

Passed by both Houses



New South Wales

# Greyhound Racing Bill 2009

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2009*



New South Wales

## **Greyhound Racing Bill 2009**

Act No , 2009

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An Act to make provision with respect to the control and regulation of greyhound racing; and for other purposes.

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See also the *Harness Racing Act 2009* and the *Racing Legislation Amendment Act 2009*.

*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

## **Part 1    Preliminary**

### **1    Name of Act**

This Act is the *Greyhound Racing Act 2009*.

### **2    Commencement**

This Act commences on a day or days to be appointed by proclamation.

### **3    Definitions**

(1) In this Act:

***de facto partner***, in relation to a person, means the other party to a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the person.

***eligible industry body*** means a body determined to be an eligible industry body for the time being under section 33 (2).

***exercise*** a function includes perform a duty.

***function*** includes a power, authority or 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 club*** means a non-proprietary association holding a racecourse licence under the *Racing Administration Act 1998* and includes an association of greyhound racing clubs.

***greyhound racing meeting*** has the same meaning as meeting for greyhound racing has in section 4 of the *Racing Administration Act 1998*.

***greyhound trial track*** means land (not being a racecourse licensed under the *Racing Administration Act 1998* for greyhound racing meetings) that is held out by any person having the management or control of the land, whether as owner, lessee, occupier or otherwise, as being available for the purpose of enabling greyhounds, other than those owned by, or leased to, that person, to compete in trials or be trained in racing.

***GRICG*** means the Greyhound Racing Industry Consultation Group established by this Act.

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

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**HRNSW** means Harness Racing New South Wales constituted by the *Harness Racing Act 2009*.

**Integrity Auditor** means the Greyhound Racing Integrity Auditor appointed under this Act.

**racing official** means a member of GRNSW, the chief executive officer of GRNSW, a steward appointed by GRNSW or any other member of staff of GRNSW.

**rule** means a rule made under this Act.

**Selection Panel** means the Selection Panel established under section 7.

- (2) A reference in this Act to a **person associated with greyhound racing** is a reference to the following:
- (a) a person who handles greyhounds at a greyhound race or trial,
  - (b) a bookmaker's clerk,
  - (c) a greyhound breeder,
  - (d) a person who manages or controls a greyhound trial track,
  - (e) a person who is an officer or employee of a greyhound racing club or is otherwise concerned in the management or control of any such club,
  - (f) any other person prescribed by the regulations for the purposes of this subsection.
- (3) Unless the regulations otherwise provide, a reference in any provision of this Act:
- (a) to registration includes a reference to licence, and
  - (b) to register includes a reference to license, and
  - (c) to registered includes a reference to licensed.

## **Part 2    Greyhound Racing New South Wales**

### **4    Constitution of Greyhound Racing New South Wales**

- (1) There is constituted by this Act a body corporate with the corporate name of Greyhound Racing New South Wales.
- (2) GRNSW may use another name approved by the Minister by order published in the Gazette.
- (3) Without limiting subsection (2), GRNSW may use that other name when entering into any agreement or in relation to any other dealings of GRNSW.

### **5    GRNSW independent of Government**

GRNSW or any of its subsidiaries:

- (a) does not represent the Crown and is not subject to direction or control by or on behalf of the Government, and
- (b) cannot render the State liable for any debts, liabilities or other obligations of GRNSW or its subsidiaries,  
unless this or any other Act expressly provides otherwise.

### **6    Membership**

- (1) GRNSW is to consist of 5 members appointed as follows:
  - (a) 5 members recommended for appointment by the Selection Panel under section 7 and appointed by the Minister to give effect to the recommendation of the Selection Panel, unless the appointment is to fill a casual vacancy under paragraph (b),
  - (b) the appointment of a member to fill a casual vacancy (a vacancy in the office of a member occurring other than by reason of the completion of the member's term of office) is to be made by the Minister on the nomination of GRNSW.
- (2) A person is not eligible to be a member of GRNSW if the person:
  - (a) is an employee of a greyhound racing club, or
  - (b) is a member of the governing body of a greyhound racing club or eligible industry body, or
  - (c) is registered by or with GRNSW under this Act, or
  - (d) is registered or licensed by or with HRNSW under the *Harness Racing Act 2009*, or
  - (e) holds a licence issued by Racing New South Wales, or
  - (f) is currently, or during the previous 10 years has been, warned off, disqualified or named on the Defaulters List under the rules, or

- (g) during the previous 10 years has been convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (h) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankruptcy, or
  - (i) is a mentally incapacitated person.
- (3) A person is not eligible to be appointed as a member of GRNSW if the person is a member of the Selection Panel at the time the Selection Panel makes its recommendation for the appointment concerned.
  - (4) A person is not eligible to hold office as a member of GRNSW for more than 8 years in total (whether or not involving consecutive terms of office).
  - (5) While a person is a member of GRNSW, any entitlement of the person to vote as a member of a greyhound racing club or of an eligible industry body is suspended.
  - (6) Schedule 1 contains provisions relating to members of GRNSW.

#### **7 Selection Panel**

- (1) The Minister is to establish a Selection Panel to recommend persons for appointment as members of GRNSW and to recommend the term of office of members.
- (2) The Selection Panel must recommend only the number of persons required to be appointed (no more and no fewer) and must recommend a term of office for each person recommended.
- (3) The Selection Panel must not recommend a person for appointment as a member of GRNSW unless the Panel is satisfied that the person has experience in a senior administrative role or experience at a senior level in one or more of the fields of business, finance, law, marketing, technology, commerce, regulatory administration or regulatory enforcement.
- (4) Before recommending a person for appointment as a member of GRNSW, the Selection Panel must conduct a probity check of the person (with the level of scrutiny as determined by the Minister). The Minister is to appoint a Probity Adviser to assist the Selection Panel to conduct probity checks.



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- (5) The Selection Panel is to choose between candidates for recommendation for appointment as a member of GRNSW on the basis of merit, with merit to be determined on the basis of a candidate's abilities, qualifications, experience and personal qualities that are relevant to the performance of the duties of membership of GRNSW.

