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Abstract

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Cover Page Footnote

An article adapted from a dissertation submitted for the fulfilment of a Master of Public Policy at the University of Sydney. Supervised by Dr. Nicholas Bromfield.

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Luke E. Henderson

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Abstract: Recent developments in New South Wales greyhound racing include a short-lived ban of the industry, followed by a ‘backflip’ on the decision, and the introduction of a new regulatory body, the Greyhound Welfare and Integrity Commission (GWIC). In this paper, case study analysis is used to evaluate how and why power dynamics have shifted away from the animal welfare concerns that advised the formation of GWIC, and fervently back towards industry interests. Using frameworks that unpack the concept of policy success, results show that policy initiatives have decentralised animal welfare to the benefit of key industry stakeholders, where causal issues are often left unaddressed. From here, recommendations are made for the consideration of the NSW Government and GWIC, ensuring animal welfare is recentralised in regulatory efforts.

Keywords: Greyhounds, greyhound welfare, animal welfare, policy success, New South Wales

Introduction

Greyhound racing in New South Wales has a turbulent recent history. In 2015, a televised exposé entitled *Making a Killing* on ABC's *Four Corners* highlighted systemic animal welfare issues within the industry, including widespread incidents of live-baiting and mass greyhound killings throughout Australia. This focusing event led to a year-long special commission of inquiry, launched by the then Premier of New South Wales Mike Baird and undertaken by retired High Court judge Michael McHugh, that ultimately deemed the industry beyond repair. A ban on greyhound racing was announced, yet just months later, Baird reversed the ban following backlash from the racing community, gambling lobbyists, and government actors, publicly stating that he had 'got it wrong' (Gerathy and Glanville). The backflip decision raises interesting questions regarding the fleeting nature of animal welfare advocacy in Australia, which has not been meaningfully embedded in recent greyhound racing industry developments. This contains the seeds of the issue for this paper, where interpretations of success are being disseminated by the Greyhound Welfare and Integrity Commission (GWIC), described on their 'About' page as an 'independent regulator of the greyhound industry in NSW... established to promote and protect the welfare of greyhounds, safeguard the integrity of greyhound racing and maintain public confidence in the greyhound racing industry' ('About: Greyhounds Welfare and Integrity Commission'). Despite these objectives, animal welfare advocates warn of enduring and unresolvable pathologies in the industry, where the voice of advocacy that informed the McHugh report has been greatly diluted through the reform process.

Animal welfare is a contested field in Australian policy, and critical analysis of contemporary greyhound racing policy is limited or explored within a wider scope of general animal ethics. Morton et al. discuss elements of animal law in relation to an 'enforcement gap' in Australia, described as 'a disparity between practices laid out in the regulations and the actual practices'. Weaknesses are identified in the legal processes including language ambiguity in legislation, the unusual use of non-government organisations for enforcement, and a lack of severe penalties paid for offences (1). This is further muddied by complex and often contradictory attitudes of the Australian public towards animal welfare issues (Chen xvii), including a 'significant modern defense of the status quo' (32). Such paradoxical issues were

raised by Ellis following the initial ban, who noted that the commodification of animals over appropriate treatment was the norm in adjacent areas such as the live export industry which operates on assumptions of animal suffering. Ellis subsequently noted it was ‘no coincidence that examples of animal cruelty in the live export and greyhound racing industries have both been exposed by animal activists and the media, rather than the regulators’.

Following a brief timeline of recent industry affairs and research methodology, this paper provides much needed analysis of recent developments. With annual, quarterly, and ad hoc reports now being managed by GWIC, we are presented with more raw data on the NSW greyhound racing industry than ever before. It must be understood, however, that GWIC have vested interests in ensuring the industry’s survival, and assertions of improvement through reporting are often guided in part by stakeholders within the industry. As such, additional data that prioritises greyhound wellbeing is sourced from voices of animal welfare advocacy and analysed in alignment with the initial inquiry. Policy trajectory is analysed using success frameworks, with particular focus given to the ‘Policy Success for Whom?’ framework set by McConnell et al. to confirm the stance that policy objectives have greatly shifted back in favour of greyhound racing as the status quo. Through this process, the due diligence provided in the inquiry can be appropriately acknowledged and suggestions for meaningful future policy action can be drawn.

Timeline

Though this paper’s focus begins with the 2015 *Four Corners* exposé *Making a Killing*, it is important to establish a brief history leading to this point. A distinct greyhound racing community has existed in Australia since European colonisation (Groizard 135), and organised racing tied to gambling since 1929 (Markwell et al, 595). Two strands of racing are acknowledged: live-hare coursing, banned in 1953, followed by modern greyhound racing, where an electric hare replaced a live one and purpose-built tracks were introduced (Solling and Tracey 7). In the post-war era the Totalisator Agency Board (TAB) became the lifeblood of the industry, providing 80% of its income (16). Harold Park and Wentworth Park, both in Sydney,

helped drive popularity of live events; by 1964, 83% of Australia's tracks were in New South Wales (7). The following several decades are defined by a decline in racetrack attendance as interest shifted to punters at home or alternative facilities (pubs, et cetera).

