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Agriculture and Environment Committee

Sent by email: aec@parliament.qld.gov.au

Racing Integrity Bill 2015

Submission on behalf of Animal Liberation Queensland

Thank you for the opportunity to provide a submission on the *Racing Integrity Bill 2015* ('the Bill'). The Bill has been developed in response to recommendations 1-3 of the Queensland Greyhound Racing Industry Commission of Inquiry ('the Inquiry'). The Bill represents the first in a tranche of Government responses to the widespread issues within the Greyhound Racing Industry ('the Industry') in this State. This process is being mirrored in both New South Wales and Victoria, and Animal Liberation Queensland ('ALQ') encourages all States to work together to achieve a better outcome for greyhounds. This provides a vital opportunity for National Reform, which we acknowledge is outside the scope of this Bill.

While ALQ welcomes the Government's attempts to better regulate the Industry, we believe there is much more that can be done and look forward to working with the Government to ensure this happens. In particular, we would welcome the opportunity to speak with the Committee on Wednesday 17th February 2016 during the public hearing.

ALQ is an independent animal advocacy organisation founded in 1979. ALQ is a not-for-profit organisation in the state of Queensland and a registered charity. ALQ campaigns on a broad range of animal protection issues and represents the interests of all animals. ALQ investigated and exposed the cruel and illegal practice of live baiting in the greyhound racing industry in Queensland, as seen on 4 Corners in February 2015. More information is available at www.alq.org.au.

Greyhound Racing in Australia

At the outset, we must emphasise our position that greyhound racing should be banned. Australia is only 1 of 8 countries around the world which continues the practice of Greyhound racing.¹ It is our view, that where an industry uses an animal for profit, it is the profit which becomes the paramount consideration for the industry – not the welfare of the animal. Investigations undertaken by Animals Australia and ALQ, which were aired on the ABC's 4 Corners on 16th February 2015, showed overwhelming evidence of widespread cruelty and illegal practices operating within the Industry. While the Queensland Government immediately called for a Commission of Inquiry into the Industry, it is naïve to think this legislative change will put an end to the cruel practices in evidence. Until the welfare of the animals in the Industry are put

¹ Animals Australia, *Greyhound Racing* <<http://www.animalsaustralia.org/issues/greyhound-racing.php>>.

first, profit will drive practice and will ultimately continue to drive widespread cruelty. As such, the only solution to the continued cruelty is to follow other jurisdictions around the world and ban the industry altogether.

It is estimated 20,000 Greyhounds are bred by the Industry per annum in Australia, with approximately 9 in 10 or 18,000 dogs killed per year. This death toll stems from the Industry deeming some dogs to be unsuitable for racing and dogs who are retired from the industry for being slow. Further, approximately 200 dogs have track related injuries per week and it estimated an average of 5 dogs are killed per week as a result of those injuries.² While the Industry does have a Greyhound Adoption Program, they rehome a tokenistic 1,000 dogs on average around Australia per year.³ With their careers ending at the age of 3-5, many greyhounds are killed as “wastage” without an opportunity to live like a normal dog. Greyhounds are considered as working animals, and are therefore not offered the same protections as companion animals.⁴

While we maintain the position that greyhound racing should be banned, we offer the following comments on the Bill itself.

Animal welfare concerns

It is commendable that the Queensland Government has turned its attention to implementing the first 3 recommendations of the Commission of Inquiry’s report. During the explanatory speech the Honourable WS Byrne commented that the Bill was to ‘safeguard the welfare of the animals’.⁵ In closing however, he made it clear ‘the Bill will not increase the current requirements placed on industry participants’.⁶ For a Bill which is said to be centred around the welfare of the animals we put it to the Committee that protecting the industry from a potential increase of regulatory burden should not be a primary consideration.

The overarching concern that this Bill is not doing enough to appropriately regulate and hold to account the Industry is further exacerbated upon reading the provisions. We provide three such examples here:

- Clause 68: Refers to an application for a licence. We refer to s 68(3)(b)(i)-(iii) and s 68(3)(c) which refer to what a standard for a licensing scheme should consider. This provision states:

“(b) The application cannot be granted if an executive officer of the applicant has a conviction for any of the following, other than a spent conviction—

- (i) an offence against this Act, the Racing Act or the repealed Racing and Betting Act 1980;*
- (ii) an indictable offence, or a summary offence that involved dishonesty, fraud, stealing or unlawful betting, under any other Act or repealed Act;*
- (iii) an offence against a law of another State, that is prescribed by regulation as a law about racing or betting;*

² Animals Australia, *Greyhound Racing* <<http://www.animalsaustralia.org/issues/greyhound-racing.php>>.

³ Ibid.

⁴ Animal Liberation Queensland, *Greyhound Racing* <<http://alq.org.au/greyhound-racing>>.

⁵ Queensland Parliament, *Racing Integrity Bill – Explanatory Speech* <<http://www.parliament.qld.gov.au/documents/committees/AEC/2015/07-RacingIntegBill2015/07-trns-exsp03Dec2015.pdf>>, 3202.

⁶ Ibid, 3204.

(c) *the extent to which the commission must have regard to another conviction stated on the national police certificate other than a conviction mentioned in paragraph (b)."*

The clause then goes on to state the Commissioner may give consideration to any other conviction. As this provision relates to a licence for an animal within the Industry, we propose the insertion of a s 68(3)(b)(iv) which states if an animal cruelty offence is found on the National police check it will also result in a mandatory refusal of a licence.

