Part 4:
Animals in Entertainment and Sport

The Greyhound Racing Industry:
Having a bet each way on animal welfare

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‘As a civilised society, we have a duty to support those among us who are vulnerable and in need. When times are hard, that duty should be felt more than ever, not disappear or diminish.’

*Justin Welby, Archbishop of Canterbury*

1 Introduction

It is often suggested that the mark of a civilized society is measured by the support shown to its fellow man and woman who are vulnerable and in need. Looking at recent calls to action as a result of tropical storms, bushfire devastation and stranded travellers, it would be easy to suggest that we live in an era of unprecedented civilization. Strengthening this view, this ‘duty to support’ the vulnerable often extends itself to animals that we cohabitate with, evidenced by recent outrage towards the mistreatment of animals used in food production
and live exports. However, this duty has its limits and generally is tempered by economic and practical constraints. This is no more evident than when we look to the general acceptance of the use of animals in sport and entertainment, with the greyhound racing industry being one of the most crude and ugly examples. In considering whether this ‘duty to support’ is present in the racing industry, it is pertinent to ask if the level of welfare provided to greyhounds is adequate, both during and after their time in the racing fraternity, and does the role that industry plays in establishing and enforcing those standards achieve the best outcome for greyhounds? This can be addressed through an analysis of legislative tools, contributions by activists and their related organisations seeking to raise the public consciousness of issues and commentary provided by peak industry bodies such as Greyhound Racing NSW (“GRNSW”).

2 The Business of Greyhound Racing
Greyhound racing is big business in Australia, with over fifty greyhound racetracks in use and millions of dollars in gambling revenue generated each year. In New South Wales alone, in 2012-2013 there was a 3.1 per cent increase in wagering from the previous year with over $1.035 billion being wagered.\(^1\) In addition to this, it is estimated in 2001 that over 20,500 greyhounds were bred in Australia, ranking it as the world’s third largest producer of racing dogs after the United States (32,000), and Ireland (23,000).\(^2\) As a result of the scope and economic impact of the industry, a number of legislative tools exist to assist in its administration and supposed promotion of animal welfare.

3 The Legal and Industry Framework
In NSW, the main legislation dealing with animal welfare is the *Prevention of Cruelty to Animals Act 1979* (NSW) (the “PCAA”). Under the act, any person in charge of an animal is responsible for meeting the legal obligations of that animal’s welfare.\(^3\) Ironically though, the *Greyhound Racing Act 2009* (NSW) (the “GRA”), makes reference to ‘welfare’ on only two occasions. Not in reference to animals though but to that of the greyhound racing industry in general,\(^4\) essentially delegating the responsibility of animal welfare to GRNSW. This organisation has been charged with providing strategic direction and leadership in the

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1 Annual Report, Greyhound Racing NSW (GRNSW) 2012-2013 at 6
3 Prevention of Cruelty to Animals Act 1979 (NSW) s 3
4 Greyhound Racing Act 2009 (NSW) ss 9(2)(c) and (12)(2)
development, integrity and welfare of greyhound racing in NSW. Its CEO, Brent Hogan, makes recognition of this by stating, “…GRNSW has set about launching numerous initiatives to ensure that the welfare of all animals is a primary consideration for all participants in the greyhound industry.”5 Sadly, the national jurisdictional body that represents the industry, Greyhounds Australasia, is less direct in its support of animal welfare stating that its function is to, “…provide its stakeholders with value-added services and industry practices that support industry integrity, maximise returns and ensures a sustainable future.”6

A Code of Practice has been developed for participants licensed by GRNSW involved in the industry with its overriding objective to, “…provide for the welfare of greyhounds by specifying the minimum standards of accommodation, management and care that are appropriate to the physical and behavioural needs of greyhounds.”7 It also highlights to participants that persons in charge of greyhounds have a legal liability under the law. However, these tools and objectives are only as good as the law’s application and in the sphere of animal protection this is no more evident than with the PCAA. It does prohibit certain acts that have traditionally been used in this industry that have a direct impact on the suffering and distress of animals, such as blooding or baiting in greyhound racing.8 However, specific measures for the welfare of greyhounds in racing is minimal with the only reference to the breed being in the prohibition of clitoridectomies being performed.9 Other provisions exist that protect dogs more generally, such as a ban on tail docking, cropping ears or operations that prevent a dog from barking.10 However, guilt of an offence can be avoided if the court is satisfied that the procedure comprising of the alleged offence was performed by a veterinary practitioner and was in the interests of the dog's welfare.11

Adding reasonable doubt that these tools adequately protect animals to any reasonable standard is the situation where the development of the industry Code of Practice is done so

