

[Act 2002 No 38]



New South Wales

Greyhound Racing Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

The *Harness Racing Bill 2002* is cognate with this Bill.

Overview of Bill

The object of this Bill is to repeal the *Greyhound Racing Authority Act 1985* and to replace it with a new Act for the purpose, mainly, of making the following changes:

- (a) to replace the existing Greyhound Racing Authority with new bodies called Greyhound Racing New South Wales (“GRNSW”) and the Greyhound Racing Authority (“the Authority”),
- (b) to provide that GRNSW does not represent the Crown and is responsible for the registration of greyhound racing clubs and greyhound trial tracks and the cancellation of such registration on grounds other than disciplinary grounds and generally for policy on industry development,

* Amended in committee—see table at end of volume.

- (c) to provide that the Authority represents the Crown and is responsible generally for disciplinary matters relating to the regulation of greyhound racing and for the making of rules.

The Bill also amends various Acts consequentially.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides that notes in the text of the proposed Act do not form part of the proposed Act.

Clause 5 enables the Minister to determine which functions under the Act are to be exercised by GRNSW or the Authority and to resolve disputes relating to the exercise of functions by those two bodies.

Part 2 Greyhound Racing NSW and Greyhound Racing Authority

Division 1 Greyhound Racing New South Wales

Clause 6 constitutes Greyhound Racing New South Wales as a body corporate and enables it to use a different name approved by the Minister.

Clause 7 makes it clear that GRNSW and its subsidiaries do not represent the Crown and the State is not responsible for any of their debts, liabilities or obligations unless expressly provided by an Act of Parliament.

Clause 8 sets out the membership of GRNSW.

Clause 9 sets out the functions of GRNSW which include the registration of greyhound racing clubs and greyhound trial tracks and the development and implementation of policies considered conducive to the promotion, strategic development and welfare of the greyhound racing industry in the State.

Clause 10 enables GRNSW to appoint a chief executive officer.

Clause 11 enables GRNSW to appoint other staff.

Clause 12 requires GRNSW to give an annual report of its work and activities to the Minister for tabling in Parliament.

Division 2 Greyhound Racing Authority

Clause 13 constitutes the Greyhound Racing Authority as a body corporate that represents the Crown.

Clause 14 sets out the membership of the Authority.

Clause 15 provides for the appointment of a Chairperson and Deputy Chairperson of the Authority.

Clause 16 sets out the functions of the Authority.

Clause 17 enables the Authority to appoint a chief executive officer.

Clause 18 enables the Authority to appoint other staff.

Part 3 Control and regulation of greyhound racing

Division 1 Registration

Clause 19 provides for GRNSW to register greyhound racing clubs and greyhound trial tracks, subject to the rules.

Clause 20 enables GRNSW to suspend or cancel the registration of greyhound racing clubs or greyhound trial tracks that are not financially viable or for other reasons that are in the best interests of the greyhound racing industry.

Clause 21 provides for the Authority to register greyhounds, owners, trainers, bookmakers and other persons associated with the greyhound racing industry.

Clause 22 enables the Authority to take disciplinary action or to take action in the interests of occupational health and safety, including the suspension or cancellation of any registration under the proposed Act or the imposition of fines.

Clause 23 makes it an offence for a person to manage or control a greyhound trial track which is required to be registered in accordance with the rules and is not registered.

Division 2 Rules

Clause 24 enables the Authority to make rules, not inconsistent with the proposed Act, for or with respect to the control and regulation of greyhound racing and sets out a number of specific rule-making powers. The clause also provides that certain rules with respect to functions to be exercised by GRNSW must be made on the recommendation of GRNSW.

Part 4 Appeals and disciplinary inquiries

Division 1 Rights and procedures concerning appeals and inquiries

Clause 25 defines certain words and expressions for the purposes of the Part. An appeal means an appeal under the Part, and a disciplinary inquiry means a special inquiry (as provided for in the proposed Act) following an appeal, or any other inquiry by the Authority for the purposes of taking disciplinary action.

Clause 26 provides a right of appeal to the Authority or the Tribunal from decisions of stewards or the committee of a greyhound racing club, or of a steward appointed by the Authority, as determined by the regulations. There is also a right of appeal to the Tribunal from decisions of the Authority, as determined by the regulations.

Clause 27 provides for matters of procedure concerning disciplinary inquiries and appeals. These include the power of the Authority to decide whether to conduct its disciplinary inquiries in public or in private, or partly in public and partly in private, and the power to examine witnesses on oath in conducting such inquiries.

Clause 28 provides that the Authority may conduct a special inquiry into a matter decided by the Tribunal on appeal if the Authority receives new information that may have resulted in a substantially different decision had it been given in evidence at the hearing of the appeal. After holding the special inquiry the Authority may decide to take no further action or it may decide the matter differently from the Tribunal. If the latter, the Authority's decision replaces the Tribunal's decision and is not appealable.

