



Australian Government
Department of Home Affairs



Department of Home Affairs submission to the Inquiry into Customs Legislation Amendment (Commercial Greyhound Export and Import Prohibition) Bill 2023

Senate Rural and Regional Affairs and Transport
Legislation Committee

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Introduction

The ABF plays a crucial role in managing the movement of goods across our border by balancing the needs of facilitating legitimate trade while protecting Australia from illicit goods such as drugs, weapons and counterfeit products.

This submission addresses the proposed amendments to the Customs legislation in the *Customs Legislation Amendment (Commercial Greyhound Export and Import Prohibition) Bill 2021* (the Bill). This submission outlines the ABF's position on the viability and effectiveness of using Customs legislation for the purpose of prohibiting the export and import of greyhound dogs (greyhounds) for breeding, racing or any other commercial purpose, including a ban on the export or import of greyhound reproductive material.

Prohibited Import and Export legislation

The main purpose of the *Customs (Prohibited Exports) Regulations 1958* (PE Regulations) and the *Customs (Prohibited Imports) Regulations 1956* (PI Regulations) is to regulate goods that pose health or safety risks to the Australian Community or environment from entering or leaving the country. While there are a handful of dangerous dog breeds in the PI Regulations, greyhounds are not generally considered a dangerous dog breed. Community expectations of the ABF is that it focuses on stopping imminent and immediate threats of harm to the Australian community from crossing the Australian border.

Intent of the proposed Bill

The Bill being introduced is seeking agreement to change the PI and PE Regulations to prohibit the import and export of greyhounds for racing, breeding or other commercial purposes. As identified in the second reading speech of the Bill, the intent behind these changes is not to stop a potential community harm concern but to mitigate a risk that animals could be subjected to cruelty, abuse and neglect overseas.

The ABF does not support that changing the PI and PE Regulations would be the most appropriate legislative vehicle to protect against the potential abuse of greyhounds both domestically and overseas. While the Bill proposes that permissions could be granted for the purposes of exporting pet greyhounds, once a greyhound 'pet' has been exported there are no regulatory powers that Australia can exercise to control what happens once the animal has left Australia. The greyhound could still be legally sold or used for commercial racing, regardless of any assurances provided by the exporter.

The Bill also proposes that permission can be granted, under the Department of Agriculture, Fisheries and Forestry (DAFF) legislation, to import a 'pet' greyhound. Once a greyhound has been permitted into Australia as a pet, and cleared by the ABF, there are no domestic restrictions in place that would prevent the pet being sold for breeding or racing.

There are currently no domestic prohibitions or bans on greyhound breeding, racing or for other commercial purposes, with the exception of the ACT, where greyhound racing is banned. State and Territories are responsible for the regulation of greyhound racing in their jurisdictions. Therefore, a border prohibition for the import of greyhounds would be inconsistent with State and Territory legislation.

The proposed legislative amendments would be impractical and resource intensive for ABF officers to attempt to enforce at the Australian border. The ABF does not have the expertise, or resources, available to examine and determine the genetic makeup of specific dog breeds. Managing and implementing a border control for greyhounds, that are not deemed a threat to the community, would take away resources from higher priority border threats, such as revenue evasion, illicit drugs, illegal weapons, and other goods that could be harmful to the Australian community.

Alternative pathway for regulating greyhounds

The existing federal legislative framework for all imports and exports of live animals is implemented, managed and enforced by DAFF. Any proposal to prohibit the import or export of greyhound dogs, should be considered under existing DAFF portfolio legislation, such as the *Export Control Act 2020* and the *Biosecurity Act 2015*, to maintain consistency in the control measures of live animal imports and exports.

Additionally, complimentary State and Territory legislation to ban greyhound racing, breeding and other commercial purposes in all jurisdictions would be required if a national ban is the desired outcome.