



## Minister for Agriculture and Food

Our ref: 58-00204  
Your ref: Petition No. 130

Hon Simon O'Brien MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
[council@parliament.wa.gov.au](mailto:council@parliament.wa.gov.au)

Dear Mr O'Brien

### **PETITION 130 - OPPOSE GREYHOUND RACING**

Thank you for your letter dated 13 October 2016 regarding Petition 130 opposing greyhound racing, seeking comments in relation to the terms of the petition and submission from the principal petitioner relating to issues pertaining to the *Animal Welfare Act 2002* (AW Act).

Racing and Wagering Western Australia (RWWA) was established in 2003 as a statutory authority. It is responsible for the running of the three codes of racing in Western Australia: thoroughbreds (horses), harness (horses) and greyhounds.

In evidence to the Select Committee into the operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA), Mr Richard Burt Chief Executive Officer, RWWA stated the following:

- foremost in the running of the three racing codes, is the promoting of welfare;
- this is undertaken through the integrity unit of approximately 45 people;
- the integrity unit enforce the rules of racing in each of the racing codes; the rulebook by which to operationally run racing. Fundamental to the rules of racing is welfare.

Under the AW Act it is an offence to be cruel to an animal (section 19(1)). The term 'cruel' is not defined in the AW Act, but specific acts that are considered cruel are listed in subsections (2) and (3), neither of which limits the scope of the cruelty offence. The lack of a definition of 'cruel' and the non-limiting sub-sections indicate that section 19 is designed to be a catch-all provision to cover a wide variety of cruel activities.

To allow for some acts that may be captured by the scope of the cruelty offence set out in section 19, sections 20 to 30 of the AW Act provide for statutory defences in relation to "cruelty". There are few statutory defences relevant to greyhound racing.

Under the AW Act the rules of racing for the horse codes are prescribed codes of practice for the purpose of a defence to a charge of cruelty (section 25). Furthermore, under section 84, failure to comply with a relevant code of practice must be taken into consideration by the courts if a person is charged with cruelty but is not sufficient on its own to prove that a person committed the offence.

The rules of racing for greyhound racing are not prescribed for the purpose of section 25 or section 84 of the AW Act.

Matters such as the administration of drugs or chemicals to greyhounds are not an offence under the AW Act unless it results in cruelty (as defined by the Act). This issue is better dealt with by RWWA as regulators of animal racing, the Department of Health as administrators of the *Poisons Act 1964* and the Veterinary Surgeons' Board of Western Australia which administer the *Veterinary Surgeons Act 1960*.

A number of other matters included in the submission of the principal petitioner relate to ethical or welfare matters outside of the jurisdiction of the AW Act. These include the oversupply and wastage of dogs. The euthanasia of young and healthy dogs if they are not profitable or become injured, are not offences under the AW Act if they are performed humanely and do not constitute a cruelty offence.

In 2015 the then Minister for Agriculture and Food, the Hon Ken Baston MLC, appointed an independent panel to review and report on the investment in and administration of the AW Act (the Easton Review). The final report, tabled in State Parliament made 19 recommendations, all of which were supported by the Government. The Department of Agriculture and Food Western Australia (DAFWA) is in the process of implementing the recommendations of the Easton Review. A number of the recommendations of the Easton Review, such as the development of an animal welfare strategic plan and policy framework together with a review of the AW Act, will consider issues in relation to greyhound racing.

The RSPCA advise that the inspectorate has received complaints of animal cruelty in relation to greyhounds. These complaints relate to dog beatings, live baiting and living conditions. These complaints have been followed up by RWWA or RSPCA inspectors. None have resulted in prosecution. RSPCA inspectors have conducted monitoring of greyhound racing at Northam and Cannington. No matters requiring investigation eventuated.

Further information can be obtained from the Animal Welfare Regulation's senior policy officer Mark Stuart on 93634051 or [mstuart@agric.wa.gov.au](mailto:mstuart@agric.wa.gov.au).

Yours sincerely



**MARK LEWIS MLC**  
**MINISTER FOR AGRICULTURE AND FOOD**

01 DEC 2016