

Discussion Paper



Greyhound Racing Act 2017
Statutory Review
July 2020



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Key to terms used throughout

The Act = *Greyhound Racing Act 2017*

Statutory review = Statutory review of the *Greyhound Racing Act 2017*

The Regulation = Greyhound Racing Regulation 2019

The Government = NSW Government

The Minister = Minister for Better Regulation and Innovation

The Commission = Greyhound Welfare and Integrity Commission

GRNSW = Greyhound Racing NSW

GA = Greyhounds Australasia

The Rules = Greyhound Racing Rules

The Panel = Greyhound Industry Reform Panel

Code of Practice = Code of Practice for welfare of greyhounds

The Welfare Committee = Greyhound Industry Animal Welfare Committee

GAP = Greyhounds As Pets Program

The Industry = The Greyhound Racing Industry

Participants = Greyhound Racing Industry Participants

POCTA Act = *Prevention of Cruelty to Animals Act 1979*

Purpose of this Discussion Paper

The NSW Government is undertaking a statutory review of the *Greyhound Racing Act 2017* (**the Act**). This Discussion Paper provides information about the Act to help stakeholders and the community provide feedback as part of the review.

The Act sets out the regulatory framework for greyhound racing in New South Wales and is administered by the Minister for Better Regulation and Innovation (**Minister**). It aims to set the foundations and governance arrangements for a sustainable greyhound racing industry with high standards of animal welfare and integrity.

Section 102 of the Act states a review must be undertaken as soon as possible three years after the date of assent (11 April 2017) to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate to achieve those objectives. In particular, the review is to examine and report on:

- a) any improvements in the welfare of greyhounds since the enactment of the Act
- b) the appropriateness of a target for unnecessary euthanasia of greyhounds
- c) the adequacy of compliance and enforcement powers in relation to greyhound racing
- d) the appropriateness of the terms of an Operating Licence granted to GRNSW
- e) the appropriateness of penalties and offences
- f) the funding and efficiency of the Commission
- g) any impact on the export of greyhounds since the enactment of the Act.

How to have your say

You are invited to share your views on the effectiveness of the Act and changes you have seen in the industry since 2017 by **Wednesday 26 August 2020**. You can:

- complete a [detailed survey](#) (20 minutes)
- complete a [short survey](#) (five minutes)
- Email: racing.admin@racing.nsw.gov.au
- Mail: Office of Racing | Greyhound Racing Act 2017 Review | GPO Box 7060 | Sydney NSW 2001

All submissions will remain anonymous unless you agree otherwise. Submissions may be referred to in the report on the outcome of the review, however any anonymous submissions will be referred to as such. Please note, there may be circumstances where the Government is required by law to release the information in your submission. For example, under the *Government Information (Public Access) Act 2009*.

Review Report

Please note that issues and questions to consider in this Discussion Paper are not exhaustive and do not necessarily represent Government policy.

Once the consultation period is closed:

- all comments, feedback and submissions will be considered
- a report on the statutory review and its findings will be submitted to the Minister for consideration
- the final report will be tabled in each House of Parliament by 9 April 2021.

Background

Legislation to regulate greyhound racing in NSW has existed since the early 1930s.¹ Over time, the regulation of greyhound racing has been through several reforms, including the establishment of separate commercial and regulatory bodies and the amalgamation of regulatory oversight for greyhound and harness racing.

In 2016, the Special Commission of Inquiry into the NSW Greyhound Racing Industry, led by the Hon Michael McHugh AC QC, publicly released its [report and findings](#). The Government accepted the report's first recommendation to ban greyhound racing and establish the Greyhound Transition Taskforce to transition the industry to closure.

After extensive consultation with the industry and community, the Taskforce Coordinator-General, Dr John Keniry AM, advised the Government there had been a major shift in the industry's attitude since the announcement of a ban. He advised the industry was willing to change and recommended the prohibition should be reversed if the industry could meet strict animal welfare standards and regulatory guidelines.

On 11 October 2016, the NSW Government established the Greyhound Industry Reform Panel (**the Panel**) to make recommendations on how greyhound racing could continue in NSW and meet animal welfare expectations.

On 16 February 2017, the Panel released its [final report](#). It made 122 recommendations based on input from a wide range of stakeholders.

After considering the Panel's report, the NSW Government introduced [legislation](#) to the NSW Parliament implementing the majority of the Panel's recommendations, including those to separate integrity and commercial functions through the establishment of the Commission. Since its commencement in 2017, the Act has resulted in significant changes to the NSW greyhound racing industry.

Snapshot of the industry

The greyhound racing industry:

- contributes more than \$335 million to the NSW economy, with 47% of this economic activity in regional NSW
- sustains around 2,700 full-time equivalent jobs.²

In 2018-19, the following greyhound racing activity was undertaken in NSW:

- 6,505 greyhounds raced
- 2,970 registered participants
- 32 racing clubs
- 1,153 race meetings
- 11,399 races
- 81,282 starters.

¹ *Finance (Greyhound Racing Taxation) Act 1931, Finance (Greyhound Racing Taxation) Management Act 1931 and Gaming and Betting Regulation 1932.*

² Size and Scope of NSW Racing Industry 2014

www.industry.nsw.gov.au/data/assets/pdf_file/0004/119254/Size-and-scope-of-the-NSW-racing-industry.pdf

Scope of the *Greyhound Racing Act 2017*

The key aim of the Act is to set the foundations and governance arrangements for a sustainable greyhound racing industry with high standards of animal welfare and integrity.

The Act does not specifically state its objectives, but it provides for the following key elements:

- establishment of the Greyhound Welfare and Integrity Commission (**Commission**) as the industry regulator with principal objectives and functions
- reconstitution of Greyhound Racing NSW (**GRNSW**) as the industry's commercial body with principal objectives and functions
- welfare of greyhounds by making an enforceable Code of Practice for greyhound welfare (**Code of Practice**) and strengthened animal welfare offences and penalties
- control and regulation of greyhound racing.

Establishment of the Greyhound Welfare and Integrity Commission

The Act established the Commission as an independent regulator to promote and protect the welfare of greyhounds, safeguard the integrity of greyhound racing and breeding, and maintain public confidence in the greyhound racing industry.

