

Hon Robert Borsak MLC
Committee Chair

Via email to _____

Rhia Victorino, Principal Council Officer
Upper House Committees, Legislative Council, Parliament of NSW

Inquiry into the Greyhound Welfare & Integrity Commission (GWIC)

Dear Chair

I refer to your letter dated 25 March 2021 provided to me via email from Ms Victorino in which you notified me of two submissions received by the committee inquiring into GWIC that contain adverse comments about me. The submissions are from the Australian Workers Union (submission 69) and Ms Gail Thorsby (submission 71).

Your letter provided me with the opportunity to respond in writing to these adverse comments. However, I note in Ms Victorino's covering email her statement that 'the committee has resolved to publish these submissions online, and will do so within the next few days, having provided them to you first.'

I replied to your correspondence expressing my concern that the committee had not provided me with reasonable notice, as a few days notice is clearly insufficient to enable me to fully consider the issues raised in these submissions and to prepare my response. I also note my request that the committee withhold publication of these submissions until I had time to lodge a full rebuttal of the false and malicious statements made about me in these submissions.

Since my departure from GWIC in October 2020 I have deliberately remained silent about my time as Chief Executive Office (CEO) of GWIC and my experiences within the greyhound racing industry. That continues to be my strong preference. However, your decision to publish these submissions leaves me with no option but to provide a detailed rebuttal, as outlined in this letter and its attachments.

If you continue to resolve to publish submissions 69 and 71 I expect my letter and its attachments to be published in full. Further, having addressed the issues raised in submissions 69 and 71, I do not, as a private citizen, wish to further engage with you or this inquiry.

BIAS AND CONFLICT OF INTEREST CONCERNS

Before addressing the allegations made against me in submissions 69 and 71 I wish to place on record my concerns about your ability as Chair of this Inquiry and that of the Hon Mark Latham MLC, to bring an unbiased mind to the proceedings of this inquiry, including any commentary and/or decisions in respect of these submissions which are adverse towards myself as the former CEO and/or GWIC.

The general test of apprehended bias is whether a fair-minded lay observer might reasonably apprehend that an individual, sitting in judgement of others, might not bring an impartial mind to the resolution of the issues to be decided. For the following reasons, I believe a claim of apprehended bias by you and the Hon Mark Latham MLC, against me and GWIC can be sustained.

Firstly on 27 August 2020 you issued a media statement titled 'Greyhound Welfare Commission CEO Must Go!' Your statement erroneously stated that 'the rulings against Darryl Thomas.....include suspensions ranging from 20-26 weeks.'

What you omitted to say in your media statement was that these suspensions were, as clearly stated on the GWIC Disciplinary Action Decision, wholly and conditionally suspended for 12 months. What this means is that these participants were able to continue training and racing.

These suspensions related to positive swabs for the prohibited substance Dehydronorketamine, with the participants' mitigating factors (that the prohibited substance could have been sourced from feeding their racing greyhounds knacker meat) given substantial weight in wholly suspending their sentences.

In relation to the Hon Mark Latham MLC, he has appeared on 2GB on multiple occasions throughout 2020 making a range of false and misleading statements about GWIC and myself, without at any stage fact checking with GWIC, including highly inaccurate and misleading information about GWIC's expenditure. And following the announcement of my departure from GWIC in October, the Hon Mark Latham MLC on his Twitter account on 9 October 2020 said

"congratulations to NSW Racing Minister Kevin Anderson and also the important role of Ray Hadley, with a great step forward for greyhound racing in NSW. Over-regulator GWIC CEO Judy Lind has resigned. Now we need a fair person in the role who is actually pro-greyhounds."

This tweet provides evidence that the Hon Mark Latham engaged in an orchestrated smear campaign against me, using Ray Hadley's radio program as a vehicle.

Further, on 10 October 2020, he tweeted

"Yes, Lind has gone, but more positive reform needed at GWIC, so it runs as a professional, fair-minded, efficient, industry-supporting NSW Govt agency, rather than Bathurst's answer to Melrose Place."

When the membership of this committee was initially decided, with no role for himself, the Hon Mark Latham bemoaned on another radio program with Ray Hadley that the Inquiry had ended up with animal welfare MLCs on it.

These facts alone are sufficient to strongly support a claim of apprehended bias by you and Hon Mark Latham, and I respectfully seek an answer from this committee on how they propose to address this issue.

I will now address each of the submissions I have been given the opportunity to comment on.

