



New South Wales

Greyhound Racing Bill 2017

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to remove the prohibition on greyhound racing in NSW that was due to commence on 1 July 2017,
- (b) to constitute the Greyhound Welfare and Integrity Commission (the *Commission*) as an independent regulator to oversee the gaming racing industry, promote and protect the welfare of greyhounds and ensure compliance with the requirements under the proposed Act,
- (c) to reconstitute Greyhound Racing NSW (*GRNSW*) (which currently has both regulatory and commercial functions) as a commercial entity exercising functions (such as conducting greyhound race meetings and registering greyhound racing clubs) subject to and in accordance with an operating licence granted by the Minister,
- (d) to provide for the making of an enforceable code of practice for the welfare of greyhounds that contains standards relating to the care and treatment of greyhounds,
- (e) to require any greyhound owned, bred or kept by a greyhound racing industry participant to be registered under the proposed Act,
- (f) to require greyhound racing industry participants (including persons who own, breed to keep greyhounds, handle greyhounds at greyhound races or trials or provide health services to greyhounds) to be registered under the proposed Act,
- (g) to require greyhound trial tracks where greyhounds are trialled or trained for racing to be registered under the proposed Act,

- (h) to impose a lifetime ban on any involvement in the greyhound racing industry on any person who is found guilty of a live baiting offence (ie using an animal as a lure or kill in connection with greyhound trialling, training or racing),
- (i) to create an offence of keeping any animal that is reasonably capable of being used as a lure in connection with the trialling, training or racing of greyhounds, or the carcass or skin of such an animal, on premises where greyhounds are kept, trialled, trained or raced,
- (j) to make it clear that live baiting is a serious act of cruelty for the purposes of an offence under section 530 of the *Crimes Act 1900*,
- (k) to confer on inspectors under the proposed Act investigative and enforcement powers, including powers to make video recordings or take photographs while conducting a search.

The Bill gives effect generally to the recommendations of the Greyhound Industry Reform Panel.

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, except Schedule 5 which will commence on assent. That Schedule repeals provisions that will prohibit greyhound racing as from 1 July 2017.

Clause 3 defines terms used in the proposed Act. In particular, **greyhound racing industry participant** is defined to include persons who own, breed, keep or train greyhounds, who handle greyhounds at a greyhound race or trial, who act as bookmakers or bookmakers' clerks in connection with greyhound racing or who provide certain health services to greyhounds. A **greyhound** is defined generally as a greyhound that is owned or kept in connection with greyhound racing.

Part 2 Greyhound Welfare and Integrity Commission

Division 1 Constitution and management of Commission

Clause 4 constitutes the Greyhound Welfare and Integrity Commission as a body corporate representing the Crown. The Commission is generally not subject to the control and direction of the Minister.

Clause 5 provides that the Commission consists of a Chief Commissioner and 2 other Commissioners appointed by the Governor on the joint recommendation of the Minister administering the proposed Act and the Minister for Primary Industries.

Clause 6 provides that, generally, the functions of the Commission are exercisable by a Commissioner. However, decisions to exercise certain functions (namely, to make greyhound racing rules, to conduct an inquiry or appoint a person to conduct an inquiry or to delegate a function of the Commission) must be authorised by the Chief Commissioner and at least one other Commissioner.

Clause 7 provides that the chief executive officer of the Commission (who is a member of staff of the Commission employed under the *Government Sector Employment Act 2013*) is responsible for the day to day management of the affairs of the Commission and for the implementation of the decisions of the Commissioners.

Clause 8 provides that the Minister may give the Commission a written direction if it is in the public interest to do so. A Ministerial direction cannot relate to the content of any advice, report or recommendation by the Commission, the registration of a particular greyhound or person, a decision to institute criminal proceedings or take disciplinary action or a decision relating to the exercise of any investigation or enforcement power.

Clause 9 provides that persons may be employed in the Public Service to enable the Commission to exercise its functions.