Reconstitution of Greyhound Racing NSW

The Act reconstituted GRNSW as the corporate body responsible for developing greyhound racing as a competitive and sustainable industry in NSW. GRNSW's exercise of its legislative functions is authorised by an Operating Licence issued by the Minister for a term of five years which ensures the Government can set the high-level requirements and conditions for how it operates.

Providing for the welfare of greyhounds

Emphasising the NSW Government's aim to ensure the industry sets high standards, the Act introduced an improved greyhound welfare framework, including requirements to:

- establish a Greyhound Industry Animal Welfare Committee (**Welfare Committee**) to advise the Commission on greyhound welfare matters
- make an enforceable Code of Practice.

The Commission must ensure the Code of Practice includes:

- standards for the keeping, treatment, handling and care of greyhounds
- standards for the facilities, equipment and conditions at the premises where greyhounds are kept, trained or raced.

Importantly, the Act strengthened animal welfare offences and penalties by amending:

- the *Crimes Act 1900* (**Crimes Act**) to include a new offence of serious animal cruelty, with a maximum penalty of three years imprisonment
- the live baiting offence in the *Prevention of Cruelty to Animals Act 1979* (**POCTA Act**) to ban the use of animal carcasses or products in training greyhounds.

Regulation of greyhound racing

The Act sets out how greyhound racing in NSW is controlled and regulated, including through a new registration framework to improve transparency. It provides for the registration of all

greyhounds, greyhound racing industry participants, racing clubs and trial tracks and sets out offences for failing to do so. This includes expanded definitions of a 'greyhound racing industry participant' to ensure any person who controls a greyhound at any time is subject to the Act.

The registration framework allows the Commission greater oversight of every greyhound that enters or exits the industry through the enforcement of stringent notification requirements across the greyhound lifecycle and the imposition of registration conditions.

The Act provides for strengthened investigative powers and disciplinary actions for the Commission and GRNSW, including:

- giving Commission inspectors authority to search premises and seize relevant information and records
- allowing the Commission to enter into information sharing agreements with local councils, animal welfare bodies and the NSW Police Force
- creating offences relating to non-compliance or interfering with investigations
- authorising the Commission to conduct formal inquiries into any industry matter.

The Act allows the Commission (and GRNSW in relation to racing club non-compliance) to apply sanctions for contraventions of the legislation, regulation, code or rules, including:

- suspending or cancelling registration
- putting conditions on a registration
- issuing a fine of up to \$22,000
- warning off, disqualifying or banning a person or greyhound from participating in greyhound racing.

The Act gives the right to an internal review of certain reviewable decisions made by the Commission and its stewards. Finally, the Act contains a regulation-making power and a provision requiring the statutory review of the Act three years after its assent.

Greyhound Racing Regulation 2019

On 1 September 2019, the [Greyhound Racing Regulation 2019](#) (**the Regulation**) was made to provide legislative support and administrative detail for the effective operation of the Act, expanding the definition of a participant, setting out practical requirements for the registration of greyhounds, participants, clubs and trial tracks, and setting penalty infringement amounts for several offences under the Act.

Things to consider when providing your feedback

- If the Act has been effective at achieving its aims.
- If governance arrangements for the industry are appropriate.

We encourage you to provide your feedback via a detailed or short survey at nsw.gov.au.

The Greyhound Welfare and Integrity Commission

The Act established the Commission as a NSW Government Agency. It is an independent regulator not subject to direction or control of the Minister or Government, except as allowed under the Act or any other Act.³

Governance

The Commission is governed by a Chief Commissioner, supported by two Commissioners. The Commissioners are appointed by the Governor on the joint recommendation of the Minister and the Minister for Agriculture.

A Commissioner cannot be a person who is or has been a participant, trial track proprietor, racing club member or official or a member of GRNSW or its Board.⁴ At least one Commissioner must have been an Australian lawyer for at least seven years.

The Commission's Chief Executive Officer is responsible for its day-to-day activities and the implementation of Commissioner decisions.

Principal objectives and functions

The principal objectives of the Commission are to:

- promote and protect the welfare of greyhounds
- safeguard the integrity of greyhound racing and betting
- maintain public confidence in the greyhound racing industry.⁵

Under the Act, the Commission's key functions include:

- controlling, supervising and regulating greyhound racing
- initiating, developing and implementing policies relating to the welfare of greyhounds
- undertaking research and investigation into any aspect of the breeding of greyhounds and of greyhound racing generally
- consulting with animal welfare bodies to develop changes to legislation relating to the welfare of greyhounds
- preparing a Code of Practice relating to the welfare of greyhounds
- making and administering the Greyhound Racing Rules (**Rules**)
- registering greyhounds, industry participants and trial tracks
- investigating animal welfare and integrity concerns
- appointing race stewards and inspectors
- providing the Minister with information, advice or reports as requested
- informing the Minister about any event or matter that may harm the integrity of greyhound racing.⁶

In addition to its functions the Commission:

- can establish advisory committees⁷

³ Section 4 of the *Greyhound Racing Act 2017*

⁴ Section 5 of the *Greyhound Racing Act 2017*

⁵ Section 11 of the *Greyhound Racing Act 2017*

⁶ Section 12 of the *Greyhound Racing Act 2017*

⁷ Section 13 of the *Greyhound Racing Act 2017*

- must prepare a strategic plan every three years⁸
- must deliver an annual report aligned with the requirements of the Act and the Regulation.⁹

The Commission commenced operations as the industry's regulatory authority on 1 July 2018 and has delivered many reforms over the past two years, including:

- transitioning race day activities and registrations from GRNSW to the Commission
- developing and publishing the Code of Practice
- convening the Welfare Committee to provide advice on greyhound welfare matters
- implementing the Race Injury Review Panel to develop strategies to reduce injuries
- introducing online registration services to quickly and easily process participant applications.¹⁰

Strategic focus

The Commission has released its Strategic Plan 2018-21. This outlines how the Commission intends to improve compliance in the industry, reduce major injuries sustained during greyhound races and improve public confidence.

These goals are being achieved through several initiatives, including:

- introducing the Code of Practice
- developing evidence-based standards with GRNSW to reduce greyhound injuries
- introducing registered greyhound tracking to identify welfare risks throughout a greyhound's life and improve participant compliance
- implementing strong and transparent participant registration
- regular, accurate and transparent public reporting on key measures of greyhound welfare and integrity.

