

Submission to the Parliament of Victoria Inquiry into the Legislative and Regulatory Framework Relating to Restricted Breed Dogs

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To: Michael Baker
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Parliament House, Spring Street
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About Greyhound Equality Society (GES)

We are a group of concerned pet greyhound enthusiasts from across Australia, which sees obvious shortcomings in the current manner in which greyhounds are treated and understood by society. Inspired by the recent successful amendments to compulsory muzzling laws for greyhounds in Queensland, we feel it is time to address the inequalities imposed on greyhounds through outdated legislation here in Australia and in particular, here in Victoria. GES's aim is to advocate for welfare improvements for both pet and racing greyhounds through education and cultural change. We act as a voice for pet greyhound owners, representing their interests, encouraging debate and actively driving law reform through policy submissions and open dialogue with governments, statutory bodies and the greyhound racing industry. Our primary objective is to provide government officials, pet greyhound owners and the general public with *evidence-based* information on current laws and issues regarding greyhounds in Australia and worldwide. We provide a wide range of services such as advice and support on greyhound behaviour and training and believe that information should be practical, easily accessible and based on the latest research and knowledge. We support responsible pet ownership and see *education, not legislation*, as the most important objective in increasing pet greyhound welfare and responsible ownership in Australia.

Letters of Endorsement

Please find in Appendix C1-C3 letters of endorsement for our submission from:

C1 – Emeritus Professor Jock McLean, BVSc, PhD, HDA(Hons), CompIEAust

C2 – Amazing Greys Greyhound Rescue Victoria

C3 – Greyhound Rescue Victoria Inc

Executive Summary

This submission concerns Section 27 (s27) of the Domestic Animals Act 1994 (DAA), which contains breed-specific requirements relating to the restraint of greyhounds. The DAA requires all greyhounds in Victoria to be leashed in all public places, and muzzled in public unless an exemption has been obtained. We believe that this legislation does not adequately differentiate between greyhounds actively involved in the racing industry, and greyhounds kept solely as pets. This failure to differentiate has adverse consequences for pet greyhounds and their owners, and for the welfare of greyhounds transitioning out of the racing industry.

Greyhound muzzling laws originated in the 1800's where coursing greyhounds were trained in open fields and there was a concern of greyhounds (as well as other dogs) killing sheep. Since coursing for live quarry has since become illegal many years ago, we believe that the breed-specific legislation for pet greyhounds originating in coursing is now superfluous. As a matter of interest and importance, on Thursday 11th March, 1999, Greyhound Racing Victoria (GRV; then called Greyhound Racing Control Board, GRCB) resolved at a meeting that the long-term goal was to repeal s27(1) of the DAA, so that pet greyhounds would not be required to be muzzled at all (see Appendix B1). Hence, 16 years later, we believe it is time to fulfill this accepted long-term goal of the *GRCB/GRV itself* and bring Victoria into line with the USA and the United Kingdom where there is also a racing industry but *no* breed specific legislation for *pet* greyhounds. It is important to note that there is no evidence (nationally and internationally) that greyhounds are involved in more dog attacks than other dog breeds and in fact, Victoria, Australia, has one of the most stringent regulations with respect to pet greyhounds worldwide.

Given that greyhounds registered or licensed with GRV to race, are governed by the Greyhounds Australasia Rules of Racing (GAR), which outline the restraint of racing greyhounds in a public place, **we recommend the removal of s27 from the DAA**. The removal of s27 would ensure that the legislation retains its original function in relation to community protection with regard to racing greyhounds, without the adverse consequences for greyhounds which have never raced, or have concluded their racing career and transitioned to pet life. The removal of s27 would also promote responsible pet ownership by recognising that the *duty of care in relation to muzzling and leashing resides with the greyhound's owner* and allow pet greyhound owners the same freedom and responsibility owners of other breeds currently have under Victorian law.

GES recognise that pet greyhounds may currently obtain an exemption to the muzzling law, by undergoing a "green collar" assessment administered by the Greyhound Adoption Program (GAP), under the auspices of GRV. While we welcome this exemption in principle, we believe there are currently inconsistencies in its implementation that limit its effectiveness in supporting responsible ownership, greyhound welfare and community safety. We contend that these aims may be far more effectively supported through the removal of s27 in the DAA, in which case the exemption becomes redundant. If s27 is retained, additional measures are recommended to ensure fairness, reliability and transparency of this process.

In support of our recommendations, we would welcome the opportunity to give evidence in parliament to support our written submission.

Key recommendations

Removal of current breed-specific legislation (muzzle and on-leash requirements) with respect to pet greyhounds, through:

- Removal of s27 (Restraint of Greyhounds) from the DAA.
- Removal of the muzzle exemption test for pet greyhounds published in the Victorian Government Gazette (Gazette G11, 17 March 2011, p. 637-638), which would become superfluous following the removal of s27 in the DAA proposed above.

Background

Section 27 of the DAA requires that all greyhounds outside private property must be:

*“(a) muzzled in a manner which is sufficient to prevent it causing injury by biting; and
(b) under the effective control of some person by means of a chain, cord or leash”.*

In 1999 (with minor revision in 2011), a ministerial order was published in the Gazette to allow Greyhound Racing Victoria (GRV)/Greyhound Adoption Program (GAP) the sole right to award an exemption to the muzzling requirement (Gazette G11, 17 March 2011, p. 637-638). Hence, every greyhound adopted from GAP Victoria is muzzle free, and identified by a green collar. Owners of adopted greyhounds from other rescue organizations can also have their dog “green-collar tested” by GAP. The “green-collar test” is a simple behavioral assessment to determine whether the greyhound is non-aggressive with small dogs.

