

# Greyhound Racing Act 2017 No 13

[2017-13]



New South Wales

## Status Information

### Currency of version

Historical version for 3 July 2017 to 3 July 2017 (accessed 14 August 2024 at 10:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 3 July 2017

# Greyhound Racing Act 2017 No 13



New South Wales

## Contents

<b>Long title</b> .....	8
<b>Part 1 Preliminary</b> .....	8
1 Name of Act .....	8
2 Commencement .....	8
3 Definitions .....	8
<b>Part 2 Greyhound Welfare and Integrity Commission</b> .....	11
<b>Division 1 Constitution and management of Commission</b> .....	11
4 Constitution of Commission .....	11
5 The Commissioners .....	11
6 Exercise of Commission's functions .....	12
7 Management of affairs of Commission .....	12
8 Ministerial directions .....	12
9 Staff .....	13
10 Delegation .....	13
<b>Division 2 Objectives and functions of Commission</b> .....	13
11 Principal objectives of Commission .....	13
12 Functions of Commission .....	13
13 Committees .....	14
14 Strategic plans .....	14
15 Annual report of Commission to include additional particulars .....	14

<b>Part 3 Greyhound Racing New South Wales</b> .....	15
<b>Division 1 Constitution and management of GRNSW</b> .....	15
16 Constitution of GRNSW .....	15
17 Board of directors of GRNSW .....	15
18 Role of Board .....	16
19 Chief executive officer of GRNSW .....	16
20 Staff of GRNSW .....	16
21 Delegation .....	16
22 Removal of directors and appointment of administrator .....	16
<b>Division 2 Objectives and functions of GRNSW</b> .....	17
23 Principal objectives of GRNSW .....	17
24 Functions of GRNSW .....	18
25 Operating licence .....	19
26 Minimum standards for conduct of races and greyhound race meetings .....	19
27 GRNSW may require greyhound racing clubs to provide information and documents .....	20
<b>Division 3 Reporting and financial provisions</b> .....	20
28 Annual report of GRNSW .....	20
29 Strategic plans .....	21
30 Financial year .....	21
31 Expenses and accounts .....	21
32 Fees and charges .....	21
<b>Part 4 Welfare of greyhounds</b> .....	22
<b>Division 1 Greyhound Industry Animal Welfare Committee</b> .....	22
33 Establishment of Welfare Committee .....	22
34 Functions of Welfare Committee .....	22
<b>Division 2 Code of practice for welfare of greyhounds</b> .....	23
35 Commission to prepare code of practice .....	23
36 Making of code of practice .....	23
37 Public access to code of practice .....	23

38 Relationship between code of practice and rules .....	24
39 Offence to contravene certain provisions of code of practice.....	24
<b>Division 3 Miscellaneous welfare provisions .....</b>	<b>24</b>
40 Life ban for committing live baiting offence .....	24
41 Prohibition on keeping certain animals on premises where greyhounds are kept etc .....	24
<b>Part 5 Control and regulation of greyhound racing industry .....</b>	<b>25</b>
<b>Division 1 Requirements for registration .....</b>	<b>25</b>
42 Greyhounds generally .....	25
43 Greyhounds must not race or compete in trial etc unless registered .....	25
44 Greyhound racing industry participants .....	26
45 Greyhound racing clubs.....	26
46 Greyhound trial tracks .....	26
<b>Division 2 Registration functions of Commission.....</b>	<b>26</b>
47 General provisions.....	26
48 Registration of greyhounds.....	27
49 Registration of greyhound racing industry participants.....	27
50 Registration of greyhound trial tracks .....	27
51 Suspension or cancellation of registration of public greyhound trial tracks on commercial grounds .....	28
52 Special provisions relating to registration of bookmakers .....	29
<b>Division 3 Registration functions of GRNSW.....</b>	<b>31</b>
53 Registration of greyhound racing clubs .....	31
54 Suspension or cancellation of registration of clubs on commercial grounds .....	31
<b>Division 4 Greyhound racing rules .....</b>	<b>32</b>
55 Rules made by Commission.....	32
56 Consultation with GRNSW.....	33
<b>Part 6 Disciplinary provisions .....</b>	<b>33</b>
<b>Division 1 Disciplinary action by Commission .....</b>	<b>33</b>
57 Definition.....	33

58 Grounds for taking disciplinary action .....	33
59 Disciplinary action that may be taken .....	33
60 Complaints .....	34
<b>Division 2 Disciplinary action by GRNSW .....</b>	<b>34</b>
61 Disciplinary action against greyhound racing clubs.....	34
62 Complaints .....	35
<b>Division 3 Complaints relating to GRNSW’s functions in conducting greyhound race meetings</b>	
.....	35
63 Definition.....	36
64 Inquiries and investigations by Commission in relation to complaint .....	36
65 Action after investigation of complaint.....	37
<b>Part 7 Investigation and enforcement powers .....</b>	<b>37</b>
<b>Division 1 Preliminary .....</b>	<b>37</b>
66 Definition.....	37
67 Purposes for which powers under Part may be exercised.....	37
68 Appointment and identification of inspectors .....	38
69 Arrangements with police and animal welfare bodies .....	38
<b>Division 2 Powers to require information and records .....</b>	<b>38</b>
70 Requirement to provide information and records .....	38
71 Provisions relating to records .....	39
72 Application of Division .....	39
<b>Division 3 Powers of entry and search of premises.....</b>	<b>39</b>
73 Power to enter premises.....	39
74 Entry into residential premises only with permission or warrant.....	39
75 Powers to inspect and seize things.....	39
76 Search warrants .....	40
77 Dealing with seized things.....	41
78 Inspectors may request assistance .....	41

<b>Division 4 Power to question and identify persons</b> .....	42
79 Power of inspectors to require answers .....	42
80 Recording of evidence .....	42
81 Power of inspectors to demand name and address .....	42
<b>Division 5 General</b> .....	43
82 Offences .....	43
83 Provisions relating to requirements to furnish records or information or answer questions .....	43
<b>Part 8 Inquiries into greyhound racing industry</b> .....	44
84 Conduct of inquiries.....	44
85 Person or body conducting inquiries.....	45
86 Procedures at inquiries .....	45
87 Legal representation.....	46
88 Public nature of inquiries .....	46
89 Report of inquiry .....	47
<b>Part 9 Miscellaneous</b> .....	48
90 Exchange of information.....	48
91 Internal review of certain decisions by Commission or stewards.....	49
92 Delegation by Minister.....	50
93 Exclusion of personal liability .....	50
94 Liability etc of unincorporated greyhound racing clubs.....	51
95 Proceedings for offences .....	52
96 Penalty notices .....	52
97 Court may order destruction of animal.....	53
98 Court may order payment of certain costs .....	54
99 Court may make further orders .....	54
100 Certificate evidence of certain matters .....	55
101 Regulations.....	56
102 Review of Act.....	57
<b>Schedule 1 Provisions relating to Commissioners</b> .....	58
<b>Schedule 2 Provisions relating to directors and procedure of Board</b> .....	59

<b>Schedule 3 Provisions relating to members and procedure of Greyhound Industry Animal Welfare Committee</b>	65
<b>Schedule 4 Savings, transitional and other provisions</b>	70
<b>Schedule 5 (Repealed)</b>	71
<b>Schedule 6 Amendments relating to animal welfare</b>	71
<b>Schedule 7 Amendment of other legislation</b>	73
<b>Schedule 8 Repeal of Acts and rules</b>	79

# Greyhound Racing Act 2017 No 13



New South Wales

An Act to regulate greyhound racing and to provide for the welfare of greyhounds; to constitute the Greyhound Welfare and Integrity Commission and to reconstitute Greyhound Racing New South Wales; to repeal the *Greyhound Racing Prohibition Act 2016* and the *Greyhound Racing Act 2009*; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Greyhound Racing Act 2017*.

### 2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 5 commences on the date of assent to this Act.

### 3 Definitions

- (1) In this Act:

**animal welfare body** means an approved charitable organisation within the meaning of the *Prevention of Cruelty to Animals Act 1979*.

**Board** means the board of directors of GRNSW.

**Chief Commissioner** means the Chief Commissioner of the Commission appointed under section 5.

**chief executive officer of the Commission** means the person employed in the Public Service as the chief executive officer of the Commission.

**code of practice** means the code of practice made under section 36 as in force from time to time.

**Commission** means the Greyhound Welfare and Integrity Commission constituted under this Act.



**Commissioner** means the Chief Commissioner or other Commissioner of the Commission appointed under section 5.

**former Act** means the [Greyhound Racing Act 2009](#).

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

**greyhound** means a greyhound that is owned or kept in connection with greyhound racing.

**greyhound race meeting** means an event at which greyhound racing takes place.

**greyhound racing** (or **greyhound race**) means racing between greyhounds in competitive pursuit of an artificial lure activated by mechanical means, 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 club** means a non-proprietary association holding a racecourse licence under the [Betting and Racing Act 1998](#) and includes an association of greyhound racing clubs.

**greyhound racing industry participant** means any of the following persons, whether or not the person is employed or engaged on a full-time basis and whether or not the person receives payment or other consideration for the activity concerned:

- (a) a person who owns, breeds or keeps greyhounds,
- (b) a person who trains greyhounds,
- (c) a person who handles greyhounds at a greyhound race or trial,
- (d) a person who acts as a bookmaker or bookmaker's clerk in connection with greyhound racing,
- (e) a person who provides such health services to greyhounds as are prescribed by the regulations,
- (f) any other person who is of a class of persons associated with greyhound racing that is prescribed by the regulations for the purposes of this definition.

**greyhound racing rules** (or **rules**) means rules made by the Commission under this Act.

**greyhound trial track** means any premises (other than a licensed racecourse) held out by the proprietor as being available for the purpose of enabling greyhounds (other than those owned by or leased to the proprietor) to compete in trials or be trained in

racing, and includes such other premises as are prescribed by the regulations for the purposes of this definition.

**GRNSW** means Greyhound Racing New South Wales constituted under this Act.

**inspector** means a person appointed by the Commission under section 68.

**licensed racecourse** means a racecourse licensed under the [Betting and Racing Act 1998](#) for greyhound race meetings.

**operating licence** means an operating licence granted by the Minister under section 25.

**premises** includes:

- (a) a building or structure, or
- (b) land or a place (whether built on or not), or
- (c) a vehicle or trailer.

**proprietor** of a greyhound trial track means a person who is the owner, lessee or occupier, or who otherwise has the management or control, of the trial track.

**racing club official** means an employee of a greyhound racing club or a person concerned in the management or control of a greyhound racing club and **official of a club** has a corresponding meaning.

**registered** means registered under this Act.

**steward** means a member of staff of the Commission who is appointed by the Commission as a steward for the purposes of this Act.

**transfer** a greyhound means transfer ownership of the property in the greyhound by any means, including by sale, gift or surrender.

**Welfare Committee** means the Greyhound Industry Animal Welfare Committee established under section 33.

**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 Welfare and Integrity Commission**

### **Division 1 Constitution and management of Commission**

#### **4 Constitution of Commission**

- (1) There is constituted by this Act a body corporate with the corporate name of the Greyhound Welfare and Integrity Commission.
- (2) The Commission is, for the purposes of any Act, a NSW Government agency.

**Note—**

See section 13A of the *Interpretation Act 1987*.

- (3) The Commission is not subject to the control and direction of the Minister except to the extent expressly provided for under this or any other Act.

#### **5 The Commissioners**

- (1) The Commission consists of the following members appointed by the Governor on the joint recommendation of the Minister and the Minister for Primary Industries:
  - (a) a Chief Commissioner,
  - (b) 2 other Commissioners.

**Note—**

Schedule 1 contains provisions relating to the Commissioners.

- (2) At least one of the Commissioners must be a person who has been an Australian lawyer for at least 7 years.
- (3) A person is not eligible to be appointed as a Commissioner if the person is or has at any time been:
  - (a) a greyhound racing industry participant, or
  - (b) a proprietor of a greyhound trial track, or
  - (c) a racing club official or a member of a greyhound racing club, or
  - (d) a director of the Board, or
  - (e) a member of GRNSW as constituted under the former Act, or
  - (f) a member of any other body (or body of a class) prescribed by the regulations for the purposes of this section.

## **6 Exercise of Commission's functions**

- (1) Except as otherwise provided by this section, the functions of the Commission are exercisable by a Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by a Commissioner is taken to have been done by the Commission.
- (2) A decision of the Commission to exercise any of the following functions must be authorised by the Chief Commissioner and at least one other Commissioner:
  - (a) the power to make greyhound racing rules,
  - (b) the power to conduct an inquiry under Part 8 or appoint a person to conduct such an inquiry,
  - (c) the power to delegate a function of the Commission.
- (3) A decision of the Commission referred to in subsection (2) is presumed to have been duly authorised unless the contrary is established.
- (4) Except as provided by subsection (2), a decision of the Chief Commissioner prevails in the event of an inconsistency in the decisions of Commissioners with respect to a matter.