Operational activities

The Commission's key operational responsibilities include:

- providing stewards and veterinarians at race meetings
- inspecting participants' premises and kennels
- registering greyhounds, participants and trial tracks
- enforcing welfare policies, the Code of Practice and the Rules.

In 2018-19, the Commission:

- oversaw 11,399 races at 1,153 race meetings
- conducted 81,282 pre-race veterinarian examinations of every presented runner and 5,187 post-race veterinarian examinations
- completed 780 kennel inspections (747 first inspections and 33 follow-ups) involving 3,369 greyhounds
- issued 130 verbal instructions, 29 written work directions and 55 written welfare directions

⁸ Section 14 of the *Greyhound Racing Act 2017*

⁹ Section 15 of the *Greyhound Racing Act 2017*

¹⁰ Greyhound Welfare and Integrity Commission, Annual Report 2018-19

- provided race day integrity services with stewards issuing 598 notices of disciplinary action at race meetings, including 228 fines and 17 warnings to participants (of race day disciplinary actions, 370 related to the performance of greyhounds in races)
- received 370 reports of potential wrongdoing in the industry, completing investigation into 280 by 1 July 2019
- proved 68 charges in 36 disciplinary actions (17 charges related to prohibited substances, 34 related to conduct, and 17 related to welfare)
- referred the owners of four premises for possible disciplinary action (including section 24N notices under the POCTA Act)

Four disciplinary decisions and two registration decisions were appealed to the Racing Appeals Tribunal, with one appeal upheld and one stay granted. The Commission did not receive any applications for internal review in 2018-19.

Funding and financial performance

Under the Act, GRNSW is responsible for funding the costs of the Commission.¹¹ However, the Panel report acknowledged that new arrangements would result in increased costs to the industry and a pathway to sustainability was necessary.

Recognising these real concerns, the NSW Government committed \$11 million over four years to help establish the Commission and fund its initial operations.

Additional funding support was provided to the Commission from the NSW Government's introduction of the Point of Consumption tax (levied on betting service providers for bets made by NSW customers), with a commitment of \$4 million annually from this source towards the operation of the Commission, with its ongoing funding needs to be reviewed at the end of 2021-22.

Commission income for 2018-19

Revenue type	2018-19 (\$000)
Greyhound Racing NSW	9,187
State Government Grant	4,500
Point of Consumption Tax	2,000
Department of Industry grant outcome of the Joint Working Group process	701
In kind contribution from Department of Industry	533
Registration fees	324
Other	2
Acceptance by the Crown entity of employee benefits and other liabilities	496
Total income	17,743

¹¹ Section 24 of the *Greyhound Racing Act 2017*

Commission expenditure for 2018-19

Expenditure type	2018-19 (\$000)
Unattributed corporate services	2,819
Delivery of participant services	2,707
Race day regulatory functions	5,230
Compliance and enforcement	2,290
Prohibited substances detection	1,633
Reform development and implementation	632
Information and education	345
Total expenditure	15,656

Things to consider when providing your feedback

- If the Commission's legislative objectives and functions are appropriate and being actioned effectively.
- If the current funding arrangements for the industry are appropriate.
- If the Commission's planning and reporting obligations are sufficient.

We encourage you to provide your feedback via a detailed or short survey at nsw.gov.au.

Greyhound Racing New South Wales

The Act reconstituted GRNSW as the industry's commercial body, responsible for developing greyhound racing as a competitive and sustainable industry in NSW. GRNSW is a body corporate that does not represent the Crown.¹²

GRNSW also is required to hold an Operating Licence to authorise its role as the industry's commercial body.¹³ This provides autonomy to meet its commercial imperatives and manage daily operations, while still allowing the Government to set the high order requirements and conditions for the industry's operation. In accordance with the Act,¹⁴ an Operating Licence was granted to GRNSW by the then Minister for Racing in 2017 for a term of five years.

A review of the Operating Licence is currently being undertaken by the Department of Customer Service as part of the statutory review. The findings of the Operating Licence review will be considered as part of the final report of the statutory review.

Governance

GRNSW is governed by a board of directors (**GRNSW Board**) responsible for its management and control.¹⁵ The GRNSW Board consists of at least five, and a maximum of seven, directors appointed by the Governor of NSW on the recommendation of the Minister.

A director of the GRNSW Board cannot be a racing club official. A majority of GRNSW Board directors must be independent directors who have not been a participant, trial track proprietor, racing club official or member for at least the previous seven years.¹⁶

Principal objectives and functions

The principal objectives and functions of GRNSW are to:

- be commercially viable
- exhibit social responsibility by supporting the welfare of greyhounds
- promote greyhound racing in NSW as a competitive and sustainable industry with a high level of public trust.¹⁷

The key functions of GRNSW are to:

- conduct race meetings and authorise race meetings conducted by greyhound racing clubs
- authorise dates and licensed racecourses for race meetings
- register greyhound racing clubs
- develop safety standards for licensed racecourses
- distribute money received under the *Totalizator Act 1997*
- fund the costs of the Commission
- manage greyhound adoption programs

¹² Section 16 of the *Greyhound Racing Act 2017*

¹³ Section 24(2) of the *Greyhound Racing Act 2017*

¹⁴ Section 25 of the *Greyhound Racing Act 2017*

¹⁵ Section 18 of the *Greyhound Racing Act 2017*

¹⁶ Section 17 of the *Greyhound Racing Act 2017*

¹⁷ Section 23 of the *Greyhound Racing Act 2017*

- initiate, develop and implement policies that support the promotion, strategic development and commercial viability of the greyhound racing industry in NSW
- direct and supervise the dissolution of a greyhound racing club
- appoint an administrator to conduct the affairs of a greyhound racing club
- order an audit of the books and accounts of a greyhound racing club
- scrutinise and approve the constitutions of greyhound racing clubs to ensure they abide by any applicable Act and the Rules
- any other functions the Operating Licence, the Act or any other law provides.¹⁸

GRNSW must also:

- implement minimum standards for racetracks, racing clubs and race meetings¹⁹
- produce an annual report for tabling in Parliament²⁰ and a public strategic plan every three years.²¹

GRNSW has delivered a number of achievements over the past two years, including:

- staging the inaugural Million Dollar Chase greyhound racing series
- introducing the Race Injury Rebate Scheme to improve the welfare of racing greyhounds by preventing euthanasia
- increasing returns to industry participants in the form of additional prize money and travel subsidies (with a specific focus on regional areas)
- increasing investment in the Greyhounds As Pets (**GAP**) program, leading to an increase in the number of greyhounds adopted
- major track rebuilds and upgrades, and other capital works and safety initiatives, in line with best-practice safety design and technology
- increasing wagering returns from race fields fees on corporate bookmakers.²²

Strategic focus

GRNSW's Strategic Plan 2018-2021 was publicly released in October 2018. The plan was informed by engagement with a cross-section of the industry and other key stakeholders and sets out a vision for the future of greyhound racing in NSW.