#### **8 Review of appointments process**

- (1) The Minister is to review the operation of sections 6 and 7 and clause 3 of Schedule 1 to determine whether their policy objectives remain valid and whether their terms remain appropriate for securing those objectives.
- (2) The review is to be undertaken before the beginning of February 2012.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the review is completed.

#### **9 Functions of GRNSW**

- (1) GRNSW has the functions conferred or imposed on it by or under this or any other Act or law.
- (2) Without limiting subsection (1), the functions of GRNSW include the following:
- (a) to control, supervise and regulate greyhound racing in the State,
  - (b) to register greyhound racing clubs, greyhound trial tracks, greyhounds, owners and trainers of greyhounds, bookmakers for greyhound racing and other persons associated with greyhound racing,
  - (c) to initiate, develop and implement policies considered conducive to the promotion, strategic development and welfare of the greyhound racing industry in the State,
  - (d) to distribute money received as a result of commercial arrangements required by the *Totalizator Act 1997*,
  - (e) to allocate to greyhound racing clubs the dates on which they may conduct greyhound racing meetings.
- (3) GRNSW may affiliate with such organisations, whether in or out of New South Wales, as GRNSW considers appropriate.
- (4) The functions of GRNSW are not limited by the rules and are to be exercised independently of Greyhounds Australasia Limited or any successor.

**10 Powers of GRNSW**

- (1) GRNSW has power to do all things that may be necessary or convenient to be done for or in connection with the exercise of its functions.
- (2) Without limiting subsection (1), GRNSW has power to do the following:
  - (a) investigate and report on proposals for the construction of new racecourses and inspect new racecourses or alterations or renovations to existing racecourses,
  - (b) supervise the activities of greyhound racing clubs, persons registered by GRNSW and all other persons engaged in or associated with greyhound racing,
  - (c) inquire into and deal with any matter relating to greyhound racing and to refer any such matter to stewards or others for investigation and report and, without limiting the generality of this power, to inquire at any time into the running of any greyhound on any course or courses, whether or not a report concerning the matter has been made or decision arrived at by any stewards,
  - (d) direct and supervise the dissolution of a greyhound racing club that ceases to be registered by GRNSW,
  - (e) appoint an administrator to conduct the affairs of a greyhound racing club,
  - (f) disqualify a greyhound from participating in a race,
  - (g) exclude from participating in a race a greyhound not registered under the rules,
  - (h) prohibit a person from attending or taking part in a greyhound racing meeting,
  - (i) impose a penalty on a person registered by it or on an owner of a greyhound for a contravention of the rules,
  - (j) consult, join, affiliate and maintain liaison with other associations or bodies, whether in the State or elsewhere, concerned with the breeding or racing of greyhounds,
  - (k) enter into contracts,
  - (l) acquire, hold, take or lease and dispose of real and personal property whether in its own right or as trustee,
  - (m) borrow money,
  - (n) order an audit of the books and accounts of a greyhound racing club by an auditor who is a registered company auditor nominated by GRNSW,

- (o) scrutinise 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,
  - (p) publish material, including periodical publications, to inform the public about matters relating to greyhound racing, whether in the State or elsewhere,
  - (q) undertake research and investigation into all aspects of the breeding of greyhounds and of greyhound racing generally,
  - (r) take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions.
- (3) Nothing in this Act confers on GRNSW power to conduct greyhound racing meetings on its own behalf.

#### **11 Registration functions of GRNSW—general**

- (1) GRNSW is to exercise its registration functions so as to ensure that any individuals registered by GRNSW are persons who, in the opinion of GRNSW, are fit and proper persons to be so 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 so registered if the person has a conviction and GRNSW is of the opinion that the circumstances of the offence concerned are such as to render the person unfit to be so registered.
- (3) This section does not limit any provisions of the rules relating to the exercise of the registration functions of GRNSW.
- (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.  
*registration functions* means the functions referred to in Division 1 of Part 3.

#### **12 Consultation and planning**

- (1) GRNSW is to prepare strategic plans for its activities from time to time.
- (2) GRNSW is to undertake formal consultation on a regular basis with GRICG and other greyhound racing industry stakeholders in connection with the initiation, development and implementation of policies for the promotion, strategic development and welfare of the greyhound racing industry.

- (3) GRNSW is to prepare an initial strategic plan for the greyhound racing industry within 12 months after the commencement of this section and is to prepare a further strategic plan for the greyhound racing industry at least every 3 years after the initial strategic plan is prepared. Each such strategic plan must be prepared in consultation with GRICG and other greyhound racing industry stakeholders.
- (4) The annual report of GRNSW under section 16 is to include a progress report on implementation of the strategic plan of GRNSW and the strategic plan for the greyhound racing industry over the period to which the annual report relates.

**13 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 *Public Sector Employment and Management Act 2002* does not apply to or in respect of the chief executive officer.

**14 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) (including the chief executive officer of GRNSW) in so far as they are not fixed by or under any other Act or law.
- (3) The *Public Sector Employment and Management Act 2002* 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.

**15 Arrangements for use of staff and facilities of HRNSW or Racing New South Wales**

- (1) GRNSW may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of HRNSW or Racing New South Wales.
- (2) For the purposes of this Act, a person whose services are made use of under subsection (1) is taken to be a member of staff of GRNSW.
- (3) Without limiting subsection (1), GRNSW may arrange for a steward appointed by HRNSW or Racing New South Wales to perform the functions of a steward of GRNSW under this Act. Any such person is

taken to have been appointed by GRNSW as a steward for the purposes of this Act while exercising functions under this Act in accordance with those arrangements.

- (4) Without limiting subsection (1), GRNSW may arrange to share with HRNSW or Racing New South Wales any equipment, information technology (such as computer software) or office or any administrative system relating to licensing or registration.
- (5) GRNSW is not authorised to enter into an arrangement under this section in relation to stewards, or registration, without the consent of the Minister.
- (6) The consent of the Minister under subsection (5):
  - (a) may be given in relation to a particular arrangement or a class of arrangements, and
  - (b) may be subject to conditions, and
  - (c) may be amended from time to time.

