



**Submission to:**  
**Legislative Council Short Inquiry into**  
**the Role and Functions of the**  
**Office of Racing Integrity**

**April 2023**

# 1. Overview

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For many years, the RSPCA has held serious concerns about the extensive animal welfare problems associated with both horses (equine) and greyhound (canine) racing, including the lack of transparency in the industries, the lack of independent animal welfare oversight and the amount of public money being invested into the industries.

Many serious animal welfare issues are associated with canine and equine racing, and these require urgent attention. These issues include significant overbreeding, high euthanasia rates, low rehoming rates, number of injuries suffered during training and racing, poor housing conditions and a lack of socialisation and environmental enrichment.

The failure of both industries to provide transparent and accessible “cradle to grave” tracing of animals, especially after the animals have been retired, is inadequate to say the least. There needs to be an urgent and thorough review of regulations around this issue. There should be an expectation and stringent regulations in place to ensure that each individual standardbred/thoroughbred and greyhound born will become a companion pet when they leave the racing industry (whether they race or not). This necessitates fundamental cultural change within the industry.

RSPCA Tasmania is strongly opposed to the public funding of racing in Tasmania. However, as this issue is beyond the scope of this review, our comments in this instance are focussed on the importance of embedding animal welfare principles in all aspects of the racing industry in this state.

The present problems in the racing industry are systematic and attempts to alleviate the symptoms through inquiries into the Office of Racing Integrity (ORI) in isolation will fail to address the issues that plague this industry. In our view, there thus exists little point to the exercise of examining the role of the Office of Racing Integrity if the underlying structural and resourcing issues are not dealt with.

The claim that ORI has ‘turned a blind eye’ to the problems of the industry is an understandable but ultimately misplaced criticism. It is not that ORI has *turned away* from issues within the industry, rather, the problem is that ORI does not have the resources to *look* in the first place. Further, even if ORI was to be given appropriate levels of funding, the legislation and regulations in place prove inadequate even when enforced to bring the industry into line with community expectations or the other states.

After careful consideration, the RSPCA Tasmania believes that the following initiatives would go a long way to addressing the parlous state of governance in the industry and, in particular, improving animal welfare outcomes:

- Increasing the protection of animals and power of officers under the Animal Welfare Act 1993
- Reviewing existing voluntary codes with the aim of expanding the scope of these codes to meet at least the welfare standards set in other states and territories.
- Increasing funding/reallocation of funding directly towards the policing and enforcing of industry codes of practice, with especial focus on improving animal welfare outcomes.
- Reviewing the formal process of responses to reports, recommendations, and criticism.

## 2. Response to Inquiry Terms of Reference

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### 2.1 The regulation of the State's racing codes including how the Rules of Racing are effectively enforced and investigated

The function and abilities of the Office of Racing Integrity are fundamentally limited by the powers granted to it within the *Animal Welfare Act 1993 (the Act)* and the relevant codes and rules of racing. This inquiry is limited in its scope, as the issues to be addressed lie within the structure of Tasracing and Tasmania's legislation, not in the underfunded best attempts at regulation offered by ORI.

#### ***Animal Welfare Act 1993***

This legislation proves woefully outdated against the animal welfare expectations of the Tasmanian community and comparable legislation in other states and territories. Despite the welfare improvements facilitated in the 2022 amendment, the Act still fails to provide relevant enforcement agencies, including ORI, the powers needed to actively enforce contemporary expectations of welfare standards across the state.

Significant parts of the RSPCA Tasmania's resources have been expended on research comparing Tasmanian's animal welfare legislation against that of the other Australian states and territories. It has been concluded that Tasmania's *Animal Welfare Act 1993* is one of, if not the, least effective pieces of animal welfare legislation in the country.

This is especially an issue within the racing industry as the animals used are subjected to intensive conditions that fail to be adequately captured in the *Animal Welfare Act 1993*.