As previously mentioned, the origins of muzzle law for greyhounds date back to the 1884 Dog Bill (passed without debate, first read on 17 July 1884, Hansard, p. 594): *‘No person shall exercise or train any greyhound within the limits of any city town or borough save in the grounds belonging to such person or in respect of which he has obtained a right or permission for such person unless every greyhound is first properly muzzled and kept muzzled during the time he is so exercised or trained and every person who acts in contravention of this section shall be liable to a penalty...’*(Section 22, Dog Act 1884, similar wording also in Section 22 of the Dog Act 1890 and in several versions after this).¹

In 1941, the issue of greyhound restraint resurfaced in parliamentary debates. The debate in parliament around the 1941 Dog Bill (July and September 1941) centered on the arguments for muzzling dogs around sheep, to stop them from biting. The huge problem of dogs killing sheep was attributed to loose dogs, including Alsatians and even cattle dogs that had learned to kill. With respect to greyhounds, it was stated that *“too much latitude is allowed in public parks to the owners of racing greyhounds”* (Hansard, 24/09/1941, p.989); *“...trainers of coursing dogs, particularly during weekends, use any available open areas as training tracks. One can frequently see a trainer exercising seven or eight dogs in the streets and paddocks of that locality.”* (Hansard, 24/09/1941, p.988); *“Now and then a boy of 15 or 16 years of age tries to lead 7 or 8 greyhounds at one time, but has not the necessary physical strength to restrain them.”* (Hansard, 24/09/1941, p.989).

The provision relating to muzzling of greyhounds was again incorporated in Section 19 of the 1970 Dog Act. At the time, there was an additional Section 20, which also required Alsatians/German Shepherds to be muzzled or fitted with a chain, but fortunately that section was repealed by a 1986 Amendment. With the repeal of that section, the greyhound was left as the only breed of dog required to wear a muzzle in Victoria – a situation which continues to the present day.

¹The margin note next to this section reads ‘Greyhounds not to be trained within any city town or borough except on private property’.

Rationale for change

1. Failure to address contemporary community protection imperatives

Outdated laws. Victoria's current greyhound restraint laws were never intended for pet greyhounds and are anachronisms and date back to the 1884 Dog Bill which was established at a time when greyhounds were primarily used for "coursing" after live animals. As shown in the 1941 records above, it was necessary to protect the community from owners training their coursing greyhounds in the fields and public streets. The place of greyhounds in the Victorian community has changed significantly since then, but the laws have not kept pace.

The practice of "coursing" dogs after live animals has been illegal in Victoria for some time, so there is no longer a need to protect the community from this practice occurring in public places. While recent media reports have unfortunately revealed that these practices still occur in clandestine locations, GRV indicates that live coursing is no longer considered an acceptable practice within the industry and has not been widely practiced for some time. Muzzling laws designed to protect the public from the effects of live coursing are therefore redundant.

It may be argued that a community protection imperative remains, even with the discontinuation of live coursing, due to greyhounds' natural (and trained) propensity to chase. We agree with the summary of greyhounds' character given by the then GRV Racing and Operations Manager in 1999 regarding greyhounds that passed GAP, that *"While greyhounds as a rule are gentle, well-mannered animals, there will always be exceptions to the rule"* (see AppendixB4), and responsible ownership is necessary by all greyhound adopters. However, we contend that this risk is present with *all breeds of dogs*. The propensity for hunting dogs to chase is not exclusive to greyhounds, yet they are the only hunting breed which is muzzled by law.

Other laws. Current Victorian law requires that all pet dogs must be either on-leash or, if there is an off-leash area, local council laws clearly state that dogs are required to be under the effective control of their owners. There is therefore no additional benefit from an extra layer of legislation for pet greyhounds. Furthermore, greyhounds registered to race with GRV are subject to R109 of the Greyhounds Australasia Rules of Racing (GAR), which requires them to be muzzled and on leash in public.

Non-aggressive breed. The greyhound breed enjoys a worldwide reputation as a great family pet (GAP, 2015a). Greyhounds are generally described as "one of the most easygoing dogs" (GAP, 2015b), "very lazy, docile" (GAP, 2015c), "boast a placid nature", "cooperative, adaptable", and "affectionate", "don't require a lot of exercise and are happy to spend most of the day sleeping" (GAP, 2015d). They are not over-represented in aggressive incidents towards people or other animals, independent of the different regulations in different countries - which range from no special regulations in most countries to the very extreme regulations in Victoria. Greyhound muzzling laws vary around the world, but for the most part, Greyhounds do not fall under BSL laws in other countries and are not required to wear a muzzle in public, and in fact, in most countries, greyhounds are also allowed off leash. Australia and Northern Ireland have the most restrictive

laws for this breed worldwide. Here in Australia, Victoria has one of the most restrictive laws with respect to greyhounds; however the regulations differ dramatically between states, with some states not requiring a pet greyhound to be muzzled. There is no evidence of any kind to suggest that in countries such as the U.S., where greyhounds are not subject to Breed Specific Legislation (BSL), there is a higher rate of aggressive incidents towards people or other animals. A study from the U.S., published in the journal *Applied Animal Behaviour Science*, for example, notes that greyhounds were the least aggressive towards humans (Duffy et al, 2008).