**16 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 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.
- (4) GRNSW is to make copies of the report available to the public at a reasonable price.

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## **Part 3 Control and regulation of greyhound racing**

### **Division 1 Registration**

#### **17 Registration of greyhound racing clubs and trial tracks**

- (1) GRNSW may, in accordance with the rules, register or refuse to register:
  - (a) any greyhound racing club, or
  - (b) any greyhound trial track.
- (2) GRNSW must not refuse to register a greyhound racing club or a greyhound trial track under this section unless it is of the opinion that:
  - (a) the greyhound racing club or greyhound trial track is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or
  - (b) the registration of the greyhound racing club or greyhound trial track (whether under this or another Act) has previously been cancelled, or
  - (c) it would be in the best interests of the greyhound racing industry to do so.

#### **18 Registration of greyhounds and persons associated with greyhound racing**

- (1) GRNSW may, in accordance with the rules, register or refuse to register any greyhound, or any owner, trainer or bookmaker or other person associated with greyhound racing.
- (2) GRNSW must not refuse to register any greyhound or any person under subsection (1) unless it is of the opinion that it would be in the best interests of the greyhound racing industry to do so.

#### **19 Registration of bookmakers**

- (1) An individual over the age of 18 years or a proprietary company may apply to GRNSW for registration as a bookmaker in relation to greyhound racing.
- (2) Despite section 18 (2), GRNSW must refuse to grant an application for registration of a proprietary company as a bookmaker unless 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 GRNSW, 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

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- (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 no director, shareholder or person concerned in the management of the company:
- (a) carries 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 racing meeting in New South Wales, or
- (b) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for greyhound racing.
- (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) GRNSW 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 powers of GRNSW to suspend or cancel the registration of a company as a bookmaker under section 21.
- (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:
- authorised sports betting bookmaker** has the same meaning as in section 4 of the *Racing Administration Act 1998*.
- 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.
- 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.

*racecourse licensed for greyhound racing* means a racecourse in respect of which a licence for greyhound racing meetings granted under section 7 of the *Racing Administration Act 1998* is in force.

**20 Suspension or cancellation of registration of greyhound racing clubs and trial tracks on commercial grounds**

- (1) GRNSW may, in accordance with the rules, suspend or cancel the registration of:
  - (a) any greyhound racing club, or
  - (b) any greyhound trial track.
- (2) GRNSW must not suspend or cancel any registration under this section unless it is of the opinion that:
  - (a) the greyhound racing club or 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.
- (3) GRNSW may not suspend or cancel any registration under this section for the purpose of taking disciplinary action or for the purposes of occupational health and safety.

**21 Disciplinary and occupational health and safety action may be taken by GRNSW**

- (1) GRNSW may, in accordance with the rules, do any of the following:
  - (a) cancel the registration under this Act of:
    - (i) any greyhound racing club, or
    - (ii) any greyhound trial track, or
    - (iii) any greyhound, or
    - (iv) any owner, trainer or bookmaker or other person associated with greyhound racing,
  - (b) disqualify, either permanently or temporarily, any owner, trainer or bookmaker or other person associated with greyhound racing,
  - (c) disqualify any greyhound, either permanently or temporarily,
  - (d) prohibit any person from participating in or associating with greyhound racing in any specified capacity,
  - (e) prohibit any greyhound from competing in any greyhound race or trial,

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- (f) impose fines, not exceeding 200 penalty units, on any greyhound racing club or on any owner, trainer or bookmaker or other person associated with greyhound racing for breaches of the rules,
  - (g) suspend, for such term as GRNSW thinks fit, any right or privilege conferred by this Act or the rules on any owner, trainer or bookmaker or other person associated with greyhound racing,
  - (h) prohibit any person registered under the rules from taking part in any greyhound racing meeting held by any greyhound racing club that is not registered under the rules.
- (2) Any fine imposed under subsection (1) (f) is to be paid to and be the property of GRNSW.
  - (3) GRNSW may only take action under this section for disciplinary purposes or for the purposes of occupational health and safety.

## **22 Offence for greyhound trial tracks not to be registered**

A person who as owner, lessee, occupier or otherwise has the management or control of a greyhound trial track that is required to be registered in accordance with the rules and is not so registered is guilty of an offence and liable to a penalty not exceeding 4 penalty units.

## **Division 2 Rules**

### **23 Rules in relation to greyhound racing**

- (1) GRNSW may make rules, not inconsistent with this Act or the regulations, for or with respect to the control and regulation of greyhound racing.
- (2) Without limiting the generality of subsection (1), GRNSW may make rules for or with respect to the following:
  - (a) any matter that by this Act is required or permitted to be prescribed by the rules,
  - (b) any of the matters referred to in Division 1,
  - (c) the effect of a disqualification of, or other penalty imposed on, a person or greyhound under section 21 (1),
  - (d) the allocation to greyhound racing clubs of dates on which they may conduct greyhound racing meetings and greyhound races,
  - (e) the holding and conduct of greyhound racing meetings and of races or trials at any such meeting,
  - (f) the keeping of greyhounds that are in the care or custody of persons registered under the rules,

- (g) the breeding of greyhounds (including the registration or recording of sires, services and litters),
- (h) the naming and identification of greyhounds,
- (i) the adoption by 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,
- (j) the appointment of stewards by GRNSW and the functions of those stewards (including functions that do not relate to greyhound racing meetings),
- (k) conferring on stewards appointed by GRNSW the function of enforcing the rules,
- (l) the extent to which and the circumstances in which stewards appointed by GRNSW may exercise their functions to the exclusion of stewards of greyhound racing clubs,
- (m) 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 award, in respect of any greyhound trial or training race, of any money,
  - (iii) charging for the admission of persons (not being persons in charge of greyhounds) to a greyhound trial track,
- (n) the fees and charges referred to in section 39.