## **7 Management of affairs of Commission**

The chief executive officer of the Commission is responsible for the day to day management of the affairs of the Commission and for the implementation of the decisions of the Commissioners.

## **8 Ministerial directions**

- (1) The Minister may give the Commission a written direction with respect to the functions of the Commission if the Minister is satisfied that it is necessary to do so in the public interest.
- (2) The Commission must ensure that the direction is complied with.
- (3) A direction under this section cannot be made in relation to the following matters:
  - (a) the content of any advice, report or recommendation by the Commission,
  - (b) any decision relating to the registration of a particular greyhound, person or greyhound trial track,
  - (c) any decision to institute criminal proceedings for offences under this Act or the regulations or to take disciplinary action under Division 1 of Part 6,
  - (d) any decision relating to the exercise of powers under Part 7.

- (4) The Minister is required to cause a notice to be published in the Gazette setting out the reasons why a direction was given under this section and why it is in the public interest that the direction was given. Any such notice is to be published in the Gazette within 1 month after the direction is given.

## **9 Staff**

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

### **Note—**

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

## **10 Delegation**

The Commission may delegate the exercise of any function of the Commission under this Act (other than this power of delegation) to any of the following:

- (a) a Commissioner,
- (b) the chief executive officer of the Commission or any other member of staff of the Commission,
- (c) any other person or body prescribed by the regulations.

## **Division 2 Objectives and functions of Commission**

### **11 Principal objectives of Commission**

The principal objectives of the Commission are as follows:

- (a) to promote and protect the welfare of greyhounds,
- (b) to safeguard the integrity of greyhound racing and betting,
- (c) to maintain public confidence in the greyhound racing industry.

### **12 Functions of Commission**

The Commission has the following functions:

- (a) to control, supervise and regulate (subject to this Act) greyhound racing in the State,
- (b) to initiate, develop and implement policies relating to the welfare of greyhounds,
- (c) to undertake research and investigation into any aspect of the breeding of greyhounds and of greyhound racing generally,
- (d) to consult with animal welfare bodies in developing changes to legislation relating to

the welfare of greyhounds,

- (e) to provide the Minister with such information, advice or reports as the Minister may request,
- (f) to inform the Minister about any event or matter that may adversely affect the integrity of greyhound racing,
- (g) such other functions as are conferred or imposed on the Commission by or under this or any other Act.

**Note—**

The Commission's other functions under this Act include registering greyhounds, greyhound racing industry participants and greyhound trial tracks, preparing the code of practice for the welfare of greyhounds and making greyhound racing rules.

### **13 Committees**

- (1) The Commission may establish committees to give advice and assistance to the Commission in connection with any of its functions.
- (2) A committee established by the Commission need not include a Commissioner.
- (3) The procedure for the calling of meetings of a committee of the Commission and for the conduct of business at those meetings is to be as determined by the Commission or (subject to any determination of the Commission) by the committee.

### **14 Strategic plans**

- (1) The Commission is, as soon as practicable after the commencement of this Part, to prepare a draft strategic plan outlining the activities for meeting the objectives of the Commission.
- (2) The Commission is to submit the draft strategic plan to the Minister for comment.
- (3) The Commission is, every 3 years after the initial strategic plan is made, to prepare a further draft strategic plan and submit it to the Minister for comment.
- (4) In making a strategic plan under this section, the Commission is to have regard to any comments received from the Minister in relation to the draft plan and to refer to those comments in the strategic plan.
- (5) The Commission is to make copies of any strategic plan made by the Commission publicly available at no cost.

### **15 Annual report of Commission to include additional particulars**

The annual report of the Commission required to be prepared under the *Annual Reports (Departments) Act 1985* must include:

- (a) a progress report on the implementation of the strategic plan of the Commission over the period to which the annual report relates, and
- (b) such other particulars as may be prescribed by the regulations.

## **Part 3 Greyhound Racing New South Wales**

### **Division 1 Constitution and management of GRNSW**

#### **16 Constitution of GRNSW**

- (1) There is constituted by this Act a body corporate with the corporate name of Greyhound Racing New South Wales.
- (2) GRNSW is not and does not represent the Crown.
- (3) Without limiting subsection (2), GRNSW:
  - (a) is not entitled to any immunity or privilege of the State, and
  - (b) cannot render the State liable for any debts, liabilities or other obligations of GRNSW.

#### **17 Board of directors of GRNSW**

- (1) There is to be a board of directors of GRNSW.
- (2) The Board is to consist of at least 5 (but no more than 7) directors appointed by the Governor on the recommendation of the Minister.
- (3) A person is not eligible to be appointed as a director if the person is a racing club official.
- (4) If 5 directors are appointed for the time being, no more than 2 may be greyhound racing industry participants.
- (5) If 6 or 7 directors are appointed for the time being, no more than 3 may be greyhound racing industry participants.
- (6) A majority of the directors for the time being must be independent directors. An **independent director** is a person who is not (or was not in the previous 7 years):
  - (a) a greyhound racing industry participant, or
  - (b) a proprietor of a greyhound trial track, or
  - (c) a racing club official or a member of a greyhound racing club.

**Note—**

Schedule 2 contains provisions relating to the directors and procedure of the Board.

## **18 Role of Board**

- (1) The affairs of GRNSW are to be managed and controlled by the Board.
- (2) Any act, matter or thing done in the name of, or on behalf of, GRNSW by the Board is taken to have been done by GRNSW.

## **19 Chief executive officer of GRNSW**

- (1) GRNSW may employ a chief executive officer of GRNSW.
- (2) The chief executive officer is responsible for the day to day management of GRNSW.
- (3) The *Government Sector Employment Act 2013* does not apply to or in respect of the chief executive officer.

## **20 Staff of GRNSW**

- (1) GRNSW may employ such other staff as it requires to exercise its functions.
- (2) GRNSW may fix the salary, wages and other conditions of staff employed under subsection (1) in so far as they are not fixed by or under any other Act or law.
- (3) The *Government Sector Employment Act 2013* does not apply to or in respect of staff employed under subsection (1).
- (4) GRNSW may engage consultants for the purposes of obtaining expert advice.

## **21 Delegation**

- (1) Except as provided by subsection (2), GRNSW may delegate the exercise of any of its functions to any of the following:
  - (a) a director of the Board,
  - (b) the chief executive officer of GRNSW or any other member of staff of GRNSW,
  - (c) a committee comprised of, or a combination of, those persons.
- (2) GRNSW cannot delegate the following functions:
  - (a) the power of delegation under subsection (1),
  - (b) any function relating to the registration of greyhound racing clubs (including the suspension or cancellation of such registration).

## **22 Removal of directors and appointment of administrator**

- (1) The Minister may, by order published in the Gazette, remove all the directors of the Board from office and appoint a person as the administrator of GRNSW.



- (2) Such an order may be made:
  - (a) if the Minister is satisfied that GRNSW has failed:
    - (i) to exercise its functions in accordance with an operating licence granted to GRNSW, or
    - (ii) to comply with any direction in writing by the Minister to rectify a matter relating to the obligations of GRNSW under an operating licence granted to GRNSW, or
  - (b) if a report is made by the Commission to the Minister under section 65 indicating that there has been a contravention of this Act, the regulations, the code of practice or the greyhound racing rules in relation to a greyhound race meeting conducted by GRNSW, or
  - (c) in such other circumstances as may be prescribed by the regulations.
- (3) On the appointment of an administrator:
  - (a) each director of the Board ceases to hold office, and
  - (b) the affairs of GRNSW are to be managed by the administrator, and
  - (c) the administrator has and may exercise all the functions of GRNSW, and
  - (d) any act, matter or thing done in the name of, or on behalf of, GRNSW by the administrator is taken to have been done by GRNSW.
- (4) Subject to this section, an administrator holds office for the period specified in the administrator's instrument of appointment.
- (5) The Minister may remove an administrator from office at any time by order published in the Gazette.
- (6) The Minister may determine the remuneration and other conditions of employment of the administrator.
- (7) The remuneration and other expenses of the administrator are payable by GRNSW.

## **Division 2 Objectives and functions of GRNSW**

### **23 Principal objectives of GRNSW**

The principal objectives of GRNSW are as follows:

- (a) to be a commercially viable entity,
- (b) to exhibit a sense of social responsibility by having regard to the welfare of greyhounds,

- (c) to promote greyhound racing in the State as a competitive and sustainable industry with a high level of public trust.

## **24 Functions of GRNSW**

- (1) GRNSW has the following functions:

- (a) to conduct greyhound race meetings or authorise greyhound race meetings to be conducted by greyhound racing clubs,
- (b) to allocate the dates on which and the licensed racecourses at which greyhound race meetings may be conducted,
- (c) to register greyhound racing clubs,
- (d) to develop safety standards for licensed racecourses,
- (e) to distribute money received as a result of commercial arrangements required by the [Totalizator Act 1997](#),
- (f) to fund the costs of the Commission,
- (g) to manage greyhound adoption programs,
- (h) to initiate, develop and implement policies conducive to the promotion, strategic development and commercial viability of the greyhound racing industry in the State,
- (i) to direct and supervise the dissolution of a greyhound racing club that ceases to be registered,
- (j) to appoint an administrator to conduct the affairs of a greyhound racing club,
- (k) to order an audit of the books and accounts of a greyhound racing club by an auditor nominated by GRNSW,
- (l) to scrutinise and approve the constitutions of greyhound racing clubs to ensure they conform to any applicable Act and the rules and that they clearly and concisely express the needs and desires of the clubs concerned and of greyhound racing generally,
- (m) any other functions conferred or imposed on GRNSW by an operating licence granted to GRNSW or by or under this or any other Act or law.

- (2) The exercise of functions by GRNSW requires authorisation by an operating licence granted to GRNSW and GRNSW is to exercise its functions in accordance with any such operating licence.

## **25 Operating licence**

- (1) The Minister may grant an operating licence to GRNSW.
- (2) An operating licence granted to GRNSW may:
  - (a) be granted subject to such conditions as are specified in the licence (including, without limitation, conditions requiring the provision of information and records held by GRNSW to the Commission), and
  - (b) be granted for a term of 5 years, and
  - (c) be renewed by the Minister from time to time.
- (3) The Minister may, from time to time, amend, suspend or cancel an operating licence granted to GRNSW. The operating licence may not be suspended or cancelled unless a regulation is made under section 101 (3).
- (4) The Minister must consult the Commission before renewing, amending, suspending or cancelling an operating licence granted to GRNSW. Any advice provided by the Commission to the Minister in connection with the consultation process is to be made publicly available on the website of the Commission.
- (5) Any money payable by GRNSW in accordance with an operating licence granted to GRNSW may be recovered by the Minister as a debt due to the Crown.

## **26 Minimum standards for conduct of races and greyhound race meetings**

- (1) GRNSW must, as soon as practicable after the commencement of this section, set minimum standards with respect to the following:
  - (a) racecourse design and construction,
  - (b) racecourse facilities and amenities (including facilities and amenities to be provided for patrons, such as grandstands and other patron amenities),
  - (c) greyhound training facilities.
- (2) GRNSW may, without limiting the operation of subsection (1), also set minimum standards in connection with the conduct by greyhound racing clubs of greyhound race meetings, including minimum standards with respect to the following:
  - (a) the financial management of greyhound race meetings, including the management of the costs of conducting greyhound race meetings,
  - (b) the fees and charges imposed by a greyhound racing club in connection with races conducted by the club,
  - (c) prize money paid on races conducted by a greyhound racing club,

- (d) starters, appearance and other fees paid by a greyhound racing club,
  - (e) such other matters relating to the conduct of greyhound races and greyhound race meetings as may be prescribed by the regulations.
- (3) The minimum standards set by GRNSW under this section are to be given effect to in any one or more (or any combination) of the following ways:
- (a) by a direction in writing to greyhound racing clubs,
  - (b) as a condition of the registration of greyhound racing clubs,
  - (c) as a condition of the allocation of the dates on which greyhound racing clubs may conduct greyhound race meetings.
- (4) The minimum standards may apply generally to greyhound racing clubs or to any particular club.
- (5) GRNSW is to consult with greyhound racing clubs in relation to any proposal to set minimum standards under this section and in the course of that consultation must give a greyhound racing club a reasonable opportunity to be heard and to make submissions on the proposal.
- (6) Any standards set by GRNSW under this section have no effect unless approved by the Commission.

## **27 GRNSW may require greyhound racing clubs to provide information and documents**

GRNSW may give a direction in writing to a greyhound racing club requiring the club to provide specified information or furnish specified documents to GRNSW within a time specified in the direction, being information or documents that GRNSW considers will be of assistance in connection with the exercise of its functions.

