

Greyhound Racing Prohibition Act 2016 No 36

[2016-36]



New South Wales

Status Information

Currency of version

Repealed version for 11 April 2017 to 2 July 2017 (accessed 28 November 2024 at 16:38)

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—

- **Repeal**
This Act was repealed by Sch 8 (a) to the [Greyhound Racing Act 2017 No 13](#) with effect from 3.7.2017.
- **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](#).

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Greyhound Racing Prohibition Act 2016 No 36



New South Wales

An Act to prohibit greyhound racing and to dissolve Greyhound Racing New South Wales; to amend and subsequently repeal the [Greyhound Racing Act 2009](#); and for other purposes.

Part 1 Preliminary

1 Name of Act

This Act is the [Greyhound Racing Prohibition Act 2016](#).

2 Commencement

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

3 Definitions

- (1) In this Act:

Administrator means the Greyhound Racing Administrator appointed under Part 2.

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

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

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

Greyhound Racing NSW means Greyhound Racing New South Wales constituted under the [Greyhound Racing Act 2009](#).

greyhound racing rules means the rules made under the [Greyhound Racing Act 2009](#).

Note—

The [Interpretation Act 1987](#) contains definitions and other provisions that affect the interpretation and application of this Act.

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

Part 2 Greyhound Racing Administrator

4 Appointment of Administrator

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

5 Administrator to wind up greyhound racing in NSW

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

6 Administrator to manage affairs of Greyhound Racing NSW

- (1) On the appointment of the Administrator:
 - (a) Greyhound Racing NSW ceases to consist of the members appointed under section 6 of the [Greyhound Racing Act 2009](#), and
 - (b) the chief executive officer of Greyhound Racing NSW ceases to hold that office.
- (2) Until the repeal of this Act by the [Greyhound Racing Act 2017](#), the affairs of Greyhound Racing NSW are to be managed and controlled by the Administrator.
- (3) Any act, matter or thing done in the name of, or on behalf of, Greyhound Racing NSW by the Administrator is taken to have been done by Greyhound Racing NSW.

Note—

Section 5 of the *Greyhound Racing Act 2009* provides that Greyhound Racing NSW is not subject to direction or control by or on behalf of the Government. Accordingly, the Administrator will not be subject to Ministerial control in managing the affairs of Greyhound Racing NSW.

7 Amendment of *Greyhound Racing Act 2009* on appointment of Administrator

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

8 Remuneration and other conditions of appointment of Administrator

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

9 Cessation of office of Administrator

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

10 Personal liability of Administrator

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

Parts 3, 4

11-18 (Repealed)

Part 5 Welfare of greyhounds

19 Definitions: Part 5

(1) In this Part:

registered greyhound means a greyhound registered by Greyhound Racing NSW under the greyhound racing rules or born to such a registered greyhound.

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

(2) (Repealed)

20 Greyhound Racing NSW to be notified of transfer of greyhound

(1) (Repealed)

(2) The owner of a registered greyhound must notify Greyhound Racing NSW in writing before transferring the greyhound:

(a) to any other person who is registered as a greyhound owner under the greyhound racing rules or under the law of any other State or Territory, or

(b) to a person or body conducting a greyhound adoption program.

Maximum penalty: 10 penalty units.

(3) In this section, a **greyhound adoption program** means a program conducted in accordance with a protocol approved by the Royal Society for the Prevention of Cruelty to Animals, New South Wales, or the Animal Welfare League, New South Wales, for removing greyhounds from greyhound racing and for their acquisition by persons assessed to be suitable to care for the greyhounds.

21 Consent of Greyhound Racing NSW required in certain other cases

(1) (Repealed)

(2) The owner of a registered greyhound must not, except with the written consent of Greyhound Racing NSW:

(a) retire the greyhound from racing, or

(b) export the greyhound to a country other than Australia, or

(c) transfer the greyhound to a person who is not registered as a greyhound owner under the greyhound racing rules or under the law of any other State or Territory, or

(d) destroy the greyhound or cause it to be destroyed.

Maximum penalty: 50 penalty units.

- (3) Despite subsection (2) (a)–(c), the consent of Greyhound Racing NSW is not required if Greyhound Racing NSW has been notified of the transfer of the greyhound in accordance with this Part.
- (4) Despite subsection (2) (d), the consent of Greyhound Racing NSW is not required if the greyhound is destroyed by a veterinary practitioner in an emergency in order to relieve it of suffering or distress due to injury or illness.
- (5) Greyhound Racing NSW may give consent under subsection (2) only if it is satisfied that the greyhound is to be appropriately cared for or humanely destroyed (as the case requires).

