

# Departmental Disclosure Statement

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Racing Industry (Unlawful Destruction of Specified Greyhounds) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Department of Internal Affairs Policy Group.

The Policy Group certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

27 November 2024

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## Part One: General Policy Statement

This Bill amends the Racing Industry Act 2020 (the Act) to prohibit the destruction (by any means) of greyhounds that are registered with New Zealand Greyhound Racing Association Incorporated (GRNZ) unless it is done by a veterinarian and for the reasons in accordance with this Bill.

The Government has agreed in-principle to close the greyhound racing industry from 1 August 2026. While most people in the industry will act in good faith in keeping or rehoming their greyhounds during the closure period, there is a concern that a small number of owners may take steps to dispose of their greyhounds only because they have become less economically valuable and, with closure imminent, GRNZ's current euthanasia policy will no longer be an effective deterrent from unnecessary destruction of greyhounds. This Bill is intended to provide additional protection for those greyhounds, as the Animal Welfare Act 1999 does not create a right to life or restrict owners from killing healthy dogs for solely economic purposes.

This Bill gives effect to the Government's intent by applying the GRNZ euthanasia policy in place at the time of enactment to greyhounds regardless of if their owners choose to exit the industry. Under this policy a dog cannot be destroyed for economic reasons. Under this policy a main reason a greyhound may be euthanised is when a veterinarian certifies that the greyhound is suffering from a condition or injury that causes significant pain and/or discomfort and/or a marked reduction in quality of life, such that it is inhumane or would otherwise compromise the welfare of the greyhound to delay euthanasia.

This Bill creates an offence for knowingly and willingly destroying a GRNZ registered greyhound in violation of the provision. Offenders against this section will be liable for a term of imprisonment not exceeding 12 months or a fine not exceeding \$50,000, or both. This is based on penalties for similar offences found in the Animal Welfare Act 1999 (such as failing to ensure the physical, health, and behavioural needs of an animal are met or killing an animal in a manner that it suffers unreasonable or unnecessary pain or distress).

