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DEVELOPMENT

**MID-1021-0543
GREATER BRISBANE
GREYHOUND CENTRE**

AN ANIMAL LIBERATION SUBMISSION
DEPARTMENT OF PRIMARY INDUSTRIES, WATER AND ENVIRONMENT



We don't have a duty to **speak** for the animals;
we have an obligation to be **heard** for the animals.

Matt Ball (2006)

DOCUMENT DETAILS

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ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

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Cover photo courtesy of Jo-Anne McArthur / WeAnimals



Artwork by Khatija Possum

Acknowledgement

Animal Liberation acknowledges the Traditional Owners and Custodians of Ipswich, which is known traditionally in the Yagara language as Tulumur, and acknowledges that this land has been home to Aboriginal peoples prior to European invasion. Aboriginal peoples have owned, had sovereignty over, and cultivated the lands, waters, flora and fauna of Ipswich. This has included the mapping of the terrain and the stars, the development of laws and governing systems that maintained connection to Country through song, dance, language and stories.

Animal Liberation acknowledges the ongoing challenges faced by Aboriginal and Torres Strait Islander peoples and recognises the importance of community and government in achieving the best outcomes for the local community.

The population of the region today is 323,069 with 4.0% of this comprising Aboriginal and/or Torres Strait Islander peoples.

Aboriginal people maintain a strong belief that an ethic of caring for Country is symbiotic. This necessitates caring for Country throughout design and development processes, including associated applications.

Animal Liberations acknowledges the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We acknowledge that this document was written on land stolen from and never ceded. We pay our respects to their Elders past, present and emerging.



11 February 2022

Hon. Dr. Steven Miles

Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure
c/o: Ministerial Infrastructure Designations Team
PO Box 15009 CITY EAST QLD 4002

Via email: infrastructuredesignation@dildilgp.qld.gov.au

Dear Minister,

Animal Liberation welcomes and appreciates the opportunity to lodge the following submission in response to Planning Application MID-1021-0543 – Greater Brisbane Greyhound Centre at Purga, Queensland.

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the MID Proposal Environmental Assessment Report ('EAR') and associated appendices. Rather, our submission is intended to provide a general examination and responses to select areas of key concern.

As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical attention and response.

Our submission provides informed responses which have been compiled subsequent to our thorough and objective consideration of the documents provided by the Applicant, together with additional general commentary as outlined in the following submission.

Animal Liberation is strongly opposed to the proposed development. It is our position that the allocation of this substantial sum of public money for a cruel and declining industry is inappropriate.

Kind regards,

Alex Vince

Campaign director

Lisa J Ryan

Regional campaign manager

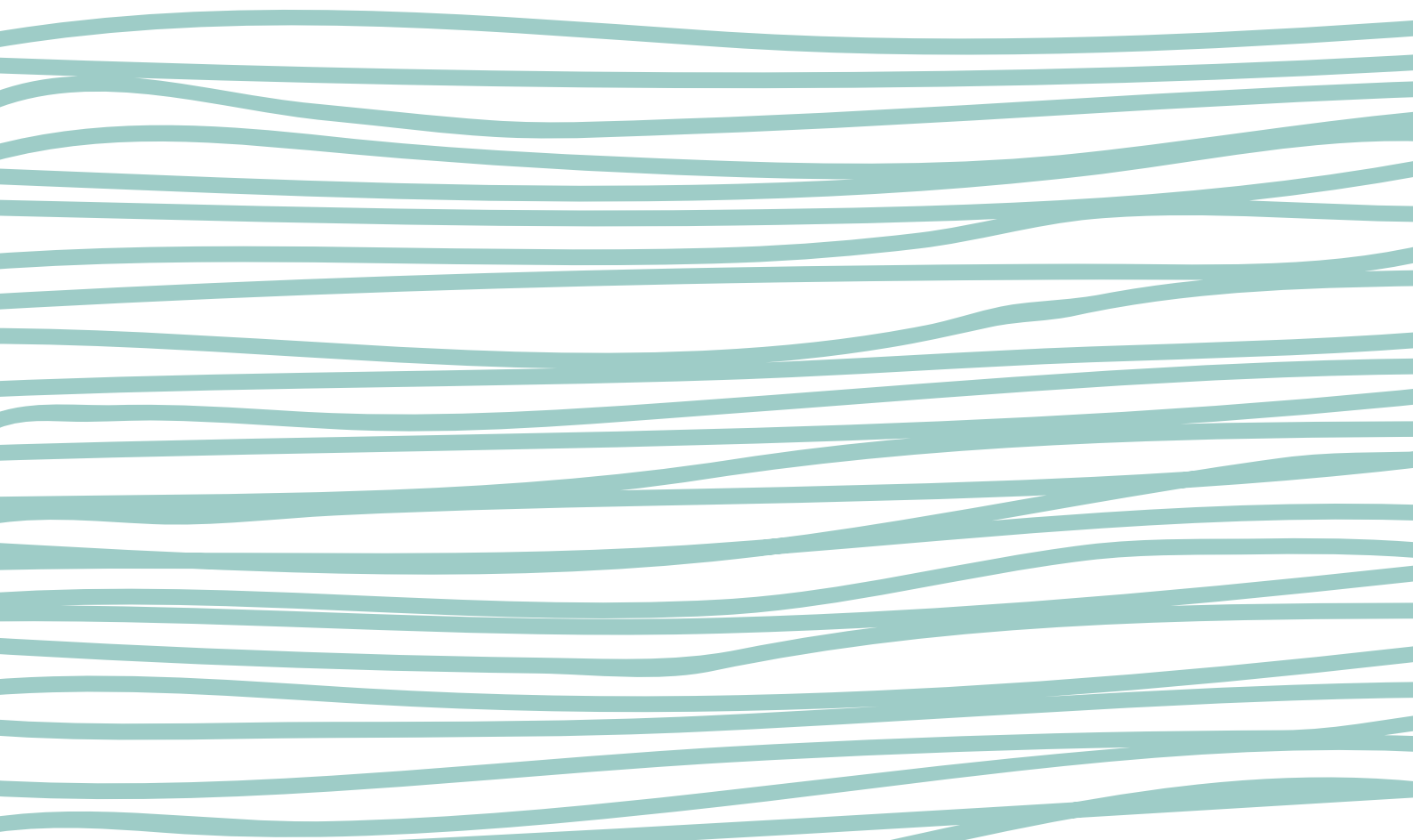


WHAT HAPPENS TO THEM
MATTERS TO THEM - TOM REGAN

PHOTO: JO-ANNE MCARTHUR / WEANIMALS

PART ONE

**INTRODUCTION &
BACKGROUND**



INTRODUCTION

1.1 Background

Former Racing Minister and current Minister for Tourism, Innovation and Sport announced in October 2019 that the Labor Palaszczuk Government would construct a new greyhound racing facility at Purga and that a total of \$39 million had been committed to its creation (Hinchcliffe 2019; Nugent 2022). By the start of 2022, media reports announced that the proposed development had “taken a significant step forward” after receiving endorsement from the Queensland Planning Minister (Baker 2022).

This section of our objection submission will outline various considerations that must be included in any decision-making process relating to MID-1021-0543. It will be followed by a detailed review of the documentation supplied by the Applicant and a series of modest recommendations.

1.2 Live baiting exposé and scandal

1.2.1 General

In February 2015, the ABC aired an exposé revealing the widespread practice of live baiting in the Australian greyhound racing industry. The exposé, utilising materials filmed by private animal welfare investigator surveillance, showed various small animals secured to mechanical lures used to train greyhounds (RSPCA Australia n.d.; Groizard 2019). Some of these animals were used as live bait on numerous occasions until they eventually died (Meldrum-Hanna 2015).

Before the exposé, up to 9 in 10 trainers (~90%) were using animals to “blood” their dogs (Begley 2015; McHugh 2016: 7). Trainers interviewed for the program, however, denied the use of live baiting as a practice. Subsequently, these trainers were shown to be involved. The practice has been illegal under legislation in all states and territories for decades (RSPCA Australia 2019). Though the exposé implicated up to seventy (70) individuals, subsequent investigations led to the suspension of twenty-two (22) people for using rabbits, possums and piglets as live bait for the purpose of training racing greyhounds in facilities in New South Wales, Queensland and Victoria (RSPCA Australia n.d.; Meldrum-Hanna 2015).

1.2.2 Responses to the scandal: investigations and inquiries

In New South Wales, the scandal generated significant public debate as the exposé revealed an incompatibility with community expectations (McHugh 2016; Markwell et al. 2017) that directly led to the establishment of an inquiry into live baiting and animal welfare in the greyhound racing industry (McHugh 2016: 7). The findings of the McHugh Inquiry ultimately led to the temporary banning of greyhound racing in New South Wales (Taylor and Cardozo 2016; Groizard 2019). Citing “overwhelming evidence of systemic animal cruelty, including mass greyhound killings and live baiting”, then Premier Mark Baird stated that the

greyhound racing industry would undergo an orderly shutdown as of 1 July 2017 in order to protect animal welfare (NSW Government 2016). Though this decision was overturned (Slezak 2016), the scandal has generated significant critiques of the power of lobbying influences (FitzSimons 2021). Other outcomes include challenges to the industry's social licence (Teh-White 2016; Thomas 2016).¹

While the greyhound racing boards of both New South Wales and Victoria stood down due to the exposé, this was not so in Queensland (Newman 2015a). The exposé revealed evidence of routine live baiting at greyhound racing tracks in Queensland (Newman 2015b; Irby 2018). In response, the Queensland Greyhound Racing Industry Commission of Inquiry ('COI') initiated its own inquiry (QRIC n.d.). The final 185-page report produced by Commissioner Alan MacSporran QC issued a total of fifteen (15) recommendations (MacSporran 2015), all of which were accepted by the Queensland Government (DNPSR 2015). The MacSporran Inquiry report concluded that "it would be naïve in the extreme to conclude that the practice [of live baiting in Queensland] is not widespread" (MacSporran 2015: 3). This is supported by comments made by Detective Sergeant Tracey Pelling, team leader of the taskforce: "I've had a trainer say to me, 'put 10 greyhound trainers in a room and say put your hand up if you haven't live baited. He said one will put their hand up and he's a liar. That's from the industry itself" (Murray 2015).