## **Division 3 Reporting and financial provisions**

### **28 Annual report of GRNSW**

- (1) GRNSW must, as soon as practicable after 30 June, and in any case before 1 November in each year, prepare and forward to the Minister a report of its work and activities for the 12 months ending on that 30 June.
- (2) The report must include copies of the financial statements of GRNSW for the 12-month period to which the report relates together with an auditor's report on those statements prepared by an independent auditor.
- (3) The report must include such other particulars as may be prescribed by the regulations.
- (4) The Minister is to table the report or cause it to be tabled in both Houses of Parliament

as soon as practicable after the report is forwarded to the Minister.

- (5) GRNSW is to make copies of its annual report publicly available at no cost.

## **29 Strategic plans**

- (1) GRNSW is to prepare strategic plans in relation to activities.
- (2) The regulations may specify the particulars or other matters that are to be included in, or dealt with by, any such strategic plan.
- (3) GRNSW is to prepare an initial strategic plan within 12 months after the commencement of this Part and is to prepare a further strategic plan at least every 3 years after the initial strategic plan is prepared.
- (4) Each strategic plan prepared by GRNSW must be submitted to the Minister and be made publicly available at no cost.
- (5) The annual report of GRNSW is to include a progress report on implementation of the strategic plan of GRNSW over the period to which the annual report relates.

## **30 Financial year**

- (1) Subject to subsection (2), the financial year of GRNSW is the year commencing on 1 July.
- (2) A different financial year for GRNSW may be determined by the Minister by order published in the Gazette.

## **31 Expenses and accounts**

- (1) GRNSW is liable for all expenses (including remuneration and allowances payable to the directors of the Board, the chief executive officer of GRNSW and the other staff of GRNSW) incurred by GRNSW in the exercise of its functions.
- (2) GRNSW may establish such accounts as it thinks appropriate for the money received and expended by GRNSW.

## **32 Fees and charges**

- (1) GRNSW may, subject to the regulations, determine the fees and charges that are payable for the following:
  - (a) the registration of greyhound racing clubs,
  - (b) the transaction of other business with GRNSW.
- (2) Any charge, fee or other money due to GRNSW may be recovered by GRNSW as a debt in a court of competent jurisdiction.

## **Part 4 Welfare of greyhounds**

### **Division 1 Greyhound Industry Animal Welfare Committee**

#### **33 Establishment of Welfare Committee**

- (1) The Greyhound Industry Animal Welfare Committee is established.
- (2) The Welfare Committee is to consist of the following 5 members appointed by the Chief Commissioner:
  - (a) a person who, in the opinion of the Chief Commissioner, has expertise in the area of animal welfare or behaviour and who is not a greyhound racing industry participant,
  - (b) a senior officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales who is nominated by the chief executive of that organisation,
  - (c) the person employed in the Public Service as the Chief Veterinary Officer or a Public Service employee nominated by the Chief Veterinary Officer,
  - (d) a representative of the greyhound racing industry,
  - (e) a person nominated by GRNSW.

**Note—**

Schedule 3 contains provisions relating to the members and procedure of the Welfare Committee.

#### **34 Functions of Welfare Committee**

- (1) The Welfare Committee has the following functions:
  - (a) to provide advice to the Commission, whether on its own initiative or at the request of the Commission, on any matter relating to the welfare of greyhounds including the formulation of welfare policies and standards,
  - (b) such other functions as are conferred or imposed on it by or under this or any other Act.
- (2) The Commission is, in exercising its functions, to have regard to any advice it receives from the Welfare Committee.
- (3) A failure to comply with subsection (2) does not invalidate any decision of the Commission.

## **Division 2 Code of practice for welfare of greyhounds**

### **35 Commission to prepare code of practice**

- (1) The Commission is to prepare, for submission to the Minister, a code of practice relating to the welfare of greyhounds.
- (2) The code of practice must (without limitation) deal with the following:
  - (a) standards for the keeping, treatment, handling and care of greyhounds,
  - (b) standards for the facilities, equipment and conditions at premises where greyhounds are kept, trialled, trained or raced,
  - (c) standards for the procedures and practices to be adopted in relation to the keeping, trialling, training and racing of greyhounds.
- (3) Those standards are to promote the welfare of greyhounds and be consistent with the objects of the *Prevention of Cruelty to Animals Act 1979*.
- (4) The Commission is to seek the advice of the Welfare Committee in preparing the code of practice and may consult with such other persons or bodies as the Commission considers appropriate.
- (5) Without limiting subsection (4), the Commission must consult with GRNSW in preparing the code of practice.

### **36 Making of code of practice**

- (1) The Minister may, by order published on the NSW legislation website, make the code of practice that has been submitted by the Commission. The order is to set out the code of practice.
- (2) The code of practice takes effect on the day on which the order is published or, if a later date is specified in the order for commencement, on the later date so specified.
- (3) The Minister may, by order published on the NSW legislation website, amend or repeal the code of practice. An amendment to the code may only be made if it has been submitted by the Commission.
- (4) An order by the Minister under this section may only be made with the concurrence of the Minister for Primary Industries.

### **37 Public access to code of practice**

The Commission is to ensure that a copy of the code of practice is made publicly available on its website.

### **38 Relationship between code of practice and rules**

In the event of any inconsistency between the code of practice and the greyhound racing rules, the code of practice prevails to the extent of the inconsistency.

### **39 Offence to contravene certain provisions of code of practice**

A person who contravenes a provision of the code of practice that is identified in the code as an “offence provision” is guilty of an offence under this section.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

**Note—**

Failure to comply with other mandatory provisions of the code may lead to the taking of disciplinary action under this Act.

## **Division 3 Miscellaneous welfare provisions**

### **40 Life ban for committing live baiting offence**

(1) If a court finds a person guilty of committing a live baiting offence:

- (a) the person’s registration (if any) under this Act is automatically cancelled, and
- (b) the person is permanently disqualified from being registered under this Act in any capacity.

(2) In this section:

**live baiting offence** means:

- (a) an offence under section 21 (1) (d) or (e) of the *Prevention of Cruelty to Animals Act 1979*, or
- (b) an offence under section 530 of the *Crimes Act 1900* that involves using an animal as a lure or kill in the manner referred to in section 21 (1) (d) of the *Prevention of Cruelty to Animals Act 1979*.

### **41 Prohibition on keeping certain animals on premises where greyhounds are kept etc**

(1) A person must not, on any premises at or on which greyhounds are kept, trialled, trained or raced, keep any animal that is reasonably capable of being used as a lure in connection with the trialling, training or racing of greyhounds.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

(2) The Commission may, on application by any person, make an order (an **exemption order**) authorising the person to keep an animal of the kind specified in the order.



- (3) An exemption order may not specify possums or rabbits.
- (4) A person does not commit an offence under subsection (1) in relation to the keeping of an animal that the person is authorised to keep under an exemption order.
- (5) In this section:

**animal** includes the carcass, or the skin or any other part, of an animal.

**keep** an animal includes having possession or control of the animal.

## **Part 5 Control and regulation of greyhound racing industry**

### **Division 1 Requirements for registration**

#### **42 Greyhounds generally**

- (1) A greyhound racing industry participant must not own, breed or keep a greyhound (whether or not the greyhound is owned, bred or kept in connection with greyhound racing) unless the greyhound is registered from the time the greyhound is 12 weeks old or such later time as may be prescribed by the regulations.

Maximum penalty: 100 penalty units.

**Note—**

A greyhound registered under this Act is not required to be registered under the [Companion Animals Act 1998](#). At present, the age at which any companion animal (which includes a greyhound) is required to be registered under that Act is 12 weeks.

- (2) The owner of a registered greyhound must comply with any conditions to which the registration of the greyhound is subject.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

#### **43 Greyhounds must not race or compete in trial etc unless registered**

The owner of a greyhound must not cause or permit the greyhound:

- (a) to compete in any greyhound race, or
- (b) to compete in a trial, or be trained, at any greyhound trial track,

unless the greyhound is registered.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

#### **44 Greyhound racing industry participants**

- (1) A person must not carry on any activity as a greyhound racing industry participant unless the person is registered to carry on that activity.
- (2) A registered greyhound racing industry participant must comply with any conditions to which the person's registration is subject.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

#### **45 Greyhound racing clubs**

- (1) A greyhound racing club must not conduct a greyhound race meeting unless the club is registered.
- (2) A registered greyhound racing club must comply with any conditions to which the club's registration is subject.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

**Note—**

See section 94 in the case of a club that is an unincorporated body.

#### **46 Greyhound trial tracks**

- (1) The proprietor of a greyhound trial track must not cause or permit the greyhound trial track to be used for the purposes of enabling greyhounds to compete in trials or be trained in racing unless the greyhound trial track is registered.

**Note—**

Racecourses on which greyhound race meetings are held must be licensed under the [Betting and Racing Act 1998](#) and are not required to be registered under this Act.

- (2) The proprietor of a greyhound trial track must comply with any conditions to which the registration of the greyhound trial track is subject.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

### **Division 2 Registration functions of Commission**

#### **47 General provisions**

- (1) The Commission is to exercise its registration functions under this Division so as to ensure that any person registered by the Commission is a person who, in the opinion of the Commission, is a fit and proper person to be registered (having regard in particular to the need to protect the public interest as it relates to the greyhound

racing industry).

- (2) Without limiting subsection (1), a person is not to be registered if the person has a conviction and the Commission is of the opinion that the circumstances of the offence concerned are such as to render the person unfit to be registered.
- (3) This section does not limit any provisions of the greyhound racing rules relating to the exercise of the registration functions of the Commission.
- (4) In this section:

**conviction** has the same meaning as in the *Criminal Records Act 1991* but does not include a conviction that is spent under that Act.

#### **48 Registration of greyhounds**

- (1) The Commission may, in accordance with the regulations, register a greyhound.
- (2) The Commission may refuse to register a greyhound if it is of the opinion that it would be in the best interests of the greyhound racing industry to do so.
- (3) The Commission may, on the registration of a greyhound or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by the Commission.

#### **49 Registration of greyhound racing industry participants**

- (1) The Commission may, in accordance with the regulations, register a person as a greyhound racing industry participant.
- (2) Registration as a greyhound racing industry participant authorises the person to carry on the activities specified in the person's registration.
- (3) The Commission may refuse to register a person as a greyhound racing industry participant if it is of the opinion that it would be in the best interests of the greyhound racing industry to do so.
- (4) The Commission may, on the registration of a person as a greyhound racing industry participant or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by the Commission.

#### **50 Registration of greyhound trial tracks**

- (1) The Commission may, in accordance with the regulations, register a greyhound trial track.
- (2) The Commission may refuse to register a greyhound trial track if:
  - (a) the Commission is of the opinion that:

- (i) the greyhound trial track (in the case of a trial track that is open to the public) is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
  - (ii) it would be in the best interests of the greyhound racing industry to do so, or
- (b) the registration of the greyhound trial track (whether under this or any other Act) has previously been cancelled.
- (3) The Commission may, on the registration of a greyhound trial track or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by the Commission.
- (4) Without limiting subsection (3), the Commission may impose conditions on the registration of a greyhound trial track:
  - (a) requiring the installation of a closed-circuit television system (**CCTV**) at the trial track, and
  - (b) requiring all activities in connection with the trialling or training of greyhounds at the trial track to be recorded by the CCTV.
- (5) The Minister may, on the advice of the Commission, determine, by order in writing given to the proprietor of a greyhound trial track, the period that any such CCTV recording is to be retained by the proprietor.
- (6) The proprietor of a greyhound trial track who fails to retain any CCTV recording in accordance with an order under subsection (5) is guilty of an offence.

Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

#### **51 Suspension or cancellation of registration of public greyhound trial tracks on commercial grounds**

- (1) The Commission may suspend or cancel the registration of a greyhound trial track that is open to the public if the Commission is of the opinion that:
  - (a) the greyhound trial track is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
  - (b) it would be in the best interests of the greyhound racing industry to do so.
- (2) The Commission may not suspend or cancel the registration of a greyhound trial track under this section for the purpose of taking disciplinary action under Division 1 of Part 6.

## 52 Special provisions relating to registration of bookmakers

- (1) An individual over the age of 18 years or a proprietary company may apply to the Commission for registration as a bookmaker.
- (2) Despite any other provision of this Act, the Commission must refuse to grant an application for registration of a proprietary company as a bookmaker unless the Commission is satisfied that the company is an eligible company.
- (3) For the purposes of this section, **eligible company** means a proprietary company that is registered under the *Corporations Act 2001* of the Commonwealth and in which:
  - (a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and
  - (b) each director is registered as a bookmaker under this Act, and
  - (c) each director is a shareholder and person concerned in the management of the company, and
  - (d) each shareholder who is not a director is a close family member of a director, and
  - (e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Commission, a fit and proper person to be registered as an individual as a bookmaker under this Act, and
  - (f) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
  - (g) subject to the regulations, no person (other than a shareholder) has any interest in the shares or assets of the company.
- (4) It is a condition of a company's registration as a bookmaker under this Act that:
  - (a) the company continues to be an eligible company, and
  - (b) no director, shareholder or person concerned in the management of the company:
    - (i) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
    - (ii) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, or
    - (iii) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent,

or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or

(iv) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or

(v) is an employee or agent of any individual, partnership or corporation referred to in subparagraph (iii) or (iv), or

(vi) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.

