

## 1. PURPOSE

The purpose of the Barking Muzzle Approval Policy (“*Barking Muzzle Policy*” or “*Policy*” when referred to in this document) is to regulate the use of Barking Muzzles for Greyhounds in a registered person’s custody and control, in circumstances approved by the Controlling Body.

Rule 30 of the *Greyhounds Australasia Rules* (effective 1 May 2022) provides –

### **30 Use of Barking Muzzles prohibited**

- (1) *For the purpose of this rule “Barking Muzzle” means a muzzle of such description or other gear, equipment, apparatus or device, which in the opinion of the Stewards, was designed or intended to be used, in a manner that prevents or limits barking by restricting the ability of a greyhound to open its mouth.*
- (2) *An offence is committed if a person uses a Barking Muzzle at any time, on any greyhound, unless:*
  - (a) *in circumstances approved by a Controlling Body; or*
  - (b) *used by a veterinarian for the sole purpose of examination or treatment.*
- (3) *A person who breaches subrule (2) of this rule may be penalised.*

## 2. SCOPE

This Policy applies to all registered persons and Greyhounds, where that Greyhound is in the custody and control of a registered person who seeks approval to use a Barking Muzzle on a Greyhound.

The Policy is read in conjunction with the GAR and LR.

## 3. DEFINITIONS

**Applicant** means the registered person who has custody and control of a Greyhound on whom the person seeks to use a Barking Muzzle at any time.

**Approval** means *written* approval under terms or conditions issued by the Controlling Body under this Policy.

**Approved Barking Muzzle** means a muzzle that is approved by the Controlling Body for use as a Barking Muzzle.

**Barking** means barking defined under this Policy.

**Barking Muzzle** means a muzzle, gear, equipment, apparatus, device, or any other thing that, if used on a Greyhound, attempts to, can, or could, limit barking by restricting the ability of a Greyhound to open its mouth to any extent; and includes the use of anything, whether by design or not, to restrict the ability of a Greyhound to open its mouth to any extent.

**Controlling Body**, for this Policy, means Greyhound Racing SA Limited (“GRSA”).

**GAR** means the *Greyhounds Australasia Rules* (as may be amended from time to time).

**Greyhound** means *any* greyhound (including retired) that is in the Applicant’s custody and control.

**LR** means the Local Rules of the Controlling Body (as may be amended from time to time).

**Steward** includes any officer of the Controlling Body.

**Use** includes to place on, or otherwise fit to, a Greyhound to any extent, except when used by a veterinarian for the sole purpose of examination or treatment.

**Veterinary Surgeon** and **Veterinarian** means a qualified veterinary surgeon registered pursuant to the appropriate State or Territory legislation.

## 4. POLICY DETAILS

### 4.1. What is Barking?

Barking occurs, for the purpose of this Policy, if a Greyhound (either alone or together with other dogs) creates a noise, by barking, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace and comfort of another person.

Barking must be assessed objectively.

The Dog and Cat Management Board or the local council can issue a registered person responsible for the dog with an expiation notice or summons to answer a charge and pay a fine (section 45A(5), *Dog and Cat Management Act 1995* (SA)) for this type of barking.

### 4.2. Use of Barking Muzzles

The use of a Barking Muzzle, at any time, without approval of the Controlling Body, is *prohibited*.

### 4.3. Circumstances where an Applicant may apply for Approval to use a Barking Muzzle

- (a) There is a *Control (Barking Dog) Order* in force against the registered person for the Greyhound;
- (b) There is a local council requirement (by law; licence; condition; or otherwise) that requires the use of a Barking Muzzle; or,
- (c) The Greyhound creates a noise, by barking, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace and comfort of another person, proof of which will be upon the registered person.

### 4.4. Application for Approval

An Applicant seeking approval to use a Barking Muzzle must apply to the Controlling Body in the approved form (Form-GAR30) and complete all parts of the application form. Partial applications will not be considered.

An application is for one Greyhound only. An Approval is for one (1) Approved Barking Muzzle for use on one (1) Greyhound. Approvals and Approved Barking Muzzles are not transferrable between Greyhounds without further application and Approval by the Controlling Body. Approvals are not transferrable between registered persons.

### 4.5. Approved Barking Muzzles

An Approved Barking Muzzle can be either –

- (a) Purchased as a pre-Approved Barking Muzzle from a veterinarian (*you must confirm with the veterinarian that the Barking Muzzle is pre-approved, otherwise, the muzzle is deemed an existing muzzle per 4.5(b)*); or,
- (b) An existing muzzle possessed by the Applicant that is inspected and certified by the Controlling Body as an Approved Barking Muzzle.