Clause 10 gives the Commission the power to delegate the exercise of any of its functions (other than the power to delegate) to a Commissioner, the chief executive officer, any other member of staff or any person or body prescribed by the regulations.

Division 2 Objectives and functions of Commission

Clause 11 specifies the principal objectives of the Commission, which are to promote and protect the welfare of greyhounds, to safeguard the integrity of greyhound racing and betting and to maintain public confidence in the greyhound racing industry.

Clause 12 specifies the functions of the Commission which are regulatory in nature. The Commission will be required to provide the Minister with any information, advice or reports the Minister requests and to inform the Minister about any events or matter that may adversely affect the integrity of greyhound racing.

Clause 13 provides that the Commission may establish committees to give advice and assistance to the Commission in connection with any of its functions.

Clause 14 requires the Commission to make strategic plans outlining the activities for meeting its objectives and to refer drafts of those plans to the Minister for comment.

Clause 15 provides that the annual report of the Commission must include a report on the implementation of the Commission's strategic plan and other matters required by the regulations.

Part 3 Greyhound Racing New South Wales

Division 1 Constitution and management of GRNSW

Clause 16 reconstitutes Greyhound Racing New South Wales as a body corporate that does not represent the Crown. GRNSW is a continuation of, and the same legal entity as, GRNSW as constituted by the *Greyhound Racing Act 2009*.

Clause 17 provides for the board of directors of GRNSW, which is to consist of at least 5 (but no more than 7) directors appointed by the Governor on the recommendation of the Minister.

Clause 18 provides that the affairs of GRNSW are to be managed and controlled by the Board.

Clause 19 provides that GRNSW may employ a chief executive officer who is responsible for the day to day management of GRNSW.

Clause 20 provides that GRNSW may employ staff or engage consultants for the purposes of obtaining expert advice. The employment of staff (including the chief executive officer) is not regulated by the *Government Sector Employment Act 2013*.

Clause 21 provides that GRNSW may delegate any of its functions (other than the power to delegate or to register greyhound racing clubs) to a director of the Board, the chief executive officer of GRNSW or any other member of staff of GRNSW or a committee of any of those persons.

Clause 22 gives the Minister the power, in specified circumstances, to remove all of the directors of the Board from office and appoint an administrator to exercise the functions of GRNSW.

Division 2 Objectives and functions of GRNSW

Clause 23 specifies the principal objectives of GRNSW, which are to be a commercially viable entity, to exhibit a sense of social responsibility by having regard to the welfare of greyhounds and to promote greyhound racing in the State as a competitive and sustainable industry with a high level of public trust.

Clause 24 specifies the functions of GRNSW which include the conducting of greyhound race meetings. GRNSW may exercise its functions only in accordance with an operating licence granted to it by the Minister.

Clause 25 enables the Minister to grant an operating licence to GRNSW.

Clause 26 provides for minimum standards to be set by GRNSW in connection with the conduct of greyhound race meetings, either by written direction or as conditions of the registration of greyhound racing clubs or of the allocation of dates for greyhound race meetings.

Clause 27 authorises GRNSW to require greyhound racing clubs to provide information and documents that GRNSW considers will be of assistance in connection with the exercise of its functions.

Division 3 Reporting and financial provisions

Clause 28 requires GRNSW to prepare an annual report of its work and activities, which includes financial statements and an auditor's report on those statements, and to forward the report to the Minister. The Minister is required to table the annual report in Parliament.

Clause 29 requires GRNSW to prepare strategic plans in relation to its activities. An initial strategic plan must be prepared within 12 months and further plans are required at least every 3 years after the initial plan is prepared.

Clause 30 provides that the financial year of GRNSW is the year commencing on 1 July, unless the Minister otherwise determines.

Clause 31 makes GRNSW liable for all expenses incurred by it in the exercise of its functions (including remuneration and allowances payable to the directors of the Board, its chief executive officer or other staff).

Clause 32 gives GRNSW the power to determine the fees and charges payable for the registration of greyhound racing clubs or the transaction of other business with GRNSW and to recover any such charge, fee or other money.

