



2015 Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria

Final Report

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RACING INTEGRITY COMMISSIONER

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EXECUTIVE SUMMARY

Introduction

Live baiting, also referred to as ‘bleeding’, is a practice considered advantageous by some industry participants because of the belief that it enhances the racing performance of Greyhounds. The practice is illegal in Victoria under the *Prevention of Cruelty to Animals Act 1986* (Vic) (‘POCTA Act’). The Rules of Racing made or adopted by Greyhound Racing Victoria (‘GRV’) also prohibit the use of live baiting in Greyhound racing in Victoria.

On Monday 16 February 2015, the ABC’s ‘Four Corners’ program aired an exposé entitled “Making a Killing”. This program featured footage, obtained covertly, of live animals being used as bait to train Greyhounds in Queensland, New South Wales and Victoria, including alleged instances of live baiting at a Greyhound ‘trial track’ at Tooradin, a small township approximately 57 kilometres south east of Melbourne.

The program included allegations of possible corruption and high-level ‘cover up’ of animal cruelty matters by GRV, the body responsible for the control of the sport of Greyhound racing in Victoria.

Own Motion Inquiry

One of my functions under the *Racing Act 1958* (Vic) (‘the Act’) is to conduct ‘own motion inquiries’ that do not relate to any specific complaint and may include an investigation into systemic issues in racing.

On Tuesday 17 February 2015, I announced the commencement of this Own Motion Inquiry (‘Inquiry’). While animal welfare generally falls outside of my jurisdiction, in the present context, I considered allegations of live baiting in Victoria to be sufficiently related to the integrity of racing to warrant the Inquiry. I came to this conclusion as allegations or questions were raised in respect of:

- potential criminal offences (cruelty to animals);
- live baiting possibly occurring on a systemic basis;
- erosion of public confidence in the Greyhound racing industry specifically and the Victorian Racing Industry ('VRI') generally; and
- GRV officials either covering up or being complicit in this unlawful practice.

My aim in conducting this Inquiry was to identify whether the practice of live baiting was isolated or systemic; whether those in charge at GRV knew, or should have known, of the occurrence of live baiting; whether there was any evidence of alleged corruption or 'cover up' by GRV officials; if governance controls in GRV were adequate; and whether the Rules of Racing adequately addressed welfare issues.

At the request of the Minister for Racing, the Honourable Martin Pakula MP ('Minister'), I provided his office with an Interim Own Motion Inquiry Report ('Interim Report') on Tuesday 10 March 2015. A media statement outlining my interim findings and recommendations to that date was released by my office the following day (**Attachment B**). I have elaborated on, expanded and, where appropriate, amended those interim findings and recommendations in this report ('Final Report').

The Final Report is based on information obtained throughout the duration of this Inquiry, which was conducted over a period of approximately three months and concluded on Tuesday 5 May 2015.

Methodology

As part of the methodology in conducting the Inquiry I extended a public invitation to any person with any information about live baiting practices to come forward; conducted interviews with racing industry participants, including current and former trainers and owners, veterinary surgeons and current or former members of staff and the GRV Board; analysed all relevant information and intelligence received or sourced by my office; researched the

practice of live baiting; monitored national and international developments; and consulted with stakeholders including members of the general public, government agencies, animal welfare bodies, law enforcement, interstate review teams undertaking similar inquiries in their respective jurisdictions and Greyhound industry bodies.

I also exercised my powers under section 37BA of the Act to compel a total of 29 persons to attend examinations before me and produce documents. Examinees included senior GRV management and staff, members of the GRV Board as it was immediately prior to 23 February 2015 ('Former GRV Board') and industry participants suspended by GRV due to allegations of their involvement in live baiting of Greyhounds.

In order to conduct the Inquiry in a timely manner, while avoiding prejudicing or otherwise interfering with other ongoing criminal and disciplinary investigations in various jurisdictions, I have used my coercive powers to examine persons suspended by GRV to 5 May 2015, however I did not question those persons about the alleged incidents at the Tooradin Trial Track. Accordingly, I have kept my analysis of attitudes high level and general in nature.

Key events

A comprehensive timeline is set out in the body of this report, with key events summarised herein.

In 2009 Greyhound trainer Maxwell Auld was charged by GRV for the 'use of live bait' and was disqualified for 12 months, which was reduced to nine months following appeal.

In the same year, the then GRV Board directed that only cured skins and synthetic material could be used on lure arms at GRV trial tracks.

Between 2009 and 2015, GRV staff maintained a regime of inspecting all GRV registered properties in Victoria, including trial tracks. Until August 2014, trial track inspections were predominantly conducted by GRV Stewards, after which time they were officially undertaken by GRV welfare compliance and education officers ('Welfare Officers').

In July 2014 GRV introduced the Animal Welfare Penalty Guidelines (effective 1 July 2014) ('Welfare Penalty Guidelines') and the GRV CEO released an open letter on the GRV website that included the statement that GRV had "no tolerance to the use of live animals for the training of Greyhounds, in any circumstance."

In early August 2014, GRV found a shed at a property which contained live rabbits not stored in cages (known as a 'rabbit room'). GRV did not report this discovery to the RSPCA Victoria for potential breaches of the POCTA Act at that time.

On Wednesday 13 August 2014, GRV advised participants by way of letter that live animals of any species that could be considered a potential lure or bait should not be housed at a Greyhound training facility – whether it be a private property or a trial track – to "prevent any confusion" in relation to the POCTA Act.

In December 2014, GRV Welfare Officers visited a registered trial track and issued a verbal warning to the track owner when they discovered a dead rabbit on a lure arm that had not been gutted.

In mid January 2015, Welfare Officers visited another property where a rabbit room had previously been located in August 2014. GRV reported the discovery to RSPCA Victoria for potential breaches of the POCTA Act. RSPCA Victoria subsequently attended the property in the company of GRV staff, but no live rabbits were located.

On Friday 23 January 2015, GRV staff undertook inspections at a number of registered trial tracks in Victoria. GRV staff warned those present that rabbits used on lure arms should be dead, gutted and frozen to avoid any potential perception that live baiting was occurring.

In January 2015, GRV also made contact with the ABC program 'Four Corners', which advised GRV that it intended to air a program regarding animal cruelty in Greyhound racing in states across the country.

GRV requested the ABC provide footage/photographic evidence of any Victorian Greyhound trainer using an illegal method to allow GRV to investigate the allegations, advising the ABC of their 'zero tolerance' towards illegal or improper training practices.

In response, on Monday 26 January 2015, the ABC advised GRV that it "had nothing described that would be appropriate for GRV to investigate" and would be in touch to discuss filming possibilities "for our program on the welfare of Greyhounds and the racing industry".

On Wednesday 11 February 2015, simultaneous warrants were executed in Queensland, New South Wales and Victoria. In this State, officers of Victoria Police and RSPCA Victoria conducted a search of a trial track in Tooradin.

On Friday 13 February 2015, the RSPCA Victoria advised my office that the 'Four Corners' program would soon go to air and include allegations of possible corruption and high-level 'cover up' at GRV of animal cruelty matters.

On the same day, my office received an official complaint from Animals Australia Inc., including footage allegedly taken covertly at a trial track in Tooradin. The complaint also included issues surrounding the integrity processes and systems of GRV and allegations that live baiting in the Greyhound industry was "...entrenched, systemic and accepted by trainers".

I referred the complaint and footage as a matter of urgency to both GRV and Victoria Police on the same day, in accordance with my function of referring complaints to relevant bodies.

At a special meeting of the Former GRV Board on the afternoon of Friday 13 February 2015, it resolved to immediately suspend 10 registered persons in Victoria. The registration of a trial track at Tooradin was also suspended on the same day.

On Monday 16 February 2015, the Minister and the Minister for Agriculture, the Honourable Jaala Pulford MLC, announced a cross-government investigation into the live baiting matter. This included an independent investigation by myself and a separate independent investigation by the Victorian Chief Veterinary Officer. That same night, the ABC's 'Four Corners' program aired its expose "Making a Killing".

Analysis – legal framework

In my view, the existing legal framework in which the Victorian Greyhound industry operates can, at times, be complex, overlapping and confusing.

An analysis of the legal framework relevant to the Greyhound racing industry is set out in the body of this report and informs my recommendations. Briefly, I note that:

- there is no formal legal relationship between the POCTA Act and the Rules of Racing. Accordingly, registered persons found by a court to be in breach of this provision of the POCTA Act are not necessarily in breach of the Rules of Racing or vice-versa;
- there does not appear to be any requirement in GRV's Local Rules that makes it a legal requirement for GRV to notify law enforcement agencies of a suspected breach of the laws those agencies enforce, such as the POCTA Act;

- live baiting and blooding of Greyhounds is considered in GRV's Welfare Penalty Guidelines, with disqualification for 10 years from the date of penalty imposed being the current recommended penalty;
- under the Act, there is currently no requirement that the GRV Board include a member with welfare experience;
- there is no overarching national regulatory body or legislative scheme governing Greyhound racing throughout Australia; and
- under the Act, I do not have the power to compel unlicensed or unregistered persons or former employees or Board members of the controlling bodies.

Analysis - Allegations of corruption/knowledge within GRV

I found no evidence to substantiate allegations that GRV staff were involved in any level of corruption, whether 'tip offs', 'leaks' or warnings to industry participants allegedly involved in live baiting.

I acknowledge that many within the Greyhound industry have a perception that some GRV staff with family or personal connections with industry participants, should have known of the issue of live baiting, especially in light of these connections.

One of the allegations levelled during my Inquiry was that when a Steward penalises a trainer or Greyhound for failure to chase, a regular comment was passed by the Stewards to that trainer to the effect of "you know what to do" thus insinuating that the trainer should provide the Greyhound with a 'live kill' to improve its performance in races.

This was put forward to me as evidence that the Stewards not only knew about the practice, but encouraged it when a Greyhound was under-performing. I found no evidence to support the allegation.

The GRV Board and senior management had taken steps to engage with the industry in respect to industry and strategic plans, including conducting a survey of industry participants in 2014 in which only one mention of live baiting was made in over 600 responses.

Of note was that various parts of the industry actively supported the use of certain types of lures e.g. 'Run On', 'Finish On' (FOL) or 'Hoop' lures as a basis for the argument that these lures negate the perceived advantage afforded by live baiting. I consider this indicates that live baiting is a known and ongoing issue in Greyhound racing.

For a number of years, the Greyhound Owners Trainers and Breeders Association ('GOTBA') and racing participants with GRV have raised the use of alternative lures.

More recently the issue of introducing a "Ranger" position was suggested by two reputable industry participants to GRV to improve the regulatory environment with a focus on education and awareness. Indications are that the proposers included in their discussions with the Former GRV Board Chairman and the current GRV Chief Executive Officer ('CEO'), concerns about the practice of live baiting.

I have no reason to doubt the credibility of this information. Whilst they did not provide any detail or information to GRV regarding any specific instances of live baiting, it is reasonable to suggest that the issue has been raised by industry participants with GRV.

Analysis - Powers, training and knowledge of GRV staff

Stewards and Welfare Officers are part of GRV's 'Integrity Racing and Welfare' department ('Integrity Department'). However, they are subject to different reporting lines, with Stewards reporting to the Chief Steward and Welfare Officers reporting to the Greyhound Welfare Manager (see **Attachment A**).

There is also a distinction between the powers held by Welfare Officers and the powers of Stewards. While both positions have the power to enter and inspect registered persons' properties, Stewards have additional enforcement powers and the ability to impose pecuniary penalties.

Welfare Officers do not conduct investigations relating to breaches of the Rules of Racing, but instead report suspected breaches to the Stewards, and subsequently become witnesses in Stewards' investigations.

The focus of the Welfare Officers is to inspect registered properties for Greyhound welfare issues which, if appropriately conducted, have the potential of identifying the practice of live baiting.

Through my Inquiry, there appear to be several reasons that live baiting was not detected by Welfare Officers, who are currently charged with the role of conducting trial track inspections, being:

- lack of legislative powers of inspection (i.e. restricted hours) and industry status (lack of respect);
- lack of training of integrity-related staff in relation to live baiting and identifying potential signs of live baiting; and
- lack of Greyhound industry knowledge by Welfare Officers.

The emphasis was on the education and awareness components of their role, with one Welfare Officer describing a direction from GRV management to take a "softly softly" approach towards participants who are not acting in compliance with the relevant rules.

The GRV CEO's general view was that the "softly softly" approach only applied to welfare issues such as compliance with mesh and kennel size, but not in relation to live baiting.

Analysis - GRV approach to welfare generally

There was, and still is, no centralised case management system or intelligence database maintained by GRV to record welfare and integrity information. Without a central repository, intelligence gained by the different arms of GRV (i.e. Stewards and Welfare Officers) cannot be easily accessed, retrieved or analysed. Knowledge therefore stays with the person who obtained it and is not readily available to others.

The reporting lines within the Integrity Department were sometimes blurred. For example, Welfare Officers sometimes appear to have been subject to the direction of both the Chief Steward and the Greyhound Welfare Manager.

It was also apparent that most persons consulted with during this Inquiry held concerns regarding the broader aspects of Greyhound welfare i.e. the lack of governance over the lifecycle of a Greyhound and the issue of culling. I will refer to this later in the report.

Analysis - GRV policies and procedures

Prior to the 'Four Corners' program, GRV had two approaches in relation to the use of dead animals as a lure:

- a direction prohibiting the use of dead animals as a lure at GRV registered racetracks, which was supported by signage but not a written policy; and
- a practice that dead animal carcasses could be used in the training of a Greyhound, which doesn't appear to be supported by a written policy.

In relation to the latter point, there appears to be a lack of a clarity, consistent approach and advice by GRV staff in respect of the manner in which a dead animal carcass could be used in Greyhound training. The use of an intact animal carcass was accepted by some, while other GRV staff gave conflicting advice suggesting that an animal carcass must be appropriately gutted, and in

some cases frozen, to remove any doubt that the animal was alive at the time it was placed on a lure.

Documentation regarding these approaches is not available on the GRV website.

The policies, procedures and approaches by GRV in regards to the prevention, detection, enforcement of live baiting was in proportion to the assessed risk i.e. whilst the practice of live baiting had historical and cultural relevance within the industry, it was not on GRV's 'radar'.

Analysis of consultation

Information from discussions with a number of GRV officials (current and former), participants, stakeholders and a variety of bodies resulted in the following consensus of beliefs that are held by others:

- whilst it is possible that the GRV Board or senior management had no evidence of live baiting occurring at any particular property, they either knew, or should have known, that live baiting was occurring;
- live baiting is an acceptable historical and cultural practice in Greyhound racing, which is continued today by some participants;
- the Greyhound racing industry is insular, with a lack of trust by participants in GRV and a culture that does not accept 'whistleblowing';
- conflicts of interest exist with key GRV staff, particularly those with accountabilities for integrity-related functions, due to their family and personal connections in the industry;
- there is an acceptance that the use of freshly killed animals was common practice; rabbits are considered vermin and farmers have an 'obligation' to eradicate them; there is nothing inhumane about breaking a rabbit's neck and then using it on a lure to incentivise a Greyhound to chase;

- there is a current belief amongst some industry participants that live baiting is a tactic used to improve the performance of a Greyhound (in spite of lack of scientific proof);
- live baiting is generally used either during the breaking in / education process of a Greyhound and/or to address performance or lack of performance;
- Greyhound pups are generally reared at farms and other large properties where wild rabbits also exist and the pups will chase, and occasionally kill a rabbit. There is no regulatory framework that will prevent or detect this activity or participants from releasing a rabbit into a paddock for a Greyhound pup to chase and kill; and
- there is a lack of GRV Board members with Greyhound knowledge and/or industry experience

Final findings

Q1. Is live baiting an isolated or a systemic issue in Victoria?

The weight of information received to date from industry participants indicates live baiting continued to occur (at a minimum, up to the time of the 'Four Corners' program) as a clandestine method used by some Greyhound trainers and 'breakers' as a means of educating, breaking in, training and/or improving the performance of Greyhounds for racing.

There is no direct evidence as to how regular and widespread the practice of live baiting is/was. Accordingly, while I cannot make a finding of fact that live baiting has been occurring on a systemic basis, I am confident in my view that the practice is unlikely to be confined to one property or one group of participants in Victoria.

The overwhelming circumstantial evidence indicates that live baiting has been an ongoing practice used at various stages in Greyhound racing.

To be clear, I am not in receipt of any one piece of information that proves live baiting is occurring, either in a specific instance or as a general practice, excluding matters currently under investigation by other bodies. However, taken as a collective, I am satisfied the information received by my office during the course of this Inquiry indicates that live baiting is well-known and occurs within the Greyhound racing industry in Victoria.

Q2. Did those in charge at GRV know live baiting was occurring in Victoria?

It is clear that GRV and the Former GRV Board had not identified animal welfare issues, other than that of Greyhound welfare, as a current or ongoing risk.

Whilst the historical practice of live baiting is well known within the industry and GRV, I am not convinced that GRV considered it to be anything but isolated and therefore the issue, or the risk of it occurring, was afforded only minimal attention.

It is evident the Former GRV Board and CEO had a strong focus on Greyhound welfare, as demonstrated by welfare initiatives such as the Welfare Penalty Guidelines and the Greyhound Adoption Program ('GAP'). However, it is the welfare of the Greyhound itself that seems to be central to the majority of these initiatives, not the welfare of other animals..

GRV staff denied any specific knowledge of instances of live baiting occurring (other than those under current investigation) and all denied knowledge that it was a systemic issue. I have no evidence to the contrary and accept this to be the case.

All Former GRV Board members denied knowledge of instances of live baiting occurring in Victoria. I have no evidence to the contrary and accept this to be the case.

A number of GRV senior management and staff with responsibilities for integrity and welfare have close connections with industry participants. These connections include immediate family members who are currently registered persons. Whilst there is a widely held perception within the Greyhound industry amongst participants that those staff act to the advantage of their connections, I have found no evidence to substantiate these perceptions.

It is also understandable that a general perception exists that certain individuals within GRV staff knew of the practice of live baiting by virtue of their connections with industry participants, but there is no evidence to date to support this.

In conclusion, I accept that GRV staff and the Former GRV Board knew of the largely historical practice of live baiting. However, I do not believe this knowledge extended to a belief or understanding that live baiting was an ongoing concern within the Greyhound racing industry.