5 see n1
7 Code Of Practice – Greyhounds In Training, Greyhound Racing NSW, April 2011 at 1
8 Blooding is when a live animal, usually a rabbit or hare, is used as a bait or lure for the purpose of training, baiting and racing of greyhounds. It is highly likely to cause the live animal to suffer serious pain, injury, distress and even death during the process. Non-animal devices and products must be used for training purposes. Live baiting in greyhound racing and other dog racing is illegal in Australia.
9 see n3 s 12(1)(f). A clitoridectomy is the surgical removal of the clitoris. The practice was performed on female greyhounds whose clitoris becomes hypertrophied from the chronic use of virilising anabolic steroids.
10 see n3 s 12
11 see n3 s 12(2A)
by bodies with significant economic interests in maintaining racing activities. Since July 2009, GRNSW has been responsible for the regulatory affairs of the sport. This broadening of responsibilities was the result of a government decision to transfer the greyhound division functions of the Greyhound and Harness Racing Regulatory Authority to GRNSW. The business structure of GRNSW covers both the commercial and regulatory responsibilities of the industry. Even the Chairman of GRNSW in 2010 publically recognised that, “…greyhound racing in NSW has been self regulated and totally free of government influence… the sport is now in total control of its own destiny.”12

4 Welfare Issues

With the mix of legislative tools and industry involvement, you could be forgiven for hoping that there is some hope that the welfare of greyhounds meets a satisfactory level. This viewpoint though is easily defeated with a number of sources exposing significant animal welfare issues facing the industry due to the high rates of euthanasia of healthy dogs.13 During an interview with the ABC Radio National program “The Quick and The Dead”, Brent Hogan, CEO of GRNSW, admitted that in NSW alone around 3,000 greyhounds bred for the racing industry are euthanised every year.14 Disturbingly, this figure does not take into account those pups reared but not registered with GRNSW for racing. The reliability of industry statistics is dubious as there is little information in the public domain covering reported welfare issues, and when it is available it is often obscure and unreliable to draw conclusive assumptions. Contributing to this doubt also, is the observation by Lewis J of the industry’s under-reporting that, “…the conclusion which can be drawn, is that 7,500 greyhounds are born (in Victoria), approximately only 1,000 will live a full life span.”15 Devastatingly, the reported cases of euthanasia by the industry includes healthy dogs that have been deemed too slow for competition, those being retired from racing, and others who were unfortunate enough to suffer an injury on the track.

As if the treatment of greyhounds in Australia isn’t shocking enough, driven by the potential for increased profits, the industry has sought out new export markets with surplus dogs often exported to countries throughout Asia, with China and South Korea reportedly receiving

12 Chasing 2020, Greyhound Racing NSW July 2010
14 Timothy McDonald, “The Quick and The Dead”, Background Briefing ABC Radio National 11 November 2012
regular shipments. The industry is hard pressed to resist the allure of these markets with some purchasers willing to pay up to $5000 for dogs considered "second hand" by Australian standards because they are a couple of seconds too slow to be competitive domestically. The subsequent welfare issues associated with the live export of greyhounds are comparable to those raised in relation to the live export of cattle. For all its weaknesses, Australian law still attempts to guard against, and has numerous penalties for those involved with the cruel disposal and inhumane treatment of animals as discussed earlier. This concern is not a feature shared globally and many of the countries that greyhounds are exported to lack substantive animal welfare regulations that generally deter acts of cruelty towards the animal. As a result of the public and political anger following the broadcasting of videos taken by animal rights activists of the brutal and unnecessarily painful handling of cattle for live export, the government initiated a ban on this market with Indonesia in 2011. Chinese animal welfare groups have urged Australia to implement a similar ban on the export of greyhounds after reports that 383 healthy greyhounds exported from Australia were culled at a Macau racetrack during the 2010-2011 year when their racing careers had come to an end. The issue is compounded by local track rules that restrict the adoption of dogs as pets and their possible return to Australia because of strict quarantine restrictions.

So while the range of legislative and industry tools goes some ways to protecting the welfare of greyhounds while they are in the racing fraternity, is the same level of welfare afforded to those lucky enough to survive it and leave? Immediate euthanasia is not always the first option considered by the industry when dealing with what it brands as ‘wastage’. Unfortunately for some greyhounds, their path will take them to the realms of medical testing and research. There are countless reports of greyhounds being used in medical research facilities, not only in Australia but also across the globe. In one reported case in the United States, over 2,500 greyhounds were donated for medical research to Colorado State University by the racing industry over a three-year period in 1995. A third of the dogs were

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16 see n2 at 19
18 see 17 at 678.
used in university teaching labs and discarded after use, while the remainder had no immediate use and were euthanised within 24 hours of their arrival at the facility.\textsuperscript{21}

Closer to home though, a published study by researchers at the University of Newcastle, used greyhounds that underwent invasive and distressing surgery without the use of general anaesthetic or sedatives.\textsuperscript{22} Particularly distressing was the treatment of the dogs after this initial procedure. Humane Research Australia as an advocate for the animals, revealed disturbing treatment that the dogs underwent after a brief recovery period which saw further surgical testing occur with research staff deliberately abstaining from administering any form of general anaesthetic or sedative. Essentially, the dogs were fully awake and aware of the surgery being conducted on them. At the conclusion of the study, the authors of the study did not confirm whether the dogs were euthanised. In all likelihood with an industrial and academic culture focused on profit and cost efficiencies, they might be used again or ultimately euthanised.