A joint Queensland Police Service ('QPS') and RSPCA task force was also commenced to investigate the scale of live baiting in the state (Wilson 2015). These investigations discovered a mass grave containing the carcasses of at least 55 greyhounds (Anon. 2015; O'Brien 2015), some of whom the police allege had been shot (AAP 2015) or beaten to death (Donaghey and Guppy 2015). RSPCA Queensland spokesperson, Michael Beatty, explained that the dogs may have been industry "wastage" (AAP 2015; Taylor 2015). Though this response initially led to life bans for twenty-two (22) Queensland greyhound trainers, these penalties had been "dramatically cut" by the next year (Branco 2016a). A year later, Queensland regulators remained unable to guarantee that live baiting was not continuing in the state (Branco 2017).

This has informed conclusions that such practices are "ingrained" in the greyhound racing industry (Murray 2015). Such a conclusion is further supported by evidence that live baiting continued several months after the exposé. Between August 2014 and May 2015, for example, Queensland Police obtained evidence of live baiting (Thomsen 2015). More recently, Victorian Rinaldo Divirgilio received a mandatory lifetime ban for live baiting offences that took place between 2017 and 2019 (Anon. 2021). The Victorian Racing Tribunal ('VRT') explains that "Rinaldo was caught red handed with possums on his premises" and that "the only reasonable inference is that he was going to use them for live baiting purposes" (VRT 2021). Though Lynette Noble, wife of convicted live baiter Tom Noble, was permitted to continue owning and training greyhounds despite her husband's suspended sentence and lifetime ban from the industry (ARG 2021), recent breaches to Greyhounds Australasia's Rules have generated a four (4) year disqualification (QRIC 2021a). This penalty is in response to Ms. Noble, a licensed greyhound breeder, being found guilty of possessing a carcass at her registered kennel (ibid). In addition, the QRIC stewards' report notes that Ms. Noble was indirectly involved with a person who "took possession of an allegedly deceased rabbit on 28 March 2021 and brought that rabbit onto her registered kennel

¹ When society removes its implicit or explicit approval for an industry to conduct its activities, this constitutes a loss of its social licence (Hampton et al. 2020).

address, being a property where greyhounds are kept and trained” (QRIC 2021b: 2). It concluded that this rabbit “might reasonably be capable of being used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it” (ibid).

Though the Noble family have been racing greyhounds for over 50 years (Anon. 2016), it was not until private animal cruelty investigators installed hidden cameras at their training track that authorities acted.

1.2.3 Live baiting, mass graves and fissures in the functioning of the animal welfare framework

Critically, the scandal and the discovery of the mass graves in Queensland revealed significant deficiencies in the animal welfare framework. For instance, applications for search warrants must first pass a “reasonable belief test” (Callil 2015). For regulatory authorities, this means that they must first prove that greyhounds are being inhumanely killed before they can be granted a warrant to inspect properties (see s127 of the Animal Care and Protection Act 2001). Following the discovery of the mass graves, Mr. Beatty of the RSPCA explained that this represents “a vicious cycle [...] because there is little other way we can get evidence for a warrant without inspecting the property in the first place” (Callil 2015). This process is further complicated by the fact that private residents may be reluctant to provide incriminating information to regulatory authorities.² Research indicates that there are several variables associated with the reporting of cruelty: (1) the presence or absence of witnesses, (2) financial losses incurred, (3) the seriousness of the crime, (4) distrust in the relevant enforcement agency and (5) fear of retaliation (Morton et al. 2020).

Amongst the general public, one or more of these influences may be responsible for a reluctance to report cruelty. For those with professional or personal ties to industry there is, however, a low propensity to report acts of cruelty or omissions that cause cruelty is related to a strong view of the animals in their care based on their relative utility (Kellert 1980). That is, industry participants often exhibit greater levels of concern for an animal’s practical or material value not their welfare (Morton et al. 2020). While this can be due to different attitudes towards animals related to their experiences during their employment with the industry (Taylor and Signal 2006; Taylor and Signal 2009), individuals in rural populations may be less likely to report cruelty because its commission is “comparatively more ‘hidden’” (Morton et al. 2020). This has several implications.

For instance, due to the often secluded and geographically dispersed nature of activities that potentially cause harm to animals, evidence is harder to secure and prosecutors may consider such cases comparatively risky to undertake (Ellison 2009). The latter is a concern simultaneously held by regulatory authorities like the RSPCA who are aware of their position as private organisations with “police-like functions” (Chen 2016). As such, they are structurally encouraged to act cautiously in the use of their coercive powers due to concerns that they may lose these if they apply them too strenuously and are the subject of complaints to

² The first stage of the enforcement process is dependent upon the public insofar as they report details of an act of animal cruelty that may then be investigated by the relevant regulatory authority (Morton et al. 2020).

Ministers from industry (ibid).³

Due to these structural flaws in the system, some have therefore argued that the enforcement of animal welfare laws in Australia “implicitly rely upon unlawful acts of trespass”(Russell 2017).⁴ Indeed, without such activity the live baiting scandal would likely not have been discovered (Branco 2016b; Cavanagh 2016; Cooper 2016). In addition, there are strong arguments in support of the conclusion that humans have “a moral duty to intervene to prevent or mitigate the suffering” of other animals (Johnson 2017), even if or particularly when the law fails to do so (Arbon and Duncalfe 2014). Importantly, Premier Palaszczuk acknowledged this when the MacSporran report was tabled in June 2015 by stating that “the very fact that we are having an open discussion about this industry is thanks to Animal Liberation Queensland and Animals Australia [whose actions prompted] a joint police and RSPCA investigation” (Goodfellow 2015).

As it applies to greyhound racing, these matters are amplified by the fact that the regulatory authorities self-regulate the industry (Timoshanko and Parker 2015). As the RSPCA note, in some jurisdictions the greyhound racing industry remains overseen by authorities that are simultaneously responsible for both its regulation and its commercial development, promotion and marketing (RSPCA Australia 2022).

1.2.4 Conclusion

This subsection has provided a brief overview of existing concerns in the Australian greyhound racing industry. Given the evidence outlined above it is reasonable to conclude that as long as industry participants believe live-baiting provides their greyhound with “a competitive edge” (RSPCA Australia n.d.), live baiting will remain an ingrained and systemic feature. An additional track that increases race meetings and the possibility of prize money can therefore be reasonably expected to increase the frequency of such activities.

1.3 Refusal of the Logan City track proposal

In 2017, two (2) years after the live baiting scandal outlined above, the Queensland Government abandoned plans to develop a greyhound track at Cronulla Park in Logan. Following significant community concern about the development proposal (Atfield 2014), the site was transferred to Logan City Council (‘LCC’) and through a government funding initiative became a new PCYC and sporting precinct (Starkey 2017). As the Treasurer and Minister for Sport at the time explained, “we listened to community concerns about the development of a greyhound racing facility on the site and we believe a multi-use sporting facility

³ Consider, for example, recent allegations by peak industry bodies that the Western Australia RSPCA is “seriously conflicted” because they are perceived to “play the role of a political activist organisation” by “lobbying against various forms of commercial animal production [...] while also acting as the industry police officer” (WA Farmers 2020). These allegations are familiar and have been expressed in various contexts for some time. Some have claimed that the RSPCA oversteps its remit when exercising its authorised functions in relation to farmed animals (O’Connor 2015). Similar allegations of “radicalisation” have been levelled against other state regulatory authorities, including during Victoria’s inquiry into its RSPCA and in response to its public stance on specific policy decisions (Devine 2016). Other interests have issued veiled warnings to suggest that a strict approach in relation to issues important to their constituents would be met unfavourably (Australian Deer Association 2021).

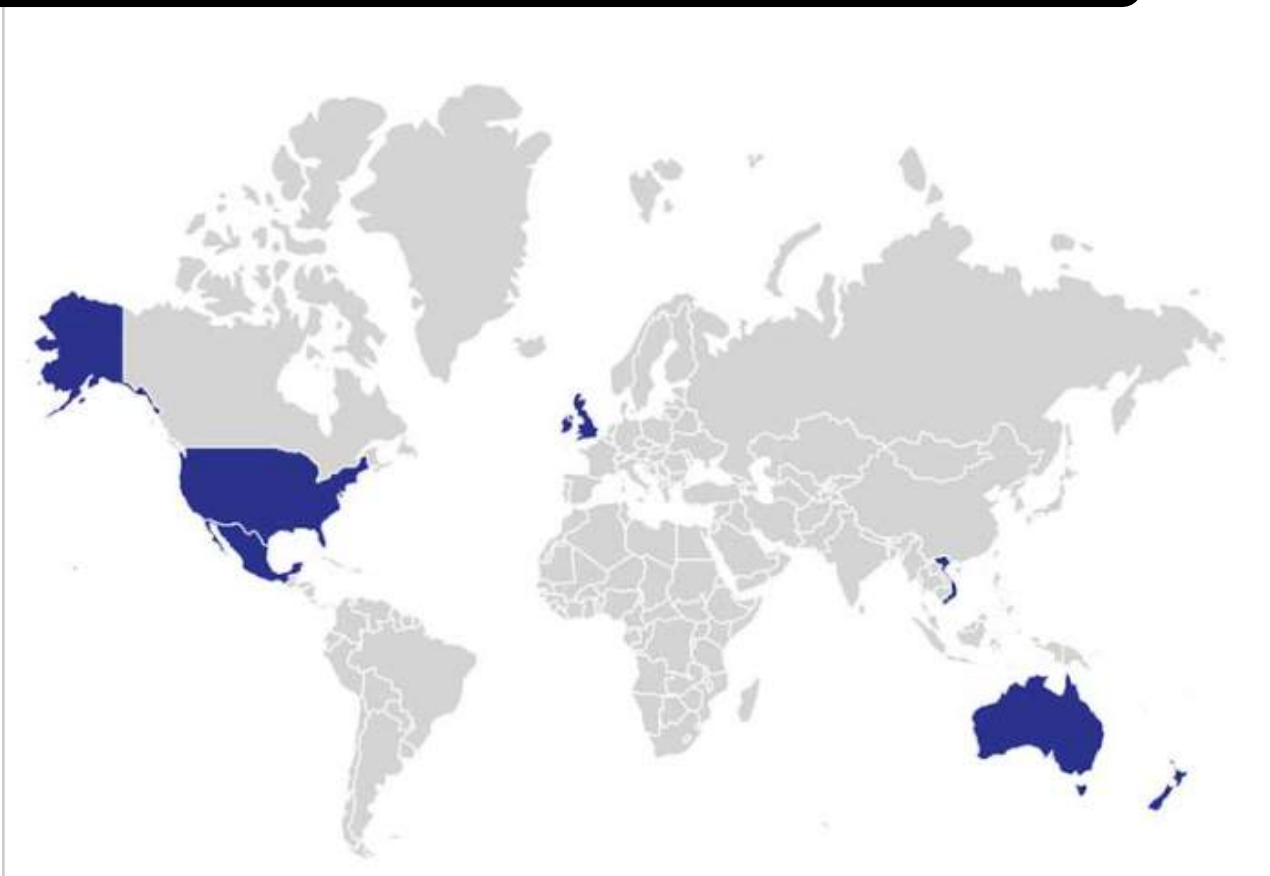
⁴ As such, an account of the functional relationship between animal welfare legislation and other laws that prohibit trespass is vital to any critical assessment of how such laws continue to permit the commission of cruelty. Such an assessment must consider whether it is reasonable to maintain that the inadequate powers currently held by regulatory authorities necessitate a practical dependency upon private animal cruelty investigators who may unlawfully trespass in order to obtain evidence of cruelty (Russell 2017).

is a much better outcome” (Pitt 2017). Similarly, recent remarks by Minister Mick de Brenni that “this is a strong example of what the Queensland Government and local councils can achieve by genuinely listening to the community and working together for the benefit of local residents” highlight the importance of broad community consultation (de Brenni 2021). Media reports correctly attributed this outcome to the sustained campaign led by concerned local residents (Atfield 2017).