Q3. Should those in charge at GRV have known of the occurrence of live baiting in Victoria?

The GRV Board, CEO, senior management and staff with accountability for integrity and animal welfare accept that the perception is that they should have known about the practice of live baiting occurring in Victoria.

Regular inspections of (the then six) trial tracks by a dedicated Steward commenced in 2009 and approximately 77 inspections occurred until 2014. During this period, the Tooradin Trial Track was inspected on approximately 11 occasions.

A dedicated Welfare Officer officially took over these responsibilities in 2014 and inspected the Tooradin Trial Track approximately a further five times up to February 2015.

Recent inspections of various properties indicate that the practice of live baiting was possibly occurring at these locations. Had this information been appropriately investigated and managed by GRV integrity staff (including referrals to other agencies) it is conceivable that the practice of live baiting may have been detected by the organisation.

In my view, Welfare Officers should not have been given the task of undertaking inspections of trial tracks without the same powers, training and industry knowledge of experienced Stewards, who previously undertook this role.

Additionally, both Stewards and Welfare Officers were limited by the operation of the Act, which provides that they may only inspect premises at any “reasonable hour” (ie during daylight hours on a weekday).

I consider that if GRV had:

- had the trust of industry participants with knowledge of ongoing live baiting and who were willing to report instances of live baiting to GRV;
- provided appropriate training to Welfare Officers, including imparting industry knowledge;
- appointed Welfare Officers as Stewards and, therefore, conferred on them broader powers, including the power to investigate/enforce; and
- appropriate legislative powers, including those to enter properties at any time,

GRV would have increased its capability and the likelihood of it detecting the ongoing practice of live baiting.

Q4. Were the governance controls in place in GRV adequate?

GRV underwent significant change in 2012 with the appointment of a new Board and CEO.

In 2014, the GRV Strategic Plan identified Greyhound welfare as its first strategic competency.

I find that welfare and integrity related issues are often interrelated. When Welfare Officers were assigned responsibility for trial track inspections, it became apparent that a cross-over in reporting lines between Stewards and Welfare Officers would eventuate. No apparent governance controls appear to have been implemented by GRV to facilitate this change in responsibility.

Whilst there were some governance controls in place, in hindsight, it is clear they were not effective in identifying the practice of live baiting.

Q5. Is there is any evidence of alleged corruption or cover up by GRV officials?

I am not in receipt of any evidence of GRV staff 'covering up', or being complicit in live baiting or acting corruptly.

However, industry participants raised conflicts of interest concerns due to GRV staff who are responsible for 'policing' due to their personal and family connections with industry participants. My view is that this results in distrust of GRV staff by industry participants, and is a factor in the reticence of participants to come forward (and report issues such as live baiting) and is the cause of complaints regarding favourable treatment of registered persons with GRV connections.

I am of the view that until such time that the GRV Board addresses this issue, industry confidence in GRV will be affected.

Q6. Are welfare issues adequately addressed in the Rules of Racing/GRV policies?

In 2009 GRV, or the Board at the time, directed that only cured skins and synthetic material be used on the lure arms at race tracks. Signage was placed at race tracks advising of same.

While my office was able to locate media statements referring to this direction, no written policy in relation to this directive appears to exist. There is also no central repository for GRV Board directions or policies to confirm this.

Additionally, I consider that animal welfare-related issues are significant enough to warrant inclusion in the Rules of Racing and should not be relegated only to directions or policies.

Final recommendations

My Interim Report set out six recommendations. These have been supported by a full investigation and have been endorsed in this Final Report, with amendments made as necessary. I have also provided commentary regarding GRV's response to the recommendations in the body of this report.

I have also made a further 12 recommendations based on the additional information gleaned since the Interim Report.

Recommendation 1: Powers of integrity-related GRV staff *(Previous Interim Recommendation)*

That GRV's Animal Welfare Compliance and Education Officers and Investigators be designated as Stewards for the purposes of the Rules of Racing and legislative and rule changes occur to increase and clarify their powers of entry and inspection.

Recommendation 2: Governance and controls over Greyhound training, participants and properties *(Previous Interim Recommendation)*

That GRV introduce a regulatory framework for all premises and persons involved in the rearing, education, breaking in and training of Greyhounds.

Recommendation 3: Review and trial of use of alternative lures *(Previous Interim Recommendation)*

That GRV undertake a comprehensive review and trial of alternative methods to assist Greyhounds to consistently chase the lure and perform at their best e.g. 'run on' and 'hoop' lures.

Recommendation 4: Commit to a ban on all animals as lures (*Previous Interim Recommendation*)

That GRV commit to the Board resolution of 17 February 2015 by amending the Rules of Racing so only lures made of synthetic or artificial materials can be used in the training of Greyhounds at all registered properties.

Recommendation 5: Restrict transfer of a Greyhound from a disqualified or suspended person (*Previous Interim Recommendation*)

That GRV introduce requirements that:

- a) all trainers that are subject of a suspension or disqualification, must obtain prior approval from the Chief Steward or his/her delegate before being permitted to transfer their Greyhounds to another registered person;*
- b) to prohibit the transfer of Greyhounds from a suspended or disqualified person to a relative, spouse or legally defined partner; and*
- c) that any suspension of a registered person also apply to that person's property and/or properties.*

Recommendation 6: Stakeholder engagement with animal welfare groups (*Previous Interim Recommendation*)

That GRV initiate formalised agreements/ Memoranda of Understanding with relevant animal welfare groups. Such agreements to include arrangements for the exchange of information and immediate reporting of alleged and suspected animal cruelty related issues in the Greyhound industry to relevant authorities.

GRV may also consider working together with relevant animal welfare groups to develop an education campaign for the benefit of the industry and the public in relation to raising awareness of animal cruelty issues.

Recommendation 7: Appointment of a dedicated Law Enforcement Liaison Officer *(New recommendation)*

That GRV nominate an appropriately trained and qualified dedicated Law Enforcement Liaison Officer to liaise with relevant law enforcement agencies (e.g. Victoria Police, RSPCA) on a regular basis and identify inter-agency training opportunities, particularly in relation to compliance with, and enforcement of, areas of shared or overlapping concern.

Recommendation 8: Welfare training *(New Recommendation)*

That GRV introduce structured, comprehensive training to staff who conduct property inspections or who are otherwise involved in the welfare of Greyhounds generally, including Stewards, welfare officers and other members of the Integrity Department.

Recommendation 9: Amend Local Rules to incorporate reciprocal cruelty breaches and monetary units *(New Recommendation)*

That GRV review and amend the Local Rules, where relevant, to address the following issues:

- a) while GRV retains the discretion to suspend, disqualify or warn off registered participants at any time, that a breach of section 13 of the POCTA Act (and any other relevant provision) is automatically considered to be a breach of the Rules of Racing; and*
- b) that penalties are, and seen to be, of substantial effect to act as a deterrent.*

Recommendation 10: Review of Welfare Penalty Guidelines *(New Recommendation)*

That the Rules of Racing, policies, governance controls and Welfare Penalty Guidelines be reviewed to ensure that, where appropriate:

- a) provisions are drafted in a language consistent with other relevant laws, wheresoever possible or practicable;*
- b) breaches of welfare-related provisions are rigorously enforced; and*

c) the penalty for welfare-related issues are at a sufficient level to act as a deterrent.

Recommendation 11: Mandatory reporting *(New Recommendation)*

That the Rules of Racing, appropriate GRV policies and GRV processes are amended and/or introduced to ensure the mandatory reporting of prima facie criminal offences to the relevant law enforcement body such as Victoria Police and RSPCA Victoria.

Recommendation 12: Establishment of an independent integrity body *(New Recommendation to this Inquiry but restating of a current Recommendation to government)*

That Government amend the Racing Act 1958 (Vic) to establish one statutory independent body with accountability for racing integrity across the three codes, removing such responsibility from the controlling bodies, confer all powers and privileges and authorities of Stewards, integrity and welfare staff, including powers over non-licensed persons, and to transfer current integrity services staff, Stewards, welfare officers and existing integrity budgets to the newly formed body.

Recommendation 13: GRV Board composition *(New Recommendation)*

That Government amend the Act to include the requirement that an appropriately qualified person with a background in animal welfare is appointed to the GRV Board.

I submit that this recommendation also be considered for application to the Boards of Racing Victoria Limited, and Harness Racing Victoria in recognition of the importance of animal welfare issues in their respective codes.

Recommendation 14: National approach *(New Recommendation)*

That the Minister for Racing considers recommending, through appropriate channels, that State and Territory integrity bodies meet to review the findings of state-based 'Live Baiting Review teams' with a view to sharing knowledge and awareness and adopting a coordinated approach to integrity-related and animal welfare matters.

Recommendation 15: GRV information management
(New Recommendation)

That GRV reviews the potential for the FastTrack system to contain a secure, access controlled and encrypted information management system that allows information to be collected, collated, analysed, reported and disseminated as required between relevant (authorised) areas of GRV. Failing this possibility, that GRV identifies a non-FastTrack system to provide the aforementioned functionality.

Recommendation 16: GRV Policy processes (New Recommendation)

That GRV introduce the requirement that all policies be in written form and recorded on the relevant page on the GRV website for easy access by industry participants and the wider community.

Recommendation 17: Extend powers of the Racing Integrity Commissioner (New Recommendation)

That Government amend the Act to enable the Racing Integrity Commissioner's powers to also apply to persons who have been licensed or registered in the racing industry within the preceding three years.

Recommendation 18: Review of the management of conflicts of interest
(New Recommendation)

That the GRV Board consider the review of the management of conflicts of interest in order to ensure that industry participants have confidence in the impartiality of GRV staff.

Conclusion

The practice of live baiting exists in Greyhound history and culture and was handed down, like other knowledge of the industry, from one generation to another. Over time the nature and extent has diminished aligned with community values and concerns.

There are some participants, however, who have continued to use this anachronistic practice and their actions were brought to light in the most public of forums by way of the 'Four Corners' program.

It is time to address the issue quickly and effectively through a variety of reforms and draw a clear line for any person associated with animals to know and understand the zero tolerance approach to animal cruelty.

Greyhound racing is a central part of many people's lives and makes an important financial contribution to the Victorian economy. GRV has an opportunity to regain lost public confidence and improve the good standing Greyhound racing has had with its participants and the majority of the general community. GRV and industry participants need to work together to address the identified areas for improvement under a new model.

There is the possibility that there will remain a section within the industry that will attempt to continue the practice in clandestine ways. However, the GRV message must be clear that there are new systems and processes to prevent and detect those activities and that any breach will be dealt with quickly and effectively by GRV and referred to Victoria Police and the RSPCA Victoria for investigation and possible prosecution.

I also encourage leadership at the national level to address the broader aspect of animal cruelty, in particular, the allegations of the culling of Greyhounds. This is unacceptable and will continue until a coordinated and harmonious approach is taken to address the regulatory framework of the complete lifecycle of a Greyhound.

My recommendations will go some way to addressing many of the issues identified during this Inquiry, as will those who have undertaken similar inquiries into this practice. Their implementation will be greatly enhanced with a concerted effort by racing bodies, key stakeholders, industry participants and government.

It is often said that occasionally a 'crisis' is needed for major reform to occur. My hope is that the result of this 'crisis', is that the practice of using live animals to teach a Greyhound to chase is banished to the history books.

RACING INTEGRITY COMMISSIONER

1. The Racing Integrity Commissioner ('Commissioner') is an independent statutory position, established pursuant to Part IA of the Act.
2. In broad terms, my role as Commissioner is to provide independent oversight of integrity matters across the Thoroughbred, Harness and Greyhound racing codes that comprise the Victorian Racing Industry ('VRI').
3. I was appointed the inaugural Commissioner on 1 March 2010, and have been reappointed on two subsequent occasions. During this time, I have conducted Own Motion Inquiries and investigations in relation to a number of issues across all three racing codes.

Functions and powers

4. Section 37B of the Act sets out my functions as Commissioner. One such function is to conduct own motion inquiries, as follows:

"The functions of the Racing Integrity Commissioner are to—

...

(g) conduct own motion inquiries that do not relate to any specific complaint and may include an investigation into systemic issues in racing;..."

5. Other functions of mine that are relevant or related to this own motion inquiry can be summarised as follows:¹
 - investigate complaints made about the integrity processes and systems of a controlling body;²

¹ For a full list of my functions, refer to section 37B of the Act

² Section 37B(1)(c) of the Act

- investigate matters referred by the Minister (being the Minister for Racing) or a controlling body;³
 - refer complaints relating to criminal matters to Victoria Police;⁴
 - refer complaints that appear to involve corrupt conduct to IBAC;⁵
 - if the complaint relates to an alleged or apparent contravention of the rules of a controlling body (such as the Greyhound Racing Victoria ('GRV') Board), refer the complaint to that body;⁶
 - if the complaint relates to an alleged or apparent contravention of any Act or subordinate instrument in connection with the integrity of racing, the relevant government agency, for example, the Royal Society for the Prevention of Cruelty to Animals ('RSPCA') Victoria;⁷ and
 - make recommendations (if appropriate) following the investigation of a complaint, inquiry or matter to, as I consider appropriate, either the Minister or the relevant controlling body.⁸
6. My powers are set out in section 37C of the Act, including the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of my functions.⁹

³ Section 37B(1)(e) of the Act

⁴ Section 37B(1)(d)(i) of the Act

⁵ Excluding complaints relating to IBAC or IBAC personnel: see section 37B(1)(d)(ia) of the Act

⁶ Section 37B(1)(d)(ii) of the Act

⁷ Section 37B(1)(d)(iv) of the Act

⁸ Section 37B(1)(h) of the Act

⁹ See section 37C of the Act

Board of Inquiry powers

7. Additionally, under section 37BA of the Act, I have the power to:
- summon and examine, on oath, specified persons; and
 - compel the production of documents,

that are material to the subject matter of an inquiry or investigation.¹⁰ I refer to these powers as 'Board of Inquiry' ('BOI') powers and the examinations conducted pursuant to these powers as 'examinations' in this report.
8. The persons I may examine or compel to produce documents under section 37BA of the Act include persons licensed or registered under the rules of a controlling body and a member or employee of a Board of a controlling body (such as the GRV Board).¹¹
9. I do not have the power to compel unlicensed or unregistered persons or former employees or Board members of the controlling bodies.
10. No statement made in answer to a question at an examination before me under section 37BA of the Act is admissible in evidence in any civil or criminal proceedings against the examinee, nor can it form the grounds for prosecuting that person.¹²

¹⁰ See section 37BA of the Act and sections 14,15,16,20 and 21A of the *Evidence (Miscellaneous Provisions) Act 1958 (Vic)* (EMP Act). While the relevant provisions of this Act have been repealed by the *Inquiries Act 2014 (Vic)*, the EMP Act includes a new section 164 which includes a transitional provision that provides for continued operation of the Commissioner's powers referred to in section 37BA

¹¹ See section 37BA(2) of the Act

¹² See section 30 of the EMP Act

RELEVANT ENTITIES

Greyhound Racing Victoria

11. GRV is a statutory body and reports to the Victorian Minister for Racing, the Honourable Martin Pakula MP ('Minister').
12. Under an agreement entered into by the racing codes in 1994, GRV is principally funded by Tabcorp distributions, which in turn GRV uses to fund its statutory functions.¹³ In 2014, GRV:¹⁴
 - a. made a net profit of \$7.8 million (compared with \$8.6 million in 2013);
 - b. increased its participant returns (stake money) by 10.6 per cent (or \$4 million); and
 - c. outperformed other Victorian racing codes with a market share increase of 0.92 per cent, which will apply in 2014/15.

GRV Board

13. Section 69 of the Act establishes a Board in the name of GRV ('GRV Board'), which is a "controlling body"¹⁵ for the purposes of the Act.
14. The GRV Board is a body corporate¹⁶ that has a number of functions related to the Greyhound racing industry, including to:¹⁷
 - control the sport of Greyhound racing;
 - carry out research into aspects of Greyhound racing to assist in planning future development;

¹³ GRV. 2014, *Annual Report 2013-14*, pp. 32. See also section 75 of the Act for a full list of GRV functions

¹⁴ *Ibid*, pp. 20

¹⁵ Section 3 of the Act

¹⁶ Section 69(1A) of the Act

¹⁷ Section 75 of the Act

- promote the sport of Greyhound racing and conduct Greyhound races;
 - register Greyhounds for Greyhound racing or for stud or other purposes, and to regulate the breeding, kennelling and verification of lineage of Greyhounds for Greyhound racing or for stud or other purposes;
 - consult with Greyhound racing industry participants and facilitate consultation amongst Greyhound racing industry participants; and
 - exercise such powers functions and duties as are conferred on the Board by or under the Act or other legislation.
15. The GRV Board comprises of no more than five members, with respective terms of no more than three years¹⁸, including:¹⁹
- a. a Chairperson;
 - b. at least one, but no more than two, members that have experience in business or marketing; and
 - c. at least one, but no more than two, members who have experience in the Greyhound racing industry.
16. The GRV Board, with the approval of the Minister, is responsible for appointing a fit and proper person to be the Chief Executive Officer of the Board ('CEO'),²⁰ subject to any other terms and conditions the Board determines.²¹

¹⁸ Subject to Division 2 of Part III: see section 70(1) of the Act.