The law covering the use of animals in research is regulated in Australia by separate legislation in each state and territory, but all making reference to the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes Code.\textsuperscript{23} In NSW, the \textit{Animal Research Act 1995 (NSW)} and \textit{Animal Research Regulation 2010 (NSW)} are the main legislative tools that cover this field. While these tools prescribe a range of issues including what animals can be used, who can supply them and offences under the act, there is generally an acceptance of self-regulation for certain establishments through the utilisation of Animal Ethics Committees (AECs). The role of an AEC is to review and monitor all activities concerned with the breeding, supply and use of animals and to approve all animal research before it can continue.\textsuperscript{24}

In the study conducted by the University of Newcastle, the experiment was supported by a Project Grant from the National Health and Medical Research Council of Australia (NHMRC) and approved by the AEC of the university. Humane Research Australia questioned the decision made by the committee and the validity of the study conducted by the university,

\begin{itemize}
\item \textsuperscript{21} <http://forcechange.com/20829/stop-the-sale-of-retired-greyhounds-to-research-labs/> on 29 December 2013
\item \textsuperscript{22} <http://www.humaneresearch.org.au/case-studies/invasive-surgery-conducted-on-conscious-greyhounds> on 29 December
\item \textsuperscript{23} Anne Schillmoller & Amber Hall, Animal Law Study Guide, 2nd Ed, Southern Cross University, 2013 at 180
\item \textsuperscript{24} Animal Research Act 1985 (NSW) s 14
\end{itemize}
citing comments from a report into the decision by veterinarian Andre Menache, “...(that)
where such studies are funded by taxpayer money, there is a need for greater transparency
and accountability… if society does not condone using sentient animals in research that does
not lead to cures and if basic research is just that kind of research, then society does not
condone using sentient animals in basic research.”

For many discarded greyhounds though once identified as ‘waste’, their welfare becomes
secondary and often escapes any specific legislative protections. Many surplus greyhounds
see their final hours being drained of their blood and then euthanized.

Although the practice is justified by the industry using a utilitarian bravado of the practice assisting with the
treatment of other dogs, you can’t help think they wouldn’t be in that vulnerable position had
the industry sanctioned breeding programs not been in place. The practice generally sees
the surrendered greyhounds put under anaesthetic and then bled and finally euthanised while
under anesthetic. Interviews by ABC’s 7.30 with nurses involved in the practice, revealed
that when they struggled to get blood out, they’d give the dog adrenalin to obtain maximum
output. Not surprisingly, with an industry motivated by profit and cost efficiencies, the
practice was trumpeted as having enormous economic benefit to veterinarian clinics and the
racing industry, with the charge for a bag of blood being $150 as opposed to buying the same
product from a capital city blood bank costing upwards of $400.

Stepping into the mix and contributing to improving welfare outcomes for greyhounds are a
number of reputable adoption organisations that try to save as many retired dogs as they
can. In Australia, through a collective response of state racing bodies to increasing
community concern for the killing of greyhounds on their retirement from the industry, the
Greyhound Adoption Program (GAP) has been established. In NSW, GAP is a non-profit
organisation, incorporated with the NSW Department of Fair Trading, focussed on the welfare
of greyhounds. Its primary purpose is to educate the public on the benefits and care of
greyhounds as companion animals, and to find permanent homes for them.

Although the emergence of associations such as GAP is encouraging, these organisations focus on rescue

26 Sean Rubinsztein-Dunlop, “Unwanted greyhounds routinely drained of blood then euthanized”, 7.30, 8 November 2013
27 Greyhound Racing, People for the Ethical Treatment of Animals at <http://www.peta.org/issues/animals-in-entertainment/cruel-
sports/greyhound-racing/#ixzz2PcepU8I0> on 29 December 2013
rather than legal advocacy for greyhounds. The industry is a reluctant supporter of the adoption program recognising it as a ‘double edged sword’, because with increased public awareness of greyhounds the public is also asking the question of what happens to the dogs after they finish racing.29

5 Reform Initiatives

So in seeking to answer the question initially posed in this piece of whether an adequate level of welfare is being provided to greyhounds, I think it’s useful to look to the response other jurisdictions have taken in addressing this issue. In the United States, seven states have stopped racing and 38 have banned it entirely. 30 If democracies that we share a common sense of duty to protect the vulnerable with can stop the industry, then surely it is time for our society to also recognise that breeding dogs for the purposes of sport, so that we can race, have a wager and then kill them, is not showing the level of compassion our society is capable of. With the combination of vague legislation and industry groups such as GRNSW playing the dominant role in establishing Codes of Practice that see economic interests promoted over the welfare of its most important constituent, the greyhound, then the level of welfare achieved will be sadly and horrifically inadequate. However, with greyhounds being universally recognised as gentle, quiet, and friendly, it is comforting to know that some steps are being taken to better welfare outcomes through reputable adoption groups, volunteers, and those willing to adopt in saving as many retired greyhounds as they can.

30 "Put an End to Greyhound Racing", Animals Australia at <http://www.animalsaustralia.org/media/opinion.php?op=325> on 29 December 2013
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