Veterinarians may seek pre-approval for a defined class of Barking Muzzle by making application to the Controlling Body and including –

- (i) An image of the proposed Barking Muzzle; and,
- (ii) The manufacturer's details of the Barking Muzzle.

The Controlling Body may request to physically inspect the Barking Muzzle before pre-approval.

The Controlling Body must consider the following factors for certifying (or pre-approving) Approved Barking Muzzles. Barking Muzzles must -

- (A) Be made fit for purpose only to restrict the ability of a greyhound to open its mouth sufficiently enough (and to the least extent possible) to control persistent barking to a degree or extent that it will unreasonably interfere with the peace and comfort of another person;
- (B) Not be made to interfere with a greyhound's ability to pant;
- (C) Not be made to interfere with a greyhound's ability to consume liquid;
- (D) Be made of predominately soft material of a construction that will not cause injury to the greyhound;
- (E) Be designed and constructed to be as unobtrusive as reasonably possible;
- (F) Not be designed with an appearance that would or could, in the opinion of Stewards, be detrimental or prejudicial to the interest, welfare, image or promotion of greyhound racing; and,
- (G) Have the ability to be marked with an identifying mark by the Controlling Body.

#### **4.6. Supporting Evidence for Applications for Approval**

Applicants must apply for approval to use an Approved Barking Muzzle as a last resort and demonstrate that they have taken all reasonable steps to prevent the Greyhound from barking, including –

- (a) Assessing any behaviour that might give rise to the barking;
- (b) Applying behavioural training to the Greyhound;
- (c) Identifying, by way of a barking diary or other recorded means, the times the barking occurs;

In addition, Applicants must provide evidence that -

- (i) The Greyhound is currently registered with the Dog and Cat Management Board;
- (ii) The kennels are allowed or approved by the relevant local council;
- (iii) The Greyhound is recorded by the Controlling Body as being in the custody of the Applicant.

#### **4.7. Possession of Barking Muzzles**

Before using any Barking Muzzle, the Applicant must have that muzzle approved by -

- (a) If an Applicant purchased a pre-approved Barking Muzzle from a veterinarian, they must present that muzzle for verification by a Steward; or,
- (b) If an Applicant possesses a pre-existing Barking Muzzle, they must present that muzzle for inspection and certification by a Steward for approval.

*The Controlling Body strongly recommends that Barking Muzzles are not purchased until after approval for use is granted, to avoid a possible wasted expense.*

#### **4.8. Consideration of the Application**

In considering the application, the Controlling Body must –

- (a) Consider the grounds of the application as lodged;
- (b) Consider the attempts made by the Applicant to otherwise manage the barking;
- (c) Verify that the Applicant possesses the required registration or approvals for kennels and the Greyhound;
- (d) Consider the location of the Greyhound, including the type of living areas for the Greyhound;
- (e) Consider the age and health of the Greyhound; and,
- (f) Consider any other factors that the Controlling Body believes relevant to the application, including but not limited to, the history of the use of Barking Muzzles by the Applicant or attempts to otherwise manage behaviour.

The Controlling Body will assess the application under the guideline that any Approval is only in exceptional circumstances.

## 5. CONDITIONS OF APPROVAL

The following are mandatory conditions for all Approvals. The Approval is for one (1) Approved Barking Muzzle for use on one (1), identified Greyhound. More than one Greyhound will require a further, separate application. The Approved Barking Muzzle must -

- (a) Not be used during temperatures over 32 degrees Celsius;
- (b) Not be used in public places;
- (c) Not be used in vehicles (or trailers);
- (d) Not be used at any racecourse;
- (e) Not be used outside any conditions under the Approval (and these mandatory conditions);
- (f) Must be removed if the Greyhound exhibits stress that is reasonably suspected to be caused by the Approved Barking Muzzle;
- (g) Not be transferred (or used on) any other Greyhound without further application to the Controlling Body.
- (h) Not be used outside the State of South Australia, except with approval of another, relevant Controlling Body;
- (i) Be used only after the Barking Muzzle is certified as an Approved Barking Muzzle, following inspection, certification and fitment of an identifying mark by the Controlling Body;
- (j) Be kept in good working order;
- (k) Be produced for inspection upon requirement by a Steward;
- (l) Have its loss or destruction reported to the Controlling Body within 3-working days of the loss or destruction.

