



Reg No: A0017661V

ABN: 67 306 599 068

**Sandra Reed - President**

**0488 660 626**

**gotbav@outlook.com**

**Gayle Osborne – Secretary**

**0409 131 082**

**gotbav@outlook.com**

P.O. Box 259

DROUIN VIC 3818

## **Submissions**

### **Proposed changes to the Local Rules of Greyhound Racing (Victoria) - Animal Welfare Outcomes**

23 November 2016

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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 We would welcome further discussion with GRV in relation to any aspect of the below.
- 1.3 Throughout these submissions, the Greyhound Racing Victoria Local Racing Rules as at the date of these submissions is referred to as the **Local Rules** and the draft changes to those rules in relation to animal welfare outcomes published on the Greyhound Racing Victoria (**GRV**) website on 25 October 2016 as, collectively or individually, the **Local Rule Amendments**.<sup>1</sup>

## 2. Summary

- 2.1 GOTBA Vic understands and supports the impetus behind many of the proposed Local Rule Amendments. Improving animal welfare, and being clearly seen by the wider community to be doing so in a clear, measurable way, is integral to the long-term prospects of greyhound racing in Victoria.
- 2.2 While generally supportive, GOTBA Vic does have some areas of concern with certain of the proposals as drafted. Most are too vague, many lack practicality or evident (or disclosed) scientific or evidentiary basis and some are overly administratively burdensome.
- 2.3 Rules need to be simple, clear and evidence (not conjecture) based. Preferably, incentive to follow them is not simply just negative (ie deterrence).
- 2.4 It will be important that GRV identifies ways in which to incentivise and reward participants to optimise animal welfare outcomes. We are happy to work with GRV on proposals to do this.
- 2.5 We comment in detail on each proposed Local Rule Amendment further below.

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<sup>1</sup> See <http://greyhoundcare.grv.org.au/rules-of-racing/>

### 3. Local Rule Amendments – specific submissions

#### A. Re-homing efforts – Local Rule Amendment 42.6 (replacement of existing LR 42.6)

##### **General comments**

- 3.1 GOTBA Vic supports the concept that all reasonable efforts are made to avoid euthanasia of each greyhound born, as a prerequisite of participation by registered persons in the sport of greyhound racing in Victoria. It understands the community expectations around the lifecycle of greyhounds and the impact of the same on the sport's political viability, however artificial, subjective and virtue-signalling terms such as 'social licence' can be (as has been shown by the recent NSW experience).
- 3.2 Context is important here though: the extent of the practical restriction on euthanasia effected by the new re-homing obligation is a **BIG** step. Humane euthanasia of working dogs, such as greyhounds, at the end of their economic usefulness, while now unpalatable for the general community, has historically been considered perfectly acceptable. It remains legal. The issue is a moral one, about which sensible people can disagree.
- 3.3 Equally, it is self-evident that current re-homing capacity – no matter the degree of effort made by participants to assist in re-homing – will not allow euthanasia to be avoided altogether.
- 3.4 The effect of a rule such as LR 42.6 (in whichever form it takes) is to place a further economic and administrative burden directly on participants to solve a moral issue, albeit one with wider implications for the sport as noted above.
- 3.5 There will be certain segments of the greyhound community for whom compliance will be an unfair burden as a matter of morality. For others, the burden is more purely economic and administrative. Each is a valid concern.
- 3.6 GRV must recognise that LR 42.6, as proposed, will result in a significant loss to the sport, and of course participants who rely on them, of Owners who do not wish to bear the additional burden imposed by the rule (particularly LR 42.6(c)). This will in turn affect other participants. This could be prevented only if the rule change was combined with incentives that offset the additional cost, as well as support from GRV for infrastructure necessary to allow third parties to complete the re-homing efforts on behalf of Owners.

- 3.7 GOTBA Vic does have wider concerns (ie not just in relation to these Local Rule Amendments) that GRV is losing focus on economic returns of the sport to participants, given that economic returns foster a culture of rule compliance as much as bare enforcement of those rules does: a measure such as LR 42.6 really should be combined with economic incentives to reduce the burden and cost of compliance. A good regulator does not just use rules to regulate.
- 3.8 Further thought needs to be given to this by GRV, including to:
- 3.8.1 **(re-homing trust fund)** quarantining or reserving part of future prize-money increases to a re-homing trust fund, in which Owners have a ledger entry of amounts attributable to their (mandatory) contribution, and those Owners can then draw upon the fund for welfare requirements (such as outsourcing re-homing to a recognised third-party provider); and
- 3.8.2 **(incentive or accreditation program / assistance to allow participants to become GRV recognised ‘re-homers’)** considering whether incentives/accreditation can be offered to existing participants (not just Owners) to actively carry out what may be called ‘re-homing services’ for Owners (who, if relying on third parties to house greyhounds or if part of a syndicate, may have limited ability to carry out re-homing activities themselves, or even ensure they are carried out).