#### **24 Rules generally**

- (1) A provision of a rule made under this Division may:
  - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
  - (b) apply differently according to different factors of a specified kind, or
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.
- (2) A rule made under this Division may apply, adopt or incorporate any publication as in force at a particular time or as in force from time to time.
- (3) A rule made under this Division may not be made for or with respect to any of the matters for or with respect to which regulations may be made by virtue of this Act (section 48 (1) (b) excepted).

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### **Division 3      Greyhound Racing Integrity Auditor**

#### **25    Appointment of Integrity Auditor**

- (1) GRNSW is to appoint a person who, in the opinion of GRNSW, has suitable legal qualifications to hold the office of Greyhound Racing Integrity Auditor.
- (2) GRNSW is to conduct a probity check of a person (with the level of scrutiny to be determined by the Minister) before appointing a person to the office of Greyhound Racing Integrity Auditor.
- (3) An appointment of a Greyhound Racing Integrity Auditor has no effect unless the Minister approves of the appointment.
- (4) A person holding office as the Harness Racing Integrity Auditor under the *Harness Racing Act 2009* may also be appointed to the office of Greyhound Racing Integrity Auditor.
- (5) A probity check need not be conducted under subsection (2) of a person if the person holds the office of the Harness Racing Integrity Auditor and HRNSW conducted probity checks of that person before his or her appointment in accordance with the *Harness Racing Act 2009*.

#### **26    Functions of Integrity Auditor**

- (1) The Integrity Auditor has the following functions:
  - (a) the primary oversight of those aspects of the functions of GRNSW that relate to stewards, drug testing and control and registration,
  - (b) providing advice to GRNSW on the matters referred to in paragraph (a),
  - (c) receiving and investigating complaints against racing officials in respect of the exercise of functions relating to greyhound racing,
  - (d) such other functions as are conferred or imposed on the Integrity Auditor by or under this or any other Act.
- (2) The functions of the Integrity Auditor are to be exercised independently of GRNSW.

#### **27    Inquiries and investigations by Integrity Auditor in relation to complaint**

- (1) A person may make a complaint to the Integrity Auditor in respect of the exercise of functions by a racing official relating to greyhound racing.

- (2) On receiving a complaint from a person under this section, the Integrity Auditor must investigate the complaint with due diligence unless the Integrity Auditor 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 racing official in a corrupt, improper or unethical manner.
- (3) If the Integrity Auditor decides to investigate a complaint, the Integrity Auditor must inform the racing official concerned of the substance of the complaint and give the racing official a reasonable opportunity to respond to it.
- (4) The Integrity Auditor may, by notice in writing, require a racing 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 Integrity Auditor, 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 Integrity Auditor, 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 Integrity Auditor such authorisations and consents as the Integrity Auditor requires for the purpose of enabling the Integrity Auditor 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 Integrity Auditor contained in a notice under subsection (4).  
Maximum penalty (subsection (6)): 20 penalty units.

## **28 Action after investigation of complaint**

- (1) The Integrity Auditor must provide a report in writing of the results of the investigation of a complaint to GRNSW and the Minister if satisfied that those results indicate that there has been a contravention of this or

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any other Act in relation to the conduct of greyhound racing or a contravention of the code of conduct adopted by GRNSW in accordance with clause 16 of Schedule 1.

- (2) If such a report identifies any racing official in an adverse manner, the Integrity Auditor must also give a copy of the report to the racing official.
- (3) The Integrity Auditor must inform the person who made the complaint of whether a report has been made under this section or whether the Integrity Auditor considers that the complaint does not warrant such a report being made.

## **Part 4    Directions and minimum standards**

### **29    Power to set minimum standards for conduct of races and greyhound racing meetings**

- (1) GRNSW may set minimum standards in connection with the conduct by greyhound racing clubs of greyhound races and greyhound racing meetings, including 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,
  - (d) the financial management of greyhound racing meetings, including the management of the costs of conducting greyhound racing meetings,
  - (e) the fees and charges imposed by a greyhound racing club in connection with races conducted by the club,
  - (f) prize money paid on races conducted by a greyhound racing club,
  - (g) starters, appearance and other fees paid by a greyhound racing club,
  - (h) such other matters relating to the conduct of greyhound races and greyhound racing meetings as may be prescribed by the regulations.
- (2) GRNSW may set minimum standards under this section 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 racing meetings.
- (3) 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.
- (4) Minimum standards may be set under this section even if they are inconsistent with a provision of a by-law under any Act. In the event of an inconsistency between minimum standards set under this section and a provision of such a by-law, those minimum standards prevail to the extent of the inconsistency.

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**30 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 documents or furnish specified information to GRNSW within a time specified in the direction, being documents or information that GRNSW considers will be of assistance in connection with the exercise of its functions referred to in section 9 (2) (a) or (c) or 29.

**31 Sanctions for non-compliance by greyhound racing club with directions and minimum standards**

- (1) GRNSW may impose any sanction authorised by this section on a greyhound racing club that GRNSW is satisfied has:
  - (a) failed without reasonable excuse to comply with a minimum standard set under section 29, or
  - (b) failed without reasonable excuse to comply with a direction given to the greyhound racing club under section 30.
- (2) Each of the following sanctions is a sanction that GRNSW may impose under this section:
  - (a) a public admonishment of the greyhound racing club,
  - (b) a requirement that the greyhound racing club pay to GRNSW a civil penalty of up to 50 penalty units (or up to 100 penalty units if the contravention or failure is the second or a subsequent contravention or failure for which a civil penalty has been imposed on the club under this section),
  - (c) suspension or cancellation of the greyhound racing club's registration.
- (3) GRNSW is not to impose a sanction under this section without first giving the greyhound racing club concerned notice in writing of the proposed sanction and a reasonable opportunity to be heard and to make submissions about the matter.
- (4) Subsection (3) does not apply in respect of the imposition of a sanction if GRNSW is satisfied that the sanction must be imposed 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 wellbeing of the greyhound racing industry as a whole in New South Wales.
- (5) A sanction is imposed by giving notice in writing of the decision to impose the sanction to the greyhound racing club concerned.