Part 4 Welfare of greyhounds

Division 1 Greyhound Industry Animal Welfare Committee

Clause 33 establishes the Greyhound Industry Animal Welfare Committee. The members of the committee are to be appointed by the Chief Commissioner.

Clause 34 lists the functions of the Welfare Committee, which include providing advice to the Commission, whether on its own initiative or at the request of the Commission, on any matter relating to the welfare of greyhounds including the formulation of welfare policies and standards.

Division 2 Code of practice for welfare of greyhounds

Clause 35 requires the Commission to prepare a code of practice relating to the welfare of greyhounds. The code of practice must deal with standards for the keeping, treatment, handling and care of greyhounds, for the facilities, equipment and conditions at premises where greyhounds are trialled, trained, raced or kept and for the procedures and practices to be adopted in relation to the trialling, training, racing and keeping of greyhounds.

Clause 36 authorises the Minister, with the concurrence of the Minister for Primary Industries, to make and publish the code of practice submitted by the Commission.

Clause 37 requires the Commission to ensure that a copy of the code of practice is made publicly available on its website.

Clause 38 provides that, in the event of any inconsistency between the code of practice and the greyhound racing rules, the code of practice prevails to the extent of the inconsistency.

Clause 39 provides that the code of practice may contain provisions that constitute an offence under the proposed Act if contravened. A person who contravenes a provision that is identified as an "offence provision" in the code is guilty of an offence under the proposed Act with a maximum penalty of 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment

for 2 years, or both, in the case of an individual. Failure to comply with other mandatory provisions of the code may lead to the taking of disciplinary action under the proposed Act.

Division 3 Miscellaneous welfare provisions

Clause 40 provides that, if a court finds a person guilty of committing a live baiting offence, any registration that the person holds is automatically cancelled, and the person is permanently disqualified from being registered in the greyhound racing industry in any capacity. Live baiting offences arise under the *Crimes Act 1900* (as amended by the proposed Act) and the *Prevention of Cruelty to Animals Act 1979*.

Clause 41 makes it an offence to keep any animal that is capable of being used as a lure (in connection with the trialling, training or racing of greyhounds) on premises where greyhounds are kept, trialled, trained or raced. This extends to keeping the carcass, or the skin or any other part, of such an animal. The maximum penalty for doing so will be 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual. The proposed section also gives the Commission power to make an order exempting a person from the prohibition, but ensures that an exemption order may not specify possums or rabbits.

Part 5 Control and regulation of greyhound racing industry

Division 1 Requirements for registration

Clause 42 requires a greyhound racing industry participant to register any greyhound that is owned, bred or kept by the participant from the time the greyhound is 12 weeks old. The maximum penalty for not doing so is 100 penalty units. A greyhound that is registered under the proposed Act is not required to be registered under the *Companion Animals Act 1998* (the regulations under that Act presently require any dog to be registered from the time it is 12 weeks old). The proposed section also makes it an offence for the owner of a greyhound to fail to comply with any conditions to which the registration of the greyhound is subject.

Clause 43 makes it an offence for the owner of a greyhound to cause or permit an unregistered greyhound to compete in any greyhound race or to compete in any trial (or to be trained) at a greyhound trial track. The maximum penalty will be 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

Clause 44 makes it an offence for a person to carry on any activity as a greyhound racing industry participant unless the person is registered and for a registered greyhound racing industry participant to fail to comply with any condition of registration. The maximum penalty will be 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

Clause 45 makes it an offence for a greyhound racing club that is not registered to conduct a greyhound race meeting or for a registered greyhound racing club to fail to comply with any conditions of the registration. The maximum penalty will be 1,000 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

Clause 46 makes it an offence for the proprietor of a greyhound trial track that is not registered to cause or permit the track to be used for the purposes of enabling greyhounds to compete in trials or be trained in racing or for the proprietor of a registered track to fail to comply with any condition of registration. The maximum penalty will be 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.