Submission 69 – The Australian Workers’ Union (AWU) 29 January 2021

I note that on 9 April 2021 the Interim CEO of GWIC lodged a comprehensive submission to rebut the assertions made in the AWU submission. GWIC has provided their submission to me and I rely on that submission (attachment A to this letter) as my rebuttal. You will note in GWIC’s submission that allegations of the mistreatment of Ms Thorsby, including alleged bullying and harassment by GWIC’s Chief Veterinary Officer and myself have been fully investigated by Commissioner Chris Wheeler PSM and found to have no substance. The redacted version of Commissioner Wheeler’s report, as provided to this committee by GWIC, is also reproduced here at Attachment B.

I take this opportunity to add the following contextual information that is relevant to understanding the posture being adopted by the AWU in its submission. The AWU attempted to infiltrate GWIC in its early days of operational activity by claiming it had industrial coverage over GWIC staff. This matter went to the Fair Work Commission, which confirmed that the NSW Public Service Association was the only body that had industrial representation over GWIC employees.

I also note that the AWU’s submission attempts to portray itself as a representative body for NSW greyhound racing participants. It is not. The AWU has some members who are also greyhound racing participants. The NSW greyhound racing industry has approximately 3500 active participants (excluding non custodial owners). The AWU has no standing over these participants with the Greyhound Breeders, Owners and Trainers Association the key industry representative body in NSW. As stated in its submission the AWU wants to see GWIC abolished and has used any means available to it to achieve this outcome.

Submission 71 - Gail Thorsby’s allegations of bullying and harassment

Ms Thorsby is a disgruntled former employee of GWIC, abusing parliamentary committee process to knowingly and deliberately convey falsehoods to maximise the damage to my reputation and other senior members of GWIC. My detailed rebuttal of her submission is provided at Attachment C.

I also respectfully submit to the committee that Ms Thorsby’s submission is out of scope of the Inquiry’s Terms of Reference. It certainly does not fall within the first six terms of reference, leaving only term of reference (g) – ‘any other related matter’ as possibly relevant. As stated above, the fact that the committee has already resolved to publish this submission, even though it is arguable that it is not in scope of the terms of reference and quite obviously from a disgruntled former employee, adds weight to my concerns of bias.

Background to Ms Thorsby appointment

By way of background, Ms Thorsby was a trusted and privileged member of GWIC and offered the opportunity to act in the role of Chief Steward of GWIC in October 2018, after GWIC had, on two separate occasions, attempted to recruit a full time Chief Steward. At that time the preferred location for the Chief Steward role was Bathurst, where the headquarters of GWIC had been established (a decision made by the Government) and this location was proving to be a barrier to recruiting a qualified person prepared to re-locate to Bathurst. As one of the senior stewards that had been brought across from Greyhound Racing NSW (GRNSW), Ms Thorsby was offered the opportunity to act as the Chief Steward, whilst continuing to be based in

her home in the Northern Rivers region of NSW. She occupied this position until her departure from GWIC in June 2020. A copy of her email announcing her resignation sent to others and myself on 8 June 2020 is at Attachment D. Whilst not repeating the full contents here, that email states the following

"I appreciate the continual support you have given me who would have thought an Acting role would have continued for this long since October 2018"

My Complaint against Ms Thorsby

Towards the end of Ms Thorsby's tenure, significant issues started to emerge about her activities, including the extent of her relationships with members of the AWU (undeclared as potential conflicts of interest) and certain individuals within GRNSW. The extent of her deceitful conduct was revealed in June 2020 when a copy of an email sent by Ms Thorsby on 13 June 2020 at 9:51:30am to GWIC stewards was anonymously provided to me. That email stated the following:

"we need to have a catch up phone link up and discuss what you want me to do. I'm told there is a push in the background from the AWU to remove Michelle and Judy I really do not know if that can occur as yes there has been many meetings with [redacted] from the Ministers Department"

To say that I was shocked at the content of this email is an understatement. For any senior member of staff of any organisation, as Ms Thorsby was, to actively agitate for the removal of key personnel and to undermine the organisation that employs them, is totally unacceptable behaviour.

On receipt of this information I lodged an official complaint with the Chair of GWIC's Internal Complaints Panel, Commissioner Wheeler. In that complaint I outlined a number of concerns that had come to light in the preceding weeks, including my concerns about Ms Thorsby's apparent role in the undermining of both myself and Dr Ledger and her non arm's length relationship with members of the AWU and the fact that she had not disclosed those relationships as required under GWIC's Conflict of Interest policy.

A copy of my complaint (email dated 10 July 2020 at 9.48am) and the Chair's consideration of my complaints (letter from Commissioner Wheeler dated 19 August 2020 and received via email at 1.26pm) are provided at Attachment E. You will note that 4 of 6 complaints against her were sustained.

