



Bill Digest

Greyhound Racing Bill 2018

Bill No. 109 of 2018

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Tuesday, October 16th 2018

Abstract

The [Greyhound Racing Bill 2018](#) (the Bill) aims to update existing legislation on the governance of the greyhound industry and the welfare of greyhounds. It strengthens the governance procedures for the governing board of Bord na gCon (now Rásaíocht Con Éireann) and the sanctions regime for breaches of the racing code.

The Bill aims to improve the welfare of racing greyhounds and add to their traceability through a database recording life events such as birth, sale and injury. It also repeals a number of provisions in the [Greyhound Industry Act 1958](#) and replaces them with similar revised provisions in this Bill.

A Bills Tracker page for the Bill can be found [here](#)

Contents

Summary	1
Table of Provisions	2
Background.....	7
Legislative and regulatory overview of the greyhound industry.....	11
Pre-legislative scrutiny	14
Principal Provisions.....	21
Governance of Rásaíocht Con Éireann.....	22
Regulation of greyhound racing and race tracks.....	25
Welfare of greyhounds.....	27
Racing sanctions	36

Bill published:¹ 12 October 2018; Second Stage Debate 17 October 2018.

This Digest may be cited as:

Oireachtas Library & Research Service, 2018. *Bill Digest – Greyhound Racing Bill*

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¹ Published to the Oireachtas website

Summary

The [Greyhound Racing Bill 2018](#) (the Bill) aims to update existing legislation on the governance of the greyhound industry and the welfare of greyhounds. The Bill follows on from the [General Scheme of the Greyhound Racing Bill 2017](#). That Scheme reflected some of the recommendations made in a succession of reports on the greyhound industry: the [2014 Indecon Report](#) (commissioned by the Minister for Agriculture, Food and the Marine), the [2015 Report on the greyhound industry](#) by the of the Joint Committee on Agriculture, Food and the Marine; and the [Morris Review of Anti-Doping and Medication in Ireland](#) (commissioned by Bord na gCon and published in July 2016). All of these reports highlight deficiencies in the governance of the greyhound industry, in industry standards and in the welfare of greyhounds.

The Bill amends and strengthens the current sanctions regime for breaches of the greyhound racing code. It also repeals a number of provisions in the [Greyhound Industry Act 1958](#) and replaces them with similar revised provisions in this Bill. Similarly, it repeals a number of statutory instruments relating to Bord na gCon's Control Committees and puts the details of those statutory instruments into the Bill. The Bill is technical in parts and there are a number of restatements in the Bill for example in relation to the powers of authorised officers.

The Bill will amend the following Acts:

- the [Greyhound Industry Act 1958](#) and [Greyhound Industry \(Amendment\) Act 1993](#),
- the [Welfare of Greyhounds Act 2011](#); and
- the [Animal Health and Welfare Act 2013](#).

The key issues identified by the Joint Committee on Agriculture, Food and the Marine in its Report on Pre-legislative scrutiny of the General Scheme of the Greyhound Industry Bill 2017 (June 2017) have been followed in part in the Bill. It does not reflect the Committee's recommendation about the export of greyhounds.

Given the short time-frame between the publication of the Bill and second stage debate it is not possible to look at every section of the Bill in detail. Therefore the Digest focuses on provisions that deal with the governance of the greyhound industry and on the welfare of greyhounds. A summary of all the provisions of the Bill can be found in Table 1 overleaf.

Table of Provisions

Table 1 below summarises all provisions of the Greyhound Racing Bill 2018. Further discussion of key provisions of the Bill can be found in the Principal Provisions section of this Bill Digest.

Table 1: Provisions of the Greyhound Racing Bill 2018. Bill 2018

Section	Title	Effect
Part 1: Preliminary and General		
1.	Short title, collective citation, commencement and construction	It provides that different sections of the Bill can be commenced at different times by way of Ministerial order other than Parts 10 and 11
2.	Definitions	This sets out definitions for words and terms in the Bill including, doping, racing code, sanction breach and sanction payment
3.	Amendment of section 2 of Principal Act (interpretation)	This amends the definition of Board to mean Rásaíocht Con Éireann; and Minister to mean, Minister for Agriculture, Food and the Marine.
4.	Notifications, notices and documents	This updates information in relation to the service of documents. Email can be used to serve documents.
5.	Regulations	This sets out the steps the Board must take before introducing new regulations under the Act
6.	Prosecution of offences	The Board of Rásaíocht Con Éireann, rather than the State, will prosecute offences under the Act
7.	Revocations	This revokes all current statutory instruments dealing with control and appeal committees
Part 2: Rásaíocht Con Éireann		
8.	Change of name of Bord na gCon	Name changed to Rásaíocht Con Éireann
9.	Membership of Board	Chairperson and 8 members
10.	Quorum for meeting of Board	6 members
11.	Exclusion from membership of Board or staff of Board	Standard exclusions such as nomination as member of the Seanad, election as a member of the Seanad, Dáil or European Parliament
12.	Disclosure of interests	New provision setting out that interest must be disclosed
13.	General functions of Board	To provide for the overall administration, regulation, governance, development and promotion of the Irish greyhound industry and the health and welfare of greyhounds.

14.	Code of Practice for Governance of State Bodies	The Board and its subsidiaries must have regard to the Code of Practice for the Governance of State Bodies
15.	Chief executive officer	The members of the Board can appoint an officer of the Board to be the CEO
16.	Application of funds of Board	This will now include 'any other purpose conducive to the improvement and development of the greyhound industry' and 'the enhancement of the health and welfare of greyhounds.'
17.	Borrowing by Board or subsidiary	The Board or any subsidiary can borrow money (whether on the security of the assets of the Board or the subsidiary) but must have the consent of the Minister and the Minister for Public Expenditure and Reform acting with the consent of the Minister for Finance.
18.	Accounts and reports of Board and subsidiaries	The Board and subsidiaries must keep proper accounts
Part 3: Regulation of greyhound racing and race tracks		
19.	Prohibition on operating greyhound race track without licence	Maximum fine for this offence is now €250,000 following conviction on indictment for operating a greyhound racing track without a licence. Summary conviction is a Class A fine (up to €5,000)
20.	Prohibiting by regulations certain matters in relation to greyhound race tracks	The Board can make regulations prohibiting racing officials operating unless they have permits and prohibiting individuals performing functions on greyhound tracks and from having beneficial interests in aspects of the business.
21.	Regulations to regulate greyhound race tracks and greyhound racing	The Board may, after consultation with the Minister, make regulations for the use, management and control of greyhound race tracks
22.	Guidelines in relation to greyhound race tracks	The Board may issue guidelines for the purposes of the establishment, lay out, construction and maintenance of greyhound race tracks.
23.	Repeal	Section 25 of the Principal Act dealing with regulations and rules in relation to greyhound race tracks is repealed.
Part 4: Regulations etc. relating to greyhound industry		
24.	Training of greyhounds for reward	The Board may, with the consent of the Minister, make regulations for the control of the training of greyhounds for reward
25.	Public sale of greyhounds	The Board may, with the consent of the Minister, make regulations for the control of the holding and conduct of public sales of greyhounds

26.	Artificial insemination of greyhounds	The Board may, with the consent of the Minister, make regulations controlling the practice of artificial insemination of greyhounds
27.	Administration of substances to greyhounds	The Board may, after consultation with the Minister, make regulations for the control restriction, prohibition or administration of substances to a greyhound
28.	Traceability of greyhounds - traceability database	The Board may, after consultation with the Minister, make regulations for the registration and traceability of greyhounds
29.	Welfare of racing greyhounds	The Board, after consultation with the Minister, may make regulations for the health and welfare of racing greyhounds
Part 5: Matters relating to licensing under Parts 3 and 4		
30.	Definition (Part 5)	“licence, permit or approval” means a licence, permit or approval granted by the Board under <i>section 31</i> in respect of a licence, permit or approval provided for in regulations made under <i>Part 3</i> or <i>4</i> .
31.	Licences, permits and approvals	The Board may grant or refuse to grant an application for a licence, permit or approval or its renewal provided under regulations made under <i>Part 3</i> or <i>4</i>
32.	Charges for licences, permits or approvals	The Board can impose a charge for licences, permits or approvals
33.	Revocation or suspension of licences, permits or approvals	Where the holder of a licence, permit or approval fails to comply with a condition attached to it, the Board can suspend for such time as it thinks fit or revoke the licence, permit or approval.
34.	Representations	Whenever the Board proposes under <i>section 31</i> to refuse to grant or renew a licence, permit or approval or to suspend or revoke a licence, permit or approval, it must notify in writing the applicant or holder of the licence, permit or approval so that the applicant or holder can make representations if he or she wishes
Part 6: Authorised officer		
35.	Authorised officers	The Board can appoint, in writing, such persons or classes of persons as it considers appropriate to be authorised officers
36.	Investigations by authorised officers	An authorised officer present at any race meeting or trial at a greyhound race track or any public sale of greyhounds may investigate any occurrence observed by him or her or brought to his or her notice
37.	Functions of authorised officers	Includes requiring the production of any licence or permit granted under this Act for inspection; or requiring any person to give to him or her any information which he or she may reasonably consider necessary
38.	Assistance to authorised officer	Identifies certain people obliged to give

