

NORTHERN TERRITORY OF AUSTRALIA

GREYHOUND RACING AMENDMENT RULES 2022

Subordinate Legislation No. 5 of 2022

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 5 of 2022*

Greyhound Racing Amendment Rules 2022

The Racing Commission made the following rules under section 57(2)(a) of the *Racing and Betting Act 1983*, and for section 63(2)(a) of the *Interpretation Act 1978*, authorises Alastair John Shields, chairperson of the Racing Commission, to sign them.

A. J. SHIELDS
Chairperson

Date of making: 19 May 2022

* Notified in the *Northern Territory Government Gazette* on 29 June 2022.

1 Title

These Rules may be cited as the *Greyhound Racing Amendment Rules 2022*.

2 Commencement

These Rules commence on the day on which they are notified in the *Gazette*.

3 Rules amended

These Rules amend the *Greyhound Racing Rules 1981*.

4 Rule 3 amended (Definitions)

Rule 3

insert

animal material:

- (a) means any processed or tanned or cured skin or hide of an animal; but
- (b) does not include anything that contains animal bone, blood, faeces, urine or flesh.

greyhound premises means any place within the boundaries of a property where activities associated with greyhound-racing or training for greyhound-racing occur or are intended to occur.

5 Rule 89 amended (Penalties)

Rule 89(2)

omit

35 penalty units

insert

100 penalty units

6 Part XXI heading replaced

Part XXI, heading

omit, insert

Part XXI Luring and baiting greyhounds, and unmuzzled greyhounds

7 Rule 212 replaced

Rule 212

repeal, insert

212 Using live animals as bait etc.

A person commits a breach of these Rules if the person uses or attempts to use a live animal as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

212A Possessing live animals for use as bait

(1) A person commits a breach of these Rules if:

- (a) the person possesses, attempts to possess or brings onto greyhound premises a live animal; and
- (b) the live animal is:
 - (i) possessed, or attempted to be possessed or brought onto the greyhound premises for the purpose of being used as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing; or
 - (ii) capable, or reasonably likely to be capable, of being used as bait, quarry or lure in connection with greyhound racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

(2) Subrule (1) does not apply if:

- (a) the person keeps the animal on or at the greyhound premises as a domesticated pet or for rural or agricultural purposes; and
- (b) the animal is not used, reasonably likely to be used or intended to be used in a way that would breach subrule (1); and

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- (c) the person gives the Commission prior notice of keeping the animal on or at the premises, in the manner and form required by the Commission; and
 - (d) the Commission approves the keeping of the animal on or at the greyhound premises.

212B Greyhound pursuing or attacking live animal

A person commits a breach of these Rules if the person:

- (a) causes or allows a greyhound to pursue or attack a live animal; or
- (b) fails to take all reasonable steps to prevent a greyhound pursuing or attacking a live animal.

Maximum penalty: 100 penalty units.

212C Advertising, promoting or organising event involving live animals

A person commits a breach of these Rules if the person:

- (a) advertises, promotes or organises an event that includes conduct that would breach rule 212, 212A or 212B; or
- (b) is in any way directly or indirectly involved in engaging in, or is knowingly concerned with, conduct that would breach paragraph (a) or rule 212, 212A or 212B; or
- (c) aids, abets, counsels or procures a person to engage in conduct that would breach paragraph (a) or rule 212, 212A or 212B.

Maximum penalty: 100 penalty units.

212D Disqualification for breach of rules 212 to 212C

A person who commits a breach of rule 212, 212A, 212B or 212C:

- (a) must be disqualified for life; and
- (b) is not eligible to make a future application to the Commission for registration to be the owner or trainer of a registered greyhound under these Rules.

212E Using animal carcass or part of animal as bait

A person commits a breach of these Rules if the person uses or attempts to use an animal carcass or part of an animal as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

Note for rule 212E

Part of an animal includes skin, hair, bone, blood, faeces, urine or flesh.

212F Possessing animal carcass or part of animal for use as bait

A person commits a breach of these Rules if:

- (a) the person possesses, attempts to possess, or brings onto greyhound premises an animal carcass or part of an animal; and
- (b) the animal carcass or part of the animal is:
 - (i) possessed, or attempted to be possessed or brought onto the greyhound premises for the purpose of being used as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing; or
 - (ii) capable, or reasonably likely to be capable, of being used as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

Note for rule 212F

Part of an animal includes skin, hair, bone, blood, faeces, urine or flesh.

212G Greyhound pursuing or attacking animal carcass or part of animal

A person commits a breach of these Rules if the person:

- (a) causes or allows a greyhound to pursue or attack an animal carcass or part of an animal; or

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- (b) fails to take all reasonable steps to prevent a greyhound pursuing or attacking an animal carcass or part of an animal.

Maximum penalty: 100 penalty units.

Note for rule 212G

Part of an animal includes skin, hair, bone, blood, faeces, urine or flesh.