#### **Specific comments**

- 3.9 The proposed LR 42.6 is an unnecessarily complex, imprecise and difficult to enforce way of promoting re-homing.
- 3.10 In particular, in its detail, it faces practical difficulties associated with the manner in which Owners hold their greyhounds – that is, a very large number of Owners only see their dog at the race track or trainer’s premises and have no substantive control over their greyhound’s day to day activities. The fact of retirement from racing does not change that. Indeed, many Owners would not have the capacity to take the dogs themselves, or even if they could, to then do the things that LR 42.6(c) (in particular) contemplates.
- 3.11 The only way that an Owner could ‘ensure’ that certain matters of detail contemplated by LR 42.6(c) are done is to engage a contractor to do it for him/her, at cost.

3.12 GOTBA Vic considers the drafting and concepts behind Amendments 42.6(b) to (e) problematic, as follows:

Amendment	GOTBA Vic comment
LR 42.6(b)	<p>The drafting is confusing and imprecise. What does ‘genuine attempt...to seek’ something actually mean? Just a phone call? Maybe two calls? Booking into an assessment 6 months later? What if the first genuine attempt at one of those things results in (what at that time seems) a successful re-homing, must a person make the other attempts?</p> <p>A rule needs to be certain to be followed or fairly enforced. This isn’t. If the basic content of the clause 42.6(b) is necessary (there is a benefit to it in its attempt to clarify ‘all reasonable efforts’ in 42.6(a)), it should be reflected in a <u>policy document</u>, not these rules.</p> <p><u>Proposal</u>: Delete and place the substance in a policy document.</p>
LR 42.6(c)	<p>This rule does not:</p> <ul style="list-style-type: none"> <li>• reflect the reality of where the majority of greyhounds are kept, certainly for Owners who are not breeders, rearers or trainers. Greyhounds usually reside with breeders, rearers or trainers, not necessarily with Owners<sup>2</sup>. Accordingly, the Owner’s ability to ensure these things are done (and certainly to document them) is limited, especially if, post retirement, the greyhound is housed temporarily at a commercial boarding facility; or</li> <li>• cater for the fact that there will be Owners or trainers whose dogs, by virtue of the way in which they are handled and treated, CAN be retired straight to a re-homing program. There is no need for these animals to be retained upon notification of retirement if a re-homing opportunity arises.</li> </ul>

<sup>2</sup> The issue is exacerbated if the Owner is a syndicate of participants.

Amendment	GOTBA Vic comment
	<p>- Additionally, a recently retired greyhound can benefit from certain activities that it is used to that resemble training (ie a straight run at a trial track), to maintain fitness and mental wellbeing. There should not be a proscriptive ban on these things. Once formally retired, there is no incentive for a participant to ‘train’ a greyhound in this way, OTHER than its welfare and good health.</p> <p>Additionally, while GOTBA Vic realises that LR 42.6(c)(ii) is an attempt to codify pre-socialisation, it is not clear what the scientific basis for the obligation is (why 20 minutes? Why daily? Etc).</p> <p><u>Proposal</u>: This should be deleted. Again, to the extent that the concept of recommended retirement time and socialisation is retained, it should be included in a policy document, not the rules.</p>
LR 42.6(d)	No comment, provided that (d)(ii) should not refer to a specific period but rather a reasonable period over which socialisation has been attempted.
LR 42.6(e)	No comment (subject to deletions referred to above).

B. [Notice of Intention – Local Rule Amendment 42.7 \(replacement of existing LR 42.7\)](#)

3.13 GOTBA Vic has no comment on this provision. It agrees that prior written notification of euthanasia should be made for every fit and healthy greyhound.

C. [Socialisation, enrichment and education – Local Rule Amendment \(new clause\)](#)

3.14 GOTBA Vic considers that these requirements, or requirements like them, should not be contained in the rules of greyhound racing. A more limited version of them could be

included in a policy document only, but only if properly evidenced and backed by scientific research that satisfactorily takes into account the special nature of the racing greyhound (including the specific tasks that a racing – as opposed to pet – greyhound needs to perform before retirement).

3.15 In their form, put bluntly, this Local Rule Amendment is a nanny State rule which our members consider has little (or little disclosed) scientific basis and imposes unnecessary administrative burden in the manner of its implementation. It is not proper subject matter for the rules of racing. Our members consider some of the specific socialisation matters have the potential to be dangerous to welfare of racing greyhounds (eg XX.1(c) - ‘changes in ... obstacle items in pens and starting boxes’).

3.16 The sole measure that is supported in this Local Rule Amendment is the requirement for an Owner to obtain a veterinary certificate one month prior to commencing *breaking in* (not other training activities). As drafted however, this rule might assume that all greyhounds are sent to commercial breakers – they are not, many of our members themselves break-in their greyhounds over a significant period of time. The rule would be better expressed to require a vet certificate at least one month before a greyhound is first trialled behind a mechanical lure (of any description, excluding bullring).

#### D. Minimum age for breeding – Local Rule Amendment (new clause)

3.17 GOTBA Vic does not support this proposed Local Rule Amendment.

3.18 There is no evidence to suggest that females and males who nature would permit to breed, and who must in any event be of an age to name and then be DNA tested prior to breeding, ought not be bred with prior to 24 months.