1.4 Global greyhound racing decline: a dying industry

There are only seven (7) countries, including Australia, with a legalised commercial greyhound racing industry (GREY2K USA 2022a). While these countries continue to have active greyhound racing industries, most of these are in sharp decline. For example, reports indicate that 44 tracks in the United States have either closed or ceased operations since 2001. Between 2010 and 2018, total greyhound gambling figures declined by 32% (GREY2K USA 2022b).

Fig. 1: countries with a legalised commercial greyhound racing industry (2022)



SOURCE: GREY2K USA (2022a)

The remainder of this subsection will provide evidence indicating that this decline is due to increasing public awareness and acceptance that dog racing is cruel and inhumane.

1.4.1 Public opinion in Australia

In September 2021, the Greens commissioned an online polling survey that found “Australians are overwhelmingly concerned about animal welfare” (Faruqi 2021). While 54% of respondents reported supporting a ban on greyhound racing, 55% agreed that racing animals for gambling and entertainment is cruel (ibid). These findings are supported by earlier community polling. For example, in 2018 a Channel 7 News poll asked whether the NSW Government’s donation of \$500,000 to the world’s “richest dog race” was “a good use of taxpayer’s money”: 95% of over 39,000 respondents answered “no” (7 News 2018). Two years earlier, the ABC reported that “82 per cent want Australia-wide industry shutdown” of greyhound racing (Andersen 2016).

State-specific surveys have produced similar results. In 2016, independent research commissioned by RSPCA Australia found that “two out of three people in NSW and the ACT” supported the greyhound racing ban regardless of political affiliations (RSPCA Australia 2016). Prior to the 2021 Western Australian election, the RSPCA canvassed attitudes to animal welfare and found that more than 70% of residents regardless of locale considered animal welfare to be “important or extremely important” (CPG 2022a).

1.4.2 Government support keeps the industry afloat

Despite these findings, Government support represents a significant source industry sustenance. Much of this relies on gambling revenue. Such support is most pronounced in jurisdictions with the largest industries (i.e., Victoria, New South Wales and Queensland) (CPG 2018). In the absence of such financial support, it is likely that the Australian industry would be in a similar state of decline.

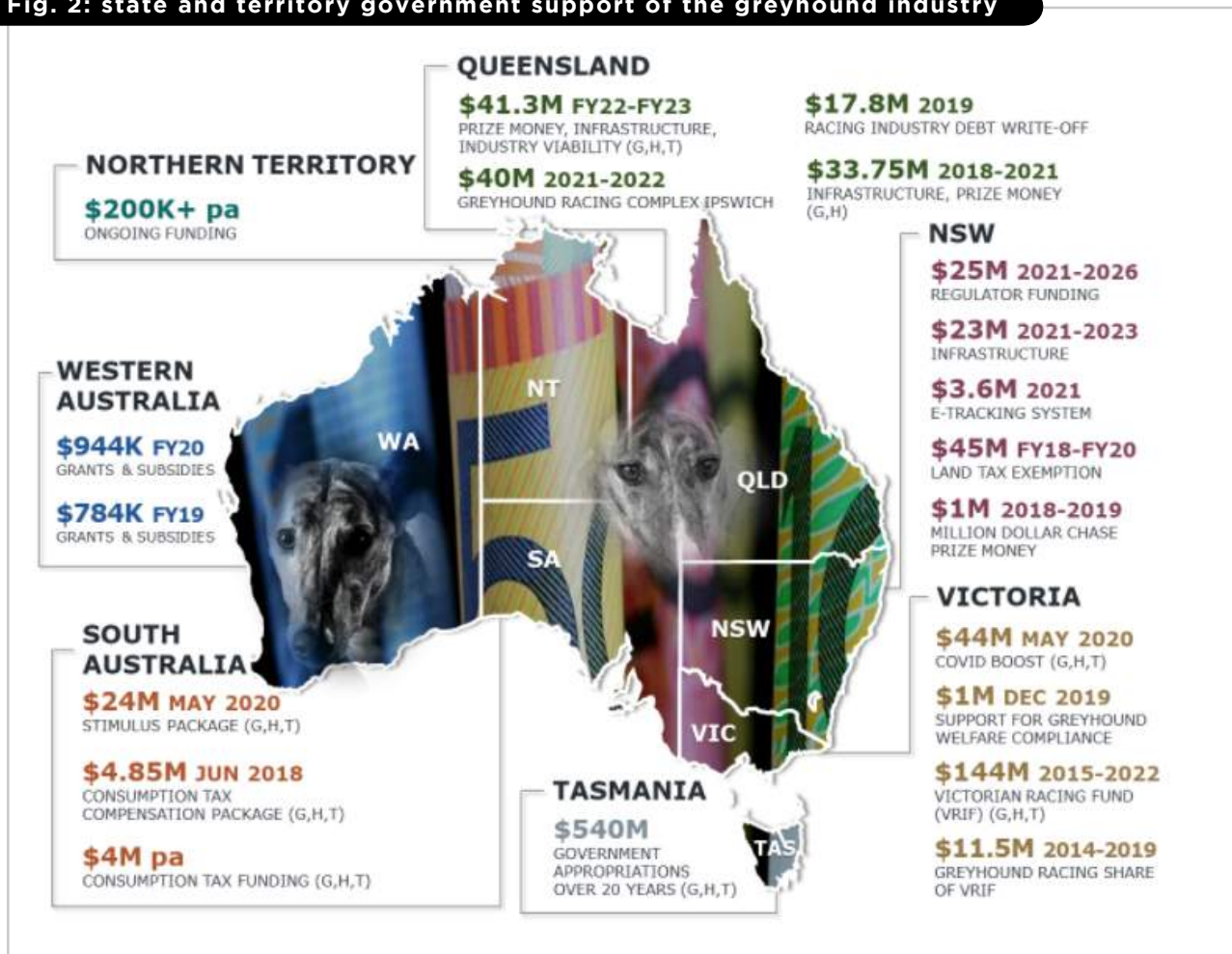
The financial problems experienced by the industry have been noted across Australia. In June 2015, for example, Racing Queensland (‘RQ’) recorded an \$11 million loss with forecasts predicting a \$21 million loss in FY2015/2016 (Silk 2015). The NSW Legislative Council’s first report on greyhound racing industry in that state found that “its current structure and sources of revenue [...] may be unsustainable” (NSW Parliament 2014). During the same period, the Western Australian industry experienced significant financial problems (Parker 2015).

The Queensland Government has a number of initiatives and funding programs that it delivers in partnership with Racing Queensland (‘RQ’) (OR 2021). In December 2020, RQ announced an additional \$15.5 million in funding as part of an Industry Investment Plan (RQ 2020a). The funding was in addition to \$4.1 million of prize money increases delivered in August 2020 and was to be delivered through further increases in prize money and payments to jockeys and drivers, in addition to infrastructure grants and higher club payments (ibid). Such economic boosts are questionable in a state whose industry recorded and predicted ongoing multi-million dollar losses.

Recent decisions by the Queensland Government to “expand its commitment to racing” by delivering 35% of revenue from the Point of Consumption Tax (‘PCT’) to

the industry represents the latest illustration of government support the industry receives (Palaszczuk et al. 2021). The announcement was welcomed by RQ whose Chairman, Steve Wilson AM, said “more than \$40 million is to be injected into the industry over the next two years” as a result of the decision (RQ 2021). Similar sums, particularly relating to “future-proofing” the industry by funnelling substantial sums in order to ensure it remains sustainable (Knaus 2020; NSW Government 2021), have been provided by the NSW and Victorian Governments since the live baiting scandal outlined elsewhere in this submission (Gerathy 2017; Keane 2020). Figure x below, provided by the Coalition for the Protection of Greyhounds (‘CPG’), provides an outline of state and territory taxpayer funding initiatives supporting their corresponding industry (CPG 2022b)