Allegations of Bullying and Harassment by Gail Thorsby

As stated earlier in this letter, the allegations of bullying and harassment by Ms Thorsby in her submission to this committee were fully investigated by Commissioner Wheeler in August 2020. His report, as provided to this committee by GWIC, is provided at Attachment B. I rely on that same report to rebut her allegations.

Commissioner Wheeler's report speaks for itself. Ms Thorsby was never subject to bullying and harassment by me or anyone else in GWIC.

It is important to understand that the review conducted by Commissioner Wheeler PSM was not instituted as a result of complaints made directly by Gail Thorsby but because of accusations aired by radio broadcaster Ray Hadley on 22 July 2020.

I have earlier outlined the self-declared role Hon Mark Latham played in the smear campaign against me and note that over 14 separate radio segments aired between August 2019 and August 2020 by Ray Hadley with a myriad of misleading and false statements with defamatory imputations against either myself or other senior GWIC executives.

Yours sincerely

Judith Lind

12 April 2021

Associated attachments:

Attachment A – Letter from Interim CEO of GWIC to Ms Merrin Thompson dated 9 April 2021 and attached schedule

Attachment B – Annexure 1 – Commissioner Wheeler report (redacted) as per GWIC's letter of 9 April 2021.

Attachment C – My 'rebuttal' of allegations made by Gail Thorsby in submission No. 71.

Attachment D – Email from Gail Thorsby dated 8 June 2020 2.35pm to me and others announcing her resignation

Attachment E – My complaint against Gail Thorsby and the outcomes of that complaint by Commissioner Wheeler.

ATTACHMENT C

Submission Gail Thorsby

and the response by Judith Lind, former CEO GWIC to the issues raised in this submission.

I write this submission as the former Chief Steward of the Greyhound Welfare Integrity Commission (GWIC). I was in that position from November 2018 until July 2020.

In my 21 years working within the industry, I have participated in and witnessed various approaches to the regulation of compliance within the sport. However, there are significant problems with respect to the manner GWIC has approached the overall regulation of welfare and integrity within the industry.

It was the culmination of these problems and the bullying & harassment I was subjected to which led to my early retirement.

Ms Thorsby resigned of her own free will. See her letter of resignation at Attachment C.

GWIC's Recruitment Strategy & Industry Inexperience

The following fundamental basic issues arose from the commencement of GWIC:

- In June 2018. Stewards were interviewed by the Senior Legal Advisor & Inexperienced HR. They were selected without the engagement or input of a Chief Steward being in place. Common practice is for the Chief Steward to participate and advise throughout this phase as they are best placed to judge the prospective candidates.

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Commission Senior Executive, Matthew Tutt, himself a reputable and competent racing steward, was involved in the recruitment process. At the time recruitment of stewards was occurring, GWIC had been unsuccessful in recruiting a Chief Steward to work in Bathurst.

- Upon commencement in July 2018 the “Steward Team” were employed under the Crown Employees Award, working a 35hour week Monday to Friday. No operational contingencies were put in place to cover weekend work or additional hours of work. Upon my engagement I was informed by several stewards that during an induction session the question was asked “what happens after I have worked 35 hours a week”, the response was that you can go home. I could not believe what I was hearing as this was not practically plausible as the Steward had to remain on the racetrack until the conclusion of their duties well after the last race.
- GWIC’s lack of insight in applying the Crown Employees Award to the role of a Steward within the industry, resulted in numerous workplace industrial and safety issues.

The project team involved in the early planning phases of GWIC sought and received advice that GWIC could only operate under the Crown Employees Award. It is fair to say there was confusion early on about how the provisions of this Award worked in the context of the work patterns of stewards and veterinarians.

It was not ‘GWIC’s lack of insight’ but simply that GWIC, as a public service agency, had no choice but to operate under this Award.

Some of these include:

Travel/Fatigue Issues

Employees upon initial engagement directed to supplement their normal hours of

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work with up to 5hrs travel per day, with the travel component being paid at of ordinary rate of pay. No risk assessment or fatigue policy was in place to mitigate any WHS concerns from the employees. Some aspects of this issue remained until my departure.

As the acting Chief Steward, it was Gail Thorsby's role, responsibility and accountability to ensure any workplace risks were appropriately mitigated and appropriate WHS policies in place. She is responsible for any failures in this regard.

Administration/HR Issues

The Human Resources and payroll system does not accurately reflect the hours worked. The SAP system does not match work/rosters/travel or engagement rates of pay. Effectively, it does not cater for hours worked and does not allow people to put in time after midnight. This inevitably means that there are hours not accounted for, continual ongoing errors in payslips.

In July 2018, the CEO of GWIC oversaw and met with OzChase team offsite. The CEO arranged for the development of a OneGov system. Two years later the system is not able to be used effectively. Due to the system's short fallings, it required Stewards entering information into both systems for a period time.

If the CEO and executive team had genuinely consulted the "Steward Team", it would have provided integral insight to operational needs and led to considerable savings rather than the considerable cost that was incurred.

The above paragraphs are incorrect. The Commissioners made critical decisions in respect of GWIC's information systems in March and April 2018, prior to any stewards being employed. The business analysts employed by GWIC had consulted extensively with the providers of OzChase and other related systems,

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although it is worth noting the level of cooperation afforded to GWIC by providers varied greatly.

There is extensive commentary in the McHugh Special Commission report and the lemma report about the inadequacies of existing GRNSW systems.

The project team within GWIC and the Department, on an ongoing basis, consulted with all relevant parties, including stewards, vets, and greyhound racing participants in the development of business systems. GWIC holds considerable documentation that will evidence these consultative processes.

Authority & Treatment of the Stewards

In my 21 years of experience within the industry, a Vet's role predominately involved matters pertaining to the direct diagnosis, treatment and welfare of a greyhound. Vet's other indicative duty is of an advisory basis to Stewards on matters pertaining to the welfare of greyhounds which related to the role of a Steward.

This is the basis on which GWIC stewards and vets operated.

During my tenure with GWIC, the role and authority of both the Chief Vet and OTVs are contrary to my understanding. They are also contrary to all other jurisdictions throughout Australia. This approach to the authority was initiated and supported by the CEO Judy Lind.

Under GWIC's structure of authority, effectively Vets have an ability to override Steward's decisions relating to a Steward's role.

The above statements are incorrect. GWIC vets had no authority to override decisions taken by stewards that were the purview of stewards to make under the greyhound racing rules.

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Decisions under the auspices of the role of a Steward need to be made by a Steward. Examples include:

- Unprofessional conduct from Vets regarding pressuring Stewards to change race day reports.

This is a serious allegation that Ms Thorsby is making as it suggests GWIC vets may have engaged in misconduct. Ms Thorsby should be asked to withdraw this statement or provide definitive and specific evidence about when, how and on what basis stewards were pressured by vets to change race day reports.

Relevant to this allegation is that fact that GWIC race day policy required the officiating veterinary to confirm at the end of each race meeting that the steward's report accurately reflected what had occurred, specifically in relation to the injuries sustained by greyhounds.

- Vets directing Stewards to nominate which dog would be vetted, when the vet had not even watched the race. To compound matters further, the Chief Vet and a vast majority of the Vets have little or no knowledge of the greyhound industry or the rules. Often this inexperience has led to decisions that are against the interests of animal welfare. For example, a greyhound at The Gardens racetrack, for whom it is in the interests to euthanise often having this process delayed. There has been a culture of Vets treating Stewards in a demeaning manner. The culture of in fighting between them is significant. This includes instances of bullying and harassment of stewards. Furthermore, Stewards are often the subject of unfounded allegations. They are in a position where they have to demonstrate their innocence. The presumption of innocence does not apply to them. GWIC's approach to this issue has not only undermined the role of the Chief Steward & Steward in undertaking their core duties but compromised accountability measures within these roles.

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As the Acting Chief Steward, Ms Thorsby was responsible for ensuring harmonious working relationships between GWIC staff officiating at race meetings. It was not a 'them and us' mentality, with each function required to work effectively as a team. Ms Thorsby bears her own share of responsibility if what she describes above was in fact the case (which I doubt).

GWIC Bullying & Harassment Culture

From the point of my engagement with GWIC, then CEO Judy Lind made it perfectly clear that I was to be answerable to both her and the Chief Vet Michelle Ledger. I recall a comment to me from Mrs Lind early on, "You will do what we (Michelle Ledger) want you to do". She was referring to them deciding on what my role involved instead of what industry best practice were.

This comment is false. I have never made such a comment. All senior members of GWIC were well aware of my desire for each of them to pursue the best and most appropriate policies and practices that would further the Commission's objectives under the Greyhound Racing Act.

GWIC's executive structure included CEO, Director, Senior Legal Advisor and Chief Vet. It is an accepted principle throughout other jurisdictions within Australia that both the Chief Vet & Chief Steward are of an equal authority within the regulatory body.

See comments below about the structure and reporting line in GWIC. Matt Tutt's role, at SES Band 1 level included executive oversight of the stewarding function and made him and the Chief Vet equivalent levels. The fact that the role title of Acting Chief Steward sat at the next level down, the Executive 11/12 level, does not mean that the stewarding and veterinarian functions within GWIC did not have the same standing and authority. They did.