¹⁹ Section 69(2) of the Act

²⁰ Section 73(1) of the Act

²¹ Section 73(3) of the Act

17. The GRV Board also has the corresponding power to revoke that appointment with the Minister's approval²² at any time.
18. In addition, the GRV Board is responsible for appointing other officers, as required,²³ or authorising officers.²⁴ I am informed that:
 - a. GRV's animal welfare compliance and education officers ('Welfare Officers') are considered 'authorised persons' under section 77A of the Act and have the authority to enter and inspect properties in accordance with the parameters of that provision; and
 - b. Stewards also have the powers of an 'authorised person', as well as additional powers under the Act and the Local Rules.
19. Until Monday 23 February 2015, the GRV Board was chaired by Mr Peter Caillard and comprised Ms Jenni Coustley, Mr Michael Harms, Mr Geoff Miles and Dr Stephen Silk ('Former GRV Board').
20. Following Mr Caillard's resignation on 23 February 2015,²⁵ Mr Harms was appointed Chair on an interim basis and, along with the remainder of the Former GRV Board, resigned on 11 March 2015.²⁶
21. On the same day, the Minister announced the appointment of Mr Ray Gunston as the new Chairperson of the GRV Board, with Mr Ken Lay APM and Ms Judith Bornstein appointed as Board members ('Current GRV Board').²⁷

²² Section 73(3B) of the Act

²³ Section 73(4) of the Act

²⁴ Section 77A(1) of the Act

²⁵ GRV. 2015, *Statement from GRV Chair Peter Caillard*, 23 February 2015, viewed 8 May 2015, <http://www.grv.org.au/news/2015/02/23/statement-grv-chair-peter-caillard/>

²⁶ GRV. 2015, *Statement from Interim Chair Michael Harms*, GRV, 11 March 2015, viewed 8 May 2015, <http://www.grv.org.au/news/2015/03/11/statement-grv-interim-chair-michael-harms/>

²⁷ Premier of Victoria, The Hon. Daniel Andrews MP. 11 March 2015, *New GRV Board to Lead Charge Against Live Baiting*, viewed 17 April 2015 <http://www.premier.vic.gov.au/new-grv-board-to-lead-charge-against-live-baiting>

GRV CEO

22. As an organisation, GRV fulfils the GRV Board's mandate.
23. GRV is headed by the GRV CEO, a statutory appointee who must be a 'fit and proper person' to hold the office (as set out in paragraph 16 above). In accordance with the Act, the GRV CEO:²⁸
- a. controls the day to day administration of the affairs of the GRV Board, and must administer those affairs in accordance with the GRV Board's policies and directions; and
 - b. may exercise other powers and must perform other duties that are conferred or imposed on the GRV CEO by or under the Act or by the GRV Board.

GRV organisational structure

24. A representation of the relevant aspects of GRV's organisational structure, as it was in February 2015 prior to the commencement of my Inquiry, is marked **Attachment A** to this report. GRV's current organisational structure is substantially the same as depicted in this chart, although it is under review by the current GRV Board.
25. The GRV organisational structure had seven departments reporting to the GRV CEO, each headed by a General Manager ('GM'). The GM in charge of 'Integrity Racing and Welfare' ('Integrity Department'), has four direct reports:
- a. Chief Steward;
 - b. Steward in Charge - Integrity Assurance;
 - c. Racing Manager; and
 - d. Greyhound Welfare Manager.

²⁸ Section 73(3A) of the Act

26. At the time of this Inquiry:
- a. all GRV Stewards and the Investigations Manager reported directly to the Chief Steward; and
 - b. the Greyhound Welfare Manager had various direct reports including GRV's two animal welfare 'Compliance and Education Officers' ('Welfare Officers').

Integrity Council

27. The 'Greyhound Racing Victoria Integrity Council' ('Integrity Council') was established following my *Report on Own Motion Inquiry into Race Fixing (2012)*,²⁹ and was based – in part – on recommendation 11 from that report (this recommendation is discussed in detail later).
28. The functions of the Integrity Council include (but are not limited to):³⁰
- a. carrying out the functions and exercising the powers set out in its Charter, as set by the GRV Board, and amended from time to time in consultation with me;
 - b. overseeing the integrity assurance functions of GRV and consulting with, advising, and where necessary, directing the GRV Integrity Department in relation to operational matters;
 - c. advising the GRV Board, and making any recommendations to the GRV Board, in respect of racing integrity related matters, including rule making and amendment proposals, integrity policy, participants licensing applications and resourcing of GRV's integrity assurance function; and
 - d. liaising with myself and external law enforcement agencies.

²⁹ The *Report on Own Motion Inquiry into Race Fixing (2012)* is available at <http://www.racingintegrity.vic.gov.au/home/news+and+publications/publications/report+on+own+motion+inquiry+into+race+fixing+2012>

³⁰ For a full list of the functions of the Integrity Council see rule 52 of the Local Rules

29. The Integrity Council consists of five members. The three independent members are Mr Rick Harley, who also acts as Chairman, Mr Brett Clothier and Dr Ray Ferguson. The remaining two members are GRV Board members, and at the time of this Inquiry were, Mr Geoff Miles and Dr Stephen Silk.
30. There is no information to suggest that the Integrity Council were in receipt of any information regarding the practice of live baiting occurring in Victoria.

Greyhound Racing Appeals and Disciplinary Board

31. The Greyhound Racing Appeals and Disciplinary ('RAD') Board is established under Part IIIA of the Act. Amongst other things, the RAD Board hears and determines charges and appeals under the Local Rules and matters referred to it by GRV.³¹

Greyhounds Australasia

32. There is no overarching national regulatory body or legislative scheme governing Greyhound racing throughout Australia.
33. Instead, the equivalent controlling bodies in Australian states and territories:
- a. regulate Greyhound racing within their jurisdiction in Australia in accordance with their empowering legislation or laws; and
 - b. administer local rules that apply within their home jurisdiction.
34. However, the separate controlling bodies of Australia and New Zealand are all members of Greyhounds Australasia Limited ('GA').³²

³¹ See section 83C of the Act

³² For a list of GA Directors maintained by GA see:

<http://www.galtd.org.au/GreyhoundsAustralasia/index.php?q=node/3>

35. GA describes itself as a not-for-profit public company³³ that aims to provide “strategic direction to the Australasian Greyhound Industry”³⁴ and acts as “the support arm to create consistency and uniformity with national brand.”³⁵

Other entities

36. The ‘industry body’ representing Greyhound owners, trainers and breeders is the Greyhound Owners Trainers Breeders Association of Victoria (‘GOTBA’). GOTBA is an incorporated association that aims to represent industry participants and improve conditions for its members.³⁶

³³ GA. Unknown date, *History*, GA, viewed 7 April 2015,

<http://www.galtd.org.au/GreyhoundsAustralasia/index.php?q=node/5>

³⁴ GA. Unknown date, *Vision, Mission & Core Values*, GA, viewed 7 April 2015,

<http://www.galtd.org.au/GreyhoundsAustralasia/index.php?q=node/133>

³⁵ *Supra*, n 33

³⁶ See: <http://www.gotbav.org.au/about/>

BACKGROUND

Live baiting in Greyhound racing

37. Live baiting refers to the “use of a live animal such as a rabbit or possum to train a Greyhound to chase or run at prey”.³⁷
38. This practice, also referred to as ‘bleeding’, is considered advantageous by some industry participants because of the belief that it enhances the racing performance of Greyhounds. While they are often thought of as ‘bloodhounds’, Greyhounds in fact rely predominantly on sight, not scent, to hunt.³⁸
39. Greyhound coursing emerged as a sport shortly after hares were introduced in Australia in 1873,³⁹ with the first public coursing event taking place in Victoria the same year.⁴⁰
40. Initially meetings involved ‘Plumpton coursing’, where two Greyhounds chased a single live hare in a fenced-off area.⁴¹ Greyhound coursing of live hares was tightly controlled, with clubs only allowed a few meetings per year and the success of those meetings ultimately depending upon the availability of live hares to be used as bait.⁴²

³⁷ Select Committee on Greyhound Racing in NSW. March 2014, *Greyhound racing in NSW*, First Report March 2014, pp. 111, [7.95]

³⁸ Branigan, C. 2004, *The Reign of the Greyhound*, Wiley Publishing Inc, pp. 14

³⁹ O’Mara, J. 1988, *A Mug’s Game: a History of Gaming and Betting in Australia*, New South Wales University Press, pp. 73, as cited in Jacklin, N and Royal, D. 2014 ‘Greyhound Coursing of Live and Tin Hares at Albury’, *Victorian Historical Journal*, 85(2), pp. 321-322

⁴⁰ Diggers Rest Talk. 26 November 2013, ‘Diggers Rest – A Great Place for Coursing in the 1880’s’, viewed 15 May 2015, <http://www.diggersresttalk.com/2013/11/diggers-rest-great-place-for-coursing.html>

⁴¹ Jacklin, N and Royal, D. 2014 ‘Greyhound Coursing of Live and Tin Hares at Albury’, *Victorian Historical Journal*, 85(2), 10 April 2015, pp. 321-322

⁴² *Ibid*, pp. 330

41. Speed coursing, the precursor to modern Greyhound racing, emerged following the invention of the mechanical tin lure in 1907, with eight to nine Greyhounds chasing a ‘tin hare’ around a track.⁴³ This invention ultimately meant that speed coursing meetings could be held at more regular and frequent intervals, in the day or at night, with “an associated increase in betting opportunities”.⁴⁴
42. In Victoria, section 61 of the *Police Offences Act 1958* (Vic) (repealed) prohibited, amongst other things, any person who caused or procured the “release of any animal in such circumstances that it will or is likely to be killed by any dog”,⁴⁵ with an applicable fine of between twenty and fifty pounds or six months imprisonment for a first time offence.⁴⁶ However, an exception existed for the use of a rabbit or a hare for quarry at coursing matches conducted by clubs registered with the National Coursing Association of Victoria.⁴⁷
43. This prohibition lasted until 1966, when following a press for repeal by various bodies, the exception was removed from the revised *Protection of Animals Act 1966* (Vic) (repealed) altogether,⁴⁸ effectively discontinuing Plumpton coursing with live animals in Victoria.⁴⁹ Reflecting the community intolerance of live bait in the training of Greyhounds by the community, this practice has been outlawed in Victoria ever since.

⁴³ Supra, n 38, pp. 175 - 177

⁴⁴ Supra, n 41, pp. 330

⁴⁵ See section 61(2)(a) of the *Police Offences Act 1958* (Vic) (repealed). See also Statute Law Revision Committee. 10 November 1965, *Upon the Proposals Contained in the Protection of Animals Bill together with Minutes of Evidence and Appendix*, pp. 3, viewed 27 May 2015, <http://www.parliament.vic.gov.au/vufind/Record/45082>

⁴⁶ See section 61(2) of the *Police Offences Act 1958* (Vic) (repealed).

⁴⁷ Legislative Council. 1966, *Protection of Animals Bill Explanatory Paper*, pp. 2, clause 4, viewed 27 May 2015, <http://www.parliament.vic.gov.au/papers/govpub/VPARL1965-66NoD3.pdf>; see also supra, n 41, pp. 335

⁴⁸ Supra n 47, pp. 2; see also supra, n 41, pp. 335

⁴⁹ Supra, n 45, pp. 3,

44. Live baiting is currently prohibited throughout Australian states and territories.⁵⁰

Timeline of recent events

45. A timeline of key recent events relating to live baiting in Victoria is set out herein.
46. In 2009, Greyhound trainer Maxwell Auld was charged by GRV for 'the use of live bait' and disqualified for 12 months. He appealed the decision to the then Racing Appeals Tribunal and the disqualification was reduced to nine months.⁵¹
47. In the same year, the then GRV Board directed that only cured skins and synthetic material could be used on lure arms at GRV trial tracks.
48. Between 2009 and 2015, GRV staff maintained a regime of inspecting all GRV registered properties in Victoria, including trial tracks. Until August 2014, trial track inspections were predominantly conducted by GRV Stewards. After this time, trial track inspections were officially undertaken by GRV Welfare Officers.
49. Between early to mid July 2014, GRV introduced the Animal Welfare Penalty Guidelines (effective 1 July 2014) ('Welfare Penalty Guidelines') as well as a five-year strategic plan titled 'On Track for a Great Future' ('GRV Strategic Plan').

⁵⁰ RSPCA. 19 March 2015, *Is the use of live baits and lures in greyhound racing illegal?*, viewed 15 May 2015, http://kb.rspca.org.au/is-the-use-of-live-baits-and-lures-in-greyhound-racing-illegal_241.html

⁵¹ GRV. 12 February 2015, *Greyhound Racing Victoria's response to 'Four Corners'*, viewed 27 May 2015, http://www.abc.net.au/reslib/201502/r1389469_19745650.pdf

50. On 22 July 2014, the GRV CEO released a written statement:⁵²

GRV has no tolerance to the use of live animals for the training of greyhounds, in any circumstance. Also, since 2009 it has been a GRV policy that only cured skins and synthetic material is used on the arms at trials at GRV tracks.

Despite recent discussion generated through the release of the Animal Welfare – Penalty Guidelines, the rules in relation to non-living animals at trial tracks have not changed. However, these non-living animals must be legally and humanely sourced.

GRV strongly advises owners and trainers that live animals of any species that could be considered a potential lure or bait should not be housed at a greyhound training facility – whether it be a private property or a trial track – to prevent any confusion in relation to POCTA 13(1)(e).

51. A letter was sent by GRV to all trial track owners in Victoria advising of this position on 13 August 2014.
52. In early August 2014, GRV found a shed at a property which contained live rabbits not stored in cages (known as a ‘rabbit room’). GRV did not report this discovery to the RSPCA Victoria for potential breaches of the POCTA Act at that time.
53. In December 2014, GRV Welfare Officers visited a registered trial track and discovered, amongst other things, a dead rabbit on a lure arm that had not been gutted. A verbal warning was issued by the Welfare Officers. This was reported to the Greyhound Welfare Manager via email, with the Chief Steward copied in via email.

⁵² GRV. 22 July 2014, *Letter from Adam Wallish, GRV CEO to Clarify Issues on the Animal Welfare – Penalty Guidelines*, viewed 17 May 2015, <http://www.grv.org.au/news/2014/07/22/letter-adam-wallish-clarify-issues-animal-welfare-penalty-guidelines/>

54. In mid-January 2015, I became aware of information relating to the alleged practice of live baiting occurring in Victoria. This information was immediately disclosed to GRV as the controlling body.
55. GRV responded advising that it had commenced an investigation and subsequently provided regular updates to my office. Information later received from GRV indicated that contact had been made with the ABC program 'Four Corners', which had advised GRV that it was intending to air a program regarding animal cruelty in Greyhound racing in states across the country.
56. GRV advised that on Friday 23 January 2015, it had requested the ABC to provide footage/photographic evidence of any Victorian Greyhound trainer who was training Greyhounds using an illegal method to allow GRV to investigate the allegations. GRV advised the ABC of their 'zero tolerance' towards illegal or improper training practices.
57. In mid January 2015, Welfare Officers visited another property where a rabbit room had previously been located in August 2014. GRV subsequently advised my office that they had reported the discovery of the rabbit room to RSPCA Victoria for potential breaches of the POCTA Act. RSPCA Victoria later attended the property in the company of GRV staff, but no live rabbits were located. I am not aware of any resultant action arising in relation to this joint visit.
58. On Friday 23 January 2015, GRV staff undertook inspections at a number of registered properties in Victoria. GRV staff warned those present that rabbits used on lure arms should be dead, gutted and frozen to avoid any potential perception that live baiting was occurring.

59. On Monday 26 January 2015, the ABC emailed GRV in response to its request for information and advised that it “had nothing described that would be appropriate for GRV to investigate” and would be in touch to discuss filming possibilities “for our program on the welfare of Greyhounds and the racing industry”.
60. On Wednesday 11 February 2015, simultaneous warrants were executed in Queensland, New South Wales and Victoria. In this State, officers of Victoria Police and RSPCA Victoria conducted a search of a trial track in Tooradin.
61. On Friday 13 February 2015, the RSPCA Victoria advised my office that the 'Four Corners' program would soon be airing a report on cruelty and live baiting in the Greyhound racing industry. To be included in the story were allegations of possible corruption and high-level ‘cover up’ at GRV of animal cruelty matters.
62. On the same day, my office received an official complaint from Animals Australia Inc., including covert footage taken at the Tooradin Trial Track. The complaint also included issues surrounding the integrity processes and systems of GRV and allegations that live baiting in the Greyhound industry was “...entrenched, systemic and accepted by trainers”.
63. I referred the complaint and footage as a matter of urgency to both GRV and Victoria Police on the same day, in accordance with my function of referring complaints to relevant bodies.⁵³
64. At a special meeting of the GRV Board on the afternoon of Friday 13 February 2015, it resolved to immediately suspend 10 registered persons in Victoria. The registration of a trial track at Tooradin was also suspended on the same day.

⁵³ See specifically subsections 37B(1)(d)(i) and (ii) of the Act

65. On Monday 16 February 2015, the Minister for Racing and the Minister for Agriculture announced a cross-government investigation into the live baiting matter, which included an independent investigation by myself and an additional independent investigation by the Victorian Chief Veterinary Officer.
66. On Monday 16 February 2015, the ABC's 'Four Corners' program aired "Making a Killing" and subsequently published the program and an accompanying transcript on its website.⁵⁴
67. The program featured covert audio and video footage alleging that Greyhound industry participants were using live animals, including possums, rabbits and piglets, for the purpose of live baiting in Victoria, New South Wales and Queensland.
68. A portion of the footage shown was alleged to have been taken at a trial track in Tooradin in November and December 2014 and January 2015, with a number of high-profile Greyhound industry participants allegedly participating in live baiting occurring at the track, including former staff of GRV and family members of current GRV staff.
69. Describing the program as revealing "widespread cheating and illegality across the country, and throws into question the validity of thousands of Greyhound races and millions of dollars", the 'Four Corners' program refers to "hundreds of hours of surveillance vision captured on secret cameras",⁵⁵ indicating there may be further material of interest that was not aired on the program.
70. On the morning following the airing of the program, I announced that I would conduct this Inquiry and invited any person with information to make contact with my office.

⁵⁴ See <http://www.abc.net.au/4corners/stories/2015/02/16/4178920.htm>

⁵⁵ ABC. 18 February 2015, *Making a Killing*, viewed 4 March 2015, <http://www.abc.net.au/4corners/stories/2015/02/16/4178920.htm>

71. On Tuesday 17 February 2015, the GRV Board resolved to immediately suspend any Greyhound trained and/or owned by the 10 persons suspended by the Board on Friday 13 February 2015. Further investigation and review led to the identification of five other registered persons, who were suspended two days later, bringing the total to 15 registered persons suspended by the GRV Board.
72. On Tuesday 17 February 2015, the GRV Board resolved that any lures used in the training of Greyhounds in Victoria must be made of artificial or synthetic material or they would be in breach of the Rules of Racing. This meant that registered trial tracks and private training properties were now more closely aligned to a direction made by the GRV Board in 2009, which prohibited the use of anything other than cured skins or artificial materials to be used on lures at race tracks.
73. On Tuesday 17 February 2015, the Board allocated a \$3,000,000 contribution by GRV to animal welfare and integrity measures, matching Victorian government funding.
74. On Thursday 19 February 2015, the GRV Board resolved to lift the suspension on the Greyhounds suspended on 17 February 2015 provided that it received a statutory declaration from the owner stating that, having made reasonable inquiries, they were not aware of the relevant Greyhound having been trained using live baiting practices.
75. On Saturday 21 February 2015, GRV advertised six new positions within GRV: four 'Welfare Compliance and Education Officers', one dedicated 'Trial Track Investigator' and an 'Investigations Officer'. I have since been advised that due to an internal review of positions in the GRV Integrity Department, these positions are on hold.