The plan is built around three governance pillars – Responsible, Competitive and Sustainable. It includes 11 goals and 21 specific initiatives aimed at achieving the highest standards of animal welfare in racing, delivering commercial growth to support jobs and making a meaningful contribution to local communities.

Operational activities

GRNSW's focus is on the commercial and strategic side of the industry, track safety and design standards, greyhound racing clubs (including registration, conduct and compliance) and management of greyhound adoption programs. There are currently 32 registered clubs across NSW.

¹⁸ Section 24 of the *Greyhound Racing Act 2017*

¹⁹ Section 26 of the *Greyhound Racing Act 2017*

²⁰ Section 28 of the *Greyhound Racing Act 2017*

²¹ Section 29 of the *Greyhound Racing Act 2017*

²² Greyhound Racing NSW, Annual Report 2018-19

GRNSW's Chief Executive Officer supports the GRNSW Board and is responsible for the day-to-day management of GRNSW. In the 2018-19 financial year, GRNSW reported that it:

- implemented an updated the Grading Policy in the second half of 2019
- oversaw race programming for all race meetings and consulted regularly with clubs to provide opportunities for all racing greyhounds
- increased prize money at 'C' class TAB race meetings, providing regional participants with greater income opportunities
- introduced new racing opportunities at Wentworth Park (across all levels of racing) for greyhounds bred in NSW
- further reduced the number of race meetings cancelled due to safety concerns.²³

Funding and financial performance

The tables below set out GRNSW's financial performance for the financial year 2018-19.²⁴

GRNSW revenue for 2018-19

Revenue type	2018-19 (\$000)
TAB distribution	34,245
Race field information use fees	25,149
Tax receipts	7,939
Other income	1,096
Marketing and digital	422
Interest	199
Greyhounds As Pets	57
Sponsorship	300
Total income	69,406

²³ Greyhound Racing NSW, Annual Report 2018-19

²⁴ Greyhound Racing NSW, Annual Report 2018-19, figures rounded to the nearest thousand.

GRNSW expenditure for 2018-19

Expenditure type	2018-19 (\$000)
Prizemoney and race club costs	37,776
Finance, legal and corporate	9,482
Regulatory	9,198
Media and digital	3,411
Racing and club infrastructure	3,068
Operations	2,876
IT Costs	1,188
Greyhounds As Pets	1,941
Animal welfare	833
Depreciation	541
Loss on sale of fixed assets	81
Other expenses	520
Total expenditure	70,915

Things to consider when providing your feedback

- If GRNSW's objectives and functions are appropriate and being actioned effectively.
- If the use of an Operating Licence is appropriate.
- If GRNSW's planning and reporting obligations are sufficient.

We encourage you to provide your feedback via a detailed or short survey at nsw.gov.au.

Providing for the welfare of greyhounds

A key objective of the Act is to improve animal welfare in the industry by implementing the Code of Practice and strengthening animal welfare offences. The Act also provides for the Commission to develop and implement policies about greyhound welfare²⁵ and investigate the breeding of greyhounds and racing generally.²⁶

The Commission must establish the [Welfare Committee](#) with its five-member panel to include an animal welfare expert, senior officer of the RSPCA NSW, a public service Chief Veterinary Officer, an industry representative and a GRNSW nominee.²⁷ Functions of the Welfare Committee include advising the Commission about greyhound welfare and the formulation of welfare policies and standards.²⁸

Preparing and making the Code of Practice

In accordance with the requirements of the Act, the Commission has published a Code of Practice²⁹ setting out:

- standards for the keeping, treatment, handling and care of greyhounds
- standards for the facilities, equipment and conditions at premises where greyhounds are kept, trialled, trained or raced
- standards for procedures and practices for keeping, trialling, training and racing greyhounds.

In preparing the Code of Practice the Commission fulfilled its obligations under the Act in seeking advice from the Welfare Committee³⁰ and consulting with GRNSW.

The Commission also undertook extensive public consultation, releasing a draft Code of Practice on 16 January 2020 for public comment until 14 April 2020. This included public information sessions across NSW and consultation with appropriate animal welfare bodies and government agencies.

The Code of Practice was endorsed by the Minister and the Minister of Agriculture in May 2020 and [published on 1 July 2020](#). The Code of Practice will commence from 1 January 2021, providing the industry six months to prepare for its commencement.

The Commission will run a comprehensive industry education campaign to make participants aware of their obligations under the Code of Practice ahead of its commencement.

Animal welfare offences and penalties

Animal cruelty offences under the POCTA Act continue to apply to participants. The Act introduced specific animal welfare offences designed to deter participants from mistreating greyhounds and encourage compliance with greyhound welfare standards, including:

²⁵ Section 27(b) of the *Greyhound Racing Act 2017*

²⁶ Section 27(c) of the *Greyhound Racing Act 2017*

²⁷ Section 33 of the *Greyhound Racing Act 2017*

²⁸ Section 34 of the *Greyhound Racing Act 2017*

²⁹ Section 35(1) of the *Greyhound Racing Act 2017*

³⁰ Section 35(4) of the *Greyhound Racing Act 2017*

- a life ban for a person found guilty of a live baiting offence under the POCTA Act or the Crimes Act³¹
- keeping, possessing or controlling any animal that can be used as a lure for the trialling, training or racing of greyhounds (without an exemption)³²
- contravening any standards of the Code of Practice defined as offence provisions
- failing to register a greyhound, or as a participant, racing club, trial track, and failing to comply with registration conditions³³
- providing false information to inspectors, obstructing an investigation or assaulting or imitating inspectors³⁴
- failing to comply with inquiry directions or court orders.³⁵

The Act allows for offences and penalty notice offences to be created under regulation.

Additional offences under the Regulation include:

- failure of participants to meet notification requirements
- unauthorised persons entering a restricted area at a racecourse or trial track.