		assistance to the authorised officer
39.	Requirements and directions of authorised officer	Includes that an authorised officer may require a person to produce a greyhound for inspection at a specified time and place.
40.	Search warrant	The District Court can issue a search warrant if satisfied by information on oath of an authorised officer
41.	Obstruction etc. of authorised officer	It is an offence to obstruct the authorised officer carrying out his or her functions. Penalty is a Class C fine
Part 7: Investigation by Board		
42.	Investigations by Board - breaches of Racing code	Sets out the procedures for the conduct of investigations by the Board
Part 8: Control Committee and Appeal Committee – racing sanctions		
Chapter 1: Control Committee		
43.	Jurisdiction of Control Committee and Appeal Committee	The Control Committee and the Appeal Committee have the power under section 46 to determine matters in respect of sanction breaches of the Racing code
44.	Greyhound Racing Control Committee	It is the function of the Control Committee to decide if there has been a sanction breach of the Racing code. It is independent in the performance of its functions.
45.	Hearings of Control Committee	This sets out the procedures to be followed where the Control Committee holds a hearing
Chapter 2: Racing sanctions		
46.	Racing sanctions	The Control Committee may do the following where a breach of the racing code has been committed: give an advice, admonishment or censure, in writing, make a disqualification order, or an exclusion order, or revoke or suspend a greyhound race track licence, a course-betting permit or a licence, permit or approval.
47.	Disqualification orders	This extends current provisions in relation to disqualification procedures. This in order to stop circumventions of the order through transfer of ownership of disqualified dogs
48.	Exclusion orders	These exclude individuals from being on a greyhound race track; and/or being at a public sale of greyhounds if a racing sanction has been imposed
Chapter 3: Appeal Committee		
49.	Appeals of decision of Control Committee to Appeal Committee	This sets out the procedures for appeals in respect of racing sanctions or payments imposed by the Control Committee
50.	Appeal Committee	This provides for a single avenue of appeal for

		decisions in relation to sanctions and payments imposed by the Control Committee
51.	Appeals to Appeal Committee	Updates provisions re. appeals including adding members of the Court of Appeal to be eligible for membership of the Appeal Committee
52.	Notification of decisions of Control Committee and Appeal Committee	This sets out how decisions are communicated to the applicant
53.	Appeal to District Court	This provides for appeals to the District Court for findings of the Appeal Committee in relation to Exclusion Orders and/or Sanction payments.
Chapter 4: Proofs		
54.	Proof of certificate of analysis	This relates to evidential certificates issued by testing laboratories in the case of adverse analytical findings
Part 9: Miscellaneous		
55.	Miscellaneous amendments to Principal Act	This updates references to fines and updates some language. It also deletes sections of the Principal Act which are no longer relevant.
56.	Eligibility of registered greyhound to race	A greyhound registered in an Irish Greyhound Stud Book by the holder of the studbook is eligible to race in a greyhound race at a greyhound race track, unless the greyhound is determined to be ineligible to race in accordance with this Act (e.g. the subject of a disqualification order).
57.	Requirement on person who is intoxicated or aggressive to leave race track or public sale or the right to refuse such person entry	A person who fails to comply with a requirement to leave a race track or public sale or a refusal of admission may be removed (using reasonable force) from the track or sale. That person commits an offence and is liable on summary conviction to a class A fine.
58.	Data transfer	This allows for the transfer of information between different entities (e.g the Board, the holder of an Irish Greyhound Stud Book, or the operator of a laboratory for the purposes of those Acts relating to Greyhounds.
Part 10: Welfare of greyhounds		
59.	Amendment to <i>Welfare of Greyhounds Act 2011</i>	Only the progeny from the first 6 litters, or the first 8 litters (where section 11(3) of the Principal Act applies) of a greyhound bitch may be registered in the Irish Greyhound Stud Book.
Part 11: Amendments to <i>Animal Health and Welfare Act 2013</i>		
60.	Definitions (Part 11)	In this Part “Act of 2013” means <i>Animal Health and Welfare Act 2013</i> .
61.	Offences under section 36	This makes technical

		amendments in relation to offences under section 36 of the 2013 Act and is to be read in conjunction with section 63.
62.	Compliance with EU Regulations- offence and penalty	This is a technical amendment that clarifies the penalty applicable for breach of an obligation under an EU Regulation.
63.	Costs of detention of seized animal	This provides for making and recovering charges for the costs associated with the detention of seized animals.
64.	Animal health and welfare notice	This provides for record keeping requirements and the making of returns to facilitate monitoring compliance with animal health and welfare notices.
65.	Animal health and welfare regulations - matters in Schedule 3	Amendments in this section are made on legal advice to remove doubt as to the extent to which the Minister may make regulations in relation to EU matters, databases, animal traceability and transport.
66.	Miscellaneous amendments to Act of 2013	These tidy up existing legislation but have no substantive effect on the Act

Background²

The Irish Greyhound Board (Bord na gCon now Rásaíocht Con Éireann) was established in 1958 under the [Greyhound Industry Act 1958](#) with the purpose of regulating, improving and developing the greyhound racing industry in Ireland. The [Greyhound Industry \(Amendment\) Act 1993](#) made a number of minor amendments to the 1958 Act and at the time of its introduction a more comprehensive bill was promised ‘as soon as possible’. The 1993 Act, among other things, removed the requirement that three Board members be members of the Irish Coursing Club and reduced from five to three years the term of office for Board members. There were also changes made to the practise of coursing including the requirement for dogs to be muzzled.

Greyhound racing is specifically governed by [Greyhound Industry \(Racing\) Regulations 2007](#) and [Greyhound Industry \(Control Committee and Control Appeal Committee\) Regulations 2007](#) which replaced the earlier [Greyhound Race Track \(Racing\) Regulations 1993](#). These

² Much of this information is adapted from the Joint Committee on Agriculture, Food and the Marine: Report on Pre-legislative scrutiny of the General Scheme of the Greyhound Industry Bill 2017 (June 2017)

regulations include some of the recommendations from the 2006 Dalton Report³ in respect of doping.

Funding for the greyhound industry

Funding for the Irish Greyhound Board comes from a variety of sources, including the following:

- Stadia / racetrack admission fees;
- Concession fees from restaurant facilities;
- A percentage deduction from totalisator (tote) pools;
- A turnover charge on on-course bookmaker betting; and
- Exchequer funding (allocation from the Horse and Greyhound Fund).

Over the past decade, total income peaked at €78m (2007) but fell to €35.9m in 2014, a fall of approximately 54%. This is mainly driven by a sharp fall in daily activity revenue from €63.4m (2007) to €25m (2014), a fall of 61%. Exchequer income, from the Horse and Greyhound Racing Fund, fell 26% over the same period. However, 2015 was a year of marked improvement with increases in revenue to €28m, and an increase in exchequer funding to €13.6m from the Horse and Greyhound Racing Fund.

Funding for the industry comes from income generated by racing facilities and by an Exchequer subvention through the Horse and Greyhound Racing Fund which was established under the *Horse and Greyhound Racing Act 2001*⁴. Government funding for the greyhound industry has generally increased annually since 2010.

Year	Government funding
2010	€10.8m
2011	€11.4m
2012	€11.2m
2013	€11m
2014	€10.8m
2015	€13.6m
2016	€14.8m
2017	€16m
2018	€16.8m

³ See [Dalton Report](#), pgs. 27-47

⁴ <http://www.irishstatutebook.ie/eli/2001/act/20/enacted/en/html>

The Minister of State at the Department of Agriculture, Food and the Marine, Andrew Doyle TD welcomed the expenditure allocations announced in Budget 2019 for Bord na gCon.⁵ He stated that:

“I am delighted with the allocation of €16.8m (Additional €0.8m) for the industry for 2019. The Irish Greyhound Board earlier this year launched its Strategic Plan for the period 2018-2022 and has commenced implementation of many of the actions in the Plan. The extra funding will be targeted at a range of initiatives including increased investment in stadia, wider marketing and actions to further enhance greyhound welfare.

In answer to a PQ⁶ on the 10th October 2018, the Minister for Agriculture, Food and the Marine, Michael Creed TD, stated that:

“A report by Economist Jim Power in November 2017 calculates there are 5,058 full and part-time jobs within the sector, with a further 7,313 greyhound owners deriving economic benefit from the industry. The impact of this employment creates €171 million in additional spending while the greyhound owners contribute €135 million in spending. The national industry therefore contributes €300 million in additional economic activity. For these reasons I have no plans to cease funding for the sector

BnG [Bord na gCon] has assured me that regulation and welfare are a high priority for the Board with €2 million being spent in these areas in 2017.

In September 2018 BnG announced that a comprehensive, strategic review into the future needs of its 16 licensed stadia to determine the industry footprint of the future is to take place. The review is an integral part of the BnG's Strategic Plan 2018-2022, which was published earlier this year.

BnG's five year strategic plan also puts animal welfare at the centre of the industry.

BnG has informed me that so far in 2018, 42 welfare inspections and 302 Inspections of greyhound establishments - including trainers' kennels and schooling tracks – have been carried out nationwide.”

The Irish Greyhound Board (IGB) has licensed a total of 16 tracks in Ireland of which nine are owned and controlled by the Board. The remainder are owned and operated privately

The IGB states⁷ that:

“The Board operates Tote facilities at all greyhound tracks in Ireland and applies an on-course levy on all bookmaker's betting in Ireland. These levies together with gate receipts have funded the industry and allow the Board to:

- Supplement prize money at all levels of greyhound racing.
- Provide development loans and grants to greyhound tracks in order to enable them to improve their facilities.

⁵ <https://www.agriculture.gov.ie/press/pressreleases/2018/october/title,121114,en.html>

⁶ <https://www.oireachtas.ie/en/debates/question/2018-10-10/185/?highlight%5B0%5D=greyhound&highlight%5B1%5D=greyhound&highlight%5B2%5D=greyhounds>

⁷ <https://www.igb.ie/About-IGB/about-igb/>

- To advertise and market the industry on both a national and international level.
- Develop and improve greyhound stadiums nationwide.”