Clause 31      Greyhound Racing Bill 2009

Part 4          Directions and minimum standards

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- (6) A civil penalty imposed under this section may be recovered by GRNSW as a debt.

## **Part 5 Greyhound Racing Industry Consultation Group**

### **32 Establishment of Greyhound Racing Industry Consultation Group**

There is established by this Act a committee called the Greyhound Racing Industry Consultation Group. The committee may also be called GRICG.

### **33 Membership**

- (1) GRICG is to consist of the following members:
  - (a) one person nominated by The New South Wales Greyhound Breeders Owners and Trainers Association Limited,
  - (b) one person nominated by the clubs funded by GRNSW as TAB clubs,
  - (c) one person nominated by the clubs funded by GRNSW as country clubs,
  - (d) no more than 3 persons, each to be nominated by a different eligible industry body.
- (2) The Minister is to determine from time to time the bodies that are eligible industry bodies for the purposes of subsection (1) (d). The Minister is to consult with GRNSW on determinations made by the Minister under this subsection.
- (3) A person may be appointed as an alternate of a member, to act as that member during the absence or illness of, or during a vacancy in the office of, the member.
- (4) An alternate is to be appointed by the body that the member represents or (in the case of a member who is nominated by a body) appointed by the nominating body.
- (5) An alternate, while acting as a member, is taken to be a member and has and may exercise the functions of the member for whom he or she is the alternate.
- (6) If a body referred to in subsection (1) changes its name or ceases to exist, the Minister may, by order published in the Gazette, direct that a reference in this section to the body is to be read as a reference to the body under its changed name or to a specified body that appears to the Minister to be the body's successor.
- (7) Schedule 2 contains provisions relating to members of GRICG.

**34 Eligibility for membership**

- (1) A person is not eligible to be a member of GRICG if the person:
  - (a) is a member of the Selection Panel, or
  - (b) is a member of GRNSW, or
  - (c) is currently, or during the previous 10 years has been, warned off, disqualified or named on the Defaulters List under the rules, or
  - (d) during the previous 10 years has been convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (e) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankruptcy, or
  - (f) is a mentally incapacitated person.
- (2) A person is not eligible to be appointed as a member of GRICG unless the person has been the subject of a probity check by GRNSW.

**35 Functions of GRICG**

- (1) GRICG has the function of consulting with and making recommendations to GRNSW on matters concerning greyhound racing in the State.
- (2) Recommendations made by GRICG to GRNSW are to be made in writing and tabled at the next meeting of GRNSW or may be presented in person at that meeting by the Chairperson of GRICG.
- (3) GRNSW is to respond to GRICG in writing in relation to any such recommendations within a reasonable time after they are received. If GRNSW does not support a recommendation made by GRICG, the response by GRNSW is to include its reasons for not supporting the recommendation.
- (4) The Chairperson of GRICG is to provide a report on the work and activities of GRICG for inclusion in the annual report of GRNSW.

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## **Part 6 Finance**

### **36 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.

### **37 Expenses**

GRNSW is liable for all expenses (including remuneration and allowances payable to members of GRNSW, the chief executive officer of GRNSW and the other staff of GRNSW) incurred by GRNSW in the exercise of its functions.

### **38 Accounts**

GRNSW may establish such accounts as it thinks appropriate for the money received and expended by GRNSW.

### **39 Fees and charges**

- (1) GRNSW may determine the fees and charges payable for registration or for the transaction of other business with GRNSW.
- (2) If a steward appointed by GRNSW acts at a greyhound racing meeting held by a greyhound racing club, GRNSW may charge the club for the services of the steward.

## **Part 7    Miscellaneous**

### **40    Records**

GRNSW is to keep records for the purposes of this Act relating to its functions.

### **41    Production of records to GRNSW**

- (1) In this section:  
*records* includes:
- (a) documents, registers and other records of information, and
  - (b) invoices, receipts, orders for the payment of money, bills of exchange, promissory notes, vouchers and other records of transactions, and
  - (c) such working papers and other documents as are necessary to explain the methods and calculations by which accounts are made up,  
however compiled, recorded or stored.
- (2) GRNSW may at any time, by notice in writing, give a direction to:
- (a) a greyhound racing club, or
  - (b) a person who is or has been an officer or employee of, or an agent, banker, Australian legal practitioner, auditor or other person acting in any capacity for or on behalf of, a greyhound racing club (including a greyhound racing club that is in the course of being wound up or has been dissolved), or
  - (c) a person who manages or controls a greyhound trial track,  
requiring the production, at such time and place as are specified in the direction, of such records relating to the affairs of the greyhound racing club or greyhound trial track as are so specified.
- (3) Where any records relating to the affairs of a greyhound racing club or greyhound trial track are compiled, recorded or stored by means of a mechanical, electronic or other device, a direction under subsection (2) may require the production of a document containing a clear reproduction in writing of the whole or any part of those records.
- (4) A person must not, when required under subsection (2) to produce a record:
- (a) refuse or neglect to produce the record, or

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- (b) produce a record that contains information that to the person's knowledge is false or misleading in a material particular unless the person discloses that fact when producing the record.

Maximum penalty: 5 penalty units.

- (5) A reference in this section to the affairs of a greyhound racing club or greyhound trial track is a reference to the affairs of the greyhound racing club or greyhound trial track that relate, directly or indirectly, to greyhound racing.
- (6) A power of GRNSW to give a direction under this section does not affect any power of GRNSW to give a direction under section 30. However, a person is not liable to a penalty under both section 31 and this section in respect of a direction to the person that relates to the same records or information.

#### **42 Delegation**

- (1) Subject to subsection (2), GRNSW may delegate the exercise of its functions to:
- (a) a member of GRNSW or the chief executive officer of GRNSW, or
  - (b) a committee comprised of, or a combination of, those persons, or
  - (c) a member of staff of GRNSW.
- (2) GRNSW must not delegate a function relating to the registration of a greyhound racing club, or the suspension or cancellation of such registration, under this Act.