Penalties are designed to be proportionate and work with comprehensive enforcement activities to encourage compliance and behavioural change within the industry. A table outlining all offences and penalties under the Act and the Regulation is at **Attachment A**.

Implement policies about greyhound welfare

In addition to matters set in the Code of Practice, the Act empowers the Commission to implement welfare-related policies, with the Commission implementing the following:

- Compliance and Enforcement Explanatory Guide
- Code of Practice for Breeding, Rearing and Education
- Code of Practice for the Keeping of Greyhounds in Training
- Race Day Hydration and Hot Weather Policy
- Trial Track Registration Policy
- Swabbing Policy
- Greyhound Re-homing Policy.

These policies aim to improve greyhound welfare outcomes and compliance in the industry.

Under the Act, GRNSW also has key responsibilities relating to greyhound welfare, including:

- managing greyhound adoption programs³⁶
- implementing minimum standards for racetracks, racing clubs and race meetings.³⁷

GRNSW's minimum standards must be approved by the Commission.³⁸

³¹ Section 40 of the *Greyhound Racing Act 2017*

³² Section 41 of the *Greyhound Racing Act 2017*

³³ Sections 42 to 46 and 48 to 50 and 53 of the *Greyhound Racing Act 2017*

³⁴ Section 82 of the *Greyhound Racing Act 2017*

³⁵ Sections 86(6) and (7), 88(4) and 99(3) of the *Greyhound Racing Act 2017*

³⁶ Section 24(1)(g) of the *Greyhound Racing Act 2017*

³⁷ Section 26 of the *Greyhound Racing Act 2017*

³⁸ Section 26(6) of the *Greyhound Racing Act 2017*

Breeding

In July 2018, the Commission's [Code of Practice for Breeding, Rearing and Education of Greyhounds \(Breeding Policy\)](#) was published. It applies to persons who breed, rear or educate greyhounds in NSW and sets standards for care and management of greyhounds on breeding, rearing and education premises to ensure their basic needs are met.

Since 2015, the number of greyhounds bred in NSW has more than halved:

Greyhounds bred

- 2014-15 – 7,964
- 2015-16 – 4,432
- 2016-17 – 3,052
- 2017-18 – 3,976
- 2018-19 – 3,747

Re-homing

The Commission's current [Greyhound Re-Homing Policy](#) emphasises a greyhound owner's obligations to ensure their greyhounds find a suitable home at the end of their racing careers. It specifies the requirements greyhound owners must meet in attempting to re-home retired greyhounds or greyhounds unsuitable for racing (**retired greyhound**).

Under the Re-Homing Policy, greyhound owners must prepare their greyhounds for re-homing and make genuine attempts to re-home a retired greyhound. If the retired greyhound cannot be re-homed privately, the owner must seek admission of the retired greyhound into GRNSW's Greyhounds As Pets (**GAP**) program.

If the retired greyhound is not admitted to the GAP program, the owner must then attempt:

- re-homing through at least one other pet rescue or re-homing organisation; or
- admission into the GAP program a second time.

Under the Re-Homing Policy, if a greyhound is unable to be re-homed, the owner must notify the Commission of their intention to proceed with euthanasia at least 10 business days prior. Failure to comply with the Re-Homing Policy is an offence under the Rules and may result in disciplinary action.

The Commission reports quarterly on retirement and end of life outcomes for greyhounds, with reports available on its [website](#).

Retired greyhounds

Under the Act, GRNSW is required to manage greyhound adoption programs.³⁹ GRNSW does this through its GAP program and by supporting and providing funding to several independent greyhound re-homing programs. GRNSW expenditure on the GAP program increased to \$1,941,459 in 2018-19, an investment increase of \$319,000 on 2017-18.

Re-homing figures since 2015-16 are shown in the below table, noting that figures for re-homing through independent programs are not available for 2015-16 and 2016-17:

³⁹ Section 24(1)(g) of the *Greyhound Racing Act 2017*

Greyhound re-homing rates

Year	Greyhound As Pets	Independent re-homing	Re-home total
2015-16	324	n/a	n/a
2016-17	498	n/a	n/a
2017-18	415	1,395	1,810
2018-19	729	764	1,493

Greyhound racing injuries

The Act requires GRNSW to set minimum standards for racecourse design and construction, racecourse facilities and amenities and greyhound training facilities to improve safety and greyhound welfare.⁴⁰

The Government's greyhound reforms included a commitment to provide \$30 million for conditional capital grants to improve animal welfare. This includes upgrading track facilities to make them safer for greyhounds (**Capital Grants Program**). Funding from the Capital Grants Program is contingent on the development of track standards. However, where serious safety or welfare risks are identified, GRNSW can request early access to funding.

GRNSW has consulted with greyhound racing clubs on draft track minimum standards, which are informed by research on optimal greyhound racetrack design by the University of Technology Sydney. In accordance with the Act, the track standards must be approved by the Commission prior to adoption,⁴¹ with work to finalise the track standards ongoing.

Over the past three years, GRNSW has accessed funding from the Capital Grants Program for urgent works venues across NSW, including Wentworth Park, Gosford, Gunnedah, Bathurst, Kempsey and Tamworth, with more than \$7 million spent to date. The balance of the funding from the Capital Grants Programs will be released in accordance with GRNSW's Track Strategy, once finalised. GRNSW has recently released the draft Track Strategy, based on the minimum standards, for public consultation.

In March 2019, GRNSW started the Race Injury Rebate Scheme, which provides financial support for the off-track diagnosis and treatment of serious racing injuries, aiming to eliminate the euthanasia of injured greyhounds where owners do not have the financial means to treat serious injuries.

In 2016, GRNSW began publishing quarterly reports on greyhound injuries sustained in racing at registered racetracks. The Commission took over this role from July 2018, with injury figures from the Commission's [most recent quarterly report](#) in the table on the next page.