76. On Monday 23 February 2015, Mr Peter Caillard, Chairman of the Former GRV Board, resigned, releasing a statement that included the following excerpt:⁵⁶

Although I had read that the archaic practice of live baiting had occurred years ago, it was distressing to discover that it was still occurring in recent times. Had this practice been brought to my attention earlier then it could have been stopped earlier. It was not and I did not.

77. Mr Michael Harms, a member of the Former GRV Board, was subsequently appointed interim Chairperson.

78. On Tuesday 24 February 2015, the Former GRV Board approved a proposed amendment to Local Rules 11.7 and 11.8. The amendments took effect on Friday 27 February 2015, as follows (relevantly):

- a. no registered person can train Greyhounds at a property the GRV Board deems to be a “Greyhound Training Property”⁵⁷ of a suspended person; and
- b. prohibiting the transfer of Greyhounds from a suspended person to a registered person who resides at the same address.

79. On Friday 27 February 2015, the Supreme Court granted an interim injunction that allowed the owner of champion Greyhound, ‘Awesome Project’, to race in future races including the Australia Cup heats the following day.⁵⁸

⁵⁶ GRV. 23 February 2015, *Statement from GRV Chair Peter Caillard*, viewed 13 May 2015, <http://www.grv.org.au/news/2015/02/23/statement-grv-chair-peter-caillard/>

⁵⁷ The definition of “Greyhound Training Property” was also amended slightly in rule 2.2 of the Local Rules to read: ““Greyhound Training Property” means the property or premises at which a person keeps (unless retired as a pet), trains or races greyhounds”

⁵⁸ GRV. 27 February 2015, *Interim injunction by Supreme Court – Awesome Project*, viewed 13 May 2015, <http://www.grv.org.au/press-release/>

80. On Tuesday 10 March 2015, I provided the Minister with an interim report, including the result of investigations and examinations presided over by me to that date. A media release detailing my interim findings and recommendations was released the following day (**Attachment B**).
81. On 11 March 2015, interim Chairperson Michael Harms and the remainder of the Former GRV Board resigned. On the following day, the Current GRV Board was appointed.
82. On Tuesday 31 March 2015, GRV provided an update as to work being undertaken in relation to the interim recommendations in the April-May 2015 edition of GRV's magazine, 'Informer'.
83. On Friday 1 May 2015, GRV charged seven of the 15 persons suspended as a result of their alleged involvement in live baiting with a total of 33 charges, with the "majority of the charges laid relating to "serious offences" under the GRV Local Racing Rules and Greyhounds Australasia Rules".⁵⁹ The RAD Board is to hear and determine the matters, with GRV to continue investigating the residual eight suspended persons.
84. On Tuesday 5 May 2015, GRV suspended a further two trainers for allegedly engaging in live baiting.⁶⁰
85. Since the delivery of the Interim Report on 10 March 2015 and until Tuesday 5 May 2015, I continued my Inquiry, including:
- a. conducting examinations, including compelling the production of documents, for a period of six sitting days in respect of 29 persons, including GRV staff and industry participants;

⁵⁹ GRV. 1 May 2015, *Seven charged by GRV Stewards in relation to live baiting allegations*, viewed 13 May 2015, <http://www.grv.org.au/press-release/>

⁶⁰ GRV. 6 May 2015, *GRV Stewards Suspend Two More in Relation to Live Baiting Allegations*, viewed 27 May 2015, <http://www.grv.org.au/news/2015/05/06/grv-stewards-suspend-relation-live-baiting-allegations/>

- b. meeting with the Current GRV Board to assist them to understand my role in the industry and provide them with an overview of the Inquiry;
- c. meeting with RSPCA Victoria on a number of occasions, to provide a high-level overview of my statutory functions and powers, indicate the intention to conduct examinations and discussed the investigations with a view to avoiding compromising our respective investigations;
- d. meeting with the Victorian Chief Veterinary Officer;
- e. meeting regularly with GRV to obtain investigation and file updates regarding information referrals;
- f. interviewing and meeting with numerous industry participants, members of the public and various organisations and bodies with a view to gather information and evidence relevant to my Inquiry; and
- g. liaising with other States conducting investigations and reviews regarding similar allegations.

LEGAL FRAMEWORK AND ANALYSIS

86. In my view, the existing legal framework in which the Victorian Greyhound industry operates can, at times, be complex, overlapping and confusing.
87. For that reason, a brief commentary on the existing legal framework relevant to live baiting in the Victorian GRI is set out below.
88. The analysis contained within this section of the report informs the recommendations I make in this report.

Legislation

Racing Act

89. The *Racing Act 1958* (Vic), referred to in this report as ‘the Act’, governs Thoroughbred, Harness and Greyhound racing in Victoria. The Act includes a wide range of subject matter common to the three codes, such as:
- a. the establishment of a controlling body for each of the racing codes;
 - b. betting;
 - c. registration;
 - d. licensing; and
 - e. consistent, but separate, disciplinary and review processes.
90. Importantly, the Act confers on the GRV Board broad powers to make rules in relation to the “control of the sport of greyhound racing”, including trial tracks, in Victoria.⁶¹

⁶¹ Subsections 82(1), 82(1A) and 82(2) of the Act

91. In relation to Victorian Greyhound racing, the Act (relevantly):
- a. establishes the GRV Board, its composition and basic governance requirements;
 - b. permits the GRV Board to appoint officers as necessary; and
 - c. permits the GRV Board to authorise persons to enter and inspect relevant properties within reasonable hours.
92. In addition, the Act has two provisions directly relevant to the use of live animals in Greyhound racing, namely:
- a. section 52A, which provides that a club can apply to the Minister for the issue of a permit to conduct a Plumpton coursing match with mechanical quarry, such a match is to occur in accordance with the GRV rules; and
 - b. section 55, which prohibits the competitive pursuit of live quarry in speed coursing, creates a liability for the promoter, occupier of the ground where such race is held, persons acting as Stewards, starters or judges and imposes a maximum penalty of 100 penalty units.

POCTA Act

93. The *Prevention of Cruelty to Animals Act 1986* (Vic) ('POCTA Act') aims to prevent cruelty to animals, encourages the considerate treatment of animals and improve the level of community awareness about the prevention of cruelty to animals.⁶²

⁶² Section 1 of the POCTA Act

94. Section 13 of the POCTA Act contains general provisions that outlaw the use of animals for baiting and luring and specifically refers to Greyhounds. It provides:⁶³

13 Baiting and luring

(1) *A person who—*

- (a) *keeps, uses or assists in the management of premises for the purpose of causing an animal to fight, or for the baiting or maltreating of an animal; or*
- (b) *causes or procures the release of an animal in circumstances where it will or is likely to be pursued, injured or killed by a dog; or*
- (c) *causes, procures or permits an animal in captivity to be injured or killed by a dog; or*
- (d) *uses an animal as a lure or kill for the purpose of blooding greyhounds or in connexion with the training and racing of any coursing dog; or*
- (e) *keeps or has the custody, care or control of an animal for use as a lure or kill for the purpose of blooding greyhounds or in connexion with the training and racing of any coursing dog—*
is guilty of an offence and is liable to a penalty of not more than, in the case of a natural person, 240 penalty units or imprisonment for 2 years or, in the case of a body corporate, 1200 penalty units.

95. There is no formal legal relationship between the POCTA Act and the Rules of Racing. Accordingly, registered persons found by a court to be in breach of this provision of the POCTA Act are not necessarily in breach of the Rules of Racing or vice-versa.

⁶³ Sections 13(1) of the POCTA Act

96. RSPCA Victoria can commence criminal proceedings for alleged breaches of the POCTA Act, which can attract fines in excess of \$30,000 or up to two years imprisonment.⁶⁴
97. Whilst RSPCA Victoria inspectors have a variety of powers under this legislation, I note they do not have specific power to conduct covert surveillance, an observation which has been commented on publicly.⁶⁵

Domestic Animals Act

98. Finally, the objectives of the *Domestic Animals Act 1994* (Vic) ('Domestic Animals Act') include the responsible ownership of dogs and the provision of a registration scheme for "domestic animal businesses", including applicable Greyhound establishments that fall within its ambit.⁶⁶
99. The *Code of Practice for the Operation of Greyhound Establishments* ('Code of Practice') applies to Greyhound establishments that are considered to be a "domestic animal businesses" under the Domestic Animals Act.⁶⁷

Rules of racing

Local Rules

100. The GRV Board makes and publishes local rules of racing, entitled *Greyhound Racing Victoria Local Rules*, with the current rules amended as 27 February 2015 ('Local Rules').⁶⁸

⁶⁴ See for example section 13(1) of the POCTA Act, which can attract a maximum of 240 penalty units or imprisonment for 2 years or, in the case of a body corporate, 1200 penalty units

⁶⁵ Minera, Tom, "Rogue trainers loophole – Live bait tape blow", National Greyhound Form, 16 April 2015, pp. 11

⁶⁶ See sections 1 and 3 of the DA Act

⁶⁷ The Code of Practice is available at: <http://www.depi.vic.gov.au/pets/domestic-animal-businesses/greyhound-establishments/code-of-practice-for-the-operation-of-greyhound-establishments>

⁶⁸ The Local Rules are available on the GRV website at www.grv.org.au

101. The Local Rules are considered to be a legislative instrument under the *Subordinate Legislation Act 1994* (Vic) and notice of the making (and changing) of the Local Rules is published in the *Government Gazette*.⁶⁹

GARs

102. Additionally, GA publishes the *Greyhounds Australasia Rules* ('GARs').⁷⁰

103. Once they have been adopted by a resolution of the GRV Board, the GARs form part of the Local Rules.⁷¹ In the event of any conflict between any provisions of the Local Rules and the GARs,⁷² or other rules such as the Plumpton Coursing Rules, the Local Rules prevail.⁷³

104. As at 27 May 2015, the Local Rules incorporate the GARs marked "effective 01/01/2015".⁷⁴ Provisions of this version of the GARs relate to the improper use of animals and prohibition of animals on trial tracks and racecourses,⁷⁵ although no explicit rule in respect of bleeding Greyhounds appears to exist.

105. I note that the GRV Board is currently considering whether to adopt the most recent version of the GARs, marked "effective 20/04/2015", which includes new rules GARs 86A (Approved types of lures), 86B (Offences relating to luring and baiting) and 86C (Reporting and other matters).⁷⁶

⁶⁹ See *Victorian Government Gazette*, No. S 37 Friday 27 February 2015 for the most recent gazettal of the Local Rules

⁷⁰ Available on the GA website at <http://www.galtd.org.au> or on the GRV website as "Australian Greyhound Rules" at <http://www.grv.org.au/industry/greyhound-racing-rulebook/>

⁷¹ Rules 3.1 and 3.2 of the Local Rules. Note that at the time of writing, in respect of the GARs that had been adopted by the Local Rules, the GRV website provided: "Please note that the syndication Rules (GAR 141-157) are still awaiting final approval."

⁷² And other rules, such as the Plumpton Coursing Rules

⁷³ Rule 6 of the Local Rules

⁷⁴ This version of the GARs is available at: <http://www.grv.org.au/wp-content/uploads/2014/02/Master-GA-Rules-01-January-2015.pdf>

⁷⁵ For example, see rules 86(o), (q), (ad) and (af) of the GARs

⁷⁶ This version of the GARs is available at: <http://www.galtd.org.au/GreyhoundsAustralasia/files/GA%20Rules%202015.pdf>

106. The Local Rules (which incorporate the currently adopted version of the GARs) apply to:

- a. 'Registered Persons', being owners, trainers or attendants of Greyhounds ('registered persons');⁷⁷ and
- b. a Greyhound which is registered with a controlling body and which is nominated for and/or participates in any event⁷⁸ in Victoria.

107. The GRV Board may refuse to grant any application for registration, or vary, cancel or suspend any registration.⁷⁹

Relevant Rules

108. The Local Rules also prescribe rules in respect of the operation of Greyhound trial tracks, including the following:

18 Conditions of Operation

...

18.4 No live animal other than a greyhound shall be used or caused to be used in any manner on any Greyhound Trial Track or surrounding area as defined by the Board.

18.5 Without derogating from the provisions of LR 18.4 (Vic), no person shall use or cause to be used any live animal as a lure for greyhounds or for the exciting of greyhounds on any Greyhound Trial Track or any other location.

⁷⁷ Rule 11.1 of the Local Rules

⁷⁸ 'Event' is not a defined term under the Local Rules

⁷⁹ See rule 11.2 of the Local Rules

109. A “Greyhound Trial Track” is defined as follows:⁸⁰

"greyhound trial track" means any land that is held out by any person or body of persons having the management or control thereof whether as owner lessee occupier or otherwise for use for trials or other training of greyhounds other than greyhounds owned by or leased to that person or body of persons and not being a ground in respect of which a licence to hold greyhound races is required by this Part;...

110. Rule 18.6 provides:

18.6 (a) The Manager, assistant manager, proprietor, lessee or other occupier of a Greyhound Trial Track shall each be guilty of an Offence under these Rules if in any of the situations described in LR 18.4 occurs.

(b) A person shall be guilty of a Serious Offence if they breach LR 18.5.

111. A “Serious Offence” is deemed to include a serious offence under the Act and these Rules and are listed in Rule 47.1 of the Local Rules.⁸¹ Amongst the prescribed ‘serious offences’ such as the use of prohibited substances and ‘corruption’ type offences are also Greyhound care and welfare offences.

112. The RAD Board is responsible for hearing and determining any Serious Offences in the first instance, as opposed to Stewards who are able to hear and determine non-serious offences.⁸²

⁸⁰ Rule 2.2 of the Local Rules provides that the term ‘Greyhound Trial Track’ is defined in the Act. Section 51(1) of the Act defines “greyhound trial track”

⁸¹ Rule 2.2 of the Local Rules

⁸² Rule 47.3 of the Local Rules

113. I note that a 'penalty unit' under the Local Rules is equivalent to \$50.00,⁸³ while a 'penalty unit' under the Act is currently equal to \$147.61.⁸⁴ While it is accepted that the GRV Board may make rules in relation to the sport of Greyhound racing, including fines,⁸⁵ it is not clear why such a discrepancy exists in relation to the value of the respective penalty units.

114. This however, is not a matter for me, suffice to say that all penalties should reflect the seriousness of the breach and those regarding live baiting should not only be, but also be seen to be, a deterrent.

115. GARs relevant to live baiting include the following:

R86 Offences

*A person (including an official) shall be guilty of an offence if the person-
...*

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

(ad) unless authorised by the stewards or controlling body, keeps on or brings onto a racecourse or trial track or a surrounding area, as defined by a Controlling Body, a live animal other than a greyhound;

(af) uses an animal for any purpose connected with greyhound racing in a manner which is improper;

⁸³ Rule 2.2 of the Local Rules

⁸⁴ See section 5(3) of the *Monetary Units Penalty Act 2004* (Vic)

⁸⁵ See section 82 of the Act

116. GARs 86(o)⁸⁶ and 86(af) are “Serious Offences” for the purposes of Local Rules.⁸⁷

117. I note that there does not appear to be any requirement in the Local Rules that makes it a legal requirement for GRV to notify law enforcement agencies of a suspected breach of the laws those agencies enforce, such as the POCTA Act.

Policies

118. The GRV Welfare Penalty Guidelines, introduced by GRV in mid July 2014, are designed to “provide advice to participants regarding welfare related offences”.⁸⁸ Live baiting and bleeding of Greyhounds is considered in the guidelines, with disqualification for 10 years from the date of penalty imposed being the current recommended penalty.⁸⁹

119. I am advised that in 2009, GRV or the Board at that time, directed that only cured skins and synthetic material be used on the lure arms at trials at race tracks, with signage placed at race tracks advising of same. It is not clear why this policy did not extend to include trial tracks.

120. On 19 February 2015, the Former GRV Board resolved, effective immediately, that only artificial materials be permitted for use as a lure for the purpose of training a Greyhound.⁹⁰

⁸⁶ Except where such conduct was negligent only in relation to Rule 86(o) of the GARs

⁸⁷ See Rule 47.1 of the Local Rules

⁸⁸ GRV. 1 July 2014, *Animal Welfare Penalty Guidelines effective 1 July 2014*, pp. 2, viewed 27 May 2015, <http://www.grv.org.au/wp-content/uploads/2014/07/Animal-Welfare-Penalty-Guidelines-July-1-2014.pdf>

⁸⁹ *Ibid*, pp. 10

⁹⁰ GRV. 19 February 2015, *Artificial lures now mandatory at all trial tracks*, viewed 27 May 2015, <http://www.grv.org.au/news/2015/02/19/artificial-lures-mandatory-trial-tracks/>

Recent litigation

121. As noted above, on Friday 27 February 2015, the Supreme Court granted an interim injunction that allowed the owner of Greyhound, 'Awesome Project', to race in future races including the Australia Cup heats.