In addition to the mandatory conditions, the Controlling Body may make further conditions believed relevant and appropriate to the Approval, including, but not limited to, the times or duration that the Approved Barking Muzzle may be used.

## 6. THE APPLICATION PROCESS

### 6.1. Steps in the Application Process

- Step 1 – The Applicant identifies the Greyhound that barks;
- Step 2 – Attempt to correct the behaviour by means other than a Barking Muzzle;
- Step 3 – Apply to the Controlling Body for approval using the *Form-GAR30 - Application for Approval to Use Barking Muzzle on a Nominated Greyhound*.

If Approval granted -

- Step 4 – Source the proposed Barking Muzzle;
- Step 5 – Present that Barking Muzzle, with the Controlling Body's preliminary Approval, to a Steward for certification and fitment (or recording) of an identifying mark;
- Step 6 – The Controlling Body will record the Approved Barking Muzzle with the Greyhound and issue the final Approval.

### 6.2. Liability for Costs

The Controlling Body does not contribute in any way to the application or use of Barking Muzzles.

### 6.3. Duration of Approval

An Approval ends on the date specified by the Approval (or where no date is specified, 12-months from the date of the Approval), or when the nominated Greyhound leaves the custody and control of the Applicant, whichever is sooner.

## 7. USE OF APPROVED BARKING MUZZLE

The Approved Barking Muzzle can only be used on the Greyhound nominated in the Approval.

*Note* – The Approval is for the purposes of the GAR only. Any condition, order or other directive from any entity acting under law, that pertains to the use of the Barking Muzzle, overrules the Approval to the extent of any inconsistency.

## 8. RIGHT OF REVIEW

- (a) If the Controlling Body refuses the application or approves the application with further conditions alleged by the Applicant to be manifestly excessive, the Applicant may apply to the Controlling Body for a review of the decision.
- (b) An application for review must be made to the Controlling Body in writing within ten (10) business days of the Controlling Body notifying the Applicant that the application was refused and state the grounds of the application.
- (c) The review will not be undertaken by the same officer of the Controlling Body who made the original decision and will be undertaken by an officer of the Controlling Body of the same or higher level of seniority to that of the original decision-maker.
- (d) There is no further right of appeal after a review of the original decision.

## 9. APPLICATION OF THIS POLICY

The Controlling Body may review, amend, or discontinue this Policy from time to time. The Controlling Body may notify Industry of any changes by posting an updated version of the Policy, or a Stewards' Notice, on the Controlling Body's website or other electronic communication.

## 10. VERSION HISTORY

Current version:	1.1	Old version:	N/a	Date made:	27/04/2022	Effective date:	1/05/2022
Policy owner:		IWC / RCM	Enquiries to:	Derek Kordick	Review due:		30/04/2023

## Application for Approval to Use Barking Muzzle on a Nominated Greyhound

Rule 30 of the *Greyhounds Australasia Rules* (effective 1 May 2022) provides –

### 30 Use of Barking Muzzles prohibited

- (1) For the purpose of this rule “Barking Muzzle” means a muzzle of such description or other gear, equipment, apparatus or device, which in the opinion of the Stewards, was designed or intended to be used, in a manner that prevents or limits barking by restricting the ability of a greyhound to open its mouth.
- (2) An offence is committed if a person uses a Barking Muzzle at any time, on any greyhound, unless:
- (a) in circumstances approved by a Controlling Body; or
- (b) used by a veterinarian for the sole purpose of examination or treatment.
- (3) A person who breaches subrule (2) of this rule may be penalised.

This Application is read in conjunction with the *Barking Muzzle Approval Policy* available at [grsa.com.au](http://grsa.com.au). This is a three (3) page application, and all parts (unless excepted) must be completed.

### PART A – THE APPLICANT

Applicant (Registered Person) Name	
Address of Applicant	

### PART B – THE NOMINATED GREYHOUND

Greyhound (race) name	
Greyhound (kennel) name	
Whelp date	
Microchip	
Ear mark	Left / Right (circle)
DACO / Council registration	

### PART C – NOMINATED GREYHOUND LOCATION

Address of Greyhound	
Local Council area	
Are your kennels approved by Council?	Yes / No (circle)    Dogs allowed

### PART D – PROPOSED BARKING MUZZLE

I intend to (tick the option that applies) -

- [ ] Purchase a pre-Approved Barking Muzzle from a veterinarian (*you must confirm with the veterinarian that the Barking Muzzle is pre-approved, otherwise, the muzzle is deemed an existing muzzle*); or,
- [ ] Use existing muzzle possessed by me that will be inspected by a Steward before use.