There exists potential for the powers of the RSPCA Tasmania to be extended to facilitate enforcement within the racing industry. Something similar was mentioned, but never acted upon, in the [Tasmanian Government's response](#) to Recommendation 5 of the [Joint Select Committee Report into Greyhound Racing 2016](#).

#### ***Rules of Racing***

The Tasmanian Local Rules of Racing are created by Tasracing. When compared to the rules of other states' racing industries, the Tasmanian Rules of Racing fail to recognise the critical role animal welfare plays in the industry.

Tasmania's Local Rules of Racing do not mention anything related to the welfare of racing animals, although it could appear this responsibility has been relinquished to the National Racing Standards, as Local Rule 3.1 states that *The Local Rules of Tasracing and the Australian Rules of Racing for the time being shall be read, interpreted, and construed together, and as so combined shall be known as "The Tasmanian Rules of Racing"*.

Local rules allow a state the chance to extend and develop the welfare provisions prescribed under the Australian Rules of Racing. This is evident in other states and territories, where for example, Western Australia's [RWVA Greyhound Rules of Racing](#) states under L24 that when a greyhound is retired as a pet, the last registered owner or person responsible for the greyhound must ensure that the greyhound, amongst other things, has undergone a dental treatment consisting of at least a complete dental scale and polish by a veterinary surgeon. No such provision has been created by Tasracing.

The Australian Racing Rules provide for a host of welfare provisions.

However, it is unrealistic for Tasmania's Office of Racing Integrity to be expected to enforce these rules to the same extent as the larger and better-resourced comparable organisations in larger states throughout Australia. Therefore, there exists little point in increasing the requirements under local rules unless ORI is adequately resourced and empowered to be able to effectively enforce these standards.

ORI's lack of resources has inadvertently allowed a culture of rule-breaking to fester within Tasracing. This was seen in the recent investigations into the Yole betting etc. Therefore, increasing the resourcing of integrity functions will not only stand to improve animal welfare in the industry, but it will also aid in reducing instances of 'race domination' and alike that spark public outrage.

If the community is to have any confidence in the industry's commitment to improving animal welfare outcomes, the Rules of Racing should be amended to specifically reference this as a priority.

Importantly, there needs to be greater clarity as to the specific roles of TasRIC and Tasracing under the proposed new governance framework.

Measures need to be taken to address the current perception that integrity and animal welfare priorities are considered secondary to commercial interests in the industry. The independence of TasRIC as the regulator needs to be more strongly demonstrated, as does the requirement for Tasracing to be transparent and accountable in all aspects of its operation.

### ***Comparison with other states***

An example of Tasmania's failure to provide adequate welfare provisions can be seen in comparing relevant policies between Tasmania and New South Wales.

The [NSW Greyhound Welfare Code of Practice](#) was created under section 36 of the [Greyhound Racing Act 2017](#). It provides *mandatory* standards for a large body of welfare issues related to greyhounds, including:

- Nutrition and hydration – to ensure that every greyhound receives the food and water needed for optimal development, health, and wellbeing.
- Health and wellbeing – to ensure that every greyhound enjoys optimal health and wellbeing.
- Greyhound breeding – to ensure that greyhounds are bred in a safe and responsible manner, resulting in healthy greyhounds and puppies.
- Housing and environment – to ensure that every greyhound is provided with housing that provides adequate space, shelter and comfort, having regard to the greyhound's age, size and behavioural needs.
- Transportation – to ensure that greyhounds are transported in a safe and secure manner that provides for their wellbeing.
- Exercise, socialisation and enrichment – to ensure that every greyhound is provided with adequate exercise, socialisation and enrichment to provide for its wellbeing.
- Training, trialling and racing – to ensure that the welfare of greyhounds is protected in greyhound training, trialling and racing.
- Rehoming greyhounds as companion animals – to optimise rehoming outcomes for greyhounds that are retired or otherwise unsuitable for racing.

Further, the Commission is able to take disciplinary measures for any breaches of the code with these powers extending, even if the offender is longer registered.