The series of events that followed present strong association with Downs' *Issue-Attention Cycle*, (see fig. 1), founded on the assumption that 'public attention rarely remains sharply focused upon any one domestic issue for very long' (38). Although this model is primarily heuristic it provides a useful basis for examining how greyhound racing has been viewed at different stages in this case study. The aftermath of the documentary brought to light a condition that already existed but had yet to reach a truly public forum. With controversies uncovered, 'euphoric enthusiasm' (Downs 39) moved the issue from seclusion to a widely publicised space, resulting in complicit trainers being suspended and the entire board of Greyhound Racing NSW being stood down. A month later, Premier Mike Baird announced an inquiry into the industry, led by Michael McHugh. In July 2016, McHugh's report was published, confirming overwhelming evidence of live-baiting practices, along with numerous accounts of animal welfare issues, including high levels of track injuries that went unreported, overbreeding, high levels of killing, and maltreatment of greyhounds including use of illegal substances (McHugh). Baird announced an outright ban on the industry with a 12-month transition period in July; legislation passed in the lower house of parliament in August to implement change.

The following months were characterised by growing resistance from several powerful forces that opposed the ban, including the industry itself, gambling lobbyists, and political leaders from across the board, including Baird's own party. The significant cost of ceasing the industry was the prominent message, in line with Downs' model, which coincided with a decline in public interest. Concurrently Baird's popularity dropped from 61% to an all-time low of 38% ('History'). In October, Baird reversed the ban, saying he had 'got it wrong' (Gerathy and Glanville) and the industry would continue under a new governance model. In January 2017, Baird resigned. This moved sentiment into a 'post-problem stage', where public concern is in 'prolonged limbo' with 'spasmodic recurrences of interest' (Downs 40). Chen suggests

Australian attitudes towards animals are complex and contradictory in nature (xvii), where the status quo is often blindly accepted and works to conceal the power relations behind it (xix). This understanding gives even more resonance to the model, demonstrating a common yet amplified feature of the policy cycle: the issue now lives in limbo.



Figure 1: Greyhound Racing Regulation in NSW applied to Downs' Issue Attention Cycle

Methodology

The methodological approach adopted in this paper was a case study analysis of NSW greyhound racing regulation under GWIC. A case study approach is useful to this research paper for two primary reasons. Firstly, it provides a vehicle for contextualised problem definition (Pal 227). Through case study analysis, observations from a variety of sources can be assessed to

demonstrate how industry actors have played a part in shifting objectives. Secondly, case studies are useful in illuminating policy-relevant questions that can then inform practical advice (227). Through assessing the evidence, key recommendations for future reform can be provided.

In addition to annual reports, monthly and quarterly reports are provided to detail numerous welfare concerns. Combined, they offer a suitable starting point to understand how regulations are currently functioning. Research was collated under five key areas of interest: injuries and deaths, breeding and whelping, rehoming and life tracking, disciplinary measures, and funding. Reporting from the government's independent regulator (GWIC) provided primary insight into matters of welfare and integrity, largely presented as quantitative data in periodic reporting. This data forms the basis for this paper's research, which was used to establish trends in recent years, and to evaluate how they correlate to regulatory measures. As GWIC are tasked with ensuring public confidence in greyhound racing, the industry is the dominant stakeholder in report narratives. To counterbalance, secondary research from animal welfare advocates was introduced to provide greater scope for contemporary concerns and give deeper perspective to the complex causal narratives that are sidelined by a standard statistical approach.

The key areas of interest were mapped to McConnell et al.'s 'Policy Success for Whom?' framework to confirm that policy objectives are shifting away from animal welfare. Three realms of policy success (process, programs, and political) were mapped out for animal welfare advocates, and contrasted with the industry to test for positionality, addressing issues of imbalance, trade-offs, normalisation, and stability to produce plausible assessments of who is driving policy, how policy is implemented, and whom policy serves. Perceptions of success can thus move beyond a traditional, client-oriented model and towards other means of assessment that prove objectives have shifted back to industry preservation.

Through this approach, recommendations could then be drawn to steer policy back towards the expectations of the people and recentre the debate around the sentiment of the McHugh report.

Results and discussion

Success for Whom?

Efforts now turn to scrutinising empirical data and using it to determine who policy efforts are serving and why. The first annual GWIC report provided insight on the year ended 30 June 2018. To date, four annual reports have been released that detail regulatory matters of the NSW greyhound racing industry.

McConnell et al.'s 'Policy Success for Whom?' framework provides the first step for analysis of evidence, used to demonstrate how success (or failure) is experienced by key industry actors and animal welfare activists. Results and discussion in this section are divided across the three realms of success: policy making, programs, and politics.