Fig. 2: state and territory government support of the greyhound industry



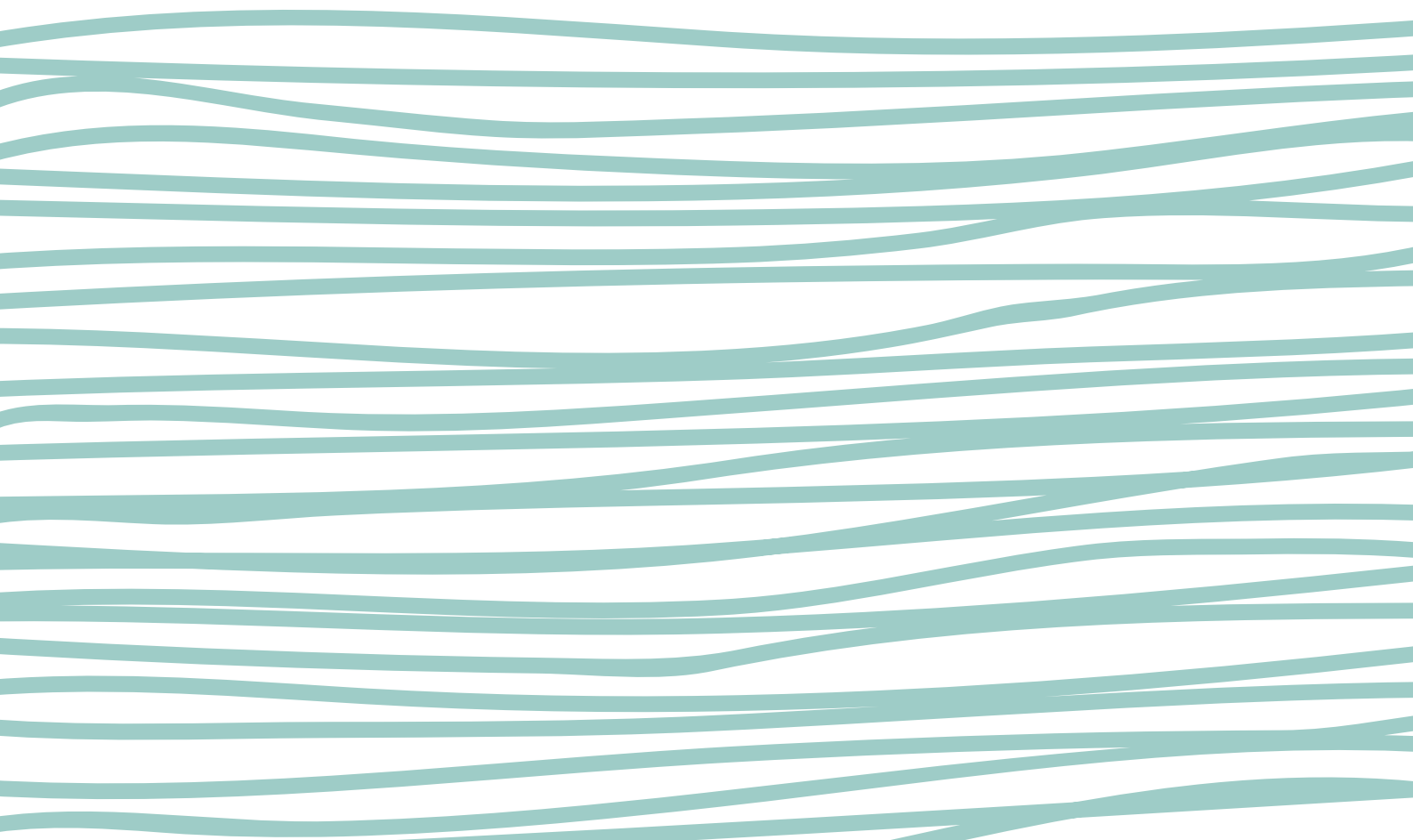
SOURCE: COALITION FOR THE PROTECTION OF GREYHOUNDS (2022b)

As earlier sections of this submission have demonstrated, the greyhound racing industry has lost its social license (Teh-White 2016; Thomas 2016). Given the economic state of the industry and the substantial resources required by the government to keep it functioning and viable, it is reasonable to conclude that community concern about animal cruelty and other integrity issues will become evident once more. As recent studies have shown, animal welfare has become “arguably the most crucial consideration” that underpins the social licence of animal use industries, including the greyhound racing industry (Hampton et al.

2020). As subsection 1.2 of this submission demonstrated, we believe it is reasonable to believe that approving MID-1021-0543 will provide adequate incentives for such issues to reemerge or multiply. Finally, we believe it is reckless and imprudent to be investing such a significant sum of public funds in an industry we have amply demonstrated has poor social sustainability and financial viability.

PART TWO

POINTS OF OBJECTION



INTRODUCTION

2.1 Greyhound death tracks do not constitute essential infrastructure

The Queensland Household Gambling Survey (2016-17) produced by the Office of Regulatory Policy ('ORP') provides data that is consequential to the present proposal. It shows, for example, that approximately 18% of Queenslanders gamble on the three animal racing codes (i.e., horse, harness and greyhound racing) (ORP 2018: 7). However, given that the study period coincided with the Melbourne Cup it is reasonable to maintain that this may have resulted in a skewed sample. It is reasonable, therefore, to conclude that the figure cited in the ORP survey is an over-estimation of the gambling cohort in Queensland.

On this basis, and in consideration of the relatively small segment of the population who participate in gambling on greyhound racing, Animal Liberation maintains that it is inappropriate for the Planning Minister to afford the proposal an infrastructure designation. Importantly, this designation ultimately provides an alternative route to the conventional application process which is overseen and adjudged by the relevant local government. According to the Queensland Government such a designation, known as a ministerial infrastructure designation ('MID'), "allows for the delivery of essential community infrastructure" (QLD Government 2022). The Government cites a number of examples of projects that constitute "essential community infrastructure". These include hospitals, schools, emergency and basic supply services (ibid).

Of the 241 MID decisions made under the Planning Act 2016, provided by the Queensland Government, the majority (~62%) are educational facilities. The remainder are comprised of emergency (~14%), health care services (~10%) and other infrastructure of broad community benefit. None are for infrastructure beneficial to a select industry.

In sum, we consider it highly inappropriate for this proposal to be considered essential community infrastructure.

2.2 Ministerial Infrastructure Designation (MID) process and planning concerns

In addition to the concerns outlined in subsection 2.1 above, we do not believe that the Ministerial Infrastructure Designation ('MID') process undertaken in relation to this project has provided stakeholders, including the community and residents of Ipswich, with sufficient opportunity to contemplate or appraise the potentially adverse impacts this proposal may generate. The consultation process began at a time when many residents were absent or out of the area over the Christmas and New Year break. In addition, the consultation period coincided with the height of a COVID-19 outbreak and at a time when local and state media sources were focusing on health and infection mitigation measures.

We also consider the consultation process carried out by Racing Queensland ('RQ') to be partisan insofar as it preferentially concentrated on industry participants and methodically chosen stakeholders with perspectives amenable to its intentions. For example, despite being heavily involved in various exposés that have generated significant community engagement in greyhound racing issues, it is our understanding that Animal Liberation Queensland ('ALQ') was not notified of the consultation period or invited to participate.

While the majority of the land on which the proposed facility is tendered to develop is presently zoned 'Rural Zone B', Animal Liberation has concerns that this zoning is inconsistent with its intended use. As such, should such a development require the significant changes to land use planning, this would also necessitate the provision of additional stakeholder and community consultation.

Finally, we note that through the MID process the Applicant has maintained the proposed development can be classified as 'Sporting Facilities' and 'Facilities for Parks and Recreation' under Part 2 of Schedule 5 of the Planning Regulation 2017. It is unclear whether the purpose of these provisions are amenable to the operations of commercial gambling establishments. Notwithstanding these concerns, however, it is our informed conclusion that the MID process is not suitable for the present proposal and that it should be directed to the local government council (Ipswich City Council) to permit and facilitate due public consultation in the process. In this context, we observe the Community Engagement Policy produced and published by Ipswich City Council ('ICC'). This policy, which is informed by the Local Government Act 2009's principles of "democratic representation, social inclusion and meaningful community engagement" (ICC 2021a), assures that it is "committed to meaningful engagement with the community on issues affecting the city and local issues that significantly impact the community" and that "public participation and engagement is the foundation of good decision-making" (ICC 2020a).

Such an approach would also assist in assuring that all relevant and required actions under the state planning legislation are adequately addressed.

2.3 Adverse impacts on an endangered native species

2.3.1 Background

Animal Liberation has a range of serious concerns associated with potentially adverse ecological impacts produced by the proposed development. These primarily relate to foreseeable impacts on core koala habitat within and adjoining the proposed site boundaries.

Since European invasion (c. 1788), over 10% of Australia's native fauna have become extinct and almost 50% are currently at various stages of vulnerability (Narayan and Williams 2016). Prior to invasion, koalas were common across their natural range (DENR n.d.). Since anthropogenic activities, the size and area occupied by the koala population has declined dramatically (DOE 2014). While this decline is historically associated with colonial hunting practices and the associated fur trade (Hrdina and Gordon 2004; Devlin 2017; Roe 2017), the present

state of decline is primarily due to increasing rates of habitat loss, fragmentation (ANZECC 1998; Martin and Handasyde 1999). This has led their range to become either locally extinct or remaining in small, isolated groups in many parts of the country (DOE 2014).

On the closing date of submissions in response to MID-1021-0543 (11 February 2022), the Australian government officially listed the koala as an endangered species in New South Wales, the Australian Capital Territory and Queensland (Lapham 2022). This upgraded listing, from “vulnerable” to “endangered”, was made due to land clearing and the catastrophic impacts of bushfires on the species dwindling habitat (Cox 2022a). The listing of endangered is made under Commonwealth law and represents official recognition that the threats faced by the species are acute and that sequential governments have ultimately failed to improve koala conservation outcomes since it was listed as vulnerable in 2012 (DAWE 2022; WWF 2022). It is an explicit acknowledgement that the species is at a high risk of extinction (Foley 2022).

According to the Queensland Government, threatened species are allocated a different class depending on their degree of risk of extinction (QLD Government 2021a). These classes, ranging from extinct to “vulnerable”, are based on a number of criteria including trends in population size, health and distribution (ibid).⁶ As an endangered species, the koala has been assessed and found to have undergone a large reduction in numbers (QLD Government 2021b). Such a listing also includes a range of associated considerations and concerns, including that:

- i.* it is likely that a large reduction in the species numbers is imminent;
- ii.* the species geographical distribution is precarious for their survival and restricted;
- iii.* the estimated total number of mature individuals is low and it is likely the number will continue to decline;
- iv.* the estimated total number of mature individuals is very low and;
- v.* the probability of the species extinction in the wild is at least 20% in the near future (QLD Government 2021b).

2.3.2 Endangered species in Queensland: legislative framework and legal protections

The Queensland Government acknowledges that koalas “face many threats in an increasingly cleared, developed and fragmented landscape” (DES 2021a). While the Department of Environment and Science (‘DES’) identifies habitat clearing due to a rapidly increasing human population in South East Queensland (‘SEQ’) as

⁵ The upgrading of the koala as endangered under the Environmental Protection and Biodiversity Conservation Act (‘EPBC Act’) comes the month after the Morrison government pledged \$50m to save the species that environmental campaigners critiqued as throwing money at a cause that requires a strong conservation framework (Cox 2022b).

