



New South Wales

# Greyhound Racing Regulation 2019

under the

Greyhound Racing Act 2017

[*The following enacting formula will be included when this Regulation is made.*]

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

Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to make provision with respect to the following:

- (a) the persons, in addition to those specified in the *Greyhound Racing Act 2017*, who are required to be registered as greyhound racing industry participants,
- (b) the registration of greyhounds, greyhound racing industry participants, greyhound racing clubs and greyhound trial tracks (including the payment of registration fees),
- (c) the registers required to be retained by the Greyhound Welfare and Integrity Commission,
- (d) the delegation of the functions of the Commission and the Minister,
- (e) the reporting requirements of the Commission and GRNSW,
- (f) offences in respect of which penalty notices may be issued,
- (g) matters to which a certificate of evidence may relate,
- (h) matters of a savings and transitional nature.

This Regulation repeals and replaces the *Greyhound Racing Regulation 2018*.

This Regulation is made under the *Greyhound Racing Act 2017*, including sections 3 (1) (definition of **greyhound racing industry participant**), 10, 15, 28, 48–50, 53, 92 and 101 (the general regulation-making power).

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# public consultation draft

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## Greyhound Racing Regulation 2019

under the

Greyhound Racing Act 2017

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Greyhound Racing Regulation 2019*.

#### 2 Commencement

This Regulation commences on 1 September 2019 and is required to be published on the NSW legislation website.

#### 3 Definition

(1) In this Regulation:

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

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

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

## **Part 2 Functions and reports of Commission and GRNSW**

### **4 Delegation of functions of Commission**

For the purposes of section 10 (c) of the Act, a committee established by the Commission under section 13 of the Act is prescribed.

### **5 Annual report of Commission**

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

- (a) details of directions given by the Minister under section 8 of the Act and the steps taken to comply with the direction,
- (b) a summary of the strategic plan prepared under section 14 of the Act,
- (c) the number of greyhounds, greyhound racing industry participants and greyhound trial tracks registered,
- (d) a summary of the injuries to greyhounds participating in greyhound races,
- (e) the number of greyhound trial tracks that had their registrations suspended or cancelled under section 51 of the Act,
- (f) a summary of disciplinary action taken under Division 1 of Part 6 of the Act,
- (g) a summary of inquiries conducted under section 84 of the Act and summaries of the outcomes of those inquiries,
- (h) details of internal reviews under section 91 of the Act and summaries of the outcomes of those reviews,
- (i) details on the activities of the Greyhound Industry Animal Welfare Committee.

### **6 Annual report of GRNSW**

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

- (a) a summary of the minimum standards under section 26 of the Act in connection with the conduct of races and greyhound race meetings,
- (b) a progress report on the implementation of each minimum standard,
- (c) a summary of each strategic plan prepared under section 29 of the Act,
- (d) the number of registered greyhound racing clubs (including the number of clubs registered during that period),
- (e) details of registrations that were suspended or cancelled under section 54 of the Act,
- (f) a summary of disciplinary action taken by GRNSW under Division 2 of Part 6 of the Act (including the grounds on which the action was taken),
- (g) details of greyhound adoption programs managed or supported by GRNSW (including the number of greyhounds adopted),
- (h) the number of greyhound race meetings and greyhound races conducted during that period and the number of greyhounds involved.

## Part 3 Registration and registers

### Division 1 Registration of greyhounds

#### 7 Application for registration of greyhound

- (1) A greyhound racing industry participant may apply to the Commission to register a greyhound.
- (2) An application to register a greyhound must be:
  - (a) in the form approved by the Commission, and
  - (b) accompanied by the application fee determined by the Commission.
- (3) The application form may require the applicant to provide information that, in the opinion of the Commission, is necessary to determine whether to register or refuse to register the greyhound.
- (4) The Commission may, before determining an application to register a greyhound, require the applicant to provide additional information in relation to the application.
- (5) If the applicant does not provide the additional information requested within 21 days after the request is made, the Commission may refuse to register the greyhound.

#### 8 Term of registration of greyhound

A registered greyhound remains registered until:

- (a) the greyhound dies, or
- (b) the greyhound is registered as a companion animal under the *Companion Animals Act 1998*, or
- (c) the greyhound ceases to be a greyhound to which the Act applies, or
- (d) the registration is cancelled under the Act.

#### 9 Conditions on registration of greyhound

The registration of a greyhound is subject to the condition that the registered greyhound must be identified with both:

- (a) an implanted microchip, of a type approved by the Commission, containing a unique identifier, and
- (b) an ear tattoo, of a type approved by the Commission, containing a unique identifier.

#### 10 Commission to be notified of information relating to greyhounds

- (1) A greyhound racing industry participant who owns or keeps a greyhound must, in accordance with this clause, provide the following information to the Commission:
  - (a) if there is change in the ownership of the greyhound—details of the change of ownership,
  - (b) if there is a change in the premises at which the greyhound is ordinarily kept—details of the change of premises,
  - (c) if the greyhound dies—details relating to the date, time, location and manner of death,
  - (d) if the greyhound ceases to be greyhound to which the Act applies—details of the reason that the greyhound ceases to be a greyhound to which the Act applies.

- (2) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.
- (3) A greyhound racing industry participant who is required to provide information to the Commission under this clause must do so:
  - (a) in the circumstances referred to in subclause (1) (b)—not more than 3 days after the participant becomes aware of the circumstances, or
  - (b) in the circumstances referred to in subclause (1) (c)—not more than 2 days after the participant becomes aware of the circumstances, or
  - (c) in other circumstances—not more than 10 days after the participant becomes aware of the circumstances.

Maximum penalty: 20 penalty units.

## **Division 2 Registration of greyhound racing industry participants**

### **11 Definition of “greyhound racing industry participant”**

- (1) For the purposes of paragraph (e) of the definition of *greyhound racing industry participant* in section 3 (1) of the Act, the following health services are prescribed:
  - (a) massage therapy,
  - (b) acupuncture,
  - (c) non-invasive injury detection,
  - (d) first-aid.
- (2) Subclause (1) does not apply to:
  - (a) health services provided by a veterinary practitioner (within the meaning of the *Veterinary Practice Act 2003*), or
  - (b) health services provided to a greyhound by the owner of the greyhound.
- (3) For the purposes of paragraph (f) of the definition of *greyhound racing industry participant* in section 3 (1) of the Act, the following are prescribed:
  - (a) a person who handles greyhounds (otherwise than at a greyhound race or trial),
  - (b) the proprietor of a greyhound trial track,
  - (c) a person who artificially inseminates a greyhound,
  - (d) a person who, in an official capacity at a greyhound race or trial, is engaged in starting the race or trial, judging the outcome of the race or trial, operating a lure during the race or trial or kennelling greyhounds,
  - (e) a person who offers, or invites applications for, an interest in a greyhound,
  - (f) a person who manages the ownership of a greyhound on behalf of 2 or more other persons who own the greyhound jointly.

### **12 Application for registration of greyhound racing industry participant**

- (1) A person may apply to the Commission for registration as a greyhound racing industry participant.
- (2) An application for registration as a greyhound racing industry participant must be:
  - (a) in the form approved by the Commission, and
  - (b) accompanied by the fee determined by the Commission.
- (3) The application form may require the applicant to provide information that, in the opinion of the Commission, is necessary to determine whether to register or refuse to register the applicant as a greyhound racing industry participant.

- (4) The Commission may, before determining the application, request that the applicant provide additional information in relation to the application.
- (5) If the Commission requests additional information and the additional information is not provided within 21 days after the request is made, the Commission may refuse to register the person as a greyhound racing industry participant.

### **13 Term of registration of greyhound racing industry participant**

- (1) The registration of a greyhound racing industry participant expires at the end of the period (not exceeding 3 years) specified by the Commission when the application is determined.
- (2) A registered greyhound racing industry participant may, at any time within 3 months before the registration expires, apply to the Commission for the renewal of the registration.
- (3) Clause 12 (2)–(5) apply to an application for renewal of registration in the same way as those provisions apply to an application for registration.
- (4) A renewed registration comes into force on the expiry of the registration that is being renewed.
- (5) Despite subclause (1), if a registered greyhound racing industry participant applies for the renewal of the participant's registration before it expires, the participant's registration remains in force until the application is determined by the Commission.

### **14 Conditions on registration of greyhound racing industry participant**

It is a condition of the registration of a greyhound racing industry participant that the participant:

- (a) comply with the code of practice, and
- (b) comply with the greyhound racing rules, and
- (c) comply with policies relating to the welfare of greyhounds published by the Commission.

### **15 Commission to be notified of information relating to registered greyhound racing industry participants**

- (1) A registered greyhound racing industry participant must, in accordance with this clause, provide the following information to the Commission:
  - (a) if there is a change to the participant's name, address or contact details—details of the change,
  - (b) if the participant is charged with an animal cruelty offence under the *Prevention of Cruelty to Animals Act 1979* or is charged with an indictable offence under another Act—details of the charge.
- (2) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.
- (3) A greyhound racing industry participant who is required to provide information to the Commission under this clause must do so within 7 days after the participant becomes aware of the circumstances referred to in subclause (1).

Maximum penalty: 20 penalty units.

## **Division 3 Registration of greyhound trial tracks**

### **16 Application for registration of greyhound trial tracks**

- (1) The proprietor of a greyhound trial track may apply to the Commission for the registration of a greyhound trial track.
- (2) An application for registration of a greyhound trial track must be:
  - (a) in the form approved by the Commission, and
  - (b) accompanied by the fee determined by the Commission.
- (3) The application form may require the applicant to provide information that, in the opinion of the Commission, is necessary to determine whether to register or refuse to register the greyhound trial track.
- (4) The Commission may, before determining the application, request that the applicant provide additional information in relation to the application.
- (5) If the Commission requests additional information and the additional information is not provided within 21 days after the request is made, the Commission may refuse to register the greyhound trial track.

### **17 Term of registration of greyhound trial tracks**

- (1) The registration of a greyhound trial track expires at the end of the period (not exceeding 3 years) specified by the Commission when the application is determined.
- (2) The proprietor of a registered greyhound trial track may, at any time within 3 months before the registration expires, apply to the Commission for the renewal of the registration.
- (3) Clause 16 (2)–(5) apply to an application for renewal of registration in the same way as those provisions apply to an application for registration.
- (4) A renewed registration comes into force on the expiry of the registration that is being renewed.
- (5) Despite subclause (1), if the proprietor of a registered greyhound trial track applies for the renewal of the registration before it expires, the registration remains in force until the application is determined by the Commission.

### **18 Commission to be notified of information relating to registered greyhound trial tracks**

- (1) The proprietor of a registered greyhound trial track must, in accordance with this clause, provide the following information to the Commission:
  - (a) if there is a change to the proprietor's name, address or contact details—details of the change,
  - (b) if the proprietor is charged with an animal cruelty offence under the *Prevention of Cruelty to Animals Act 1979* or is charged with an indictable offence under another Act—details of the charge.
- (2) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.
- (3) The proprietor of a registered greyhound trial track who is required to provide information to the Commission under this clause must do so within 7 days after the participant becomes aware of the circumstances referred to in subclause (1).  
Maximum penalty: 20 penalty units.

## **Division 4 Commission to keep registers**

### **19 Commission to keep registers**

- (1) The Commission is to keep registers of the following:
  - (a) registered greyhounds,
  - (b) registered greyhound racing industry participants,
  - (c) registered greyhound trial tracks.
- (2) A register may contain the information that the Commission considers appropriate in relation to the registered greyhound, registered greyhound racing industry participant or registered greyhound trial track concerned.
- (3) Without limiting subclause (2), if a greyhound, greyhound racing industry participant or greyhound trial track ceases to be registered, the Commission may record that fact on the register (including details of the reason for the greyhound, participant or track ceasing to be registered).

### **20 Commission may share information in registers**

- (1) The Commission may share information contained in a register kept by the Commission under this Division with the following:
  - (a) the RSPCA,
  - (b) the NSW Animal Welfare League,
  - (c) a council (within the meaning of the *Local Government Act 1993*),
  - (d) GRNSW,
  - (e) the NSW Police Force, the Australian Federal Police or the police force of another State or a Territory,
  - (f) a body that, under the law of the Commonwealth, another State or a Territory, is responsible for the control or management of greyhound racing or the racing of other animals, in that jurisdiction,
  - (g) the Australian Financial Security Authority,
  - (h) the Australian Securities and Investments Commission,
  - (i) the Australian Transaction Reports and Analysis Centre,
  - (j) a government sector agency of the State or the Commonwealth.
- (2) A person or other body referred to in subclause (1) may request access to information contained in a register kept by the Commission under this Division.
- (3) If the Commission refuses a request for access to information contained in a register, the Commission is to provide reasons for the refusal.

## **Division 5 Registration of greyhound racing clubs**

### **21 Application for registration of greyhound racing clubs**

- (1) A person may apply to GRNSW for the registration of a greyhound racing club.
- (2) An application for registration of a greyhound racing club must be:
  - (a) in the form approved by GRNSW, and
  - (b) accompanied by the fee determined by GRNSW under section 32 of the Act.
- (3) The application form may require the applicant to provide information that, in the opinion of GRNSW, is necessary to determine whether to register or refuse to register the greyhound racing club.

- (4) GRNSW may, before determining the application, request that the applicant provide additional information in relation to the application.
- (5) If GRNSW requests additional information and the additional information is not provided within 21 days after the request is made, GRNSW may refuse to register the greyhound racing club.