The policy making process realm

The first realm considers the control an actor holds to shape and steer policy development (McConnell et al. 594). Though involvement in the development of problem construction was initially high for animal welfare activists, evidence suggests this control was largely lost when problem definition changed from an industry 'beyond repair' to one 'in need of independent regulation'. Recent policy suggestions put forward to improve welfare and integrity have largely been ignored. Two recommendations, made by the Greyhound Industry Reform Panel in 2016, regarded track design. A research study commissioned by Greyhound Racing NSW (GRNSW), undertaken by the University of Technology Sydney (UTS), recommended the use of straight track racing instead of curved track racing, and the reduction of eight dogs per race to six. The status quo of tracks with bends and eight dogs was found to significantly increase accidents, largely due to increased congestion (Eager et al). GRNSW supported the recommendation in principle and agreed to conduct a process to identify a straight track where greyhounds could race to further test the findings ('Lethal Tracks 2020').

At time of writing, GRNSW have not imposed mandatory straight track racing, with only one such track now in operation in the state, opened April 2021 in Richmond (Coleman). In April 2017, it was confirmed that six dog races were being trialled at non-TAB races in Lismore, and if successful they would roll out such racing on all non-TAB tracks. It was stated that ‘extensive financial modelling and consultation with wagering operators and other external stakeholders will need to occur before rolling-out six dog racing to TAB tracks as there will be a reduction in wagering revenue’ (‘The Case for Six Dog Races’ 3). GWIC report a trial occurred in Tamworth in 2019, however *The Coalition for the Protection of Greyhounds* report no response from GRNSW or GWIC to gain access (3). Plans for new curved tracks in NSW, such as a proposed track in Tweed, show track designs are not being meaningfully improved despite research study recommendations (‘Oppose Tweed Greyhound Track’).

Other recommendations have similarly gained little traction, particularly those related to whole-of-life tracking. In May 2021, Greens Member for the Legislative Council Abigail Boyd introduced a bill to account for a loophole in current regulation that allows for a greyhound’s ownership to be transferred and for them to be rehomed on paper, but realistically legal euthanasia can be pursued once they’ve entered the pet registry and are no longer racing dogs. The bill is currently awaiting update (‘Greyhound Racing Amendment Bill 2021’). In September 2021, another bill was introduced, this time at a national level, to ban the practice of greyhound exports. Senator Mehreen Faruqi said greyhounds are routinely sent overseas to race or be bred in countries with poor protection laws and that a ‘simple but important’ reform would stop a practice that has caused great suffering in the name of profitability and gambling revenue (Faruqi). Current arrangements are another loophole whereby whole-of-life tracking cannot be adequately achieved, and thus welfare controls over policy making are limited.

Conversely, the industry has experienced improved success in guiding policy development. A recent customer survey conducted by GWIC allowed industry participants and club managers to express their opinion on current arrangements. Chief Executive Officer Judy Lind stated in GWIC’s 2019/20 annual report that ‘customer satisfaction with our frontline and transactional services was around 86%, which is well above the average for a government

agency' (7), going on to state that survey feedback helps to improve the support and service of the industry. The survey also queried satisfaction with on-track stewards and veterinarians, including the management of meetings and pre- and post-race injury examinations, with results all overwhelmingly positive. This provides evidence that industry participants are experiencing great control in determining the legitimacy of GWIC regulation.

The industry has also steered the policy making process regarding funding. One of the recommendations made in the McHugh report was that as part of their operating license, GRNSW should contribute funds towards the regulation of the industry from the 2018/19 year. This amounted to \$9,187,000 and \$8,403,000 over the next two years ('2019/20 Annual Report' 53). However, this was supplemented by additional funds from the NSW Government, with grants and contributions (described as a main means of income that is sourced from the state government) sitting at \$2.5 million for the 2017/18 year, \$4.5 million for 2018/19, and \$3 million for 2019/20. In the 2018/19 year, a Joint Working Group comprised of GWIC representatives, GRNSW, the office of Racing, and corporate service partners was established to recommend to the NSW Department of Industry that funding allocation be made for the Commission ('2019/20 Annual Report' 51). It received an 'in kind contribution' from the Department of Industry of \$533,000, and an additional \$701,000 resulting from the Joint Working Group process, going against the McHugh recommendations.

In June 2021, the NSW Government announced another major contribution of \$25 million in funding to assist in infrastructure under a new funding model that sees the regulator fully funded by State government ('NSW Government Invests'). Minister for Better Regulation Kevin Anderson described the arrangements as 'fairer and more equitable ... removing the burden of funding GWIC's operations from the commercial body, freeing up millions of dollars which can be reinvested in facilities and prizemoney to secure the future of the industry'. Initial calls for the industry to be self-sufficient have thus been abandoned, with State government stepping in to assist with deficits.

McConnell et al.'s success framework suggests that policy making power is steadily located in the hands of industry, where normative values of the actors invested in the industry's

continued operation have been prioritised. Undoubtedly, these powers were paramount to the initial backflip decision, consistent with Chen's assertion that Australian defence of the status quo on animal ethics hold true (32), portraying how assumptions of 'normal' work to conceal the power relations behind policy decisions in the public eye (xix). Outrages shown in the media are important for opening windows of policy opportunity (281), and although Australians have a strong interest in animal welfare, 'this interest is moderated by long periods of complacency due to the social and physical distance between humans and most animals' (Chen 280). Current configurations of policy making suggest that short of another controversy, the industry will continue to dominate in this realm.