22 Disciplinary action by Greyhound Racing NSW

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

23 (Repealed)

Part 6

24-28 (Repealed)

Part 7 Miscellaneous

29 Compensation not payable by or on behalf of State

- (1) Compensation is not payable by or on behalf of the State:
 - (a) because of the enactment or operation of this Act, or for any consequence of that enactment or operation, or
 - (b) because of any statement or conduct relating to the enactment or operation of this Act, or
 - (c) because of the exercise by the Minister or Administrator (or a person acting under

the direction of the Minister or Administrator) of any function under this Act or the [Greyhound Racing Act 2009](#) (including any failure or delay in exercising a function).

(2) This section extends to statements, conduct and other matters occurring before the commencement of this section.

(3) In this section:

compensation includes damages or any other form of monetary compensation.

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

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

statement includes a representation of any kind:

(a) whether made verbally or in writing, and

(b) whether negligent, false, misleading or otherwise.

the State means the Crown within the meaning of the [Crown Proceedings Act 1988](#), and includes a public sector agency and an officer, employee or agent of the Crown or of a public sector agency.

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

(1) A court that convicts a person of an offence against this Act or the regulations may declare that the person is disqualified from greyhound racing for the period specified by the court.

(2) A person declared to be so disqualified is taken to have been disqualified by the controlling body for greyhound racing in New South Wales.

(3) (Repealed)

Note—

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

31 Nature of proceedings for offences

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

32 Penalty notices

- (1) A police officer, or an officer authorised by the regulations, may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

33 Regulations

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

Schedule 1 (Repealed)

Schedule 2 Consequential amendment of other Acts and instruments

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

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

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

[2] Schedule 1 Mandatory corporate governance provisions

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

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

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

2.2 Betting and Racing Act 1998 No 114

[1] Section 4 Definitions

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

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

Omit “greyhound race,”.

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

Omit “, meeting for greyhound racing”.

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

Omit paragraph (c).

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

Omit “or greyhounds”.

[6] Section 4 (1A)

Insert after section 4 (1):

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

[7] Section 7 Issue and classes of racecourse licence

Omit section 7 (2) (c).

[8] Section 27 Definitions

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

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

Omit paragraph (c).

2.3 Companion Animals Regulation 2008

[1] Clause 4 Categories of identified companion animals

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

[2] Clause 4 (1)

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

[3] Clause 4 (2)

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

[4] Clause 16 Exemptions from registration requirement

Omit clause 16 (g).

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

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

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

Insert after clause 33B (1):

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

[7] Clause 33B (2)

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

2.4 Crimes (Criminal Organisations Control) Act 2012 No 9

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

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

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

2.5 Defamation Act 2005 No 77

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

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

[2] Schedule 1, clause 12 (a)

Omit the paragraph.

[3] Schedule 1, clause 12 (c)

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

2.6 Harness Racing Act 2009 No 20

[1] Section 3 Definitions

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

[2] Section 6 Membership

Omit section 6 (2) (d).

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

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

[4] Section 19 Registration of bookmakers

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

[5] Section 24 Appointment of Integrity Auditor

Omit section 24 (4) and (5).

2.7 Land Tax Management Act 1956 No 26

Section 10 Land exempted from tax

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

Insert instead “or trotting-racing”.

2.8 Liquor Act 2007 No 90

Section 4 Definitions

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

Insert instead “or Harness Racing New South Wales”.

2.9 Lotteries and Art Unions Act 1901 No 34

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

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

2.10 Racing Appeals Tribunal Act 1983 No 199

[1] Long title

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

[2] Section 4 Definitions

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

[3] Part 3, Division 2, heading

Omit “greyhound racing or”.

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

Omit the section.

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

Omit “15A or” from section 17A (1).

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

Omit “GRNSW or”.

[7] Section 20 Expenses of Tribunal

Omit section 20 (1) (b).

[8] Section 20 (2)

Omit “, GRNSW” wherever occurring.

2.11 Racing Appeals Tribunal Regulation 2015

[1] Clause 3 Definitions

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

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

Omit paragraph (b).

[3] Part 2, Division 3, heading

Omit “greyhound racing or”.

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

Omit “15A or” from clause 9 (1).

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

Omit the subparagraph and paragraphs.

[6] Clause 10 Procedure for appeals

Omit “15A or” from clause 10 (1).

[7] Clause 10 (2) (b)

Omit the paragraph.

[8] Clause 19 Costs

Omit “, GRNSW” from clause 19 (1).

[9] Clause 19 (1)

Omit “, a greyhound racing club”.

2.12 Registered Clubs Act 1976 No 31

Section 30 Rules of registered clubs

Omit section 30 (5A) (c).

2.13 Sporting Bodies' Loans Guarantee Act 1977 No 3

Section 2 Definitions

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

2.14 Sporting Venues (Invasions) Act 2003 No 44

Section 3 Definitions

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

2.15 Thoroughbred Racing Act 1996 No 37

[1] Section 3 Definitions

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

[2] Section 6 Membership

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

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

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

2.16 Totalizator Act 1997 No 45

Section 70A Tax Reduction Trust Fund

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