(5) It is a condition of a company's registration as a bookmaker under this Act that any director, shareholder or person concerned in the management of the company must not:

(a) carry on the business of a bookmaker, otherwise than on behalf of the company, in relation to any greyhound, horse or harness race, at a greyhound race meeting in New South Wales, or

(b) carry on, at a racecourse licensed for greyhound racing, the business of a bookmaker in respect of a declared betting event otherwise than on behalf of the company.

(6) In subsection (4) (b), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.

(7) The Commission may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) or (5) is contravened in respect of the company. This does not limit the power of the Commission to suspend or cancel the registration of a company as a bookmaker under Division 1 of Part 6.

(8) Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).

(9) In this section:

***close family member of a director*** means:

(a) a spouse, de facto partner, parent, child, brother or sister of the director, or

- (b) a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.

**Note—**

“De facto partner” is defined in section 21C of the [Interpretation Act 1987](#).

**declared betting event** has the same meaning as it has in the [Betting and Racing Act 1998](#).

**financial interest** in a bookmaking business means an entitlement to receive any of the income from the business.

**proprietary company** has the same meaning as in the [Corporations Act 2001](#) of the Commonwealth.

### **Division 3 Registration functions of GRNSW**

#### **53 Registration of greyhound racing clubs**

- (1) GRNSW may, in accordance with the regulations, register a greyhound racing club.
- (2) GRNSW may refuse to register a greyhound racing club if:
  - (a) GRNSW is of the opinion that:
    - (i) the greyhound racing club is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
    - (ii) it would be in the best interests of the greyhound racing industry to do so, or
  - (b) the registration of the greyhound racing club (whether under this or any other Act) has previously been cancelled.
- (3) GRNSW may, on the registration of a greyhound racing club or at any later time, impose conditions on the registration. Any such condition may be varied or revoked by GRNSW.

#### **54 Suspension or cancellation of registration of clubs on commercial grounds**

- (1) GRNSW may suspend or cancel the registration of a greyhound racing club if GRNSW is of the opinion that:
  - (a) the greyhound racing club is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
  - (b) it would be in the best interests of the greyhound racing industry to do so.
- (2) GRNSW may not suspend or cancel the registration of a greyhound racing club under this section for the purpose of taking disciplinary action under Division 2 of Part 6.

## **Division 4 Greyhound racing rules**

### **55 Rules made by Commission**

- (1) The Commission may make rules, not inconsistent with this Act or the regulations, for or with respect to any matter relating to greyhound racing.
- (2) Without limiting the generality of subsection (1), the Commission may make rules for or with respect to the following:
  - (a) the effect of a disqualification or warning off in relation to, or other penalty imposed on, a person or greyhound under Part 6,
  - (b) the allocation to greyhound racing clubs of dates on which they may conduct greyhound race meetings,
  - (c) the conduct of greyhound race meetings and of races or trials at any such meeting,
  - (d) mandatory education and training requirements for greyhound racing industry participants,
  - (e) the breeding of greyhounds,
  - (f) the naming of greyhounds,
  - (g) the adoption by the Commission and GRNSW (with or without inquiry) of penalties imposed by clubs or authorities conducting or controlling greyhound racing, horse racing or harness racing, whether in or outside of New South Wales,
  - (h) the functions of stewards,
  - (i) prohibiting any or all of the following:
    - (i) betting or wagering at any place where a greyhound trial or training race is held,
    - (ii) the awarding of any money in respect of any greyhound trial or training race,
    - (iii) charging for the admission of persons (not being persons in charge of greyhounds) to a greyhound trial track.
- (3) The Commission may amend or repeal the greyhound racing rules from time to time by making a further rule.
- (4) Greyhound racing rules (including any amendment or repeal) are to be published on the NSW legislation website and take effect on the date they are so published or on any later specified date.



## **56 Consultation with GRNSW**

The Commission must consult with GRNSW in making any greyhound racing rules.

## **Part 6 Disciplinary provisions**

### **Division 1 Disciplinary action by Commission**

#### **57 Definition**

In this Division:

**relevant person** means:

- (a) a greyhound racing industry participant, or
- (b) the proprietor of a greyhound trial track.

#### **58 Grounds for taking disciplinary action**

- (1) The Commission may take disciplinary action under this Division against or in respect of a relevant person if the Commission is of the opinion that the person:
  - (a) has contravened a provision of this Act, the regulations, the code of practice or the greyhound racing rules, or
  - (b) is not a fit and proper person to be registered (having regard in particular to the need to protect the public interest as it relates to the greyhound racing industry).
- (2) Disciplinary action may be taken against or in respect of a relevant person even though the person is no longer registered or has not been convicted of an offence in respect of the contravention.
- (3) The Commission is not to take any disciplinary action against or in respect of a relevant person under this Division without first giving the person notice in writing of the proposed action and a reasonable opportunity to be heard and to make submissions about the matter.
- (4) Subsection (3) does not apply in respect of the taking of disciplinary action if the Commission is satisfied that the action must be taken as a matter of urgency because the contravention or failure concerned poses a significant threat:
  - (a) to public health or safety, or
  - (b) to the financial integrity of the greyhound racing industry as a whole in New South Wales.

#### **59 Disciplinary action that may be taken**

- (1) Any of the following actions may be taken by the Commission against or in respect of

a relevant person:

- (a) suspending or cancelling of any of the following:
    - (i) the person's registration,
    - (ii) the registration of a greyhound,
    - (iii) the registration of a greyhound trial track,
  - (b) imposing a condition on the person's registration or on the registration of a greyhound or greyhound trial track,
  - (c) imposing a fine on the person not exceeding 200 penalty units,
  - (d) disqualifying or warning off the person,
  - (e) disqualifying or warning off any specified greyhound,
  - (f) prohibiting the person from participating in greyhound racing in any specified capacity,
  - (g) prohibiting a specified greyhound from competing in any greyhound race or trial,
  - (h) such other action as may be specified in the greyhound racing rules.
- (2) Any fine imposed on a relevant person under this section is to be paid to the Commission and may be recovered by the Commission in a court of competent jurisdiction as a debt due to the Crown.

## **60 Complaints**

- (1) A person may make a complaint to the Commission setting out matters that are alleged to constitute grounds for taking disciplinary action against or in respect of a relevant person under this Division.
- (2) Disciplinary action may be taken by the Commission under this Division whether or not a complaint has been made.

## **Division 2 Disciplinary action by GRNSW**

### **61 Disciplinary action against greyhound racing clubs**

- (1) GRNSW may take disciplinary action under this section against or in respect of a greyhound racing club if GRNSW is of the opinion that:
  - (a) the club has contravened a provision of this Act, the regulations, the code of practice or the greyhound racing rules, or
  - (b) the club has failed to comply with:

- (i) a direction given by GRNSW to the greyhound racing club under this Act, or
  - (ii) a minimum standard set by GRNSW under section 26.
- (2) GRNSW may do any of the following:
- (a) suspend or cancel the greyhound racing club's registration,
  - (b) impose a fine not exceeding 200 penalty units on the club,
  - (c) impose a condition on the club's registration,
  - (d) disqualify or warn off any official of the club.
- (3) GRNSW may take disciplinary action under this section against or in respect of a club whether or not the club has been convicted of an offence in respect of the contravention concerned.
- (4) GRNSW is not to take any disciplinary action under this section without first giving the greyhound racing club concerned notice in writing of the proposed action and a reasonable opportunity to be heard and to make submissions about the matter.
- (5) Subsection (4) does not apply in respect of the taking of disciplinary action if GRNSW is satisfied that the action must be taken as a matter of urgency because the contravention or failure concerned poses a significant threat:
- (a) to public health or safety, or
  - (b) to the financial integrity of the greyhound racing industry as a whole in New South Wales.
- (6) Disciplinary action under this section is taken by giving notice in writing of the decision to take the action to the greyhound racing club concerned.
- (7) Any fine imposed on a club under this section is to be paid to GRNSW and may be recovered by GRNSW as a debt.

## **62 Complaints**

- (1) A person may make a complaint to GRNSW setting out matters that are alleged to constitute grounds for taking disciplinary action against or in respect of a greyhound racing club under this Division.
- (2) Disciplinary action may be taken by GRNSW under this Division whether or not a complaint has been made.

## **Division 3 Complaints relating to GRNSW's functions in conducting**

## greyhound race meetings

### 63 Definition

In this Division:

**GRNSW official** means a director of the Board or any member of staff of GRNSW.

### 64 Inquiries and investigations by Commission in relation to complaint

- (1) A person may make a complaint to the Commission in respect of the exercise of functions by a GRNSW official in relation to any greyhound race meeting conducted by GRNSW.
- (2) On receiving a complaint from a person under this section, the Commission is to investigate the complaint unless the Commission considers that the complaint:
  - (a) is frivolous, vexatious or not made in good faith, or
  - (b) is trivial, or
  - (c) does not relate to the exercise of functions by a GRNSW official in a corrupt, improper or unethical manner.
- (3) If the Commission decides to investigate a complaint, the Commission must inform the GRNSW official concerned of the substance of the complaint and give the GRNSW official a reasonable opportunity to respond to it.
- (4) The Commission may, by notice in writing, require a GRNSW official who is the subject of an investigation under this section to do one or more of the following:
  - (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as, in the opinion of the Commission, is relevant to the investigation and is specified in the notice,
  - (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Commission, are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them,
  - (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),
  - (d) furnish to the Commission such authorisations and consents as the Commission requires for the purpose of enabling the Commission to obtain information (including financial and other confidential information) from other persons concerning the person under investigation.
- (5) A person who complies with a requirement of a notice under subsection (4) does not

on that account incur a liability to another person.

- (6) A person must not fail to comply with a requirement of the Commission contained in a notice under subsection (4).

Maximum penalty (subsection (6)): 100 penalty units.

## **65 Action after investigation of complaint**

- (1) The Commission must provide a report in writing of the results of the investigation of a complaint under this Division to the Minister if satisfied that those results indicate that there has been a contravention of this Act, the regulations, the code of practice or the greyhound racing rules in relation to a greyhound race meeting conducted by GRNSW.
- (2) If the report identifies any GRNSW official in an adverse manner, the Commission must also give a copy of the report to the GRNSW official.
- (3) The Commission must inform the person who made the complaint of whether a report has been made under this section or whether the Commission considers that the complaint does not warrant such a report being made.

## **Part 7 Investigation and enforcement powers**

### **Division 1 Preliminary**

#### **66 Definition**

In this Part:

**records** includes plans, specifications, maps, reports, accounts, registers, books and other documents (whether in writing, in electronic form or otherwise).

#### **67 Purposes for which powers under Part may be exercised**

- (1) Powers may be exercised under this Part for the following purposes:
- (a) for determining whether there has been compliance with or a contravention of this Act, the regulations, the code of practice or the greyhound racing rules,
  - (b) for obtaining information or records for purposes connected with the administration of this Act,
  - (c) in connection with exercising the functions of an inspector under this Act,
  - (d) generally for administering this Act.
- (2) Nothing in this Part affects any function under any other part of this Act or under any other Act.

## **68 Appointment and identification of inspectors**

- (1) The Commission may appoint any of the following persons as an inspector for the purposes of this Act:
  - (a) a member of staff of the Commission,
  - (b) a person belonging to a class of persons prescribed by the regulations.
- (2) A person is not eligible to be appointed as an inspector if the person is or has at any time been:
  - (a) a greyhound racing industry participant, or
  - (b) a proprietor of a greyhound trial track, or
  - (c) a racing club official or a member of a greyhound racing club, or
  - (d) a director of the Board, or
  - (e) a member of GRNSW as constituted under the former Act, or
  - (f) a member of staff of GRNSW, or
  - (g) a person belonging to a class of persons prescribed by the regulations.
- (3) The Commission is to cause each inspector to be issued with a means of identification in the form approved by the Commission.
- (4) In the course of exercising the functions of an inspector under this Act, the inspector must, if requested to do so by any person affected by the exercise of any such function, produce the inspector's identification for inspection by the person unless to do so would defeat the purpose for which the functions are to be exercised.

## **69 Arrangements with police and animal welfare bodies**

- (1) The Commission may enter into an arrangement with the Commissioner of Police or the head of an animal welfare body for a police officer or employee of the animal welfare body to exercise the functions of an inspector under this Part.
- (2) A police officer or employee of an animal welfare body who exercises the functions of an inspector in accordance with the arrangement is taken to be an inspector for the purposes of this Act.

## **Division 2 Powers to require information and records**

### **70 Requirement to provide information and records**

- (1) An inspector may, by notice in writing given to a person, require the person to furnish to the inspector such information or records (or both) as the inspector requires by the

notice in connection with any matter arising under or in connection with this Act.