The programs realm

The programs realm is concerned with whether actors' goals or expectations are achieved, often dissected into outputs, the tangible product of an initiative, and outcomes, the value or effect of outputs (McConnell et al. 595). This section contains the largest portion of data due to the surge in regulatory initiatives and GWIC reporting recently introduced.

Breeding and whelping numbers saw a significant decrease in the 2015/16, with GWIC reports suggesting lesser numbers drives an increase in pups that go on to race, reducing the risk of over-breeding. Numbers dropped from a recorded high of 8,058 pups whelped in 2013/14 to between 3,056 and 3,976 annually between 2015/16 and 2019/20 ('2019/20 Annual Report' 44; see Table 1). More transparent reporting of numbers is now required to meet reform standards, and official monthly statistics show breeding numbers have been relatively stable for three years. Additionally, the 2019/20 Greyhound Register Reconciliation Program provided an opportunity to estimate the number of greyhounds within the industry for the first time (43), rectifying historical issues with data collection. GWIC believe improved training and rearing methods, resulting in more pups with chase motivation, could be another driving factor for lowered numbers (45). However, monthly data for the year 2020/21 shows numbers are

beginning to trend upwards with 4,567 born in this year ('2020/21 Annual Report' 25).

Further, the first six months of the 2021/22 year have seen 2,321 pups born, suggesting the full year will see an even greater number.

How breeding and whelping correlate to rehoming and life tracking is a more nuanced matter when examined through the programs realm. GWIC see rehoming facilitation as a regulatory priority, implementing a system for whole-of-life tracking in 2019 ('2019/20 Annual Report' 29), where it became a requirement for participants to follow tracking procedures, with annual audits carried out to confirm greyhound whereabouts. Section 12(b) of the *Greyhound Racing Act 2017* states that when a greyhound retires, participants must retain the greyhound, transfer it to an associate, offer the dog to Greyhounds as Pets (the industry rehoming program), or to a private rehoming organisation. If they are unsuccessful in two separate attempts to rehome due to behavioural issues, the owner can then opt to euthanise. From June 2020, participants could also access help through the Homing Assistance Scheme, capped at \$950, to protect hounds against infectious disease, cover costs of desexing, and for any required medical or dental treatment ('Funding' 4).

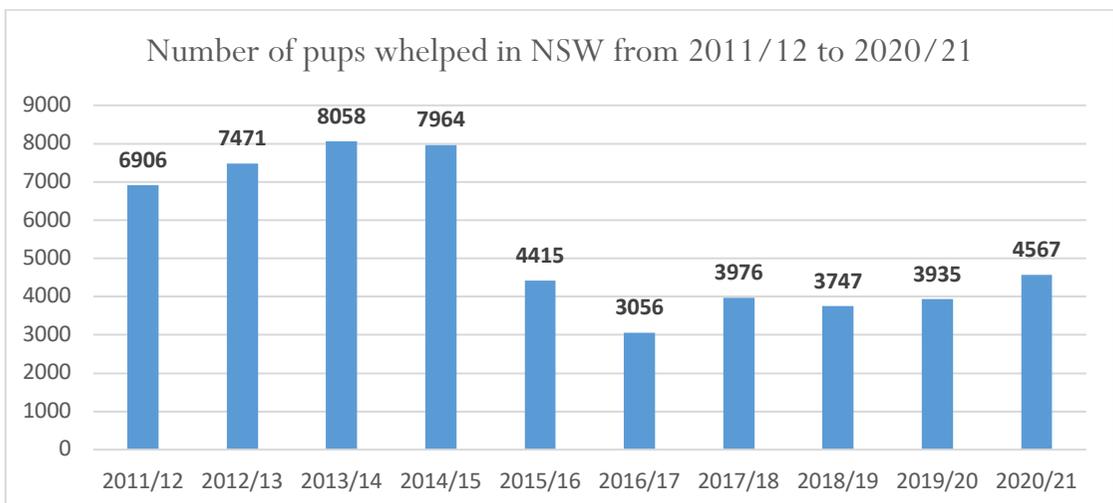


Table 1

The Greyhound Register Reconciliation Program is also purported to have resolved historic record issues by contacting 4,795 industry participants to confirm details related to 15,118 registered greyhounds ('2019/20 Annual Report' 29), stating all records were clarified by October 2020, and that now a baseline for lifecycle tracking has been established. Key messages delivered in the 2019/20 annual report included that the program had revolutionised tracking abilities, and there had been a 74% decrease in non-medical euthanasia since rehoming policy was introduced (8).

Counter claims to the outcomes of these programs can be noted in at least two major instances. Firstly, although the 2019/20 report highlights a 17% increase in greyhounds that go on to be rehomed (37), problems persist in *who* is facilitating the rehoming (see Table 2). Recent reports show that private rehoming has remained consistent, and those retained by their owners have sharply decreased since the introduction of lifecycle tracking regulation. The industry-funded Greyhounds as Pets (GAP) program has increased rehoming numbers slightly in recent years, but their numbers are still much smaller than those of private rescue operations. Further, GAP do not operate on a no-kill precedent that is intrinsic to most greyhound rehoming operations, and routinely reject greyhounds considered ill-behaved. Coalition for the Protection of Greyhounds believe GAP aim to screen out greyhounds that have been poorly socialised within the industry to lower rehoming costs, with reasons noted on industry documents obtained under freedom of information laws including anxiety, fear, and timidity ('A GAPing Hole' 7). This in turn puts great strain on rescue operations to provide rehoming services to the industry since regulation updates. In 2011, McEwan and Skandakumar reasoned that although GAP was originally developed out of community concern for greyhound welfare, the program ultimately benefits the industry as it acts as a public relations platform that presents a misleading picture of being welfare attuned.

