



New South Wales

Greyhound Racing Prohibition Act 2016 No 36

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
Part 2 Greyhound Racing Administrator	
4 Appointment of Administrator	3
5 Administrator to wind up greyhound racing in NSW	3
6 Administrator to manage affairs of Greyhound Racing NSW	3
7 Amendment of Greyhound Racing Act 2009 on appointment of Administrator	3
8 Remuneration and other conditions of appointment of Administrator	3
9 Cessation of office of Administrator	3
10 Personal liability of Administrator	4
Part 3 Transition before closure of greyhound racing	
11 Administrator to continue greyhound racing until closure date	5
12 Greyhound racing closure business plan	5
13 Conduct of winding up of Greyhound Racing NSW	5

	Page	
Part 4	Closure of greyhound racing	
14	Greyhound racing and betting prohibited	7
15	Termination of club racecourse licences and cancellation of registration of clubs and trial tracks	7
16	Keeping of greyhounds for greyhound racing prohibited	7
17	Breeding of greyhounds for greyhound racing prohibited	8
18	Continuation of certain greyhound racing provisions after greyhound racing closure date	8
Part 5	Welfare of greyhounds	
19	Definitions: Part 5	9
20	Greyhound authority to be notified of transfer of greyhound	9
21	Consent of greyhound authority required in certain other cases	9
22	Disciplinary action by Greyhound Racing NSW	10
23	Repeal of Greyhound Racing Regulation 2016	10
Part 6	Repeal of Greyhound Racing Act 2009 and dissolution of Greyhound Racing NSW	
24	Repeal of Greyhound Racing Act 2009 No 19	11
25	Dissolution of Greyhound Racing NSW	11
26	Final Greyhound Racing NSW financial statements	11
27	Records of Greyhound Racing NSW	11
28	Dissolution of Greyhound Racing Industry Consultation Group	12
Part 7	Miscellaneous	
29	Compensation not payable by or on behalf of State	13
30	Disqualification from greyhound racing following conviction for offence against Act or regulations	13
31	Nature of proceedings for offences	13
32	Penalty notices	13
33	Regulations	14
Schedule 1	Amendment of Greyhound Racing Act 2009 No 19 on appointment of Administrator	15
Schedule 2	Consequential amendment of other Acts and instruments	18

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Greyhound Racing Prohibition Act 2016*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by this section.
- (2) The following provisions of this Act commence on a day or days to be appointed by proclamation:
 - (a) section 17 (Breeding of greyhounds for greyhound racing prohibited),
 - (b) section 24 (Repeal of *Greyhound Racing Act 2009*) and section 25 (Dissolution of Greyhound Racing NSW),
 - (c) Schedule 2 (Consequential amendment of other Acts and instruments).
- (3) The day appointed for the commencement of sections 24 and 25 cannot be earlier than the greyhound racing closure date.

3 Definitions

- (1) In this Act:

Administrator means the Greyhound Racing Administrator appointed under Part 2.

function includes a power, authority or duty, and **exercise** a function includes perform a duty.

greyhound racing means racing between greyhounds in competitive pursuit of an artificial lure, and includes:

 - (a) a greyhound trial or training race, and
 - (b) racing in a test of speed of a greyhound or of greyhounds competing separately.

greyhound racing closure date means 1 July 2017.

Greyhound Racing NSW means Greyhound Racing New South Wales constituted under the *Greyhound Racing Act 2009*.

greyhound racing rules means the rules made under the *Greyhound Racing Act 2009*.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.
- (2) Notes included in this Act do not form part of this Act.

Part 2 Greyhound Racing Administrator

4 Appointment of Administrator

- (1) As soon as practicable after the date of assent to this Act, the Minister is to appoint, by notice published in the Gazette, an individual as the Greyhound Racing Administrator.
- (2) Subject to this Part, the Administrator holds office for the period specified in the notice of the Administrator's appointment. The period may extend beyond the greyhound racing closure date.

5 Administrator to wind up greyhound racing in NSW

- (1) The Administrator is to wind up, in accordance with this Act, greyhound racing in New South Wales and the affairs of Greyhound Racing NSW.
- (2) The Administrator may engage any body or person with relevant expertise to assist the Administrator.