I apply for approval to use an Approved Barking Muzzle for the nominated Greyhound. I state my grounds for this over the page that I DECLARE this application to be true and correct.

I provide here my CONSENT AND AUTHORITY to release to the Controlling Body, by the veterinarian/s that hold/s records for the nominated Greyhound, to provide a copy of those records to the Controlling Body to assess the application. I am aware of my obligations under L77, *Local Rules 022* that the Controlling Body may require me to obtain records and disclose them to the Controlling Body.

\_\_\_\_\_ (DD) / \_\_\_\_\_ (MM) / \_\_\_\_\_ (YY)  
Signate of Applicant

Please complete over the page /2



**PART E – GROUNDS FOR APPLICATION**

Please tick any question that applies to you and provide further details where necessary.

**Question 1**

<i>Is there a Control (Barking Dog) Order in force against the Greyhound?</i>	Yes / No (circle)	If yes, please <b><u>attach</u></b> a copy of the Order
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**Question 2**

<i>If there a local council requirement to use a Barking Muzzle</i>	Yes / No (circle)	If yes, please <b><u>attach</u></b> a copy of any supporting documentation that mandates use of Barking Muzzle
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**Question 3**

<i>Do you believe that the nominated Greyhound creates a noise, by barking, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace and comfort of another person? (Please also complete barking diary)</i>	
Yes / No (circle)	The grounds for my belief are as follows -
<b><u>(Attach</u></b> extra pages if needed)	

**PART F – CORRECTIVE MEASURES (ONLY COMPLETE IF YOU ANSWERED “YES” TO Q3)**

**Question 3a**

<i>What do you believe the behaviour is that gives rise to the barking?</i>	
<b><u>(Attach</u></b> extra pages if needed)	

**Question 3b**

<i>What behavioural training have you applied to the Greyhound?</i>	
<b><u>(Attach</u></b> extra pages if needed)	

**Question 4**

<i>In the last 2-months, has the Greyhound received any veterinary treatment for any illness, injury, or behavioural condition?</i>	
<b><u>(Attach</u></b> extra pages if needed)	

Please complete over the page /3

**PART G – 5-DAY BARKING DIARY (ONLY COMPLETE IF YOU ANSWERED “YES” TO QUESTION 3)**

Please complete for five (5) days (consecutively) with one (1) day per line.

Date	Time Started	Duration	Mealtime?	Trigger event? (e.g. other dogs, visitors)	Other details

**PART H – APPLICATION ASSESSMENT (TO BE COMPLETED BY CONTROLLING BODY)**

- [ ] APPLICATION ACCEPTED BUT NOT YET APPROVED – Please present your Barking Muzzle for inspection, certification (if required) and fitment of an approved identifying mark. YOUR APPLICATION IS NOT APPROVED UNTIL YOUR BARKING MUZZLE IS CERTIFIED BY A STEWARD.

Name of inspecting Steward			
Date		Certified?	Yes / No (circle)
Signature of inspecting Steward			
Barking Muzzle Identifying Mark			
For Nominated Greyhound			

[To Steward - -please return Barking Muzzle to Applicant and retain this form and forward to Animal Welfare Team]

- [ ] FURTHER INFORMATION REQUIRED –


- [ ] APPLICATION REFUSED – You are not permitted to use a Barking Muzzle under this application.

Name of Assessor			
Date		Reasons supplied?	Yes / No (circle)
Signature of Assessor			

[Note you have a right to review a decision to refuse your application. Please refer to the Barking Muzzle Approval Policy.]

**PART I -RIGHT OF REVIEW (COMPLETE ONLY IF APPLICATION REFUSED)**

I wish to REVIEW the original decision to REFUSE my application (please attach reasons on a separate document).

\_\_\_\_\_ (DD) / \_\_\_\_\_ (MM) / \_\_\_\_\_ (YY)

Signate of Applicant

- [ ] ORIGINAL DECISION UPHELD – You are not permitted to use a Barking Muzzle under this application.

- [ ] ORIGINAL DECISION AMENDED – Please return to Part H of this application.

Name of Reviewer			
Date		Reasons supplied?	Yes / No (circle)
Signature of Reviewer			

**PART J -APPROVAL (TO BE COMPLETED BY CONTROLLING BODY)**

Date of final approval	
Barking Muzzle identifying mark	
For Greyhound	
Extra Conditions (attach to this application)	
Expiry (if not mandatory)	
Approval letter sent	
Entered by	