#### **43 Protection from personal liability**

Anything done or omitted to be done by:

- (a) GRNSW or GRICG, or
- (b) a member of GRNSW or GRICG, or
- (c) the chief executive officer of GRNSW, or
- (d) any steward appointed under this Act by GRNSW, or
- (e) any person acting under the direction of GRNSW or GRICG,

does not subject the member, chief executive officer, steward or a person so acting, personally to any action, liability, claim or demand if the thing was done or omitted to be done in good faith for the purposes of executing this or any other Act.

#### **44 Authentication of certain documents**

Any summons, process, demand, order, notice, statement, direction or other document requiring authentication by GRNSW is sufficiently

authenticated without the seal of GRNSW if signed by the Chairperson of GRNSW, the chief executive officer of GRNSW or another member of staff of GRNSW authorised to do so by the chief executive officer.

**45 Proof of certain matters not required**

In any legal proceedings, proof is not required (until evidence is given to the contrary) of the following matters:

- (a) the constitution of GRNSW,
- (b) any resolution of GRNSW,
- (c) the appointment of, or the holding of office by, any member of GRNSW,
- (d) the presence of a quorum at any meeting of GRNSW.

**46 Recovery of money**

Any charge, fee or other money due to GRNSW may be recovered by GRNSW as a debt in a court of competent jurisdiction.

**47 Proceedings for offences**

Proceedings for an offence against this Act or the regulations are to be dealt with summarily.

**48 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to:
  - (a) 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, and
  - (b) any matter for or with respect to which rules may be made under Division 2 of Part 3.
- (2) If there is any inconsistency between the regulations and the rules made under Division 2 of Part 3, the regulations prevail to the extent of the inconsistency.
- (3) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.
- (4) A reference in Division 1 of Part 3 to the rules includes a reference to regulations in so far as the regulations make provision for or with respect to any of the matters mentioned in that Division.

**49 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 5 years from the date of assent to this Act.
- (3) 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 5 years.



## **Schedule 1 Provisions relating to members of GRNSW**

### **1 Definitions**

In this Schedule:

*Chairperson* means the Chairperson of GRNSW.

*member* means a member of GRNSW.

### **2 Chairperson**

- (1) The members are to elect a Chairperson from among themselves. GRNSW may remove a person from office as Chairperson at any time.
- (2) A person ceases to hold office as Chairperson if he or she:
  - (a) resigns the office by instrument in writing addressed to GRNSW, or
  - (b) is removed from that office by GRNSW, or
  - (c) ceases to hold office as a member.
- (3) The Chairperson does not cease to be a member merely because he or she ceases to be Chairperson.

### **3 Term of office of members**

- (1) A member of GRNSW is to be appointed to hold office (subject to this Act) for a period of up to 4 years recommended by the Selection Panel under section 7, unless the appointment is to fill a casual vacancy.
- (2) A member appointed to fill a casual vacancy (a vacancy in the office of a member occurring other than by reason of the completion of the member's term of office) is to be appointed for the balance of the term of office of the member's predecessor.

### **4 Remuneration**

- (1) A member of GRNSW 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 member for expenses that he or she may incur (for travel or accommodation, for example).

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(2) The Statutory and Other Offices Remuneration Tribunal may, on the application of GRNSW, 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 Vacation of office**

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

- (a) dies, or
- (b) completes a term of office and is not reappointed, or
- (c) resigns the office by instrument in writing addressed to GRNSW, or
- (d) is absent from 4 consecutive meetings of GRNSW of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by GRNSW or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by GRNSW for having been absent from those meetings, or
- (e) becomes a person who is not eligible to be a member, or
- (f) is removed from office under subclause (2).

(2) The Minister may, on the recommendation of GRNSW, remove a member from office for incapacity, incompetence, misbehaviour or a contravention of the code of conduct adopted by GRNSW under clause 16.

#### **6 Member vacancies to be filled**

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

#### **7 Presiding member**

(1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of GRNSW.

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

## **8 Voting**

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

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

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

## **10 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 GRNSW or a committee of GRNSW, 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 GRNSW or the committee.

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- (2) A disclosure by a member at a meeting of GRNSW 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 GRNSW 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 GRNSW.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless GRNSW otherwise determines:
- (a) be present during any deliberation of GRNSW with respect to the matter, or
  - (b) take part in any decision of GRNSW with respect to the matter.
- (5) For the purpose of the making of a determination by GRNSW 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 GRNSW for the purpose of making the determination, or
  - (b) take part in the making by GRNSW of the determination.
- (6) A contravention of this clause does not invalidate any decision of GRNSW.

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

- (1) For the purposes of clause 10, 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)–(5).
- (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) For the purposes of clause 10, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the person, or
  - (b) another person with whom the person is associated as provided by this clause.
- (4) 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.
- (5) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (4):
- (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.

**12 Duty of members to act in interests of public and industry**

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

**13 General procedure**

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

**14 Quorum**

The quorum for a meeting of GRNSW is a majority of its members.

**15 First meeting**

The Minister may call the first meeting of GRNSW under this Act in such manner as the Minister thinks fit.

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**16 Code of conduct**

- (1) GRNSW must adopt a code of conduct to be observed by members and staff of GRNSW.
- (2) The code of conduct must include a statement of the duty of members of GRNSW under clause 12 (Duty of members to act in interests of public and industry) and clause 10 (Disclosure of pecuniary interests by members) and the obligations of GRNSW under clause 10 in connection with disclosures under that clause.
- (3) GRNSW must review its code of conduct at least every 3 years and make such changes to it as it considers appropriate.

**17 Effect of certain other Acts**

- (1) The *Public Sector Employment and Management Act 2002* does not apply to or in respect of 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.

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## **Schedule 2 Provisions relating to GRICG**

### **1 Membership is honorary**

The members of GRICG are honorary members and no remuneration is payable to them in respect of the duties they perform as members. The members are however entitled to be reimbursed by GRNSW for reasonable expenses (such as for travel or accommodation) that they may incur in attending meetings of GRICG.