Greyhound Numbers

The information below is taken from the Greyhound Rescue Association of Ireland.⁸

Greyhound Figures for 2010 to 2016

Figures presented are collated using Industry/Government/Local Authority figures – i.e. from the Irish Coursing Club (ICC) Stud Book, Local Authority Dog Pound statistics, Irish Greyhound Board/ Irish Retired Greyhound Trust.

Breeding/ Pound Figures

Litters registered (ICC average 6* pups per litter):

2010 – 3,003 (18,018 total greyhounds born)
2011 – 3,272 (19,632 total greyhounds born)
2012 – 2,980 (17,880 total greyhounds born)
2013 – 2,736 (16,416 total greyhounds born)
2014 – 2,801 (16,806 total greyhounds born)
2015 – 2,709 (16,254 total greyhounds born)
2016 – 2,520 (15,120 total greyhounds born)

**Conservative litter size estimate as greyhounds regularly have up to 10 pups per litter.*

PTS (Put To Sleep) greyhound figure in Irish Dog Pounds

2010 – 672
2011 – 546
2012 – 404
2013 – 427
2014 – 245
2015 – 203
2016 – 152

In the years for 2010 to 2015:

- 2,896 greyhounds were surrendered to Irish Dog Pounds.
- 2,497 greyhounds were destroyed in Irish Dog Pounds.
- 399 greyhounds were homed/collected via Irish Dog Pounds.
- 2014 and 2015 dog pound figures showed a noticeable decline in greyhounds destroyed and noticeable rise in greyhounds being transferred to welfare groups.

⁸ <https://grai.ie/greyhound-numbers/>

Legislative and regulatory overview of the greyhound industry

Table 2 below gives an overview of the legislation and major reports on the greyhound industry from 1958 to the present day.

Table 2: Legislative and regulatory overview

Year	Legislation	Purpose
1958	<i>Greyhound Industry Act 1958</i>	<ul style="list-style-type: none"> Establishes Bord na gCon. Defines composition of and process of nomination and appointment to and dismissal from the Board of Bord na gCon. Identifies the functions of Bord na gCon and the role of the Irish Coursing Club as subject to the general control and direction of Bord na gCon.
1993	<i>Greyhound Industry (Amendment) Act 1993</i>	<ul style="list-style-type: none"> Removes the requirement that up to 3 members of the Board be drawn from the Executive Committee. Introduces staggering of board appointments.
1999	<i>Horse & Greyhound Racing (Betting Charges & Levies) Act 1999</i>	Permits Bord na gCon to establish and control subsidiary companies that in turn can enter into joint ventures with 3rd parties.
2001	<i>Horse & Greyhound Racing Act 2001</i>	Requires the Bord na gCon CEO to give evidence to the appropriate committee of the Oireachtas.
2006	<i>Dalton report on certain matters affecting Bord na gCon</i>	This looked at corporate governance issues and the doping of greyhounds among other issues

2007	<i>Greyhound Industry (Control Committee and Control Appeals Committee) Regulations 2007</i>	<ul style="list-style-type: none"> Replaces Control Committee established under Article 3 of Statutory Instrument No. 158/1993 with a new Control Committee and new Control Appeal Committee to have jurisdiction over control and compliance with the rules and regulations concerning greyhound racing. Empowers the board of Bord na gCon to appoint all 5 members of the Control Committee and all 3 members of the Control Appeal Committee subject to certain qualifications for membership. Designates officers appointed by the Board of Bord na gCon to be Secretaries of the Control Committee and Control Appeal Committee. Transfers full authority from the Board of Bord na gCon to the Control Committee for investigations, disqualification of greyhounds, and exclusion of persons from racetracks, and greyhound sales and to the Control Appeal Committee for appeals. Neither Control Committee nor Control Appeal Committee decisions are subject to confirmation by the Board and the findings may be published at the discretion of the two committees.
2007	<i>Greyhound Industry (Racing) Regulations, 2007</i>	<p>Revokes the <i>Greyhound Race Track (Racing) Regulations, 1993</i> and subsequent amendments thereto and specifies:</p> <ul style="list-style-type: none"> qualifications for conduct of racing including weight variations, conditions of entry into and withdrawal of greyhounds from races, and conditions of dog ownership. racing procedures and conditions for declarations of "No race". rules for race cards, prize monies, stakes, entry fees, Classics / Features / Sweepstakes, track records. rules for appointment of key track officials and stewards and their duties, powers and number.
2008	<i>Greyhound Industry (Control Committee and Control Appeal Committee) (Amendment) Regulation 2008</i>	<p>Amends Greyhound Industry (Control Committee and Control Appeal Committee) Regulations, 2007 and substitutes:</p> <ul style="list-style-type: none"> observations by the board of Bord na gCon for observations by the Control Committee during an appeal. the Board of Bord na gCon for the Control Committee as a party to an appeal. the Board of Bord na gCon for the Control Committee as the party that can make submissions and requests for oral hearings to the Control Appeal Committee in relation to an appeal. <p>Adds the Board of Bord na gCon as the second recipient of notices of appeal received by the Control Appeal Committee.</p>
2011	<i>Welfare of Greyhounds Act 2011</i>	<p>Provides for the regulation of the operation of greyhound breeding to be optimised and established a register of greyhound breeding establishments. Act allows for penalties of up to €5,000 and / or up to six months in prison.</p>

2014	<u>Review of Certain Matters Relating to Bord na gCon, Report by Indecon International Consultants</u>	It made 27 recommendations to improve the financial position and commercial viability of Bord na gCon under four headings (1) governance (2) finance (3) regulation and (4) animal welfare.
2015	Greyhound Industry (Control Committee and Control Appeal Committee)(Amendment) Regulation 2015	The result of any adverse analytical tests of a greyhound for prohibited substances will be published (following confirmation of the presence of banned substances and ahead of a hearing by the Greyhound industry's Control Committee).
2015	<u>Irish Greyhound Board Anti Doping and Medication Review (Morris report)</u>	This looked at the specific details of the longstanding and significant deficiencies in policies, processes, and their implementation that have been undermining the integrity and reputation of greyhound racing in Ireland.
2015	Greyhound Industry (Racing) (Amendment) (No.2) Regulations 2015	Information relating to that greyhound will also be published and the greyhound immediately banned from racing until a further a test is undertaken.
2016	Joint Committee On Agriculture, Food and the Marine (31st Dáil) report 'The Greyhound Industry'	Made 14 recommendations to Bord na gCon to better regulate the greyhound industry.
2017	<u>General Scheme of the Greyhound Industry Bill 2017</u>	Incorporated many recommendations in relation to governance and welfare
2017	The Joint Committee on Agriculture, Food and the Marine published their <u>Report on Pre-legislative scrutiny of the General Scheme of the Greyhound Industry Bill 2017</u>	It identified 8 key issues which it felt should be reflected in the Bill
2017	<u>Welfare of Greyhounds (Amendment) Bill 2017</u>	It aims to limit greyhound exports to particular countries
2018	<u>Greyhound Racing Bill 2018</u>	The Bill reflects the General Scheme of the Bill and (in part) the key issue identified by the Committee on Agriculture, Food and the Marine

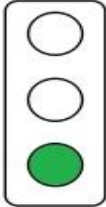
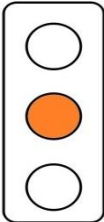
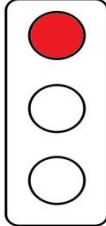
Source: Adapted from PLS paper

Pre-legislative Scrutiny (PLS)

The Joint Committee on Agriculture, Food and the Marine published their Report on Pre-legislative scrutiny of the General Scheme of the Greyhound Industry Bill 2017 in June 2017. It identified key issues with the General Scheme and these can be seen as recommendations.

As part of research work in preparation for Bill Digests, the Library & Research Service asks the relevant Department, in this case the Department of Agriculture, Food and the Marine, to indicate to what extent, if any, the Bill reflects the recommendations put forward by the Joint Committee.

The following illustration acts as a key for categorising the responses received from the Department in relation to the main issues raised by the Committee in its report. The 'traffic light system' employed below is intended to highlight the impact the Committee's PLS report had on the drafting and final content of the published Bill. In the case of this Bill, most of the PLS recommendations were included in part but the recommendation on the export of greyhounds was not included.

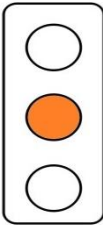
L&RS categorisation of the Department's response to the key issues identified by the Committee	'Traffic light dashboard' used in Table 3 to highlight the impact of the Committee's PLS report
<p>Key issue has had an impact on the drafting of the Bill.</p>	
<p>The Bill may be described as adopting an approach consistent with the key issue <u>or</u> the impact of the key issue on the drafting of the Bill is unclear.</p>	
<p>Key issue has not had an impact on the drafting of the Bill.</p>	

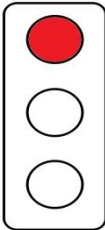
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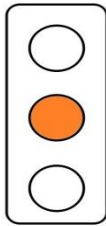
Source: L&RS

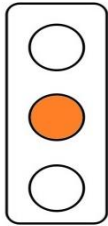
Table 3 below has been compiled by the Oireachtas Library & Research Service (L&RS) and sets out the L&RS' summary of each of the key issues identified by the Committee (in relation to the General Scheme of the Bill). The Department's responses to these issues have been summarised and categorised by the L&RS in accordance with the traffic light system set out below.