Division 2 Registration functions of Commission

Clause 47 requires the Commission to exercise its registration functions so as to ensure that any person registered by the Commission is a person who, in the opinion of the Commission, is a fit and proper person to be registered (having regard in particular to the need to protect the public

interest as it relates to the greyhound racing industry) and that a person is not to be registered if the person has a conviction that renders the person unfit to be registered.

Clause 48 provides that the Commission may register a greyhound or may refuse to do so if of the opinion that such refusal would be in the best interests of the greyhound racing industry.

Clause 49 provides that the Commission may register a person as a greyhound racing industry participant but may refuse to do so if of the opinion that such refusal would be in the best interests of the greyhound racing industry.

Clause 50 provides that the Commission may register a greyhound trial track and that the Commission may refuse to register a track if it is of the opinion that the greyhound trial track is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or that it would be in the best interests of the greyhound racing industry to do so, or if the registration of the greyhound trial track (whether under the proposed Act or any other Act) has previously been cancelled. The conditions that may be imposed by the Commission on the registration of a greyhound trial track include the installation of a CCTV system at the track.

Clause 51 provides for the Commission to suspend or cancel the registration of a public greyhound trial track if of the opinion that the greyhound trial track is not, or will not be, financially viable in relation to participation in the greyhound racing industry or that it would be in the best interests of the greyhound racing industry to do so.

Clause 52 makes special provision for the registration of bookmakers (in particular, for dealing with applications for registration by proprietary companies).

Division 3 Registration functions of GRNSW

Clause 53 provides that GRNSW may register a greyhound racing club and sets out some circumstances where GRNSW may refuse registration (namely, if GRNSW is of the opinion that the club is not, or will not be, financially viable in relation to participation in the greyhound racing industry, or that it would be in the best interests of the greyhound racing industry to do so or if the club's registration has previously been cancelled).

Clause 54 provides that GRNSW may suspend or cancel the registration of a greyhound racing club if of the opinion that the club is not, or will not be, financially viable in relation to participation in the greyhound racing industry or that it would be in the best interests of the greyhound racing industry to do so.

Division 4 Greyhound racing rules

Clause 55 provides that the Commission may make rules about greyhound racing. The rules are required to be consistent with the proposed Act and the regulations and may include provisions about the conduct of greyhound race meetings and of races or trials at greyhound race meetings and the setting of dates for meetings, mandatory education and training requirements for greyhound racing industry participants, the breeding and naming of greyhounds and the functions of stewards (who are members of the staff of the Commission).

Clause 56 requires the Commission to consult with GRNSW in making any greyhound racing rules.

Part 6 Disciplinary provisions

Division 1 Disciplinary action by Commission

Clause 57 provides that in the proposed Division, *relevant person* means a greyhound racing industry participant or the proprietor of a greyhound trial track.

Clause 58 provides that the Commission may take disciplinary action against a greyhound racing industry participant or the proprietor of a greyhound trial track if the Commission is of the opinion that the relevant person has contravened a provision of the proposed Act, the regulations, the code of practice or the greyhound racing rules. However, the Commission is not to take any such

disciplinary action without first giving the person written notice and a reasonable opportunity to be heard and to make submissions about the matter.

Clause 59 specifies the disciplinary action that may be taken by the Commission, which includes suspending or cancelling registration, imposing conditions on registration, imposing a fine not exceeding 200 penalty units, disqualifying or warning off the relevant person or any specified greyhound, prohibiting that person from participating in greyhound racing in any specified capacity, prohibiting a specified greyhound from competing in any greyhound race or trial or such other action as may be specified in the greyhound racing rules.

Clause 60 gives any person the right to make a complaint to the Commission setting out matters that are alleged to constitute grounds for taking disciplinary action against or in respect of a relevant person. However, disciplinary action may be taken by the Commission whether or not a complaint has been made.