122. This was despite the Former GRV Board voiding the transfer of the Greyhound from a suspended trainer, first to another trainer who resided at the same address, and finally to third trainer.⁹¹ Justice Kaye found that the plaintiffs had established, *prima facie*, that there were serious issues to be tried, noting (relevantly):

- a. the rules did not appear to define how the transfer of the training of a Greyhound is effected;⁹²
- b. it was at least arguable that the amendments to the Local Rules, being delegated statutory legislation, were not able to confer retrospective rights and powers on the GRV Board, and therefore the decision to retrospectively void the transfer was invalid;⁹³ and
- c. it was sufficiently arguable that the owner of 'Awesome Project' should have been afforded 'procedural fairness' and been entitled to put his case forward in relation to the decision of the Former GRV Board.⁹⁴

⁹¹ See *Canty and Ors v Greyhound Racing Victoria* [2015] VSC 71 (27 February 2015)

⁹² *Ibid*, per Kaye JA, at [53]

⁹³ *Supra*, n 93, per Kaye JA, at [54-56]

⁹⁴ *Supra*, n 93, per Kaye JA at [63-64]

OWN MOTION INQUIRY

“Integrity policies and rules encourage fair competition and discourage cheating or undue influence in any form. In simple terms, integrity services and systems are directed at ensuring that the correctly identified animals compete in a race, to the best of their natural ability, and free from the influence of corrupt practices at any level.”⁹⁵

Reasons for conducting Inquiry

123. As Commissioner, my primary goal is to assure the integrity of the VRI, which necessarily includes Greyhound racing, insofar as I am mandated to do so.

124. It is important to note that animal welfare generally falls outside of my jurisdiction. However, in the present matter, I consider that:

- a. the issue of alleged live baiting is sufficiently related to the integrity of Greyhound racing so as to fall within my purview; and
- b. an Own Motion Inquiry is appropriate in all the circumstances.

125. I have set out my reasons for coming to this view below.

Systemic issue

126. It is important to note that my office does not have a prosecutor role or law enforcement function.

⁹⁵ Judge G.D. Lewis, A.M. 1 August 2008, *A Report on Integrity Assurance in the Victorian Racing Industry*, pp. 7, viewed 27 May 2015, <http://www.racingintegrity.vic.gov.au/home/news+and+publications/publications/report+on+integrity+assurance+in+the+victorian+racing+industry+lewis+report>

127. While live baiting, if proven, is a breach of the GRV Local Rules and a criminal offence under the POCTA Act (as set out above), I have no power to investigate, prosecute or enforce any breach of the rules or law.

128. The 'Four Corners' program, along with the subsequent complaint I received from Animals Australia Inc raised considerable concerns that live baiting was occurring, possibly on a systemic basis, in Victorian Greyhound racing and that GRV's integrity processes and systems were ineffective.

129. For these reasons alone, I considered an Own Motion Inquiry to be an appropriate course of action.

Public confidence

130. 'Four Corners' raised the following question in relation to Greyhound racing:

"...[C]an the public can (sic) have any confidence at all in the sport's integrity?"⁹⁶

131. Public confidence in Greyhound racing, its institutions, policies, processes and ultimately its practices, are essential to the integrity of the industry, not just in Victoria, but nationally and internationally.

132. Widespread public, government and industry concerns, and the involvement of Victoria Police and RSPCA Victoria, also added weight to the seriousness of the allegations and were factors I considered in deciding to undertake this Inquiry.

⁹⁶ Supra, n 55

Allegations of corruption/complicity by GRV

133. Allegations were raised by both Animals Australia Inc., both directly and subsequently through RSPCA Victoria, in relation to:

- a. potential corruption in GRV that may indicate widespread live baiting in the Greyhound industry; and
- b. GRV staff either covering up or being complicit in this practice.

134. Additionally, allegations were raised by 'Four Corners' that regulators had failed to identify that live baiting was occurring. I am of the view that, in the context of the 'Four Corners' program, 'regulators' included GRV and/or the GRV Board.

135. My view is that animal welfare, in the present case, is inherently related to the integrity systems and process of a controlling body and therefore falls within the scope of my functions and powers.

Announcement of Inquiry

136. For the reasons set out above, on Tuesday 17 February 2015, I announced my decision to undertake my Inquiry into live baiting in Greyhound racing in Victoria.

Aim of Inquiry

137. This Inquiry was aimed at examining a broad range of issues including:

- a. governance issues of the controlling body, being the GRV Board and by extension, GRV;
- b. potential systemic integrity issues across the GRI in Victoria; and
- c. determining whether there was truth in the allegations of Animals Australia Inc. that GRV had knowledge or were complicit in the practice.

138. In essence, there were six primary questions I sought answers to:

- Q1.** Is the use of live baiting an isolated or a systemic issue in Victoria?
- Q2.** Did those in charge at GRV know of the occurrence of live baiting in Victoria?
- Q3.** Should those in charge at GRV have known of the occurrence of live baiting in Victoria?
- Q4.** Were the governance controls in place in GRV adequate?
- Q5.** Is there any evidence of alleged corruption or cover up by GRV staff?
- Q6.** Do the Rules of Racing adequately address animal welfare issues?

Interim Report

139. On 10 March 2015, an Interim Report on the progress of my Inquiry was provided to the Minister. The interim findings and recommendations I made in this report were made public and a media statement made by my office in respect of the Interim Report is marked **Attachment B**.

Previous complaints

140. A review of my office's intelligence management system indicates that, prior to this Inquiry, my office had received information regarding the alleged involvement of only two industry participants in live baiting practices.

141. This information was referred to GRV as the appropriate investigative body under the Act. GRV investigated the information and took action including observation and search of the nominated property with the result that the allegations were unsubstantiated.

METHODOLOGY

142. The method I used in conducting this Inquiry included the following:

- a. extending an invitation to any person with any information about live baiting practices to come forward;
- b. collecting, collating and undertaking an analysis of all relevant information and intelligence received or sourced by my office;
- c. researching reports on the history and use of live baiting practices;
- d. conducting interviews, discussions and consultation with industry participants, including current and former trainers and owners, veterinary surgeons, including the Chairman and Members of the Former GRV Board and former staff members;
- e. consulting with stakeholders, the general public, government agencies and industry bodies, including:
 - Animals Australia Inc.;
 - Australian Veterinary Association;
 - Victorian Chief Veterinary Officer;
 - GOTBA Victoria;
 - Greyhound Racing New Zealand;
 - the Former GRV Board, the Current GRV Board and GRV;
 - Greyhounds Australasia;
 - Racing Services Tasmania;
 - Live Baiting review teams in Qld and NSW;

- RSPCA Victoria;
- Victoria Police;
- Industry participants; and
- Various media services and outlets.

Exercise of Board of Inquiry Powers

143. I also exercised my BOI powers to summon for examination (and compel the production of documents) for a period of six sitting days in respect of 29 persons, including:

- a. members of the Former GRV Board prior to the formation of the Current GRV Board;
- b. senior management of GRV; and
- c. industry participants suspended by GRV up to 5 May 2015 in relation to live baiting allegations at Tooradin ('Suspended Persons'),

(collectively the 'Examinees').

144. I did not examine two persons suspended by GRV as at 6 May 2015, as they were suspended outside the timeframe of this Inquiry.

Necessary limitations on exercise of Board Of Inquiry powers

145. From the outset, it has been apparent that there is a possibility that this Inquiry would lead to me making and publishing findings that would adversely affect the reputation of some or all of the Examinees.

146. In order to afford those Examinees procedural fairness, I sought to provide them with an opportunity to be heard (by examination).

147. However, matters were complicated by ongoing criminal or disciplinary investigation(s) into some or all of the Suspended Persons.
148. In order to conduct the inquiry in a timely manner, while avoiding prejudicing or otherwise interfering with those investigations, I have used my coercive BOI powers to examine the Suspended Persons, however I did not question those persons about the alleged incidents at the Tooradin Trial Track.
149. This report reflects investigations conducted and analysis of information obtained and received by my office up to Tuesday 5 May 2015.
150. In compiling this report, I have not viewed the final report or recommendations of the Victorian Chief Veterinary Officer.

ANALYSIS

Media analysis

151. The 'Four Corners' program and subsequent media reporting has resulted in unprecedented media and public interest.

152. From Friday 13 February 2015 until Tuesday 5 May 2015, my office informally recorded a total of 911 media reports, including radio, television, print and online articles that referred to live baiting in Greyhound racing, reaching an audience or circulation of 33.76 million people.⁹⁷

Information analysis

153. Each contact received by my office in relation to this Inquiry was personally reviewed by me and classified into one of three categories and a determination made as to appropriate action:

- a. an Information Report ('IR') i.e. information that is received from a person or an organisation that does not necessarily require a response or resolution;
- b. an Enquiry i.e. contact that provides comment, opinion or requests advice or assistance; and
- c. a Complaint i.e. contact that expresses dissatisfaction and prompts a response or investigation.

⁹⁷ Unofficial analysis by the Office of the Racing Integrity Commissioner of internet, television, radio and print media between Friday 13 February 2015 until Tuesday 5 May 2015

154. Between 13 February 2015 and until 5 May 2015, a total of 156 contacts were received by my office, which I have assessed and classified as follows:

- a. 66 IRs;
- b. 83 Enquiries; and
- c. 7 Complaints.

155. All contacts were entered into my office's intelligence management system, which provides both management and tracking tools to enable analysis and an audit trail.

Analysis of IRs

156. The information from the 66 IRs was collected, collated and analysed. The analysis identified:

- 193 mentions of Greyhound racing participants; and
- 102 mentions of Greyhound racetracks and locations.

157. Many of the above were nominated in multiple IRs.

158. Overall, eight key themes were identified from the 66 IRs:

- live baiting (36 per cent);
- corruption within GRV (23 per cent);
- animal cruelty (17 per cent);
- culture of the Greyhound industry (11 per cent);
- transfer of ownership of Greyhounds (5 per cent);
- interstate allegations relating to live baiting (6 per cent);

- calls for sackings of GRV staff (1 per cent); and
- 'run on' lures (1 per cent).

159. Four main categories emerged from the live baiting theme:

- live animals being released into an enclosure (i.e. a paddock) with Greyhound pups (rearing);
- the use of 'bullrings' to train Greyhounds using live bait (breaking and training);
- the assertion that a 'live kill' will enhance the training and race capabilities of a Greyhound, although no evidence was supplied to support this (performance enhancement); and
- the assertion that trainers in general know where to buy live bait for training purposes and/or where to take their Greyhounds to "get a kill" (training and trialling).

160. Live baiting was mentioned on 90 separate occasions throughout the 66 IRs. Analysis indicated that a considerable number of Greyhound racing participants and members of the public were willing to come forward and nominate various practices involved in live baiting and offer their opinion that live baiting is a known practice within Greyhound training.

161. Of the total information received, 23 per cent related to the theme of corruption at GRV. This theme included allegations involving GRV staff in 43 separate occasions, including allegations of:

- cover ups;
- tip offs;
- conflicts of interest;

- knowledge of live baiting by the Former GRV Board and senior staff; and
- opinions regarding the lack of confidence and lack of professionalism by GRV integrity and compliance staff.

162. Various issues of animal cruelty were raised, including rabbits located on properties, dead rabbits (not gutted), rabbits located on lure, the nomination of small animals to be used for live baiting (piglets, rabbits, possums, chickens, cats) and the location of a 'rabbit room'.

163. Animal cruelty was nominated on 43 separate occasions, with the majority of these allegations relating to cruelty to animals through the practice of live baiting

164. Of the total information received, 11 per cent related to the culture of Greyhound racing. In particular, the theme that most trainers are engaging in live baiting practices and that it is "openly accepted" was nominated in eight instances.

165. Of the total information received, 6 per cent of information related to persons and or locations involved in live baiting practices interstate.

166. The transfer of ownership of Greyhounds was nominated on 14 separate occasions, where concerns were raised regarding suspended persons involved in live baiting and the ability to transfer Greyhounds to another registered person.

167. A further eight IRs nominated the use of prohibited substances in Greyhound racing.

168. Twelve individual Greyhounds were nominated as being trained using live baiting practices.

Actions arising from IRs

169. In accordance with my functions and powers under sections 37B and 37E of the Act, each of the IRs received by my office were actioned on their own merits, that is, a judgement made as to the best method of dealing with the particular information.

170. When the information fell within the jurisdiction of a particular controlling body, that IR would be disclosed or referred to the relevant controlling body. In some instances, the IR would be disseminated to more than one relevant body.

171. When the information related to potential criminal matters, that IR would be disclosed or referred to Victoria Police or other relevant law enforcement agencies.

172. Of the total of 66 IRs that have been received by my office, 30 have been investigated, disclosed and or referred and are completed in the following manner by my office or external agencies:

- 24 IRs were recorded for information and intelligence purposes only, as the information was anecdotal and or of a historical nature; and
- six IRs were investigated and the allegations were found to be unsubstantiated.

173. The remaining 36 IRs are the subject of active investigations by external agencies.

174. Of the 66 IRs, my office determined that in a total of 50 instances, a referral or disclosure of all or some part of the IR to an external agency was necessary.

175. Of those instances:

- four related to interstate locations and industry participants, with two being disseminated to Greyhound Racing New South Wales and two were disseminated to Greyhound Racing South Australia for information and intelligence purposes;
- three IRs were disclosed by my office to Victoria Police for information and intelligence purposes; and
- 34 were disseminated by my office to GRV, with 13 IRs disclosed and a further 21 referred for further investigation and response.

176. Of the latter 21 referrals disseminated to GRV, GRV has confirmed they have completed investigations into three IRs, with the allegations found to be unsubstantiated. The remaining 18 referrals are pending an outcome of ongoing GRV investigations at the time of writing.

Analysis of Enquiries

177. The table below sets out the type of Enquiries (refer to definition above in paragraph 153) received by my office in the course of the Inquiry:

| ENQUIRIES | NUMBER | PERCENTAGE |
|---|---------------|-------------------|
| Comments/opinions | 50 | 60 |
| Queries regarding my office's involvement power and functions etc | 20 | 24 |
| Requests for meetings with the Racing Integrity Commissioner | 13 | 16 |

178. An analysis of the Enquiries received has led to the identification of the following themes:

- a. public disgust/outrage in relation to the footage seen on the 'Four Corners' program;
- b. criticism levelled at either my office or GRV for not having known of the occurrence of live baiting in Victoria;
- c. questions regarding my functions, powers and the role of my office;
and
- d. requests to meet personally with me.

179. Of interest was that eight persons felt that live baiting was widespread and two denied its existence.

Analysis of Complaints

180. Of the seven formal complaints received by my office during the Inquiry, an analysis shows that four complaints related to actions/inactions by GRV, two related to actions/inactions by my office and one related to grading processes used by GRV.

181. All seven complaints were investigated by my office. Of these, three were determined not to be integrity-related and therefore outside the scope of my jurisdiction, one was recorded for information purposes only, one complainant did not want the matter pursued and failed to provide any further information and two were unable to be substantiated.

Analysis of evidence and information provided

182. I was presented with a vast amount of information and evidence throughout this Inquiry from a variety of sources.

183. The analysis of the evidence and information provided clearly showed that there were two very different and competing views held by others:

- a. That live baiting is a systemic issue in Victoria and those in charge at GRV knew and covered it up, should have known and should have had more robust governance systems to proactively address it.
- b. That live baiting is isolated or an infrequent issue in Victoria; whilst those in charge at GRV did not know, they should have suspected its use; and appropriate governance controls were in place to prevent and detect the practice.

184. My analysis is set out below, with the following key areas addressed:

- a. corruption within GRV;
- b. powers, training and knowledge of GRV staff;
- c. GRV approach to welfare generally; and
- d. GRV policies and procedures.

185. The evidence or information supporting each of these views appears in the table below, and the analysis of that evidence and information appearing immediately below the table. My analysis informs the findings made in this report.

186. I am also mindful that there are ongoing investigations in various jurisdictions and accordingly have kept my analysis of attitudes high level and general in nature.

Corruption within GRV

| No corruption within GRV | Corruption within GRV |
|---|---|
| A 2014 survey conducted on behalf of the Former GRV Board/GRV found that live baiting was considered a low and isolated risk, with only one survey respondent of 600 mentioning live baiting. | The issue of live baiting was allegedly raised with the Former GRV Board and/or senior GRV staff on several separate occasions by different stakeholders in the last few years. |
| The relationships (family and otherwise) some GRV staff have with racing participants mean that many participants are reluctant to approach GRV staff with concerns. | The relationships between GRV staff and industry participants means those staff knew or should have known that live baiting was occurring. |
| GRV staff declare conflicts of interest as required by GRV annually. These declarations are audited by my office every year. Therefore, identified conflicts are managed appropriately. | GRV staff declare conflicts of interest on paper. However, in reality, these conflicts are not managed on a 'grassroots' level. For example, a Steward may step down from officiating in a race (as is required by GAR 104(7)), but in reality they can still be present in the Stewards' room for the same race. |
| GRV staff examined by me denied, under oath, they discussed integrity-related issues with their industry connections. | It is not possible that GRV staff do not discuss Greyhound related matters with industry connections, particularly family members. |
| Efforts by GRV staff to conduct random and unannounced | There are multiple unsubstantiated allegations that GRV staff are |

| No corruption within GRV | Corruption within GRV |
|---|--|
| inspections are often thwarted by the insular nature of the industry e.g. a trainer who has been inspected will alert others in that area that a visit is likely. | providing “tip offs” or advance warning, especially in relation to inspections of properties. |
| GRV staff, particularly integrity staff, were not told information by participants because of their position of authority. | GRV, particularly integrity staff in positions of authority, are potentially conflicted/complicit in covering up live baiting. |

187. In the context of this report, I consider the term ‘corruption’ in its broadest sense and therefore to include conflicts of interest, cover ups, tip offs, and ‘turning a blind eye’ to the actual knowledge of live baiting occurring. I have considered corruption allegations in relation to GRV staff and the Former GRV Board.

188. During my Inquiry, I found no evidence to substantiate allegations that GRV staff were involved in any level of corruption, whether ‘tip offs’, ‘leaks’ or warnings to industry participants allegedly involved in live baiting.

189. Members of the Former GRV Board also denied knowledge of live baiting occurring in Victoria.

190. GRV, like the other two racing controlling bodies, is in a complex position, where both independence from the industry and industry knowledge are both required and expected from GRV staff to discharge their functions competently and fairly. This also polarises participants, some who say officials must have industry knowledge and who may be seen through family involvement in the industry to also have unavoidable conflicts of interest. While others say that they prefer officials with no

industry knowledge and therefore no potential conflicts of interest, but with a general understanding of the industry.