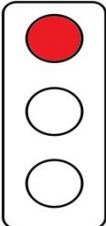
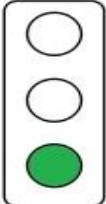
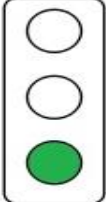
Table 3: The impact of pre-legislative scrutiny (PLS) – Department's response to the Joint Committee's recommendations

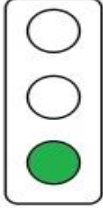
No.			Response from Department on whether addressed (either in whole or in part) in the Bill
1	<p>Key Issue 1: Administrative sanctions</p> <p>Head 2 of the General Scheme provides definitions for administrative sanctions for breach of greyhound racing rules.</p> <p>Sanctions are widely accepted as a fundamental means to restore and maintain the integrity of the greyhound racing industry. From a sustainability perspective, tote receipts and overall participation in the industry among the general public, is dependent upon a belief that greyhound racing is a fair and competitive sport. In addition, a robust system of sanctions is necessary to protect the welfare of participating dogs, which further lends to the credibility and integrity of the sport.</p> <p>GRAI has commented that it can be a challenge to make a criminal case for welfare breaches within the industry, and that administrative sanctions can be applied with relative ease. In its appearance before the Joint Committee, GRII expressed support for graduated sanctions linked to the severity of the offence. It also expressed a view that administrative sanctions may be appropriate for controlled substances, but suggested that prohibited substances should be treated differently. However, the power of administrative sanctions in deterring breaches of the racing code, relative to criminal sanctions, has been questioned by the ISPCA who has called for significant deterrents and a widespread application of exclusion orders for all offences.</p> <p>There are certain instances which may require the imposition of criminal as well as administrative sanctions. Depending on the substance that is used, doping could also be considered an animal welfare offence under</p>		In part

No.			Response from Department on whether addressed (either in whole or in part) in the Bill
	<p><i>Animal Health and Welfare Act 2013</i>, particularly if the substance itself is an illegal substance, the possession of which would warrant criminal investigation. Currently, stewards of the Irish Greyhound Board are not authorised under the <i>Animal Health and Welfare Act 2013</i> so only An Garda Síochána would have the Authority to investigate in this event.</p>		
2	<p>Key Issue 2: Welfare of greyhounds, and the deployment of funds in respect of welfare related issues</p> <p>It is necessary to understand the extent to which the challenges facing the industry are linked to public perception of the welfare of racing greyhounds, and the ways in which this perception can be improved upon. Head 9 of the General Scheme proposes amending the Principal Act (<i>Greyhound Industry Act 1958</i>) to permit the Board to use funds to enhance the welfare of greyhounds. However, the General Scheme does not make provision regarding a proportion of funds that must be applied to welfare related causes.</p> <p>GRAI has called for an increase in welfare funding, and has referred to the British Retired Greyhound Trust, which received £1.4 million in 2014 compared to the €200,000 received by the Irish Retired Greyhound Trust. An increase in funding for welfare related causes might improve public perception of the industry and the perceived mistreatment of racing greyhounds.</p> <p>ICABS has also spoken about the need for increased funding for greyhound welfare. The ISPCA has stated that an additional €500,000 per year is necessary to employ sufficient inspectors to cover the entire country. This would involve hiring an additional 10 inspectors at a cost of €50,000 each.</p>		In part
3	<p>Key Issue 3: Export of greyhounds</p> <p>The General Scheme does not make any provisions regarding the export of greyhounds to jurisdictions with little or no regulation concerning greyhound welfare.</p> <p>A Private Member's Bill (<i>Welfare of Greyhounds (Amendment) Bill 2017</i>) has been published to address this issue and was welcomed by stakeholder groups, namely, the GRAI and Dog's Trust. This Bill, if adopted, will allow for the welfare members of the International Greyhound Forum (IGF) – Dogs Trust, ISPCA, PAWS, Retired Greyhound Trust in the UK, and the Irish Blue Cross – and a representative of the veterinary profession along with the IGB to produce a draft list of countries that meet minimum standards with regard to the welfare of greyhounds and to which licensed export of greyhounds from Ireland can be permissible. This draft list will be open to public consultation for a minimum of</p>		Not included, but the export of a greyhound is a life event that participants in the sport may be required to notify to Bord na gCon.

No.			Response from Department on whether addressed (either in whole or in part) in the Bill
	<p>30 days. The final list – the white list – will be submitted to the Minister for Agriculture, Food and the Marine and will be revised annually.</p> <p>Several animal welfare groups have expressed concerns about the practice of exporting greyhounds, including the ICABS, the ISPCA, and Dog’s Trust.</p> <p>In its appearance before the Joint Committee, the Irish Greyhound Board stated that such provisions, particularly in relation to the Welfare of Greyhounds (Amendment) Bill 2017: ‘would be a significant step forward and one we would welcome’. However, they clarified that:</p> <p>“[T]he proposed measure cannot be viewed in isolation and that there are other considerations which need to be taken into account. For a start, the rules on dog movement between member states of the European Union are set at a European level and not at a national level. Changes as proposed and as we would like, therefore, may have to be sponsored at a European level and not at a national level. Members may know that the World Trade Organization does not envisage restrictions based on animal welfare concerns.”</p> <p>Dogs Trust, in a supplementary submission to the Committee, suggested that this may not be the case. Dogs Trust make the point that the “cross-border sales of certain products are banned and this does not impact the four EU freedoms.”</p> <p>In particular, the Committee notes the provisions of Article 36 of the Treaty on the Functioning of the European Union which states:</p> <p>“The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.”</p>		
4	<p>Key issue 4: Doping</p> <p>Head 14 of the General Scheme aims to respond to certain elements of the Morris report on anti-doping and medication control in the industry. Doping undermines public confidence in greyhound racing. Ensuring a fair and competitive environment is essential to encouraging participation and improving tote receipts and overall revenue. The General Scheme provides powers to the</p>		In Part

No.			Response from Department on whether addressed (either in whole or in part) in the Bill
	<p>Irish Greyhound Board to establish and implement a set of anti-doping rules. It further provides that doping offences will be treated as breaches of the racing code, and will be subject to administrative sanctions (see Key Issue 1 for a more detailed discussion of the treatment of sanctions in the General Scheme).</p> <p>In its appearance before the Joint Committee, Sport Ireland expressed a concern that the General Scheme offers too much detail on combatting doping in the industry. Specifically, it suggested that the level of detail is restrictive, and does not lend sufficient flexibility to the Irish Greyhound Board in dealing with what is an ever-evolving and dynamic problem in the sport. In addition, as highlighted in Key Issue 1, various stakeholder groups have expressed concerns regarding the effectiveness or appropriateness of the use of administrative sanctions rather than criminal sanctions for breach of doping rules.</p> <p>ICABS has stated that the current sampling strategy is too routine, and has concerns regarding the ability of the Irish Greyhound Board to keep up with the rapid pace of doping in the industry. However, Head 16 provides extensive powers to authorised officers, enabling them to enter and search land or a premises (except private dwellings), search a vehicle, equipment or machinery, require a person in charge or in control of a vehicle to refrain from moving it, give information regarding its place, seize and detain animal feed, and remove equipment or machinery, and to take samples when required</p>		
5	<p>Key issue 5: Terms of office for Board and committee members</p> <p>There are concerns around the term of office for qualified people on the Control Committee and Control Appeal Committee. Head 21 details the mix of skills that the Control Committee will be required to have. It may be difficult to find sufficient people with the right skill set who are willing to participate, particularly given that the maximum period an ordinary member can serve on the Control Committee is three years, with an overall maximum of two terms. A longer maximum limit could be provided for as an alternative, while secondary legislation could be used to adjust this period, depending on the ease with which the Control Committee can attract the skills and talent that it needs to perform its statutory functions.</p> <p>In addition, Head 6 provides for an increase in the number of board members from six and a Chair, to eight and a Chair. However, it does not mandate that these board members be selected from specific disciplines (as does Head 21 in relation to the members of the Control Committee). This was recommended in the Indecon</p>		In part

No.			Response from Department on whether addressed (either in whole or in part) in the Bill
	<p>report. Specifically, the report advised of the need for legal, veterinary and marketing experts on the Board. There may be a particularly strong need for marketing expertise, given the apparent attempt at rebranding the Board in an effort to restore public confidence (with a change of name provided for in Head 6).</p>		
6	<p>Key issue 6: General health of the industry</p> <p>It may be necessary to routinely assess and monitor the general health of the greyhound industry to examine the effectiveness of the provisions in the General Scheme. The 2016 Committee report called for an up-to-date economic analysis of the industry. As noted during the appearance of the Irish Greyhound Board before the Public Accounts Committee on 4 May 2017, this has not occurred. A regular review of the performance of the Irish Greyhound Board may be necessary to assess the impact that the provisions in the General Scheme have on the performance and sustainability of the industry.</p>		N/A
7	<p>Key issue 7: Transparency</p> <p>The 2016 Committee report identifies the need for greater transparency in relation to data availability, particularly for welfare groups. GRAI has claimed that access to data on racing greyhounds is essential to monitor animal welfare. There is no provision in the General Scheme regarding a commitment by the Irish Greyhound Board to collect and collate relevant data. This may be necessary from the perspective of post-enactment scrutiny, if a review of the effectiveness of the legislation is to take place (or for a value-for-money assessment), particularly on matters relating to greyhound welfare (such as rehoming, traceability)</p>		In whole
8	<p>Key issue 8: Traceability of greyhounds</p> <p>Related to this is the need for greater traceability. In its appearance before the Joint Committee, GRAI commented that litters as opposed to individual greyhounds are registered with the Irish Coursing Club. In addition, the status of registered greyhounds is not always accurate. The Irish Greyhound Board has also called for greater traceability, stating that a new traceability system would ensure better accountability by greyhound owners for greyhound welfare, it would also allow IGB to impose sanctions based on empirical data. However, GRII has said that greyhounds are the most traceable dogs in the country, with every greyhound microchipped, with an ear tattoo and an identity card.</p>		In whole

