

# Regulatory Impact Statement

Greyhound Racing Regulation 2019

Office of Racing

June 2019



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## Executive Summary

It is proposed that the Greyhound Racing Regulation 2019 (**Proposed Regulation**) is made to provide updated legislative support and administrative detail for the *Greyhound Racing Act 2017 (the Act)*.

The Proposed Regulation implements an enhanced registration framework for greyhounds, greyhound racing industry participants (**industry participants**), racing clubs and trial tracks. It also strengthens reporting requirements of the Greyhound Welfare & Integrity Commission (**Commission**) and Greyhound Racing NSW (**GRNSW**) and enables the regulator to carry out compliance and enforcement activities effectively and efficiently.

This Regulatory Impact Statement (**RIS**) sets out the rationale and objectives of the Proposed Regulation and various options for achieving those objectives. It includes an assessment of the costs and benefits of each of the alternative options. The Proposed Regulation is recommended as it is the option which provides the greatest net public benefit.

### Legislative context

Consistent with recommendations of the Greyhound Industry Reform Panel (**Reform Panel**), the Act provides for the registration of greyhounds, industry participants, greyhound racing clubs and greyhound trial tracks.

The Act established the Commission to promote and protect the welfare of greyhounds, to safeguard the integrity of greyhound racing and betting, and to maintain public confidence in the greyhound racing industry.

Under the Act, the Commission is responsible for:

- controlling, supervising and regulating greyhound racing
- making and administering the former Greyhound Racing Rules (**Rules**)
- registering greyhounds, industry participants and trial tracks
- preparing a code of practice relating to the welfare of greyhounds
- investigating animal welfare and integrity concerns
- appointing race stewards and inspectors

The Act also reconstituted GRNSW to be a commercially viable entity, exhibit a sense of social responsibility by having regard to the welfare of greyhounds, and promote greyhound racing in NSW as a competitive and sustainable industry with a high level of public trust.

Under the Act, GRNSW is responsible for:

- registering greyhound racing clubs
- developing safety standards for licensed racecourses
- managing greyhound adoption programs

- distribution of industry funding received from commercial arrangements
- funding the costs of the Commission

The Act is currently supported by the Greyhound Racing Regulation 2018 (**2018 Regulation**), which contains matters of a machinery and transitional nature.

## Consultation process

### Making a submission

We invite you to read this paper and provide comments. Interested organisations and individuals are invited to provide a submission on any matter relevant to the Proposed Regulation, whether or not it is addressed in this RIS.

Submitters should note that, on 28 March 2017, the NSW Government accepted the recommendations of the Reform Panel as part of its commitment to reform the NSW greyhound racing industry. Matters covered by the Act are not the subject of the consultation process.

Additional copies of the RIS and the Proposed Regulation can be downloaded from [www.industry.nsw.gov.au/about/our-business/department/racing](http://www.industry.nsw.gov.au/about/our-business/department/racing). Printed copies can be requested from the Department of Industry by phone on (02) 9995 0413.

Submissions can be made using the online form available at [www.industry.nsw.gov.au/about/our-business/department/racing](http://www.industry.nsw.gov.au/about/our-business/department/racing).

Alternatively, submissions can be made:

**By email:** racing.admin@racing.nsw.gov.au

**By mail:** Greyhound Racing Regulation 2019  
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Further information on how you can make your submission accessible is contained at <http://webaim.org/techniques/word/>.

**The closing date for submissions is 11:59pm on 19 July 2019.**

### Important note: release of submissions

Submissions may be made publicly available. If you do not want your personal details or any part of your submission published, please indicate this clearly in your submission together with reasons. Automatically generated confidentiality statements in emails are not sufficient.

You should also be aware that, even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). It is also a statutory requirement that all submissions are provided to the Legislation Review Committee of Parliament.

### **Identified stakeholders**

The RIS has been provided directly to some key stakeholder organisations for further distribution. A list of these stakeholders is provided at Appendix 1.

### **Evaluation of submissions**

All submissions will be considered and assessed and the Proposed Regulation will be amended, if necessary, to address issues identified in the consultation process.

### **Commencement of the Regulation**

Once the Proposed Regulation is finalised, the Minister for Innovation and Better Regulation, the Hon Kevin Anderson MP, will submit it to the Governor for approval.

Following Governor approval, the Proposed Regulation will be published on the official NSW Government website for online publication of legislation at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and in the NSW Government Gazette. Information on how to access the Gazette is available on the NSW Parliamentary Counsel's website.

It is intended that the Proposed Regulation will **commence on 1 September 2019**.

## Need for Government Action

Provisions in the 2018 Regulation are of a machinery and transitional nature and facilitated an orderly transfer of regulatory functions from GRNSW to the Commission. The 2018 Regulation preserved arrangements for existing registrations of greyhounds and greyhound racing industry participants and allowed for the continuation of the Rules for a transition period.

The Proposed Regulation will strengthen the registration and enforcement framework to ensure the Commission and GRNSW can control and regulate the greyhound racing industry, consistent with the Reform Panel's recommendations. It will support the proper operation of the Act, enabling the implementation of the Act's registration scheme and assisting implementation of further Reform Panel recommendations.

## Objectives and Rationale

The primary objective of the Proposed Regulation is to provide legislative support and administrative detail for the operation of the Act, allowing its effective administration and enforcement.

The Proposed Regulation:

- expands the persons, in addition to those specified in the Act, who are required to be registered as industry participants
- provides for the registration of greyhounds, industry participants, greyhound racing clubs and greyhound trial tracks
- requires the Commission to maintain registers for greyhounds, industry participants and trial tracks
- allows the Commission share information contained on registers with animal welfare bodies, law enforcement and other government agencies and bodies
- provides for the delegation of functions of the Commission and the Minister
- strengthens annual reporting requirements for GRNSW and the Commission
- sets penalty infringement notice (**PIN**) amounts for a number of offences under the Act
- provides for matters of a minor and savings and transitional nature

## Options for achieving objectives

Three options have been considered to provide the necessary legislative and administrative detail to support the operation of the Act.