Division 2 Disciplinary action by GRNSW

Clause 61 provides that GRNSW may take disciplinary action against or in respect of a greyhound racing club if of the opinion that the club has contravened a provision of the proposed Act, the regulations, the code of practice or the greyhound racing rules or has failed to comply with a direction given to it by GRNSW or with a minimum standard set by GRNSW. GRNSW may suspend or cancel the greyhound racing club's registration or impose a condition on registration, impose a fine not exceeding 200 penalty units on the club or disqualify or warn off any official of the club. GRNSW is required to first give the club written notice and a reasonable opportunity to be heard and to make submissions about the matter.

Clause 62 gives any person the right to make a complaint to GRNSW setting out matters that are alleged to constitute grounds for taking disciplinary action against or in respect of a greyhound racing club. However, disciplinary action may be taken by GRNSW whether or not a complaint has been made.

Division 3 Complaints relating to GRNSW's functions in conducting greyhound race meetings

Clause 63 provides that in the proposed Division, *GRNSW official* means a director of the Board or any member of staff of GRNSW.

Clause 64 provides that any person may make a complaint to the Commission about the exercise of functions by a GRNSW official in relation to any greyhound race meeting conducted by GRNSW. The proposed section specifies how the Commission is to conduct inquiries and investigations into such a complaint.

Clause 65 requires the Commission to provide a report in writing of the results of the investigation of such a complaint to the Minister if satisfied that those results indicate that there has been a contravention of the proposed Act, the regulations, the code of practice or the greyhound racing rules in relation to a greyhound race meeting conducted by GRNSW and requires the Commission to inform the person who made the complaint of whether or not such a report was warranted.

Part 7 Investigation and enforcement powers

Division 1 Preliminary

Clause 66 provides that, in the proposed provisions about investigation and enforcement, *records* includes plans, specifications, maps, reports, accounts, registers, books and other documents (whether in writing, in electronic form or otherwise).

Clause 67 limits the purposes for which the investigation and enforcement powers under the proposed Act may be exercised, including for the purposes of determining whether there has been compliance with the proposed Act, the regulations, the code of practice or the greyhound racing rules.

Clause 68 provides for the appointment of inspectors by the Commission and requires inspectors to be issued with identification and to produce that identification when exercising functions.

Clause 69 provides that the Commission may enter into an arrangement with the Commissioner of Police or an animal welfare body for a police officer or employee of the animal welfare body to exercise the functions of an inspector under the proposed Part.

Division 2 Powers to require information and records

Clause 70 gives inspectors the power to require a person to provide information and records, by notice in writing given to a person.

Clause 71 provides that such a notice may only require a person to furnish existing records that are in the person's possession or that are within the person's power to obtain lawfully and that if any record required to be furnished under the proposed Division is in electronic, mechanical or other form, the notice requires the record to be furnished in written form, unless the notice otherwise provides.

Clause 72 provides that the powers to require information and records apply whether or not a power of entry under proposed Division 3 is being or has been exercised.

Division 3 Powers of entry and search of premises

Clause 73 provides that an inspector may enter any premises at any reasonable time, that entry may be effected with the aid of such other inspectors or police officers as the inspector considers necessary and that entry may be effected with the use of reasonable force.

Clause 74 makes it clear that entry into residential premises can occur only with the occupier's permission or under the authority of a search warrant.

Clause 75 gives an inspector who has entered premises lawfully the power to carry out certain inspections and seize certain things.

Clause 76 provides for an inspector to apply for a search warrant if the inspector believes on reasonable grounds that a provision of the proposed Act, the regulations, the code of practice or the greyhound racing rules has been or is being or is about to be contravened at any premises, or there is in or on any premises matter or a thing that is connected with an offence under the proposed Act or the regulations.

Clause 77 specifies how things that have been seized are to be dealt with.

Clause 78 provides that inspectors may request assistance in the exercise of their functions under the proposed Division.

Division 4 Power to question and identify persons

Clause 79 gives inspectors the power to require a person to answer questions if the inspector suspects on reasonable grounds that the person has knowledge of matters in respect of which information is reasonably required for the purposes of the proposed Act.