No.			Response from Department on whether addressed (either in whole or in part) in the Bill
9	<p>Key issue 9: Legislative lacunae</p> <p>The Committee heard that lacunae currently exist in relation to greyhound welfare. This issue was raised primarily by the ISPCA. Following the Committee's hearings the ISPCA provided a supplementary submission describing a case whereby existing legislation in this area failed to provide for either the IGB's welfare officers or the ISPCA's inspector to remove the dogs facing serious welfare issues. The issue could only be addressed by having An Garda Síochána remove the animals under the Animal Health and Welfare Act. This strengthens the case put forward by the ISPCA in its written submission (See Section 6.2.5 of this report).</p>		In whole

Principal provisions

As stated previously, the Digest cannot examine every section of the Bill in detail. The focus is on governance procedures and on the welfare of greyhounds and looks at:

- Governance of Rásaíocht Con Éireann;
- Regulation of greyhound racing and race tracks;
- Welfare of greyhounds; and
- Racing sanctions.

Glossary

This Glossary outlines the meanings and relevance of certain terms in the discussion of the provisions of the *Greyhound Racing Bill 2018*

Board- means Rásaíocht Con Éireann;

Club - means Irish Coursing Club

Doping - in relation to a greyhound, means the administration to the greyhound of a substance

Racing code - means the governance and regulation of greyhound racing and the greyhound industry under the Greyhound Racing Acts 1958 to 2018;

Racing sanction means an administrative racing sanction or a sanction payment

Sanction breach means, in relation to a breach of the racing code, a breach, stated in regulations to be a racing sanction provision, for which a racing sanction may be imposed by the Control Committee under section 46 or the Appeal Committee under section 49

Governance of Rásaíocht Con Éireann

One of the stated objectives of the Bill is ‘to provide a sound framework for improved governance and regulation in the greyhound industry.’⁹ The Indecon report made a number of suggestions in relation to the governance of the Board of Bord na gCon. It stated that:

“We are recommending that the term of the Board, rules regarding composition, rotation and renewal be outlined in proposed new legislation. Governance procedures should also include defined periods for board appointments and a process of board rotation and renewal. These latter changes should be underpinned by legislation.”

Part 2 (Sections 8 – 18) of the Bill aim to strengthen procedures in relation to the Board and their functions. Part 2 deals with the Board of Rásaíocht Con Éireann, sets out the composition of the Board and replaces sections 7, 8 and 9 of the *Greyhound Industry Act 1958* with new sections 7, 8, and 9.

The table below present a summary of the changes proposed under Part 2 of the Bill in relation to the Board. The most significant of these are that the Chairperson of the Board has a term limit set out in legislation, the number of Board members has been expanded from 6 to 8, Board members must make a disclosure of interests and Board members can be disqualified from membership if they are subject to a disqualification order under the Bill or if they have been found guilty of a animal cruelty or welfare offence.

Table 4: Summary of changes proposed to the Board.

	Current Board	Proposed Board
Name	Board of Bord na gCon	Board of Rásaíocht Con Éireann
Number of board members	Chairperson + 6 ordinary members	Chairperson + 8 ordinary members
Expertise needed	Not specified in the legislation	The Minister will appoint members who have, in his/her opinion, experience of or shown capacity in matters relevant to the functions of the Board
Gender balance	Not specified in legislation	The Minister must, insofar as practicable and having regard to the relevant experience of the persons concerned, ensure an equitable balance between

⁹ https://merrionstreet.ie/en/News-Room/Releases/Minister_Doyle_presents_the_Greyhound_Racing_Bill_2018_before_Government.html

		men and women in the composition of the membership of the Board.
Length of term for ordinary member	3 years ¹⁰	3 years
Number of terms possible by ordinary members	Not specified in legislation	2 terms
Length of term of Chairperson	Not specified in legislation so could be indeterminate	5 years
Number of terms possible by Chairperson	No specified in legislation	No specified in legislation
Quorum for meeting	4 members	6 members
Members are appointed by whom?	Minister for Agriculture, Food and the Marine	Minister Agriculture, Food and the Marine
General functions of the Board	Not defined in 1958 Act	To provide for the overall administration, regulation, governance, development and promotion of the Irish greyhound industry and the health and welfare of greyhounds. (s.9)
Disclosure of interests	Not required under legislation	Pecuniary or beneficial interest of Board members or certain connected relatives or nominees must be declared
Exclusion from membership of Board or staff of Board	No exclusions in the legislation	Standard exclusions such as nomination as member of the Seanad, election as a member of the Seanad, Dáil or European Parliament
Removal of member of Board by Minister	At any time after consultation with the Minister for Finance ¹¹	At any time for stated reasons including if, in the opinion of the Minister the member- -becomes incapable through ill health of effectively performing his/her duties, or -breaches the Code of

¹⁰ The *Greyhound Industry (Amendment) Act 1993* (which amended the *Greyhound Industry Act 1958*) provided that this was different for some of the ordinary members appointed to the first Board following the 1993 Act. Section 2(3)(a) provides that subject to the provisions of this subsection, the term of office of an ordinary member of the Board shall be 3 years. (b) The term of office of 2 (determined by the Minister by lot) of the first ordinary members appointed pursuant to subsection (2) (a) of this section shall be 1 year.(c) The term of office of 2 (determined by the Minister by lot) of the first ordinary members appointed pursuant to subsection (2) (a) of this section shall be 2 years.

¹¹ Section 9(7) of the *Greyhound Industry Act 1958*

		Practice for the Governance of State Bodies or other such codes or policy documents that may issue from time to time by a member of the Government, Or the removal is necessary for the effective performance of the functions of the Board.
Reasons for member of Board to cease holding office or be disqualified	Bankrupt Makes a composition or arrangement with a creditor Sentenced by a court to imprisonment or penal servitude	Adjudicated bankrupt, Makes a composition or arrangement with a creditor, Sentenced to a term of imprisonment by a court of competent jurisdiction, Convicted of an offence under the <i>Non-Fatal Offences against the Person Act 1997</i> for an offence involving cruelty to an animal or relating to animal welfare , Is the subject of an exclusion order , Is convicted of an indictable offence in relation to a company or an existing company Is convicted of an offence involving fraud or dishonesty, or Is the subject of an order under s. 842 ¹² of the Companies Act 2014.
Code of practice for Governance of State Boards	Legislation did not refer to it (first code introduced in 1992)	Section 14 states the Board and its subsidiaries must have regard to the code
Code of practice for Governance of State Boards	Legislation did not refer to it (first code introduced in 1992)	Section 14 states the Board and its subsidiaries must have regard to the code
Account and reports	Required under Section 19 of the 1958 Act	Section 18 amends Section 19 of the 1958 Act to make explicit reference to subsidiaries of the Board keeping accounts
Borrowing by the Board or subsidiary	Reference to Board but not subsidiary	Explicit reference to borrowing by subsidiary

¹² Disqualification order <http://www.irishstatutebook.ie/eli/2014/act/38/section/842/enacted/en/html>

Regulation of greyhound racing and race tracks

Part 3 (Sections 19-23) of the Bill deals with the regulation of greyhound racing and race tracks. Section 23 of the Bill repeals section 25¹³ of the 1958 Act, and sections 20-22 replace and update these provisions. The consent of the Minister is now needed to make regulations on the use, management and control of greyhound race tracks.

Section 19 of the Bill provides a maximum fine of €250,000 can be imposed on a person, following conviction on indictment, for operating a greyhound racing track without a licence. This updates the previous maximum fine permissible. Conviction of the offence tried summarily is a fine of up to €5,000 (Class A fine).

The prohibition of certain matters in relation to greyhound race tracks.

Section 20 of the Bill deals with the prohibition of certain matters in relation to greyhound race tracks. As mentioned, the consent of the Minister is now needed to make regulations under section 20 which deal with the management and control of greyhound race tracks. These regulations are in respect of:

- (a) prohibiting persons from performing the functions of racing manager, handicapper, judge, control steward, stipendiary steward, time-keeper or hare driver on greyhound race tracks except under and in accordance with permits;
- (b) prohibiting greyhound races except when a certain class or classes of persons specified in the regulations to perform specified functions on greyhound race tracks and officers of the Board specified in the regulations are in attendance;
- (c) prohibiting a certain class or classes of persons performing specified classes of functions on greyhound race tracks from having any beneficial interest in the income of the respective greyhound race tracks or in the ownership of greyhounds raced thereon or from betting on greyhound races thereon; and
- (d) prohibiting licensees under greyhound race track licences and a certain class or classes of persons performing specified functions on greyhound race tracks from having any beneficial interest in bookmaking on the respective greyhound race tracks.

The [Explanatory Memo](#) to the Bill states that Section 20:

‘provides for regulations prohibiting racing officials operating unless they have permits and prohibiting individuals from having beneficial interests in aspects of the business.’

A person commits an offence and is liable to a class A fine (a maximum of €5,000) where she/he contravenes a regulation made under Section 20.