- Clause 74: this provision deals with the immediate suspension of a licenced club's licence. We point the Committee to s 74(1)(b)(i)-(ii), which states:

"(b) the circumstances are so extraordinary that it is imperative to suspend the licence immediately to ensure—
(i) the public interest is not affected in an adverse and material way; or
(ii) the conduct of racing by the club is not jeopardised in a material way".

Again, if the Bill has been developed to reduce the risk of animal cruelty within the Industry, ALQ proposes a third requirement for immediate suspension being evidence of animal cruelty. It is insufficient to rely on a public interest clause to include animal cruelty.

- Clause 75: this provision relates to censuring a club, rather than demanding they rectify an issue or are suspended. ALQ questions the intent of this provision, as it appears to provide for an opportunity for the Industry to not follow the requirements and simultaneously not be punished.

These illustrations serve to provide evidence that the Bill has been drafted without full consideration of the potential and actual animal welfare concerns evidenced within the Industry and ALQ seeks consideration of the amendments proposed in this submission.

Funding

We refer the committee to Clause 56 of the Bill, which proposes the 'cost of the performance of the commission's functions is to be funded mainly by the control bodies'⁷ and 'the chief executive must... give the control body an invoice for the amount'⁸. ALQ has grave concerns about the independence of a body under this funding arrangement. A central argument for reform of the Industry is to create an independent statutory body in the form of the proposed Commission, which has core responsibilities for oversight and regulating the Industry. With a large percentage of the Commission's funding coming from the Control Bodies it seeks to regulate and allowing the commission to directly invoice for a set amount goes against the desire to establish differentiation and integrity within the system. While ALQ does not advocate for the general public to be covering the costs of a Commission which regulates a private industry, we do believe there should be a level of neutrality between the Commission and the Industry in which is it set to regulate. As such, ALQ recommends the control bodies pay general dues to the Government at an amount set by an independent party, such as Queensland Treasury. This funding should go into a general pool and the Commission adequately funded from that. The Commission should not be in a position where the control bodies can leverage control by using their payment or

⁷ *Racing Integrity Bill 2015 (QLD)* s 56(1).

⁸ *Ibid* s 56(2)(b).

non-payment of fees as a bargaining tool. We believe the provision as it stands nullifies the purpose of the amendments and moves the Commission back into a mode of self-regulation.

Whilst not directly related to funding, a similar issue arises in regards to the appointment of the Commissioner. Clause 18 sets out the requirements for persons eligible to be a commissioner or deputy commissioner and states the person 'is not, and has not been in the previous 2 years, a member or employee of a control body'⁹ and 'is not, and has not been in the previous 2 years, an executive office of a corporation that is an approved control body'.¹⁰ ALQ believes this period of time is insufficient to adequately remove an individual from undue influence of members of the Industry and proposes a longer time frame or a separation from the industry in its entirety.

Compliance

The Bill is heavily weighted towards compliance and regulatory action, which ALQ wholeheartedly supports. We note however there is insufficient information about how compliance would be paid for, except for industry dues covering the costs of the Commission's office as noted above. As such, ALQ wishes to note that while an increased focus on compliance is valid and commendable, without appropriate and unbiased resourcing it will not work. More information is therefore needed about how the deliverables in this Bill will ultimately be actioned.

Animal Care and Protection Act

ALQ supports the Government's move to include strong penalty unit provisions within the Bill and the increased sharing of information between the police and authorised officers. These amendments are a positive step to reducing the burdens on enforcement agencies and will see a greater sharing of information.¹¹ We also endorse the provisions relating to warrants in remote places, to allow for a more streamlined and rapid response to alleged breaches. Additionally, the use of 'is about to commit' in clause 213 is welcomed, to enable a more proactive rather than reactive approach to animal welfare concerns.

However, we express our concern over clause 308, which seeks to amend s 7 of the *Animal Care and Protection Act 2001* (QLD) ('ACPA'). This provision in ACPA states for the listed Acts, the ACPA does not apply to 'a person who lawfully does an act, or makes an omission, authorised under an Act mentioned in subsection (1) that would, apart from this subsection, constitute an offence under this Act, is taken not to commit the offence by reason only of doing the act or making the omission'.¹² Currently the only two Acts listed in subsection (1) are the *Fisheries Act 1994* and the *Racing Act 2002*. For streamlining purposes, it would be expected the *Racing Integrity Bill 2015* would be listed in this provision – which clause 308 does. However, we note provisions such as clause 36 which allows self-incrimination as a defence for failing to give information or documents for investigation. These provisions make it difficult for authorised officers and enforcement agencies to adequately investigate alleged offences. The *Racing Act 2002* has failed greyhounds; as such the *Racing Integrity Bill 2015* should work with the ACPA and not provide reasons to sidestep its provisions.

⁹ *Racing Integrity Bill 2015* (QLD) s 18(b).

¹⁰ *Ibid* s 18(c).

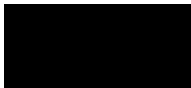
¹¹ See *Racing Integrity Bill 2015* (QLD) ss 282-283.

¹² *Animal Care and Protection Act 2001* (QLD) s 7(2).

In addition, while the penalty unit provisions in the Bill are welcomed, the Bill only introduces two new indictable offences, and these are relating to gambling offences rather than animal welfare provisions.¹³ Again, we ask the Committee to review the original intent of these changes and ensure it is the animals who are being protected and not the Industry.

Thank you for considering these views. Again, ALQ would welcome the opportunity to further represent these views at the Committee hearing on Wednesday 17th February 2016. If you require further information in the interim, please do not hesitate to contact the undersigned.

Yours faithfully



Chay Neal
President
Animal Liberation Queensland

¹³ Ss242 and 244