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
<p>WHK report (2013)  <a href="https://web.archive.org/web/20180422062443/https://www.grnz.co.nz/Files/Downloads/Independent%20Review/WHK%20NZGRA%20Independent%20Welfare%20Review%20Report.pdf">https://web.archive.org/web/20180422062443/https://www.grnz.co.nz/Files/Downloads/Independent%20Review/WHK%20NZGRA%20Independent%20Welfare%20Review%20Report.pdf</a></p> <p>Hansen Report (2017)  <a href="https://www.grnz.co.nz/Files/Health%20%26%20Welfare%20Page/Greyhound%20Racing%20Welfare%20Report%202017.pdf">https://www.grnz.co.nz/Files/Health%20%26%20Welfare%20Page/Greyhound%20Racing%20Welfare%20Report%202017.pdf</a></p> <p>Robertson Review (2021) <a href="https://www.beehive.govt.nz/sites/default/files/2021-09/Review%20into%20Greyhound%20Racing%20in%20New%20Zealand%202021_0.pdf">https://www.beehive.govt.nz/sites/default/files/2021-09/Review%20into%20Greyhound%20Racing%20in%20New%20Zealand%202021_0.pdf</a></p> <p>Racing Integrity Report – Greyhound Review Final Report (12 December 2022)  <a href="https://www.dia.govt.nz/diawebsite.nsf/Files/Racing-Greyhound-Review/\$file/Greyhound-Review-Final-Report-12-December-2022.pdf">https://www.dia.govt.nz/diawebsite.nsf/Files/Racing-Greyhound-Review/\$file/Greyhound-Review-Final-Report-12-December-2022.pdf</a></p> <p>Racing Integrity Board – Greyhound Review Supplementary Report (16 March 2023)  <a href="https://www.dia.govt.nz/diawebsite.nsf/Files/Racing-Greyhound-Review/\$file/Greyhound-Review-Supplementary-Report-16-March-2023.pdf">https://www.dia.govt.nz/diawebsite.nsf/Files/Racing-Greyhound-Review/\$file/Greyhound-Review-Supplementary-Report-16-March-2023.pdf</a></p> <p>Racing Integrity Board - September 2023 Quarterly Ministerial Briefing on the Greyhound Review Work Programme <a href="https://racingintegrityboard.org.nz/wp-content/uploads/2023/11/RIB-QUARTERLY-MINISTERIAL-BRIEFING-Greyhound-Review-SEP-2023-FINAL.pdf">https://racingintegrityboard.org.nz/wp-content/uploads/2023/11/RIB-QUARTERLY-MINISTERIAL-BRIEFING-Greyhound-Review-SEP-2023-FINAL.pdf</a></p> <p>Racing Integrity Board - December 2023 Quarterly Ministerial Briefing on the Greyhound Review Work Programme <a href="https://racingintegrityboard.org.nz/wp-content/uploads/2024/02/RIB-QUARTERLY-MINISTERIAL-BRIEFING-Greyhound-Review-December-23-FINAL.pdf">https://racingintegrityboard.org.nz/wp-content/uploads/2024/02/RIB-QUARTERLY-MINISTERIAL-BRIEFING-Greyhound-Review-December-23-FINAL.pdf</a></p> <p>Racing Integrity Board - April 2024 Quarterly Ministerial Briefing on the Greyhound Review Work Programme <a href="https://racingintegrityboard.org.nz/wp-content/uploads/2024/09/20240528-RIB-QUARTER-3-MINISTERIAL-BRIEFING-Greyhound-Review-FINAL.pdf">https://racingintegrityboard.org.nz/wp-content/uploads/2024/09/20240528-RIB-QUARTER-3-MINISTERIAL-BRIEFING-Greyhound-Review-FINAL.pdf</a></p> <p>Racing Integrity Board - September 2024 Quarterly Ministerial Briefing on the Greyhound Review Work Programme <a href="https://racingintegrityboard.org.nz/wp-content/uploads/2024/09/202409-RIB-QUARTER-4-MINISTERIAL-BRIEFING-Greyhound-Review-FINAL.pdf">https://racingintegrityboard.org.nz/wp-content/uploads/2024/09/202409-RIB-QUARTER-4-MINISTERIAL-BRIEFING-Greyhound-Review-FINAL.pdf</a></p> <p>Greyhound Racing New Zealand – Quarterly Reports and other related reports found here <a href="https://www.grnz.co.nz/news/Stakeholder-Information.aspx">https://www.grnz.co.nz/news/Stakeholder-Information.aspx</a></p>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p>When available the Regulatory Impact Statement will be published on following website  <a href="https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index">https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index</a></p>	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
The RIS did not meet the threshold for RIA Team assessment	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>YES</b>
This information will be available when the Regulatory Impact Statement is published on following website <a href="https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index">https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index</a>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>YES</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>YES</b>
This information will be available when the Regulatory Impact Statement is published on following website <a href="https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index">https://www.dia.govt.nz/resource-material-regulatory-impact-statements-index</a>	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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None. Given the limited and domestic nature of this Bill, it is considered that it complies with relevant international standards and obligations, however the Ministry of Foreign Affairs was not consulted on this Bill.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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None. However, given its limited nature the Department does not believe Bill is inconsistent with the principles of the Treaty of Waitangi
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>
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TBC
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An assessment of Bill's compliance with the New Zealand Bill of Rights Act 1990 by the Ministry of Justice is in progress. Assuming the Attorney-General agrees to waive legal privilege, this advice when available will be able to be accessed at: <a href="https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/">https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/</a> .
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>
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YES
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>
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NO
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New section 53(3) provides that a person who commits the offence is liable on conviction to a term of imprisonment not exceeding 12 months or a fine not exceeding \$50,000, or both.
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<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>
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YES
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The Offences and Penalties vetting team were consulted on Bill. The vetting team advised that they are broadly comfortable and raised a couple of targeted queries around the scope of the offence and the interpretation of some of the language used.
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### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>
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NO
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<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>NO</b>
The Privacy Commissioner was not consulted as it is not considered that privacy issues are triggered by this Bill.	

### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
No stakeholder organisations have been consulted on the specific proposals of this Bill. However, there have been broad discussions with the Racing Integrity Board and the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA) on how to ensure the safety of greyhounds in the event of an industry closure.	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>

### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>

### Strict liability or reversal of the usual burden of proof for offences

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>YES</b>
Veterinarians are not captured by the offence provision in the Bill (veterinarians acting in bad faith will instead be punishable by standard professional practices under the Veterinarians Act 2005.	

### Significant decision-making powers

<b>4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>NO</b>



## Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>NO</b>
<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>

## Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
<p>This Bill incorporates into law the existing euthanasia policy by Greyhound Racing New Zealand (GRNZ).<sup>1</sup> Under GRNZ's policy a greyhound may only be euthanised by a veterinarian for specified reasons. This provision is necessary, as it is a continuation of GRNZ's current euthanasia policy but recognises that GRNZ's own policy and rules of racing and associated consequences for breaching this rule, are no longer an effective deterrent from unnecessary euthanasia, given the industry is closing.</p>	

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<sup>1</sup><https://www.grnz.co.nz/Files/Rules%20and%20Policies/GRNZ%20Greyhound%20Euthanasia%20Policy%20Version%202%201%20December%202024.pdf>