¹³ Dealing with regulation of greyhound racing and race tracks.
<http://www.irishstatutebook.ie/eli/1958/act/12/section/25/enacted/en/html#sec25>

Regulations to regulate greyhound race tracks and greyhound racing

Section 21 gives the Board the power to make regulations to regulate greyhound race tracks and greyhound racing after consultation with the Minister. A person who contravenes a regulation which is a racing sanction provisions commits a sanction breach of the racing code and is liable to a racing sanction. These regulations may cover an extensive range of issues including:

- the refusal of entries for races at greyhound race tracks in the case of greyhounds in respect of which disqualification orders are in force;
- the procedure for, and the conditions precedent to, the acceptance of greyhounds for, and their participation in, races at greyhound race tracks;
- the keeping and the supervision of greyhounds immediately before and after their participation in races at greyhound race tracks;
- requiring the keeping, in relation to greyhound race tracks by the licensee of the track, of specified books, accounts and records; and
- requiring the furnishing to the Board of specified returns and information in relation to greyhound race tracks.

The Board may also make regulations under section 21(2) of the Bill, following consultation with the Minister, for the conduct of greyhound races. These regulations can specifically promote ‘integrity and fair play in races.’ Examples of these regulations include:

- the use of information technology, including digital recording, to ensure the integrity of the sport;
- supervision of racing greyhounds at greyhound race tracks; and
- providing for the classification and description of races and the conduct of such races when so classified.

The Board can also make regulation dealing with the administration of racing. Section 21(4) provides that the Board may charge for the entry of a greyhound into a race. Section 22 allows the Board to issue guidelines on the use of equipment and how greyhound tracks are to be established, constructed and maintained.

Regulations relating to the greyhound industry

Part 4 (Sections 24- 29) of the Bill deals with regulation relating to the greyhound industry. These are related to the welfare of greyhounds and include the public sale of greyhounds, the administration of substances and the traceability of dogs. Sections 24-26 are a recasting or restatement of similar provisions in the 1958 Act. Generally, the main change in sections 24- 26 of the Bill is that the consent of the Minister is needed to make regulations.

Training of greyhounds for reward

Section 24 of the Bill deals with the training of greyhounds for reward and provides that the Board can make regulations for the control of the training of greyhounds for reward with the consent of the Minister. These regulations include prohibiting a person from training greyhounds for reward

except under and in accordance with licences by the Board; the provision of care to a greyhound including veterinary care; or the setting of standards for the good management of kennels and training facilities for greyhounds.

Public sale of greyhounds

Section 25 of the Bill deals with the public sale of greyhounds and is a recasting of section 38 of the 1958 Act. The main change in the Bill is that the consent of the Minister is required when the Board is making regulations on holding and conducting of public sales of greyhounds.

Artificial insemination of greyhounds

Section 26 of the Bill deals with the artificial insemination of greyhounds and provides that the Board can make regulations to control the practice with the consent of the Minister. The remainder of the provisions in Section 26 of the Bill are similar to Section 39 of the 1958 Act.

Welfare of greyhounds

Doping

One of the aims of the Bill is to introduce a more stringent regulatory framework in relation to the doping of greyhounds. Section 2 of the Bill states that “doping” in relation to a greyhound, means the administration to the greyhound of a substance.” These substances are used for either performance enhancement or performance impairment. Doping and the perception of doping in the sport have been an issue for a number of years from the 2006 Dalton Report¹⁴ ([Report on Certain Matters Affecting Bord na gCon](#)) to the 2015 Morris Report – [Anti Doping and Medication Review](#).

Section 2 of the Bill defines ‘substance’ as ‘any matter irrespective of origin, whether such matter is of:

- human origin (including human blood and human blood products);
- animal origin (including micro-organisms, whole or parts of animals, parts of organs and animal secretions, toxins, antitoxins, sera, antisera, extracts and blood products);
- vegetable origin (including micro-organisms, plants, parts of plants and vegetable secretions or extracts);
- chemical origin (including elements, naturally occurring chemical materials and chemical products obtained by chemical change or synthesis) or

¹⁴ The aim of the report was to inquire into corporate governance practices and procedures for dealing with doping infringements at the Irish Greyhound Board following specific public controversy.

- any combination of the foregoing

which if introduced into a greyhound would affect the performance of a greyhound, to bring about either performance enhancement or performance impairment.

In 2017, for example, it was confirmed by the Irish Greyhound Board that the winner of one of the biggest races in Ireland's racing calendar had tested positive for cocaine on three occasions.¹⁵ In reply to a question on the issue on the issue in April 2018,¹⁶ the Minister for the Department of Agriculture, Food and the Marine, Michael Creed TD stated that:

"Bord na gCon has stated that in accordance with regulations, the subsequent investigation into the three adverse analytical findings is a matter for the Control Committee which is independent of Bord na gCon. This investigation was due for hearing by the Control Committee in December 2017 but is currently on hold due to a High Court injunction. Until the Control Committee has concluded its investigation, the prize money is withheld and no assumptions can be made beyond the status of an adverse analytical finding. In accordance with regulations, any greyhound that returns an adverse finding is immediately disqualified from further racing or trialling until a further sample returns free from prohibited substances."

The Minister also stated that:

"Bord na gCon has an intensive testing regime in place across race meetings, sales trials and at owners' kennels. For the first quarter of 2018, there have been two adverse analytical findings from 1,095 samples. From a total of 5,294 samples in 2017, there were 29 adverse findings. Every adverse finding is published on the Bord na gCon website.

In 2017 Bord na gCon invested €400,000 in a new analytical machine that can measure substances in parts per trillion, which allows for detection sometime after they may have been administered. Three individuals have been banned for doping or welfare offences. These individuals are disqualified from owning, training or managing a racing greyhound."

¹⁵ <http://www.thejournal.ie/clonbrien-hero-cocaine-positive-test-3596958-Sep2017/> This decision is being judicially reviewed.

¹⁶ <https://www.kildarestreet.com/wrans/?id=2018-04-25a.435&s=doping#g436.q>

The information below is taken from the Greyhound Rescue Association of Ireland.¹⁷

Doping Figures

The 2014 Indecon Report into “Certain Matters Relating to Bord na gCon” reported that there had “been an increase of over 50% in the number of tests in the two years from 2011 to 2013” – however 2015 saw a massive drop in samples taken compared to 2013, 2016 saw a continued decline in samples taken:

2016 – 5,383

2015 – 5,632

2013 – 7,307

Samples taken in other years

2011 – 4,807

2012 – 6,983

2014 – only first six months published 2,822 (from January 1st to June 2014)

Despite the fall in samples taken, 2015 saw a big rise in the actual number of positives returned.

¹⁷ <https://grai.ie/greyhound-numbers/>

Doping was identified as a key issue in the PLS report on the General Scheme of the Bill

Key issue 4: Doping

Head 14 of the General Scheme aims to respond to certain elements of the [Morris report](#) on anti- doping and medication control in the industry.

Doping undermines public confidence in greyhound racing. Ensuring a fair and competitive environment is essential to encouraging participation and improving tote receipts and overall revenue. The General Scheme provides powers to the Irish Greyhound Board to establish and implement a set of anti-doping rules. It further provides that doping offences will be treated as breaches of the racing code, and will be subject to administrative sanctions.

In its appearance before the Joint Committee, Sport Ireland expressed a [concern](#) that the General Scheme offers too much detail on combatting doping in the industry. Specifically, it suggested that the level of detail is restrictive, and does not lend sufficient flexibility to the Irish Greyhound Board in dealing with what is an ever-evolving and dynamic problem in the sport. In addition, as highlighted in Key Issue 1, various stakeholder groups have expressed concerns regarding the effectiveness or appropriateness of the use of administrative sanctions rather than criminal sanctions for breach of doping rules.

[ICABS](#) [Irish Council Against Blood Sports] has stated that the current sampling strategy is too routine, and has concerns regarding the ability of the Irish Greyhound Board to keep up with the rapid pace of doping in the industry. However, **Head 16** provides extensive powers to authorised officers, enabling them to enter and search land or a premises (except private dwellings), search a vehicle, equipment or machinery, require a person in charge or in control of a vehicle to refrain from moving it, give information regarding its place, seize and detain animal feed, and remove equipment or machinery, and to take samples when required.

Administration of substances to greyhounds

Section 27 of the Bill deals with the administration of substances to greyhounds and provides that the Board can make regulations for the control, restriction, prohibition or administration of substances to a greyhound, after consultation with the Minister. These regulations may include specifying which substances can or cannot be administered to a racing greyhound and the listing of such substances. They can also include setting out the methodologies by which such thresholds may be determined having regard to the advice and recommendations of the Scientific Advisory

Committee.¹⁸ The maintenance of records in relation to the medication, treatment, training and racing of a racing greyhound to which a substance referred to in regulations made had been administered can also be regulated for, as can the provision of such records to the Board.

These regulations can also deal with how a sample should be taken, how it should be analysed, the analytical measures to be used and the approval of laboratories for testing. The publication of the results of any analysis may also be regulated for. .

Consequences of a breach of substances regulations

Section 27(2) deals with the consequences of a breach of substances regulations. It provides that where a racing sanction has been imposed that the Board can publish details (including the name and address of the owner and trainer and the name of the dog and of the substance) of breaches of substances regulations. Where a prohibited or controlled substance, or a substance for which a maximum residue limit has been set and that limit has been exceeded, is found in a sample from a greyhound, then the greyhound will be disqualified from racing or from trialling. This disqualification will last until the greyhound passes another test with negative results and until a period determined by the Control Committee passes.

A person who contravenes a regulation made under this section which is a racing sanction provision, or races or trials a greyhound which is disqualified commits a sanction breach of the Racing code and is liable to a racing sanction.