6 Administrator to manage affairs of Greyhound Racing NSW

- (1) On the appointment of the Administrator:
 - (a) Greyhound Racing NSW ceases to consist of the members appointed under section 6 of the *Greyhound Racing Act 2009*, and
 - (b) the chief executive officer of Greyhound Racing NSW ceases to hold that office.
- (2) Until the dissolution of Greyhound Racing NSW by this Act, the affairs of Greyhound Racing NSW are to be managed and controlled by the Administrator.
- (3) Any act, matter or thing done in the name of, or on behalf of, Greyhound Racing NSW by the Administrator is taken to have been done by Greyhound Racing NSW.
Note. Section 5 of the *Greyhound Racing Act 2009* provides that Greyhound Racing NSW is not subject to direction or control by or on behalf of the Government. Accordingly, the Administrator will not be subject to Ministerial control in managing the affairs of Greyhound Racing NSW.

7 Amendment of Greyhound Racing Act 2009 on appointment of Administrator

The *Greyhound Racing Act 2009* is amended as set out in Schedule 1 on the date notice of the Administrator's appointment is published in the Gazette.

8 Remuneration and other conditions of appointment of Administrator

- (1) The Minister may determine the remuneration and other conditions of appointment of the Administrator.
- (2) The remuneration and other expenses of the Administrator are payable by Greyhound Racing NSW.

9 Cessation of office of Administrator

- (1) The Minister may, by notice published in the Gazette, remove the Administrator from office at any time.
- (2) The Administrator ceases to hold office:
 - (a) on the expiry of the Administrator's term of office, or
 - (b) if the Administrator resigns the office by instrument in writing addressed to the Minister, or
 - (c) if the Administrator is removed from office by the Minister under this section.

- (3) If the Administrator ceases to hold office, the Minister may appoint another individual as the Greyhound Racing Administrator.

10 Personal liability of Administrator

- (1) A matter or thing done or omitted to be done by the Administrator or a person acting under the direction of the Administrator does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act or the *Greyhound Racing Act 2009*, subject the Administrator or a person so acting personally to any action, claim or demand.
- (2) Any such liability attaches instead to Greyhound Racing NSW or (after its dissolution) to the Crown.

Part 3 Transition before closure of greyhound racing

11 Administrator to continue greyhound racing until closure date

The Administrator is to facilitate, as far as reasonably practicable during the winding up, the continued operation of greyhound racing in New South Wales until the greyhound racing closure date.

12 Greyhound racing closure business plan

- (1) The Administrator is to prepare, as soon as possible after being appointed, a draft business plan for the winding up of greyhound racing in New South Wales and the affairs of Greyhound Racing NSW.
- (2) The Administrator is to provide the draft to the Minister. The Minister may approve the draft business plan, with or without modification.
- (3) The Minister may, from time to time, approve changes to the approved business plan.
- (4) The Administrator is to exercise functions under this Act and the *Greyhound Racing Act 2009*, as far as reasonably practicable, in accordance with the approved business plan.
- (5) The Administrator is to make the approved business plan available to the public.

13 Conduct of winding up of Greyhound Racing NSW

- (1) The winding up of Greyhound Racing NSW is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to such of the provisions of Division 4 of Part 5.5 (Voluntary winding up) and Part 5.6 (Winding up generally) of the *Corporations Act 2001* of the Commonwealth (the **Commonwealth Act**) as are designated by the regulations under this Act, subject to the following modifications to the provisions of Parts 5.5 and 5.6 so designated:
 - (a) the functions of winding up the affairs of Greyhound Racing NSW may be exercised by the Administrator appointed by the Minister under this Act,
 - (b) a reference in Division 4 of Part 5.5 of the Commonwealth Act to a company is to be read as a reference to Greyhound Racing NSW,
 - (c) such other modifications (within the meaning of Part 3 of the *Corporations (Ancillary Provisions) Act 2001*) as may be prescribed by the regulations under this Act.

