

Explanatory note

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

The following Bills are cognate with this Bill:

- (a) the Harness Racing Bill 2009,
- (b) the Racing Legislation Amendment Bill 2009.

Overview of Bill

The Racing Legislation Amendment Bill 2009 will repeal the Greyhound and Harness Racing Administration Act 2004, the Greyhound Racing Act 2002 and the Harness Racing Act 2002.

The object of this Bill is to re-enact the Greyhound Racing Act 2002:

- (a) to continue Greyhound Racing New South Wales (GRNSW) which was constituted under the Greyhound Racing Act 2002, and
- (b) to dissolve the Greyhound and Harness Racing Regulatory Authority and the Greyhound and Harness Racing Appeals Tribunal, constituted under the Greyhound and Harness Racing Administration Act 2004, and
- (c) to provide for the transfer to GRNSW of functions relating to greyhound racing currently exercised by the Greyhound and Harness Racing Regulatory Authority, and

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- (d) to provide for a new method of appointment of the members of GRNSW in line with recent amendments to the Thoroughbred Racing Act 1996, and
- (e) to provide for the appointment of a Greyhound Racing Integrity Auditor to have primary oversight over functions of GRNSW relating to stewards, drug testing and control and registration and to deal with complaints about greyhound racing officials.

Outline of provisions

Part 1 Preliminary

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

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

Clause 3 defines terms used in the proposed Act.

Part 2 Greyhound Racing New South Wales

Clause 4 constitutes Greyhound Racing New South Wales as a body corporate and enables it to use a different name approved by the Minister. Schedule 3 provides that GRNSW is continued as the same entity constituted under the Greyhound Racing Act 2002.

Clause 5 makes it clear that GRNSW and its subsidiaries do not represent the Crown and the State is not responsible for any of their debts, liabilities or obligations unless expressly provided by an Act of Parliament.

Clause 6 provides for GRNSW to consist of 5 members appointed by the Minister on the recommendation of a Selection Panel. Schedule 3 continues the term of office of the existing members of GRNSW which will expire in approximately 3 years or when members are first appointed in accordance with the procedures in the proposed Act.

Clause 7 requires the Minister to establish a Selection Panel to recommend the appointment of members of GRNSW and the term of office of members. The clause provides that the Panel is to be satisfied that persons to be recommended for appointment possess certain specified qualifications or experience and have undergone a probity check.

Clause 8 requires the Minister to review the appointments process before the beginning of February 2012.

Clause 9 specifies the functions of GRNSW. Those functions include the control,

supervision and regulation of greyhound racing in New South Wales and the registration of greyhound racing clubs, greyhound trial tracks, greyhounds, owners and trainers of greyhounds, bookmakers for greyhound racing and other persons associated with greyhound racing.

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Clause 10 provides that GRNSW has power to do all things that may be necessary or convenient to be done in connection with the exercise of its functions and specifically lists certain powers of GRNSW in relation to greyhound racing.

Clause 11 requires GRNSW to exercise its registration functions so as to ensure that persons registered are fit and proper.

Clause 12 requires GRNSW to prepare strategic plans for its activities, to consult with greyhound industry stakeholders and to prepare strategic plans for the greyhound racing industry.

Clause 13 enables GRNSW to employ a chief executive officer.

Clause 14 enables GRNSW to employ other staff.

Clause 15 enables GRNSW to make arrangements for the sharing of staff and facilities with Harness Racing New South Wales and Racing New South Wales. Any arrangement in relation to stewards or registration requires the consent of the Minister.

Clause 16 requires GRNSW to give an annual report of its work and activities to the Minister for tabling in Parliament.

Part 3 Control and regulation of greyhound racing

Division 1 Registration

Clause 17 provides for GRNSW to register greyhound racing clubs and greyhound trial tracks.

Clause 18 provides for GRNSW to register greyhounds, owners, trainers, bookmakers and other persons associated with the greyhound racing industry.

Clause 19 provides for the determination of applications for registration as a bookmaker in relation to greyhound racing and sets out a number of conditions that apply to a company's registration as a bookmaker.

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

Clause 21 enables GRNSW to take disciplinary action or to take action in the interests of occupational health and safety, including the suspension or cancellation of any registration under the proposed Act or the imposition of fines.

Clause 22 makes it an offence for a person to manage or control a greyhound trial track that is required to be registered in accordance with the rules and is not registered.