191. GRV is aware that potential conflicts of interest exist between its staff and their personal and family connections within the industry and industry concern.
192. As highlighted on the above table, one view is that GRV has appropriately managed conflicts of interest through declarations that exist through GRV's internal management process and the independent audit by my office.
193. The opposing view is that conflicts of interest are in fact unmanageable and create an operational bias in favour of the industry connection, which may extend to complicity or cover up by GRV staff.
194. I acknowledge that many within the Greyhound industry have a perception, whether real or perceived, that some GRV staff with acknowledged potential conflicts knew, or should have known, of the issue of live baiting, especially in light of their industry connections.
195. One of the allegations levelled during my Inquiry was that when a Steward penalises a trainer or Greyhound for failure to chase, a regular comment was passed by the Stewards to that trainer to the effect of "you know what to do" thus insinuating that the trainer should provide the Greyhound with a 'live kill' to improve its performance in races.
196. This was put forward to me as evidence that the Stewards not only knew about the practice, but encouraged it when a Greyhound was under-performing. This allegation was denied by all Stewards questioned during this inquiry and I found no evidence to support the allegation.

197. The GRV Board and senior management had taken steps to engage with the industry in respect to industry plans and strategic plans, including conducting a survey of industry participants in 2014 in which only one mention of live baiting was made in over 600 responses.
198. Of note was that various parts of the industry actively supported the use of certain types of lures e.g. 'Run On', 'Finish On' (FOL) or 'Hoop' lures as a basis for the argument that these lures negate the perceived advantage afforded by live baiting. This infers that live baiting is a known and current issue in Greyhound racing.
199. The use of alternative lures has been raised by GOTBA and racing participants with GRV for a number of years. Evidence is that an approach was made to the previous GRV CEO, John Stephens, some years ago suggesting that the use of catching pens was "...in affect [sic] supporting and promoting the use of live game off the tracks."
200. More recently the issue of introducing a "Ranger" position was suggested by two reputable industry participants to GRV to improve the regulatory environment with a focus on education and awareness. Indications are that the proposers included in their discussions, their concerns with the issue of live baiting, raising it with the Former GRV Board Chairman and the GRV CEO.
201. The proposers are considered respectable industry participants who are knowledgeable and have a history of long and valued service to Greyhound racing. I have no reason to doubt the credibility of this information. Whilst they did not provide any detail or information to GRV regarding any instances of live baiting occurring, it is reasonable to say that the issue has been raised generally with GRV.
202. I have also come to the view that existing participants in the Greyhound racing industry see themselves operating in an insular environment with a reluctance, or even 'fear' about reporting issues to GRV or its

Stewards. In part, this appears to stem from a fear of retribution, whether real or perceived, by Stewards in positions of authority or their peers. For example, some people have advised me that if they report matters to the Stewards they are subject to increased scrutiny, such as more frequent swabbing.

203. I have also been left with the distinct impression that many Greyhound trainers create informal networks (which are often unable to be identified by outsiders). These 'groups' are prepared to talk amongst themselves, but reluctant to talk to those outside the industry or those with authority within the industry, myself included. Examples of this include:

- a. An industry participant under oath stating that if they had specific information relating to the issue of live baiting, they would not tell me and most certainly would not tell GRV staff;
- b. Information that at an industry body meeting following the 'Four Corners' program, a prominent industry participant stood up and advised others present to keep quiet and not speak to authorities because those on the 'Four Corners' program were 'wearing one for the rest of the industry'; and
- c. Many industry participants admitting they 'stick with their friends' and whilst they talk in general terms to others at racing meetings, specifics or detailed information is rarely discussed.

Powers, training and knowledge of GRV staff

| GRV staff have sufficient powers, training or knowledge to detect live baiting | GRV staff do not have sufficient powers, training or knowledge to detect live baiting |
|---|---|
| GRV staff, including Welfare Officers, have the power to enter and inspect registered properties in accordance with section 77A of the Act. | Limitations on this power exist. For example, inspections of registered properties are confined to a 'reasonable hour' and inspections had to occur when an occupant was present. |
| Welfare Officers are an extension of the Stewards with a focus on compliance regarding welfare matters. | Welfare Officers are not designated Stewards and have no power to enforce compliance with the Local Rules. |
| Welfare Officers have appropriate authority under the Act. | Welfare Officers are encouraged by GRV management to adopt a 'softly, softly' approach and are not seen as having the same authority as Stewards and are treated accordingly by participants. |
| GRV staff undertook inspections and found insufficient evidence to support the occurrence of live baiting. | Had GRV staff had appropriate powers, training and industry knowledge, their inspections potentially should or could have found sufficient evidence that live baiting may have been occurring, e.g. 'rabbit rooms', possum traps etc. |
| GRV's Welfare Penalty Guidelines include a prohibition against live baiting, with a 10 year ban | Live baiting was not 'on the radar' of the Welfare Officers and they were not instructed to seek evidence of |

| GRV staff have sufficient powers, training or knowledge to detect live baiting | GRV staff do not have sufficient powers, training or knowledge to detect live baiting |
|--|--|
| recommended. | live baiting when inspecting properties. |
| GRV has taken appropriate action against all registered persons detected to have been involved in live baiting via relevant judicial channels. | The practice of live baiting has been occurring but not been detected by GRV and therefore the Rules have not been enforced. |

204. As noted previously in this report, there is a distinction between the powers held by Welfare Officers and the powers of Stewards. While both positions have the power to enter and inspect properties under section 77A of the Act, Stewards have additional powers under the Local Rules, including powers of enforcement and the ability to impose pecuniary penalties.

205. For this reason, Welfare Officers do not conduct investigations relating to breaches of the Rules of Racing, but instead report suspected breaches to the Stewards, and subsequently become witnesses in Stewards' investigations.

206. The focus of the Welfare Officers is to inspect registered properties for Greyhound welfare issues which, if appropriately conducted, had the potential of identifying the practice of live baiting. There appear to be several reasons that live baiting was not detected by GRV, being:

- a. lack of legislative powers of inspection (i.e.: restricted hours) and industry status (lack of respect);
- b. lack of training of integrity-related staff in relation to live baiting and identifying potential signs of live baiting; and

- c. lack of Greyhound industry knowledge by Welfare Officers.

Powers and industry status

207. It is clear to me that Welfare Officers should be given the same powers as Stewards. Not only would this enable the Welfare Officers to enforce relevant Rules of Racing, but would also confer on them the authority and (hopefully) respect, afforded to Stewards in the racing industry. It would ensure that suspected animal welfare-related breaches are considered on par with other suspected breaches of the Rules.
208. There exists industry resistance, and in some cases hostility, to the role of Welfare Officers. Unlike Stewards, Welfare Officers do not have power to directly enforce compliance with the Rules of Racing. It appears that the participants responded by dismissing issues identified by Welfare Officers, e.g. non-compliant fencing.
209. This is compounded by what has been described as a direction by GRV to its Welfare Officers to take a “softly, softly” approach regarding compliance issues on Greyhound welfare, which results in Welfare Officers having a focus on the education and awareness components of their role, to the detriment of their intended compliance and integrity function.
210. There is also a differing focus between the Welfare Officers and the Stewards in the conduct of property inspections. For example, Stewards concentrated on racing-related matters under the Rules of Racing, such as animal identification and out-of-competition drug testing.
211. While the Welfare Officers would concentrate on issues that industry participants did not consider important, such as compliance with requirements regarding the size of wire mesh on kennels and half-filled water bowls considered by participants to be insignificant when compared to issues such as the use of prohibited substances on Greyhounds.

212. In September 2009, a GRV Steward was given accountability, amongst other duties, for inspections of the then six GRV registered trial tracks (later increasing). Between that time and June 2014, that Steward conducted approximately 77 such inspections, of which the Tooradin trial track was inspected on approximately 11 occasions.
213. In September 2013, a new GRV position of 'Animal Welfare, Compliance and Education Officer' was created and that new Welfare Officer assumed the role of inspecting the then 12 GRV registered trial tracks in July 2014 following a period of hand-over with the GRV Steward.
214. The new role was well outside the scope of the duties formerly or ordinarily performed by Welfare Officers. Trial Track inspections could encompass any breach of the Rules, such as the use of prohibited substances, the presence of disqualified people and live baiting. The Welfare Officer did not have Greyhound industry knowledge or experience or the necessary powers to enforce compliance.
215. Between July 2014 and February 2015, the GRV Welfare Officer inspected the Tooradin Trial Track approximately a further five times.
216. The inability of a Welfare Officer being able to enforce compliance with the Rules of Racing, is seen by participants as a lack of authority commonly associated with Stewards and, as a consequence, welfare issues are seen by participants as secondary to other Rules, in spite of GRV's welfare initiatives.

Training

217. The evidence indicates that there is no structured training 'framework' for Stewards, Welfare Officers or any integrity-related roles at GRV. Training provided is predominantly on-the-job training.

218. I am of the belief that comprehensive industry training can appropriately equip GRV integrity staff to competently discharge their duties and may assist to broaden GRV's recruitment pool.
219. The recruitment, selection, induction and career development of integrity officials in the racing industry is a concern to me and I commissioned an audit in late 2014 to identify current practices across the three racing codes and on which I will make recommendations later in 2015.
220. Welfare Officers and integrity staff within GRV need to be provided with appropriate training in relation to their legislative powers, Rules of Racing, industry knowledge and an understanding of other laws relevant to racing, such as the POCTA Act. An inter-agency approach (e.g. with RSPCA Victoria) would assist in this endeavour, particularly where there is ambiguity or overlap.
221. The current Welfare Officers emanate from a background unrelated to Greyhound racing, as opposed to Stewards who are generally recruited with a strong industry background and/or in-depth industry knowledge.
222. Specific industry training and knowledge is critical to address welfare issues. For example, a Steward that comes from a family or racing background has an inherent understanding of the industry and the ability to identify evidence and gather information that could identify the practice of live baiting, such as observing scratches to a Greyhound's face, evidence of the existence of 'rabbit rooms' and inspecting properties for animal traps, signs of blood on a lure arm, and so on.
223. Training that provides broader industry knowledge, and is not just confined to welfare-related issues, would also enhance the industry respect afforded to Welfare Officers by arming them with sufficient industry knowledge to the standard required.

GRV approach to welfare generally

| The GRV approach to welfare is adequate | The GRV approach to welfare is not adequate |
|--|--|
| GRV considers animal welfare an important issue and has introduced Welfare Penalty Guidelines regarding the welfare of Greyhounds, including live baiting, with a recommended ban of 10 years, as well as the GRV/GRNSW Animal Welfare Strategy. | While GRV considers welfare an important issue, in reality a “softly, softly” approach is taken with a focus on education and awareness instead of compliance or enforcement of the Rules. |
| Welfare is considered an important issue by GRV, as evidenced by initiatives such as the Greyhound Adoption Program ('GAP'). | GRV's welfare initiatives are particularly focused on the welfare of the Greyhound, not other animals. |
| Welfare Officers are specialised and independent of Stewards under the GRV organisational chart. | Welfare Officers are still reliant on Stewards for enforcement and prosecution and sometimes subject to the direction of both the Chief Steward and the Greyhound Welfare Manager. |
| Training provided, including training provided by my office, stressed the importance of proper note taking and information gathering. | Stewards and Welfare Officers are not required by GRV to keep official diaries. |
| GRV has a dedicated Greyhound Welfare Manager, with two Compliance and Education Officers as direct reports. | Two Welfare Officers are inadequate to perform the duties e.g. cover the state for the purposes of property inspections . |

224. While I acknowledge that GRV had a major focus, rightly, on the issue of Greyhound welfare, limited awareness exists in regards to the broader aspects and risks of animal cruelty in the industry.
225. Many of GRV's welfare initiatives focused on the Greyhound, not on other animals that were/may be involved in Greyhound racing.
226. While GRV had some major welfare initiatives, it takes a "softly softly" approach to enforcing compliance with welfare-related breaches of the Rules of Racing, focusing instead on educating the industry. For example, one trial track with previous registration renewal lapses was permitted by GRV to continue operating, although it was unregistered for a period of at least three months in 2014.
227. As a result, industry participants were not penalised even where obvious breaches of the Rules of Racing or GRV policy occurs.
228. There was, and still is, no centralised case management system or intelligence database maintained by GRV to record welfare and integrity information. Without a central repository, intelligence gained by the different arms of GRV (i.e. Stewards and Welfare Officers) cannot be easily accessed, retrieved or analysed. Knowledge therefore stays with the person who obtained it and is not readily available to others.
229. In addition, GRV does not require staff, particularly integrity-related staff, to complete and maintain an official diary. This is in spite of training provided by my office, with a particular focus on note-taking and record keeping.
230. The reporting lines within the Integrity and Welfare Departments were sometimes blurred. For example, Welfare Officers sometimes appear to have been subject to the direction of both the Chief Steward and the Greyhound Welfare Manager.

231. It was also apparent that most persons consulted with during this Inquiry held concerns regarding the broader aspects of Greyhound welfare i.e. the lack of governance over the lifecycle of a Greyhound and the issue of culling. I will refer to this later in the report.

GRV policies and procedures

| GRV has sufficient policies in place | GRV does not have sufficient policies in place |
|--|--|
| In 2009, the then-GRV Board directed that only cured skins and synthetic material could be used on the arms at GRV race tracks. | The direction is not available on the GRV website and it is unclear why it did not apply to GRV registered trial tracks. |
| The Local Rules prohibit live baiting. | There was lack of clarity regarding the use of 'dead' animals as bait i.e. frozen vs. 'gutted' (intestines removed) vs. dead, until very recently. |
| It is illegal under section 13(e) of the POCTA Act to keep animals for use as a lure or kill for the purpose of blooding Greyhounds or in connection with the training and racing of any coursing dog. | No corresponding GRV rule or policy exists in relation to the keeping of rabbits or other animals that could be used in live baiting other than Greyhounds by registered persons at registered properties. |

232. Prior to the 'Four Corners' program, GRV had two approaches in relation to the use of dead animals as a lure:

- a direction prohibiting the use of dead animals as a lure at GRV registered racetracks; and
- a direction that dead animal carcasses could be used in the training of a Greyhound.

233. In relation to the latter point, there appears to be a lack of a consistent approach and advice by GRV staff in respect of the manner in which a dead animal carcass could be used in Greyhound training. The use of an intact animal carcass was accepted by some, while other GRV staff gave conflicting advice suggesting that an animal carcass must be appropriately gutted to remove any doubt that the animal was alive at the time it was placed on a lure.

234. Documentation regarding these approaches is not available on the GRV website.

235. On 22 July 2014, the GRV CEO released the following written release:

GRV strongly advises owners and trainers that live animals of any species that could be considered a potential lure or bait should not be housed at a greyhound training facility – whether it be a private property or a trial track – to prevent any confusion in relation to POCTA 13(1)(e).

236. A letter to trial track owners was sent by GRV shortly thereafter advising same.

237. In August 2014, a 'rabbit room' containing live rabbits was discovered by Welfare Officers at a registered property. Despite this being a potential breach of section 13(e) of the POCTA Act, GRV did not notify RSPCA Victoria of its discovery until after a subsequent visit in January 2015.

238. Apart from GRV reporting the matter to RSPCA Victoria, no other inter-agency approach was taken to address this possible issue or future issues. I found no 'malicious' intent behind the non-reporting but an oversight in recognising the broader implications or the acceptance by some involved in Greyhound training of live baiting practices.

239. Further, an intact dead rabbit was found on a lure at another registered property on more than one occasion. Whilst this was not in itself a breach of a rule at that time, other than a verbal warning, no further investigation or action appears to have been taken.

240. It appears to me that the policies, procedures and approaches by GRV in regards to the prevention, detection, enforcement of live baiting was in proportion to the assessed risk i.e. whilst the practice of live baiting had historical and cultural relevance within the industry, it was not on GRV's 'radar'.

Analysis of consultation

241. As noted above, I held discussions with a number of GRV officials (current and former), participants, stakeholders and a variety of bodies. The general consensus that arose from these discussions includes:

- a. whilst it is possible that the GRV Board or senior management had no evidence of live baiting occurring at any particular property, they either knew, or should have known, that live baiting was occurring;
- b. live baiting is an acceptable historical and cultural practice in Greyhound racing, which is continued today by some participants;
- c. the Greyhound racing industry is insular, with a lack of trust by participants in GRV and a culture that does not accept 'whistleblowing';
- d. conflicts of interest exist with key GRV staff, particularly those with accountabilities for integrity-related functions, due to their personal/immediate family connections in the industry;
- e. there is an acceptance that the use of freshly killed animals was common practice; rabbits are considered vermin and farmers have an 'obligation' to eradicate them; there is nothing inhumane about

breaking a rabbit's neck and then using it on a lure to incentivise a Greyhound to chase;

- f. there is a current belief amongst some industry participants that live baiting is a tactic used to improve the performance of a Greyhound (in spite of lack of scientific proof);
- g. live baiting is generally used either during the breaking in / education process of a Greyhound and/or to address performance or lack of performance;
- h. Greyhound pups are generally reared at farms and other large properties where wild rabbits also exist and the pups will chase, and occasionally kill a rabbit. There is no regulatory framework that will prevent or detect this activity or participants from releasing a rabbit into a paddock for a Greyhound pup to chase and kill; and
- i. there is a lack of GRV Board members with Greyhound knowledge and/or industry experience.

ANCILLARY ISSUES

242. While live baiting was the focus of my Inquiry, it quickly became apparent that industry participants, various associated bodies and the community at large, had concerns about various related issues in Greyhound racing.

243. I have canvassed the issues that I consider are sufficiently related to this Inquiry to warrant further comment in this report. These matters include:

- a. GRV Board composition;
- b. the lifecycle of a Greyhound;
- c. use of alternative lures; and
- d. national issues.

GRV Board composition

244. I note that there is no current requirement for a person with animal welfare experience to be part of the composition of the GRV Board. The current requirement is for five members with at least one and not more than two to have business or marketing experience and at least one and not more than two to have experience in the Greyhound racing industry.

245. In light of information, evidence and discussions during this Inquiry, I am of the view that welfare should be a major focus of GRV and responsibility of the GRV Board. Accordingly I recommend that the Act should require one Board member have suitable animal welfare experience.

The lifecycle of a Greyhound

246. As RSPCA Victoria has pointed out, no documentation exists in respect of the number of Greyhounds 'lost' between birth and litter registration, and then litter registration and the 'naming' of the Greyhound.⁹⁸ However, the RSPCA Victoria estimates only about 53 per cent to 59 per cent of Greyhounds born in Victoria are ultimately 'named'.

