, almost no hobbyists – even if they just had 2 greyhounds – would house those greyhounds in their home, as opposed to specific facilities in their yard or otherwise outside.
- 5.87 The hobby establishment definition, even as limited as it is, provides almost no relief from the prescriptive requirements of the Draft Code: the hobbyist would need to have the multiple health plans etc needlessly prescribed for him/her to have, including such things as pest management policies, for what may be a backyard in suburbia. He/she would need to check his/her greyhounds for stress at least five times per day, even if in full-time work.<sup>95</sup> Each greyhound being kept would need 4 lead walks per week and two collar walks, irrespective of any other exercise it does.<sup>96</sup>
- 5.88 We doubt that Mrs Smith the proverbial next door neighbour would do the same for her pets. Or be subject to a conviction and fine if she didn't.
- 5.89 Moreover, the net effect of the second point above is that virtually every single participant would need to comply with even the facilities requirements of the Draft Code.
- 5.90 The hobbyist in greyhound racing is the glue that holds the racing calendar together: they attend the vast majority of regional and lower-grade race meetings which are not economically viable for larger kennels to attend but which generate significant industry revenue. They spend money at clubs that help keep them alive (including the benefits that those clubs give to local communities in those areas).<sup>97</sup>
- 5.91 GOTBA Vic is not suggesting that basic welfare and re-homing obligations – properly prepared and enforced – should not apply to the hobbyist. They should.
- 5.92 HOWEVER, the only certainty of a Draft Code. such as this, that proceeds on a false premise that the only way to ensure those outcomes is to carry out (unproven) processes that almost self-evidently require a full-time workload, is to drive out participation by those who cannot afford that time or money or, quite frankly, have better things to do than follow meaningless rules at great personal and financial risk.
- 5.93 Require the hobbyist and the hobby establishment to meet welfare and re-homing requirements, yes, but do it on the basis of observable, inspected outcomes or potentially

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<sup>95</sup> Draft Code 6.3.11.

<sup>96</sup> Draft Code 6.3.9.

<sup>97</sup> See *Size and Scope of the Victorian Greyhound Racing Industry* IER Pty Ltd March 2017 pgs 44-52 in particular for regional areas.

lose an industry worth \$300 million annually to the Victorian economy, and a lot more to individuals and their families, every year.

**The Committee**

**GOTBA (Vic)**

14 August 2017

APPENDIX A – Draft Code annotated with comments