Clause 80 gives an inspector the power to record any questions asked, and answers given, under the proposed Division.

Clause 81 gives an inspector the power to require a person to provide his or her name and address if the inspector suspects on reasonable grounds that the person has committed an offence under the proposed Act or the regulations.

Division 5 General

Clause 82 makes it an offence to refuse or fail to comply with a requirement made of the person under the proposed Part, to furnish any information or do any other thing in purported compliance with a requirement made under the proposed Part knowing that it is false or misleading, to intentionally delay or obstruct or induce another person to delay or obstruct an inspector in the

exercise of the inspector's powers or to assault, threaten, abuse or impersonate an inspector or a person assisting an inspector.

Clause 83 makes further provision relating to requirements to furnish records or information or answer questions, including the circumstances in which information or answers given in compliance with such a requirement are not admissible in criminal proceedings.

Part 8 Inquiries into greyhound racing industry

Clause 84 gives the Commission the power to conduct inquiries into any matter relating to the greyhound racing industry. Generally, the Commission has the discretion to determine that such an inquiry be conducted, but must conduct an inquiry if the Minister requires it to do so.

Clause 85 specifies the persons or bodies that may conduct inquiries and makes provision for their appointment.

Clause 86 provides for the procedure to be followed at an inquiry.

Clause 87 provides that the person or body conducting an inquiry may authorise a person giving evidence at the inquiry to be legally represented and is required to give a reasonable opportunity for a person giving evidence to be legally represented.

Clause 88 requires inquiries to be held in public and for public notice to be given of inquiries. The proposed section sets out the limited circumstances in which any part of an inquiry may be held in private.

Clause 89 requires the person or body conducting an inquiry to prepare a report to the Commission of its findings and recommendations and, in the case of an inquiry that the Minister has required, for the report to be provided to the Minister.

Part 9 Miscellaneous

Clause 90 enables the Commission to enter into arrangements with the NSW Police Force, animal welfare bodies or local councils for the sharing of information relating to investigations and other matters relating to the functions of the Commission and the other agencies concerned.

Clause 91 provides for the internal review of certain decisions by the Commission or a steward.

Clause 92 enables the Minister to delegate his or her functions under the proposed Act.

Clause 93 excludes certain persons from personal liability for any thing done or omitted in good faith for the purpose of exercising functions under the proposed Act.

Clause 94 provides for the proposed Act to apply to an unincorporated greyhound racing club as if it were a corporation, subject to the qualifications set out in the proposed section.

Clause 95 provides for proceedings for an offence under the proposed Act or the regulations to be dealt with summarily before the Local Court, or by the Supreme Court in its summary jurisdiction.

Clause 96 enables offences under the proposed Act or the regulations to be dealt with by way of penalty notices.

Clause 97 provides that a court may order the destruction of an animal if the court convicts a person of an offence under the proposed Act or the regulations in respect of a greyhound or other animal and the court is satisfied that the animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive. The convicted person will be responsible for the cost of destroying the animal.

Clause 98 provides that a court that convicts a person of an offence under the proposed Act or the regulations in respect of a greyhound or other animal may order the person to pay for expenses incurred with respect to taking possession of and providing for the welfare of the animal.

Clause 99 provides for a court to make certain other orders in respect of a person convicted of an offence under the proposed Act or the regulations. A reference in the proposed section or in proposed sections 97 and 98 to an offence under the proposed Act or the regulations includes a reference to an offence under section 530 of the *Crimes Act 1900* (Serious animal cruelty) that

involves a serious act of cruelty committed in connection with the trialling or training of a greyhound.

Clause 100 provides for certificates as to certain matters arising under the proposed Act to be admissible as evidence of those matters.

Clause 101 provides for the Governor to make regulations, including on any matter relating to the keeping of greyhounds and any matter for or with respect to which greyhound racing rules may be made (in which case the regulations prevail to the extent of any inconsistency with the rules).