Furthermore, there is no evidence that Breed Specific Legislation has been effective anywhere in the world, and leading Australian animal advocacy groups have testified to its inadequacy in supporting public safety:

“The Australian Veterinary Association (AVA) does not believe that breed based approaches reduce public risk.” (AVA, 2012)

“RSPCA does not support Breed Specific Legislation (BSL). Our view is that any dog may be dangerous and that dogs should not be declared as ‘dangerous’ on the basis of breed. It is the deed of the dog, not the breed of the dog.”(RSPCA Victoria, 2015)

Any greyhound must be muzzled if it is aggressive, as would be the legal responsibility of the owner of any other breed of dog. If a greyhound owner cannot have his/her dog under effective control off-leash, the current law clearly states that they would have to have the greyhound on-leash.

Rights of pet greyhound owners. A further issue arises from the fact that the current laws were established at a time when pet greyhounds effectively did not exist in Victoria. There are now around 6,781 registered greyhounds in Victoria, of which we estimate around 30% may be registered as pets.² The rights of these pet owners must be balanced against reasonable measures for community protection.

Victorian greyhound owners are more disadvantaged than in most other state in Australia as well as by international standards. Greyhound muzzling laws vary around the world with Victoria (apart from Tasmania) and Northern Ireland having the most restrictive laws for this breed worldwide.³ Given that GAP is nationally catering to arguably less than 10% of the dogs whelped each year and a large percentage is now adopted through other rescue organizations (and therefore legally required to wear a muzzle) it must be argued that it is illogical for GAP to have the sole right to allow a muzzle exemption. It should also be noted, that all privately run rescue groups thoroughly

² According to NSW Department of Premier and Cabinet (2013) there were 8,693 greyhounds registered in 2011 in NSW (29% of which are registered as pets). The proportion of litters born in VIC compared to NSW was 78% in 2011 according to Animals Australasia. Transferring these proportions to VIC, it can be estimated that in 2011 there were around 6,781 (78% of 8,693) greyhounds registered of which 1,967 (29 %) were pets. From the increasing adoption numbers from GAP Vic (2013/14: 536 greyhounds) it can be expected that the number of pet greyhounds has furthermore significantly increased from 2011 to 2015.

³ For more detailed information on the laws regarding pet greyhounds in other states and countries, please visit our website: <http://www.greyhound-equality.org/laws.html>.

test all dogs before re-homing as a matter of course and public safety as do the RSPCA, Lost Dogs Home and Lort Smith to name a few.

Furthermore, there are concerns that pet greyhound owners are negatively affected by GAP having the monopoly on muzzle exemption testing. These concerns are outlined in Appendix A1.

Problematic green-collar test. There are currently inconsistencies in the implementation of the green-collar test conducted by GAP that limit its effectiveness in supporting community safety. To date, no canine temperament test has been adequately validated with regards to accuracy and repeatability. Our veterinary advisor, Dr Karen Dawson is a committee member of the Australian Greyhound Veterinary Association and a member of the Australian Veterinary Association Behaviour Special Interest Group. Dr Dawson regularly undertakes consultations in veterinary behaviour and is a greyhound behaviour expert who has assessed over 600 greyhounds for re-homing or muzzling exemption in Queensland and NSW collectively. Dr Dawson states that it is questionable whether unqualified assessors possess the ability to diagnose certain behaviour issues in a greyhound accurately, and thus reliably predict the impact of those issues on the accuracy of a temperament test. It is Dr Dawson's professional opinion that this, in addition to the requirement the dogs be housed at the GAP kennel for up to 4 nights, significantly impacts on the current accuracy of the assessment process. This of course may have implications for community safety and we believe that promoting responsible pet ownership is a far more effective method to increase community safety. We outline the problems associated with the "green collar" test in more detail in Appendix A1.

Animal Welfare. The strict laws regarding pet greyhounds in Victoria in comparison to the other states and countries have genuine adverse impacts on the quality of life for pet greyhound owners and their dogs. Dr Dawson states that a muzzle prevents a greyhound from being able to engage in proper dog-to-dog socialization, which is crucial once a greyhound has finished racing. This will not only impact on how they interact with other dogs, but also adversely affect how other dogs, and arguably people, may interact with them.

In her professional opinion, she also believes that the process of muzzling itself is over-utilized as a method of control, in place of positive reinforcement based behavioral modification techniques. For example, muzzling an anxious dog can adversely affect how that dog experiences new situations and how it learns to adapt to them.

From a welfare perspective, perhaps of greatest concern is the notion that all greyhounds have been adequately habituated and desensitized to wearing a muzzle. This is simply not true; particularly with regards to young, un-trained/un-raced greyhounds, which may represent upwards of 40% of the racing greyhound population⁴. It is Dr Dawson's professional opinion that muzzles deny dogs from engaging in normal behavior. Any device that does this must be questioned given that the denied behaviour may be a sign of distress. Most veterinary behaviorists

⁴According to Greyhounds Australasia (2015), in 2013, there were 1,003 litters registered in Victoria. With an estimated average of 6.5 puppies per litter, this leads to 6,520 puppies. In 2013, however, only 4,553 greyhounds were named. The remaining 1,967 puppies, which do not race, amount to 43% of the 4,553 dogs named for racing.

would not utilize a muzzle prior to an extensive desensitization process and only as part of an overall behavioral management plan. Compulsory muzzling of dogs that have not been adequately accustomed to wearing a muzzle may actually increase the distress experienced by the animal. Most new adoptive families would be unaware of the impact this may be having on their pet. According to Dr Dawson, the AVA is currently in the process of finalizing a position statement highlighting these concerns.