A second (related) issue is that where GAP receives industry funding, rescue operations do not. Greyhound Rescue NSW, a greyhound rescue operation that rehomed close to 300 greyhounds in the last year alone, 'relies largely on fundraising and donations to meet the high costs of rescuing, rehabilitating and rehoming' greyhounds ('About Greyhounds'). Their August

2021 social media shows cases of a greyhound arriving with a broken leg, and another that required the extraction of more than a dozen teeth (Greyhound Rescue). Current arrangements put into question the true benefit of the Homing Assistance Scheme if greyhounds require urgent medical attention after their surrender. Coalition for the Protection of Greyhounds suggest the funding amount of \$950 is entirely inadequate to meet rehoming costs (4).

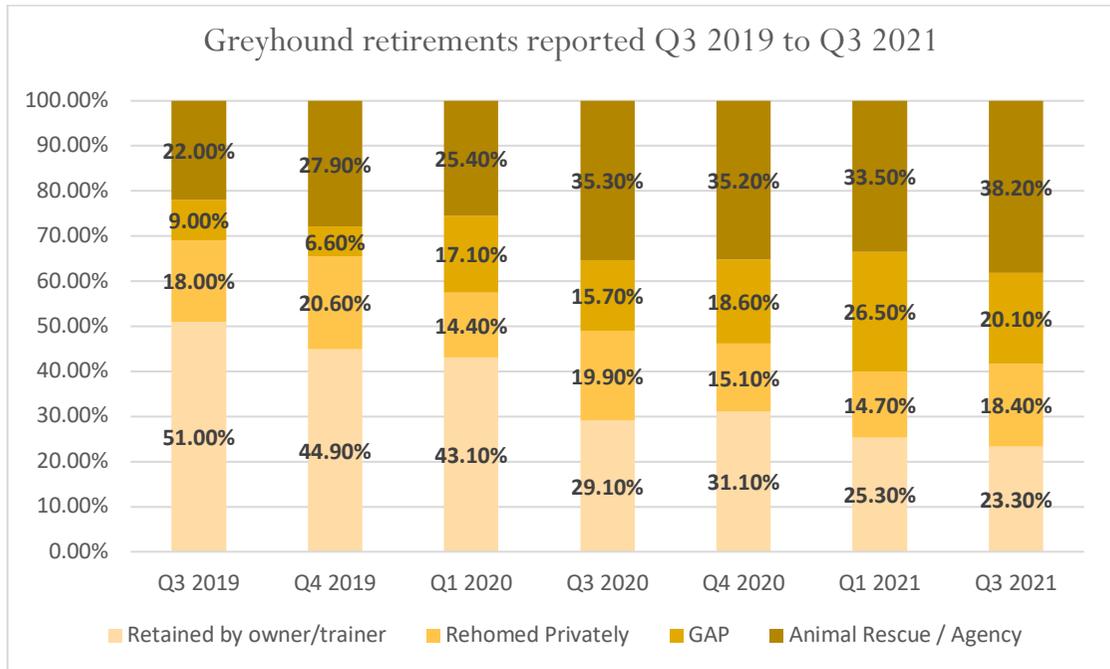


Table 2

Programs to reduce injuries and deaths have increased significantly under GWIC. One prominent initiative is an increase in on-track veterinary services, now required at every race meeting in NSW ('2019/20 Annual Report' 9). Veterinarians examine greyhounds to ensure their ability to race, examine some following a race should they be involved in an incident, investigate signs of sub-optimal performance, determine the length of time hounds will require to heal following injury, and can euthanise greyhounds that have suffered catastrophic injury (18). An additional measure is the introduction of the Race Injury Review Panel, set up to

Despite this, the first of the quarterly reporting in 2021 showed a sharp increase in catastrophic injuries resulting in death at 22, the highest since Q1 2019 ('Q1 2021 Injury Report', 3; see Table 3). Reports states GWIC is looking into what may have contributed to the increase to help inform regulatory steps, and have engaged UTS to conduct a review, but suggest a contributing factor may be that summer months typically trend higher in injury numbers. A total of 64 greyhounds died in 2021, an increase of 31% on 2020's 49 deaths. It is notable that greyhound racing has been permitted to continue in NSW throughout COVID-19 lockdowns, a benefit typically permitted only for essential businesses and services. Further, the Coalition for the Protection of Greyhounds report that on-track euthanasia for catastrophic injuries is often carried out for injuries that would not routinely be deemed catastrophic. For instance, 87.1% of greyhounds that were euthanised on Australian tracks in 2020 suffered fractured legs, many of which would be repairable at an estimated cost of \$4,000 ('Lethal Tracks 2020' 11).