⁶ At 30 April 2021, there were 1020 threatened species, comprising 236 fauna and over 780 floral species, listed as threatened under Queensland’s Nature Conservation Act 1992 and the Commonwealth’s EPBC Act (QLD Government 2021a). With the koalas listing on 11 February 2022, this 2021 is expected to be updated to include their recent listing.

a contributing cause of koala decline in the region (ibid), it is our informed conclusion that proposals of the kind under consideration represent a significant and under-examined threat. This conclusion is amply supported by announcements by the Palaszczuk Government that it would commit a total of \$39 million to the creation of the GBGC (Hinchcliffe 2019; Nugent 2022) and its subsequent endorsement from the Queensland Planning Minister (Baker 2022).

Under Queensland's threatened species conservation and protection framework, there are a range of instruments that should be considered and applied in relation to the present development proposal. The following subsection will briefly outline these before applying their provisions to documents produced and provided by the Applicant.

The Nature Conservation (Koala) Conservation Plan 2017

The Nature Conservation (Koala) Conservation Plan 2017 ('the KCP') lists its main purposes as promoting "the continued existence of viable koala populations in the wild" and preventing further habitat decline (see section 4(1) of the KCP).⁷ Under section 4(2), it states that these purposes are to be achieved by determining koala districts ('KDs'), koala priority areas ('KPAs') and koala habitat areas ('KHAs') while also detailing requirements for the clearing of vegetation in particular areas.

Under section 6 of the KCP, there are three (3) KDs (A, B and C). The stated objectives of these KDs is ensuring that appropriate measures are taken to monitor and review populations, threats and the efficacy of conservation measures while providing appropriate education and management strategies to manage these within the KD. While section 7A explains that the primary purposes of KPAs are to "strategically focus long-term management and monitoring effort[s] on areas that have the highest likelihood of achieving conservation outcomes for koalas", section 7B identifies the main purpose of KHAs as determining areas of habitat "to avoid impacts" and "ensure the long-term persistence of koala populations in the wild".

While the KCP provides these measures, section 10 nevertheless contains a series of provisions that enable the clearing of habitat. For instance, clearing of koala habitat trees may be undertaken if such actions adhere to the following conditions: a) it is carried out in a way that ensures koalas in the clearing site have sufficient time to depart the area, b) it is carried out in a way that ensures habitat links are maintained so that displaced koalas may depart the site and c) no koalas are present in trees when they are cleared.

The South East Queensland Koala Conservation Strategy: 2020-2025

The Queensland Government released the South East Queensland Koala Conservation Strategy ('the Strategy') on 29 August 2020 (DES 2020a). Its vision is to "halt the decline" of koala populations in South East Queensland ('SEQ') and "secure their long-term survival" (ibid). According to the Minister's

⁷ Available via www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2017-0152.

The South East Queensland Koala Conservation Strategy: 2020-2025 (cont.)

foreword contained within the Strategy, the document was “developed in partnership [sic] with First Nations peoples, wildlife and conservation groups, building and development industries, local councils, and the community” (DES 2020a: 2).

The Strategy contains a number of “conservation highlights”. One of these claims that the Queensland government is “leading assessment involving clearing of koala habitat areas across South East Queensland (SEQ), with local government playing a vital role in providing for koala-safe development and compliance” (DES 2020a: 6). It is apparent that Ipswich City Council (‘ICC’), the local government area (‘LGA’) in which the proposed development is to take place, consider koala populations “significant on a regional scale due to their high population size and genetic uniqueness” (ICC 2021b). Furthermore, ICC state that the koalas within the region are believed to “act as a source population” for surrounding LGAs and that as the species continues to “rapidly decline” on the Koala Coast, their conservation is “of paramount importance” (ibid).

In light of these principled findings, ICC has purchased tracts of conservation land over the past twenty-five (25) years in vital koala and wildlife corridors. This includes 2,200ha in the Goolman Conservation Estate (Richter 2021). As such, it is reasonable to conclude that ICC have been “playing a vital role” in conservation measures in the region. Proposals of the kind under consideration, however, represent a significant and consequential detraction from such initiatives.

As up to 80% of Ipswich’s koala population reside on privately owned land due to corresponding land management demographics (ICC 2020b; Richter 2021), the approval of this project could be considered a precedent that may generate retrograde conservation outcomes. This is particularly worrisome given the findings of the SEQ Koala Population Modelling Study that the decline in peri-urban populations may have been accelerating despite pre-existing koala habitat protection measures (Rhodes et al. 2015). The SEQ Koala Conservation Strategy (2020-2025) explains that there was an 80% decline in koala population densities along the ‘Koala Coast’ (i.e., from Wellington Point to the Logan River) and a 54% decline in other regions between 1996 and 2014 (DES 2020b).

Because the Strategy was prepared and printed prior to the upgraded listing of koalas as endangered, it is reasonable to believe that certain components require updating. Such updates must be made in order to adhere to the increased risks and conservation commitments applicable to an endangered animal. In particular, these must be applied to any considerations pertaining to the concept of “koala-safe development” (DES 2020a: 6).

2.3.3 Adverse impacts on koalas within the property and in adjoining areas

The following subsection contains reference to details obtained via the Queensland Globe portal, the MID Environmental Assessment Report (‘MID

EnvAR) prepared by Tract Consultants (Hartigan 2021) and the *EnvAR* prepared by Niche Environment and Heritage ('NEH') (Homewood 2021).

The site contains Matters of State Environmental Significance ('MSES'). These are defined under the State Planning Policy ('SPP') and the Environmental Offsets Regulation 2014 ('Offset Regulation') and include environmental values protected under a range of Queensland legislation (DES 2019).⁸ As it applies to the proposed site, MSES include core koala habitat ('CKH'). Such areas represent "the best quality koala habitat areas", including suitable vegetation for food and shelter (DES 2021b), and are considered important hubs for the long-term conservation of the species (ICC n.d.).

According to the Queensland Globe, an interactive map that allows users to view habitat and priority areas (DES 2021b), the entire area of the proposed development is within a known koala habitat area. This includes KPAs across each of the four lots (Lot Plans 2SP193446, 1SP193446 and 3RP127928) and CKH within two (2) of the lots (Lot Plans 2SP193446 and 1SP193446) (Hartigan 2021). These are detailed in Figures X and X drawn from the EAR and provided below.

Fig. 3: map detailing the presence of MSES regulated areas in the proposed site

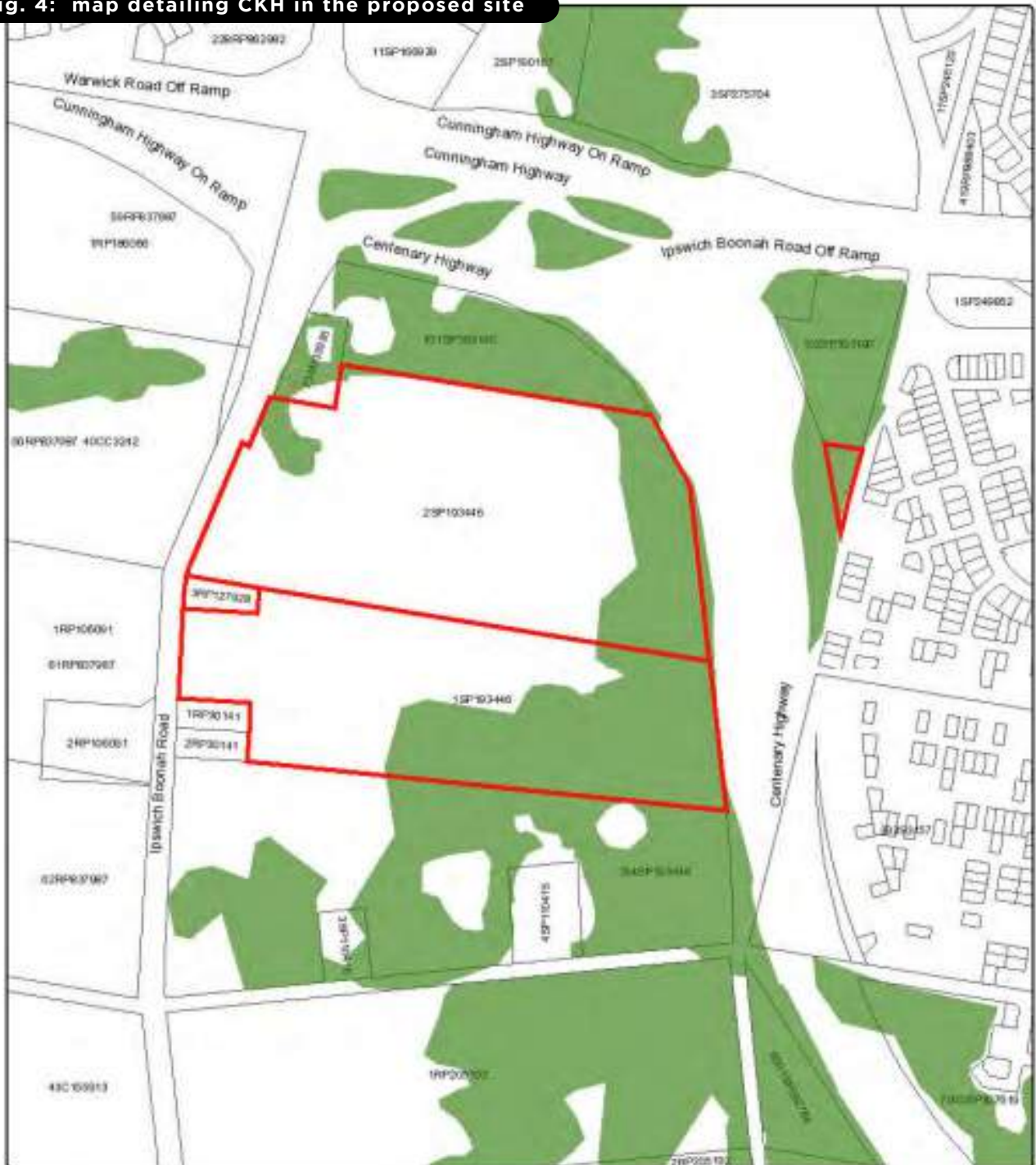


The *EnvAR* produced by NEH notes that though the majority of proposed clearing is within previously disturbed areas, the 1.7ha of land that will be cleared upon approval comprises MNES koala habitat "considered to be critical to the survival"

⁸ Including the Nature Conservation Act 1992, the Marine Parks Act 2004, the Fisheries Act 1994, the Environmental Protection Act 1994, the Regional Interests Planning Act 2014, the Vegetation Management Act 1999 and the Environmental Offsets Act 2014 (DES 2019).

of the species (Homewood 2021). Of this figure, “up to 0.25ha” has been identified as being “of major ecological value” as it comprises MNES mapped High Risk area for protected flora and MSES mapped CKH within a koala priority area (ibid). Furthermore, it acknowledges that this clearing scores 8/10 for the Environment Protection and Biodiversity Conservation Act 1999 (‘EPBC Act’) Koala Referral Guidelines (‘KRGs’) (ibid). These KRGs (DOE 2014) explain that koalas are “capable of moving long distances and is variably affected by a range of threats” (DOE 2014). While the KRGs explain that “loss of habitat that is not habitat critical to the survival of the species is highly unlikely to have a significant impact”, the score cited in the NEH EnvAR (8/10) is “highly likely to have a significant impact” (ibid).