In addition, there is the very real concern of on-lead and muzzled greyhounds being attacked by other dogs, with the greyhounds unable to defend themselves. We have heard of several of these events within the greyhound community. One very serious example occurred in NSW in May 2014, when one of the two greyhounds, which was attacked, was so severely injured that it had to be euthanized. Furthermore, one of the men walking the greyhounds, had to undergo surgery to remove a piece of metal from one of the muzzles, which became lodged in his knee. (Sydney Morning Herald, 2014).

The outdated community protection concerns underpinning the laws are not sufficient to justify this punitive and unnecessary form of breed-specific discrimination.

We recognize that recent media reports about ongoing live baiting practices in the Victorian Greyhound Racing Industry have heightened community concerns about the potential threat that greyhounds pose to community protection. *However, R109 of GAR would still outline the control of a greyhound, registered with GRV for the purpose of racing, in a public place.* The different regulations for racing greyhounds and pet greyhounds would align Victoria's greyhound laws with the genuine community protection need, and protecting the rights of those who keep greyhounds solely for domestic pet purposes.

2. Excessively restrictive laws which undermine responsible dog ownership

The use of Breed Specific Legislation to manage dog restraint is at odds with contemporary knowledge about effective practices for supporting responsible dog ownership. The American Veterinary Society of Animal Behavior (AVSAB) notes in their position statement on Breed Specific Legislation that they are:

“concerned about the propensity of various communities’ reliance on breed-specific legislation as a tool to decrease the risk and incidence of dog bites to humans,” (AVSAB, 2014)

The AVSAB goes on to say that:

“such legislation – is ineffective, and can lead to a false sense of community safety as well as welfare concerns for dogs identified (often incorrectly) as belonging to specific breeds...Dogs and owners must be evaluated individually”(AVSAB, 2014).

The current Victorian legislation on greyhound restraint provides an example of laws that may undermine responsible dog ownership. Many greyhounds are denied opportunities for effective socialisation, recall and obedience training in public situations, due to the leash requirements for all greyhounds, and muzzle requirements for non-GAP adoptees.

We believe that the GAP “green collar” test is particularly problematic in this regard. The green collar test may bestow a false sense of security on some owners whose dog was either wrongly assessed, or has changed its temperament over a period of time. In our capacity of attending and organising greyhound walks, stalls at dog and agricultural shows as well as running a web and Facebook page with over 2,200 followers, GES has encountered numerous examples of greyhounds that were awarded a green collar and the new owner was not made aware of—and therefore underestimated—the greyhound’s reactivity to other dogs. Then in contrast, we have also witnessed greyhounds who have failed the test and who have repeatedly demonstrated that they are completely safe around other dogs.

This emphasizes, that a one-off test of whether a greyhound is “safe” or “unsafe” is **no substitute** for the ongoing monitoring and training that responsible dog ownership involves. Instead of this one-off test, we recommend focusing on educating new pet greyhound owners about the **specific characteristics of hunting breeds and responsible pet ownership**.

Education is the only way to increase responsible pet greyhound ownership, and has to be the primary focus of any dog hazard prevention policy.

Another point of interest we have noticed is that s27 of the DAA is often not enforced by local council rangers as they are either unaware of current legislation or furtively disagree with it. To the best of our knowledge, we are unaware of any person to have received a fine with respect to s27 of the DAA. The focus on education over regulation is clearly a superior option and is also the position of the AVA and RSPCA Victoria, as well as the American Veterinary Society of Animal Behaviour (AVSAB, 2014).

3. Adverse impact on environmental protection, due to animal welfare concerns

The current muzzle law leads to unnecessary barriers in greyhound adoption rates, and thereby increased euthanasia rates for healthy dogs that have finished their racing careers. The muzzling requirement is a clear disincentive for the public to adopt retired racing greyhounds, and as a result many such greyhounds are ultimately destroyed. It is in the interest of maximising adoption rates that pet greyhounds are not subject to Breed Specific Legislation. While greyhounds adopted through GAP have been granted an exemption to the muzzling law, this constitutes only a small proportion of the total greyhounds in need of re-homing in Victoria, estimated at approximately 10% of greyhounds whelped each year (Herald Sun, 2015). Volunteer greyhound adoption groups, including *Greyhound Safety Net*, *Amazing Greys* and *Greyhound Rescue Victoria*, are hampered in their efforts to increase the number of greyhounds adopted, through GAP's monopoly of the green collar assessment process (see Appendix A1).⁵

Removal of the muzzle and lead requirements for pet greyhounds would greatly improve "retired" or unwanted greyhounds' chances of finding homes as family pets. An upsurge in greyhound adoption rates without a discernible increase in greyhound related incidents in Queensland, in which the muzzling of pet greyhounds has been removed from many local council jurisdictions, clearly demonstrates this fact.

This potential of increased adoption rates through a removal of the muzzle requirement for pet greyhounds comes at negligible costs to community protection, as pet greyhounds would continue to be governed by the laws that govern *all pet dogs* and support community safety. Furthermore, *racing greyhounds* would still be required to wear a muzzle in public under R109 of GAR.

We encourage the Committee to recognise the unique opportunity that this inquiry presents to remove this unnecessarily discriminative legislation, and give Victorian greyhounds the same opportunities as other dogs of enjoying long, fulfilling lives as pets, with caring, responsible owners.

⁵ It is understood that Greyhound Safety Net has an arrangement with GAP, that some of their greyhounds are green-collar tested.