### **2 Vacation of office**

- (1) The office of a member of GRICG becomes vacant if the member:
  - (a) dies, or
  - (b) resigns the office by instrument in writing addressed to GRNSW and GRICG, or
  - (c) is absent from 2 consecutive meetings of GRICG of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by GRICG or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by GRICG for having been absent from those meetings, or
  - (d) becomes a person who is not eligible to be a member, or
  - (e) is a member on the nomination of a body and that nomination is withdrawn by the body or the body ceases to exist, or
  - (f) is removed from office under subclause (2).
- (2) The Minister may, on the recommendation of GRICG, remove a member of GRICG from office for incapacity, incompetence or misbehaviour.

### **3 Chairperson and Deputy Chairperson of GRICG**

- (1) GRICG is to elect a Chairperson from among its members. GRICG may also elect a Deputy Chairperson from among its members. GRICG may remove a person from office as Chairperson or Deputy Chairperson of GRICG at any time.
- (2) A person ceases to hold office as Chairperson or Deputy Chairperson if he or she:
  - (a) resigns the office by instrument in writing addressed to GRNSW and GRICG, or
  - (b) is removed from that office by GRICG, or
  - (c) ceases to hold office as a member of GRICG.

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- (3) To be elected or removed from office as Chairperson or Deputy Chairperson of GRICG requires a simple majority of the members present and voting at a meeting of GRICG at which a quorum is present.
  - (4) The Chairperson or Deputy Chairperson does not cease to be a member of GRICG merely because he or she ceases to be Chairperson or Deputy Chairperson.

#### **4 Member vacancies to be filled**

When the office of a member of GRICG becomes vacant, a person is to be nominated to fill the vacancy in the same way as the person whose office has become vacant was nominated.

#### **5 Procedure**

- (1) GRICG may regulate its proceedings as it considers appropriate, subject to this clause.
- (2) The quorum for a meeting of GRICG is a majority in number of the members for the time being.
- (3) GRICG must meet at least 6 times in each year unless GRICG otherwise determines.
- (4) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson of GRICG is to preside at a meeting of GRICG. If neither the Chairperson nor Deputy Chairperson is present at a meeting, the members present may elect one of their number to preside at the meeting. The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.
- (5) A decision supported by a majority of the votes cast at a meeting of GRICG at which a quorum is present is the decision of GRICG.

#### **6 Meetings with GRNSW**

- (1) In addition to any other meetings that GRICG may hold, GRICG must hold a meeting not less than 6 times in each year with one or more members of GRNSW at least one of whom is the Chairperson or the chief executive officer of GRNSW.
- (2) The number of meetings required by this clause can be changed by agreement between GRNSW and GRICG.
- (3) The minutes of a meeting under this clause are to be circulated among both the members of GRICG and the members of GRNSW.

#### **7 Administrative support**

GRNSW is to provide such reasonable administrative support as may be required to enable GRICG to exercise its functions.



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## Schedule 3 Savings, transitional and other provisions

### Part 1 General

#### 1 Regulations

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
this Act
- (2) A provision of a regulation authorised by this clause may, if the regulations so provide, take effect as from the date of assent to the Act concerned or as from a later day.
- (3) To the extent to which a provision of a regulation authorised by this clause takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate:
  - (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.
- (4) The provisions of this Schedule are subject to the regulations.

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

#### Division 1 Interpretation

##### 2 Definitions

In this Part:

**former administration Act** means the *Greyhound and Harness Racing Administration Act 2004*.

**former Authority** means the Greyhound and Harness Racing Regulatory Authority constituted by the former administration Act.

**former GRNSW Act** means the *Greyhound Racing Act 2002*.

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**Division 2 Provisions relating to GRNSW****3 Continuation of GRNSW**

GRNSW is taken for all purposes (including the rules of private international law) to be a continuation of, and the same legal entity as, GRNSW constituted under the former GRNSW Act.

**4 Membership of GRNSW**

- (1) Despite section 6 of this Act, GRNSW is taken to be duly constituted under that section by the members of GRNSW holding office under section 8 of the former GRNSW Act immediately before the repeal of section 8 of that Act.
- (2) Subclause (1) has effect:
  - (a) until the expiration of the term of office of those members or until the date on which the first appointment of members of GRNSW in accordance with section 6 of this Act takes effect, whichever occurs first, and
  - (b) despite the vacation of office of any such member in accordance with Schedule 1.
- (3) The person holding office as Chairperson of GRNSW immediately before the repeal of section 8 of the former GRNSW Act is taken to have been elected to that office in accordance with Schedule 1.

**5 Existing staff of GRNSW**

- (1) The person employed under section 10 of the former GRNSW Act to the office of chief executive officer and holding that office immediately before the repeal of that section is taken to have been employed in that office under section 13 of this Act. Until other provision is duly made, that employment is taken to be on the same terms and conditions as applied to the employment under section 10 of the former GRNSW Act.
- (2) Any person employed under section 11 of the former GRNSW Act as a member of staff of GRNSW and holding that position immediately before the repeal of that section is taken to have been employed in that position under section 14 of this Act. Until other provision is duly made, that employment is taken to be on the same terms and conditions as applied to the employment under section 11 of the former GRNSW Act.

**6 Delegations**

Any delegation made under section 53 of the former GRNSW Act is taken to have been made under section 42 of this Act.

### **Division 3 Provisions relating to former Authority and its assets, rights, liabilities and staff**

#### **7 Dissolution of Greyhound and Harness Racing Regulatory Authority**

- (1) On the repeal of section 4 of the former administration Act, the Greyhound and Harness Racing Regulatory Authority is dissolved.
- (2) No remuneration or compensation is payable to any member of the former Authority as a result of its dissolution.

#### **8 Functions of members of former Authority during caretaker period**

- (1) On and from the date of introduction into Parliament of the Bill for this Act, the members of the former Authority who hold office at that date are entitled to exercise their functions until the dissolution of the Authority in a manner that is consistent with any convention or practice as to the exercise of functions by members of a body pending the appointment of a new membership of the body.
- (2) This clause is taken to have operated from that date of introduction.