### **Option 1: Make the Proposed Regulation**

Make the Proposed Regulation in order to provide updated legislative support and administrative detail for the Act.

### **Option 2: Maintain the status quo**

Do not make the Proposed Regulation and instead amend the 2018 Regulation to extend transitional provisions indefinitely.

### **Option 3: Take no action**

Allow the 2018 Regulation to continue without any amendment and do not make any replacement Regulation. This would mean that once transitional provisions in the 2018 Regulation lapse they would cease to have effect.

## Criteria used to assess the regulatory options

The following criteria, which relate to the regulatory objectives, are used in the evaluation of the three options:

- the extent to which the option supports the objectives of the Act
- the cost effectiveness of each option, in terms of costs and benefits to industry, government and community
- the extent to which the option contributes to the overall efficiency of the regulatory system

The NSW Productivity Commission's *Guide to Better Regulation* notes that when considering the costs and benefits of different options, compliance costs, economic impacts, social impacts and environmental impacts should be considered. The *Guide to Better Regulation* can be found at <https://www.productivity.nsw.gov.au/better-regulation>.

## Impact assessment of options

### Option 1 – Make the Proposed regulation

Making the Proposed Regulation achieves the objectives of the Act and enables the government to implement further Reform Panel recommendations.. The benefits to the greyhound racing industry, the community and the NSW Government associated with Option 1 outweigh the economic and compliance costs.

**Option 1 is the preferred option.**

#### Analysis of benefits

The Proposed Regulation provides significant economic, social and compliance benefits for the industry, the government and the community. It enhances the registration framework and strengthens requirements related to identification and notification. These changes are consistent with Reform Panel recommendations and will improve the Commission's ability to track greyhounds throughout their lifecycle.

Currently, the Commission is unable to regulate or take disciplinary action against individuals who are not greyhound racing industry participants under the Act. The Proposed Regulation expands the persons, in addition to those specified in the Act, who are required to be registered as industry participants. This ensures that the Commission can regulate all relevant individuals involved in the greyhound racing industry. This change will mean that new categories of participants will need to apply to become registered, including trial track proprietors, persons involved in an official capacity at a greyhound race or trial and persons who provide health services to greyhounds (other than veterinarians).

Registration for industry participants is currently renewed on an annual basis. Under the Proposed Regulation, the Commission will be able to register industry participants for up to three years. Flexible registration incentivises compliance by offering industry participants the opportunity to reduce the administrative and financial costs associated with annual renewal. It also allows the Commission to respond appropriately to non-compliance and take a risk-based approach to determining each period of registration.

The Proposed Regulation establishes proportionate and comprehensive enforcement provisions, including a number of penalty infringement notices for offences against the Act and offences for industry participants who fail to meet notification requirements. A flexible and comprehensive enforcement framework was a key recommendation of the Reform Panel and allows the Commission to regulate effectively and efficiently.

The Proposed Regulation requires the Commission to maintain registers of greyhounds, industry participants and trial tracks. It also allows the Commission to share information with animal welfare bodies, industry controlling bodies in Australasia, law enforcement and government agencies. This will be critical to effective lifecycle tracking, identification of industry trends and national monitoring of non-complying industry participants.

Annual reporting requirements for the Commission and GRNSW are also strengthened under the Proposed Regulation, providing greater transparency, accountability and public oversight of the greyhound racing industry.

**The overall benefits for this option are considered as high.**

#### Analysis of costs

In accepting the recommendations of the Reform Panel on 28 March 2017, the NSW

Government committed to implementing an enhanced registration framework as part of its reform of the greyhound racing industry. The Proposed Regulation provides for an enhanced registration framework but will result in some costs for the industry and for new industry participants.

It is important to note that under the current Rules:

- the Commission already has the authority to set registration fees for greyhounds and industry participants
- GRNSW has the authority to set registration fees for greyhound racing clubs

Option 1 will transfer this authority from the Rules to the Proposed Regulation. For existing industry participants, this will result in a continuation of current compliance costs. Although they have been waived for the previous five years, registration fees already apply for renewal of existing registrations in 2019.

Individuals who fall within new categories of registration will face increased compliance costs, as they will be required to register and renew their registration at least once every three years. The cost to industry participants in new categories will vary depending on the registration they hold and the conditions of their registration. However, the Commission intends to ensure that fees do not impose a heavy financial burden on industry participants and are comparable to administrative fees charged by the Commission for existing categories of participants and in other Australian jurisdictions.

PIN offences have been included in the Proposed Regulation to ensure the Commission has a flexible suite of enforcement options, as recommended by the Reform Panel. Penalty notice amounts have been scaled to provide adequate deterrence and foster behavioural change within the industry. Non-compliance will be managed promptly, effectively and proportionately by Commission officers.

If the Proposed Regulation is made, the Commission will incur some compliance and administrative costs. These costs relate not only to implementing and managing the registration of greyhounds, industry participants and trial tracks but also enforcing compliance with the new framework and educating industry participants about the changes.

The Commission is funded by GRNSW and subsidised by the NSW Government during an initial transition period.

The greyhound racing industry has recently benefitted from a number of NSW Government initiatives that provide revenue to the racing industry. These include revenue from the introduction of a Point of Consumption tax (**PoC tax**) in NSW and wagering tax parity reforms.

As part of the introduction of the PoC tax, which took effect from 1 January 2019, the NSW Government has committed to direct two per cent of all taxable net wagering revenue within NSW to support the NSW racing industry, including greyhound racing. The Government will also provide additional funding from PoC tax revenue of \$4 million annually towards the operational costs of the Commission, with its ongoing funding needs to be reviewed at the end of 2021-22.

Since July 2015, the NSW Government's wagering tax parity reforms have progressively reduced NSW wagering tax rates, with this revenue being returned to the racing industry. The reduction in wagering tax rates will continue until NSW rates are in line with Victorian rates. It is anticipated that once the reforms are fully implemented from July 2020, wagering tax parity will return an additional \$90 million per year to the NSW racing industry, approximately \$12 million per year specifically for the greyhound racing industry.

In addition, the Government is providing \$41 million in transitional funding support as part of its greyhound racing industry reforms, with \$30 million to improve animal

welfare, including track upgrades to reduce injury risks, and \$11 million in start-up and operational funding for the Commission.

**Overall costs associated with this option are considered low.**

## Option 2 – Maintain the status quo

Maintaining the status quo would mean that the 2018 Regulation would be retained, with an extension of some transitional provisions, including those which allow the Rules to remain in place.

While retaining the 2018 Regulation would not impose any new costs for industry participants, racing clubs and trial track proprietors, it would not enhance registration or reporting, in line with the recommendations of the Reform Panel.

**For these reasons, Option 2 is not the preferred option.**

### Analysis of benefits

Maintaining the status quo would allow clubs and industry participants to continue to operate within existing and familiar practices and processes. By contrast, if the Proposed Regulation was adopted, new systems and practices would need to be created and implemented, and this would incur costs.

However, retaining the 2018 Regulation offers no improvements to current practices and would ultimately fail to deliver on the NSW Government's commitment to implement the recommendations of the Reform Panel, including those relating to enhancing the registration framework.

**As a result, the overall benefits of Option 2 have been assessed as low.**

### Analysis of costs

While this option does not impose direct financial costs on controlling bodies, industry or the NSW Government, maintaining the status quo would not deliver the benefits of the Proposed Regulation, such as strengthening registration requirements, creating a flexible suite of enforcement options and broadening the definition of an industry participant to include additional registration categories recommended by the Reform Panel.

This missed opportunity represents the main cost associated with Option 2, negatively impacting the industry, the community and the Government alike.

Under Option 2 the definition of industry participant would not be expanded. There would be no statutory requirement for individuals undertaking important activities in the greyhound racing industry to be registered (such as persons who are not veterinarians who provide health services to greyhounds) and these individuals would not be subject to conditions of registration.

It is also important to note that Option 2 would not result in lower compliance costs for industry participants. If the Proposed Regulation were not made, the Commission could continue to impose annual registration fees as registration requirements would continue to be set out in the Rules.

Under Option 2, enhanced enforcement options and additional reporting requirements would be unavailable to the Commission and GRNSW. Having access to fewer enforcement options limits the ability of the Commission to protect greyhound welfare and maintain industry integrity.

Option 2 fails to clarify the intended objective of some clauses in the Act and the NSW Government would not be able to meet its commitment to implementing the recommendations of the Reform Panel.

**The overall cost impact of Option 2 has been assessed as medium.**

### Option 3 – No action

Option 3 is not considered a valid option as the Government has already endorsed the Reform Panel's recommendations as part of its commitment to reforming the greyhound racing industry.

Taking no action would allow the 2018 Regulation to continue without amendment. Once transitional provisions in Schedule 4 of the Act lapse they would cease to have effect. This would impact the Commission's ability to perform its key functions as the former Rules could not be lawfully enforced. The existing registration framework, which is contained in the Rules, would no longer be valid. This would undermine the operation of the industry.

Option 3 would not achieve the objectives of the Act, which provide for the Commission to promote and protect the welfare of greyhounds, safeguard the integrity of greyhound racing and maintain public confidence in the industry. Without the details contained in the Proposed Regulation, the principal statutory objectives of the Commission and GRNSW cannot be achieved.

**Option 3 is not the preferred option as there would be significant costs for industry, the community and the Government.**

#### Analysis of benefits

As the Regulation is necessary to support the operation of the Act, Option 3 has little to no benefit to industry, the community and the NSW Government.

While industry participants would not incur the costs of compliance with the Act; community confidence in the greyhound racing industry would be likely to be eroded, putting both animal welfare and the sustainability of the industry at risk.

**The overall benefits of Option 3 are assessed as low.**

#### Analysis of costs

The Act requires that a range of matters be prescribed by regulation. To not prescribe these matters would result in the absence of regulatory provisions required to support the objectives and operation of the Act and cause the existing registration and Rules framework to lapse.

This would have significant negative economic, compliance and social impacts including:

- limiting the scope of the Commission and GRNSW to control, supervise and regulate the greyhound racing industry and enforce the requirements of the Act
- placing animal welfare and integrity measures at risk
- eroding public confidence in the greyhound racing industry
- creating industry uncertainty about how to comply with the Act and Rules
- failing to provide a suite of enforcement options that allow for timely and proportionate responses to breaches of the Rules
- failing to provide the Commission with the ability to contribute to the costs of compliance and enforcement activities by imposing fees
- increasing legal and litigation costs arising from appeals of disciplinary sanctions
- undermining the industry's ongoing economic sustainability and decreasing wagering on greyhound racing

The overall costs of Option 3 are assessed as high.

### Summary of costs and benefits for each option

Option	Likely costs	Likely benefits	Overall benefit
Option 1	Low	High	Positive
Option 2	Medium	Low	Negative
Option 3	High	Low	Negative

### Recommendation

**Option 1 (Make the Proposed Regulation) is the preferred option** as it would facilitate the operation of the Act, achieve the objectives of the Act, and make improvements that will benefit the industry, the community and the Government.



Section	Regulation making power under the Act	Clause	Scope of the proposed regulation
50(1)	Prescribes the Commission authority to register trial tracks in accordance with the regulations.	16 & 17	Proposes the Commission's registration process for trial tracks.
53(1)	Prescribes GRNSW authority to register racing clubs in accordance with the regulations.	21 & 22	Proposes GRNSW's registration process for racing clubs.
<b>Part 9 Miscellaneous</b>			
92	Provides the Minister power to delegate functions to a person or body defined in the regulations.	24	Proposes for the Minister's delegation to apply to the Executive Director, Liquor, Gaming and Racing, Department of Customer Service.
96	Enables offences under the proposed Act or the regulations to be dealt with by way of penalty notices.	Schedule 1	Proposes each offence for which a penalty notice may be issued and the amount payable under any such penalty notice.
100	Provides the Chief Commissioner or chief executive officer of the Commission to certify evidence for relevant matters as prescribed by the regulations.	25	Expands the relevant matters that can be certified as evidence.
101(2)(a)	Provides for the making of applications for the registration of greyhounds, industry participants, racing clubs and trial tracks (including application fees) to be prescribed by regulation.	7, 12, 16 & 21	Proposes authority for the Commission to accept applications and fees for the registration of greyhounds, industry participants, racing clubs and trial tracks.
101(2)(b)	Provides for the making of regulations for any matter relating to the registration of greyhounds, industry participants, racings clubs and trial tracks.	8, 13, 17 & 22 15(1) 18(1)	Proposes the terms and duration of registration for greyhounds, industry participants, racing clubs and trial tracks. Specifies that industry participants and proprietors of trial tracks must provide certain information and details to the Commission for the purposes of registration.
101(2)(c)	Provides for the making of regulations in respect of the identification of greyhounds.	9(a)	Proposes specific conditions for the identification of a greyhound to apply to the registration of a greyhound.
101(2)(d)	Provides for the making of regulations requiring the Commission to keep registers containing information about greyhounds, industry participants and trial tracks.	19	Proposes to require the Commission to keep registers of registered greyhounds, industry participants and trial tracks.
101(2)(e)	Provides for the making of regulations to specify the bodies the Commission is allowed to share	20	Proposes for the Commission to share information from registers with specified bodies, including animal welfare groups, GRNSW, local

Section	Regulation making power under the Act	Clause	Scope of the proposed regulation
	information containing within a register.		councils, law enforcement and government agencies.
101(2)(h)	Provides for the making of regulations for the payment of an annual amount for the keeping of a registered greyhound.	9(b)	Proposes for an owner of a registered greyhound to be liable to pay an annual amount determined by the Commission for the keeping of a registered greyhound.
101(2)(i)	Prescribes for the making of regulations to specify conditions to which the registration of greyhounds apply.	9(a) & (b)	Proposes specific conditions for the identification of a greyhound and payment of annual fees to apply to the registration of a greyhound.
101(2)(i)	Prescribes the making of regulations to specify conditions to which the registration of industry participants apply.	14	Proposes specific conditions on registration of an industry participant is to comply with the code of practice, the Rules and policies relating to the welfare of greyhounds published by the Commission.
101(2)(j)	Provides for the notification requirements for registered greyhounds to be specified by the regulations.	10(1)	Proposes several notification requirements for industry participants to include where there is a change of ownership, a change in premises of a greyhound, the death of a greyhound and where the greyhound ceases to be a greyhound for which the Act applies.
101(5)	Enables the regulations to create an offence punishable by a penalty not exceeding 100 penalty units.	10(3) 15(3) 18(3) 23	Proposes offences relating to an industry participant's failure comply with relevant notification requirements.  Proposes an offence for a person to enter a participant only area at a licenced racecourse or greyhound trial track unless they are a registered industry participant.
Schedule 4, Part 1, Clause 1	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	Schedule 2  Schedule 3	Proposes savings and transitional provisions apply to all forms of registration, renewal of registration and conditions.  The regulation extends the transition period in clause 8 of Schedule 4 to 1 July 2020. This provides the Commission opportunity to remake the Rules.

## Analysis of matters to be included in the proposed regulation

Submissions are welcome on any aspect of the Proposed Regulation, whether or not raised in this RIS. However, the following summary provides greater context for the provisions in the Proposed Regulation and a costs and benefits analysis of specific provisions.

### Part 1 – Preliminary

#### Clauses 1 to 3 – Regulation name, commencement date and definitions

Clause 1 states that the Proposed Regulation is named the Greyhound Racing Regulation 2019.

Clause 2 states that the Proposed Regulation will commence on 1 September 2019.

Clause 3 clarifies that the *Greyhound Racing Act 2017* will be referred to as ‘the Act’ throughout the Regulation.

### Part 2 – Functions and reports of the Commission and GRNSW

Clause 4 states that the functions of the Commission may be delegated to a Committee established under section 13 of the Act.

#### Clause 5 – Annual report of the Commission

Section 15 of the Act prescribes that the Commission is to produce an annual report that is consistent with obligations under the *Annual Reports (Departments) Act 1985* and includes a progress report on the implementation of the Commission’s strategic plan. Section 15(b) also provides for regulations to prescribe additional particulars.

Clause 5 of the Proposed Regulation prescribes that the Commission is required to report on additional particulars, including:

- details of directions given by the Minister under section 8 of the Act and the steps taken to comply with the direction
- a summary of the strategic plan prepared under section 14 of the Act
- the number of greyhounds, greyhound racing industry participants and greyhound trial tracks registered
- a summary of the injuries to greyhounds participating in greyhound races
- the number of greyhound trial tracks that had their registrations suspended or cancelled under section 51 of the Act
- a summary of disciplinary action taken under Division 1 of Part 6 of the Act
- a summary of inquiries conducted under section 84 of the Act
- a summary of internal reviews under section 91 of the Act
- details on the activities of the Greyhound Racing Industry Animal Welfare Committee

## Clause 6 – Annual report of GRNSW

Section 28 of the Act prescribes that GRNSW is to provide an annual report on the financial year to the Minister before 1 November every year. The report must be made publicly available and include independently audited financial statements and any particulars prescribed by the regulations.

Clause 6 of the Proposed Regulation provides that the annual reporting requirements of GRNSW must include:

- a summary of the minimum standards under section 26 of the Act in connection with the conduct of races and greyhound race meetings
- a progress report on the implementation of each minimum standard
- a summary of each strategic plan under section 29 of the Act
- the number of registered greyhound racing clubs (including the number of clubs registered during that period)
- the number of greyhound racing clubs, details of any registrations suspended or cancelled under section 54 of the Act
- a summary of any disciplinary action taken by GRNSW under Part 6 of the Act
- a summary of greyhound adoption programs managed by or supported by GRNSW
- the number of greyhound race meeting, greyhound races, and greyhounds racing

## Clauses 5 and 6: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"><li>• Financial costs of reporting incurred by the Commission and GRNSW.</li><li>• Compliance, enforcement and administrative costs to ensure accurate collection of data.</li><li>• Administrative costs in providing accurate reporting to the Minister within legislative timeframes.</li></ul>	<ul style="list-style-type: none"><li>• Provides an overview of the performance of the greyhound racing industry, including governance, animal welfare and integrity.</li><li>• Meets requirements of the GRNSW Operating Licence.</li><li>• Transparent and accurate reporting will result in an increase in public confidence, leading to a sustainable greyhound racing industry in NSW.</li></ul>
<b>Government</b>		<ul style="list-style-type: none"><li>• Enhanced annual reporting requirements are in line with the findings and recommendations of the Reform Panel.</li></ul>
<b>Community</b>		<ul style="list-style-type: none"><li>• Greater transparency and accountability regarding the performance of the greyhound racing industry and the Commission.</li><li>• A clear understanding of progress towards industry reform.</li></ul>

## **Part 3 – Registration and registers**

### **Division 1 – Registration of greyhounds**

#### **Clauses 7 to 10 – Application for registration, terms of registration, conditions and notification requirements**

Section 48 of the Act provides for the making of regulations for the purpose of registering greyhounds. Sections 101(2)(a) and (b) of the Act provide for the making of regulations for applications and any matter relating to the registration of greyhounds.

Clause 7 of the Proposed Regulation specifies the Commission's process of registering a greyhound. Applicants are required to comply with application forms and pay a fee determined by the Commission. Applicants may also be required to provide additional information to the Commission within 21 days or risk having their application refused.

Clause 8 of the Proposed Regulation clarifies the term of registration of a greyhound to remain until the death of a greyhound, or the greyhound is registered as a companion animal under the *Companion Animals Act 1998* or the greyhound ceases to be a greyhound to which the Act applies.

Section 101(2)(c), (i) and (h) of the Act prescribes the making of a regulation with respect to the identification of greyhounds, for the purpose of imposing conditions on the registration of a greyhound and requiring an annual payment for the keeping of a registered greyhound. Clause 9 of the Proposed Regulation prescribes conditions of greyhound registration is that the greyhound must be identified by a microchip and an ear tattoo of a type approved by the Commission, each containing a unique identifier and the owner of the greyhound must pay an annual fee for the right to keep a registered greyhound.

Section 101(2)(j) of the Act prescribes the making of a regulation for the purpose of the notification requirements for registered greyhounds as specified by the regulations. Clause 10(1) of the Proposed Regulation requires an industry participant to notify the Commission if there is a change of ownership of a greyhound, if the greyhound dies or if the greyhound ceases to be a greyhound to which the Act applies. The Commission can determine the manner and form for the information to be provided.

Section 101(5) of the Act provides regulations to create an offence punishable by a penalty not exceeding 100 penalty units. Clause 10(3) of the Proposed Regulation replicates the notification requirements already present in the Rules. It prescribes an offence for an industry participant to fail to notify the Commission of a change of details within the following timeframes:

- a change of ownership (10(3)(a) or the greyhound ceases to be a greyhound to which the Act applies (10(3)(d)) – 10 days
- becoming aware of a change of premises (10(3)(b)) – 3 days
- the death of a greyhound (10(3)(c)) – 2 days

## **Division 2 – Registration of greyhound racing industry participants**

### **Clause 11 – Definition of greyhound racing industry participants**

Section 3 of the Act prescribes the definition of a greyhound racing industry participant. This includes “any other person who is of a class of persons associated with greyhound racing that is prescribed by the regulations for the purposes of this definition”.

Clause 11 of the Proposed Regulation expands the definition of a greyhound racing industry participant to include the following:

- a person other than a veterinary practitioner who provides the following health services to a greyhound:
  - (a) massage therapy
  - (b) acupuncture
  - (c) non-invasive injury detection
  - (d) first-aid

(This excludes veterinary practitioners and the owner of a greyhound who provides these health services to their own animal)
- a person who handles greyhounds (otherwise than at a greyhound race or trial)
- the proprietor of a greyhound trial track
- a person who artificially inseminates a greyhound
- a person who, in an official capacity at a greyhound race or trial, is engaged in starting the race or trial, judging the outcome of the race or trial, operating a lure during the race or trial or kennelling greyhounds
- a person who offers, or invites applications for, an interest in a greyhound
- a person who manages the ownership of a greyhound on behalf of 2 or more other persons who own the greyhound jointly

### **Clause 12 to 15 – Application for registration, terms of registration, conditions and notification requirements**

Section 49 of the Act allows for regulations to be made for the purpose of the registration of industry participants. Section 101(2)(a), (b) and (i) of the Act allow for regulations to be made related to applications, the registration of greyhound racing industry participants and conditions of registration.

Clause 12 of the Proposed Regulation specifies the Commission’s process of registering an industry participant. Applicants are required to apply in a form prescribed by the Commission and pay a fee determined by the Commission. Applicants may also be required to provide additional information to the Commission within 21 days or risk having their application refused.

Clause 13 the Proposed Regulation clarifies the term of registration of an industry participant expires at the end the period (not exceeding three years) specified by the Commission. Industry participants may apply for a renewal of registration within three months of expiration of registration. A renewed registration will come into effect upon the expiry of the registration

being renewed. An industry participant's registration will remain in force until the Commission has made a determination on the renewal application.

Clause 14 of the Proposed Regulation imposes conditions for registered industry participants to comply with the Code of Practice, the Rules and policies relating to the welfare of greyhounds published by the Commission.

Clause 15(1) of the Proposed Regulation requires an industry participant to notify the Commission of:

- the details of any change to the participants name, address or other details
- being charged with an animal cruelty offence under the *Prevention of Cruelty to Animals Act 1979* or
- being charged with an indictable offence under any other Act, and the details of that charge

The Commission can determine the manner and form for the notification information to be provided by the industry participant.

Section 101(5) of the Act provides for regulations to create an offence punishable by a penalty not exceeding 100 penalty units. Clause 15(3) of the Proposed Regulation prescribes an offence for an industry participant to fail to notify the Commission about information required under clause 15(1) within 7 days of becoming aware of changes to personal details or being charge with an animal cruelty offence under *Prevention of Cruelty to Animals Act 1979* or an indictable offence under any Act. The maximum penalty is 20 penalty units.

### **Division 3 – Registration of a greyhound trial track**

#### **Clause 16 to 18 – Application for registration, terms of registration and notification requirements**

Section 50 of the Act allows for regulations to be made for the purpose of registering greyhound trial tracks. Section 101(2)(a) and (b) of the Act provide for the making of regulations for applications and any matter relating to the registration of greyhound trial tracks.

Clause 16 of the Proposed Regulation specifies the Commission's process of registering a greyhound trial track and trial track proprietors. Applicants are required to apply in a form prescribed by the Commission and pay a fee determined by the Commission. Applicants may also be required to provide additional information to the Commission within 21 days or risk having their application refused.

Clause 17 the Proposed Regulation clarifies the term of registration of a trial track proprietor expires at the end of the period (not exceeding three years) specified by the Commission. Trial track proprietors may apply for a renewal of registration within 3 months of expiration of registration. A renewed registration will come into effect upon the expiry of the registration being renewed. A trial track proprietor's registration will remain in force until the Commission has made a determination on the renewal application.

Clause 18(1) of the Proposed Regulation requires a greyhound trial track proprietor to notify the Commission of:

- the details of any change to the proprietors name, address or other details;
- being charged with an animal cruelty offence under the *Prevention of Cruelty to Animals Act 1979*; or
- being charged with an indictable offence under any other Act, and the details of that charge.

The Commission can determine the manner and form for the notification information to be provided by the trial track proprietor.

### Clauses 7 to 18: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"> <li>• The Commission will incur the financial cost of establishing a register and implementing registration framework.</li> <li>• There will be ongoing financial, compliance and enforcement costs for the Commission.</li> <li>• The Commission and GRNSW will incur administrative costs in developing information packages for industry participants (i.e. website updates and fact sheets).</li> <li>• Industry participants will incur financial and compliance costs when registering paying a moderate application fee.</li> <li>• Industry participants will incur moderate ongoing compliance and administrative costs in adhering to registration conditions, notification requirements and any future educational requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission intends to ensure that fees do not impose an undue financial burden on industry participants.</li> <li>• By implementing key recommendations of the Reform Panel, the industry will benefit from increased public confidence which will help the industry remain sustainable.</li> <li>• Registration framework and statutory conditions ensure participants understand minimum standards.</li> <li>• Despite moderate set up financial and administrative costs, long term savings will be made in capturing data via an online portal.</li> <li>• Accuracy of data will be greatly enhanced and it will be easier for industry participants to comply with registration requirements.</li> </ul>
<b>Government</b>	<ul style="list-style-type: none"> <li>• May incur low administrative costs in developing information packages for industry participants (i.e. website updates and fact sheets).</li> </ul>	<ul style="list-style-type: none"> <li>• Supports the Government to deliver on its commitment to implement the recommendations of the Reform Panel and continues greyhound industry reform in NSW.</li> <li>• Ensures best practice registration framework without incurring significant financial costs.</li> <li>• Ensures all industry participants including breeders, owners, rearers,</li> </ul>

		educators, trainers, greyhound assistants and trial track proprietor are registered.
		<ul style="list-style-type: none"> <li>Complies with <i>Better Regulation Principles</i> and commitment to reduce red tape where possible.</li> </ul>
<b>Community</b>	-	<ul style="list-style-type: none"> <li>Promotes greyhound welfare and provides assurance that the Commission is empowered to deliver its principle objectives under the Act, which include promoting and protecting the welfare of greyhounds and maintaining public confidence in the greyhound racing industry.</li> <li>Supports implementation of minimum standards for industry participants providing a stronger enforcement and compliance regime across the lifecycle of a greyhound.</li> </ul>

## Division 4 – Commission to keep registers

### Clause 19 to 20 – Maintaining registers and sharing information

Section 101(2)(d) of the Act allows regulations to be made which require the Commission to keep a register containing information relating to the persons, greyhounds and greyhound trial tracks registered. Section 101(2)(e) of the Act allows for regulations to be made in relation to the sharing of information on a register with specific persons or bodies.

Clause 19 of the Proposed Regulation prescribes that the Commission is to keep registers for registered greyhounds, registered industry participants and registered greyhound trial tracks. The Commission may record any information considered appropriate in relation to the registered greyhound, registered greyhound racing participant or registered greyhound trial track concerned.

Clause 20 of the Proposed Regulation provides the Commission authority to share information contained on a register with specific bodies, including RSPCA, Animal Welfare League, a local council, GRNSW, Police, interstate controlling bodies of greyhound racing or the racing of other animals, Australian Financial Security Authority, Australian Securities and Investments Commission and Australian Transaction Reports and Analysis Centre. If the Commission refuses to provide information, it is required to provide the reasons for its refusal.

### Clauses 19 and 20: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"> <li>There are moderate financial, compliance and administrative costs for the Commission in establishing registers.</li> <li>There are low to moderate</li> </ul>	<ul style="list-style-type: none"> <li>Sharing information with other agencies will support a transparent and ethical industry which maintains a high degree of public confidence.</li> <li>Likely to result in better collaboration</li> </ul>

	ongoing financial, compliance and administrative costs for the Commission in maintaining the registers. This includes updating registers when industry participants provide updated details, and including updates on disciplinary action taken against participants.	<ul style="list-style-type: none"> <li>and operational efficiencies for the Commission.</li> <li>Likely to improve data collection and ensure relevant information about industry participants and greyhounds is updated in real time for Commission staff.</li> <li>Supports the Reform Panel's recommendations for the Commission to trace the full lifecycle of a greyhound and monitor industry participants.</li> </ul>
<b>Government</b>	-	<ul style="list-style-type: none"> <li>Supports the implementation of the Reform Panel recommendations which encouraged the sharing of information with key stakeholders to ensure the strong relationship between the Commission, other animal welfare regulators and law enforcement.</li> <li>Information shared from the Commission's registers is likely to support the enforcement activities of other agencies.</li> <li>Complies with Better Regulation Principles and commitment to reduce red tape where possible.</li> </ul>
<b>Community</b>	-	<ul style="list-style-type: none"> <li>Effective enforcement, collaboration and information sharing will result in better animal welfare outcomes and industry integrity.</li> </ul>

## **Division 5 – Registration of greyhound racing clubs**

### **Clause 21 to 22 – Application for registration and terms of registration**

Section 53 of the Act provides the making of regulations for the purpose of the registration of greyhound racing clubs. Section 101(2)(a) and (b) of the Act provide for the making of regulations for applications and any matter relating to the registration of greyhound racing clubs.

Clause 21 specifies the GRNSW's process of registering a greyhound racing club and allows a person to apply for registration. Applicants are required to comply with application forms and pay a fee determined by GRNSW. Applicants may also be required to provide additional information to GRNSW within 21 days or risk having their application refused.

Clause 22 of the Proposed Regulation clarifies the term of registration of a racing club expires at the end of the period (not exceeding three years) specified by GRNSW. Racing clubs may apply for a renewal of registration within three months of expiration of registration. A renewed registration will come into effect upon the expiry of the registration being renewed. A racing clubs registration will remain in force until GRNSW has made a determination on the renewal application.

## Clause 21 and 22: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"> <li>Moderate financial and administrative costs for GRNSW in relation to registering clubs and ensuring compliance with conditions of registration.</li> </ul>	<ul style="list-style-type: none"> <li>GRNSW maintains the ability to promote a well-governed, competitive and sustainable greyhound racing industry in NSW.</li> </ul>
<b>Government</b>	-	<ul style="list-style-type: none"> <li>Supports the implementation of Reform Panel recommendations related to refocusing GRNSW's activities on ensuring a competitive, sustainable and viable greyhound racing industry in NSW.</li> </ul>
<b>Community</b>	-	<ul style="list-style-type: none"> <li>A competitive, sustainable and viable greyhound racing industry in NSW maintains the social and economic benefits of the greyhound racing industry.</li> </ul>

## Part 4 – Miscellaneous

### Clause 23 – Participant only areas at racecourses and trial tracks

Section 101(5) of the Act provides the offences to be prescribed by regulations. Clause 19 creates an offence for a person to enter a participant only area at a licensed racecourse or greyhound trial track unless they are a greyhound racing industry participant. The maximum penalty is 100 penalty units. This offence is determined to be a penalty notice offence under Schedule 1 of the Proposed Regulation with a fine amount of \$550.

### Clause 23: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"> <li>Moderate financial and administrative costs for the Commission, GRNSW and racing clubs to clearly designate prohibited areas at licensed racecourses and trial tracks.</li> <li>May incur low administrative costs in developing information packages to inform unregistered persons of their obligations at racecourses and trial tracks (i.e. website updates and fact sheets).</li> </ul>	<ul style="list-style-type: none"> <li>Provides the Commission an enforcement option to restrict access for unregistered persons at licensed racecourses and trial tracks.</li> <li>Strengthens animal welfare outcomes as unregistered persons cannot enter restricted areas without being liable for an offence.</li> <li>Expected to modify the behaviour of some unregistered participants that have previously entered kennel and Steward's areas on a racecourse and trial track and endangered greyhounds, Stewards and other industry participants.</li> </ul>
<b>Government</b>	<ul style="list-style-type: none"> <li>Low financial, compliance and administrative costs may be incurred by NSW police and NSW Local Court in enforcement if</li> </ul>	<ul style="list-style-type: none"> <li>Supports the Government to deliver on its commitment to implement the recommendations of the Reform Panel and continues greyhound industry</li> </ul>

	<ul style="list-style-type: none"> <li>offenders elect to attend court.</li> <li>May incur low administrative costs in developing information packages for industry participants (i.e. website updates and fact sheets).</li> </ul>	<ul style="list-style-type: none"> <li>reform in NSW.</li> <li>Reduces burden on Local Court as people are likely to pay fines rather than elect to attend court.</li> </ul>
<b>Community</b>	<ul style="list-style-type: none"> <li>Unregistered persons will be liable for financial penalty of up to \$11,000 for entering restricted areas.</li> </ul>	Provides assurance that the Commission is empowered to deliver its principle objectives under the Act, which include promoting and protecting the welfare of greyhounds and maintaining public confidence in the greyhound racing industry.

### **Clause 24 – Delegation by Minister**

Section 92 of the Act provides the Minister authority to delegate the exercise of functions to any person. Clause 24 prescribes the Executive Director, Liquor, Gaming and Racing, Department of Customer Service as a person to whom the Minister may delegate the exercise of functions.

### **Clause 25 – Certificate evidence**

Section 100 of the Act prescribes the matters that may be certified by the Commission as admissible evidence for proceedings involving an offence under the Act or regulations. Section 101(2)(e) of the Act allows for matters to be prescribed by the regulations. Clause 20 expands the types of matters that can be certified as evidence to include:

- that a specified registration was or was not suspended or cancelled at a specified time or during a specified period
- that a specified person was, at a specified time or during a specified period, an authorised officer for the purposes of section 96 of the Act
- that a specified direction, notice, order, requirement or condition was given, made or imposed under the Act
- that a specified person was, or was not, subject to disciplinary action at a specified time

### **Clause 26 – Repeal and saving**

Clause 26 proposes to repeal the current regulation and ensure that any act, matter or thing that, immediately before the repeal of the Greyhound Racing Regulation 2018, had effect under that Regulation continues to have effect under this Regulation.

### **Schedule 1 – Penalty notice offences**

Sections 96(2) of the Act provides for authorised officers (police officers and inspectors) to issue penalty notices as prescribed by the regulations. Schedule 1 of the Regulation contains prescribed amounts for a range of penalty notice offences.

The Proposed Regulation has been made to ensure the penalty amounts are scaled appropriately. Amounts for animal welfare related offences start at \$1,100 for keeping prohibited animals on premises where greyhounds are kept and \$2,200 for a contravention of offence provisions of the Code of Practice.

Penalty amounts for industry participants start at \$275 (first offence) for notification and registration conditions breaches with \$550 fines applying for subsequent offences. Trial

tracks and racing clubs will be held to a higher standard for maintaining notification and conditions requirements with offence amounts scaled from \$1,100 to \$5,500.

The proposed Regulation will ensure that compliance activity undertaken by the Commission and GRNSW to enforce a breach is not unfair or excessive. The regulator and commercial body will also establish internal protocols to determine the appropriateness of issuing a penalty offences on a case by case basis. This will ensure the Commission’s inspectors apply penalty offences consistently.

The penalty amounts also align more closely with other animal welfare legislation such as the *Companion Animals Act 1998*, *Exhibited Animals Protection Act 1986* and the *Prevention of Cruelty to Animals Act 1979*. Penalty amounts are unlikely to disincentivise compliance with the Act.

### Schedule 1: Costs and Benefits

Impact	Costs	Benefits
<b>Industry</b>	<ul style="list-style-type: none"> <li>Moderate ongoing financial, administrative and enforcement costs arise from the Commission implementing penalty offences.</li> <li>Penalty amounts will also have a financial impact on industry participants who fail to comply with regulatory requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Penalty notice offences allow a timely and efficient enforcement response and provide the Commission with a flexible suite of enforcement and deterrent measures that can be applied for offences and wrongdoing in the greyhound racing industry.</li> <li>Proposed penalty amounts are proportionately scaled to provide an appropriate deterrent measure and reflect the offences to which they apply.</li> </ul>
<b>Government</b>	-	<ul style="list-style-type: none"> <li>Gives effect to Reform Panel recommendations which support the Commission having access to a flexible suite of enforcement options, including penalty notice offences.</li> <li>Reduces burden on Local Court as offenders are likely to pay fines rather than elect to go to court and comply with the Act in future.</li> </ul>
<b>Community</b>	-	<ul style="list-style-type: none"> <li>Appropriate and timely enforcement supports better animal welfare outcomes and industry integrity.</li> </ul>

### Schedule 2 – Savings and Transitional Provisions

Schedule 4, Part 1, Clause 1 of the Act prescribes the regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

Clause 1 of Schedule 2 provides for the interpretation of the terms ‘prescribed activity’ and ‘prescribed health services’ to mean activities referred to in clause 10(3) and health services referred to in clause 10(1) of the Proposed Regulation.

Clause 2 (a) of Schedule 2 provides a person who carried on a prescribed activity or provided prescribed health services immediately before the commencement of the Proposed Regulation will be taken to be a registered industry participant until 31 December 2019.

Clause 2(b) of Schedule 2 requires industry participants carrying on a prescribed activity or providing prescribed health services to submit a registration application to the Commission by 31 December 2019 to continue to be deemed a registered industry participant from 1 January 2020 until such time as the Commission makes a determination on the application.

Clause 3(1) of Schedule 2 prescribes that the savings and transitional provision applies to registrations in force immediately before 1 September 2019.

Clause 3(2) of Schedule 2 specifies the transitional provisions apply to registrations granted to a person for 12 months, commencing on 1 July 2019 and subject to the terms and conditions applying to the registration immediately before the end of the transition period under the former Act.

Clause 3(3) and (4) of Schedule 2 ensure provisions of the Proposed Regulation relating to the term of registration, the renewal of registration or the conditions of a registration extend to a registration to which savings and transitional provisions apply.

Clause 4(1) of Schedule 2 prescribes a new condition industry participants registered immediately prior to 1 September 2019. The condition requires these industry participants to notify the Commission of each registered greyhound owned by the person as at 1 September 2019. This will allow the Commission to collect accurate data on the number of greyhounds currently owned within the industry and enhance their ability to monitor the whole lifecycle of a greyhound.

Clause 4(2) of the Schedule 2 requires the notification to be in the form approved by the Commission and provided to the Commission by 1 January 2020. Providing industry participants a four month period to notify the Commission of the number of greyhounds they own provides sufficient time and will ensure greater compliance.

#### **Schedule 2: Costs and Benefits**

Please refer to the costs and benefit analysis for the enhanced registration framework set out for clauses 7 to 18 on page 21.

#### **Schedule 3: Amendment of the *Greyhound Racing Act 2017 No 13***

Schedule 3 provides for several minor amendments to Schedule 4 of the Act. This includes amending the 'transition period' to extend from 1 September 2019 to 1 July 2020. This will allow the former Rules to continue until the Commission has had the opportunity to remake the Rules.

## Appendix 1: List of stakeholders

The following stakeholders have been provided with a copy of the Proposed Regulation and this RIS and asked to circulate both documents to any interested party.

### **Controlling and government bodies**

- Greyhound Welfare and Integrity Commission
- Greyhound Racing NSW
- NSW Racing Appeals Tribunal
- Department of Primary Industries
- Department of Justice
- NSW Police Force
- Local Government and Shires Associations of NSW

### **Industry groups**

- Greyhound Breeders, Owners and Trainers Association
- Greyhounds Australasia
- All NSW Greyhound Racing Clubs

### **Animal Welfare and professional bodies**

- The Royal Society for the Prevention of Cruelty to Animals NSW
- Animal Welfare League NSW