A final aspect examined in the programs realm is disciplinary action. The *Greyhound Racing Act 2017 (NSW)* transferred the power 'to control, supervise and regulate greyhound racing' from GRNSW to GWIC, in part through revised disciplinary provisions. GWIC state laws, rules and codes administered are aligned with community expectations regarding welfare and integrity and are there to protect not only participants, but also the reputation of the industry ('2019/20 Annual Report', 22). Actions that can be taken up by GWIC include suspension, cancellation of, or imposing a condition on a person's registration, disqualification, or prohibition of participation, or imposing a fine. Disciplinary action can also be carried out against racing clubs that have contravened regulations or have failed to comply with minimum standards set by GRNSW.

Initiatives introduced include kennel inspections. In 2018/19, a total of 780 kennel inspections (combining initial and follow-up) were conducted, which dropped 60% (309 inspections) in 2019/20 ('2019/20 Annual Report' 20). GWIC suggest access restrictions associated with COVID-19 contributed to this reduction, however the number of inspections remained consistent in 2020/21 (311 inspections) ('2020/21 Annual Report', 13) when restrictions were less severe; no mentions of restrictions are made in the annual report.

Another initiative is the prohibited substance program. Race day swabs in 2019/20 were conducted at a rate of 9.8% of starts, consistent with the previous three years ('2019/20 Annual Report' 23). This number dropped to 7.8% in 2020/21, a result of 'the mitigation strategies employed to protect the health and safety of NSW greyhound racing participants and officials during the COVID-19 outbreaks' ('20/2021 Annual Report' 16). A rate of 0.7% of swabs returned positive results in 2020/21, lower than the 1.0% average over the previous twelve years (16).

In addition to disciplinary actions undertaken on race days, the Commission issued 186 charges in 2020/21 ('2020/21 Annual Report' 18), consistent with 183 in 2019/20. In the 2018/19 year, just 17 charges were laid out for prohibited substances, and 34 for participant conduct (total of 51), meaning there was a significant jump in actions taken in the past two years ('2018/19 Annual Report' 28). The *GWIC Compliance and Enforcement Explanatory Guide*, released February 2020, lays out the regulatory approach, including an expectation that participants can achieve high levels of voluntary compliance (3).

Disciplinary actions taken out in the 2019/20 year saw some consistency with how penalties are applied, particularly with the use of prohibited substances (not including amphetamines) where the most common penalty was a 12-week suspension or fines of up to approximately \$1000 ('Final Disciplinary Action Decisions'). Other matters were more varied due to the diverse nature of offences; several cases of illegal lures being used made from animal skins ranged from a six-month to four-year disqualification from racing, however in the latter case 3 years were suspended conditionally ('Final Disciplinary Action Decisions'). The harshest penalties given in the year were a life disqualification and ten-year imprisonment for the manufacture, use and distribution of amphetamine, followed by a life disqualification, 8-month imprisonment and 18-month community corrections for aggravated cruelty resulting in death.

Trends for disciplinary action can be analysed in a few ways. Kennel inspections supply much needed transparency for a multitude of possible concerns, such as ensuring minimum standards for greyhound welfare are being adhered to. However, the reduced actioning of inspections under COVID-19 restrictions cannot be deemed reasonable if racing was permitted

to continue concurrently. Another concern is that despite a program for prohibited substance detection, the number of positive results has not decreased, doubling in the 2018/19 year. An increased volume in charges suggests that disciplinary action is not having the desired effect in curtailing offences. Morton et al. state that although public sentiment is a catalyst for reform measures, with Australians generally in favour of greater penalties for acts of cruelty towards animals, reality sees that ‘maximum penalties are sparingly applied and imprisonment of perpetrators is rare’ (2).

Although some outcomes are at least partially matched to their goals and expectations, such as a precarious reduction in breeding and whelping numbers, evidence shows that outputs are not leading to improved outcomes across most measures. Strain on rescue operations is growing, injuries and deaths have recently increased, and disciplinary action can be deemed inadequate. Conversely, industry players continue to benefit from arrangements, such as through access to funds to assist in rehoming and lenient regulation.

The politics realm

The politics realm is concerned with how policy affects actor reputation, with ability to control the short- and long-term agenda on the issue. For animal welfare activists, the 2015 controversies aided in their short-term control over the agenda, with public outrage leading to the initial ban. With public scrutiny now minimal, this control has dissipated. Aside from the ability to raise concern at the inquiry into GWIC in 2021, the results of which are yet to be determined, there has been little tangible means to secure agency over the issue.

For industry stakeholders, the biggest problem to overcome has been the reputational damage since the exposé. Though negative sentiment towards the industry can still be acknowledged, Chen’s assertion of poor salience of animal welfare issues in Australia holds true, with this issue almost completely withdrawn from media spotlight. One of GWIC’s three main

objectives, to maintain public confidence in the industry, has been achieved through managing welfare issues off the agenda of NSW Government, with less public scrutiny being the observable success.