4. Original intention of the 1999 muzzle exemption awarded to GAP

Already in 1999, when GAP was given the sole right to award muzzle exemptions, **the intent of the law was to remove the muzzle for all pet greyhounds**. GAP was the only greyhound adoption group at the time and therefore the most logical and simplest method was to allow GAP dogs to be exempt from the muzzle law. However, the circumstances have now changed and many pet greyhounds are adopted out through other rescue groups such as *Amazing Greys*, *Greyhound Safety Net* and *Greyhound Rescue Victoria*, as well as the various animal shelters. All of these pet greyhounds are now required by law to wear a muzzle, even though the intention of the 1999 muzzle exemption for GAP was to remove the muzzle requirement for all pet greyhounds. There is a widespread view that the GAP “green-collar” program is a “retraining”, “socialization” or “decommissioning” program, however, there is **no such program required by law or carried out**, nor would this make any difference in the short term in relation to prey drive. The “green-collar” test usually (but not always)⁶ requires greyhounds to undergo a period in foster care and is simply an assessment of how the greyhound reacts in certain circumstances related to triggering prey drive.

Historical documents relating to legislative change for greyhounds show, that the original intention in 1999, (when the muzzle exemption monopoly was awarded to GAP), was to remove the muzzle for pet greyhounds generally. Furthermore, it was already recognized in 1999 that the muzzle law for pet greyhounds dated back to an old law in the 1800’s and the rationale for GAP being awarded the muzzle exemption had little to do with any special knowledge of GAP over other possible assessors, and more with practical reasons since GAP was the only greyhound adoption group at the time. Some examples of such historical documentation are as follows:

- a) **GRV’s long-term goal.** On Thursday 11th March, 1999, GRV (then called Greyhound Racing Control Board, GRCB) resolved at a meeting that the long-term goal is to repeal Section 27(1) of the DAA, so that pet greyhounds would not be required to be muzzled at all (see Appendix B1). Hence, 16 years later, it is time to fulfill this accepted long-term goal.

- b) **Position of GAP on muzzle law in 1999.** Appendix B2 shows that GAP endorsed the muzzle exemption for pet greyhounds with their newsletter in 1999 titled “*It’s official – The muzzles are off!*”. In it, it says that “*For those of you who were not at the GAP Christmas Party on Saturday, the Hon Rob Hulls, Minister for Racing, announced that the 116 year old legislation requiring that greyhounds be muzzled in public has been amended! As of Thursday, 16th December, greyhounds purchased as pets through the Greyhound Adoption Program no longer have to wear a muzzle in public. They do have to wear a GAP collar if you chose to remove your muzzle. These collars can be purchased from GAP for \$10.00...*”

Hence, GAP also acknowledges that this is an out-dated law. It would appear from this document that if one already owned a GAP dog, that it was a simple matter of purchasing a

⁶ Some of the green-collared greyhounds have not even been through foster care as GAP identifies several greyhounds each week that are ready for adoption immediately - without going through foster care (GAP, 2014).

green collar and any requirement for a specific muzzle exemption test was never implemented at the time.⁷ To the best of our knowledge, there are no recorded incidents that the greyhounds of this era were involved in any attacks of any description.

- c) **Position of the minister for racing in 1999.** Appendix B3 shows the media release from the office of the minister for racing on 18 December, 1999. Again, it is acknowledged that “A 115 year old statue requiring greyhounds to be muzzled at all times is to change” and “It will improve the public attitude towards this fun family dog”, “Last year the Greyhound Adoption Program found homes for 51 greyhounds. This year over 100 dogs have been adopted”.
- d) **Position of the GRV Racing and Operations Manager in 1999.** Appendix B4 shows a statement from the GRV Racing and Operations Manager in 1999 and says:

“Greyhound Racing Victoria is pleased to announce that an Order in Council has been made...to allow greyhounds adopted through the Greyhound Adoption Program to be exempt from wearing muzzles in public” and

“While this is a historic decision that will have a dramatic affect on the image of the breed, it is important that all owners of GAP greyhounds behave in an appropriate manner to ensure the success of this move” and

“I cannot stress highly enough the importance of responsible, safe behaviour by all GAP greyhound owners. While greyhounds as a rule are gentle, well-mannered animals, there will always be exceptions to the rule. Please take time to assess your dog carefully”.

⁷ It is also known in the greyhound community that, around 10 years ago, GAP conducted green-collar tests in the car park of Sandown Racecourse for greyhounds from Greyhound Safety Net. It was the departure point for GAP dogs on their way to the kennels in Seymour, so GAP staff would take the opportunity of doing a 10-minute temperament test on the non-GAP dog – assessing its reaction to a small dog. Then one would get a green collar (approx. \$20) and the greyhound was “registered” with GAP.

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Appendix A1: Concerns about the current “green collar” exemptions

GES recognizes that some attempt has been made to address the impact of Breed Specific Legislation on pet greyhounds in Victoria, through the introduction in 1999 of the “green collar” assessment, administered by GAP/GRV. At the time, this was a pragmatic and effective way to allow all pet greyhounds to go muzzle free, as GAP was the main adoption group at the time. However, we believe this exemption is an inappropriate response to the issues raised above in the current circumstances, for the following reasons:

- a) The reliability of the “green collar” test is uncertain, given that there is no evidence of any special skills or certification held by the GAP testing officials (as opposed to “testers” in other rescue groups) and no external validity of the test carried out. The current assessment is a small “snapshot” of the dog on the testing day, and cannot be expected to ascertain properly the dog’s true temperament, due to mitigating factors such as stress, largely due to being in a kennel environment and away from its owner who is not permitted to attend the testing process. The test also does not take into account the future development of the dog, which has the potential to change over a period of time.