- (2) Any such notice must specify the manner in which information or records are required to be furnished and a reasonable time by which the information or records are required to be furnished.

#### **71 Provisions relating to records**

- (1) A notice under this Division may only require a person to furnish existing records that are in the person's possession or that are within the person's power to obtain lawfully.
- (2) The inspector to whom any record is furnished under this Division may take copies of it.
- (3) If any record required to be furnished under this Division is in electronic, mechanical or other form, the notice requires the record to be furnished in written form, unless the notice otherwise provides.

#### **72 Application of Division**

This Division applies whether or not a power of entry under Division 3 is being or has been exercised.

### **Division 3 Powers of entry and search of premises**

#### **73 Power to enter premises**

- (1) An inspector may enter any premises at any reasonable time.
- (2) Entry may be effected under this Act by an inspector with the aid of such other inspectors or police officers as the inspector considers necessary and with the use of reasonable force.

#### **74 Entry into residential premises only with permission or warrant**

This Division does not empower an inspector or police officer to enter any part of premises used only for residential purposes without the permission of the occupier or the authority of a search warrant under section 76.

#### **75 Powers to inspect and seize things**

- (1) An inspector may, on any premises lawfully entered, do anything that in the opinion of the inspector is necessary to be done for the purposes of this Part, including (but not limited to) the things specified in subsection (2).
- (2) An inspector may do any or all of the following:
  - (a) examine and inspect any part of the premises or any animal or thing on the premises,

- (b) take and remove samples,
  - (c) make such examinations and inquiries as the inspector considers necessary,
  - (d) take such photographs, films, audio, video and other recordings as the inspector considers necessary,
  - (e) require records to be produced for inspection,
  - (f) examine and inspect any records,
  - (g) copy any records,
  - (h) seize anything that the inspector has reasonable grounds for believing is connected with an offence under this Act or the regulations,
  - (i) do any other thing the inspector is empowered to do under this Part.
- (3) The power to seize anything connected with an offence includes a power to seize:
- (a) a thing with respect to which the offence has been committed, and
  - (b) a thing that will afford evidence of the commission of the offence, and
  - (c) a thing that was used for the purpose of committing the offence.

A reference to any such offence includes a reference to an offence that there are reasonable grounds for believing has been committed.

- (4) For the purpose of enabling an inspector to exercise any of the functions of an inspector under this section in connection with any premises, the Commission may, by notice in writing given to the owner or occupier of the premises, require the owner or occupier to provide such reasonable assistance and facilities as are specified in the notice within a specified time and in a specified manner.

## **76 Search warrants**

- (1) An inspector may apply to an authorised officer within the meaning of the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#) for the issue of a search warrant if the inspector believes on reasonable grounds that:
- (a) a provision of this Act, the regulations, the code of practice or the greyhound racing rules has been, is being or is about to be contravened at any premises, or
  - (b) there is in or on any premises matter or a thing that is connected with an offence under this Act or the regulations.
- (2) An authorised officer to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:



- (a) to enter the premises, and
  - (b) to exercise any function of an inspector under this Division.
- (3) Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies to a search warrant issued under this section.
- (4) In this section:

***matter or a thing*** connected with an offence means:

- (a) matter or a thing with respect to which the offence has been committed, or
- (b) matter or a thing that will afford evidence of the commission of an offence, or
- (c) matter or a thing that was used, or is intended to be used, for the purpose of committing the offence.

***offence*** includes an offence that there are reasonable grounds for believing has been, or is to be, committed.

## **77 Dealing with seized things**

- (1) If an inspector seizes anything under section 75 on any premises, the inspector must issue the person apparently in charge of the premises with a written receipt for the thing seized.
- (2) An inspector may retain anything seized under section 75 until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.
- (3) A record may only be retained under subsection (2) if the person from whom the record was seized is provided, within a reasonable time after the seizure, with a copy of the record certified by the inspector as a true copy. The copy is, as evidence, of equal validity to the record of which it is certified to be a copy.
- (4) Subsection (2) ceases to have effect in relation to anything seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are commenced so orders.

## **78 Inspectors may request assistance**

A person may accompany an inspector and take all reasonable steps to assist an inspector in the exercise of the inspector's functions under this Division if the inspector is of the opinion that the person is capable of providing assistance to the inspector in the exercise of those functions.

## **Division 4 Power to question and identify persons**

### **79 Power of inspectors to require answers**

- (1) An inspector may require a person whom the inspector suspects on reasonable grounds to have knowledge of matters in respect of which information is reasonably required for the purposes of this Act to answer questions in relation to those matters.
- (2) The Commission may, by notice in writing, require a corporation to nominate, in writing within the time specified in the notice, a director or officer of the corporation to be the corporation's representative for the purpose of answering questions under this section.
- (3) Answers given by a person nominated under subsection (2) bind the corporation.
- (4) An inspector may, by written notice, require a person to attend at a specified place and time to answer questions under this section if attendance at that place is reasonably required in order that the questions can be properly put and answered.
- (5) The place and time at which a person may be required to attend under subsection (4) is to be:
  - (a) a place or time nominated by the person, or
  - (b) if the place and time nominated is not reasonable in the circumstances or a place and time is not nominated by the person, a place and time nominated by the inspector that is reasonable in the circumstances.

### **80 Recording of evidence**

- (1) An inspector may cause any questions and answers to questions given under this Division to be recorded if the inspector has informed the person who is to be questioned that the record is to be made.
- (2) A record may be made using sound recording apparatus or audio visual apparatus, or any other method determined by the inspector.
- (3) A copy of the record must be provided by the inspector to the person who is questioned as soon as practicable after it is made.
- (4) A record may be made under this section despite the provisions of any other law.

### **81 Power of inspectors to demand name and address**

- (1) An inspector may require a person whom the inspector suspects on reasonable grounds to have committed an offence under this Act or the regulations to state his or her full name and residential address.
- (2) An inspector may request a person who is required under this section to state his or

her full name and residential address to provide proof of the name and address. It is not an offence under this Part to fail to comply with any such request.

## **Division 5 General**

### **82 Offences**

- (1) A person who, without reasonable excuse, refuses or fails to comply with a requirement made of the person under this Part is guilty of an offence.

Maximum penalty: 100 penalty units.

- (2) A person who furnishes any information or does any other thing in purported compliance with a requirement made under this Part, knowing that it is false or misleading in a material respect, is guilty of an offence.

Maximum penalty: 100 penalty units.

- (3) A person who intentionally delays or obstructs or induces or attempts to induce another person to delay or obstruct an inspector in the exercise of the inspector's powers under this Part is guilty of an offence.

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

- (4) A person who assaults, threatens or abuses an inspector or a person assisting an inspector in the exercise of the inspector's powers under this Part is guilty of an offence.

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

- (5) A person who impersonates an inspector or falsely represents that the person is an inspector is guilty of an offence.

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

### **83 Provisions relating to requirements to furnish records or information or answer questions**

- (1) **Warning to be given on each occasion** A person is not guilty of an offence of failing to comply with a requirement under this Part to furnish records or information or to answer a question unless the person was warned on that occasion that a failure to comply is an offence.

- (2) **Self-incrimination not an excuse** A person is not excused from a requirement under this Part to furnish records or information or to answer a question on the ground that the record, information or answer might incriminate the person or make the person liable to a penalty.

- (3) **Information or answer not admissible if objection made** However, any information

furnished or answer given by a natural person in compliance with a requirement under this Part is not admissible in evidence against the person in criminal proceedings (except proceedings for an offence under this Part) if:

- (a) the person objected at the time to doing so on the ground that it might incriminate the person, or
- (b) the person was not warned on that occasion that the person may object to furnishing the information or giving the answer on the ground that it might incriminate the person.

(4) **Records admissible** Any record furnished by a person in compliance with a requirement under this Part is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.

(5) **Further information** Further information obtained as a result of a record or information furnished or of an answer given in compliance with a requirement under this Part is not inadmissible on the ground:

- (a) that the record or information had to be furnished or the answer had to be given, or
- (b) that the record or information furnished or answer given might incriminate the person.

(6) **Requirement to state name and address** This section extends to a requirement under this Part to state a person's name and address.

## **Part 8 Inquiries into greyhound racing industry**

### **84 Conduct of inquiries**

- (1) An inquiry may be conducted by the Commission into any matter relating to the greyhound racing industry.
- (2) The Commission may, on its own initiative, determine that an inquiry is to be conducted.
- (3) The Minister may require an inquiry to be conducted. If the inquiry is in relation to matters relating to animal welfare, the Minister must, before requiring the Commission to conduct the inquiry, obtain the concurrence of the Minister for Primary Industries.
- (4) The Commission may determine the matters to be examined in the course of an inquiry under this Part, including an inquiry that the Minister has required to be conducted.
- (5) This Part does not limit the power of the Commission to conduct an inquiry into any matter even though it has appointed another person or body to do so.

- (6) This Part does not affect any law relating to immunity of an individual from self-incrimination.

### **85 Person or body conducting inquiries**

- (1) The Commission may appoint any of the following to conduct an inquiry under this Part:
- (a) any one or more of the Commissioners,
  - (b) a member of staff of the Commission,
  - (c) a committee of the Commission,
  - (d) with the approval of the Minister, any other person or body the Commission considers appropriate to conduct the inquiry.
- (2) The Commission may appoint one or more persons to assist the inquiry.
- (3) The Commission may, in the case where 2 or more persons are appointed to conduct the inquiry, appoint one of those persons to preside at any meeting of those persons for the purposes of the inquiry.
- (4) A person (other than a Commissioner or member of staff of the Commission) appointed by the Commission to conduct or assist the inquiry may be paid such remuneration and allowances (if any) as the Minister determines in respect of the person.

### **86 Procedures at inquiries**

- (1) The procedure to be followed at an inquiry under this Part is to be determined by the person or body conducting it, subject to this Act and the regulations.
- (2) The person or body conducting the inquiry may, by notice in writing given to any person, require the person within such reasonable time as may be specified in the notice:
- (a) to furnish to that person or body such information, and
  - (b) to produce to that person or body such records in the person's possession or under the person's control,
- as may be required for the purposes of the inquiry and as may be specified in the notice, whether generally or otherwise.
- (3) The person or body conducting the inquiry may, by notice in writing given to any person, require the person:
- (a) to attend at a specified time and place before that person or body and at such

other times as may be required by that person or body, and

- (b) to give evidence concerning any matter the subject of the inquiry, and
- (c) to produce all such records in the person's possession or under the person's control as may be required for the purposes of the inquiry and as may be specified in the notice, whether generally or otherwise.

- (4) The person or body conducting the inquiry may require any such evidence to be given in writing or orally.
- (5) The person or body conducting the inquiry may, subject to section 13 of the *Oaths Act 1900*, require any such evidence to be given on oath, and for that purpose the person presiding may administer an oath.

- (6) A person who fails to comply with the requirements of a notice given to the person under this section is guilty of an offence.

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

- (7) A person who:

- (a) furnishes any information pursuant to subsection (2) knowing that it is false or misleading in a material particular, or
- (b) gives any evidence pursuant to subsection (3) knowing that it is false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: 200 penalty units or imprisonment for 2 years, or both.

- (8) The person or body conducting the inquiry is not bound by the rules of evidence, and may be informed in any manner that the person or body thinks fit.

## **87 Legal representation**

The person or body conducting an inquiry under this Part:

- (a) may authorise a person giving evidence at the inquiry to be represented by an Australian legal practitioner at the inquiry or a specified part of the inquiry, and
- (b) is required to give a reasonable opportunity for a person giving evidence at the inquiry to be legally represented.

## **88 Public nature of inquiries**

- (1) An inquiry under this Part is to be held in public.
- (2) Before the inquiry starts, the person or body conducting it is required to give notice,

by advertisement in the Gazette and in such newspapers as the person or body thinks appropriate, of the intention to hold the inquiry, of its subject and of the time and place at which it is to start.

- (3) However, if the person or body conducting the inquiry is satisfied that it is desirable in the public interest to do so because of the confidential nature of any evidence or matter or for any other reason, the person or body may do either or both of the following:
  - (a) direct that the inquiry or any part of it take place in private and give directions as to the persons who may be present,
  - (b) give directions prohibiting or restricting the publication of evidence given at the inquiry or of matters contained in records provided for the inquiry.
- (4) A person who publishes any evidence or matter in contravention of any such direction of the person or body conducting the inquiry is guilty of an offence unless:
  - (a) the publication of the evidence was made with the consent of the person who gave the evidence or the publication of the matter was made with the consent of the person who provided the document, or
  - (b) the evidence or matter has already been lawfully published, or
  - (c) the person became aware of the evidence or matter otherwise than by reason, directly or indirectly, of the giving of the evidence at the inquiry or the provision of the document at the inquiry, or
  - (d) the person had any other lawful excuse to do so.