Clause 102 requires the Minister to review the proposed 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.

Schedule 1 Provisions relating to Commissioners

Schedule 1 contains provisions relating to the office and employment of the Commissioners.

Schedule 2 Provisions relating to directors and procedure of Board

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

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

Schedule 3 contains provisions about the members and procedure of the Greyhound Industry Animal Welfare Committee.

Schedule 4 Savings, transitional and other provisions

Schedule 4 provides for the making of savings and transitional regulations and includes other provisions that are consequent on the enactment of the proposed Act.

Schedule 5 Amendments to remove 1 July 2017 prohibition on greyhound racing

Schedule 5 amends other legislation to prevent the proposed prohibition on greyhound racing (as enacted by the *Greyhound Racing Prohibition Act 2016*) from taking effect on 1 July 2017. The amendments made by Schedule 5 commence on the date of assent to the proposed Act.

Schedule 6 Amendments relating to animal welfare

Schedule 6.1 amends the *Crimes Act 1900* as follows:

- (a) To make it an offence for a person, in committing a serious act of cruelty on an animal, to kill or seriously injure or cause prolonged suffering to the animal if the person is reckless as to whether severe pain is inflicted. It is already an offence to do so with intention to inflict severe pain. The maximum penalty for the proposed offence is imprisonment for 3 years.
- (b) To make it clear that a serious act of cruelty for the purposes of an offence under section 530 (Serious animal cruelty) of that Act includes the act of using an animal as a lure or kill in connection with the trialling, training or racing of a greyhound.

Schedule 6.2 amends the *Prevention of Cruelty to Animals Act 1979* (the *POCTA Act*) as follows:

- (a) To provide that inspectors under the proposed Act will be officers and inspectors for the purposes of the POCTA Act.

- (b) To modify the offence of using an animal for live baiting so that it extends to a person who is in possession of the animal (at present the offence only applies to a person who is in charge of the animal).
- (c) To ensure that the offence of using an animal as a lure or kill in connection with the trialling, training or racing of greyhounds includes the use of a carcass, or the skin or any other part, of an animal for that purpose.
- (d) To enable inspectors under the POCTA Act to exercise functions in relation to land in or on which a greyhound registered under the proposed Act is being kept.
- (e) To authorise inspectors under the POCTA Act to take such photographs, films, audio, video and other recordings when conducting a search under that Act.

Schedule 7 Amendment of other legislation

Schedule 7.1, 7.2, 7.5, 7.7, 7.8, 7.10, 7.12 and 7.13 amend certain Acts to update or modify references to GRNSW as a consequence of the establishment of the Commission and the changes made by the proposed Act in relation to GRNSW.

Schedule 7.3 and 7.4 amend the *Companion Animals Act 1998* and the *Companion Animals Regulation 2008* as follows:

- (a) to provide that a greyhound that is registered for the time being under the proposed Act is exempt from the requirement to be registered under the *Companion Animals Act 1998*,
- (b) to authorise inspectors under the proposed *Greyhound Racing Act 2017* to have access to the Register of Companion Animals,
- (c) to modify the requirements for the muzzling of greyhounds.

Schedule 7.6 establishes the Office of the Greyhound Welfare and Integrity Commission (which comprises the staff of the Commission) as a separate Public Service agency under the *Government Sector Employment Act 2013*.

Schedule 7.9 provides that the Commission will be subject to financial and annual reporting requirements.

Schedule 7.11 amends the *Racing Appeals Tribunal Regulation 2015* to provide that an appeal lies to the Racing Appeals Tribunal from a decision to cancel the registration of, or to refuse the registration of, a greyhound racing club or greyhound trial track, to impose a condition on the registration of any person, greyhound, greyhound racing club or greyhound trial track or to suspend the registration of any person, greyhound, greyhound racing club or greyhound trial track.

Schedule 8 Repeal of Acts and rules

Schedule 8 repeals existing legislation dealing specifically with greyhound racing.