⁴⁰ Section 26 of the *Greyhound Racing Act 2017*

⁴¹ Section 26(6) of the *Greyhound Racing Act 2017*

Greyhound injury numbers and rates

Injury category	Qtr 1 2019		Qtr 2 2019		Qtr 3 2019		Qtr 4 2019		Qtr 1 2020	
	No.	Per 1,000 starts								
Minor	247	14.1	303	15.0	343	16.9	320	15.7	242	13.0
Medium	207	11.8	154	7.6	161	7.9	233	11.4	183	9.8
Major I	84	4.8	71	3.5	76	3.7	84	4.1	73	3.9
Major II	27	1.5	41	2.0	34	1.7	45	2.2	37	2.0
Catastrophic	33	1.9	17	0.8	12	0.6	15	0.7	15	0.8
Total	598	34.1	586	29.1	627	30.9	697	34.2	550	29.5

Greyhound exports

The Act does not specifically deal with the regulation of greyhound exports, which are instead regulated under the Rules of Racing. However, in accordance with the Act, and the Panel recommendations,⁴² the statutory review will examine and report on any impact on the export of greyhounds since the Act's commencement.

The Panel recommended that the NSW Government advocate for improved regulatory controls for the export of greyhounds, including support for a requirement that international export destinations have appropriate animal welfare standards. In November 2017, the then Minister for Racing wrote to the Commonwealth Minister for Agriculture and Water Resources to advocate for strengthened regulation and oversight of greyhound exports.

Greyhound Australasia (**GA**) is the peak body for greyhound racing in Australia, with its responsibilities including setting the Rules at a national level and issuing greyhound passports. In December 2017, GA amended the Rules to make it an offence for participants to transfer ownership of greyhounds when they either are aware, or ought to be aware, that the greyhound will be, or is likely to be, exported without a greyhound passport.

In late 2018, GA also amended its Passport Policy, making it clear that a GA passport will not be issued under any circumstances where the intended destination is unregulated. GA's export guidelines ensure Australasian greyhounds can only be exported to countries that have a standard of care and accountability comparable to Australian standards.

Greyhound exports

- 2015-16 – 776
- 2016-17 – 299
- 2017-18 – 292
- 2018-19 – 36

⁴² Recommendation 122 of the Greyhound Industry Reform Panel, February 2017

Things to consider when providing your feedback

- If animal welfare offences are contributing positively to behaviour change in the industry.
- If the range of penalties and offences are practical and effective at deterring bad behaviour or if they can be improved.
- If the Commission's investigative and enforcement powers are sufficient to effectively regulate the industry.

We encourage you to provide your feedback via a detailed or short survey at nsw.gov.au.

Regulation of greyhound racing

A key objective of the Act is to strengthen the control and regulation of the industry by:

- enhancing the registration in the industry, imposing stronger registration conditions and training requirements
- allowing the Commission to make Rules
- introducing effective investigatory and enforcement powers so that investigators can find evidence of animal welfare and integrity breaches
- improving disciplinary options for regulators to use when people do not comply with the law, Code of Practice or the Rules
- providing an opportunity for industry participants to seek internal review of reviewable decisions.

Enhanced registration and licensing

The Act strengthens registration and licensing in the industry.⁴³ The definition of a greyhound and greyhound industry participant was specifically widened to capture the broad range of persons who may come in contact with a greyhound, including any:

- persons who own, breed, keep or train greyhounds
- persons who handle greyhounds at a greyhound race or trial
- persons who act as a bookmaker or bookmaker's clerk in connection with greyhound racing
- persons who provides such health services to greyhounds as are prescribed by the regulations
- classes of persons prescribed by the regulations for the purposes of this definition.⁴⁴

In 2019, the Regulation further expanded the definitions of a greyhound racing industry participant to include:

- for persons who provide health services to greyhounds – massage therapy, acupuncture, non-invasive injury detection and chiropractic treatment
- a person who handles greyhounds (otherwise than at a greyhound race or trial)
- the proprietor of a greyhound trial track
- a person who is an official starter or judge at a race or trial
- a person operating a lure during the race or trial or kennelling greyhounds
- a person who is a syndicator or manages a syndicate
- a person who manages the ownership of a greyhound on behalf of two or more other persons who own the greyhound jointly
- a person who artificially inseminates a greyhound.⁴⁵

All greyhounds must be registered by 12 weeks old and industry participants, trial tracks and racing clubs must also be registered. It is an offence under the Act to fail to register.⁴⁶

⁴³ Part 5 of the *Greyhound Racing Act 2017*

⁴⁴ Section 3 of the *Greyhound Racing Act 2017*

⁴⁵ Clause 11 of the *Greyhound Racing Regulation 2019*

⁴⁶ Sections 42 to 46 of the *Greyhound Racing Act 2017*

The Commission and GRNSW may impose conditions on the registration of greyhounds, participants and trial tracks (in the case of the Commission) and racing clubs (in the case of GRNSW).⁴⁷

In 2019, the Regulation authorised the Commission to determine the application process for registration of greyhounds, participants and trial tracks and set an application fee. The Regulation also set out requirements for participants, trial track operators and racing clubs to notify the relevant controlling body on changes to specific information.

The registration framework allows the Commission greater oversight of every greyhound that enters or exits the industry. Registration conditions and [greyhound notification requirements](#) enforced by the Commission, designed to monitor the movement of greyhounds throughout their lifecycle, include:

- when a greyhound transfers ownership
- when a greyhound has left or entered a person's care
- greyhound naming
- greyhound breeding applications and exemptions
- whelping notice
- litter registration
- 12-week registration
- greyhound retirement
- end of life notifications.

Under the Act's exchange of information provisions,⁴⁸ the Commission shares information with local councils when a greyhound is retired and registered under companion animals register legislation meeting the obligations under the POCTA Act.

In 2018-19, the Commission reported that 2,970 participants were registered in the following industry roles (noting that participants may be registered in more than one category):

⁴⁷ Sections 48 to 50 and 53 of the *Greyhound Racing Act 2017*

⁴⁸ Section 90 of the *Greyhound Racing Act 2017*

Greyhound participant registrations

Participant category	Registered as at 1 September 2019
Public trainer	1,008
Owner trainer	1,192
Breeder	951
Greyhound attendant	677
Stud master	37
Bookmaker	24
Bookmaker's clerk	24
Total	3,913

The Commission reported the following registered and race day activities for 2018-19:

Greyhound registered activities

Activity category	Registered as at 1 September 2019
Racetracks	32
Race meetings held	1,153
Races held	11,399
Starters	81,282
Greyhounds raced	6,505
Greyhounds newly named for racing	3,223

Making greyhound racing rules

The Act provides the Commission authority to make Rules about any matter relating to greyhound racing.⁴⁹ GRNSW must be consulted prior to any Rules being made⁵⁰ and Rules made by the Commission must be published on the NSW legislation website, including any amendments or repeals.⁵¹

Since the commencement of the Act, the Rules previously made by GRNSW have been in place under transitional provisions in the Regulation and Act. GA is currently undertaking a

⁴⁹ Section 55 of the *Greyhound Racing Act 2017*

⁵⁰ Section 56 of the *Greyhound Racing Act 2017*

⁵¹ Section 55(4) of the *Greyhound Racing Act 2017*

review of the Rules at a national level, which is expected to be completed in late 2020. On the completion of this work, the Commission will make the Rules in accordance with the legislative requirements of the Act.