In Tasmania, the only comparable code would be the recommended [Standards for The Care of Greyhounds](#). These standards are far less extensive than that of NSW. Further, the fact that they are merely *recommended* renders them near redundant.

Fundamentally, even if Tasmania were to adopt an identical set of mandatory codes that replicated those seen in the larger states, these would not be effective as ORI is ill-equipped to enforce them, thus again emphasising the importance of parallel increases in legislation and regulation alongside increased resourcing.

## 2.2 Monitoring of the conduct of race meetings statewide

Whilst this issue is less related to animal welfare than that discussed above, RSPCA Tasmania nonetheless has significant concerns about this issue.

As was highlighted in the [Yole investigation](#), there must be more scrutiny mechanisms in place for races with many entrants from a single stable. With cases of 'race domination', there exists little point in having multiple entrants from the same stable competing apart from artificially inflating race statistics.

Therefore, RSPCA Tasmania proposes that, until further measures are implemented to reduce race domination, if a race is scheduled where there is no genuine competition, the stable should simply be paid the amount that would be won at the end of the race.

This will do two things that are of benefit to the industry:

- highlight the injustice of race dominations by removing the distraction of the 'action'; and
- ii) limit unnecessary exposure to harm for the animals involved.

## 2.3 Progress on implementing the recommendations covered by the Review of the Racing Regulation Act 2004: Securing the Integrity of the Tasmanian Racing Industry

This section of the inquiry allows RSPCA Tasmania to highlight the fundamental issues that consistently cause problems in the racing industry, and Tasmania more generally. This is the process by which recommendations from inquiries and reports are implemented into reform.

As it stands, the government generally develops its response to reform recommendations with little consultation with relevant external stakeholders. Legislation is then developed, but again with little or no consultation with relevant external stakeholders.

This was seen in the development of the *Cat Management Act 2009* which saw RSPCA Tasmania burdened with a large body of responsibilities for enforcement with no parallel increase in funding, and minimal communication of the ramifications of this proposal. By the stage that external stakeholders are consulted, it is simply too late for them to meaningfully engage in the process and the options are to either reject the entire proposal or accept it how it is despite the dire consequences this may pose to the feasibility or relevant organisations, such as RSPCA Tasmania.

This what we are seeing now in response to the implementation of the recommendations of both the Monteith and Sykes reviews.

Both reviews recommended increased engagement with the RSPCA and suggested additional roles and responsibilities to aid in delivering improved animal welfare outcomes. We have been repeatedly assured by the Minister for Racing that legislation to implement these recommendations is in preparation, and that this will include specific roles for the RSPCA.

However, we have no insight as to what this might look like, or how any engagement will be funded. This will leave us in an invidious position if the legislation includes provisions we are not comfortable with, or does not include details of funding provisions.

Once legislation is drafted, there is little opportunity for amendment.

A spirit of co-operation and shared responsibility would surely suggest that timely consultation with organisations directly affected by proposed legislative changes should be a basic process.

In other jurisdictions, the usual process for responding to recommendations of commissioned reviews and reports should replicate the following:

- Relevant stakeholders have the opportunity to consider and analyse the recommendations, in discussion with government;
- A discussion paper is released on the topic, with appropriate provision for consultation with the public and relevant stakeholders; and
- Then legislation is drafted.

Tasmania has fallen into the destructive habit of conducting the consultation after legislation has been drafted, thereby limiting the ability of relevant stakeholders to influence the delivery of recommendations. The name RSPCA is used as a means of appeasement to the public, but it is insufficient to provide platitudes in place of urgently needed structural reform for the industry.

As an example of this error, consider the responses to both the [Monteith Review](#) and the [Joint Select Committee Report into Greyhound Racing](#)

### **Monteith Review**

In [the government's release](#) about the [Tasmanian Government's response to the Monteith Review](#), it was stated that the new model for the racing industry would provide a 'role for the RSPCA in animal welfare and retaining the power for independent investigation of animal welfare matters.' There has been minimal discussion in regard to this, or any other relevant instance where our brand has been mentioned.