Traceability of greyhounds

In January 2016, the Joint Committee on Agriculture, Food and the Marine published its [report](#) *The Greyhound Industry*. The Committee made a number of recommendations many of which focused on the welfare of greyhounds. Recommendation 10 stated that:

“Ensuring the highest international standards of regulation and animal welfare is vital in protecting the reputation and the financial viability of the industry. Therefore, the Committee recommends the following should be considered:

- Given advancements in technology and monitoring systems, regularly updated, accurate records on all registered greyhounds in Ireland should be maintained in order for the industry and its stakeholders (as well as welfare authorities and officers) to identify and track the numbers of injured, traded (sold/exported), retired and deceased greyhounds in an open and transparent way. This may take the form of a single register whereby each greyhound whelped is microchipped and recorded on one central database by the Department of Agriculture, Food and the Marine in collaboration with BnG and the Irish Coursing Club;
- That an improved traceability regime be established, to ensure that the actions of certain owners can be more effectively patrolled and that dogs can be traced

¹⁸ Defined in Section 2 of the Bill ‘a committee established under section 13 of the Principal Act to advise the Board in relation to matters for which regulations may be made under section 27 and, in particular, the doping and medication control of greyhounds.’

throughout their lifespan;

- That the powers of the Welfare Committee of BnG be enhanced and extended and, if necessary, placed on a statutory footing to ensure full independence;
- More accountability should be sought from owners, including an onus to account (and report) regularly on the status of greyhounds in their possession.”

One of the key issues raised during the Pre-Legislative Scrutiny process related to the traceability of greyhounds. The ***Joint Committee on Agriculture, Food and the Marine’s report*** on pre-legislative scrutiny of the General Scheme of the Greyhound Industry Bill 2017 noted the need for greater traceability. The report stated that:

“In its appearance before the Joint Committee, GRAI [Greyhound Rescue Association of Ireland] commented that litters as opposed to individual greyhounds are registered with the Irish Coursing Club. In addition, the status of registered greyhounds is not always accurate. The Irish Greyhound Board has also called for greater traceability, stating that a new traceability system would ensure better accountability by greyhound owners for greyhound welfare, it would also allow IGB [Bord na gCon / Irish Greyhound Board] to impose sanctions based on empirical data.

However, GRII [Greyhound Racing Integrity Ireland] has [said](#) that greyhounds are the most traceable dogs in the country, with every greyhound microchipped, with an ear tattoo and an identity card.”

Section 28 of the Bill deals with the traceability of greyhounds and the establishment of a traceability and registration database. The database will capture ‘life events’ for greyhounds such as birth, sale, treatment for disease or injury, tests and results, export and the imposition of any racing sanctions. It will also contain details of the keeper of a greyhound and the location where it is held.

Section 28 provides that the Board can make regulations for the registration and traceability of greyhounds, following consultation with the Minister. These regulations will make provision for making provision for the registration in the traceability database of owners of greyhounds or classes of owners before taking part in greyhound racing activities, which include trialling, breeding, training, selling or racing. Where a person contravenes a regulation made under s.28(1) of the Bill which is a racing sanction provision, he or she commits a sanction breach of the Racing code and is liable to a racing sanction.

However, traceability under the Bill is limited to the racing life of a greyhound, rather than the life of all greyhounds. The Greyhound Rescue Association of Ireland¹⁹ highlights the issue of ‘missing’ greyhounds by extrapolating figures in relation to registration and rehoming. They note that:

17,800 greyhounds were born in 2012

16,224 greyhounds were registered and tattooed in 2012

6,100 greyhounds were exported in to the UK in 2015 (c.3 years old is the racing age for greyhounds)

203 greyhounds were euthanised in Ireland in 2015

10,377 greyhounds are unaccounted for in official statistics

Health and welfare of greyhounds

Section 29 of the Bill deals with the welfare of racing greyhounds²⁰ and provides that the Board can make regulations for the health and welfare of racing greyhounds after consultation with the Minister requiring persons involved in greyhound racing to provide information for the purposes of the proper administration of the industry, or to protect the health and welfare of a racing greyhound. These regulations can include the establishment of and administration of funds for the health and welfare of greyhounds.²¹ They can also make provision for the treatment of a racing greyhound affected by a disease or disease agent or injury (and exclude injured or diseased greyhounds from race tracks, trials or public sales).

Licencing

Part 5 of the Bill (Section 30-34) of the Bill deal with licencing under Part 3 (regulation of greyhound racing and race tracks) and Part 4 (regulations etc. relating to greyhound industry).

Section 31 of the Bill provides that the Board may grant or refuse to grant an application for a licence, permit or approval or its renewal provided under regulations made under Part 3 or 4.

The Board can determine what documentation and information should accompany any application and also what fee will be required. Different amounts can be charged for different classes of licence, permit or approval.

¹⁹ <https://grai.ie/greyhound-numbers/>

²⁰ The Bill does not deal with retired greyhounds

²¹ There is no obligation for the fund to be a percentage of profits or race takings

An application will be refused by the Board where the applicant does not pay the appropriate charge and where the requested documentation and information is not provided. Conditions can be attached to any licence, permit or approval by the Board and these can be revoked or varied by the Board. Part 5 of the Bill also provides that where the holder of a licence, permit or approval fails to comply with a condition attached to it that the Board can suspend or revoke the licence, permit or approval. Section 34 of the Bill deals with cases where the Board plans not to grant or renew a licence, permit or approval or where it plans to the revoke or suspend the licence etc. The applicant must be notified of the reasons for this proposed action and has 14 days (or longer where the Board allows) to make representation to the Board for its consideration.

Authorised officers

Part 6 of the Bill (sections 35 to 41) deals with authorised officers. This updates provisions in relation to authorised officers in the 1958 Act and includes a specific reference to the appointment of authorised officers by the Board in section 35. Section 36 of the Bill sets out that an authorised officer present at any race meeting or trial at a greyhound race track or any public sale of greyhounds can investigate any occurrence observed by him or her or brought to his or her notice in relation to any race at the race meeting or trial; the performance (including behaviour) of any greyhound at the race meeting or trial; or any sale at the public sale. Further powers of authorised officers are set out in section 37. These include the power to:

- inspect any greyhound race track or place used for the public sale of greyhounds or the training or breeding of greyhounds;
- examine thereon a greyhound, animal feed, substance, equipment, machinery or other thing;
- require the name and address of the person in possession or control of a greyhound, animal feed, substance, equipment, machinery or other thing; or
- take, without making a payment, samples from a greyhound, animal feed, water, substance, equipment, machinery or other thing relating to a greyhound.

Section 40 provides that an authorised officer can apply to the District Court for a search warrant to search a domestic dwelling, where the authorised officer believes that there may be evidence of a breach or an intended breach of the racing code or of the commission or intended commission of an offence under the *Greyhound Industry Acts*. Sections 38, 39 and 41 of the Bill deal with the obligation on certain persons to give assistance to, and follow the directions of authorised officers when carrying out their functions under the Act. This includes a requirement to produce a greyhound at a specific time and place. In addition it will be a criminal offence to obstruct, fail to give information, to give false information or to fail to provide assistance or follow

the direction of an authorised officer when carrying out his/her functions. It is a defence to proceedings under section 41 for the person to show that, at the time of the alleged offence, he or she had reasonable cause for not complying with the requirements or directions of an authorised officer under this Part.

Investigations

Section 42 (Part 7) of the Bill provides that the Board can have an alleged breach of the racing code investigated in such manner as it thinks proper. However, the Board must refer allegations of breaches of substances regulations to the Control Committee.

An investigating officer (e.g. an authorised person, a staff member or a person the Board considers to be suitably qualified) will be appointed by the Board to carry out an investigation. The investigating officer can serve notice on a person to give him or her any information or records in their possession which he or she considers necessary for investigation and which is specified in the notice. A person may also be notified to attend before the investigating officer for the purposes of the investigation.