Clause 29 contains a regulation-making power in relation to appeals and special inquiries.

Division 2 Greyhound Racing Appeals Tribunal

Clause 30 defines certain words and expressions for the purposes of the provisions relating to the establishment of the Greyhound Racing Appeals Tribunal.

Clause 31 provides for the establishment of the Tribunal.

Clause 32 deals with the appointment of a qualified person as the Tribunal. A qualified person is a judge of any court in New South Wales (including a judicial member of the Industrial Relations Commission), a retired judge of any court or a person qualified to be appointed as a Judge of the District Court.

Clause 33 deals with the appointment of a qualified person to act as the Tribunal.

Clause 34 deals with the appointment of assessors of the Tribunal.

Clause 35 sets out the functions of assessors.

Clause 36 gives effect to Schedule 3 which contains other provisions relating to the Tribunal.

Part 5 Greyhound Racing Industry Participants Advisory Committee

Clause 37 establishes the Greyhound Racing Industry Participants Advisory Committee.

Clause 38 sets out the membership of the Advisory Committee.

Clause 39 provides that certain persons are not eligible for membership.

Clause 40 sets out the functions of the Advisory Committee, which include providing advice to GRNSW and the Authority on industry policy and strategic direction.

Part 6 Administration

Clause 41 requires the Authority to keep records in relation to its own functions and the registration functions of GRNSW.

Clause 42 requires GRNSW and the Authority to meet at least twice a year to coordinate the carrying out of their functions.

Part 7 Finance

Clause 43 provides for the financial year of GRNSW and the Authority.

Clause 44 sets out the expenses under the proposed Act for which GRNSW and the Authority are liable.

Clause 45 enables GRNSW and the Authority to establish accounts.

Clause 46 enables GRNSW and the Authority to determine fees and charges for registration and other business transacted under the proposed Act.

Clause 47 requires GRNSW to obtain the approval of the Minister when borrowing more than \$1,000,000 or such other amount as is prescribed by the regulations or when borrowing a number of amounts in a prescribed period that total more than a prescribed amount.

Clause 48 requires the Authority to prepare, and submit to the Minister for approval, an annual budget. GRNSW is to provide the money to fund that budget out of money given to GRNSW under commercial arrangements required by the *Totalizator Act 1997*.

Part 8 Miscellaneous

Clause 49 provides that the Authority must investigate, and provide a report on, any matter relevant to greyhound racing when directed by the Minister and may investigate and report on any such matter on its own motion.

Clause 50 enables GRNSW and the Authority to require the production of records relating to the affairs of any greyhound racing club or greyhound trial track.

Clause 51 makes it an offence to disclose information obtained in connection with the administration of the proposed Act except in certain circumstances or to certain persons.

Clause 52 enables GRNSW and the Authority to delegate certain functions.

Clause 53 protects members of GRNSW, the Authority and the Advisory Committee, and other specified persons, from personal liability for things done by GRNSW, the Authority or the Advisory Committee.

Clause 54 provides for the authentication of certain documents by GRNSW and the Authority.

Clause 55 deals with certain evidentiary matters.

Clause 56 enables GRNSW and the Authority to recover money owing as a debt.

Clause 57 provides for proceedings for offences against the proposed Act to be dealt with summarily before a Local Court.

Clause 58 enables regulations to be made for the purposes of the proposed Act.

Clause 59 repeals the *Greyhound Racing Authority Act 1985*.

Clause 60 gives effect to Schedule 5 which amends various other Acts consequentially.

Clause 61 gives effect to Schedule 6 which contains savings and transitional provisions.

Clause 62 provides for the Minister to review the proposed Act as soon as possible after five years from the date of assent and to report to Parliament on the review.

Schedule 1 Provisions relating to GRNSW

Schedule 1 contains provisions relating to the members and procedure of GRNSW, including term of office and vacation of office of members, disclosure of pecuniary interests and preparation by GRNSW of a code of conduct for members and delegates of GRNSW.

Schedule 2 Provisions relating to Authority

Schedule 2 contains provisions relating to the members and procedure of the Authority, including term of office and vacation of office of members, disclosure of pecuniary interests and preparation by the Authority of a code of conduct for members and delegates of the Authority.

Schedule 3 Provisions relating to Tribunal

Schedule 3 contains provisions relating to persons appointed as the Tribunal and assessors, including term of office and vacation of office.

Schedule 4 Provisions relating to Advisory Committee

Schedule 4 contains provisions relating to members of the Advisory Committee, including term of office and vacation of office.

Schedule 5 Amendment of other Acts

Schedule 5 contains consequential amendments to other Acts.

Schedule 6 Savings, transitional and other provisions

Schedule 6 enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions.