



Australian Capital Territory

# Domestic Animals (Racing Greyhounds) Amendment Act 2017

A2017-44

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J2017-412

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Australian Capital Territory

# Domestic Animals (Racing Greyhounds) Amendment Act 2017

**A2017-44**

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An Act to amend the *Domestic Animals Act 2000* and the *Domestic Animals Regulation 2001*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Domestic Animals (Racing Greyhounds) Amendment Act 2017*.

### 2 Commencement

This Act commences on 30 April 2018.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

### 3 Legislation amended

This Act amends the *Domestic Animals Act 2000* and the *Domestic Animals Regulation 2001*.

*Note* This Act also amends the *Animal Welfare Act 1992* and the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005* (see sch 1).

## Part 2 Domestic Animals Act 2000

### 4 Offences against Act—application of Criminal Code etc Section 4A, note 1, new dot points

*insert*

- s 12 (2) (Change of keeper)
- s 39D (Offence—unregistered racing greyhound)
- s 39G (Day-to-day control of racing greyhounds—requirement to be licensed)
- s 72 (1A) (Offence—breeding dogs or cats without licence)
- s 72M (Offence—reporting on breeding of greyhounds)

### 5 Registration—applications Section 6 (1)

*omit*

a keeper

*substitute*

an owner

### 6 Section 6 (1), new note

*insert*

*Note* A racing greyhound must also be registered as a racing greyhound under div 2.4A.

**7 Registration numbers, certificates and tags  
Section 11**

*before*

keeper

*insert*

registered

**8 Change of keeper  
Section 12 (1)**

*before*

keeper

*insert*

registered

**9 Section 12 (2)**

*substitute*

- (2) If a person (the *new keeper*) starts keeping a dog for a period that is likely to be longer than 28 days, the new keeper must tell the registrar, in writing, that the dog is now kept by the new keeper within 14 days after the day the new keeper started keeping the dog.

Maximum penalty: 5 penalty units.



**10 Registration—cancellation  
Section 13 (1) and note**

*substitute*

- (1) If the registered keeper of a dog tells the registrar in writing that the person is no longer the owner of the dog, the registrar must cancel the registration of the dog.

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

**11 Unregistered dogs  
Section 14 (3)**

*substitute*

- (3) Subsection (1) (b) does not apply if—
- (a) the registered keeper is unable to care for the dog and the person is caring for the dog on a temporary basis; or
  - (b) the dog is a racing greyhound being kept by the holder of a racing greyhound controller licence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) and s (3) (see [Criminal Code](#), s 58).

**12 Tag offences  
Section 15 (1) and (2)**

*before*

keeper or carer

*insert*

registered

**13 Section 15 (3)**

*before*

keeper

*insert*

registered

**14 Section 15 (4)**

*omit*

dog's keeper

*substitute*

dog's registered keeper

**15 Section 15 (5)**

*before*

keeper

*insert*

registered

**16 Requirement to be licensed  
New section 18 (2) (da)**

*insert*

(da) a dog kept by the holder of a racing greyhound controller licence; or

**17 Division 2.4 heading**

*substitute*

**Division 2.4 General provisions about special licences****18 Meaning of *special licence* for div 2.4  
Section 29, definition of *special licence***

*substitute*

*special licence* means—

- (a) a multiple dog licence; or
- (b) a dangerous dog licence; or
- (c) a racing greyhound controller licence.

**19 Special licences—duration  
Section 31 (1)**

*omit*

remains

*substitute*

and a racing greyhound controller licence remain

**20 Variation of special licences  
New section 33 (4) (ba)**

*insert*

- (ba) for a racing greyhound controller licence—the matters mentioned in section 39I (3) (Racing greyhound controller licences—approval or refusal); and

**21 New section 33 (7A)**

*insert*

- (7A) The registrar must refuse to vary a racing greyhound controller licence if the registrar would be obliged under section 39I (3) (Racing greyhound controller licences—approval or refusal) to refuse to issue the licence as varied.

**22 Section 33 (10), definition of vary**

*substitute*

**vary** includes—

- (a) for a multiple dog licence—substitute a dog for another dog; and
- (b) for a racing greyhound controller licence—substitute a racing greyhound for another racing greyhound.

