



New South Wales

# Greyhound Racing Regulation 2018

under the

Greyhound Racing Act 2017

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Greyhound Racing Act 2017*.

PAUL TOOLE, MP  
Minister for Racing

## Explanatory note

The objects of this Regulation are as follows:

- (a) to provide for the continuation of the *GRNSW Greyhound Racing Rules* made under the *Greyhound Racing Act 2009* during a transition period,
- (b) to enable the delegation of the functions of the Greyhound Welfare and Integrity Commission (the **Commission**) to any committee established by the Commission,
- (c) to prescribe matters to be included in the annual report of the Commission and of Greyhound Racing New South Wales,
- (d) to specify procedural matters such as the time in which submissions in relation to proposed disciplinary actions and applications for internal reviews must be made, and matters that may be certified as evidence,
- (e) to prescribe penalty notice offences.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters of a savings or transitional nature.

This Regulation is made under the *Greyhound Racing Act 2017*, including sections 10 (c), 15 (b), 28 (3), 91 (3) (c), 96, 100 (2) (e) and 101 (the general regulation-making power) and clause 1 of Schedule 4.

## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Delegation of functions of Commission	3
5 Annual report of Commission	3
6 Annual report of GRNSW	3
7 Submissions relating to proposed disciplinary action	4
8 Internal reviews	4
9 Certificate evidence	4
<b>Schedule 1</b>	
<b>Schedule 2</b>	
<b>Penalty notice offences</b>	<b>5</b>
<b>Amendment of Greyhound Racing Act 2017 No 13</b>	<b>6</b>

## Greyhound Racing Regulation 2018

under the

Greyhound Racing Act 2017

### 1 Name of Regulation

This Regulation is the *Greyhound Racing Regulation 2018*.

### 2 Commencement

This Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Greyhound Racing Act 2017*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Delegation of functions of Commission

Any committee established by the Commission under section 13 of the Act is prescribed for the purposes of section 10 (c) of the Act.

### 5 Annual report of Commission

For the purposes of section 15 (b) of the Act, the following particulars are prescribed for the 12-month period to which the report relates:

- (a) details of any direction given by the Minister under section 8 of the Act and the steps taken to comply with the direction,
- (b) a summary of the strategic plan prepared under section 14 of the Act,
- (c) details on the activities of the Welfare Committee.

### 6 Annual report of GRNSW

For the purposes of section 28 (3) of the Act, the following particulars are prescribed for the 12-month period to which the report relates:

- (a) a summary of the minimum standards under section 26 of the Act in connection with the conduct of races and greyhound race meetings,
- (b) a progress report on the implementation of each minimum standard,
- (c) a summary of each strategic plan prepared under section 29 of the Act,
- (d) the number of registered greyhound racing clubs (including the number of new registrations in that period),
- (e) details of any registrations that were suspended or cancelled under section 54 of the Act,

- (f) details of any disciplinary action taken by GRNSW under Division 2 of Part 6 of the Act, including the grounds on which the action was taken,
- (g) details of any greyhound adoption programs managed by or with the approval of GRNSW.

#### **7 Submissions relating to proposed disciplinary action**

Any submission in relation to proposed disciplinary action by the Commission under section 58 of the Act or by GRNSW under section 61 of the Act is to be made:

- (a) within the time specified by the Commission or GRNSW (as the case requires) in the notice given under section 58 (3) or 61 (4) of the Act, and
- (b) in compliance with any requirements specified in the notice.

#### **8 Internal reviews**

- (1) A decision by the Commission to vary or revoke a condition imposed on the registration of a greyhound, greyhound racing industry participant or a greyhound trial track is prescribed as a *reviewable decision* for the purposes of section 91 of the Act.
- (2) For the purposes of section 91 (3) (c) of the Act, an application for an internal review of a decision must:
  - (a) be in a form approved by the Commission, and
  - (b) be accompanied by the fee determined by the Commission, and
  - (c) specify an address to which a notice under section 91 (8) of the Act may be sent.

#### **9 Certificate evidence**

The following additional matters may be certified under section 100 of the Act:

- (a) that a specified registration was or was not suspended or cancelled at a specified time or during a specified period,
- (b) that a specified person was, at a specified time or during a specified period, an authorised officer for the purposes of section 96 of the Act,
- (c) that a specified direction, notice, order, requirement or condition was given, made or imposed under the Act.

## Schedule 1 Penalty notice offences

For the purposes of section 96 of the Act:

- (a) each offence under a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 41	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 42	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 43	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 44	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 45	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 46	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 50 (6)	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 64 (6)	(a) in the case of an individual—\$1,100 (b) in the case of a corporation—\$5,500
Section 82	\$1,100
Section 86 (6)	\$1,100
Section 88 (4)	\$1,100
Section 99 (3)	\$1,100

## Schedule 2 Amendment of Greyhound Racing Act 2017 No 13

### Schedule 4 Savings, transitional and other provisions

Insert after clause 7:

## Part 3 Further provisions consequent on enactment of this Act

### 8 Definitions

In this Part:

**former rules** means the *GRNSW Greyhound Racing Rules* made under the former Act and in force immediately before the repeal of those rules by the new Act.

**new Act** means the *Greyhound Racing Act 2017*.

**operational function** means a function under the former rules that, in the opinion of the Commission, is a function of a kind that may be exercised by GRNSW under the new Act.

**regulatory function** means a function under the former rules that, in the opinion of the Commission, is a function of a kind that may be exercised by the Commission under the new Act.

**transition period** means the period from 1 July 2018 to 30 June 2019.

### 9 Existing registrations

- (1) Any registration, however described, under the former Act and in force immediately before the repeal of the former Act (an **existing registration**) is taken to be a registration under the new Act and any conditions of an existing registration may be enforced under the new Act.
- (2) Unless suspended or cancelled under the new Act, an existing registration continues in force during the transition period.

### 10 Continuation of former rules during transition period

- (1) Despite the repeal of the former rules by the new Act, the former rules continue to apply during the transition period as if the former rules were regulations and rules made under the new Act.
- (2) A reference in the former rules to a Controlling Body (to the extent that the reference is used in relation to greyhound racing in New South Wales) or to GRNSW is taken to be a reference to:
  - (a) in the case of an operational function—GRNSW, or
  - (b) in the case of a regulatory function—the Commission.
- (3) To avoid doubt, during the transition period:
  - (a) section 47 of the new Act applies to the registration of any person, and
  - (b) section 48 (2) of the new Act applies to the registration of any greyhound.

### 11 Existing exemptions relating to keeping of animals

Unless sooner revoked by the Commission, an approval in force under rule 86C (5) of the former rules that relates to the keeping of animals other than possums or rabbits is, during the transition period, taken to be an exemption order in force under section 41 of the new Act.