Fig. 4: map detailing CKH in the proposed site



The developers of the EnvAR produced by NEH note that while the WildNet Wildlife database identified one record of a koala sighted within the property boundary, a further five (5) sightings have been recorded within 1km and directly adjacent to the property boundary between 2000 and 2010 (Homewood 2021). Critically, the database also contained records of 512 sightings within a 5km radius of the development's proposed footprint (ibid). Furthermore, the Atlas of Living Australia ('ALA') identifies fifteen (15) additional locations containing koala sightings within a 5km radius (ALA 2021). 573 koala records have also been captured from a review of Koala Hospital Data ('KoalaBase') within 5km of the development's proposed footprint between April 1996 and February 2017 (Homewood 2021).

We note that the Applicant proposes the removal of approximately twenty (20) non-juvenile koala habitat trees ('NJKHTs') in a eucalyptus open forest (Homewood 2021). Though the Applicant proposes to offset this removal by planting new vegetation, it is reasonable to believe that this process will require a significant amount of time for this to develop into a viable habitat to replace that which will be cleared. Furthermore, we note that the proposed site is approximately 3.5km distance from the Flinders Goolman CHA. Survey work carried out in 2015 provided the first evidence of koalas in key conservation areas in Flinders-Goolman (ICC n.d.). While this survey confirmed the presence of koalas through "dozens of positive results" within the Flinders Goolman Conservation Estate ('FGCE') (Bennion 2015), it is uncertain whether similar mapping surveys have been carried out recently in the CHA or the proposed site itself since that time.

2.3.4 Other adverse ecological impacts of the development

Noise, lights and other potentially harmful impacts produced during both the construction and operation of the site may increase risks to wildlife within the boundaries of the property and in areas adjoining or adjacent. This may include injuries or fatalities caused by wildlife crossing major roads in the vicinity. Reduced abundance of vertebrates is associated with the proximity of their habitats to roads (van der Ree et al. 2011) and road trauma, noise and pollution are implicated in the production of chronic stress in wildlife (Narayan and Williams 2016).

In its review of threats to koalas in SEQ, the Department of Environment and Science ('DES') cites an average of ~300 koalas injured each year by vehicular strike and around 80% of these events are fatal (DES 2021a). In koalas, chronic stress can impact reproduction (Yazawa et al. 2000; Gao et al. 2002), growth (O'Connor et al. 2000), and the immune system (Acevedo-Whitehouse and Duffus 2009), while hypervigilance and the proximity to human activity creates a resource deficit (Nagy and Martin 1985; Larsen et al. 2014; Narayan 2018) when koalas are unable to undertake physiological or behavioural adaptations to meet their needs (Benesch et al. 2010).

While the EAR notes that the NJKHTs, discussed above, "sit on the edge of the identified koala habitat area" (Hartigan 2021: 26), it fails to provide clarification of the actual impact of these impacts, however. Edge effects refer to changes in population or community structures at boundary of two or more habitats (Levin

**WITHOUT MEANINGFUL AND CONSISTENT REFORMS AND
LEGAL PROTECTIONS, KOALAS WILL NOT SURVIVE**



**DEVELOPMENTS THAT PLACE KOALA HABITAT AT
UNNECESSARY RISK ARE INCOMPATIBLE WITH
CONSERVATION AND MUST BE REFUSED.**



Due to the site containing koala habitat trees, previous koala sightings, and connection to significant Flinders-Goolman Conservation Estate and CHA, the proposed development will have a significant and ongoing impact on local koala populations - both during construction and during operation of the GBGC. The development will also impact on numerous other species at the site including macropods and Short-brokeed Echidna, numerous waterbirds, frogs and other wildlife.

2.3.5 Conclusion and recommendations

While the Queensland Government produces and publishes enthusiastic rhetoric encouraging citizens to engage in conduct that ensures “koalas are here for keeps” (DES 2021a), its political promotion and financial support of destructive developments such as MID-1021-0543 belie incompatibilities that effectively undermine conservation efforts. Alarming, such announcements have not attempted to provide adequate justification for the creation of a commercial gambling establishment whose ecological cost represents sufficient cause for its refusal. This subsection will outline associated concerns and provide the Minister with ample evidence-based rationales for rejecting MID-1021-0543.

Given historical inaccuracies and discrepancies in the listing of vulnerable species in Queensland, including one mammalian species whose most recent government listing saw its status drop from “least concern” to “extinct” (QLD Government 2021c), it is reasonable to conclude that the upgrading of the koala as endangered will generate additional oversight of any proposals whose impacts could cause potentially devastating outcomes for the species.

Animal Liberation has prepared a range of submissions in response to development applications across the country that threaten adverse impacts on koala populations. Each of these has concluded that in the absence of meaningful and consistent reforms in existing legislation, koalas will not survive (Animal Liberation 2021). Given the recent reclassification and upgrading of the koala as an endangered species in Queensland, Animal Liberation strongly recommends and expects this matter to be adequately addressed via the preparation and submission of updated EnvARs. Failing to do so constitutes the facilitation of potentially devastating outcomes for an endangered native species under national legislation.

Though the SEQ Koala Conservation Strategy claims that the introduction of various legal instruments, including those outlined in this subsection, represent “the strongest koala protections Queensland has ever seen” (DES 2020a: 5), it is apparent through government rhetoric and the significant financial commitments offered to development proposals whose footprint directly impacts core habitat that these may be overridden when it is politically expedient to do so. Such decisions and the processes that led to them must be assessed and analysed, particularly in light of recent national conservation status changes and forthcoming amendments to state policy.

In sum, the steps proposed by the Applicant to manage or mitigate the risks to wildlife, particularly koalas, are insufficient and cannot guarantee their safety during construction and operation. The public are increasingly disillusioned by the

lack or absence of priority actions implemented by governments at all levels, including state and local, to halt the ongoing and rapid national decline of koala populations. Animal Liberation shares these views. We maintain that the level of trust and confidence in elected legislators and decision-makers, particularly concerning their publicly declared proclamations to save and protect koalas, is rapidly eroding. The Government's stated intent to 'protect and preserve' has not translated into real or meaningful legal protections for NSW koalas or their habitat. Indeed, koala protections in NSW have regressed.

2.4 Animal welfare

2.4.1 Background and general comments

As property under existing Australian and state law, greyhounds "do not enjoy an inalienable right to life" (McEwen and Skandakumar 2011). Though there are a range of sophisticated and nuanced critiques of the current legal framework that relegates animals to the status of property (Francione 1995; Wise 2000; Garner 2002; Shyam 2018), greyhounds experience significant, ongoing and cumulative suffering during and after their racing careers (Greenaway 2021).

In all countries that continue to permit its practice, they are routinely kept in small wire cages for the majority of the day. During the NSW special commission of inquiry outlined elsewhere in this submission, RSPCA Australia scientific officer Dr. Jade Norris explained that under codes of practice ('COPs') dogs may only get 30 minutes of exercise per day and be confined in small kennels for the remaining 23 and a half hours (AAP 2015b). When they are transported to race tracks, the risk of injury is high and death is an ever-present possibility. The following subsection will outline concerns associated with the animal welfare outcomes of the proposed facility. It will conclude with a series of modest recommendations.

Australia's leading animal welfare organisation, the Royal Society for the Prevention of Cruelty to Animals ('RSPCA'), cites a range of problems it considers "inherent in and associated with" greyhound racing (RSPCA Australia n.d.). These include:

i. **the illegal use of live animals to train racing greyhounds**

This issue has been outlined and described in earlier subsections of this submission (see subsection 1.2).

ii. **overbreeding and oversupply of greyhounds**

Thousands of greyhounds are bred and born each year. Many of these are surplus to industry requirements and will never race (Jones 2005; RSPCA Australia 2013). This represents one of the key welfare issues for animals in the Australian greyhound racing industry (Elliott et al. 2010). More than 2,300 former racing greyhounds "disappeared" in FY2019/20 in New South Wales alone (CPG 2020). The McHugh Inquiry, discussed in subsection 1.2 of this submission, found that up to 68,000 "uncompetitive" had been killed in the past 12 years (Slezak 2016).

*ii.***overbreeding and oversupply of greyhounds (cont.)**

The MacSporran Inquiry also found “wastage” through overbreeding, with up to 30% of young greyhounds unaccounted for (MacSporran 2015). Though many of the recommendations contained within the final report of the Queensland Greyhound Racing Industry Commission of Inquiry have been implemented in the years since its publication, those pertaining to overbreeding and “wastage” have not been enacted.

Studies have concluded that it is reasonable to assume that the market for the use of greyhounds in research (Edwards 2004), veterinary teaching (O’Brien 2014) and as an export commodity (Jones 2005), has emerged as byproduct trades of overbreeding (McEwan and Skandakumar 2011). Elsewhere in the world, unprofitable young greyhounds have been purchased for shark bait (Jackson 2001). While Greyhound Adoption Programs or ‘Greyhounds as Pets’ (‘GAPs’) have been developed to provide mechanisms for transitioning racing greyhounds into new roles as companion animals (QRIC n.d.-b), based on recent figures compiled by the Coalition for the Protection of Greyhounds (‘CPG’) the current rate of breeding outcompetes the capacity to rehome six times (CPG 2021).