Note. Part 3 of the *Corporations (Ancillary Provisions) Act 2001* provides for the application of provisions of the *Corporations Act 2001* and Part 3 of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth as laws of the State in respect of any matter declared by a law of the State (whether with or without modification) to be an applied Corporations legislation matter for the purposes of that Part in relation to those Commonwealth provisions. Section 14 (2) of the *Corporations (Ancillary Provisions) Act 2001* ensures that a declaration made for the purposes of Part 3 of that Act only operates to apply a provision of the Corporations legislation to a matter as a law of the State if that provision does not already apply to the matter as a law of the Commonwealth. If a provision referred to in a declaration already applies as a law of the Commonwealth, nothing in the declaration will affect its continued operation as a law of the Commonwealth.

- (2) The regulations under this Act may provide for the Australian Securities and Investments Commission to exercise a function under any provision of the Commonwealth Act that is the subject of the declaration under subsection (1), but only if:
 - (a) the Australian Securities and Investments Commission is to exercise that function pursuant to an agreement of the kind referred to in section 11 (8) or

- (9A) (b) of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth, and
- (b) the Australian Securities and Investments Commission is authorised to exercise that function under section 11 of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth.
- (3) Section 17 of the *Corporations (Ancillary Provisions) Act 2001* has effect in relation to a regulation under subsection (2) as if subsection (1) had expressly made provision for the Australian Securities and Investments Commission to exercise the functions concerned.
- Note.** Section 25 provides for the dissolution of Greyhound Racing NSW on the repeal by this Act of the *Greyhound Racing Act 2009* on the date proclaimed under section 2.

Part 4 Closure of greyhound racing

14 Greyhound racing and betting prohibited

On and after the greyhound racing closure date, a person must not:

- (a) conduct a meeting for greyhound racing in New South Wales, or
- (b) operate a greyhound trial track in New South Wales to enable a greyhound to compete in a trial or be trained in racing (including any greyhound owned or leased by the person), or
- (c) officiate at, or otherwise participate in, greyhound racing at any such meeting or trial track, or
- (d) provide betting services (within the meaning of the *Betting and Racing Act 1998*) in relation to greyhound racing in New South Wales.

Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.

15 Termination of club racecourse licences and cancellation of registration of clubs and trial tracks

On the greyhound racing closure date:

- (a) any racecourse licence under the *Betting and Racing Act 1998*, to the extent that it authorises a meeting for greyhound racing, is terminated, and
- (b) any registration under the *Greyhound Racing Act 2009* of a greyhound racing club or greyhound trial track is cancelled.

16 Keeping of greyhounds for greyhound racing prohibited

- (1) On and after the greyhound racing closure date, a person must not keep a greyhound in New South Wales for greyhound racing in or outside New South Wales.

Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.

Note. On the relevant commencement date, a greyhound registered for greyhound racing will no longer be exempt from the requirement to be registered under section 9 of the *Companion Animals Act 1998* (see amendments to the regulations under that Act made by Schedule 2 to this Act).

- (2) During a transition period (commencing on that closure date) that is prescribed by the regulations, it is a defence to a prosecution for an offence under this section if the person charged establishes that:
 - (a) the greyhound was registered under the greyhound racing rules before the greyhound racing closure date and the person kept the greyhound concerned before that date for greyhound racing, and
 - (b) the greyhound was kept after that date only for greyhound racing outside New South Wales, and
 - (c) the person complied with any requirements prescribed by the regulations for the purposes of this subsection.
- (3) The regulations may authorise the continued operation of a greyhound trial track to enable a greyhound referred to in subsection (2) to be trained in racing during the transition period. The operation of a greyhound trial track in accordance with any such regulation, and participation in racing at any such trial track, is a defence to a prosecution for an offence under section 14.
- (4) It is a defence to a prosecution for an offence under this section if the person charged establishes any defence provided by the regulations.
- (5) In this section, *keep* a greyhound does not include transport the greyhound in New South Wales to a place outside New South Wales.

17 Breeding of greyhounds for greyhound racing prohibited

- (1) A person must not breed greyhounds.
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.
Note. This section will commence on a date appointed by proclamation under section 2.
- (2) It is a defence to a prosecution for an offence under this section if the person charged establishes that the person bred the greyhound concerned as a companion animal and not for greyhound racing or establishes any other defence provided by the regulations.

