

South Australia

Greyhound Industry Reform Inspector Act 2024

An Act to establish a Greyhound Industry Reform Inspector to oversee implementation of the recommendations of the Independent Inquiry into the Governance of the Greyhound Racing Industry, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Greyhound Industry Reform Inspector Act 2024*.

2—Commencement

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

3—Interpretation

In this Act—

authorised officer means a person appointed to be an authorised officer under section 14;

controlling authority means the body designated as the racing controlling authority for greyhound racing under the *Authorised Betting Operations Act 2000*;

Inspector—see section 4;

Report means the report of the Independent Inquiry into the Governance of the Greyhound Racing Industry;

Report recommendations means the recommendations of the Report as they relate to the controlling authority.

Part 2—Greyhound Industry Reform Inspector

4—Greyhound Industry Reform Inspector

- (1) There will be a Greyhound Industry Reform Inspector (the ***Inspector***).
- (2) The Inspector will be a person employed in the Public Service of the State.
- (3) The Inspector—
 - (a) must be independent of the controlling authority and not involved in the greyhound racing industry; and
 - (b) must not have been involved in the Report; and
 - (c) must not accept any office or role relating to greyhound racing in this or another jurisdiction.

5—Functions of Inspector

- (1) The Inspector has the following functions:
 - (a) to oversee and assess the implementation of the Report recommendations by the controlling authority;
 - (b) to receive reports from the controlling authority on matters relating to integrity and welfare, at a frequency to be determined by the Inspector and in accordance with any requirements prescribed by the regulations;

- (c) to facilitate collaboration between the controlling authority and the Minister in implementing reforms;
 - (d) to gather information relating to greyhound racing and the racing controlling authority;
 - (e) to provide reports on any aspect of the Inspector's functions at the request of the Minister or on the Inspector's own initiative;
 - (f) to prepare and provide the report required under section 18 to the Minister which outlines their assessment of the reform progress;
 - (g) any other functions conferred on the Inspector by or under this or any other Act or by the Minister.
- (2) The Inspector is not subject to Ministerial direction in respect of the exercise of their functions under this Act.

6—Staff

The Inspector's staff consists of the authorised officers and any Public Service employees assigned to assist the Inspector in the administration and enforcement of this Act.

7—Delegation

- (1) Subject to this section, the Minister and the Inspector may delegate any functions under this Act.
- (2) A delegation under this section—
- (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) is revocable at will; and
 - (d) does not prevent the delegator from acting in any matter.
- (3) A function delegated under this section may, if the instrument of delegation so provides, be further delegated.

Part 3—Powers

8—Power to require information

- (1) The Inspector or an authorised officer may, by notice in writing, require the controlling authority, or an officer or employee of the controlling authority, to provide them such information or documents, or classes of information or documents, as may be specified in the notice (being information or documents in the possession of the person or body that is reasonably required for the performance of the Inspector's functions).
- (2) The person or body required to provide information or documents under subsection (1) must give the specified information or documents to the Inspector within the period specified in the notice (which must be reasonable).

- (3) The Inspector or an authorised officer may, for the purposes of subsection (1), by notice in writing served on a person, require the person to attend at a specified time and place.
- (4) A person who—
- (a) refuses or fails to comply with a notice under subsection (1); or
 - (b) without reasonable excuse, refuses or fails to attend at the time and place specified in a notice under subsection (3) (or some other time and place allowed by an authorised officer),

is guilty of an offence.

Maximum penalty: \$10 000.

- (5) For the purposes of this section, a person is an employee of the controlling authority if the person carries out work, or has previously carried out work—
- (a) under a contract for services for the controlling authority; or
 - (b) as a volunteer for the controlling authority; or
 - (c) of a prescribed kind, or in prescribed circumstances, for the controlling authority.

9—Powers to enter and inspect etc

- (1) Subject to this section, the Inspector or an authorised officer may, as reasonably required for the administration and enforcement of this Act—
- (a) enter or, on the authority of a warrant issued by a magistrate in accordance with subsection (4), break into premises, using only such force as is reasonably necessary for the purpose; and
 - (b) inspect or search the place or anything in the place; and
 - (c) require any person in the place to—
 - (i) produce any documents that are in the person's custody or control; and
 - (ii) answer any questions; and
 - (iii) facilitate the examination of any systems or procedures used; and
 - (d) examine, copy or take extracts from documents or records so produced or require a person to provide a copy of any such document or record; and
 - (e) retain any documents produced for so long as is reasonably necessary for the purpose of copying or taking extracts from them; and
 - (f) enter or, on the authority of a warrant issued by a magistrate in accordance with subsection (4), break into any vehicle or vessel, using only such force as is reasonably necessary for the purpose, and search the vehicle or vessel; and
 - (g) take photographs, films or audio or visual recordings; and
 - (h) require a person reasonably suspected of having knowledge of matters in respect of which information is reasonably required for the performance of functions under this Act to answer questions in relation to those matters; and

- (i) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of any powers under this Part.
- (2) The Inspector or an authorised officer may only exercise the power of entry under this section in respect of premises being used in the course of, or in relation to, greyhound racing.
- (3) The Inspector or an authorised officer may not exercise the power of entry under subsection (2) in relation to premises that are not owned or operated by the controlling authority except on the authority of a warrant issued by a magistrate in accordance with subsection (4).
- (4) A magistrate cannot issue a warrant under this section unless satisfied that the warrant is reasonably required in the circumstances.
- (5) The Inspector or an authorised officer may, in exercising powers under this section, be accompanied by such assistants as are reasonably necessary for the purpose.