*iii.***high injury rates and lack of transparency or accountability**

Every race involves high degrees of risk for greyhounds. Various injuries are regularly reported, including serious bone fractures and muscle injuries. The first turn of the racetrack is known as a universal site for accidents or collisions. The influence of track design on injury and fatality rates will be further discussed in a subsequent subsection below. Severe injuries can either on-track deaths or require immediate euthanasia (RSPCA Australia 2015).

Though fatalities formed a key component of the MacSporran Inquiry and its subsequent report (MacSporran 2015), the industry still does not provide transparent or publicly available information on deaths that occur off the track. While QRIC has started reporting breeding, injury and retirement data on a quarterly basis, its provision makes it difficult to draw comparisons or reach reliable conclusions. Because only summary tables rather than the full dataset is not provided it is not possible to comprehend or account for inconsistencies between deaths recorded in Stewards Reports and deaths reported by QRIC as “euthanased at track due to injury”. For example, the 2021 first quarter QRIC report cites 62 reported deaths. Six (6) of these identified as “euthanased at track due to injury”. This constitutes a small percentage - 10% - of the total deaths recorded. The vast majority of deaths, therefore, occur “off track” and are unaccounted for.

*iv***doping and the use of banned substances**

A range of banned substances have been administered to racing greyhounds in order to produced improved performance outcomes and increased winning odds at race meets (RSPCA Australia 2015). Though

iv.**doping and the use of banned substances (cont.)**

authorities retain a catalogue of banned substances and run drug testing programs, illegal drug use continues to occur with greyhounds have been found to test positive for drugs up to 10 times more often than horses (Gladstone 2018). For example, greyhounds have tested positive to amphetamines, caffeine, anabolic steroids, Viagra and cocaine, among others. While many of these are considered “performance enhancers”, others are used to manipulate race results or mask pain (CPG 2022c). The RSPCA explain that the use of such substances is itself a serious animal welfare issue because such substances can cause serious physical or psychological effects (RSPCA Australia 2015).

In spite of the catalogue of banned substances and testing programs, trainers continue to use drugs. For example, over 50 trainers continued to do so between May 2015 and September 2016 during the McHugh inquiry into the industry (Knaus 2017). It is reasonable, therefore, to conclude that doping constitutes another ingrained and systemic factor within the Australian greyhound racing industry.

v.**inadequate regulation and enforcement**

The greyhound racing industry is overseen by state and territory racing authorities. These authorities are responsible for both the regulation of the industry and its commercial development, including its promotion and marketing (RSPCA Australia 2015). Animal welfare standards are tokenistic and, in many instances, practically unenforceable. This self-regulatory model fundamentally fails to guarantee that the welfare of animals in the industry is prioritised. This can cause serious conflicts of interest, including the use of financial incentives to promote breeding and thereby increasing the number of greyhounds who are exposed to the inherent risks of the industry.

Animal Liberation wishes to highlight the inherent conflict of interest involved in placing responsibility for the oversight and control of the commercial and integrity aspects of the industry with Racing Queensland (‘RQ’). We further note that this was a key finding of the MacSporran Inquiry (MacSporran 2015) and that similar concerns regarding self-regulation have been noted in the few remaining countries that continue to permit greyhound racing (AAGR 2021).

2.4.2 Adverse welfare outcomes and track design

Racing Queensland (‘RQ’) explains that the proposed site will feature three tracks: a straight track, a two-turn track and a one-turn track (RQ 2020b: 19). We note general statements made in support of track designs intended to “improve greyhound safety and welfare outcomes” (Hartigan 2021). Evidence is quite clear, however, that routine injuries and fatalities continue to occur such tracks regardless of update or the stated intention of their design.

For example, consider the following facilities that have undergone recent rebuilds or upgrades. After a \$6 million upgrade the Traralgon track in Victoria opened in January 2022. This facility employs a “state-of-the-art” J-curve formation designed by Prof. David Eager of the University of Technology Sydney (‘UTS’). In the first seven (7) race meetings, thirty-seven (37) greyhounds were injured. Twelve (12) of these were injured in a single race meeting. Other examples include the Horsham track upgrade in which four (4) greyhounds have been killed and 296 have been injured since 2020 and Angle Park (SA) in which a further four (4) greyhound have been killed and 109 injured since a \$3m upgrade completed in August of 2021.

Between 2017 and 2018, the University of Technology Sydney (‘UTS’) released a series of reports commissioned by Greyhound Racing NSW (‘GRNSW’) that assessed injury data associated with track design. These studies applied computer simulations and modelling to determine potential improvements to existing designs (Eager et al. 2017; Eager et al. 2018).

Though the rate of injuries and fatalities appear to be lower on straight tracks when compared to curved tracks, with the UTS studies outlined above stating that up to 80% of catastrophic and major injuries are caused by congestion on curved tracks (Eager et al. 2017: 224), these tracks still represent an unacceptable and avoidable risk of harm. For example, the Capalaba straight track has caused the deaths of four (4) greyhounds and injuries to a further 275 greyhounds up to January 2022.

On the basis of the inherent risks involved in the racing of greyhounds regardless of track design or layout, Animal Liberation concludes that it is impossible to ensure safety or acceptable animal welfare outcomes. It is notable that some industry participants have publicly critiqued the Prof. Eager/UTS track design study, stating that greyhounds continue to “crash and burn” on such tracks (Anon. 2022).

2.4.3 Conclusion and recommendations

Though the Minister for Tourism, Innovation and Sport maintains that “animal welfare [is] at the core of design and construction” (Hinchcliffe 2019), multiple reports have cited community division over the proposed development with concerns about animal cruelty constituting a key objection point (Nugent 2022). For example, Ipswich MP Jennifer Howard has publicly opposed the proposal by stating that “nothing good comes from greyhound racing” and that while there may have been some improvements to regulations in response to the live baiting scandal “animal welfare is still an issue” (Nugent 2022).

Despite a primary recommendation of the UTS report stating that “the best option is to use only straight tracks” (Eager et al. 2017), the current development proposal includes both a two-turn track and a one-turn track (RQ 2020b: 19). Evidence obtained via lengthy studies commissioned by the industry have shown that these produce adverse animal welfare outcomes, yet MID-1021-0543 contains designs that unquestionably increase the risks of catastrophic injury or fatality during every race meeting. Animal Liberation strongly condemns the inclusion of these designs and holds that their appearance represents a damning disregard for the welfare of greyhounds.

2.5 Culture and heritage concerns

2.5.1 Background

Cultural heritage is managed by several State and Commonwealth Acts. These laws define “cultural heritage” as objects and places that are significant to Indigenous people under Aboriginal or Torres Strait Islander tradition (EDO 2020). In Queensland, the Cultural Heritage Acts define Aboriginal and Torres Strait Islander cultural heritage as an area or object that is significant or contains evidence or archaeological or historical significance (QLD Government 2021d).

The key laws regarding the protection and management of Aboriginal culture and heritage are the Aboriginal Cultural Heritage Act 2003 (‘ACH Act’) and the Torres Strait Islander Cultural Heritage Act 2003 (‘TSICH Act’). According to the government, these acts “provide blanket protection of areas and objects of traditional, customary and archaeological evidence” while recognising the key role played by Traditional Owners in matters pertaining to cultural heritage (QLD Government 2021d).

A cultural heritage database and cultural heritage register under these Acts have been established and are managed by the Department of Aboriginal and Torres Strait Islander Partnerships (‘DATSIP’) (DSDMIP 2019). The Department notes that while the database contains information about sites and place of cultural heritage in Queensland, it is not a complete record of these (DSDMIP 2019:4).

A guide produced and published by the Department of State Development, Manufacturing, Infrastructure and Planning (‘DSDMIP’) explains that “sensitive information about sacred and spiritual practices and sites may not be shared or may only be held by certain people in the community” (DSDMIP 2019: 7). On this basis, it advises that engagement with key stakeholders may assist in developing an understanding of who may have information and what can or cannot be shared (ibid). Finally, the guide advises that it is vital that meetings with these stakeholders be regular and include Elders or other community leaders who can encourage people to be part of an engagement process (ibid). It notes that doing so “may also bring some credibility to the process” (ibid).

2.5.2 Cultural heritage concerns associated with the proposed development

The Aboriginal Cultural Heritage Database (‘ACHD’) records eight (8) registered sites containing artefact scatters adjacent to the proposed development site. As such, the proposed development site is in close proximity to several areas of high cultural significance for the sovereign Yuggera Ugarapul people. These are an additional two (2) nearby sites of great spiritual and cultural significance. These include the Deebing Creek Mission and the Purga Aboriginal Cemetery. There are also various artefact scatters and sites adjacent to the area. It is Animal Liberation’s belief that the property may contain additional and undocumented areas or objects of Aboriginal heritage. This conclusion is reinforced and supported by the absence of cultural heritage surveys in those areas where there has not been ground disturbance.

According to the Stakeholder and Community Engagement Plan provided by the Applicant, the Yuggera Ugarapul people were notified of the project and invited to a site meeting. Though this was delayed due to restrictions associated with COVID-19, it was anticipated that this meeting would be rescheduled for mid- to late-August 2021 (Articulous 2021: 48). As the consultation period for the proposed development opened in January 2022, this rescheduled meeting under the Applicant's Stakeholder and Community Engagement Plan should have occurred. The application, however, contains no further information on this matter. Despite this, it claims that the associated requirements were somehow met (Articulous 2021: 48).

2.5.3 Conclusion and recommendations

Animal Liberation strongly contests that local and regional First Nations groups have not been adequately consulted regarding this development. In many instances, it appears that this lack of engagement represents a dereliction of duty. This is particularly concerning given the close proximity to places of high heritage values and particularly traumatic history.

It is our conclusion and recommendation that development must not be considered until respectful, appropriate and meaningful consultation has been undertaken with First Nations people and it can be adequately shown that the site does not contain areas or objects of intangible cultural heritage. We note that ICC's Indigenous Accord 2020-2025 recognises and acknowledges the rights of Traditional Owners to act as central stakeholders in decision-making processes whose outcomes may have impacts on the regions lands, places and natural resources (ICC 2020c). We conclude that the state government must adhere to these principles and include Traditional Owners in any and all decisions about their land.

