

**Legislative Council—No 11**

As introduced and read a first time, 25 February 2015

South Australia

**Animal Welfare (Greyhound Training)  
Amendment Bill 2015**

A BILL FOR

An Act to amend the *Animal Welfare Act 1985*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Animal Welfare (Greyhound Training) Amendment Act 2015*.

#### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Animal Welfare Act 1985*

### 4—Insertion of Part 3A

After section 15A insert:

### Part 3A—Training facilities for greyhounds etc

#### 15B—Interpretation

In this Part—

*lure* means a device consisting of an artificial or simulated animal that is moved around an area (whether on a fixed path or otherwise) by electrical or mechanical means for the purpose of being chased by a dog;

*lure coursing* means an activity consisting of 1 or more dogs chasing a lure over a set course;

*lure coursing or lure racing facility* means a facility at which organised events of lure coursing or lure racing or both are held;

*lure racing* means an activity consisting of a race between 2 or more dogs chasing a lure over a set distance;

*lure training*, of a dog, means an activity consisting of allowing the dog to chase a lure for the purpose of training in lure coursing or lure racing;

*lure training facility* means premises or an area used, or intended for use, for the purposes of lure training dogs (whether or not the area has a prepared running surface);

**Note—**

This includes areas commonly referred to as bullrings.

*prescribed facility* means—

- (a) a lure coursing or lure racing facility; or
- (b) a trial track; or
- (c) a lure training facility; or
- (d) any other premises or area of a kind prescribed by the regulations for the purposes of this definition;

*training*, in relation to a dog, includes an activity undertaken designed to improve the fitness or speed of the dog;

*trial track* means a prepared running surface (whether straight or curved) designed, intended for use or used for the purposes of training dogs in lure racing.

### **15C—Application of Part**

(1) This Part applies in relation to the following dogs or classes of dog:

- (a) greyhounds;
- (b) dogs used for the purpose of, or in the course of, lure coursing or lure racing;
- (c) dogs of a class prescribed by the regulations,

but does not apply to a class of dogs declared by the regulations to be excluded from the operation of this Part.

(2) This Part applies in relation to the following activities:

- (a) lure coursing;
- (b) lure racing;
- (c) an activity of a kind prescribed by the regulations,

but does not apply to an activity or class of activity of a kind declared by the regulations to be excluded from the operation of this Part.

(3) Subject to this section, this Part is in addition to, and does not derogate from, any other provision of this Act or any other Act or law.

(4) Section 43 does not apply in relation to an offence under this Part.

(5) Nothing in this Part authorises the use of an animal (whether alive or not) or part of an animal as a lure.

### **15D—Prohibition on live coursing**

(1) A person who organises or otherwise takes any part in live coursing is guilty of an offence.

Maximum penalty: \$50 000 or imprisonment for 4 years.

(2) A person who sells or supplies an animal to another knowing that the animal is to be used as bait in live coursing is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 2 years.

(3) In this section—

***live coursing*** means an activity consisting of 1 or more dogs chasing a bait consisting of a live animal introduced into the area in which the activity occurs for the purpose of being so chased.

### **15E—Certain facilities not to be operated etc without licence**

(1) A person must not, except in accordance with a licence under this Part, operate a prescribed facility for the purpose of training or exercising a dog, or undertaking an activity, to which this Part applies.

Maximum penalty: \$10 000 or imprisonment for 1 year.

- (2) A person must not use a prescribed facility for the purpose of training or exercising a dog, or undertaking an activity, to which this Part applies unless a licence under this Part is in force in respect of the prescribed facility.

5 Maximum penalty: \$10 000 or imprisonment for 1 year.

- (3) A person must not knowingly allow premises owned or occupied by the person to be used for the purpose of operating a prescribed facility for the purpose of training or exercising a dog, or undertaking an activity, to which this Part applies.

10 Maximum penalty: \$10 000 or imprisonment for 1 year.

### 15F—Licence

- (1) An application for a licence under this Part must—

(a) be made in a manner and form approved by the Minister; and

15 (b) be accompanied by such information as the Minister may reasonably require; and

(c) be accompanied by the prescribed fee.

- (2) In determining whether or not to grant a licence under this Part, the Minister must have regard to—

20 (a) the suitability of the applicant to be granted the licence; and

(b) the suitability of the proposed facility in respect of the welfare of dogs using the facility; and

(c) any relevant code of practice (however described) published by—

25 (i) in the case of a facility relating to the training or racing of greyhounds—Greyhound Racing SA; or

(ii) in the case of a facility relating to lure coursing or lure racing—Dogs SA,

30 and may have regard to any other matter the Minister thinks appropriate.

- (3) A licence under this Part may be conditional or unconditional.

- (4) Without limiting the matters with respect to which conditions may be imposed, the Minister may impose conditions requiring the holder of the licence—

35 (a) to provide the Minister or other specified person or body with specified information relating to the operation of this Part; or

40 (b) to comply with a specified code or codes of practice (however described) that the Minister considers relevant to the operation of this Part.

(5) The Minister may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further condition.

(6) A person who contravenes or fails to comply with a condition of a licence is guilty of an offence.

Maximum penalty:

In relation to a body corporate—\$50 000.

In relation to a natural person—\$10 000.

### **15G—Annual fee**

The holder of a licence under this Part must, in each calendar year before the date fixed for that purpose by the Minister, pay the annual fee fixed by the Minister.

### **15H—Revocation or suspension of licences**

(1) If the holder of a licence under this Part—

- (a) has been found guilty of an offence against this Act; or
- (b) has obtained the licence improperly; or
- (c) has failed to comply with a condition of the licence; or
- (d) has failed to pay the annual fee for the licence,

the Minister may, by notice in writing addressed to the holder of the licence, revoke the licence, or suspend the licence for a period specified in the notice.

(2) A holder of a licence under this Part may, at any time, by notice in writing to the Minister, surrender the licence.

### **15I—Review of Minister's decisions by South Australian Civil and Administrative Tribunal**

(1) The South Australian Civil and Administrative Tribunal is, by force of this section, conferred with jurisdiction to deal with matters consisting of the review of a decision of the Minister under this Part.

(2) An application for review of a decision of the Minister under this Part may be made to the South Australian Civil and Administrative Tribunal within 1 month after the applicant receives notice of the relevant decision (or such longer period as the Tribunal may allow).

(3) However, the South Australian Civil and Administrative Tribunal may only allow an extension of time under subsection (2) if satisfied that—

- (a) special circumstances exist; and
- (b) another party will not be unreasonably disadvantaged because of the delay in commencing the proceedings.

**5—Amendment of section 38—Offences by bodies corporate**

Section 38(4)(a)—after "(4)" insert:

or section 15E or section 15FE(6)