247. A number of issues related to the lifecycle of a Greyhound came to my attention during this Inquiry. These issues start with the uncontrolled and unregulated breeding of Greyhound puppies and ends with concerns about how dogs are retired or re-homed or euthanised and disposed of. Such concerns include:

- allegations of mass Greyhound burial grounds/pits;
- the inability of GRV to prevent or control interstate breeders from oversupplying and dominating Victorian Greyhound racing;
- the disproportionate number of litters that are born when compared to the number of Greyhounds ultimately race; and
- what occurs to race dogs at the end of their racing life.

248. On the basis that if between 5000 and 6000 pups are whelped annually, and allowing for natural attrition of 1000, 500 going into the GAP and 300 retained for breeding or as pets, it is estimated that as many as 4000 Greyhounds are killed before their fifth birthday.⁹⁹

249. The culling of Greyhounds is clearly a concern and warrants a thorough review in order to create a regulatory framework that oversees the entire lifecycle of a Greyhound and ensures the welfare of all Greyhounds bred.

⁹⁸ RSPCA Victoria. 8 May 2015, *RSPCA Updated Report on changes needed to the Greyhound Racing Industry in Victoria – 8th May 2015*, p. 1

⁹⁹ *Herald Sun*. Judge G.D. Lewis A.M., 31 March 2015, 'Greyhound Row can't ignore the dogs' welfare', p. 21

250. The fact that these issues extend beyond Victorian borders necessitates a unified national approach in all Australian jurisdictions.

Use of alternative lures

251. There are polarised views in relation to the use of alternative mechanical lures.

252. On one hand, the 'run on' lure ('ROL'), also referred to as the 'hoop lure' or the 'follow on' lure ('FOL'), is considered superior as it allows Greyhounds to catch the lure, rewarding the dog and taking away any competitive edge that live baiting is considered to have.

253. The opposing view is that ROLs cause injury to Greyhounds or increase the risk of injury, such as a dislocated jaw and fractures. Additionally, the ROL has no real effect on a Greyhound's performance and represents an inappropriate image of Greyhound racing and training.

254. Whatever the view, there is a need to explore alternative methods in an effort to negate the perception that live baiting provides a competitive edge in the Greyhound industry.

National issues

255. The fallout from the ABC 'Four Corners' program was both swift and widespread, not just in Victoria but nationally. A small cross section of events that occurred in the eastern States of Australia as a result of the program is set out in the table below.

| State | Date | Event |
|--------------|------------------|---|
| NSW | 19 February 2015 | Chief Executive Officer of GRNSW and the GRNSW Board resign. ¹⁰⁰ |

¹⁰⁰ Australian Racing Greyhound. 2015, *GRNSW CEO Brent Hogan and entire board stand down*, 19 February 2015, viewed 8 May 2015
<http://www.australianracinggreyhound.com/australian-greyhound-racing/administration/grnsw-ceo-brent-hogan-and-entire-board-stand-down/61548>

| State | Date | Event |
|------------|---------------|--|
| | 4 March 2015 | NSW Deputy Premier and Minister for Racing Troy Grant announces the <i>Special Commission of Inquiry into the State's greyhound racing industry to investigate animal welfare and integrity issues</i> , to be led by the Hon. Michael McHugh AC QC. ¹⁰¹ |
| | | A total of: ¹⁰² 40 Greyhounds in NSW are suspended from racing (as at 5 March 2015); and 10 trainers are suspended. |
| | 12 May 2015 | GRNSW slashes prize money and impose an “animal welfare levy” from 1 July to strengthen integrity measures. |
| QLD | 10 April 2015 | The Queensland Government announces the Commission of Inquiry into the regulation of the Queensland GRI, to be led by Mr Alan MacSporran QC. A six detective taskforce led by Detective Superintendent Mark Ainsworth, including a RSPCA Queensland inspector, investigates allegations. |
| | | In excess of 40 industry participants are stood down or banned. ¹⁰³ |

¹⁰¹ See http://www.olgr.nsw.gov.au/media_releases.asp and <http://www.greyhoundracinginquiry.justice.nsw.gov.au/>

¹⁰² ABC. 5 March 2015, *Greyhound racing: Top NSW trainer and owner confirm star dogs broken in by live baiter Zeke Kadir*, viewed 27 May 2015, <http://www.abc.net.au/news/2015-03-05/greyhound-racing-top-nsw-dogs-broken-in-by-live-baiter-kadir/6284282>

| State | Date | Event |
|-------|------------------|--|
| TAS | 17 February 2015 | Hon. Jeffrey Rockliff, Minister for Racing Tasmania commissions an independent investigation into animal welfare provisions in the GRI, to be conducted jointly by Chief Veterinary Officer and the Director of Racing. ¹⁰⁴ |
| | 13 March 2015 | Chief Veterinary Officer and the Director of Racing find no evidence of live baiting occurring, although 29 recommendations to strengthen relevant provisions are released. ¹⁰⁵ |
| | 18 March 2015 | The Parliament of Tasmania appoints a Joint Select Committee to investigate animal welfare provisions in the Greyhound racing industry, including over-breeding and the killing of under-performing dogs, as well as live baiting. |

256. While each state and territory has jurisdiction over Greyhound racing in their respective jurisdiction, I note that:

- a. while confining their oversight to geographic boundaries, participants in the Greyhound industry regularly extend beyond those borders, with regards to breeding, training and racing; and
- b. integrity issues, including those that relate to live baiting and culling are issues faced by all jurisdictions.

¹⁰³ ABC. 29 April 2015, *Greyhound Live Baiting Scandal – Another 14 Queenslanders banned for life*, accessed 17 May 2015 <http://www.abc.net.au/news/2015-04-28/racing-queensland-bans-a-further-14-greyhound-participants/6429058>

¹⁰⁴ Tasmanian Government. 17 March 2015, *Greyhound Review: Recommendations*, viewed 17 March 2015, http://www.premier.tas.gov.au/releases/greyhound_review_recommendations

¹⁰⁵ Ibid

257. Integrity issues common to Greyhound racing in Australia cannot be considered in a vacuum, but instead require a consistent and unified approach to tackle issues such as live baiting, and more broadly, animal welfare issues.

258. This is an opportunity for leadership by controlling/racing bodies in collaboration with government and participants.

FINDINGS AND RECOMMENDATIONS

Interim findings

259. My interim findings have been superseded by the findings set out in this of the report.

Final findings

Q1. Is live baiting an isolated or a systemic issue in Victoria?

260. The weight of information received to date from industry participants indicates live baiting continued to occur (at a minimum, up to the time of the 'Four Corners' program) as a clandestine method used by some Greyhound trainers and 'breakers' as a means of educating, breaking in and/or training Greyhounds for racing.

261. In spite of a thorough investigation involving numerous discussions, meeting, interviews and examination of GRV staff and industry participants under oath, I still have no direct evidence as to how regular and widespread the practice of live baiting was. The evidence available was limited in circumstances where some industry participants were subject to criminal and disciplinary investigations at the time they were examined and entitled to claim the privilege against self-incrimination

262. Accordingly, while I cannot make a finding of fact that live baiting has been occurring on a systemic basis, I am confident in my view that the practice is unlikely to be confined to one property or one group of participants in Victoria.

263. The overwhelming circumstantial evidence indicates that live baiting has been an ongoing practice used at various stages in Greyhound racing.

264. It was viewed by most as a historical and cultural practice and one which was handed down from generation to generation in an industry

traditionally dominated by participants who come from a family involved in Greyhound racing.

265. One explanation provided to me for the continued practice of live baiting is to encourage the Greyhound to chase a lure during the race. I note that trainers and Greyhounds are penalised when a dog “fails to chase” during a race. Greyhounds can be stood down from racing which can have an impact on the already short racing life of a Greyhound (approx. two years). It also puts pressure on a trainer to get “back on track”, with some in the industry believing the only way to quickly ensure a Greyhound returns to racing is to use live bait. Terms such as ‘give it a bite’, ‘you know what it needs’ and ‘give it Vitamin P’ (referring to a possum) are expressions relayed to me as commonly used by some as recognition of the practice.
266. Such evidence includes information received from multiple industry sources in relation to various locations throughout Victoria, including well respected veterinarians, industry ‘stalwarts’, owners, trainers and concerned members of the community.
267. Evidence that supports the information received includes observations by participants of the presence of possum traps on registered properties, ‘rabbit rooms’ at trial tracks, animal carcasses found strewn on shed roofs at trial tracks where there are no natural features to enable rabbits or possums access and carcasses on or in the middle of race tracks.
268. To be clear, I am not in receipt of any one piece of information that proves live baiting is occurring, either in a specific instance or as a general practice, excluding matters currently under investigation by other bodies. However, taken as a collective, I am satisfied the information received by my office indicates that live baiting is well-known and practiced within the Greyhound racing industry in Victoria.

269. I am also satisfied that there is sufficient information to support this finding in spite of several difficulties confronted in obtaining direct evidence definitively proving any one instance of live baiting, including:

- a. a code of secrecy within the greyhound racing industry that renders it insular;
- b. a fear of retribution from their peers and integrity bodies that prevents industry participants from divulging direct evidence;
- c. conflict of interest issues with GRV staff (whether real or perceived, declared or otherwise) that creates a reluctance on the part of industry participants to come forward with information; and
- d. an inability by GRV to retrieve and provide relevant documents or information, particularly due to a lack of a central intelligence repository for GRV staff.

270. My reluctance to impede on and potentially adversely affect ongoing investigations by other bodies has also restricted my ability to examine relevant parties under oath in relation to alleged events reported on the 'Four Corners' program.

Q2. Did those in charge at GRV know live baiting was occurring in Victoria?

271. It is clear that GRV and the Former GRV Board were aware of live baiting as a general issue.

272. The historical practice of live baiting, which was accepted in Victoria prior to 1966, is well known. However the practice of live baiting was not a purely historical issue. As recently as 2009, a Greyhound trainer was found to have engaged in a form of live baiting and prosecuted accordingly. I am not convinced, though, that GRV considered these instances to be anything but isolated and therefore the issue, or the risk of it occurring, was afforded only minimal attention.

273. Sporadic allegations of specific instances of live baiting were raised and investigated by GRV, but were unable to be substantiated.
274. In an independent survey conducted on behalf of GRV in 2014, live baiting was identified as an issue by only one survey respondent in over 600 participants. In the same year, the GRV Board conducted a corporate risk assessment, identifying live baiting as a low-level risk.
275. It is evident the GRV Board and CEO had a strong focus on Greyhound welfare, as observed by welfare initiatives such as the Welfare Penalty Guidelines and GAP. However, it is the welfare of the Greyhound itself that seems to be central to the majority of these initiatives, not the welfare of other animals.
276. GRV staff denied any specific knowledge of instances of live baiting occurring (other than those under current investigation) and all denied knowledge that it was a systemic issue. I have no evidence to the contrary and accept this to be the case.
277. All Former GRV Board members denied knowledge of instances of live baiting occurring in Victoria. I have no evidence to the contrary and accept this to be the case.
278. A number of GRV senior management and staff with responsibilities for integrity and welfare have strong connections with industry participants. These connections include immediate family members who are currently registered persons. Whilst GRV had in place a management process in relation to potential conflicts of interest, there is a widely held perception within the industry amongst participants that these staff are, none the less, acting to the advantage of their connections. I have found no evidence to substantiate these perceptions.

279. It is also understandable that a general perception exists that certain individuals within GRV staff knew of the practice of live baiting by virtue of their relationship to / with industry participants, but there is no evidence to date to support this.

280. In conclusion, I accept that GRV staff and the Former GRV Board knew of the practice of live baiting, however, I do not believe this knowledge extended to a belief or understanding that live baiting was potentially a concern within the industry.

Q3. Whether those in charge at GRV should have known of the occurrence of live baiting in Victoria?

281. The GRV Board, CEO, senior management and staff with accountability for integrity and animal welfare accept that the perception is that they should have known about the practice of live baiting occurring in Victoria.

282. However, the GRV view is that the only way it could have known is if it had been brought to their attention, and they maintain that was not the case.

283. Regular inspections of (the then six) trial tracks by a dedicated Steward commenced in 2009 and approximately 77 inspections occurred until 2014. During this period the Tooradin Trial Track was inspected on approximately 11 occasions. A dedicated Welfare Officer officially took over these responsibilities in 2014 and inspected the Tooradin Trial Track approximately a further five times up to February 2015.

284. Recent inspections of various properties indicate that the practice of live baiting was possibly occurring at these locations. Had this information been appropriately investigated and managed (including referrals to other agencies) it is conceivable that the practice of live baiting may have been detected.

285. There is a lack of a professional training framework for GRV integrity officials, inter-agency consultation, legislative powers, and in some cases industry knowledge, coupled with an approach that afforded weight predominantly to Greyhound welfare issues that all contributed to the lack of focus by GRV to proactively address the issue of live baiting.
286. In particular, I find that the Welfare Officers should not have been given the task of undertaking inspections of trial tracks without the same powers, training and industry knowledge of experienced Stewards, who previously undertook this role.
287. Inspections such as these require in depth industry knowledge, a broad range of training supported by the power to enforce the Rules of Racing, which are currently conferred on Stewards but not Welfare Officers.
288. I find this especially concerning in circumstances where there were only two Welfare Officers to cover the State, particularly as they already had a heavy workload without this added responsibility.
289. This is by no means a reflection on the work carried by the Welfare Officers, who were employed to carry out a welfare compliance and education role and instructed to undertake this role in what has been described as a “softly, softly” manner with a focus on educating participants, rather than enforcement of compliance with the Rules of Racing.
290. The Stewards and Welfare Officers were limited by the operation of section 77A(2) of the Act in that they could only inspect premises at any “reasonable hour”.
291. There is a lack of clarity about the application of this section of the Act that contributed to a degree of predictability in regards to the timing of the visits by the Welfare Officers i.e. between 9am and 5pm on weekdays. I am informed that GRV is working with the Office of Liquor Gaming and Racing to address this issue.

292. Taking into consideration the above factors, I find that, had GRV:

- provided appropriate training, including imparting industry knowledge;
- appointed Welfare Officers as Stewards and, therefore, conferred on them broader powers, including the power to investigate/enforce; and
- had appropriate legislative powers, including those to enter properties at any time,

then GRV should have known that live baiting was potentially an issue in Victoria.

Q4. Were the governance controls in place in GRV adequate?

293. GRV underwent significant change in 2012 with the appointment of a new Board and CEO.

294. In 2014, the GRV Strategic Plan identified Greyhound welfare as its number one strategic competency.

295. It appears that Welfare Officers were reporting to both the Chief Steward the Greyhound Welfare Manager, in some circumstances.

296. I find that welfare and integrity related issues are often interrelated. When Welfare Officers were put in charge of trial track inspections, it became very apparent that a cross-over in reporting lines would eventuate. No apparent governance controls appear to have been implemented to facilitate this change.

297. A “softly, softly” approach was taken in regards to welfare issues, and carried over by the Welfare Officers when inspecting trial tracks. The emphasis placed on education of participants, rather than enforcing compliance, in relation to trial track inspections contributed to live baiting not being identified or proactively addressed.

298. Whilst there were some governance controls in place, in hindsight, it is clear they were not effective in regards to live baiting.

Q5. Is there is any evidence of alleged corruption or cover up by GRV officials?

299. My office received various allegations to the effect that GRV staff:

- provided ‘tip offs’ to industry participants of proposed or impending inspections of property;
- were actively covering up the existence of live baiting; and
- not only knew about the practice but actively encouraged it to remedy occurrences when Greyhounds ‘failed to chase’.

300. There is no evidence, conclusive or otherwise, to substantiate these allegations.

301. There is no evidence of GRV staff ‘covering up’, or been complicit in live baiting or acting corruptly. I remain concerned however there are real or perceived conflicts of interest due to GRV staff having personal (family and/or friend) relationships with industry participants they are accountable for ‘policing’. This is causing distrust, and is a factor in the reticence of participants to come forward (and report issues such as live baiting) and is the cause of complaints regarding biased treatment.

302. I am of the view that until such time that the GRV Board addresses this issue, industry confidence in GRV will be affected.

Q6. Are welfare issues adequately addressed in the Rules of Racing/GRV policies?

303. In 2009 GRV, or the Board at the time, directed that only cured skins and synthetic material be used on the lure arms at race tracks. Signage was placed at race tracks advising of same.

304. While my office was able to locate media statements referring to this direction,¹⁰⁶ no written policy in relation to this directive appears to exist. There is also no central repository for GRV Board directions or policies to confirm this.

305. Similarly, while my office was informed by various GRV staff that dead animals could be used on a lure provided they were 'gutted', legally sourced and humanely euthanised, it is unclear where this direction originated.

306. I acknowledge that industry participants may have been notified of GRV's directions or positions at some point in time. However, as there is no central repository for this policy, more proactive education is required by GRV to ensure that industry participants are fully conversant and have access to current rules and policies that regulate them.

307. Further, I believe that animal welfare-related issues are significant enough to warrant inclusion in the Rules of Racing and should not be relegated only to directions or policies.

Final recommendations

308. As outlined in my Media Release (**Attachment B**), the Interim Report set out a number of recommendations.

¹⁰⁶ See <http://www.grv.org.au/news/2014/07/22/letter-adam-wallish-clarify-issues-animal-welfare-penalty-guidelines/>

309. My interim recommendations have been supported by the full investigation and have been endorsed in this Final Report, with amendments as necessary. I have also provided commentary regarding GRV's response to the recommendations.

310. I have also made further recommendations based on the additional information gleaned since the Interim Report.

Recommendation 1: Powers of integrity-related GRV staff

(Previous Interim Recommendation)

That GRV's Animal Welfare Compliance and Education Officers and Investigators be designated as Stewards for the purposes of the Rules of Racing and legislative and rule changes occur to increase and clarify their powers of entry and inspection.

311. I note that GRV has met with the Office of Liquor Gaming and Racing and is in discussions regarding amendments to the Act and the POCTA Act, including increased powers/possible surveillance powers, with a Draft Bill anticipated in June 2015.¹⁰⁷

Recommendation 2: Governance and controls over Greyhound training, participants and properties

(Previous Interim Recommendation)

That GRV introduce a regulatory framework for all premises and persons involved in the rearing, education, breaking in and training of Greyhounds.