Our veterinary advisor, Dr Karen Dawson, has herself assessed over 600 greyhounds for re-homing or muzzling exemption, and it is her observation that a dog’s temperament cannot be properly assessed in a stressful kennel environment where it is likely simply to “shut down” psychologically, leading to fundamentally erroneous assessments. We believe the current assessment has the real potential to set a dog up for failure and as matter of interest and concern, GAP staff have verbally repeatedly informed people enquiring about the green collar test procedure that a dog will fail an assessment if it is “timid” which is extremely concerning given that the dog is under an enormous amount of stress in the kennel environment of the testing process.

His Honour Gordon Lewis A.M. notes in an article in the Herald Sun (2015), that *“the GAP managers set the standards of docility for greyhounds at a level that no other breed has to meet when being offered through pounds and lost dogs homes.”*

Another important point is that the **current legislation neither requires a “retraining”, “socialization” or “decommissioning” program, nor is this carried out by GAP,** nor would this make a difference in the short term in relation to prey drive.

- b) *Amazing Greys, Greyhound Safety Net and Greyhound Rescue Victoria* as a matter of course conduct temperament testing. The greyhounds in their care typically spend a substantial time in a foster home, where their temperament as a pet can be more accurately ascertained than in a kennel environment. The exclusive rights conveyed on GAP to undertake “green collar” testing unfairly disadvantages pet greyhound owners who adopt their dog from one of the many independent rescue organizations in Victoria, and not from GAP where the testing is conducted.

GAP allows rescued greyhounds from independent groups to enter the program, however the owner is required to hand the already adopted dogs over and *re-adopt* through GAP, and then sign a new “Adoption Contract”—which many owners would prefer not to do. The testing also comes at a cost of \$50.00⁸ to the greyhound owner and the owner is required to travel to the GAP premises in Seymour and leave the dog for approximately four days for testing. Testing is conducted without the owner allowed to be present.

Not only is this cost and distance prohibitive for many greyhound adopters, the 4 days spent in GAP kennels is distressing to a dog who has already transitioned from racing to life as a pet. Dr Karen Dawson notes, that a four-day kennels stay is stressful for any animal, especially a greyhound, which has already been accustomed to living in a home environment. For these reasons, many non-GAP adopters choose not to obtain the muzzle exemption, and are forced to continue muzzling their dogs in public.

- c) Although ALL retired racing greyhounds are former GRV greyhounds (identified by ear tattoo), GAP prioritises greyhounds referred to its program from within the racing industry. Owners and trainers of registered GRV greyhounds who place their dogs into GAP receive a refund if their dog does not pass the assessment, whilst non-GRV owners, such as volunteer rescue groups, are not given a refund (GAP, 2015e). Ex-GRV greyhounds rescued by independent groups are also disadvantaged in waiting time, with the current wait for already adopted greyhounds to undergo assessment being typically around 3 months. It should be noted however, that at the time of writing this submission, the wait time has dramatically increased from 3 to 6 months, which was confirmed by a GAP staff member during a phone conversation with a GES member on 1st July 2015. In contrast, a recent change to the intake model allows GRV racing greyhounds (from trainers and owners) to enter via rotational once monthly testing days at Bendigo, Geelong, Sandown tracks or GAP kennels in Seymour (with no additional waiting time). Rescued greyhounds are not allowed to be presented at these testing days.

This appears contradictory to GRV’s strategic plan, which has identified greyhound welfare excellence as one of its eight core goals. **GRV has committed to account** “for every greyhound that is bred, whether or not it reaches the racetrack” (GRV, 2014). The majority of greyhounds adopted from other rescue organisations are the dogs that GRV failed. It is estimated that nationally more than 90% of the dogs will never go through GAP, indicating a need for more viable alternatives.

- d) The monopoly situation in the green collar assessments raises concerns about compliance with the Competitive Neutrality Statement of June 1996 and Competitive Neutrality Guidelines for Managers. In particular, there is the danger that the Victorian Government does not satisfy its

⁸ The cost of the test was recently reduced from \$150 to \$50. GAP (2015e) still reports online that the test costs \$150, but it has been verbally confirmed by GAP staff on 1st July 2015 that the cost is now \$50. Note that adopting a dog directly from GAP costs \$75.00, which includes the green-collar test.

obligations under National Competition Policy and is favouring a single “testing entity” rather than alternative “testers”. Other states such as NSW provide evidence that if competition is allowed, independent testers (especially vets) could also offer testing⁹. Therefore it is unreasonable to assume that there is a natural monopoly in the market of temperament assessments favouring GAP in Victoria. GAP potentially misuses its market power by predatory pricing strategies, so that no competitor could enter the market. Competition would reduce the long waiting periods for assessment (currently 6 months) and travel costs to the one and only location an assessment is offered in the entire state of Victoria. Removing the monopoly position of GAP as a testing facility would therefore have positive community welfare impacts.

If the Committee chooses to reject our first recommendation and retains the green collar test, we strongly recommend the following measures in relation to the “green collar” assessment:

- i. Measures to enable more competition in the testing market, to generate a wider choice of locations and pricing options.
- ii. Greater transparency and accountability in the testing process, including a veterinarian-administered accreditation system for testers.
- iii. Greater involvement of greyhound adopters in the testing process, including specific information provided to adopters about how each individual dog performed in the test. This will better support the goal of owner education and responsible dog ownership, which GES shares with the Committee.
- iv. A nationally recognised greyhound fact sheet endorsed by the AVA and written by a panel of experts consisting of suitably qualified persons such as AVA members, RSPCA and greyhound specialist vets and veterinary behaviourists.