10—Offence to hinder or obstruct Inspector or authorised officer

Subject to this section, a person who—

- (a) without reasonable excuse, hinders or obstructs the Inspector or an authorised officer in the exercise of their powers under this Part; or
- (b) fails to answer a question put by the Inspector or an authorised officer to the best of the person's knowledge, information or belief; or
- (c) fails to comply with any other lawful requirement or direction of the Inspector or an authorised officer; or
- (d) uses abusive, threatening or insulting language to the Inspector or an authorised officer or a person assisting the Inspector or an authorised officer,

is guilty of an offence.

Maximum penalty: \$10 000.

11—Self-incrimination

- (1) It is not a reasonable excuse for a person to fail to answer a question or produce, or provide a copy of, a document or information as required under this Act on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.
- (2) If compliance by an individual with a requirement under this Act might tend to incriminate the person or make the person liable to a penalty, then—
 - (a) in the case of a person who is required to produce, or provide a copy of, a document or information—the fact of production, or provision of a copy of, the document or the information (as distinct from the contents of the document or the information); or
 - (b) in any other case—the answer given in compliance with the requirement,is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).

Part 4—Information gathering

12—Sharing of information between certain persons and bodies

- (1) This section applies to the following persons and bodies:
 - (a) the Inspector;
 - (b) a State authority;
 - (c) any other person or body declared by the regulations to be included in the ambit of this subsection.
- (2) Despite any other Act or law, a person or body to whom this section applies (the *provider*) may, in accordance with any requirement set out in the regulations, provide prescribed information and documents to another person or body to whom this section applies (the *recipient*) if the provider reasonably believes that the provision of the information or documents would assist the recipient to perform official functions relating to greyhound racing, greyhound welfare, or the racing controlling authority.
- (3) Despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.
- (4) Subsection (3) applies—
 - (a) whether or not the information or documents consist of or include prescribed information and documents; and
 - (b) whether the information or document ever disclosed the identity of a person, or has been redacted so as to de-identify it.
- (5) Information may be provided under this section regardless of whether the provider has been requested to provide the information.
- (6) In this section—

prescribed information and documents means—

 - (a) information or documents relating to greyhound racing, greyhound welfare or the racing controlling authority; or
 - (b) any other information or document of a kind prescribed by the regulations for the purposes of this definition;

State authority means—

 - (a) a person who holds an office established by an Act; or
 - (b) a public sector agency; or
 - (c) South Australia Police; or
 - (d) a local council constituted under the *Local Government Act 1999*; or
 - (e) an incorporated or unincorporated body—
 - (i) established for a public purpose by an Act; or

- (ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, cooperatives, societies or other voluntary organisations); or
 - (iii) established, or subject to control or direction, by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a local council (whether or not established by or under an Act or an enactment); or
- (f) any other person or body declared by the regulations to be a State authority, but does not include a person or body declared by the regulations to be excluded from the ambit of this definition.

13—Interaction with *Public Sector (Data Sharing) Act 2016*

Nothing in this Part affects the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 5—Miscellaneous

14—Authorised officers

- (1) The Inspector may appoint a person to be an authorised officer for the purposes of this Act.
- (2) An authorised officer is a Public Service employee.
- (3) An appointment may be made subject to conditions specified in the instrument of appointment.
- (4) The Inspector may, at any time, revoke an appointment or vary, revoke or add a condition of appointment.
- (5) The Inspector must provide each authorised officer with a certificate of identity and an authorised officer must, at the request of a person in relation to whom the authorised officer has exercised, or intends to exercise, powers under this Act, produce that certificate.

15—Impersonating authorised officer

A person who falsely represents, by words or conduct, that the person is an authorised officer is guilty of an offence.

Maximum penalty: \$5 000.

16—Confidentiality

- (1) A person must not divulge or communicate personal information, information relating to trade secrets or business processes or financial information acquired by reason of being, or having been, employed or engaged in, or in connection with, the administration of this Act, except—
 - (a) with the consent of the person to whom the information relates; or
 - (b) as authorised by the Inspector; or
 - (c) in connection with the administration of this Act; or

- (d) to a police officer or a member of the police force of another State, a Territory of the Commonwealth or the Commonwealth; or
- (e) to a person concerned in the administration of another law of the State, or a law of another State, a Territory of the Commonwealth or the Commonwealth; or
- (f) for the purposes of legal proceedings.

Maximum penalty: \$10 000.

- (2) Information that has been disclosed under this section for a particular purpose must not be used for any other purpose by—
 - (a) the person to whom the information was disclosed; or
 - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

17—False or misleading information

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.

Maximum penalty: \$10 000 or imprisonment for 2 years.

18—Final report

- (1) The Inspector must submit to the Minister a final report on the implementation of the Report recommendations by the controlling authority before the second anniversary of the commencement of this section, or such later date as the Minister may allow.
- (2) The Minister must, within 12 sitting days after receiving a final report under this section, cause a copy of the final report to be laid before both Houses of Parliament.

19—Regulations

The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

20—Expiry of Act

The Minister may, once the final report has been tabled, fix a day on which this Act will expire by notice in the Gazette.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act

Year	No	Title	Assent	Commencement
2024	63	<i>Greyhound Industry Reform Inspector Act 2024</i>	5.12.2024	uncommenced