**23 New division 2.4A**

*insert*

**Division 2.4A Racing greyhounds****39A Meaning of *greyhound racing* and *racing greyhound***

In this Act:

***greyhound racing*** means 1 or more greyhounds racing in competitive pursuit, and includes—

- (a) a greyhound trial or training race; and
- (b) racing in a test of speed of 1 or more racing greyhounds.

*Note* A person commits an offence if the person conducts or takes part in greyhound racing in the ACT—see the [Animal Welfare Act 1992](#), s 18A.

***racing greyhound*** means a greyhound that is used or intended to be used for greyhound racing.

### **39B Presumption greyhound is racing greyhound**

- (1) This section applies to a greyhound that is 6 months old or older.
- (2) A greyhound is taken to be a racing greyhound unless the owner of the greyhound gives the registrar a statutory declaration stating that the greyhound is not used, and is not intended to be used, for greyhound racing.

*Note 1* If a form is approved under s 147 for this provision, the form must be used.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

### **39C Racing greyhounds—registration**

- (1) The owner of a racing greyhound may apply to the registrar to register the greyhound as a racing greyhound.

*Note 1* If a form is approved under s 147 for this provision, the form must be used.

*Note 2* A fee may be determined under s 144 for this provision.

- (2) If the registrar receives an application under subsection (1), the registrar must—
  - (a) register the greyhound as a racing greyhound; or
  - (b) refuse to register the greyhound as a racing greyhound if the applicant is—
    - (i) disqualified from owning or keeping a racing greyhound (in the ACT or elsewhere); or

*Note* Section 138A deals with the disqualification of a person from keeping an animal.

- (ii) disqualified or suspended from participation in greyhound racing under a gaming law or a rule of racing or betting (in the ACT or elsewhere).
- (3) The registration of a greyhound as a racing greyhound remains in force for 12 months unless sooner surrendered or cancelled.

### **39D Offence—unregistered racing greyhound**

- (1) A person must not keep—
  - (a) an unregistered racing greyhound; or
  - (b) a registered racing greyhound if the person is not the registered keeper or licensed racing greyhound controller in relation to the greyhound.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if—
  - (a) the dog is kept by the person for less than 28 days; or
  - (b) the person has been resident in the ACT for less than 28 days.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) An offence against this section is a strict liability offence.

### **39E Racing greyhounds—registration numbers etc**

Section 11 (1), (2), (4) and (5) (Registration numbers, certificates and tags) and section 17 (Evidence of registration or non-registration) apply to the registration of a racing greyhound.

**39F Racing greyhounds—cancellation of registration**

The registrar must cancel the registration of a greyhound as a racing greyhound if—

- (a) the registered keeper of the racing greyhound tells the registrar in writing that—
    - (i) the dog has died; or
    - (ii) the dog is no longer a racing greyhound; or
    - (iii) the person is no longer the owner of the dog; or
- Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (b) registration of the dog is cancelled under section 13 (Registration—cancellation); or
  - (c) the registered keeper of the dog is disqualified or suspended from participation in greyhound racing under a gaming law or a rule of racing or betting (in the ACT or elsewhere).

**39G Day-to-day control of racing greyhounds—requirement to be licensed**

- (1) A person commits an offence if the person—
  - (a) has the day-to-day control of a racing greyhound; and
  - (b) does not hold a racing greyhound controller licence.Maximum penalty: 50 penalty units.
- (2) A person commits an offence if the person—
  - (a) has the day-to-day control of a racing greyhound; and
  - (b) holds a racing greyhound controller licence; and

(c) does not comply with a condition of the licence.

Maximum penalty: 50 penalty units.

- (3) Subsection (1) does not apply to a racing greyhound that is temporarily kept by a veterinary surgeon or at an animal boarding facility.
- (4) An offence against this section is a strict liability offence.
- (5) In this section:

***animal boarding facility***—

- (a) means a kennel or other premises where animals are kept temporarily by a person other than the registered keeper or the person who has day-to-day control of the animal; and
- (b) includes a facility used for the rescue and rehoming of greyhounds.

### **39H Racing greyhound controller licences—applications**

- (1) A person may apply to the registrar for a licence to be a person in day-to-day control of 1 or more racing greyhounds (a ***racing greyhound controller licence***).
- (2) The application must include—
- (a) the applicant's name and address; and
- (b) the address of the premises where the greyhound or greyhounds are to be kept; and
- (c) if the greyhound or greyhounds are registered with a greyhound racing controlling body—the name of the body.