GES would like to thank the committee for agreeing to consider the greyhound during the inquiry into Victorian BSL and trust that our submission will be accepted on its merits. We would also welcome the opportunity to discuss the key points further by giving evidence during the parliamentary inquiry scheduled for September 2015.

⁹Under the “Greenhounds” program in NSW, approved independent assessors (a vet or a person holding a Certificate IV in Companion Animal Services and has passed a specific TAFE course) may conduct behavioural assessments on greyhounds to award a muzzle exemption (Greenhounds, 2015).

Appendix B1: GRV's long-term goal

MEMO TO – Judge Gordon Lewis

TOPIC – The De-muzzling of Greyhounds – A GRCB Long Term Policy

OUTLINE – At a meeting of the GRCB held on Thursday, March 11, 1999, it was resolved that the long term goal in relation to this matter would be :-

To repeal Section 27(1) of the Domestic (Feral and Nuisance) Animals Act 1994 – so that greyhounds would not be required to be muzzled at all.

The initial alternative is to have the legislation amended so that :-

Greyhounds which have graduated from the Greyhound Adoption Program are not required to be muzzled while on a collar and lead, and under the control of a responsible person.

The alternatives to the above long term goal that were considered and accepted were:-

1. The legislation be amended so that greyhounds are required to be muzzled only when they are racing, coursing, or trialing. OR,

2. The legislation be amended so that greyhounds are required to be muzzled only when they are –

(a) racing, coursing, or trialing.

(b) being exercised under the effective control of a responsible person by means of a collar, and chain, cord, or leash.

This is a summary of the draft accepted at that meeting and which is to form GRCB Policy on this matter.

Dr. J. R. Gannon.

1999
HISTORIC
VERY
IMPORTANT

Appendix B2: Position of GAP on muzzle law in 1999

1999



**It's official -
The muzzles are off!**



For those of you who were not at the GAP Christmas party on Saturday, the Hon Rob Hulls, Minister for Racing, announced that the 116 year old legislation requiring that greyhounds be muzzled in public has been amended!

As of Thursday, 16th December, greyhounds purchased as pets through the Greyhound Adoption Program no longer have to wear a muzzle in public. They do have to wear a GAP collar if you chose to remove your muzzle. These collars can be purchased from GAP for \$10.00. To arrange your collar, please complete and return the form enclosed, with your payment, to:

Greyhound Adoption Program
438 - 442 William St
WEST MELBOURNE VIC 3003

If you chose not to muzzle your dog in public, please consider donating the muzzle to GAP. Our foster dogs still have to wear them, so any donations would be appreciated!

Please note that this amendment to the legislation affects only GAP dogs - all other greyhounds, race dogs or dogs purchased as pets directly from the trainer or shelter such as the RSPCA, are still required to wear a muzzle. All greyhounds, including GAP dogs, still must be on lead at all times when off private property.

A huge thank you to everyone who donated items for the raffle and games for the Christmas party, and who assisted us with making the day run smoothly. There are too many people to thank individually - you know who you are! We couldn't have done it without you. \$500 was raised from the raffle which will go towards purchasing a marquee for all the events we attend.

If you have any queries about the amended legislation, please phone me on 9326 3422.

Merry Christmas everyone!

Kind regards

Larissa Hubbard
GAP Coordinator



media release

FROM THE OFFICE OF THE MINISTER FOR RACING

December 18, 1999

NEW FREEDOM FOR GREYHOUNDS

A 115 year old statute requiring greyhounds to be muzzled at all times is to change.

Adopted greyhounds will be allowed to go without muzzles after amendments to the Domestic Animals Act, the Minister for Racing, Mr Rob Hulls, has announced.

Under a scheme established by Greyhound Racing Victoria, greyhounds bought as pets passing guidelines under the Greyhound Adoption Program can be unmuzzled while walking with their owners.

"The muzzle is to be unlatched," said Mr Hulls.

"The muzzling of greyhounds has been a part of the Domestic Animals Act since 1984 and similar versions of the ruling have been in existence since the Dog Act of 1884.

"However, following the ongoing efforts of animal lovers, greyhounds who find a new home through the program will be exempt from wearing muzzles.

"Experience shows that greyhounds make wonderful, safe pets and by allowing them to be without muzzles when they are on a leash in public, the quality of life of these lovely dogs and their owners will dramatically improve.

"It will also improve the public attitude towards this fun family dog."

Owners of racing greyhounds who want to have their animals adopted as pets can contact the Greyhound Adoption Program, which places the dog on a waiting list.

When room becomes available, ownership of the greyhound is transferred to the Program.

The dog then goes to several foster homes to learn about living in a domestic environment and to live with other small dogs, cats and children.

Once the dog has been adopted, ownership is transferred from the Program's name into that of the new owner of the dog and it no longer has to be muzzled.

Last year the Greyhound Adoption Program found homes for 51 greyhounds. This year over 100 dogs have been adopted.

For further information contact Jane Wilson at the Media Unit 0407 831456

1 of 2

Appendix B4: Position of the GRV Racing and Operations Manager in 1999

TO: All GAP greyhound owners
FROM: Andrew Peters, Racing and Operations Manager
DATE: 18th December 1999

Muzzling greyhounds in public

Greyhound Racing Victoria is pleased to announce that an Order in Council has been made (gazetted 16/12/99) to allow greyhounds adopted through the Greyhound Adoption Program to be exempt from wearing muzzles in public.