312. GRV has indicated its objective is to have all Greyhounds under the care of a registered participant at all times during their lifecycle, unless retired as a pet. GRV is also currently in the process of defining the 13,000+ registered persons and identifying all facilities used to train Greyhounds on registered properties.¹⁰⁸

¹⁰⁷ See GRV. April 2015, *Informer*, 'CEO's Update', Issue No 25, p. 5

¹⁰⁸ See GRV. April 2015, *Informer*, 'CEO's Update', Issue No 25, p. 5

313. I have amended this recommendation to include 'rearing' as an important part of both the lifecycle of a Greyhound and its regulatory framework.

Recommendation 3: Review and trial of use of alternative lures

(Previous Interim Recommendation)

That GRV undertake a comprehensive review and trial of alternative methods to assist Greyhounds to consistently chase the lure and perform at their best e.g. 'run on' and 'hoop' lures.

314. GRV states it is researching types of lures/lure arms as well as the concept of a 'follow on lure' that allows Greyhounds to finish 'on the lure', giving them a reward, with input sought from industry participants. Interstate and international data is also being reviewed.

Recommendation 4: Commit to a ban on all animals as lures

(Previous Interim Recommendation)

That GRV commit to the Board resolution of 17 February 2015 by amending the Rules of Racing so only lures made of synthetic or artificial materials can be used in the training of Greyhounds at all registered properties.

315. I note this is the current policy position of GRV and has indicated it will introduce the rule as soon as possible, along with a package of reforms regarding trial tracks, bullrings and other equipment used at training facilities.

316. I have extended this recommendation so that it clear that it encompasses all registered properties.

Recommendation 5: Restrict transfer of a Greyhound from a disqualified or suspended person

(Previous Interim Recommendation)

That GRV introduce requirements that:

- a) all trainers that are subject of a suspension or disqualification, must obtain prior approval from the Chief Steward or his/her delegate before being permitted to transfer their Greyhounds to another registered person;*
- b) to prohibit the transfer of Greyhounds from a suspended or disqualified person to a relative, spouse or legally defined partner; and*
- c) that any suspension of a registered person also apply to that person's property and/or properties.*

317. GRV has introduced rules giving greater control over the transfer of Greyhounds between registered persons at the same address and allowing GRV to suspend property as well as persons.

318. GRV notes that the GARs will require amendment to ensure the transfer of ownership or training of Greyhounds from a person who is disqualified, warned off, suspended or a defaulter is approved by the Chief Steward.

319. I am conscious that these amendments may be seen as the indirect imposition of a sanction on an owner, who places his dogs with a trainer who is subsequently suspended or disqualified. However, I am of the view that owners have a responsibility to conduct appropriate inquiries as to the conduct and reputation of a trainer and am satisfied that a) above will address any detriment to a bona fide owner.

Recommendation 6: Stakeholder engagement with animal welfare groups

(Previous Interim Recommendation)

That GRV initiate formalised agreements/ Memoranda of Understanding with relevant animal welfare groups. Such agreements to include arrangements for the exchange of information and immediate reporting of alleged and suspected animal cruelty related issues in the Greyhound industry to relevant authorities.

320. GRV has confirmed it welcomes the opportunity to work with animal welfare groups, and has extended invitations with such groups to discuss ideas and suggestions. GRV reports it will be proposing draft formal agreements in the near future.

GRV may also consider working together with relevant animal welfare groups to develop an education campaign for the benefit of the industry and the public in relation to raising awareness of animal cruelty issues.

Recommendation 7: Appointment of a dedicated Law Enforcement Liaison Officer

(New Recommendation)

That GRV nominate an appropriately trained and qualified dedicated Law Enforcement Liaison Officer to liaise with relevant law enforcement agencies (e.g. Victoria Police, RSPCA) on a regular basis and identify inter-agency training opportunities, particularly in relation to compliance with, and enforcement of, areas of shared or overlapping concern.

Recommendation 8: Welfare training

(New Recommendation)

That GRV introduce structured, comprehensive training to staff who conduct property inspections or who are otherwise involved in the welfare of Greyhounds generally, including Stewards, welfare officers and other members of the Integrity Department.

Recommendation 9: Amend Local Rules to incorporate reciprocal cruelty breaches and penalty units

(New Recommendation)

That GRV review and amend the Local Rules, where relevant, to address the following issues:

- a) while GRV retains the discretion to suspend, disqualify or warn off registered participants at any time, that a breach of section 13 of the POCTA Act (and any other relevant provision) is automatically considered to be a breach of the Local Rules; and*
- b) that penalties are, and seen to be, of substantial effect to act as a deterrent.*

Recommendation 10: Review of Welfare Penalty Guidelines

(New Recommendation)

That the Rules of Racing, policies, governance controls and Welfare Penalty Guidelines be reviewed to ensure that, where appropriate:

- a) provisions are drafted in a language consistent with other relevant laws, wheresoever possible or practicable;*
- b) breaches of welfare-related provisions are rigorously enforced; and*
- c) the penalty for welfare-related issues are at a sufficient level to act as a deterrent.*

Recommendation 11: Mandatory reporting

(New Recommendation)

That the Local Rules, appropriate GRV policies and GRV processes are amended and/or introduced to ensure the mandatory reporting of prima facie criminal offences to the relevant law enforcement body such as Victoria Police and RSPCA Victoria.

Recommendation 12: Establishment of an independent integrity body

(New Recommendation to this Inquiry but restating of a current Recommendation to government)

That Government amend the Racing Act 1958 to establish one statutory independent body with accountability for racing integrity across the three codes, removing such responsibility from the controlling bodies, confer all powers and privileges and authorities of Stewards, integrity and welfare staff, including powers over non-licensed persons, and to transfer current integrity services staff, Stewards, welfare officers and existing integrity budgets to the newly formed body.

321. This is a recommendation I first made in 2013 following my Own Motion Inquiry into Race Fixing and have recently again recommended following my Special Inquiry into the Harness Racing Victoria 2014 Ballarat Pacing Cup.

322. This Inquiry has again reinforced the need to separate the integrity functions from the commercial functions of the controlling body. Integrity, which includes Stewards and Welfare Officers, amongst others, must be, and seen to be, independent of any management influence and commercial concerns of a controlling body. A dedicated, professional body tasked with preventing, detecting and enforcing the Rules of Racing with close working relationships with other intelligence and law enforcement bodies is critical to ensure the integrity of racing in Victoria.

323. This Inquiry has highlighted that the welfare officer role is closely aligned to other integrity roles and should form part of a new integrity body. In both the Thoroughbred and Greyhound codes, welfare is currently part of the existing integrity structure.

Recommendation 13: GRV Board Composition

(New Recommendation to this Inquiry but restating of a current Recommendation to government)

That Government amend the Act to include the requirement that an appropriately qualified person with a background in animal welfare is appointed to the GRV Board.

I submit that this recommendation also be considered for application to the Boards of Racing Victoria Limited, and Harness Racing Victoria in recognition of the importance of animal welfare issues in their respective codes.

Recommendation 14: National approach

(New Recommendation)

That the Minister for Racing considers recommending, through appropriate channels, that State and Territory integrity bodies meet to review the findings of state-based 'Live Baiting Review teams' with a view to sharing knowledge and awareness and adopting a coordinate approach to integrity-related and animal welfare matters.

Recommendation 15: GRV information management

(New Recommendation)

That GRV reviews the potential for the FastTrack system to contain a secure, access controlled and encrypted information management system that allows information to be collected, collated, analysed, reported and disseminated as required between relevant (authorised) areas of GRV. Failing this possibility, that GRV identifies a non-FastTrack system to provide the aforementioned functionality.

Recommendation 16: GRV Policy processes

(New Recommendation)

That GRV introduce the requirement that all policies be in written form and recorded on the relevant page on the GRV website for easy access by industry participants and the wider community.

Recommendation 17: Extend powers of the Racing Integrity Commissioner

(New Recommendation)

That Government amend the Act to enable the Racing Integrity Commissioner's powers to also apply to persons who have been licensed or registered in the racing industry within the preceding three years.

324. This Inquiry has highlighted that there is doubt as to whether my powers extend to persons who have been licensed or registered by a racing controlling body but have since handed that licence or registration in or are no longer licensed or registered. A minor amendment to existing legislation would address this issue.

Recommendation 18: Review of the management of conflicts of interest

(New Recommendation)

That the GRV Board consider the review of the management of conflicts of interest in order to ensure that industry participants have confidence the impartiality of GRV staff.

CONCLUSION

325. The practice of live baiting exists in Greyhound history and culture and was handed down, like other knowledge of the industry, from one generation to another. Over time the nature and extent has diminished aligned with community values and concerns.
326. The relevant law enforcement bodies and racing controlling bodies have progressively introduced legislation and rules to prohibit the practice and increase penalties for those involved.
327. There are some participants, however, who have continued to use this anachronistic practice and their actions were brought to light in the most public of forums by way of the 'Four Corners' program.
328. It is time to address the issue quickly and effectively through a variety of reforms and draw a clear line for any person associated with animals to know and understand the zero tolerance approach to animal cruelty.
329. Greyhound racing is a central part of many people's lives and makes an important financial contribution to the Victorian economy. GRV has an opportunity to regain lost public confidence and improve the good standing Greyhound racing has had with its participants and the majority of the general community. GRV and industry participants need to work together to address the identified areas for improvement under a new model.
330. There is the possibility that there will remain a section within the industry that will attempt to continue the practice in clandestine ways. However, the GRV message must be clear that there are new systems and processes to prevent and detect those activities and that any breach will be dealt with quickly and effectively by GRV and referred to Victoria Police and the RSPCA Victoria for investigation and possible prosecution.

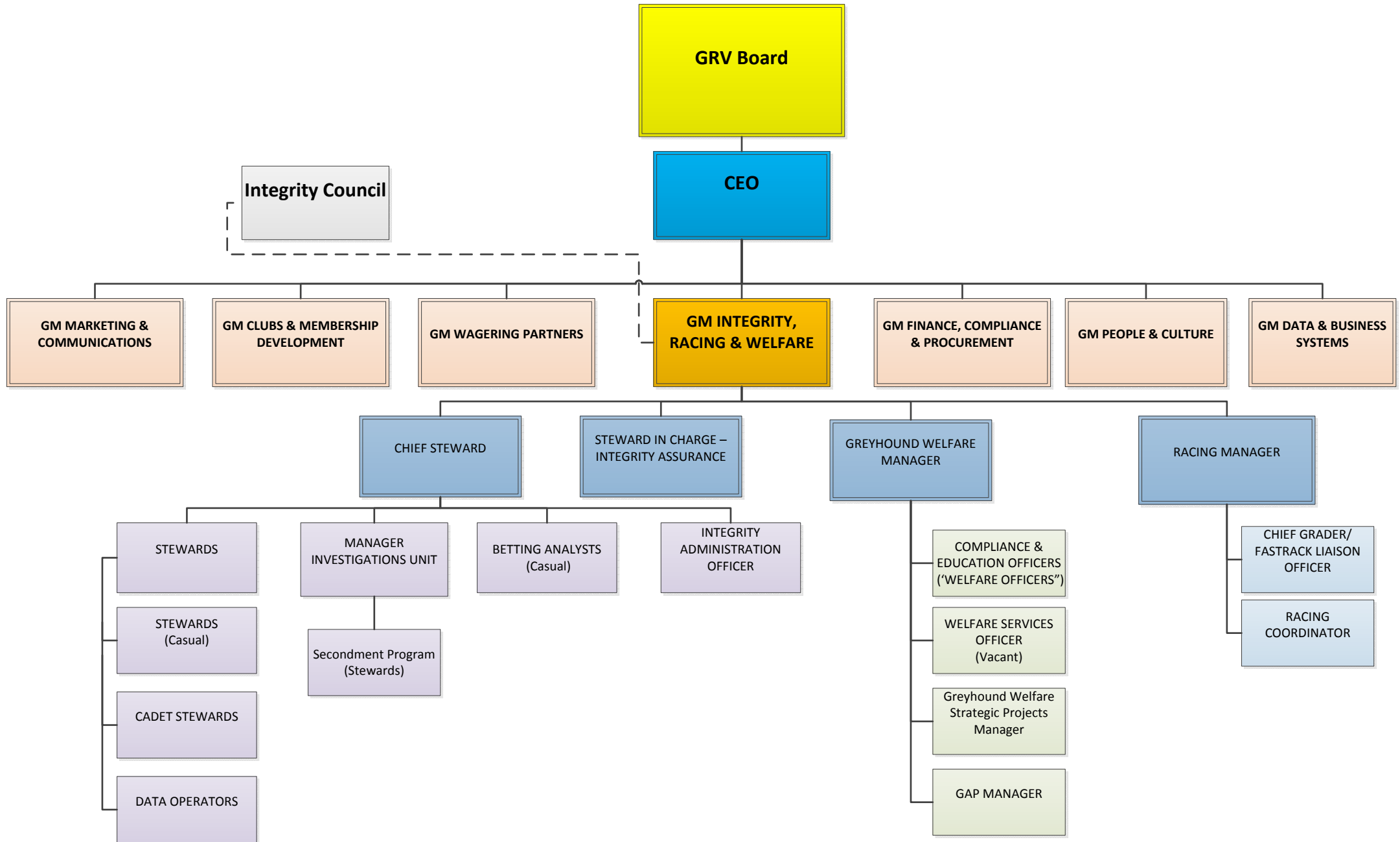
331. I also encourage leadership at the national level to address the broader aspect of animal cruelty, in particular, the allegations of the culling of Greyhounds. This is unacceptable and will continue until a coordinated and harmonious approach is taken to address the regulatory framework of the complete lifecycle of a Greyhound.
332. My recommendations will go some way to addressing many of the issues identified during this Inquiry, as will those who have undertaken similar inquiries into this practice. Their implementation will be greatly enhanced with a concerted effort by racing bodies, key stakeholders, industry participants and government.
333. It is often said that occasionally a 'crisis' is needed for major reform to occur. My hope is that the result of this 'crisis', is that the practice of using live animals to teach a Greyhound to chase is banished to the history books.

ATTACHMENTS

Attachment A: Representation of the relevant aspects of GRV's
Organisational Structure as at February 2015

Attachment B: Office of the Racing Integrity Commissioner Media Release
11 March 2015

**ATTACHMENT A
REPRESENTATION OF RELEVANT ASPECTS OF GRV ORGANISATIONAL STRUCTURE
(FEBRUARY 2015)**



MEDIA STATEMENT

Wednesday, 11 March 2015



Commissioner delivers interim report into live baiting allegations in Greyhound racing

The Racing Integrity Commissioner, Sal Perna, yesterday delivered to the Minister for Racing, an interim report on the Commissioner's own motion inquiry into live baiting in Greyhound racing in Victoria.

The Commissioner's inquiry commenced following the allegations that were aired on the ABC Four Corners program on Monday 16 February 2015.

This report outlines interim findings and recommendations arising from the own motion inquiry which commenced on Tuesday 17 February 2015 and includes a preliminary analysis of information and intelligence collected up to midday on Friday 6 March 2015.

The interim report is the result of interviews with current and former employees of GRV including the Board, CEO, senior management and staff involved in the integrity and welfare functions as well as industry participants, stakeholders and the general public. In a number of instances, the Commissioner exercised his power to compel attendance at an examination to give evidence under oath or affirmation in accordance with section 37BA of the *Racing Act 1958*.

The interim findings include the following:

1. Whilst to date there is no direct evidence of live baiting occurring at any other Victorian registered Greyhound facility apart from the Tooradin Trial track, it would be naïve to accept that this practice is not, and has not, been occurring elsewhere in Victoria.

The weight of information from industry participants indicates that the practice continues to occur as a clandestine method of educating, breaking in and training of Greyhounds for racing.

2. There is no evidence that the GRV Board, CEO or senior management knew about the practice of live baiting occurring in Victoria. It is understandable that a general perception exists that certain persons in GRV knew by virtue of their relationship with industry participants but there's no evidence to date to support this.

3. On the balance of probabilities, GRV could not have been expected to know about this practice when taking into consideration the lack of powers in regards to entry and inspection of properties and the approaches used by those at GRV who are charged with detecting this type of practice.

4. There is no current evidence to substantiate the allegations that there was corruption or a 'cover up' at GRV in regards to live baiting at Tooradin or elsewhere.

"I have recommended to the Minister that a number of changes be implemented to address the issues I have identified as part of this own motion inquiry. These include:

- The increase of powers for animal welfare compliance and education and integrity staff at GRV;
- That GRV introduce a regulatory framework for any premises or person involved in the education, breaking in, and training of Greyhounds;
- The initiating of a review and trial by GRV of alternate methods to assist Greyhounds to consistently chase the lure and perform at their best e.g. 'run on' and 'hoop' lures;
- That GRV amend the rules of racing so only lures made of synthetic or artificial materials can be used;
- That GRV introduce requirements that a) all trainers that are subject of a suspension or disqualification, must obtain prior approval from the Chief Steward or his delegate before being permitted to transfer their Greyhounds to another registered person, b) to prohibit the transfer of Greyhounds from a suspended or disqualified person to a relative, spouse of legally defined partner, and c) that any suspension of a registered person also apply to that person's property or properties; and
- That GRV initiate formalised agreements/Memoranda of Understanding with relevant animal welfare groups. Such agreements to include arrangements for the exchange of information and **immediate** reporting of alleged and suspected animal cruelty related issues in the Greyhound industry to relevant authorities".

"I am at a loss to understand the acceptance by some industry participants of the use of live animals in the training of Greyhounds. I will address the issue of culture in my final report which will be made public. In that final report I also intend to make comment regarding the need to undertake a national study to implement the introduction of a registration process to encompass the life cycle of a racing Greyhound."

The own motion inquiry will continue until Friday 10 April 2015 and any person with information regarding the practice of live baiting in Victorian Greyhound racing is encouraged to contact the office of the Racing Integrity Commissioner.

A final report will be delivered by Thursday 30 April 2015.

To contact the Office of the Racing Integrity Commissioner, please call 8684 7776; fax 8684 7778; email enquiries@racingintegrity.vic.gov.au or contact the Racing Integrity Hotline on 1300 227 225.

www.racingintegrity.vic.gov.au