18 Continuation of certain greyhound racing provisions after greyhound racing closure date

- (1) After the greyhound racing closure date, the following provisions of the *Greyhound Racing Act 2009* and the greyhound racing rules continue to have effect, whether or not they have been repealed by this Act, in relation to acts or omissions occurring before that closure date:
 - (a) the provisions of that Act and those rules relating to the appointment and functions of the Greyhound Racing Integrity Auditor,
 - (b) the provisions of that Act and those rules relating to the conduct of inquiries, investigations and reports in relation to greyhound racing,
 - (c) the provisions of that Act and those rules relating to the disqualification of greyhounds from participating in a race, the prohibition of persons from participating in or associating with greyhound racing and the imposition of penalties on registered persons,
 - (d) any other provisions of that Act and those rules relating to matters arising from greyhound racing held before the greyhound racing closure date.
- (2) After the greyhound racing closure date, the provisions of the *Racing Appeals Tribunal Act 1983* relating to greyhound racing continue to have effect, whether or not they have been repealed by this Act, in relation to decisions made before that closure date or made after that date under the provisions that continue to have effect in accordance with subsection (1).

Part 5 Welfare of greyhounds

19 Definitions: Part 5

- (1) In this Part:
- registered greyhound** means a greyhound registered by Greyhound Racing NSW under the greyhound racing rules before the greyhound racing closure date or born to such a registered greyhound.
- transfer** a greyhound means transfer ownership of the property in the greyhound by any means, including by sale, gift or surrender.
- (2) If this Part continues to have effect after the dissolution of Greyhound Racing NSW, a reference in this Part to Greyhound Racing NSW is a reference to the person or body designated by the regulations.

20 Greyhound authority to be notified of transfer of greyhound

- (1) This section has effect until the greyhound racing closure date and for such further period as may be prescribed by the regulations.
- (2) The owner of a registered greyhound must notify Greyhound Racing NSW in writing before transferring the greyhound:
- (a) to any other person who is registered as a greyhound owner under the greyhound racing rules or under the law of any other State or Territory, or
 - (b) to a person or body conducting a greyhound adoption program.
- Maximum penalty: 10 penalty units.
- (3) In this section, a **greyhound adoption program** means a program conducted in accordance with a protocol approved by the Royal Society for the Prevention of Cruelty to Animals, New South Wales, or the Animal Welfare League, New South Wales, for removing greyhounds from greyhound racing and for their acquisition by persons assessed to be suitable to care for the greyhounds.

21 Consent of greyhound authority required in certain other cases

- (1) This section has effect until the greyhound racing closure date and for such further period as may be prescribed by the regulations.
- (2) The owner of a registered greyhound must not, except with the written consent of Greyhound Racing NSW:
- (a) retire the greyhound from racing, or
 - (b) export the greyhound to a country other than Australia, or
 - (c) transfer the greyhound to a person who is not registered as a greyhound owner under the greyhound racing rules or under the law of any other State or Territory, or
 - (d) destroy the greyhound or cause it to be destroyed.
- Maximum penalty: 50 penalty units.
- (3) Despite subsection (2) (a)–(c), the consent of Greyhound Racing NSW is not required if Greyhound Racing NSW has been notified of the transfer of the greyhound in accordance with this Part.
- (4) Despite subsection (2) (d), the consent of Greyhound Racing NSW is not required if the greyhound is destroyed by a veterinary practitioner in an emergency in order to relieve it of suffering or distress due to injury or illness.

- (5) Greyhound Racing NSW may give consent under subsection (2) only if it is satisfied that the greyhound is to be appropriately cared for or humanely destroyed (as the case requires).

22 Disciplinary action by Greyhound Racing NSW

- (1) If a person contravenes this Part, Greyhound Racing NSW may, in accordance with the rules under the *Greyhound Racing Act 2009*, do either or both of the following:
- (a) disqualify the person,
 - (b) prohibit the person from participating in or associating with greyhound racing in any specified capacity.
- (2) Any such action may be taken in respect of a person even though the person is no longer registered under the greyhound racing rules or has not been convicted of an offence in respect of the contravention.
- (3) This section does not limit any other disciplinary action that may be taken by Greyhound Racing NSW in accordance with the greyhound racing rules.