While this is a historic decision that will have a dramatic affect on the image of the breed, it is important that all owners of GAP greyhounds behave in an appropriate manner to ensure the success of this move.

There are several changes as a result of the amended legislation:

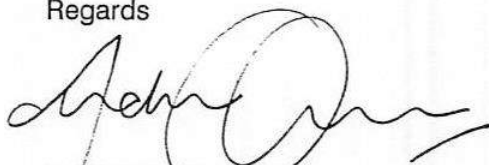
- GAP greyhounds are no longer exempt from council registration. Please contact your council as soon as possible and arrange for your dog to be registered. This is regardless of whether you choose to walk your greyhound unmuzzled or not.
- GAP greyhounds (as do all greyhounds) must be on lead at all times unless on private property (preferably only your own). Please note that greyhounds are not allowed to run free in leash free parks.
- GAP greyhounds are required to wear a green GAP collar at all times when they are in public. These collars are available for purchase from Greyhound Racing Victoria. Please note that should a shire/council ranger see you walking your GAP greyhound in public without a muzzle and without the green collar, you will receive a fine.
- You must never have more than two greyhounds under your control when those greyhounds are taken into public places.

I cannot stress highly enough the importance of responsible, safe behaviour by all GAP greyhound owners. Should you have any doubts about the nature of your greyhound and its compatibility with small animals of any kind, please refrain from removing the muzzle from your dog when in public until such time that you feel confident the dog does not pose a threat to others. While greyhounds as a rule are gentle, well-mannered animals, there will always be exceptions to the rule. Please take time to assess your dog carefully.

We look forward to your assistance with making this change in legislation a resounding success!

Should you have any queries or concerns, please contact the GAP Coordinator, Larissa Hubbard, on 9326 3422.

Regards



Andrew Peters
Racing and Operations Manager



**Appendix C1: Letter of Endorsement from
Emeritus Professor Jock McLean
BVSc, PhD, HDA(Hons), CompIEAust**

1 July 2015

Mr Michael Baker
Secretary, Economy and Infrastructure Committee
Parliament House
East Melbourne, VIC, 3002

Dear Mr Baker

**Greyhound Equality Society's
submission to the Inquiry into the Legislative and Regulatory Framework
relating to Restricted Breed Dogs**

I wish to lend my strongest support to the Greyhound Equality Society's submission to the above Enquiry. In the case of non-racing Greyhounds which have transitioned to a life as domestic pets, there is no longer any need for such dogs to be muzzled while in public. Non-racing Greyhounds should be treated in the same way as other domestic dogs which are kept as pets.

In relation to the current requirement for exemption from muzzling by undergoing a "green collar" assessment administered by the Greyhound Adoption Programme. This is an expensive and time consuming process which adds little to facilitate the transition of Greyhounds from racing to domestic pets. I recommend that this requirement be removed and replaced by an education and self-assessment programme for those Greyhounds transitioning to a non-racing environment. Indeed, there is much to be said for making a programme of this nature available for all dogs kept as pets.

I have had a long association with Greyhounds dating back to the 1960s, most of it as a registered veterinary surgeon. The Greyhound as a breed is recognised as being docile and does not have a history of untoward behaviour. I am on record as supporting the exemption of muzzling of certain Greyhounds, when the legislation was amended in 1999. The time has arrived to further extend the de-muzzling of Greyhounds.

Yours sincerely



J G (Jock) McLean
BVSc, PhD, HDA(Hons), CompIEAust

Emeritus Professor

Appendix C2: Letter of Endorsement from
Amazing Greys Greyhound Rescue Victoria



To : Michael Baker
Secretary, Economy and Infrastructure Committee
Parliament House, Spring Street
East Melbourne, 3002, Victoria

Dear Michael,

This letter is to inform you that Amazing Greys supports the submission of the Greyhound Equality Society "Submission to the Parliament of Victoria Inquiry into the Legislative and Regulatory Framework Relating to Restricted Breed Dogs" (June 2015) wholeheartedly.

I ask that you repeal entirely the Breed Specific Legislation in Section 27 (Restraint of Greyhounds) from the Domestic Animals Act 1994 (DAA) that requires ex-racing greyhounds to be muzzled in public. We believe it is the responsibility of every dog owner to ensure the safe conduct of his/her dog.

This is an issue of education and not Breed Specific Legislation. We kindly ask you to repeal Section 27 of the DAA immediately for the reasons outlined in Greyhound Equality Society's submission.

Kind regards,

Martina Best
President

**Appendix C3: Letter of Endorsement from
Greyhound Rescue Victoria Inc**



Greyhound
Rescue
Victoria inc

ABN : 98724320938
PO BOX 5069
CRANBOURNE 3977

Greyhound Rescue Victoria support whole-heartedly the submission of the Greyhound Equality Society "Submission to the Parliament of Victoria Inquiry into the Legislative and Regulatory Framework Relating to Restricted Breed Dogs" (June 2015). I ask that you repeal entirely the Breed Specific Legislation in Section 27 (Restraint of Greyhounds) from the Domestic Animals Act 1994 (DAA) that requires ex-racing greyhounds to be muzzled in public. We believe it is the responsibility of every dog owner to ensure the safe conduct of his/her dog. This is an issue of education and not Breed Specific Legislation. We kindly ask you to repeal Section 27 of the DAA immediately for the reasons outlined in Greyhound Equality Society's submission."

Regards

A handwritten signature in black ink, appearing to read 'Sherree Reid'.

Sherree Reid
Greyhound Rescue Victoria
Director
0432587421
greysrescue@outlook.com