2.6 Regional concerns related to employment opportunities and gambling

2.6.1 Background

Though gambling has formed a significant component of Australian culture (Russell 2021), losses are more than double those experienced in the United States (Baidawi 2018). Recent studies, however, provide evidence that suggests participation in gambling is dropping (GRA 2021). According to this report, while 56.9% of people surveyed had gambled in the previous 12 months this was a drop from 64.3% surveyed the decade before (GRA 2021: 315). Aside from gambling formats that had not existed ten years ago (e.g., 'e-sports'), participation on every form has declined and race betting has dropped from 22.4% to 16.8% (GRA 2021: 96).

This decline in prevalence, however, has not corresponded to a proportionate drop in race betting turnover (QLD Government 2019a). The rise of approximately AU\$4 billion in today's currency from AU\$22.9 billion in 2010-11 to AU\$26.9 billion in 2018-19 can be attributed to a range of sources (Russell 2021). While these are the latest figures available, such increases may be associated with online gambling (GRA 2021) and the proliferation of promotions during the COVID-19 lockdown (VRGF 2020). The decline in race betting prevalence, however, is most likely because it is less-engaged gamblers who are not betting anymore (Russell 2021).

2.6.2 The potential social impacts of the proposed development

While Former Racing Minister and current Minister for Tourism, Innovation and Sport, Stirling Hinchliffe, has maintained that the proposed development and associated infrastructure would “ensure the viability and vitality of an industry” while supporting hundreds of jobs (Anon. 2019). Racing Queensland (‘RQ’) has also repeatedly claimed that the proposed development would create “1000 full-time jobs during construction, and long-term employment opportunities to support operations” (Baker 2022). No evidence or data projections have been presented or made publicly available in support of these claims.

Statistics suggest that Australians lost \$24 billion on gambling in FY 2017/18 (CPG 2022b). While approximately \$7 billion wagered on greyhound racing in FY2019/20 (ibid), this figure had grown to a record \$9.4 billion in national turnover for FY2020/21 (Dobbin 2021). As industry sources explain, this “wagering boom” represents a 35% year-on-year increase and amounts to a 64% rise from 2018/19 figures (ibid).

Animal Liberation strongly recommends that the following potentially adverse community impacts should be thoroughly and transparently considered as direct risks:

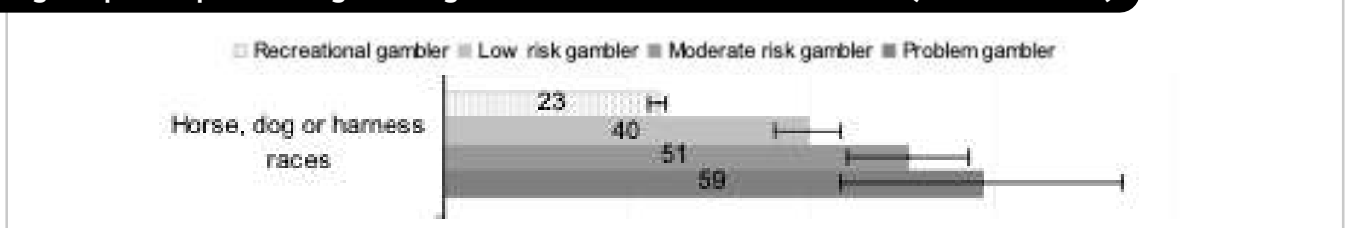
i.

When compared with the Socio-Economic Indexes For Areas (‘SEIFA’) community disadvantage score of 1047.5 in the Brisbane local government area (‘LGA’), Ipswich has a significantly lower score of 960.8 (QLD Government 2019b). This figure underscores concerns that the region has a significantly more pronounced degree of socio-economic disadvantage. It is reasonable, therefore, to conclude that this increases the possibility that the community may be experience a corresponding rise in risk of gambling harm directly due to the proposed development.

ii.

The Queensland Household Gambling Survey (2016-17), carried out by the Queensland Government Statistician, includes data relating to the potential risks that the development of a commercial gambling establishment may expose an economically vulnerable community to (ORP 2018: 39). Of particular concern is the fact that wagering on greyhound races may exacerbate “problem” and “moderate” risk gambling (ORP 2018: 47). In particular, the report contains the following table showing that 59% of “problem gamblers” and 51% of “moderate risk gamblers” wagered on horses, harness racing or greyhound races within the previous 12 months of the survey (ORP 2018: 41).

Fig. 6: participation in gambling activities in the last 12 months (ORP 2018: 41)



iii.

There is strong data indicating that continuous forms of gambling (i.e., those in which participants can wager on events in a steady and sustained manner) may intensify the risk of harm (Binde et al. 2017). Behavioural and addiction theories assume that such continuous forms that enable high rewards and greater frequencies are more associated with problem gambling than other discontinuous forms (Haw 2008; Linnet et al. 2010). Gambling on greyhound racing is a relatively continuous form of wagering (O’Neil et al. 2005) and may thereby place additional risk of harm on vulnerable community members.

iv.

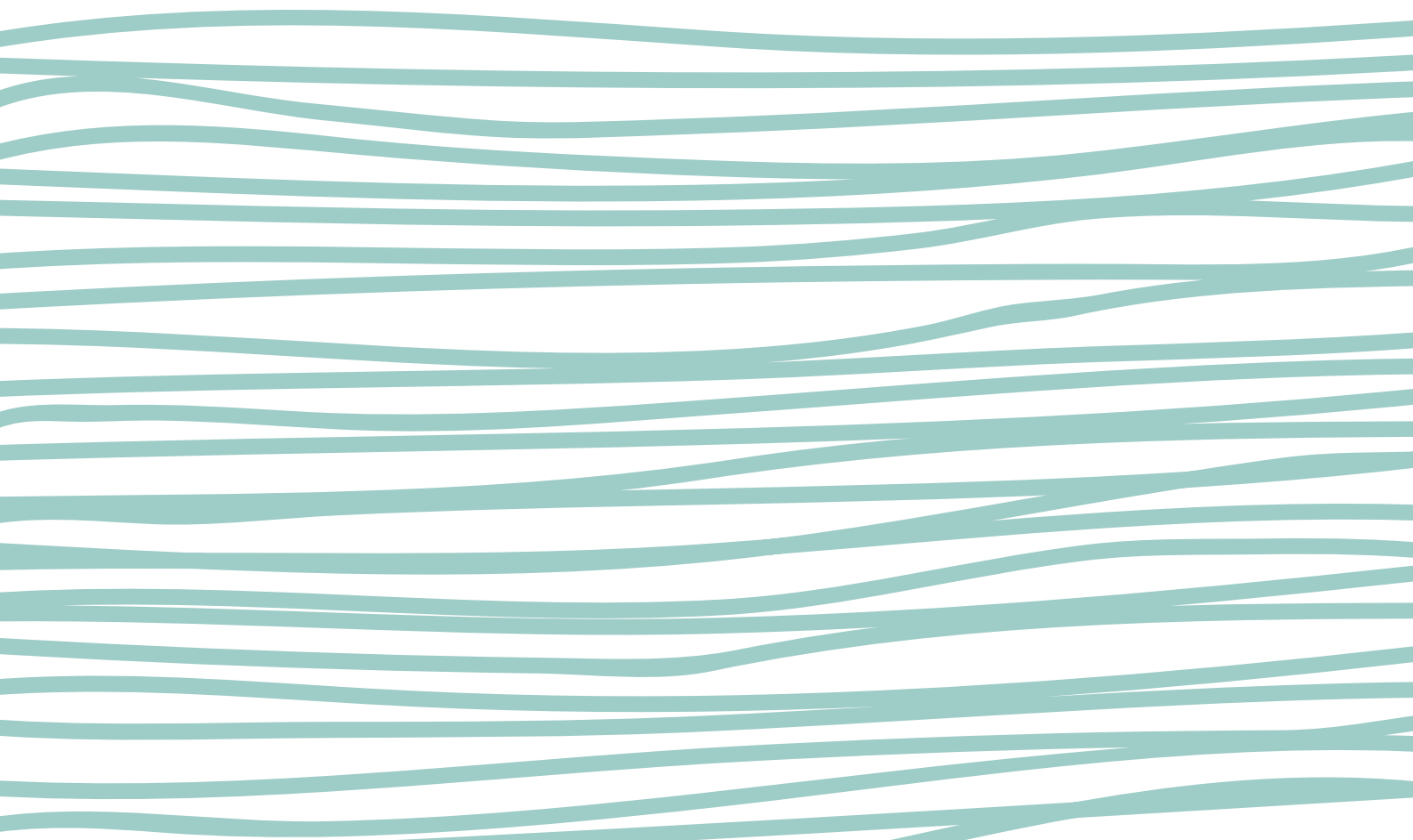
The Gambling Harm Minimisation Plan for Queensland 2021–2025 identifies “normalisation” as an emerging issue (QLD Government 2021e: 5). It is reasonable to conclude that identifying this issue as an area of increasing concern while simultaneously promoting and facilitating the development of a new commercial gambling establishment is the antithesis of the intended purpose and application of the Plan. We note that the Plan refers to the “public health approach” and advises that this should be applied. It also recognises the wider socio-cultural impacts and thereby advises the application of the precautionary principle in intervening and preventing the commission of potential yet uncertain harms incurred by gambling (QLD Government 2021d: 8). This is a widely accepted principle in public health (Michaels and Monforton 2005; Livingstone et al. 2019). The unavailability of evidence must not legitimise inaction and policy change can be informed by the best available evidence (Steel 2015).

2.6.3 Conclusion and recommendations

Gambling is a well-recognised public health issue that is the focus of a wide array of harm reduction initiatives (Gordon and Reith 2019). Given the considerations outlined in this subsection, Animal Liberation strongly recommends the proposed development be considered from a perspective of harm-minimisation. Such a perspective is of vital importance because participation has been shown to adversely impact communities in a range of serious and long-lasting ways (Breen et al. 2013; Dowling 2014; Latvala et al. 2019).

According to Racing Queensland (‘RQ’), the greyhound racing industry contributes “\$140 million to the Brisbane and Ipswich economies” (RQ n.d.). This claim, however, remains to be proven via publicly available data or supporting evidence. An assumption that such a claim is accurate, however, must also include and consider the net benefit of the industry after financial costs and public health harms are deducted. As earlier subsections of this submission have amply shown, such harms include animal welfare, biodiversity loss, adverse impacts on the community and significant public health risks.

PART THREE
CONCLUSION



CONCLUSION

Animal Liberation welcomes and appreciates the opportunity to provide this comprehensive objection submission in response to MID-1021-0543.

For the reasons outlined throughout this submission, we strongly recommend that MID-1021-0543 be refused.

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