Further, questions of what constitutes independent regulation can be raised regarding the politics realm when the structure and composition of GWIC, including those holding key positions, is scrutinised. For example, in the inaugural annual report ('2017/18 Annual Report' 8), the Chief Commissioner, the late Alan Brown, was introduced as having extensive experience within the racing industry, having served on many boards and committees. Brown notes in the 2018/19 Annual Report that his grandfather was a prominent greyhound trainer, and more recently his son raced greyhounds at Wentworth Park (6). This appointment, made by the Governor on the joint recommendation of the Minister responsible for the *Greyhound Racing Act 2017* and the Minister for Primary Industries, demonstrates that top positions can be explicitly politically aligned with industry preservation, and removed from integrity and welfare concerns.

Though this realm is brief, it offers food for thought in considering the takeaways of this success framework analysis, and in particular helps to consider *why* control over the issue may have shifted.

Reflections and key points

The success of animal welfare activists under current regulations is shown to be low across the policy making and politics realms, reaching slightly higher levels in the programs realm. A handful of regulatory tools improve welfare matters for greyhounds, yet most measurable outcomes resulting from programs introduced show little to no improvement in welfare and integrity measures since implementation. By contrast, success for the industry is noted across all realms, where their voice is prominent in decision-making and little disruption to the status quo of racing is perceived.

McConnell et al. assert that ‘the business of government routinely invokes language that normalizes some degree of policy failure’ (598). GWIC reporting is quick to highlight any improvements in their reporting but tends to shy away from highlighting setbacks, or explains them as anomalies (for example, suggesting an increase in deaths was seasonal, despite numbers increasing year on year). GWIC’s sentiment provides ample evidence to suggest they put industry first and animal welfare second, seemingly a requirement for their legitimacy as a commission to be acknowledged. Little is mentioned in terms of quantifiable targets, where GWIC’s key objectives are kept vague. Howlett states that policy design should entail a deliberate and conscious effort to define objectives, where specific targets help allow for policy resources to be directed towards their achievement (4). With targets implicitly suggesting any level of harm is acceptable, the commission benefit from their vague objectives, which can effectively steer attention away from undesirable results.

Peripheral context helps to provide plausible narrative for current arrangements. Australia’s affinity with gambling demonstrates that NSW Government’s governing trajectory for both major parties is benefitted by gambling lobbyists. The AEC Transparency Register report donations from gambling agencies to political parties have increased from \$9,900 in 2010/11 to \$473,161 in 2019/20 (Knaus), and the Grattan Institute state that the gambling sector makes more political donations relative to economic contribution than any other sector in the economy (‘Gambling and Politics’). Though there are laws against donations influencing decision-making, recent investigative ABC documentary *Big Deal* suggests that access to decision-makers is easier for those who can ‘pay to play’, with former Prime Minister Malcolm Turnbull suggesting ‘by and large when people give... when industries give money to political parties, they’re seeking to influence them’ (Reucassel). There is nuance in such transactions in that corruption is hard to prove and explicit understanding behind donations cannot be expressed.

Somewhat linked to concepts of big money and influence is the media landscape in which Australian greyhound racing thrives. Rupert Murdoch’s News Corp, for instance, ran sustained campaigns against the ban before the backflip occurred, including a front-page *Daily*

Telegraph requesting Mike Baird to ‘give greyhounds one last chance’ (Rushton).

Uncoincidentally, News Corp have 100% ownership of punters.com.au and racenet.com.au, digital racing publishers that provide specialised racing content (News Corp Australia), meaning the likes of news.com.au, a top news source for Australians, are monetarily incentivised to keep industry scrutiny out of public view. Further, Australian free-to-air channel 9GEM, owned by Nine Entertainment co., now broadcasts greyhound racing following a Fairfax Media merger in 2018 (Knox). Racing and media are heavily entwined in Australia, effectively ensuring industry failings can be contested or concealed in the public arena.

In 2016, the governing trajectory for the NSW Government would have been made more difficult had a ban been successfully carried out. Instead, the introduction of GWIC ensured the industry’s survival, with the added benefit of having welfare and integrity issues largely eliminated from public scrutiny and the NSW Government agenda. Newly implemented regulations can in part be deemed symbolic policy, as they provide a form of assurance for the public, whether they adequately address issues or not. Animal welfare advocates saw a distinct loss of control over the issue, whilst powerful industry stakeholders were able to reshape the agenda once initial public controversy had simmered down, translating to the formation of GWIC as the preferred policy tool. Unfortunately for advocates, recent trends for welfare measures are largely stagnant or worsening (injuries and deaths), or presenting new pathologies (rehoming), with policy outcomes benefitting the industry first. It is reasonable to conclude that regulation greatly ignores the evidence-based findings of the McHugh report and subsequent studies from inside and outside the industry. The ‘beyond repair’ stance has been rejected in favour of one that prioritises a tepid regulatory system that is not meaningfully held to account.

Recommendations

Success analysis used in this paper has demonstrated how and why NSW greyhound racing regulation has shifted away from animal welfare concerns and back towards the interests of industry actors. Though it is the position of this paper that an outright ban of the industry is the preferable outcome, the current political climate makes this measure near untenable short of

another major controversy being unearthed. Considering these circumstances, this paper makes five key recommendations through which the NSW Government and GWIC can shift back efforts and ensure animal welfare is recentered in policy initiatives.