23 Repeal of Greyhound Racing Regulation 2016

The *Greyhound Racing Regulation 2016* is repealed.

Part 6 Repeal of Greyhound Racing Act 2009 and dissolution of Greyhound Racing NSW

24 Repeal of Greyhound Racing Act 2009 No 19

The *Greyhound Racing Act 2009*, and the rules made under that Act, are repealed.

Note. This section and section 25 will commence on a date appointed by proclamation under section 2, being a date that is not earlier than the greyhound racing closure date.

25 Dissolution of Greyhound Racing NSW

- (1) On the repeal of the *Greyhound Racing Act 2009*, Greyhound Racing NSW constituted under that Act is dissolved.
- (2) Any assets, rights or liabilities of Greyhound Racing NSW become, on its dissolution, the assets, rights and liabilities of the Crown.
Note. This provision would apply to any residual assets, rights and liabilities not dealt with by the Administrator.
- (3) Any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by Greyhound Racing NSW is authorised or required to be done by the Administrator or other person appointed by the Minister for the purpose.
- (4) In this section:

assets means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

liabilities means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

rights means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

26 Final Greyhound Racing NSW financial statements

- (1) The Administrator is to make arrangements for the preparation, auditing and publication of financial statements of Greyhound Racing NSW in accordance with Australian Accounting Standards for the period before its dissolution for which financial statements have not been previously prepared, audited and published.
- (2) The Administrator may, for that purpose, require a person who was the chief executive officer or another member of staff of Greyhound Racing NSW before its dissolution to exercise any functions with respect to those financial statements that the person would have been required to exercise if Greyhound Racing NSW had not been dissolved.

27 Records of Greyhound Racing NSW

- (1) The Minister may, at any time after the date of assent to this Act and until the dissolution of Greyhound Racing NSW, require Greyhound Racing NSW to produce any specified record or class of records of Greyhound Racing NSW and may make information in the record or records publicly available.
- (2) On the dissolution of Greyhound Racing NSW by this Act, the records of Greyhound Racing NSW are transferred by the operation of this section to the custody of the Department of Justice. The Department of Justice may provide the same access to those records to any person or body that Greyhound Racing NSW could have provided but for its dissolution.

- (3) The *State Records Act 1998* and other laws of New South Wales apply to those records as if they were the records of the Department of Justice.
- (4) In this section, *records* has the same meaning it has in the *State Records Act 1998*.

28 Dissolution of Greyhound Racing Industry Consultation Group

- (1) On the greyhound racing closure date, the Greyhound Racing Industry Consultation Group established under the *Greyhound Racing Act 2009* is dissolved.
- (2) The persons who were members of the Greyhound Racing Industry Consultation Group immediately before its dissolution cease to be members and are not entitled to any remuneration or compensation because of the loss of that office.

Part 7 Miscellaneous

29 Compensation not payable by or on behalf of State

- (1) Compensation is not payable by or on behalf of the State:
 - (a) because of the enactment or operation of this Act, or for any consequence of that enactment or operation, or
 - (b) because of any statement or conduct relating to the enactment or operation of this Act, or
 - (c) because of the exercise by the Minister or Administrator (or a person acting under the direction of the Minister or Administrator) of any function under this Act or the *Greyhound Racing Act 2009* (including any failure or delay in exercising a function).
- (2) This section extends to statements, conduct and other matters occurring before the commencement of this section.
- (3) In this section:

compensation includes damages or any other form of monetary compensation.

conduct includes any act or omission, whether unconscionable, misleading, deceptive or otherwise.

operation of this Act includes the operation of anything done under this Act and any contract or other agreement entered into for the purposes of this Act.

statement includes a representation of any kind:

 - (a) whether made verbally or in writing, and
 - (b) whether negligent, false, misleading or otherwise.

the State means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes a public sector agency and an officer, employee or agent of the Crown or of a public sector agency.