- (3) In this section:

***greyhound racing controlling body*** means a body established under a law of a State to conduct greyhound race meetings and greyhound racing within the State.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**39I Racing greyhound controller licences—approval or refusal**

- (1) If an application for a racing greyhound controller licence is made under section 39H, the registrar must, by written notice to the applicant—
- (a) approve the issue of the licence; or
  - (b) refuse to approve the issue of the licence.
- (2) The registrar must refuse to issue a racing greyhound controller licence unless satisfied that—
- (a) the yard in which the racing greyhounds will be kept and associated facilities are adequately ventilated and constructed in a way to allow them to be kept in a sanitary condition; and
  - (b) if the application is in relation to 4 or more racing greyhounds—appropriate arrangements exist for the sanitary disposal of waste; and
  - (c) the applicant can otherwise comply with the requirements of the [Animal Welfare Act 1992](#) and any approved or mandatory code of practice under that Act; and
  - (d) any other requirement prescribed by regulation is met.

- (3) In making a decision under this section, the registrar must consider the following:
- (a) the number of other dogs kept by the applicant;
  - (b) the size and nature of the premises where the dogs are to be kept;
  - (c) the security of the premises;
  - (d) the suitability of facilities for keeping racing greyhounds on the premises;
  - (e) the potential impact on the occupiers of neighbouring premises;
  - (f) any conviction or finding of guilt of the applicant within the last 10 years against a law of a Territory or State for an offence relating to greyhound racing or the welfare, keeping or control of an animal;
  - (g) any disciplinary action taken against the applicant under a gaming law or a rule of racing or betting (in the ACT or elsewhere).
- (4) Subsection (3) does not limit the matters the registrar may consider.

### **39J Racing greyhound controller licences—conditions**

- (1) A racing greyhound controller licence is subject to—
- (a) the condition that the licensee comply with any relevant mandatory code of practice under the *Animal Welfare Act 1992*, section 23 (Mandatory code of practice); and
  - (b) any other condition imposed by the registrar when the licence is issued.

- (2) In making a decision whether or not to impose a condition on a racing greyhound controller licence, the registrar must consider the following:
- (a) the number of other dogs kept by the licensee;
  - (b) the size and nature of the premises where the dogs are to be kept;
  - (c) the potential impact on the occupiers of neighbouring premises.
- (3) The conditions may include the following:
- (a) the confining of each racing greyhound in a yard that will allow the racing greyhound adequate freedom of movement;
  - (b) no part of the yard being closer than 2m from a boundary fence;
  - (c) there being sufficient shelter for the racing greyhound.
- (4) Subsection (2) does not limit the matters the registrar may consider.

**24 Offence—breeding dogs or cats without licence**  
**New section 72 (1A) and (1B)**

*insert*

- (1A) A person commits an offence if the person—
- (a) is a keeper, person in day-to-day control of or carer of a female greyhound; and
  - (b) breeds a litter from the greyhound; and
  - (c) does not hold a breeding licence.

Maximum penalty: 50 penalty units.

- (1B) Subsection (1A) does not apply if the litter was not bred for the purpose of greyhound racing.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (1B) (see [Criminal Code](#), s 58).

## **25 Breeding licence—conditions Section 72E (2)**

*substitute*

- (2) A breeding licence is subject to the condition that the licensee comply with—
- (a) any relevant breeding standard determined under the [Animal Welfare Act 1992](#), section 15B (Intensive breeding of cats or dogs); and
  - (b) any relevant mandatory code of practice approved under the [Animal Welfare Act 1992](#), section 23 (Mandatory code of practice).

## **26 New section 72M**

*in division 3.1, insert*

### **72M Offence—reporting on breeding of greyhounds**

- (1) A person commits an offence if the person—
- (a) is a keeper, person in day-to-day control of or carer of a female greyhound; and
  - (b) breeds a litter from the greyhound; and
  - (c) does not tell the registrar, in writing, all of the following within 7 days after the day the litter was bred:
    - (i) the number of puppies born;

- (ii) the sex of each puppy;
- (iii) anything else prescribed by regulation.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

*Note* The owning and keeping of racing greyhounds in the ACT is regulated under division 2.4A (Racing greyhounds). A person commits an offence if the person conducts or takes part in greyhound racing in the ACT—see the *Animal Welfare Act 1992*, s 18A.