Transparent targets. The success framework captured how current GWIC reporting highlights positive trends but does not supply targets to demonstrate quantifiable progress. A recommendation to remedy this issue would be to set out aspects of greyhound racing that are of greatest concern for the public and provide targets that align with expectations. In a submission to NSW Government, Timoshanko suggested a Key Performance Indicator (KPI) approach should be considered, which has shown success in the adjacent industry of jumps racing in Victoria, leading to a ‘raft of measures to improve horse and rider safety’ including reduced fatality rates (8). Policy design would then allow for resources to be directed where they are most required to ensure continued improvement.

Bridging the enforcement gap. Disciplinary action against wrongdoers within the industry demonstrates a disconnect with expected outcomes of the Australian public (Morton et al.), characterised by weak enforcement and lack of severe penalties. Though greater regulation has been introduced in recent years, offences remain consistent, suggesting the risk of disciplinary action is not providing enough incentive to curb prominent and persistent violations such as the use of illegal substances to enhance performance. It is recommended that the NSW Government consider giving GWIC greater agency and independence in enforcement, where the *Compliance and Enforcement Explanatory Guide* be reconsidered to ensure mitigation of welfare and integrity issues carries greater weight, and participants are dissuaded from prohibited action.

Funding and support for rehoming agencies. NSW Government funding for the industry has increased significantly in recent years, including a recent decision to see it responsible for regulatory funding, despite having previously accepted that GRNSW as the commercial body of the industry should offset the costs of government. This decision was made following consultation with industry stakeholders to remove burden and free up money for facilities and prizemoney (‘NSW Government Invests’). Evidence provided in this paper shows the strain on rehoming agencies is only growing, agencies who provide significantly more assistance in

rehoming greyhounds than industry funded initiatives. It is recommended that NSW Government allocate a significant amount of funding to rehoming agencies, who currently rely almost entirely on donations, to ensure burdens are not simply being shifted to these private groups. Additionally, it is recommended that policy allowing GAP to reject a greyhound on grounds of being behaviourally unsuitable (and subsequently euthanised) should be reassessed to align with private rehoming agencies that usually operate on a no-kill policy.

Public input. A main objective of GWIC is to maintain public confidence in the industry. For legitimacy of operation, the public must therefore be consulted to ensure the industry is being held to account democratically. Though intermittent reviews are currently held, this paper has demonstrated that in Australia saliency of animal welfare issues is poor despite general attitudes towards animal harm being one of condemnation. It is recommended that members of the public, including those with no regular interaction with the industry, be explicitly included in future consultation on industry conduct, which would improve current arrangements of transparency. This could be facilitated through empirical research to understand public attitudes and expectations, and how they are aligning with KPIs (Timoshanko 6).

A comparative lens. A final recommendation is that of how NSW compares with other states, and Australia with other nations. Though this has only been briefly touched on in this paper, Australia's positioning as having the biggest greyhound racing industry in the world, and one of only seven nations left in the world in which racing occurs, provides context that suggests the industry's long-term survival is unlikely. The United States sees the industry remaining legal in just a few states, New Zealand's racing industry has been 'put on notice' by the government following a commissioned review that exposed lack of transparency on welfare issues (Kitchin), and Ireland saw a near closure of the industry following a televised documentary in 2017 that exposed mass culling practices, doping, and other abuses (Carroll). Animal welfare pathologies characterise the industry wherever it exists or provide reasons for why it was prohibited. The NSW Government and political decision-makers should closely examine how greyhound racing is regulated in other contexts through benchmarking efforts, whilst also ensuring recent

investigative reporting of big money and political donations in Australian politics are contextualised in relation to Australia's socially negligent gambling industry.

Conclusion

This paper provides context behind how and why focus of greyhound racing regulation in NSW has shifted from an emphasis on animal welfare and integrity to one of industry interests. Data and analysis emerging from the independent regulator GWIC has also been shown to present an incomplete picture of how current arrangements are impacting on such matters, for better or worse. In several cases, evidence and recommendations from the McHugh report and subsequent research commissioned by the regulator has been ignored.

When mapped against McConnell et al.'s framework to assess success, it can be determined that policy tools and outcomes have largely benefitted key industry players whilst sidelining voices of animal welfare advocacy. Messaging from GWIC has been shown to highlight improvements whilst minimising and normalising evident pathologies within the industry. This strategy has helped manage the issue off the political agenda under the guise that meaningful improvements are being made for animal welfare outcomes.

In the coming months, the findings of the inquiry into GWIC by the NSW Legislative Council, established in September 2020, may well offer opportunity for animal welfare advocacy to once again be heard and potentially steer future policy directive. Though current institutional arrangements suggest an industry ban is unlikely in the near future, tangible failures of the NSW Government and GWIC response, from continued conduct of dangerous eight dog races to the increased strain on rehoming agencies, offer helpful examples that could cut through power imbalances if voiced prominently. With this, efforts can be refocused to the betterment of the greyhound welfare, the very reason industry reform was originally pursued.

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