

THE CONVERSATION

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Animal welfare laws need more bite to stamp out live baiting

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A possum used in live baiting. Animals Australia & Animal Liberation Qld

The exposure of live baiting (or “bleeding”) activities in greyhound racing has sent shockwaves through the industry, with a spate of suspensions, resignations and dismissals following undercover footage aired by ABC Four Corners in February.

The revelations have prompted calls for greater regulation and for the greyhound racing industry to be made more transparent and accountable to government. But it is not more rules that we need – it’s better enforcement of the laws we already have.

Bleeding outlawed

Bleeding greyhounds is already prohibited in all three states implicated in the scandal.

In Queensland, the Animal Care and Protection Act 2001 (Qld) prohibits a person from keeping or using an animal as a kill or lure for bleeding a dog. The maximum penalty is A\$34,155 or one year in prison.

Similarly, in [New South Wales](#) an individual who keeps or uses an animal as a lure or kills an animal for the purpose of blooding greyhounds can be fined A\$22,000 or face two years imprisonment, or both. [Victoria](#) also prohibits blooding with a maximum fine over A\$35,000 or two years in prison.

Self-regulation

The greyhound racing industry also regulates itself. At the national level, the [Greyhounds Australasia Rules](#) does not explicitly have a rule against blooding greyhounds although several rules appear to ban the practice.

For instance, it is an offence to:

- bring a live animal (other than a greyhound) on to [a racecourse, trial track or surrounding area](#)
- to use an animal *in connection* with greyhound racing that is “improper” (although no definition of this term is provided)
- to do a thing which, “in the opinion of the Stewards or the Controlling Body, ... is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct”
- to “act in a way that is detrimental or prejudicial to the interests, welfare, image, control or promotion of greyhound racing”.

A person found guilty of an offence under the national rules could face a fine, suspension, disqualification, cancellation of registration or a “warning off”.

The [Victorian local rules](#) explicitly prohibit the use of a live animal as a lure or “for the exciting of greyhounds” and designates it as a “serious offence”. As a “serious offence” the Greyhound Racing Victoria Racing and Disciplinary Board can, among other potential penalties, order the refund of prize money.

Under the [Greyhound Racing Victoria’s Animal Welfare Penalty Guidelines](#) the recommended penalty for those guilty of blooding a greyhound is a 10 year disqualification.

All bark, no bite

The Four Corners exposé has highlighted the inadequacy of enforcement by both the greyhound racing industry and the government.

The “police officers” for greyhound racing industry self-regulation are the stewards. They failed to detect and/or act on suspected breaches of the national or local rules of racing.

Reasons for this range from geographical remoteness of the trial or training tracks (according to [Scott Parker](#), CEO of Greyhounds Australasia), to a lack of resources, to stubborn refusal to see the problem.

The government enforcement of animal protection legislation is largely left to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to enforce, which is rather unique for a branch of criminal law.

As a charitable organisation that is inadequately funded by government, it is severely limited in its ability to bring prosecutions or pursue riskier cases.

The RSPCA is also sensitive to public donations. For instance, a costs order awarded against the RSPCA could see public donations going to the alleged offenders legal team. This in turn is likely to have a negative effect on future donations which the society needs to run animal shelters, and prosecutions.

Better enforcement

One solution would be to ban greyhound racing. There is precedent for completely banning an animal sport when the public sees how cruel it is. In 1997, for example, the New South Wales parliament amended the Prevention of Cruelty to Animals Act 1979 (NSW) to ban coursing and jumps racing (or steeplechase) for horses.

Assuming greyhound racing is not banned, greater enforcement of the existing criminal laws should be the priority. It is not appropriate to devote tax-payer money, as is proposed in Victoria, to help enforce industry self-regulation where criminal laws have been passed to punish the same behaviour, and self-regulation has spectacularly failed. A real and credible threat of criminal prosecution when industry self-regulation fails is also the best way to make the industry self-regulators do a better job.

There is also the danger with strengthening self-regulation that those caught would be disciplined under the local or national rules when the cruelty of the conduct warrants criminal prosecution. Additional government funding could go instead to the enforcement body for animal protection, the RSPCA, so it can employ more inspectors and bring more criminal prosecutions.

State governments could also introduce legislation that allows other organisations such as Animals Australia or Animal Liberation, the bodies that obtained the undercover bleeding footage, to prosecute under the animal protection laws. This would mean giving animal protection groups other than the RSPCA “standing”, which the government and courts have been reluctant to do.

Another option is to create a state-based statutory authority with the powers to investigate and prosecute breaches of animal protection laws. In 2013, the Greens attempted to introduce the Independent Office of Animal Welfare and Labor proposed the Inspector General of Animal Welfare and Live Animal Exports at the federal level.

While such proposals were a step in the right direction, the primary responsibility for the regulation of animal welfare rests with the states and territories and it is they who should act to enforce their own criminal laws. The state or territory statutory-authority would be similar to those proposed above but could have greater enforcement powers.

Without adequate enforcement, the laws that governments have passed to reflect societies condemnation and abhorrence of live baiting will continue to lack the necessary bite.