## **22 Term of registration of greyhound racing clubs**

- (1) The registration of a greyhound racing club expires at the end of the period (not exceeding 3 years) specified by GRNSW when the application is determined.
- (2) A person may, at any time within 3 months before the registration of a greyhound racing club expires, apply to GRNSW for the renewal of the registration.
- (3) Clause 21 (2)–(5) apply to an application for renewal of registration in the same way as those provisions apply to an application for registration.
- (4) A renewed registration comes into force on the expiry of the registration that is being renewed.
- (5) Despite subclause (1), if an application is made for the renewal of the registration of a greyhound racing club before it expires, the registration remains in force until the application is determined by GRNSW.

## Part 4 Miscellaneous

### 23 Participant only areas at racecourses and trial tracks

- (1) A person must not enter a participant only area at a licensed racecourse or greyhound trial track unless the person is a greyhound racing industry participant.  
Maximum penalty: 100 penalty units.
- (2) For the purposes of subclause (1), *participant only area* means an area at a licensed racecourse or greyhound trial track identified, by signs located at each point of entry to the area, as a participant only area.

### 24 Delegation by Minister

For the purposes of section 92 of the Act, the Executive Director, Liquor, Gaming and Racing, Department of Customer Service is prescribed.

### 25 Certificate evidence

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

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

### 26 Repeal and saving

- (1) The *Greyhound Racing Regulation 2018* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Greyhound Racing Regulation 2018*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Penalty notice offences

For the purposes of section 96 of the Act:

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

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 39	\$2,200
Section 41 (1)	For a first offence—\$550 For a second or subsequent offence—\$1,100
Section 42 (1)	For a first offence—\$275 For a second or subsequent offence—\$550
Section 42 (2)	For a first offence—\$275 For a second or subsequent offence—\$550
Section 43	For a first offence—\$275 For a second or subsequent offence—\$550
Section 44	For a first offence—\$550 For a second or subsequent offence—\$1,100
Section 45	\$5,500
Section 46	\$2,200
Section 50 (6)	For a first offence—\$1,100 For a second or subsequent offence—\$2,200
Section 82 (1)	For a first offence—\$550 For a second or subsequent offence—\$1,100
Section 82 (4) and (5)	\$1,100
Section 86 (6)	\$1,100
<b>Offences under this Regulation</b>	
Clause 23 (1)	\$550

## Schedule 2 Savings and transitional provisions

### 1 Interpretation

In this Schedule:

*prescribed activity* means an activity referred to in clause 11 (3).

*prescribed health service* means a health service referred to in clause 11 (1).

### 2 Registration of person carrying on prescribed activities or providing prescribed health services

A person who carried on a prescribed activity or who provided a prescribed health service immediately before the commencement of this Regulation:

- (a) is taken to be a registered greyhound racing industry participant authorised to carry on the activity or provide the health service until 1 January 2020, and
- (b) if the person applies to be a registered racing industry participant authorised to carry out the activity or provide the health service before 1 January 2020—is taken to be a registered greyhound racing industry participant for that activity or health service until that application is determined.

### 3 Existing registrations

- (1) This clause applies to a registration in force immediately before 1 September 2019.
- (2) A registration to which this clause applies is taken to have been granted:
  - (a) for the period ending on 30 June 2020, and
  - (b) subject to the terms and conditions applying to the registration immediately before 1 September 2019.
- (3) A provision of this Regulation relating to the renewal of registration or the conditions applying to registration extends to a registration to which this clause applies.
- (4) This clause does not prevent a registration to which this clause applies from being suspended or cancelled under the Act.

### 4 Owners to notify Commission of existing registered greyhounds

- (1) It is a condition of the registration of a greyhound racing industry participant who, immediately before 1 September 2019, was the owner of a registered greyhound that the participant must notify the Commission of each registered greyhound owned by the person on 1 September 2019.
- (2) The notice must:
  - (a) be in the form approved by the Commission for the purposes of this clause, and
  - (b) be provided to the Commission on or before 1 January 2020.

### **Schedule 3      Amendment of Greyhound Racing Act 2017 No 13**

**[1]    Schedule 4 Savings and transitional provisions**

Omit the definition of *transition period* from clause 8.

Insert instead:

*transition period* means the period from 1 July 2018 to 1 July 2020.

**[2]    Schedule 4, clause 9**

Omit the clause.

**[3]    Schedule 4, clause 10 (1)**

Omit “regulations and”.

**[4]    Schedule 4, clause 10 (3)**

Omit the subclause.