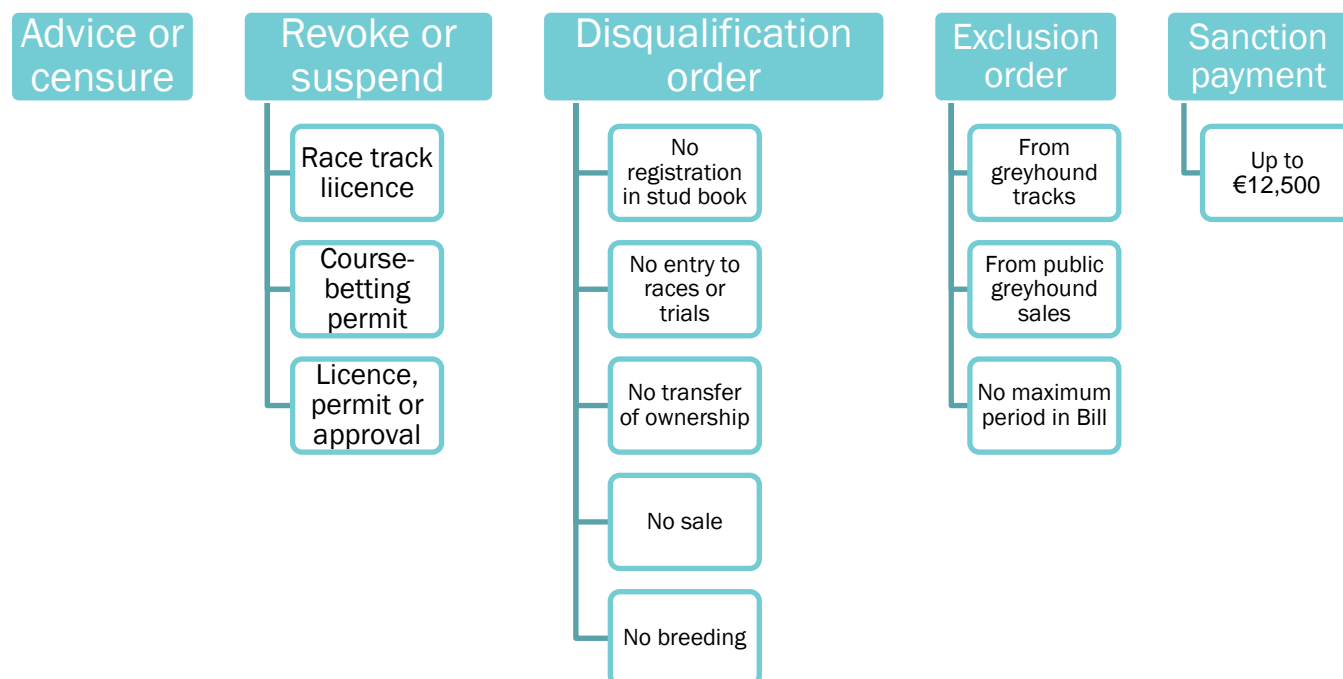
Where the investigating officer thinks that there has been a breach of the racing code or where a person has failed to co-operate with the investigation, the officer must report this to the Board. A report to the Board will also include a recommendation of the investigating officer. If the Board, on receiving the report, thinks that there has been a sanction breach of the racing code (other than a breach of substance regulations) then it must inform the person concerned and give him or her 14 days to make representations to the Board. Section 42(7) of the Bill provides that when the Board considers that there are matters of concern to the Irish Coursing Club then it can notify such matters to the Club.

Racing sanctions

Part 8 of the Bill (Chapters 1- 4) deals with the sanctions to be applied where there has been a sanction breach of the racing code (a sanction breach).²² Racing sanctions can be applied by the Control Committee and confirmed by an Appeal Committee.

This sanctions can range from advice or censure from the Board to a sanction payment of up to €12,500. See figure 1 below for the range of sanctions available.

Figure 1: Overview of racing sanctions:



Disqualification order

Under current legislation, a disqualification order may be given to a greyhound so that it cannot participate in races or trials. The Explanatory Memo to the Bill notes that these orders could be circumvented by a transfer of ownership.

Section 47 of the Bill provides that where the Control Committee imposes as an administrative racing sanction a disqualification order, the order disqualifies any greyhound specified in the order and any other greyhound kept, owned, trained or managed by the person specified in the order from one or more of the following as is

²² Defined in Section 2 of the Bill as ‘the governance and regulation of greyhound racing and the greyhound industry under the *Greyhound Racing Acts 1958 to 2018*.’ This code has been summarised at : <https://www.igb.ie/globalassets/images/welfare/codeofpractice.pdf> . The Irish Greyhound Board state that ‘This Code is produced in compliance with the requirements of section 6 of the *Welfare of Greyhounds Act 2011*. Compliance with the Code, the Greyhound Welfare Act and all other legislative instruments is required by all participants within the greyhound industry and will be of significant benefit to the industry and the very animal that we hold in such high regard.’

specified in the order:

- (a) registration in the Irish Greyhound Stud Book;
- (b) entry to any greyhound race or trial at any greyhound race track;
- (c) transfer of ownership;**
- (d) acceptance for sale at any public sale of greyhounds; and
- (e) use in breeding, including use of ova, semen or embryos of the greyhound.

The disqualification must specify the terms and conditions in which the order can be revoked or varied by the Control Committee and, where appropriate, it can specify the period of time for which the disqualification order applies. Section 47 of the Bill repeals Section 45 of the Principal Act.

Exclusion order

Section 48 provides that when the Control Committee imposes an exclusion order as an administrative racing sanction that the person specified in the order is excluded from:

- (a) being on a greyhound race track; and/or
- (b) being at a public sale of greyhounds.

Currently, the Board or the Irish Coursing Club has the power to issue an exclusion order. Section 48 provides that this power can only be exercised by the Control Committee and the Appeal Committee.

The exclusion order must specify the terms and conditions in which the order may be varied by the Control Committee and, where appropriate, it must specify the period of time for which the exclusion order applies. Where a person who is the subject of an exclusion order enters or is found on any greyhound race track or is found at any public sale of greyhounds then any person acting under the direction of the licensee of the race track or the person conducting the sale can require the person to leave the track or sale. If the excluded person refuses to leave then he or she may be removed (using reasonable force if necessary). A person who is the subject of an exclusion order and contravenes that order is guilty of an offence and is liable on summary conviction to a class C fine (up to a maximum of €2,500).

Section 44 provides that Control Committee is independent in the exercise of its functions and requires the committee to publish its decisions.

Jurisdiction of Control Committee and Appeal Committee

Control Committees and Appeal Committees have been in existence since the Principal Act in 1958. The Bill will update provision of the Principal Act.

Section 43 of the Bill deals with the jurisdiction of the Control Committee and Appeal Committee. These committees have the power to determine whether a sanction breach of the racing code has occurred. The jurisdiction of both committees extends to a person who:

- enters a greyhound in a greyhound race at a greyhound race track or a trial;
- trains greyhounds for the purposes of racing or trials;
- breeds or sells greyhounds for the purpose of greyhound racing; or
- participates in greyhound racing.²³

The Bill states that it is a condition of a greyhound race track licence, a course-betting permit or a licence, permit or approval (within the meaning of section 30), that the licensee or permit or approval holder is subject to the jurisdiction of the Control Committee and Appeal Committee. The Control Committee or the Appeal Committee has the power, following consultation with the Board, to make procedural rules for the conduct of hearings and these must be published.

Control Committee

Section 44 puts the Greyhound Racing Control Committee (Control Committee) on a statutory basis through primary legislation. Statutory instruments in relation to Control Committees are revoked by the Bill. The independence of the Control Committee in the performance of its function is also placed on a statutory basis (s.44(3)). The specific function of the Control Committee is to decide if there has been a sanction breach of the Racing code.

Membership of the Control Committee

The members will be appointed by the Minister and there will be a maximum of 8 ordinary members of the Control Committee – this must include one or more vet and a practising solicitor or barrister of at least 5 years standing. Ordinary members will hold office for 4 years, and may not hold office for more than 2 consecutive terms.

The quorum for the Control Committee is the chairperson (or deputy if one is appointed) and any 2 ordinary members (this does not have to include a vet or a legal professional).

The chairperson will also be appointed by the Minister and will hold office for 5 years from the date of appointment.

²³ This means the owner, trainer, agent, kennel hand or handler of a greyhound entered in a greyhound race at a greyhound race track, a person who enters a greyhound in a greyhound race as agent for or on behalf of another and a person who causes another to enter a greyhound in a greyhound race on his or her behalf, a person who presents a greyhound for sale or enters a greyhound at a trial, or any person to who is subject to the Racing code.

Hearings of Control Committee

The Control Committee must hold a hearing when the Board refers an alleged breach of the racing code to it under sections 42(2) (substances regulations) or 42 (6) (sanction breach). The Control Committee must establish procedures for carrying out of hearings under this section but the Bill does not specify that these need to be published.

The Control Committee must notify the person who is the subject of the alleged breach of the allegation along with details of the procedures to be followed by the Control Committee and the time and date of any hearing. The notification must also include that submissions can be made within the timeframe specified in the notice. However, where shall state that submissions may be made within the period stated in the notice – this can be within 14 days of the notification or a lesser period where the Board applies for a less period.

Section 45 also provides however that where there is an alleged breach of breach of substances regulations that the Board can decide, in consultation with the Control Committee, that the matter should be heard immediately or at such time as the Board decides. The Control Committee can require the attendance of any person as it considers necessary and hear their submissions.

Where a person does not attend a hearing and does not give an explanation that is reasonable to the Control Committee within 21 days of the date he or she was due to attend, then the Committee can make a decision without their attendance.

The Control Committee must make a decision (to impose a sanction or not) when it holds a hearing on a matter.

Appeal Committees

Section 49 of the Bill allows for decisions of the Control Committee to be appealed to the Appeal Committee within 21 days of the decisions being made. There may be a fee to hear the appeal.

The Appeal Committee has the following options in dealing with the appeal:

- Confirm the decision of the control committee
- Cancel the decision of the control committee and:
 - impose different racing sanction or
 - do not impose racing sanctions.

The Appeal Committee must keep records of decisions on appeal and the reasons for making those decisions. Section 49 also provides that the Appeal Committee may, but is not obliged to publish the details of its decisions, including details of any racing sanctions or licence or permit revocations or suspensions. These details can include the name and address of the person who has been sanctioned.

Section 50 of the Bill makes a number of technical changes to the existing provisions in relation to membership of the Appeal Committee. For example it provides that the chairperson of the Appeal Committee can be a judge of the Court of Appeal rather than the Supreme Court. It provides a limit on the number of terms a member can serve – it is now a maximum of two 3 year terms.

Appeals to the District Court

Section 53 of the Bill deals with appeals to the District Court. A decision to impose an exclusion order or to impose a sanction payment may be appealed to the District Court within 14 days of the decision of the Appeal Committee being notified to the person being sanctioned. Section 53 of the Bill does not include the right to appeal a disqualification order to the District Court.

Other provisions

Sections 54-65 of the Bill are not covered in the Digest because of time pressure. A summary of the provisions can be found in Table 1 at the start of the Digest.



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