30 Disqualification from greyhound racing following conviction for offence against Act or regulations

- (1) A court that convicts a person of an offence against this Act or the regulations may declare that the person is disqualified from greyhound racing for the period specified by the court.
- (2) A person declared to be so disqualified is taken to have been disqualified by the controlling body for greyhound racing in New South Wales.
- (3) This section applies before and after the greyhound racing closure date.

Note. The rules of greyhound racing in other States and Territories provide for the disqualification of persons in those States and Territories if they are disqualified in another State or Territory.

31 Nature of proceedings for offences

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.

32 Penalty notices

- (1) A police officer, or an officer authorised by the regulations, may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.
Note. The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

33 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) A regulation may create an offence punishable by a penalty not exceeding 100 penalty units.
- (3) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (4) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (5) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Schedule 1 Amendment of Greyhound Racing Act 2009 No 19 on appointment of Administrator

(Section 7)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Administrator means the Greyhound Racing Administrator appointed under Part 2 of the *Greyhound Racing Prohibition Act 2016*.

[2] Section 3 (1), definition of “racing official”

Omit “a member of GRNSW, the chief executive officer of GRNSW,”.

Insert instead “the Administrator,”.

[3] Section 3 (1), definition of “Selection Panel”.

Omit the definition.

[4] Section 3A

Insert after section 3:

3A Act subject to Greyhound Racing Prohibition Act 2016

This Act has effect subject to the *Greyhound Racing Prohibition Act 2016*.

[5] Section 4 Constitution of Greyhound Racing New South Wales

Insert at the end of the section:

Note. GRNSW will be dissolved on the repeal of this Act by the *Greyhound Racing Prohibition Act 2016*. Until its dissolution, the functions of GRNSW will be exercised by the Greyhound Racing Administrator appointed under that Act.

[6] Section 6 Membership

Omit the section.

[7] Section 7 Selection Panel

Omit the section.

[8] Section 8 Review of appointments process

Omit the section.

[9] Section 9 Functions of GRNSW

Omit section 9 (2) (c).

[10] Section 12 Consultation and planning

Omit the section.

[11] Section 13 Chief executive officer of GRNSW

Omit the section.

[12] Section 14 Staff of GRNSW

Omit “(including the chief executive officer of GRNSW)” from section 14 (2).

[13] Section 17 Registration of greyhound racing clubs and trial tracks

Insert after section 17 (2):

- (3) GRNSW must not register any additional greyhound racing club or greyhound trial track after the commencement of this subsection.

[14] Section 18 Registration of greyhounds and persons associated with greyhound racing

Insert after section 18 (2):

- (3) GRNSW must not register any additional person under subsection (1) on or after 1 July 2017.

[15] Section 19 Registration of bookmakers

Insert after section 19 (1):

- (1A) GRNSW must not register any additional bookmakers in relation to greyhound racing on or after 1 July 2017.
- (1B) A bookmaker who is registered under this Act by GRNSW and who has applied before 1 July 2017 for a licence as a bookmaker under the *Thoroughbred Racing Act 1996* or for registration as a bookmaker under the *Harness Racing Act 2009* (but whose application has not been determined by 1 January 2017), is taken to be so licensed or registered until the application is determined. This subsection is subject to any requirements or exceptions made by the regulations under the *Greyhound Racing Prohibition Act 2016*.

[16] Section 30 Greyhound racing clubs to provide information and documents

Omit “or (c)”.

[17] Section 34 Eligibility for membership

Omit section 34 (1) (a) and (b).

[18] Section 37 Expenses

Omit “members of GRNSW, the chief executive officer of GRNSW and the other staff”.

Insert instead “the Administrator and staff”.

[19] Section 42

Omit the section. Insert instead:

42 Delegation

- (1) The Administrator may delegate the exercise of the Administrator’s functions (other than this power of delegation) to any member of staff of GRNSW or of a Public Service agency or to any person of a class approved by the Minister.
- (2) Until revoked by the Administrator, any delegation to a member of staff of GRNSW under this section (as in force before the appointment of the Administrator) is taken to be a delegation of the Administrator.

[20] Section 43 Protection from person liability

Omit “GRNSW or” from section 43 (b).