3.19 If GRV has valid statistical analysis that suggests that female or male greyhounds of under 24 months of age produce a far lower percentage of racing greyhounds in comparison to those over 24 months, then GRV should share that information with participants.

3.20 GOTBA Vic does recognise that GRV is concerned with breeding numbers and decreasing wastage. Placing a blanket age restriction on breeding does not to our mind achieve this in a fair way.

#### E. Minimum age for nomination – Local Rule Amendment (new LR 26.2)



- 3.21 GOTBA Vic does not support this proposed Local Rule Amendment. It would support only a restriction on racing (excluding coursing) of 18 months.
- 3.22 In passing, any age restriction should apply only to actually racing in an Event. We see no reason why the restriction should apply to age on nomination (and wonder whether that for example restricts nomination for Events such as the Warrnambool Classic). Given the relatively valuable nature of some of the age restricted races, this is not a small matter should an age minimum remain.

#### F. [Health of racing greyhound – Local Rule Amendment \(new LR 26.4\)](#)

- 3.23 This rule does not actually say what the background suggests it might, and to that extent is opposed. GOTBA Vic queries its practical enforceability.
- 3.24 That said, GOTBA Vic supports a rule that requires mandatory reporting of serious injuries affecting fitness to race that become apparent within 48 hours *after* a prior race start. GOTBA Vic recognises that such reporting plays an important role in accurate monitoring of racetrack injury statistics at GRV.
- 3.25 GOTBA Vic does not support the rule to the extent that it requires reporting of injuries of greyhounds that:
- 3.25.1 are not nominated for any Event at all – this is a simple matter of animal husbandry management by participants and not a matter for administration or management by a regulator (subject to general welfare compliance, but that is not the scope of this rule);
  - 3.25.2 are nominated for an Event, before the Event occurs – again, this is a matter of management for the trainer. If indeed a serious injury affecting fitness to race arises, and (for some unknown reason) the trainer does not scratch the greyhound, then the appropriate control is the pre-race veterinary inspection (which will record the injury and result in a stand down period) and, in all likelihood, a fine or other penalty for the trainer.
- 3.26 Even where a mandatory report of injury is made, it is not appropriate for the consequence of such report to be a restriction on nomination. If a nomination is made, and on subsequent mandatory racetrack presentation the same injury is detected and the greyhound is not passed fit, the appropriate outcome is a fine.

3.27 LR 26.4 should be amended accordingly.

#### G. Transfers of greyhounds – Local Rule Amendment (new rules)

3.28 GOTBA Vic does not oppose the substance of this Local Rule Amendment but does oppose, in each of XX.2 and YY.2, the suspension of a registered person until the provision of further information if the Controlling Body thinks that information warranted. This is particularly so when the rules provide that the provision of false or misleading information itself is a serious offence.

3.29 The last sentence of each of XX.2 and YY.3 should be deleted.

3.30 For reasons of basic fairness, a Controlling Body should never be able to simply suspend a person from participation in greyhound racing (a VERY serious consequence) on the basis that it *thinks*:

3.30.1 there is a breach of an underlying rule; and

3.30.2 further information can be or should be provided by a registered person in response to a further request from the Controlling Body.

3.31 If the Controlling Body considers a person has provided false or misleading information, and in response to a further information request it does not receive an adequate response, then the appropriate and fair remedy is to charge and prosecute the person in respect of the false or misleading information, who can then defend himself/herself.

3.32 While recognising their necessity in a very limited set of circumstances (with very limited consequences only), GOTBA Vic is opposed to LRs expressed in subjective terms such as ‘as it thinks fit’ or ‘in the Steward’s opinion’.

#### H. Rule Amendments – Local Rule Amendment (new LR 1.4)

3.33 GOTBA Vic supports the tenor of this amendment. It should however go further.

3.34 GRV rules and processes need to ensure, and be seen to ensure, that they comply with the requirements of the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

3.35 GOTBA Vic requests that the following words are included at the end of LR 1.4(a)(i) AND LR 1.4(b)(ii)(b):

*, such notice to include reference or link to the human rights assessment and certificate (if any) prepared pursuant to the Charter of Human Rights and Responsibilities Act 2006 (Vic) in respect of the making or amendment of the Rules.*

- 3.36 GOTBA Vic sees this requirement as particularly important given GRV's status as a public regulator.
- 3.37 When effecting rule changes on which it has received submissions, GOTBA Vic would also like to see GRV publish:
- 3.37.1 a short summary of submissions received by it on the proposed rule changes (without identification of submitting persons unless express consent is given); and
  - 3.37.2 short reasons saying whether those submissions did/did not result in changes to the rule proposals.
- 3.38 It is one thing for GRV to seek submissions from participants, but it is another to show that those submissions when made are in fact considered (even if not taken up). Only the second of those matters is consultation.

## **The Committee**

### **GOTBA (Vic)**

23 November 2016