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Division 2 Rules

Clause 23 enables GRNSW to make rules, not inconsistent with the proposed Act, for or with respect to the control and regulation of greyhound racing and sets out a number of specific rule-making powers.

Clause 24 contains ancillary provisions relating to the making of rules.

Division 3 Greyhound Racing Integrity Auditor

Clause 25 requires GRNSW to appoint a Greyhound Racing Integrity Auditor who holds suitable legal qualifications and has undergone a probity check. The appointment has no effect unless it is approved by the Minister. The person appointed as Harness Racing Integrity Auditor under the proposed Harness Racing Act 2009

may be appointed to the position of Greyhound Racing Integrity Auditor as well. Clause 26 sets out the functions of the Greyhound Racing Integrity Auditor. They include the primary oversight of those aspects of the functions of GRNSW that relate to stewards, drug testing and control and registration, providing advice to GRNSW on those matters and receiving and investigating complaints against greyhound racing officials.

Clause 27 sets out the procedure to be followed by the Greyhound Racing Integrity Auditor when dealing with complaints and provides the Integrity Auditor with certain powers to facilitate the investigation of complaints.

Clause 28 requires the Greyhound Racing Integrity Auditor to provide a written report to GRNSW and the Minister in relation to the investigation of a complaint if the Integrity Auditor is satisfied that the results of the investigation indicate that there has been a contravention of the proposed Act or any other Act in relation to the conduct of greyhound racing or a contravention of the code of conduct adopted by GRNSW.

Part 4 Directions and minimum standards

Clause 29 enables GRNSW to set minimum standards in connection with the conduct by greyhound racing clubs of greyhound races and greyhound racing meetings. Those standards include standards relating to racecourse design and construction, racecourse facilities and amenities, fees and charges imposed by greyhound racing clubs in connection with races conducted by the club and prize money.

Clause 30 gives GRNSW the power to direct a greyhound racing club to provide GRNSW with specified documents or information to assist GRNSW in connection with its various policy-making functions.

Clause 31 gives GRNSW power to impose various sanctions against a greyhound racing club that fails to comply with a minimum standard set under proposed section 29 or a direction under proposed section 30.

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Part 5 Greyhound Racing Industry Consultation

Group

Clause 32 establishes a committee called the Greyhound Racing Industry Consultation Group (GRICG).

Clause 33 sets out the membership of GRICG.

Clause 34 provides that certain persons are not eligible to be members of GRICG.

Clause 35 provides that GRICG has the function of consulting with and making recommendations to GRNSW on matters concerning greyhound racing in New South Wales.

Part 6 Finance

Clause 36 sets out the financial year of GRNSW.

Clause 37 sets out the expenses under the proposed Act for which GRNSW is liable.

Clause 38 enables GRNSW to establish accounts.

Clause 39 enables GRNSW to determine fees and charges for registration and other business transacted under the proposed Act.

Part 7 Miscellaneous

Clause 40 requires GRNSW to keep records in relation to its functions.

Clause 41 enables GRNSW to require the production of records relating to the affairs of any greyhound racing club or greyhound trial track.

Clause 42 enables GRNSW to delegate certain functions.

Clause 43 protects members of GRNSW, GRICG, and other specified persons, from personal liability for things done in good faith for the purpose of executing the proposed Act or any other Act.

Clause 44 provides for the authentication of certain documents by GRNSW.

Clause 45 deals with certain evidentiary matters.

Clause 46 enables GRNSW to recover money owing as a debt.

Clause 47 provides for proceedings for offences against the proposed Act to be dealt with summarily.

Clause 48 enables regulations to be made for the purposes of the proposed Act.

Clause 49 requires the Minister to review the proposed Act after the period of 5 years from the date of assent to the proposed Act.

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Schedule 1 Provisions relating to members of GRNSW

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

Schedule 2 Provisions relating to GRICG

Schedule 2 contains provisions relating to members of GRICG, including vacation of office of members and procedure.

Schedule 3 Savings, transitional and other provisions

Schedule 3 enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions. The proposed Schedule also provides for the dissolution of the Greyhound and Harness Racing Appeals Tribunal and the Greyhound and Harness Racing Regulatory Authority and contains provisions facilitating the transfer of assets, rights, liabilities and staff of that Authority to GRNSW.