Effective investigatory and enforcement powers

The Act provides the Commission strong investigation and enforcement powers. The Commission can appoint a person as an inspector if they meet the Act's strict eligibility requirements and have completed relevant probity and integrity checks.⁵² The Commission's inspectors are also authorised as officers and inspectors under the POCTA Act.⁵³

The Act gives the Commission a range of enforcement powers, including the authority to:

- search premises and seize relevant information and records
- enter into information sharing agreements with local councils, animal welfare bodies and the NSW Police Force
- charge a person with an offence for:
 - failing to comply with an investigator's direction
 - providing false or misleading information to an investigator
 - intentionally delaying an investigation or obstructing inspectors
 - assaulting, threatening, abusing or impersonating an inspector
- conduct formal inquiries into any matter relating to the greyhound racing industry.⁵⁴

The investigative powers help inspectors to effectively monitor and enforce compliance in the industry and hold participants who fail to comply accountable. Limits have also been placed on investigatory powers to safeguard of rights and privileges of participants.

Disciplinary actions

The Act also gives the Commission authority to manage non-compliance with the law, Code of Practice and the Rules,⁵⁵ with sanctions for non-compliance including:

- suspending or cancelling registration
- imposing conditions on registration
- imposing a fine (up to \$22,000)
- disqualifying or warning off a person, club official or greyhound
- prohibiting participation in greyhound racing in any way.⁵⁶

In 2018-19, the Commission reported that its stewards issued 598 notices of disciplinary action (370 related to performance of greyhounds in races) at race meetings. In total, stewards issued 228 fines and 17 warnings to participants on race days.

⁵² Section 68 of the *Greyhound Racing Act 2017*

⁵³ Sections 4 and 24D of the *Prevention of Cruelty to Animals Act 1979*

⁵⁴ Part 7 and 8 of the *Greyhound Racing Act 2017*

⁵⁵ Section 58 of the *Greyhound Racing Act 2017*

⁵⁶ Section 59 of the *Greyhound Racing Act 2017*

The Commission reported the follow disciplinary actions taken outside race-day:

Disciplinary actions taken outside race-day

Overview of disciplinary actions	Number
Disciplinary actions	36
Charges proven in disciplinary actions:	
a) prohibited substances	17
b) conduct by participants	34
c) animal welfare	17
Total	68

In 2018-19, the Commission also received 370 reports of potential wrongdoing in the industry and completed 280 investigations.

The Commission reported the following kennel inspection data, in which 3,369 greyhounds were identity-checked:

Inspections of kennels

Action	First inspection	Follow-up inspection	Total
Routine	509	13	522
Following a positive swab	28	2	30
New kennels	19	0	19
Registration new or upgraded	77	6	83
Targeted (based on intelligence)	114	12	126
Total	747	33	780

It also reported the following in relation to prohibited substances:

- 7,964 swabs were collected from 81,282 starters at NSW races
- a sampling rate of 9.8%, comparable to sampling rates in the previous two years.

In 2018-19, 34 race day swabs taken from 33 greyhounds were positive for a prohibited substance.

Internal reviews

The Act ensures individuals who are aggrieved by a reviewable decision made by the Commission or a steward can seek an internal review.⁵⁷ A reviewable decision includes decisions made by a steward under the Rules and decisions by the Commission:

- to refuse to register a person, greyhound or greyhound trial track
- to impose a condition on the registration of a person, greyhound or greyhound trial track
- to take any disciplinary action
- that are prescribed by the regulations.⁵⁸

This review right is in addition to any right of appeal a person has under the *Racing Appeals Tribunal Act 1983*. In 2018-19, the Commission received no applications for internal review.

Making of regulations for the greyhound bond

In line with Panel recommendations,⁵⁹ the Act provides a regulation-making power for the Commission to administer a greyhound bond scheme.⁶⁰

The bond scheme was envisaged to require either greyhound owners or breeders to pay a bond for each greyhound to help reduce over-breeding and euthanasia in the industry.

In 2018, the Commission stated it was not in a position to introduce a fit-for-purpose bond as the available data was not adequate to make confident policy and regulatory decisions about the rate of breeding needed to support the industry, nor the monetary value at which an industry-sustainable bond should be set.

The Commission also noted that regulatory tools available to the Commission under the Act, such as Rules relating to breeding, the ability to impose conditions on participants and enforcing compliance with notification requirements, would achieve the same outcomes as the bond. It is noted that no Australian jurisdiction has implemented a greyhound bond.

Things to consider when providing your feedback

- If the licensing and registration scheme is effective to regulate participants.
- If investigatory powers in the Act are effective.
- If you think the disciplinary measures in the Act are appropriate.
- If the internal review process is sufficient.

We encourage you to provide your feedback via a detailed or short survey at nsw.gov.au.

⁵⁷ Section 91(2) of the *Greyhound Racing Act 2017*

⁵⁸ Section 91(1) of the *Greyhound Racing Act 2017*

⁵⁹ Recommendations 84 and 85 of the Greyhound Industry Reform Panel.