212H Advertising, promoting or organising event involving animal carcass or part of animal

A person commits a breach of these Rules if the person:

- (a) advertises, promotes or organises an event that includes conduct that would breach rule 212E, 212F or 212G; or
- (b) is in any way directly or indirectly involved in engaging in, or is knowingly concerned with, conduct that would breach paragraph (a) or rule 212E, 212F or 212G; or
- (c) aids, abets, counsels or procures a person to engage in conduct that would breach paragraph (a) or rule 212E, 212F or 212G.

Maximum penalty: 100 penalty units.

212J Disqualification for breach of rules 212E to 212H

- (1) A person who commits a breach of rule 212E, 212F, 212G or 212H must be disqualified for not less than 10 years.
- (2) If a special circumstance existed at the time of the breach, the Commission or the stewards may impose a disqualification of less than 10 years for the breach.

212K Using anything containing animal material as bait

A person commits a breach of these Rules if the person uses or attempts to use anything containing animal material as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

212L Possessing anything containing animal material for use as bait

A person commits a breach of these Rules if:

- (a) the person possesses, attempts to possess or brings onto greyhound premises anything containing animal material; and

(b) the thing containing animal material is:

- (i) possessed, or attempted to be possessed, or brought onto the greyhound premises for the purpose of being used as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing; or
- (ii) capable, or reasonably likely to be capable, of being used as bait, quarry or lure in connection with greyhound-racing or training for greyhound-racing.

Maximum penalty: 100 penalty units.

212M Greyhound pursuing or attacking anything containing animal material

A person commits a breach of these Rules if the person:

- (a) causes or allows a greyhound to pursue or attack anything containing animal material; or
- (b) fails to take all reasonable steps to prevent a greyhound pursuing or attacking anything containing animal material.

Maximum penalty: 100 penalty units.

212N Advertising, promoting or organising event involving anything containing animal material

A person commits a breach of these Rules if the person:

- (a) advertises, promotes or organises an event that includes conduct that would breach rule 212K, 212L or 212M; or
- (b) is in any way directly or indirectly involved in engaging in, or is knowingly concerned with, conduct that would breach paragraph (a) or rule 212K, 212L or 212M; or
- (c) aids, abets, counsels or procures a person to engage in conduct that would breach paragraph (a) or rule 212K, 212L or 212M.

Maximum penalty: 100 penalty units.

212P Disqualification for breach of rules 212K to 212N

- (1) A person who commits a breach of rule 212K, 212L, 212M or 212N must be disqualified.

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- (2) If a special circumstance existed at the time of the breach, the Commission or the stewards may take into account the special circumstance in deciding the period of disqualification.

212Q Witnessing breach of rules

A person commits a breach of these Rules if the person:

- (a) witnesses conduct in person or by video, either live or recorded; and
- (b) the conduct could be a breach of any of rules 212 to 212C, 212E to 212H or rules 212K to 212N; and
- (c) fails to report the conduct to the Commission as soon as reasonably practicable.

Maximum penalty: 100 penalty units.

212R Disqualification for breach of rule 212Q

- (1) A person who commits a breach of rule 212Q:
 - (a) must be disqualified for not less than 5 years; or
 - (b) if the person is not a registered owner or trainer – is not eligible to make an application to the Commission for registration to be the owner or trainer of a registered greyhound under these Rules for 5 years.
- (2) If a special circumstance existed at the time of the breach, the Commission may impose a disqualification, or ineligibility to register, of less than 5 years.

212S Special circumstances

The following apply if a person claims a special circumstance existed at the time the person breached any of rules 212E to 212H, 212K to 212N and 212Q:

- (a) the onus of establishing a special circumstance is on the person seeking to rely on the special circumstance;
- (b) the special circumstance must have existed and had effect at the time the relevant breach occurred;
- (c) special circumstances may include the following:
 - (i) the person had impaired mental functioning causally related to the breach;

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- (ii) the person had a particular illness or disability causally related to the breach;
 - (iii) the person was under duress that is causally related to the breach;
 - (iv) the person was coerced and the coercion was causally related to the breach;
 - (v) one or more objective circumstances that the Commission or the stewards consider, in the interests of justice, to constitute special circumstances in relation to the breach;
- (d) the person's contribution to the greyhound-racing industry or any code of racing must not constitute a special circumstance;
 - (e) the impact of a disqualification on the person's livelihood or business interests must not constitute a special circumstance.

212T Reference to animals etc.

- (1) This rule applies to a person if the person is alleged to have breached of any of rules 212 to 212C, 212E to 212H and 212K to 212N.
- (2) The person may not deny the breach only because the person was mistaken in the belief that:
 - (a) a live animal was not a live animal; or
 - (b) an animal carcass was not an animal carcass; or
 - (c) a part of an animal was not part of an animal; or
 - (d) animal material was not animal material.

8 Rule 215 amended (Inquiry prior to penalty)

Rule 215(2)

omit

158,

9 Rule 239 amended (Other possible penalties)

Rule 239(a)

omit

35 penalty units

insert

100 penalty units

10 Repeal of Rules

These Rules are repealed on the day after they commence.