Relevant Monteith Inquiry Recommendations:

3. *Facilitating cooperation between Tasracing, NRE Tas (Biosecurity Tasmania) and RSPCA on the coordination and reporting on animal welfare initiatives:*

*Government response:*

*"Natural Resources and Environment Tasmania (NRE Tas) through Biosecurity Tasmania has primary responsibility for the Animal Welfare Act 1993, with RSPCA Tasmania undertaking agreed animal welfare inspectorate activities under a Memorandum of Understanding with NRE Tas. Facilitation of cooperation by TasRIC between Tasracing, NRE Tas (Biosecurity Tasmania) and RSPCA Tasmania will support animal welfare in the racing industry."*

There has been no consultation as to how this recommendation will be reflected in legislation or what funding will be provided to RSPCA Tasmania to deliver on legislated expectations.

- 5 i) *The Act, be amended to provide for RSPCA to have a role with animal welfare in the racing industry*

*Government response: "The Government, subject to consultation on the legislation to implement the reforms, supports RSPCA Tasmania having an advisory role relating to animal welfare."*

There has been no consultation on this issue with the RSPCA Tasmania.

- 5 ii) *RSPCA to represent registered community groups involved with animal welfare matters relating to racing.*

*Government response: "The Government, subject to consultation on the legislation to implement the reforms, supports RSPCA Tasmania representing community groups involved in animal welfare matters relating to racing."*

There has been no consultation on this issue with the RSPCA Tasmania.

### **Response to the Joint Select Committee Report into Greyhound Racing**

It is also worth noting that there are a number of outstanding issues remaining with respect to the recommendations of the related to the Joint Select Committee Report into Greyhound Racing (2016).

Government responses to this review can be found here: [Response to the Joint Select Committee Report into Greyhound Racing](#).

Some of these relate directly to expectations of involvement from the RSPCA.

Yet, to date, there has been no substantive discussion with the RSPCA as to how these recommendations should be progressed.

Relevant recommendations include:

- That the Tasmanian Government in consultation with Tasracing, the Office of Racing Integrity, the RSPCA and other interested parties provides annual updates of progress on the recommendations made by the Committee.
- That the Government instruct the Office of Racing Integrity to educate industry participants and the general public of the contemporary legal framework underpinning the prohibition of live baiting in Tasmania.
- That, through input and assistance from the new regulatory vet, ORI will work with the RSPCA to develop a working model for the implementation of a suitable and relevant program.
- That the Government review the legal framework underpinning animal welfare and the prohibition of live baiting in Tasmania with a view to increasing regulation and investigative powers with an emphasis on training facilities and industry practices.
- That ORI work with Tasracing, the racing industry, the RSPCA and other relevant bodies to review and provide recommendations.
- That the Office of Racing Integrity undertake a review of the standards, guidelines and policies in place for the housing and rearing of greyhounds to consider how best welfare practice requirements can be improved and enforced.
- That, once the regulatory vet has been appointed a working group will be set up comprising ORI, Tasracing, industry and the RSPCA to review this recommendation.

The fact that seven years have now elapsed since these recommendations were made does not instil confidence in the commitment of the government – or the industry – to improving performance, especially as it relates to animal welfare.

## Appendix A: Terms of Reference

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The Legislative Council Government Administration Committee 'B' is undertaking a targeted inquiry into the role and functions of the Office of Racing Integrity with the following Terms of Reference:

1. To review and report on the functions of the Office of Racing Integrity, including:
  - a. the regulation of the State's racing codes including how the Rules of Racing are effectively enforced and investigated; and
  - b. monitoring of the conduct of race meetings statewide
2. Progress on implementing the recommendations covered by the Review of the Racing Regulation Act 2004: Securing the Integrity of the Tasmanian Racing Industry (the Monteith Review); and
3. Any other matter incidental thereto.