[21] Section 43 (c)

Omit the paragraph.

[22] Section 43

Omit “, chief executive officer”.

[23] Section 44 Authentication of certain documents

Omit “the Chairperson of GRNSW, the chief executive officer of GRNSW or another member of staff of GRNSW authorised to do so by the chief executive officer”.

Insert instead “the Administrator or a member of staff of GRNSW authorised to do so by the Administrator”.

[24] Section 45 Proof of certain matters not required

Omit section 45 (c).

[25] Section 49 Review of Act

Omit the section.

[26] Schedule 1 Provisions relating to members of GRNSW

Omit the Schedule.

[27] Schedule 2 Provisions relating to GRICG

Omit clause 6.

Schedule 2 Consequential amendment of other Acts and instruments

2.1 Australian Jockey and Sydney Turf Clubs Merger Act 2010 No 93

[1] Section 10 Appointment of directors of merged racing club

Omit “Greyhound Racing New South Wales under the *Greyhound Racing Act 2009* or” from section 10 (4) (e).

[2] Schedule 1 Mandatory corporate governance provisions

Omit the definitions of *Greyhound Racing Act* and *GRNSW* from clause 1 (1).

[3] Schedule 1, clauses 5 (3) (d) and 7 (1) (j)

Omit “GRNSW under the Greyhound Racing Act or” wherever occurring.

2.2 Betting and Racing Act 1998 No 114

[1] Section 4 Definitions

Omit the definition of *meeting for greyhound racing* from section 4 (1).

[2] Section 4 (1), definition of “race”

Omit “greyhound race,”.

[3] Section 4 (1), definition of “race meeting”

Omit “, meeting for greyhound racing”.

[4] Section 4 (1), definition of “racing controlling body”

Omit paragraph (c).

[5] Section 4 (1), definition of “trial meeting”

Omit “or greyhounds”.

[6] Section 4 (1A)

Insert after section 4 (1):

- (1A) In this Act, a reference to a race or race meeting includes (unless the context or subject-matter otherwise requires) a reference to a greyhound race, or meeting for greyhound racing, held outside New South Wales.

[7] Section 7 Issue and classes of racecourse licence

Omit section 7 (2) (c).

[8] Section 27 Definitions

Omit “or greyhound” wherever occurring in the definition of *NSW race field information*.

[9] Section 27, definition of “relevant racing control body”

Omit paragraph (c).

2.3 Companion Animals Regulation 2008

[1] Clause 4 Categories of identified companion animals

Omit “(other than greyhounds registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009*)” from clause 4 (1) (b).

[2] Clause 4 (1)

Omit clause 4 (1) (e) and the note to the subclause.

[3] Clause 4 (2)

Omit “, category 4 or category 5”. Insert instead “or category 4”.

[4] Clause 16 Exemptions from registration requirement

Omit clause 16 (g).

[5] Clause 30 Notification of changes and events by owners of identified companion animals

Omit “, category 4 or category 5” from clause 30 (3). Insert instead “or category 4”.

[6] Clause 33B Exemption from muzzling for certain greyhounds

Insert after clause 33B (1):

- (1A) A greyhound is exempt from the requirement under section 15 of the Act to have a muzzle securely fixed on its mouth if it was born in New South Wales after 1 July 2017 and has not been trained for greyhound racing.

[7] Clause 33B (2)

Omit “The exemption”. Insert instead “An exemption under this clause”.

2.4 Crimes (Criminal Organisations Control) Act 2012 No 9

Section 27 Prohibition on carrying on of certain activities when interim control order or control order takes effect

Omit paragraph (l) of the definition of *prescribed activity* in section 27 (6). Insert instead:

- (l) carrying out the activities of an owner, trainer or other person associated with harness racing who is required to be registered under the *Harness Racing Act 2009*,

2.5 Defamation Act 2005 No 77

[1] Schedule 1 Additional publications to which absolute privilege applies

Omit “GRNSW and” from the heading to clause 12.

[2] Schedule 1, clause 12 (a)

Omit the paragraph.

[3] Schedule 1, clause 12 (c)

Omit “Greyhound Racing Integrity Auditor under the *Greyhound Racing Act 2009* or the”.