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

- (5) If evidence is given by written statement, the person or body conducting the inquiry is to make available to the public in such manner as the person or body thinks fit the contents of the statement. This does not apply to matter the publication of which, in the opinion of the person or body, would be contrary to the public interest because of its confidential nature or for any other reason.

## **89 Report of inquiry**

- (1) The person or body conducting an inquiry under this Part is to prepare a report to the Commission of its findings and recommendations.
- (2) The report is to be provided to the Minister by the Commission if the Minister directed that the inquiry be conducted.

## Part 9 Miscellaneous

### 90 Exchange of information

- (1) The Commission may enter into an arrangement (an **information sharing arrangement**) with a relevant agency for the purposes of sharing or exchanging information held by the Commission or the agency.
- (2) The information to which an information sharing arrangement may relate is limited to the following:
  - (a) information concerning the contravention of this Act, the regulations, the code of practice or the greyhound racing rules,
  - (b) information concerning an offence under the *Prevention of Cruelty to Animals Act 1979*, the *Companion Animals Act 1998* or section 530 of the *Crimes Act 1900*,
  - (c) information concerning the registration of greyhounds under this Act or the *Companion Animals Act 1998*,
  - (d) information concerning the registration of persons, greyhound trial tracks or greyhound racing clubs,
  - (e) complaints relating to animal welfare,
  - (f) any other information of a type prescribed by the regulations.
- (3) Under an information sharing arrangement, the Commission and the relevant agency are, despite any other Act or law of the State, authorised:
  - (a) to request and receive information held by the other party to the arrangement, and
  - (b) to disclose information to the other party, and
  - (c) to hold and use the information so received,but only to the extent that the information is reasonably necessary to assist in the exercise of functions under this Act or of the functions of the relevant agency concerned.
- (4) The Commission may also (whether as part of an information sharing arrangement or otherwise):
  - (a) refer any matter (including any complaint) with respect to greyhound racing to a relevant agency, and
  - (b) receive any such matter from a relevant agency, and
  - (c) conduct a joint investigation into any such matter with a relevant agency.



- (5) A relevant agency is, despite any other Act or law of the State, authorised to refer such a matter to the Commission or to conduct an investigation into the matter jointly with the Commission.
- (6) This section does not:
- (a) require the Commission to provide information to a relevant agency only in accordance with an information sharing arrangement where that information can otherwise be lawfully provided, or
  - (b) limit the operation of any other Act or law under which a relevant agency is authorised or required to disclose information to another person or body.
- (7) In this section:

**information** includes reports, recommendations, opinions, assessments and operational plans.

**relevant agency** means:

- (a) the NSW Police Force, or
- (b) an animal welfare body, or
- (c) a local council.

## **91 Internal review of certain decisions by Commission or stewards**

- (1) In this section:

**reviewable decision** means any of the following:

- (a) a decision by the Commission:
  - (i) to refuse to register a person, greyhound or greyhound trial track, or
  - (ii) to impose a condition on the registration of a person, greyhound or greyhound trial track, or
  - (iii) to take any disciplinary action under Division 1 of Part 6, or
  - (iv) that is of a kind prescribed by the regulations,being a decision made by a single Commissioner or a person acting under a delegation given by the Commission,
- (b) a decision of a steward in exercising functions under the greyhound racing rules.

- (2) A person (the **applicant**) who is aggrieved by a reviewable decision may apply to the Commission for an internal review of the decision.

- (3) An application for internal review must:
  - (a) be made within 28 days after the day on which the applicant is given notice of the reviewable decision, and
  - (b) be in writing and state fully the grounds of the application, and
  - (c) comply with such other requirements as may be prescribed by the regulations.
- (4) An application for internal review does not operate to stay the reviewable decision unless the Commission otherwise directs.
- (5) The application is to be dealt with by a Commissioner or member of staff of the Commission who is directed by the Commission to deal with the application (the **reviewer**). The reviewer must be a person who was not substantially involved in making the reviewable decision the subject of the application.
- (6) The reviewer must consider any relevant material submitted by the applicant.
- (7) The reviewer may, in determining an application for internal review:
  - (a) confirm the reviewable decision the subject of the application, or
  - (b) vary the reviewable decision, or
  - (c) revoke the reviewable decision.
- (8) The reviewer is to notify the applicant of the reviewer's decision.
- (9) The Commission is to give effect to any decision by the reviewer to vary or revoke the reviewable decision the subject of the application for internal review.
- (10) This section does not affect any right of appeal under the [Racing Appeals Tribunal Act 1983](#).

## **92 Delegation by Minister**

The Minister may delegate the exercise of any function of the Minister under this Act (other than this power of delegation) to any person or body, or any class of persons or bodies, authorised for the purposes of this section by the regulations.

## **93 Exclusion of personal liability**

- (1) In this section, **protected person** means any of the following:
  - (a) the Minister,
  - (b) a Commissioner,
  - (c) the chief executive officer of the Commission or any other member of staff of the

Commission (including a steward),

- (d) an inspector,
  - (e) a director of the Board,
  - (f) the chief executive officer of GRNSW or any other member of staff of GRNSW,
  - (g) an administrator appointed under section 22,
  - (h) a member of the Welfare Committee,
  - (i) a member of a committee established by the Commission,
  - (j) a person acting under the direction of any of the above persons.
- (2) Anything done or omitted to be done by a protected person does not subject any protected person personally to any action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purpose of exercising the functions of the protected person under this Act.
- (3) However, any such liability attaches instead to the Crown (or, in the case of a person referred to in subsection (1) (e)–(g) or a person acting under the direction of any such person, to GRNSW).

#### **94 Liability etc of unincorporated greyhound racing clubs**

- (1) This Act applies to an unincorporated greyhound racing club (the ***unincorporated club***) as if it were a corporation, but with the changes set out in this section.
- (2) An obligation or liability that would otherwise be imposed on the unincorporated club by or under this Act is imposed on each management member of the club instead, but may be discharged by any of the management members.
- (3) An amount that would be payable under this Act by the unincorporated club is jointly and severally payable by the management members of the club.
- (4) An offence under a provision of this Act or the regulations that would otherwise be committed by the unincorporated club is taken to have been committed by each management member of the club who knew or ought reasonably to have known:
- (a) of the conduct constituting the offence, or
  - (b) that there was a substantial risk that the offence would be committed.
- Maximum penalty—the penalty for a contravention of the provision by an individual.
- (5) For the purposes of subsection (4), it is a defence for the management member of the unincorporated club to prove:

- (a) the member exercised reasonable diligence to ensure the club complied with the provision, or
  - (b) the member was not in a position to influence the conduct of the club in relation to the offence.
- (6) Nothing in this section affects the application of any other law relating to the criminal liability of any persons (whether or not management members of the unincorporated club) who are accessories to the commission of an offence or are otherwise involved in the contravention giving rise to an offence.
- (7) Subsection (4) does not apply to a management member of the unincorporated club acting on a voluntary basis, whether or not the member is reimbursed for the expenses incurred by the member for carrying out activities for the club.
- (8) For the purposes of this section, a change in the composition of the unincorporated club does not affect the continuity of the club.
- (9) In this section:

**management member** of an unincorporated club means:

- (a) if the body has a management committee—each member of the management committee, or
- (b) in any other case—each member who is concerned with, or takes part in, the club's management, whatever name is given to the member's position in the club.

## 95 Proceedings for offences

- (1) Proceedings for an offence under this Act or the regulations may be dealt with:
- (a) summarily before the Local Court, or
  - (b) by the Supreme Court in its summary jurisdiction.
- (2) If proceedings are brought before the Local Court, the maximum pecuniary penalty that the court may impose for the offence is, despite any other provision of this Act, 200 penalty units.
- (3) Despite the [Criminal Procedure Act 1986](#) or any other Act, proceedings for an offence under this Act or the regulations may be commenced not later than 2 years after the date on which the offence is alleged to have been committed.

## 96 Penalty notices

- (1) An authorised officer 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.

(6) In this section:

**authorised officer** means:

(a) a police officer, or

(b) an inspector, or

(c) a person (or person belonging to a class of persons) prescribed by the regulations for the purposes of this section.

## **97 Court may order destruction of animal**

(1) This section applies if:

(a) a court convicts a person (the **offender**) of an offence under this Act or the regulations in respect of a greyhound or other animal, and

(b) the court is satisfied that the animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive.

(2) In convicting the offender, the court may:

(a) order that the animal be destroyed by a person specified in the order (a **destruction order**), and

(b) order the offender to pay the person specified in the destruction order the costs in respect of the destruction of the animal that are specified in the order (a **payment order**).

(3) The person specified in the destruction order is, as soon as practicable after the person has been served with the order, to destroy the animal to which the order relates, or cause it to be destroyed, in a manner that causes it to die quickly and

without unnecessary pain.

- (4) If a court makes a payment order, the person to whom the costs specified in the order are required by the order to be paid may recover those costs from the offender as a debt in a court of competent jurisdiction.
- (5) A reference in this section and in sections 98 and 99 to an offence under this Act or the regulations includes a reference to an offence under section 530 of the *Crimes Act 1900* (Serious animal cruelty) that involves a serious act of cruelty committed in connection with the trialling or training of a greyhound.

### **98 Court may order payment of certain costs**

- (1) If a court convicts a person (the **offender**) of an offence under this Act or the regulations in respect of a greyhound or other animal, the court may order the offender to pay to a person or body specified in the order an amount specified in the order for expenses incurred with respect to any one or more of the following:
  - (a) taking possession of the animal,
  - (b) transporting the animal,
  - (c) providing the animal with food and drink,
  - (d) providing the animal with shelter,
  - (e) providing the animal with veterinary treatment.
- (2) If a court makes an order under subsection (1), the person or body to whom or which the specified amount is required by the order to be paid, or a person acting on behalf of any such person or body, may recover the amount that the offender is required to pay as a debt in a court of competent jurisdiction.
- (3) This section does not limit the operation of section 97.

### **99 Court may make further orders**

- (1) If a court convicts a person (the **offender**) of an offence under this Act or the regulations, the court may make either or both of the following orders:
  - (a) such order as the court thinks fit for the disposal of any animal owned by the offender or in the offender's possession or custody under the offender's care, control or supervision,
  - (b) an order that the offender is not to purchase or acquire, or take possession or custody of, any animal within the period specified in the order.
- (2) An order under subsection (1) is in addition to any penalty that the court may otherwise impose for the offence.

- (3) A person must not fail to comply with an order under subsection (1) that is served on the person.

Maximum penalty: 200 penalty units.

- (4) If an inspector or police officer takes possession of an animal in connection with an offence under this Act or the regulations, the inspector or police officer may apply to the court before which the proceedings for the offence are commenced for an order for the disposal of the animal before the proceedings are finally determined.

- (5) The court to which an application under subsection (4) is made may:

- (a) order that the animal in respect of which the application is made be sold or otherwise disposed of in such manner as the court considers appropriate in the circumstances, and
- (b) direct that the proceeds of the sale or other disposal be held in trust pending the determination of the proceedings for the offence and the further order of the court, and
- (c) make such other orders as the court considers appropriate.

#### **100 Certificate evidence of certain matters**

- (1) A document signed by the Chief Commissioner or the chief executive officer of the Commission and certifying any one or more of the relevant matters specified in subsection (2) is admissible in proceedings for an offence under this Act or the regulations and (in the absence of evidence to the contrary) is evidence of the matters so certified.

- (2) The relevant matters are as follows:

- (a) that a specified person, greyhound, greyhound racing club or greyhound trial track was or was not registered at a specified time or during a specified period,
- (b) that the registration of a specified person, greyhound, greyhound racing club or greyhound trial track was or was not subject to a specified condition at a specified time or during a specified period,
- (c) that a specified function of the Commission was delegated to a specified person under this Act at a specified time or during a specified period,
- (d) that a specified person is or was, at a specified time or during a specified period, appointed as an inspector or steward,
- (e) any other matter prescribed by the regulations.