⁶⁰ Section 101(2)(g) of the *Greyhound Act 2017*

Attachment A – Offences and Penalty Notices under the Act and Regulation

Section	Description	Max Penalty	Penalty Notice Amount
39	<p>Contravention of the Code of Practice “offence provisions”</p> <p>A person who contravenes an “offence provision” of the Code of Practice.</p>	<p>200 penalty units or two years imprisonment or both (individual)</p> <p>1,000 penalty units (corporation)</p>	\$2,200
41	<p>Prohibition on keeping certain animals on premises where greyhounds are kept</p> <p>A person must not keep any animal reasonably capable of being used as a lure for trialling, training or racing greyhounds on the premises where a greyhound is kept, trained or raced.</p>	<p>200 penalty units or two years imprisonment or both (individual)</p> <p>1,000 penalty units (corporation)</p>	<p>First offence: \$550</p> <p>Second or subsequent offence: \$1,100</p>
42(1)	<p>Greyhounds generally</p> <p>A participant must not own, breed or keep a greyhound unless the greyhound is registered at 12 weeks old or such later time as may be prescribed by the regulations.</p>	<p>100 penalty units</p>	<p>First offence: \$275</p> <p>Second or subsequent offence: \$550</p>
42(2)	<p>Greyhounds generally</p> <p>The owner of a registered greyhound must comply with any conditions to which the registration of the greyhound is subject.</p>	<p>200 penalty units (individual)</p> <p>1,000 penalty units (corporation)</p>	<p>First offence: \$275</p> <p>Second or subsequent offence: \$550</p>
43	<p>Greyhounds must not race or compete in trials, etc unless registered</p> <p>The owner of a greyhound must not allow a greyhound to compete in a race or trial or be trained at any trial track, unless the greyhound is registered.</p>	<p>200 penalty units (individual)</p> <p>1,000 penalty units (corporation)</p>	<p>First offence: \$275</p> <p>Second or subsequent offence: \$550</p>
44(1)	<p>Greyhound racing industry participants</p> <p>A person must not carry on any activity as a greyhound racing industry participant unless the person is registered to carry on that activity.</p>	<p>200 penalty units (individual)</p> <p>1,000 penalty units (corporation)</p>	<p>First offence: \$550</p> <p>Second or subsequent offence: \$1,100</p>
44(2)	<p>Greyhound racing industry participants</p>	<p>200 penalty units</p>	<p>First offence: \$550</p>

	A registered greyhound racing industry participant must comply with any conditions to which the person's registration is subject.	(individual) 1,000 penalty units (corporation)	Second or subsequent offence: \$1,100
45(1)	Greyhound racing clubs A greyhound racing club must not conduct a greyhound race meeting unless the club is registered.	200 penalty units (individual) 1,000 penalty units (corporation)	\$5,500
45(2)	Greyhound racing clubs A registered greyhound racing club must comply with any conditions to which the club's registration is subject.	200 penalty units (individual) 1,000 penalty units (corporation)	\$5,500
46(1)	Greyhound trial tracks A greyhound trial track proprietor must not allow a greyhound to trial or train unless their greyhound trial track is registered.	200 penalty units or two years imprisonment or both (individual) 1,000 penalty units (corporation)	\$2,200
46(2)	Greyhound trial tracks A greyhound trial track proprietor must comply with any conditions to which the registration of the greyhound trial track is subject.	200 penalty units or two years imprisonment or both (individual) 1,000 penalty units (corporation)	\$2,200
50(6)	Registration of greyhound trial tracks A greyhound trial track proprietor who fails to retain any CCTV recording in accordance with an order made by the Minister under section 50(5) of the Act.	200 penalty units (individual) 1,000 penalty units (corporation)	First offence: \$1,100 Second or subsequent offence: \$2,200
64(6)	Inquiries and investigations by Commission in relation to complaint about GRNSW A person must not fail to comply with a notice made under section 64(4) of the Act to: <ul style="list-style-type: none"> • provide information, records or documents • authorise a person to provide information, records or documents 	100 penalty units	N/A

	<ul style="list-style-type: none"> consents to the Commission to obtain information from other persons concerning the person under investigation. 		
82(1)	<p>General</p> <p>A person who, without reasonable excuse, refuses or fails to comply with a requirement or direction under Part 7 of the Act (Investigation and enforcement powers).</p>	100 penalty units	<p>First offence: \$550</p> <p>Second or subsequent offence: \$1,100</p>
82(2)	<p>General</p> <p>A person who knowingly provides false or misleading information in relation to a requirement under Part 7 of the Act (Investigation and enforcement powers).</p>	100 penalty units	N/A
82(3)	<p>General</p> <p>A person who intentionally delays or obstructs or induces or attempts to induce another person to delay or obstruct an inspector in the exercise of the inspector's powers under Part 7 of the Act (Investigation and enforcement powers).</p>	100 penalty units or six months imprisonment or both	N/A
82(4)	<p>General</p> <p>A person who assaults, threatens or abuses an inspector or a person assisting an inspector in the exercise of the inspector's powers under Part 7 of the Act (Investigation and enforcement powers).</p>	100 penalty units or six months imprisonment or both	\$1,100
82(5)	<p>General</p> <p>A person who impersonates an inspector or falsely represents that the person is an inspector.</p>	100 penalty units or six months imprisonment or both	\$1,100
86(6)	<p>Procedures at inquiries</p> <p>A person who fails to comply with the requirements of a notice given to the person under this section 86 of the Act.</p>	100 penalty units or six months imprisonment or both	\$1,100
86(7)	<p>Procedures at inquiries</p> <p>A person who knowingly provides false or misleading information or evidence to an inquiry.</p>	200 penalty units or two years imprisonment or both	N/A

88(4)	<p>Public nature of inquiries</p> <p>A person who publishes evidence or matter in breach of an inquiry direction unless:</p> <ul style="list-style-type: none"> • consent from the person who gave the evidence or provided the document has been obtained • the evidence or matter has already been lawfully published • the evidence or matter published was obtain in a way not related to the inquiry. 	100 penalty units or six months imprisonment or both	N/A
99(3)	A person must not fail to comply with an order of the court under section 99(1) that is served on the person.	200 penalty units	N/A
Clause	Description	Max Penalty	Penalty Notice Amount
10	<p>Commission to be notified of information relating to greyhounds</p> <p>A participant who fails to comply with greyhound notification requirements set out in clause 10.</p>	20 penalty units	N/A
15	<p>Commission to be notified of information relating to registered participants</p> <p>A participant who fails to comply with participant notification requirements set out in clause 15.</p>	20 penalty units	N/A
18	<p>Commission to be notified of information relating to registered trial tracks</p> <p>A trial track proprietor who fails to comply with trial track notification requirements set out in clause 18.</p>	20 penalty units	N/A
23	<p>Restricted access areas at racecourses and trial tracks</p> <p>A person must not enter, or remain in, a restricted access area at a licensed racecourse or greyhound trial track unless the person is a participant has the authority of the licensee for the racecourse or the proprietor of the trial track to enter the area.</p>	100 penalty units	\$550