**27 Dogs and cats to be de-sexed if over certain age  
New section 74 (4) (c)**

*insert*

- (c) a registered racing greyhound.

**28 Sale of older dogs and cats to be notified if not de-sexed  
New section 74A (3)**

*insert*

- (3) This section does not apply to a registered racing greyhound.

**29 Approval or refusal of applications  
Section 76 (2) (c)**

*omit*

**30 New division 9.3***insert***Division 9.3 Cooperation with other jurisdictions—  
racing greyhounds****134A Meaning of *animal welfare law*—div 9.3**

In this division:

*animal welfare law* means the following:

- (a) this Act;
- (b) the *Animal Welfare Act 1992*;
- (c) in relation to a State—a law of the State relating to animal welfare.

**134B Information sharing**

- (1) The registrar may disclose to a relevant authority information about—
  - (a) a contravention of an animal welfare law relating to—
    - (i) the welfare of a greyhound; or
    - (ii) an activity involving a greyhound; or
  - (b) anything else prescribed by regulation.
- (2) An inspector or authorised officer under the *Animal Welfare Act 1992* may disclose to the registrar information about—
  - (a) a contravention of an animal welfare law relating to—
    - (i) the welfare of a greyhound; or
    - (ii) an activity involving a greyhound; or
  - (b) anything else prescribed by regulation.

(3) In this section:

*rac*ing authority—see the *Racing Act 1999*, section 61E.

*relevant authority* means—

- (a) an entity responsible for the administration of a gaming law in the Territory or elsewhere; or
- (b) a racing authority; or
- (c) an inspector or authorised officer under the *Animal Welfare Act 1992*; or
- (d) an entity of a State responsible for the administration of an animal welfare law.

### **134C Investigation at request of other jurisdictions**

- (1) On written request by a relevant officer of a State, the registrar may authorise an authorised person under this Act or an authorised officer of the State to investigate a matter that relates to the administration or enforcement of an animal welfare law of the State.
- (2) The registrar may authorise an investigation under subsection (1) only if satisfied that the matter relates to the welfare of a greyhound or an activity involving a greyhound.
- (3) This Act applies in relation to an investigation under this section as if it were an investigation into a matter relating to the administration or enforcement of an animal welfare law of the Territory.
- (4) In this section:

*relevant officer*, of a State, means a person who exercises a function in relation to—

  - (a) an animal welfare law of the State; or
  - (b) a gaming law of the State relating to greyhound racing.

**31 New part 12**

*insert*

**Part 12 Transitional—Domestic Animals  
(Racing Greyhounds)  
Amendment Act 2017**

*Note* The repeal or amendment of a law does not affect the previous operation of the law or anything done, begun or suffered under the law and does not affect an existing right, privilege or liability acquired, accrued or incurred under the law. An investigation, proceeding or remedy in relation to an existing right, privilege or liability under a repealed law may be started, exercised, continued or completed, and the right, privilege or liability may be enforced and any penalty imposed, as if the repeal had not happened (see [Legislation Act](#), s 84).

**160 Racing greyhound controller licences—existing racing greyhound keepers**

- (1) This section applies to a person who, immediately before the commencement of this section, was the person in day-to-day control of a greyhound registered with a greyhound racing controlling body.
- (2) The person is taken to hold a racing greyhound controller licence issued under division 2.4A (Racing greyhounds).
- (3) The licence remains in force for 6 months after the commencement of this section unless sooner surrendered or cancelled.
- (4) In this section:

*greyhound racing controlling body*—see section 39H (3).



**161 Eligibility of recipients of Territory assistance**

- (1) This section applies if—
  - (a) a person worked in, or was involved in, greyhound racing in the ACT; and
  - (b) the person received assistance from the Territory (whether before or after the commencement of the *Domestic Animals (Racing Greyhounds) Amendment Act 2017*) in relation to the ending of greyhound racing in the ACT.
- (2) The person is ineligible to apply for registration of a greyhound as a racing greyhound under section 39C (Racing greyhounds—registration) or a racing greyhound controller licence under section 39H (Racing greyhound controller licences—applications) for the period agreed in writing between the Territory and the person as a condition of the assistance.