## **101 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) In particular, the regulations may make provision for or with respect to the following:
  - (a) the making of applications for the registration of greyhounds, greyhound racing industry participants, greyhound racing clubs and greyhound trial tracks (including application fees) and the determination of any such application,
  - (b) any other matter relating to the registration of greyhounds, greyhound racing industry participants, greyhound racing clubs and greyhound trial tracks (including, without limitation, the duration and renewal of any such registration),
  - (c) the identification of greyhounds,
  - (d) the keeping by the Commission of a register containing information relating to the persons, greyhounds and greyhound trial tracks registered by the Commission,
  - (e) authorising the Commission to share information contained in the register with specified persons or bodies,
  - (f) requiring the Commission to be notified of any change or event relating to the information contained in the register,
  - (g) requiring the payment to the Commission of an amount (as determined by the Commission) that:
    - (i) is in the nature of a bond, and
    - (ii) relates to the keeping of greyhounds used or intended to be used for racing, and
    - (iii) is refundable in accordance with the regulations,
  - (h) requiring the payment to the Commission of an annual amount (as determined by the Commission) in relation to the keeping of registered greyhounds,
  - (i) specifying conditions to which the registration of any person, greyhound, greyhound racing club or greyhound trial track is subject,
  - (j) requiring the Commission to be notified:
    - (i) before a registered greyhound is retired from racing, or
    - (ii) before any other action specified in the regulations is taken in respect of a registered greyhound,



- (k) the procedure for dealing with disciplinary action under Part 6,
  - (l) any matter relating to the keeping of greyhounds,
  - (m) any matter for or with respect to which greyhound racing rules may be made (in which case the regulations prevail to the extent of any inconsistency with the rules).
- (3) The regulations may, if an operating licence granted to GRNSW is not renewed or is suspended or cancelled, make provision for or with respect to:
- (a) the exercise of the functions of GRNSW under this Act by a specified person or body, and
  - (b) the transfer to that specified person or body of any of the assets, rights and liabilities of GRNSW to the extent they relate to those functions.
- (4) The regulations may exempt specified persons or bodies or classes of persons or bodies, or specified premises or classes of premises, or specified greyhounds or classes of greyhounds, from any specified provision of this Act.
- (5) A regulation may create an offence punishable by a penalty not exceeding 100 penalty units.

## **102 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 3 years from the date of assent to this Act.
- (3) In particular, the review is to examine and report on the following:
- (a) any improvements in the welfare of greyhounds since the enactment of this Act,
  - (b) the appropriateness of a target for unnecessary euthanasia of greyhounds,
  - (c) the adequacy of compliance and enforcement powers in relation to greyhound racing,
  - (d) the appropriateness of the terms of an operating licence granted to GRNSW,
  - (e) the appropriateness of penalties and offences,
  - (f) the funding and efficiency of the Commission,
  - (g) any impact on the export of greyhounds since the enactment of this Act.

- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 3 years.

## **Schedule 1 Provisions relating to Commissioners**

### **1 Terms of office**

Subject to this Schedule, a Commissioner holds office for such term, not exceeding 3 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### **2 Basis of offices**

- (1) The office of the Chief Commissioner is a full-time office.
- (2) The office of a Commissioner (other than the Chief Commissioner) may be a full-time or part-time office, according to the terms of appointment.
- (3) The holder of a full-time office referred to in subclause (1) or (2) is required to hold it on that basis, except to the extent permitted by the Governor.

### **3 Employment and remuneration**

- (1) The employment of a Commissioner is (subject to this Schedule) to be governed by a contract of employment between the Commissioner and the Minister.
- (2) The following provisions of or made under the *Government Sector Employment Act 2013* relating to the employment of Public Service senior executives apply to a Commissioner (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):
- (a) provisions relating to the band in which an executive is to be employed,
  - (b) provisions relating to the contract of employment of an executive,
  - (c) provisions relating to the remuneration, employment benefits and allowances of an executive.

### **4 Vacancy in office**

- (1) The office of a Commissioner becomes vacant if the holder:
- (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment

of his or her remuneration for their benefit, or

(e) becomes a mentally incapacitated person, or

(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

(g) is removed from office under clause 5.

(2) If the office of a Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

## **5 Removal from office**

(1) The Governor may remove a Commissioner from office, but only for incompetence, incapacity or misbehaviour.

(2) A Commissioner cannot be removed from office under Part 6 of the [Government Sector Employment Act 2013](#).

## **6 Commissioner not Public Service employee**

The office of a Commissioner is a statutory office and the provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).

## **7 Acting Commissioner**

(1) The Minister may, from time to time, appoint a person to act in the office of a Commissioner during the illness or absence of the Commissioner (or during a vacancy in the office of a Commissioner) and the person, while so acting, has all the functions of the Commissioner and is taken to be the Commissioner.

(2) The Minister may, at any time, remove a person from office as acting Commissioner.

(3) An acting Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

## **Schedule 2 Provisions relating to directors and procedure of Board**

### **1 Definition**

In this Schedule:

**director** means a director of the Board.

## **2 Chairperson and deputy chairperson**

- (1) Of the directors, 2 are (in and by their respective instruments of appointment or in and by other instruments executed by the Governor) to be appointed as chairperson and deputy chairperson of the Board, respectively.
- (2) A person is not eligible to be appointed as chairperson or deputy chairperson if the person is or has, during the previous 7 years, been:
  - (a) a greyhound racing industry participant, or
  - (b) a proprietor of a greyhound trial track, or
  - (c) a racing club official or a member of a greyhound racing club, or
  - (d) a member of GRNSW as constituted under the former Act, or
  - (e) a member of any other body (or body of a class) prescribed by the regulations for the purposes of this clause.
- (3) The Minister may at any time remove a director from the office of chairperson or deputy chairperson of the Board.
- (4) A person holding the office of chairperson or deputy chairperson of the Board vacates that office if the person:
  - (a) is removed from that office by the Minister, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a director, or
  - (d) becomes a person who is ineligible to be appointed as chairperson or deputy chairperson of the Board.

## **3 Term of office**

- (1) Subject to this Schedule, a director holds office for such period (not exceeding 3 years) as is specified in the director's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) A person may not hold office as a director for more than 9 years in total (whether or not for consecutive periods).

## **4 Remuneration**

- (1) A director is entitled to be paid:
  - (a) remuneration consisting of a base amount adjusted annually in accordance with the annual percentage increase (if any) in the Consumer Price Index occurring

after the determination or redetermination of the base amount takes effect, and

(b) allowances to reimburse the director for expenses that the director may incur (such as for travel or accommodation).

(2) The Statutory and Other Offices Remuneration Tribunal may, on the application of the Board, redetermine the base amount from time to time, with effect from the date of the redetermination or such later date as the Tribunal may specify.

(3) In this clause:

**base amount** means an amount determined for the purposes of this clause by the Statutory and Other Offices Remuneration Tribunal (which determination, whenever made, is taken to be effective on the commencement of this subclause).

**Consumer Price Index** means the number appearing in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

## 5 Vacancy in office of director

(1) The office of a director becomes vacant if the director:

(a) dies, or

(b) completes a term of office and is not reappointed, or

(c) resigns the office by instrument in writing addressed to the Minister, or

(d) is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to the director personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the director is excused by the Minister for having been absent from those meetings, or

(e) becomes a person who is not eligible to be a director, or

(f) is removed from office under subclause (2).

(2) The Minister may remove a director from office for incapacity, incompetence, misbehaviour or a contravention of the code of conduct adopted by the Board under clause 15.

(3) A director cannot be removed from office under Part 6 of the [Government Sector Employment Act 2013](#).

(4) If the office of a director becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

## **6 Disclosure of pecuniary interests**

(1) If:

- (a) a director has a pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
- (b) the interest appears to raise a conflict with the proper performance of the director's duties in relation to the consideration of the matter,

the director must, as soon as possible after the relevant facts have come to the director's knowledge, disclose the nature of the interest at a meeting of the Board.

(2) A disclosure by a director at a meeting of the Board that the director:

- (a) is a director, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of a reasonable fee determined by the Board.

(4) After a director has disclosed the nature of an interest in any matter, the director must not, unless the Board otherwise determines:

- (a) be present during any deliberation of the Board with respect to the matter, or
- (b) take part in any decision of the Board with respect to the matter.

(5) For the purpose of the making of a determination by the Board under subclause (4), a director who has a pecuniary interest in a matter to which the disclosure relates must not:

- (a) be present during any deliberation of the Board for the purpose of making the determination, or
- (b) take part in the making by the Board of the determination.

(6) A contravention of this clause does not invalidate any decision of the Board.

(7) This clause applies to a member of a committee of the Board and the committee in the same way as it applies to a director of the Board and the Board.

## **7 Pecuniary interests required to be disclosed**

- (1) For the purposes of clause 6, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided by subclauses (3) and (4).
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.
- (3) A person is taken to have a pecuniary interest in a matter if:
  - (a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter, or
  - (b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (4) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (3):
  - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a director of, or is employed by, a statutory body or is employed by the Crown, or
  - (c) just because the person is a member of a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## **8 Duty of directors to act in interests of public and industry**

It is the duty of each director to act in the public interest and in the interests of the greyhound racing industry as a whole in the State.

## **9 General procedure**

The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

## **10 Quorum**

The quorum for a meeting of the Board is a majority of its directors.

## **11 Presiding director**

- (1) The chairperson of the Board (or, in the absence of the chairperson, the deputy

chairperson of the Board) is to preside at a meeting of the Board.

- (2) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## **12 Voting**

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

## **13 Transaction of business outside meetings or by telecommunication**

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all of its directors, and a resolution in writing approved in writing by a majority of the voting directors is taken to be a decision of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which directors (or some directors) participate by telephone, closed-circuit television or other means, but only if a director who speaks on a matter at the meeting can be heard by the other directors.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the chairperson and each other director have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among directors for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

## **14 First meeting**

The Minister may call the first meeting of the Board in such manner as the Minister thinks fit.

## **15 Code of conduct**

- (1) The Board must adopt a code of conduct to be observed by the directors.
- (2) The code of conduct must include a statement of the directors' duties under clauses 6 and 8 and the obligations of the Board under clause 6 in connection with disclosures under that clause.
- (3) The Board must review its code of conduct at least every 3 years and make such



changes to it as it considers appropriate.

## **16 Effect of certain other Acts**

- (1) The *Government Sector Employment Act 2013* does not apply to or in respect of the appointment of a director.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a director or from accepting and retaining any remuneration payable to the person under this Act as a director.

## **Schedule 3 Provisions relating to members and procedure of Greyhound Industry Animal Welfare Committee**

### **1 Definition**

In this Schedule:

**member** means a member of the Welfare Committee.

### **2 Chairperson**

- (1) Of the members of the Welfare Committee, one is (in and by the member's instrument of appointment or in and by another instrument executed by the Chief Commissioner) to be appointed as chairperson of the Welfare Committee.
- (2) The Chief Commissioner may remove a member from the office of chairperson at any time.
- (3) A person who is a member and chairperson of the Welfare Committee vacates office as chairperson if the person:
  - (a) is removed from that office by the Chief Commissioner, or
  - (b) resigns that office by instrument in writing addressed to the Chief Commissioner, or
  - (c) ceases to be a member.

### **3 Deputies of members**

- (1) The Chief Commissioner may, from time to time, appoint a person to be the deputy of

a member, and the Chief Commissioner may revoke any such appointment.

- (2) In the absence of a member, the member's deputy:
  - (a) is, if available, to act in the place of the member, and
  - (b) while so acting, has all the functions of the member and is taken to be a member.
- (3) The deputy of a member who is chairperson of the Welfare Committee has the member's functions as chairperson.
- (4) A person while acting in the place of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Chief Commissioner may from time to time determine in respect of the person.

#### **4 Terms of office**

Subject to this Schedule, a member holds office for such period (not exceeding 3 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

#### **5 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Chief Commissioner may from time to time determine in respect of the member.

#### **6 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Chief Commissioner, or
  - (d) is removed from office by the Chief Commissioner under this clause, or
  - (e) is absent from 4 consecutive meetings of the Welfare Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Welfare Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Welfare Committee for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment

of his or her remuneration for their benefit, or

(g) becomes a mentally incapacitated person, or

(h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Chief Commissioner may remove a member from office at any time.

## **7 Filling of vacancy in office of member**

If the office of a member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

## **8 Disclosure of pecuniary interests by members**

(1) If:

(a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the Welfare Committee, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Welfare Committee.

(2) A disclosure by a member at a meeting of the Welfare Committee that the member:

(a) is a member, or is in the employment, of a specified company or other body, or

(b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Welfare Committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person at any reasonable time for no charge.

(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Chief Commissioner or the Welfare Committee otherwise determines:

- (a) be present during any deliberation of the Welfare Committee with respect to the matter, or
  - (b) take part in any decision of the Welfare Committee with respect to the matter.
- (5) For the purpose of the making of a determination by the Welfare Committee under subclause (4), a member who has a pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the Welfare Committee for the purpose of making the determination, or
  - (b) take part in the making by the Welfare Committee of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Welfare Committee.

#### **9 Pecuniary interests required to be disclosed**

- (1) For the purposes of clause 8, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided by subclauses (3) and (4).
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.
- (3) A person is taken to have a pecuniary interest in a matter if:
- (a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter, or
  - (b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (4) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (3):
- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a statutory body or is employed by the Crown, or
  - (c) just because the person is a member of a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## **10 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the appointment of a member.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.
- (3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

## **11 General procedure**

The procedure for the calling of meetings of the Welfare Committee and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Welfare Committee.

## **12 Quorum**

The quorum for a meeting of the Welfare Committee is 3 members.