2.6 Harness Racing Act 2009 No 20

[1] Section 3 Definitions

Omit the definition of *GRNSW* from section 3 (1).

[2] Section 6 Membership

Omit section 6 (2) (d).

[3] Section 15 Arrangements for use of staff and facilities of Racing New South Wales

Omit “GRNSW or” wherever occurring in section 15 (1), (3) and (4).

[4] Section 19 Registration of bookmakers

Omit “greyhound,” from section 19 (5) (a).

[5] Section 24 Appointment of Integrity Auditor

Omit section 24 (4) and (5).

2.7 Land Tax Management Act 1956 No 26

Section 10 Land exempted from tax

Omit “, trotting-racing or greyhound-racing” wherever occurring in section 10 (1) (i).

Insert instead “or trotting-racing”.

2.8 Liquor Act 2007 No 90

Section 4 Definitions

Omit “, Harness Racing New South Wales or Greyhound Racing New South Wales” from the definition of *racing club* in section 4 (1).

Insert instead “or Harness Racing New South Wales”.

2.9 Lotteries and Art Unions Act 1901 No 34

Section 4D Sweepstakes in relation to Melbourne Cup and other events

Omit paragraph (f) of the definition of *prescribed organisation* in section 4D (1).

2.10 Racing Appeals Tribunal Act 1983 No 199

[1] Long title

Omit “*Greyhound Racing Act 2009* and the”.

[2] Section 4 Definitions

Omit the definition of *GRNSW* from section 4 (1).

[3] Part 3, Division 2, heading

Omit “greyhound racing or”.

[4] Section 15A Appeals to Tribunal relating to greyhound racing

Omit the section.

[5] Section 17A Determination of appeals relating to harness racing

Omit “15A or” from section 17A (1).

[6] Section 17A (1) (b)

Omit “GRNSW or”.

[7] Section 20 Expenses of Tribunal

Omit section 20 (1) (b).

[8] Section 20 (2)

Omit “, GRNSW” wherever occurring.

2.11 Racing Appeals Tribunal Regulation 2015

[1] Clause 3 Definitions

Omit paragraph (b) of the definition of *Secretary* in clause 3 (1).

[2] Clause 3 (1), definition of “the rules”

Omit paragraph (b).

[3] Part 2, Division 3, heading

Omit “greyhound racing or”.

[4] Clause 9 Decisions from which an appeal lies to Tribunal

Omit “15A or” from clause 9 (1).

[5] Clause 9 (1) (c) (i), (e) and (i)

Omit the subparagraph and paragraphs.

[6] Clause 10 Procedure for appeals

Omit “15A or” from clause 10 (1).

[7] Clause 10 (2) (b)

Omit the paragraph.

[8] Clause 19 Costs

Omit “, GRNSW” from clause 19 (1).

[9] Clause 19 (1)

Omit “, a greyhound racing club”.

2.12 Registered Clubs Act 1976 No 31

Section 30 Rules of registered clubs

Omit section 30 (5A) (c).

2.13 Sporting Bodies' Loans Guarantee Act 1977 No 3

Section 2 Definitions

Omit "or greyhound" from section 2 (a).

2.14 Sporting Venues (Invasions) Act 2003 No 44

Section 3 Definitions

Omit paragraph (c) of the definition of *controlling body* in section 3 (1).

2.15 Thoroughbred Racing Act 1996 No 37

[1] Section 3 Definitions

Omit the definition of *GRNSW* from section 3 (1).

[2] Section 6 Membership

Omit "GRNSW under the *Greyhound Racing Act 2009* or" from section 6 (2) (d).

[3] Section 18A Arrangements for use of staff and facilities of HRNSW

Omit "or GRNSW" wherever occurring in section 18A (1), (3) and (4).

2.16 Totalizator Act 1997 No 45

Section 70A Tax Reduction Trust Fund

Insert "or in connection with the winding up of greyhound racing" after "Greyhound Racing New South Wales" in section 70A (3) (a).

[Second reading speech made in—
Legislative Council on 10 August 2016
Legislative Assembly on 11 August 2016]