**162 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Domestic Animals (Racing Greyhounds) Amendment Act 2017*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.
- (4) This section expires 2 years after the day it commences.

**163 Expiry—pt 12**

This part expires 5 years after the day it commences.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

**32 Dictionary, new definitions**

*insert*

*animal welfare law*, for division 9.3 (Cooperation with other jurisdictions—racing greyhounds)—see section 134A.

*gaming law*—see the [Gambling and Racing Control Act 1999](#), dictionary.

*greyhound racing*—see section 39A.

*racing greyhound*—see section 39A.

*racing greyhound controller licence*—see section 39H.

*registered racing greyhound* means a racing greyhound registered under section 39C.

**33 Dictionary, definition of *special licence***

*substitute*

*special licence*, for division 2.4 (General provisions about special licences)—see section 29.

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## Part 3 Domestic Animals Regulation 2001

### 34 Dog registration information—Act, s 8 New section 5 (f) and (g)

*insert*

- (f) if the dog is a racing greyhound—a statement to that effect;
- (g) if the dog is a registered racing greyhound—a statement to that effect.

### 35 Information on dog registration certificates—Act s 11 (2) Section 6 (e)

*before*

keeper

*insert*

registered

### 36 New section 6AA

*before section 6A, insert*

### 6AA Information on greyhound registration certificates—Act, s 39E

A registration certificate for a greyhound registered as a racing greyhound must state the following information:

- (a) the registration number allotted to the racing greyhound;
- (b) the registration number allotted to the greyhound under the Act, section 11;
- (c) the name and address of the registered keeper of the dog.

**37 Reviewable decisions  
Schedule 1, item 8, column 3**

*omit*

multiple dog licence or dangerous dog licence

*substitute*

special licence

**38 Schedule 1, new items 9A to 9C**

*insert*

|    |                  |                                                         |                            |
|----|------------------|---------------------------------------------------------|----------------------------|
| 9A | Act, 39C (2) (b) | refuse to register racing greyhound                     | applicant for registration |
| 9B | Act, 39I (1) (b) | refuse to issue racing greyhound controller licence     | applicant for licence      |
| 9C | Act, 39J (1)     | issue racing greyhound controller licence on conditions | applicant for licence      |

**39 Dictionary, note 3**

*insert*

- racing greyhound
- racing greyhound controller licence
- registered keeper
- registered racing greyhound

## **Schedule 1      Other amendments**

(see s 3)

### **Part 1.1              Animal Welfare Act 1992**

#### **[1.1]      New section 15B (7)**

*insert*

- (7) A person commits an offence if the person—
- (a) is in charge of a female greyhound; and
  - (b) allows the greyhound to breed in a way that contravenes a breeding standard.

Maximum penalty: 50 penalty units.

#### **[1.2]      New section 18A**

*insert*

#### **18A      Greyhound racing**

- (1) A person commits an offence if the person—
- (a) conducts, or facilitates the conduct of, a greyhound race in the ACT; or
  - (b) allows a greyhound kept by the person to take part in a greyhound race conducted in the ACT.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

*Note*      The owning and keeping of racing greyhounds is regulated under the [Domestic Animals Act 2000](#), div 2.4A.

(2) In this section:

**greyhound race** means 1 or more greyhounds racing in competitive pursuit, and includes—

- (a) a greyhound trial or training race; and
- (b) racing in a test of speed of 1 or more racing greyhounds.

## **Part 1.2** **Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005**

### **[1.3] Schedule 1, part 1.1, new items 14A to 14C**

*insert*

|     |         |                                                                                                 |    |     |
|-----|---------|-------------------------------------------------------------------------------------------------|----|-----|
| 14A | 39D (1) | keep unregistered racing greyhound                                                              | 50 | 150 |
| 14B | 39G (1) | have day-to-day control of racing greyhound without holding racing greyhound controller licence | 50 | 150 |
| 14C | 39G (2) | not complying with condition of racing greyhound controller licence                             | 50 | 150 |

### **[1.4] Schedule 1, part 1.1, items 29 to 32**

*omit*

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2 November 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 5 December 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Domestic Animals (Racing Greyhounds) Amendment Bill 2017, which was passed by the Legislative Assembly on 28 November 2017.

Clerk of the Legislative Assembly

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