## **13 Presiding member**

- (1) The chairperson of the Welfare Committee or, in the absence of the Chairperson, another member of the Welfare Committee elected to chair the meeting by the members present is to preside at a meeting of the Welfare Committee.
- (2) The person presiding at any meeting of the Welfare Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## **14 Voting**

A decision supported by a majority of the votes cast at a meeting of the Welfare Committee at which a quorum is present is the decision of the Welfare Committee.

## **15 First meeting**

The Chief Commissioner may call the first meeting of the Welfare Committee in such manner as the Chief Commissioner thinks fit.

## **Schedule 4 Savings, transitional and other provisions**

### **Part 1 General**

#### **1 Regulations**

- (1) 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.
- (2) Any such provision has effect despite anything to the contrary in this Schedule. The regulations may make separate savings and transitional provisions or amend this Schedule to consolidate the savings and transitional provisions.
- (3) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (4) 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.

### **Part 2 Provisions consequent on enactment of this Act**

#### **1A Definition**

In this Part:

***transition period*** means the period commencing on 3 July 2017 and ending on the commencement of Part 5 of this Act.

#### **2 Continuation of GRNSW**

Greyhound Racing New South Wales is a continuation of, and the same legal entity as, Greyhound Racing New South Wales constituted by the former Act.

#### **3 Dissolution of Greyhound Racing Industry Consultation Group**

- (1) The Greyhound Racing Industry Consultation Group established under the former Act 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.

#### **4 Cessation of office of Administrator of GRNSW**

The person holding office as the Administrator under the [Greyhound Racing Prohibition Act 2016](#) immediately before the repeal of that Act by this Act ceases to hold office on that repeal.

#### **5 Functions of GRNSW under former Act**

The functions conferred or imposed on Greyhound Racing New South Wales under the former Act or any other Act or law are, until such time as the former Act is repealed, to be exercised by GRNSW as constituted under this Act.

#### **6 Control, supervision and regulation of greyhound racing by GRNSW during transition period**

Despite section 12 (a), GRNSW has the function of controlling, supervising and regulating greyhound racing during the transition period.

#### **7 Continuation of provisions relating to welfare of greyhounds during transition period**

(1) During the transition period, the following provisions of the [Greyhound Racing Prohibition Act 2016](#) continue to have effect despite their repeal by this Act:

(a) Part 5,

(b) sections 30 and 31.

(2) A reference in those continued provisions to the greyhound racing rules is a reference to the greyhound racing rules made under the [Greyhound Racing Act 2009](#).

### **Schedule 5 (Repealed)**

### **Schedule 6 Amendments relating to animal welfare**

#### **6.1 Crimes Act 1900 No 40**

##### **[1] Section 530 Serious animal cruelty**

Insert after section 530 (1):

(1A) A person who, being reckless as to whether severe pain is inflicted:

(a) tortures, beats or commits any other serious act of cruelty on an animal, and

(b) kills or seriously injures or causes prolonged suffering to the animal,

is guilty of an offence.

Maximum penalty: Imprisonment for 3 years.

**[2] Section 530 (3)**

Insert in alphabetical order:

**kill or seriously injure** an animal includes, in the case where the animal is used as a lure or kill in the manner referred to in section 21 (1) (d) of the *Prevention of Cruelty to Animals Act 1979*, cause or permit a dog to kill or seriously injure the animal.

**serious act of cruelty** on an animal includes the act of using the animal as a lure or kill in the manner referred to in section 21 (1) (d) of the *Prevention of Cruelty to Animals Act 1979*.

**[3] Section 530, note**

Insert at the end of the section:

**Note—**

Sections 97–99 of the *Greyhound Racing Act 2017* enable the court that convicts a person of an offence under this section in connection with the trialling or training of greyhounds to make certain orders requiring the animal to be destroyed, requiring payment of the costs of destroying or taking other action in respect of the animal and prohibiting the person from keeping any animal.

## **6.2 Prevention of Cruelty to Animals Act 1979 No 200**

**[1] Section 4 Definitions**

Insert after paragraph (b) of the definition of **officer** in section 4 (1):

(b1) an inspector within the meaning of the *Greyhound Racing Act 2017*, or

**[2] Section 21 Live baiting, coursing and other similar activities prohibited**

Insert “or in possession” after “in charge” in section 21 (2B).

**[3] Section 21 (2D)**

Insert after section 21 (2C):

(2D) For the purposes of subsections (1) (d) and (2B), **animal** includes the carcass, or the skin or any other part, of an animal.

**[4] Section 24D Definitions and application of Division**

Omit the definition of **inspector** from section 24D (1). Insert instead:



**inspector** means:

- (a) an officer who is the holder of an authority issued under subsection (2) that is in force, or
- (b) a police officer, or
- (c) an inspector within the meaning of the *Greyhound Racing Act 2017*.

**[5] Section 24G Powers of inspectors in relation to land used for certain commercial purposes**

Insert after section 24G (1) (b):

- (c) land in or on which a greyhound that is registered or required to be registered under the *Greyhound Racing Act 2017* is being kept, trialled, trained or raced.

**[6] Section 24G (2) (a1)**

Insert after section 24G (2) (a):

- (a1) take such photographs, films, audio, video and other recordings as the inspector considers necessary,

## **Schedule 7 Amendment of other legislation**

### **7.1 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*” from section 10 (4) (e).

Insert instead “the Greyhound Welfare and Integrity Commission under the *Greyhound Racing Act 2017*”.

**[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” wherever occurring.

Insert instead “the Greyhound Welfare and Integrity Commission under the *Greyhound Racing Act 2017*”.

## 7.2 Betting and Racing Act 1998 No 114

### Section 4 Definitions

Omit paragraph (c) of the definition of *racing controlling body* in section 4 (1).

Insert instead:

(c) in relation to greyhound racing—the Greyhound Welfare and Integrity Commission or, in relation to greyhound racing clubs, Greyhound Racing New South Wales.

## 7.3 Companion Animals Act 1998 No 87

### [1] Section 9 Registration requirement

Insert after section 9 (3):

(4) A greyhound that is registered for the time being under the *Greyhound Racing Act 2017* is exempt from this section.

### [2] Section 15 Certain breeds of dogs to be muzzled

Omit “greyhound and any other” from section 15 (1).

### [3] Section 15 (2)

Omit “greyhound or other” wherever occurring.

### [4] Section 23 Disqualification from owning or being in charge of dog

Omit “Greyhounds and other breeds” from section 23 (2) (a).

Insert instead “Certain breeds of dogs”.

### [5] Section 75 Access to Register

Insert after section 75 (7) (a3):

(a4) an inspector within the meaning of the *Greyhound Racing Act 2017*,

## 7.4 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] Clauses 4 (2) and 30 (3)**

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

**[4] Clause 12 Exemptions from identification requirement**

Insert “by that section or” after “the Act” where secondly occurring in clause 12 (1).

**[5] Clause 16 Exemptions from registration requirement**

Omit clause 16 (g).

**[6] Clause 33B Muzzling requirements**

Omit clause 33B (1). Insert instead:

- (1) Greyhounds are prescribed as a breed of dog to which section 15 of the Act applies.
- (1A) However, a greyhound is exempt from the requirement under section 15 of the Act to have a muzzle securely fixed on its mouth if:
  - (a) the greyhound has successfully completed an approved greyhound re-training program, and
  - (b) the greyhound wears an approved collar when it is in a public place.

**[7] Clause 33B, note**

Omit the note.

## **7.5 Defamation Act 2005 No 77**

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

Insert “, **Greyhound Welfare and Integrity Commission**” after “**GRNSW**” in the heading to clause 12.

**[2] Schedule 1, clause 12 (a)**

Insert “or the Greyhound Welfare and Integrity Commission” after “Greyhound Racing New South Wales”.

**[3] Schedule 1, clause 12 (c)**

Omit the paragraph. Insert instead:

- (c) in the course of proceedings in respect of an investigation conducted by the Greyhound Welfare and Integrity Commission under the *Greyhound Racing Act 2017* or the Harness Racing Integrity Auditor under the *Harness Racing Act 2009* or by the Commission or the Integrity Auditor in a report that the Commission or Integrity Auditor makes in respect of such an investigation.

## 7.6 Government Sector Employment Act 2013 No 40

### Schedule 1 Public Service agencies

Insert in alphabetical order in Part 3:

Office of the Greyhound Welfare and Integrity Commission

Chief executive officer of the Commission. The Chief Commissioner of the Commission is to exercise the employer functions of the Government in relation to the chief executive officer.

## 7.7 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). Insert instead:

- (d) is registered by the Greyhound Welfare and Integrity Commission under the *Greyhound Racing Act 2017*, or

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

Omit “GRNSW or” wherever occurring.

### [4] Section 24 Appointment of Integrity Auditor

Omit section 24 (4) and (5).

## 7.8 Lotteries and Art Unions Act 1901 No 34

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

Omit “*Greyhound Racing Act 2009*” from the definition of **prescribed organisation** in section 4D (1).

Insert instead “*Greyhound Racing Act 2017*”.

## 7.9 Public Finance and Audit Act 1983 No 152

### Schedule 3 Departments

Insert in alphabetical order:

Greyhound Welfare and Integrity  
Commission

Chief Commissioner of the Commission

## 7.10 Racing Appeals Tribunal Act 1983 No 199

### [1] Long title

Omit "*Greyhound Racing Act 2009*". Insert instead "*Greyhound Racing Act 2017*".

### [2] Section 4 Definitions

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

### [3] Section 15A

Omit the section. Insert instead:

#### **15A Appeals to Tribunal relating to greyhound racing**

- (1) Any person who is aggrieved by any of the following decisions may, in accordance with the regulations, appeal against the decision to the Tribunal:
  - (a) a decision of a greyhound racing club within the meaning of the *Greyhound Racing Act 2017*,
  - (b) a decision of a steward appointed by the Greyhound Welfare and Integrity Commission.
- (2) Any of the following persons or bodies that are aggrieved by any decision of the Greyhound Welfare and Integrity Commission or Greyhound Racing New South Wales may, in accordance with the regulations, appeal against the decision to the Tribunal:
  - (a) any person,
  - (b) a greyhound racing club within the meaning of the *Greyhound Racing Act 2017*.

### [4] Section 17A Determination of appeals relating to greyhound racing or harness racing

Omit "or GRNSW" from section 17A (1) (b).

Insert instead ", the Greyhound Welfare and Integrity Commission, Greyhound Racing New

South Wales”.

**[5] Section 20 Expenses of Tribunal**

Omit “GRNSW” wherever occurring.

Insert instead “Greyhound Racing New South Wales”.

**7.11 Racing Appeals Tribunal Regulation 2015**

**[1] Clause 3 Definitions**

Omit paragraph (b) of the definition of **Secretary** from clause 3 (1). Insert instead:

- (b) in respect of an appeal relating to greyhound racing—a member of staff of the Greyhound Welfare and Integrity Commission, or of Greyhound Racing New South Wales, designated by the Minister as Secretary of the Tribunal with respect to greyhound racing, or

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

Omit paragraph (b) of the definition. Insert instead:

- (b) in respect of an appeal relating to greyhound racing—the rules made under the [Greyhound Racing Act 2017](#), or

**[3] Clause 9 Decisions from which an appeal lies to the Tribunal**

Insert after clause 9 (1) (c):

- (c1) to cancel the registration of, or to refuse to register:
  - (i) a greyhound racing club, or
  - (ii) a greyhound trial track, or
- (c2) to impose a condition on the registration under the [Greyhound Racing Act 2017](#) of any person, greyhound, greyhound racing club or greyhound trial track, or

**[4] Clause 9 (1) (g1)**

Insert after clause 9 (1) (g):

- (g1) to suspend the registration under the [Greyhound Racing Act 2017](#) of any person, greyhound, greyhound racing club or greyhound trial track, or

**[5] Clause 9 (2)**

Insert “and, in the case of greyhound racing, in the *Greyhound Racing Act 2017*” after “the rules”.

**[6] Clause 19 Costs**

Omit “GRNSW” from clause 19 (1).

Insert instead “the Greyhound Welfare and Integrity Commission, Greyhound Racing New South Wales”.

## **7.12 Sporting Venues (Invasions) Act 2003 No 44**

### **Section 3 Definitions**

Omit “Greyhound Racing New South Wales constituted under the *Greyhound Racing Act 2009*” from paragraph (c) of the definition of **controlling body** in section 3 (1).

Insert instead “the Greyhound Welfare and Integrity Commission”.

## **7.13 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*” from section 6 (2) (d).

Insert instead “the Greyhound Welfare and Integrity Commission under the *Greyhound Racing Act 2017*”.

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

Omit “or GRNSW” wherever occurring.

## **Schedule 8 Repeal of Acts and rules**

The following Acts and rules are repealed:

- (a) *Greyhound Racing Prohibition Act 2016 No 36*,
- (b) *Greyhound Racing Act 2009 No 19*,
- (c) *GRNSW Greyhound Racing Rules* made under the *Greyhound Racing Act 2009*.