#### **9 References to former Authority**

Regulations may be made under clause 1 that require a reference in any instrument made under another Act, or in any document of any kind, to the former Authority to be read as, or as including, a reference to GRNSW.

#### **10 Chief Executive Officer of former Authority**

The person holding office as the Chief Executive Officer of the former Authority immediately before the dissolution of the former Authority ceases to hold that office on that dissolution.

#### **11 Transfer of assets, rights and liabilities of former Authority**

- (1) In this clause:  
*transferee*, in relation to the transfer of an asset, right or liability by or under this clause, means the body to which the asset, right or liability is transferred.  
*transferor*, in relation to the transfer of an asset, right or liability by or under this clause, means the body from which the asset, right or liability is transferred.
- (2) The Minister may, by order in writing, transfer to GRNSW such of the assets, rights and liabilities of the former Authority as are specified or referred to in the order.
- (3) An order under this clause takes effect on the date specified in the order.

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- (4) An order under subclause (2) may be made on such terms and conditions as are specified in the order.
  - (5) On and from the date on which any asset, right or liability is transferred by subclause (2), the following provisions have effect with respect to the transfer:
    - (a) the transferred asset vests in the transferee by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
    - (b) the transferred rights and liabilities become by virtue of this clause the rights and liabilities of the transferee,
    - (c) all proceedings relating to the asset, right or liability commenced before the transfer day by or on behalf of, or against, the transferor and pending immediately before the transfer day are taken to be proceedings pending by or against the transferee,
    - (d) any act, matter or thing done or omitted to be done in relation to the asset, right or liability before the transfer day by, to or in respect of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee.
  - (6) The operation of this clause is not to be regarded:
    - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
    - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
    - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
    - (d) as an event of default under any contract or other instrument.
  - (7) No attornment to GRNSW by a lessee of the former Authority is required.

## **12 Employment of employees of former Authority by GRNSW**

- (1) Until 1 August 2009, GRNSW:
  - (a) must notify Authority employees whenever it intends to fill a position in the staff of GRNSW, and
  - (b) must give the notified employees a reasonable opportunity to apply for the position.

- (2) An Authority employee who:
- (a) applies for a position to be filled as referred to in subclause (1), and
  - (b) at the time of making the application is performing substantially the same duties for the former Authority as are required to be performed in the position to be filled or, if at that time the former Authority has been dissolved, was performing substantially those same duties for the former Authority immediately before its dissolution,
- is to be considered for the position in preference to any other applicant for the position who is not such a person.
- (3) The employment of an Authority employee who is appointed to a position in the staff of GRNSW in accordance with this clause is not to be terminated within the period of 24 months after the commencement of the employment on the ground of redundancy arising from the operation of this Act.
- (4) An Authority employee who is appointed to a position in the staff of GRNSW in accordance with this clause:
- (a) is, subject to paragraphs (b) and (c), to be employed by GRNSW during the period referred to in subclause (3) at the same salary that the employee received immediately before ceasing to be an employee of the former Authority, and
  - (b) if the employee is employed by GRNSW on 1 July 2009, is entitled to a 4% increase in the employee's salary at that date, and
  - (c) if the employee is employed by GRNSW on 1 July 2010, is entitled to a further 4% increase in the employee's salary at that date.
- (5) Subclause (4) is subject to any agreement relating to salary between GRNSW and the Authority employee concerned.
- (6) An Authority employee who is appointed to a position in the staff of GRNSW in accordance with this clause is, on commencing employment in that position, entitled to be paid compensation by GRNSW calculated in accordance with Schedule 1 to the *Employment Protection Regulation 2001* (as in force at the commencement of this clause) as if the compensation payment were a severance payment referred to in that Schedule. No other payment or benefit is payable to the Authority employee merely because he or she ceases to be a member of staff of the former Authority.

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- (7) If GRNSW is unable to fill a position in accordance with subclause (2) within a reasonable time after the position was notified to Authority employees, nothing in this clause prevents GRNSW from filling the position in any other way.
- (8) In this clause, *Authority employee* means a person who was a member of staff of the former Authority before its dissolution.

**13 Duty and other fees**

An instrument executed only for a purpose ancillary to or consequential on the operation of this Part or the purpose of giving effect to this Part:

- (a) is not chargeable with duty, and
- (b) is exempt from payment of any other fee or charge that would otherwise be payable under any other Act in respect of the registration of any such instrument.

**14 Actions of former Authority**

Anything done by the former Authority relating to a registration, suspension, disqualification or prohibition under the former administration Act in respect of greyhound racing before the dissolution of the former Authority is, after that dissolution, taken to have been done under the relevant provisions of this Act by GRNSW.

**Division 4 Miscellaneous**

**15 References to former Acts**

- (1) On and from the repeal of the former GRNSW Act, a reference in any other Act, in any instrument made under another Act, or in any document of any kind, to the former GRNSW Act is to be read as a reference to this Act.
- (2) On and from the repeal of the former administration Act, a reference in any other Act, in any instrument made under another Act, or in any document of any kind, to the former administration Act is to be read as a reference to this Act to the extent that it relates to greyhound racing.

**16 Dissolution of Greyhound and Harness Racing Appeals Tribunal**

- (1) On the repeal of section 26 of the former administration Act, the Greyhound and Harness Racing Appeals Tribunal is dissolved.
- (2) No remuneration or compensation is payable to any person as a result of the operation of this clause.

**17 Dissolution of Greyhound Racing Industry Participants Advisory Committee**

- (1) On the repeal of Part 5 of the former GRNSW Act, the Greyhound Racing Industry Participants Advisory Committee is dissolved.
- (2) No remuneration or compensation is payable to any member of that Committee as a result of its dissolution.

**18 Existing rules**

On the repeal of section 15 of the former administration Act, the rules made under that section and in force immediately before that repeal are taken to have been made under this Act by GRNSW and may be amended and repealed accordingly.

**19 Registration**

On the repeal of Part 3 of the former administration Act, any registration granted by the former Authority in relation to greyhound racing under that Act and in force immediately before that repeal is taken to have been granted by GRNSW under this Act.