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For a period of approximately 18 months I experienced a combination of belittling and demeaning comments, segregation and aggressive unfair email correspondence from both Judy and Michelle. I also experienced bullying in relation to the continual day to day authority of the management of my Stewards.

This comment is false. Gail Thorsby in her role as Chief Steward, a Band 11/12 position in the public service structure, had full and complete authority to lead the stewarding function she was responsible for. Gail Thorsby's reporting line was to Matthew Tutt, who as a Senior Executive Band 1, had overarching responsibility for the stewarding and legal functions. Dr Michelle Ledger, as a Senior Executive Band 1, had overarching responsibility for the veterinary practice within GWIC. Both Matt and Michelle reported directly to me.

Gail Thorsby was fully responsible for the day to day management of the stewards. It was not my role as CEO of GWIC to interfere with the day to day running of any function. That was the role of 11/12 and the SES Band 1s. It was her role, as the senior leader of the stewarding function, to ensure that she collaborated with the vets in ensuring race day operations worked efficiently and effectively.

Gail Thorsby was also part of the Senior Leadership Team (SLT), comprising all Band 11/12 roles within GWIC. She was expected to operate as a member of the SLT in contributing to the broader objectives of GWIC. If she felt that the stewarding issues were not getting sufficient attention, that was a matter for her to address by bringing forward considered and cogent briefings, including recommended strategies.

From time to time deficiencies in how race day functions were being performed were escalated and discussed with senior executives. One such issue raised by the vets in 2020 was that some GWIC stewards were not enforcing COVID-19 race day protocols that had been developed to keep GWIC staff, race club

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officials, participants and the general public safe. I dealt with this issue by sending out an all staff message, reminding all GWIC race day staff of their obligations to enforce these protocols at the tracks.

I should also add that Ms Thorsby did not physically operate from the Bathurst headquarters. She operated remotely from her home in the Northern Rivers region. When she did occasionally visit the Bathurst Office she greeted me with warmth – behaviour that was witnessed by many others. All those who attended the SLT meetings can attest to my even handed treatment of all senior staff within the Commission.

One particular example

Three of my staff witnessed a disturbing incident at The Gardens racetrack whereby a Vet they believed unreasonably delayed the euthanising of a fatally injured greyhound. My staff immediately reported the details of the incident to me, they explained that the public and race club staff who witnessed the incident were appalled with the management of the injury.

The next day I sent an email to CEO, Chief Vet and Chief Legal Advisor informing them of the extent and seriousness of the incident and potential implications. I received an aggressive reply email from Judy Lind implying that I was undermining other GWIC staff. I replied explaining that my correspondence had good intentions in the form of a heads up in the case other parties contacted her about the matter.

Ms Thorsby alleged in her email that a GWIC vet had mishandled the treatment of the seriously injured greyhound that had to be euthanised. She did so on the day following the incident when she escalated this issue to Matthew Tutt and before any formal review of the handling of this incident had commenced. Her communication was such that I interpreted her comments as deliberately

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undermining that particular vet, by suggesting that his actions in treating the greyhound were deficient. Aside from escalating the issue Gail failed to put forward any strategies to deal with the aftermath of the incident.

This issue became the subject of review by Commissioner Wheeler in his broader review of the unsubstantiated claims of bullying and harassment, the outcomes of which are attached in my submission at Attachment B.

Around June 2020, Chief Vet Michelle Ledger circulated email correspondence to Senior Legal Advisor proposing changes to policy and practices relating to the role of Stewards under my management. The email was later forwarded to me as an afterthought. This was typical of the overarching segregating bullying treatment I had suffered for over 2 years.

I have no idea what issue Ms Thorsby is referring to in this paragraph.

To her claim that 'this was typical of the overarching segregating bullying treatment' I completely reject any claim that Ms Thorsby was subjected to segregation, bullying or harassment in any way.

These two more recent examples of the bullying and harassment I had received led to me submitting my resignation. I did have plans to further develop the skills and industry knowledge of my "Stewards Panel" members for a further 6months, however the relationship had become untenable.

After submitting my resignation with dignity without wanting to ruffle any feathers I attended a meeting with Steve Griffin, and (HR) and (AWU Support Person). The purpose of this meeting was to specifically discuss internal/external third-party reports of bullying harassment that I had been subjected to.

See attached meeting minutes.

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From the minutes of this meeting, it is very clear that I had significant concerns about the way I was treated.

Steve Griffin informed me that there would be a formal investigation into **my bullying & harassment allegations**.

After the meeting I had a Skype meeting with Commissioner Alan Brown. In that meeting I made it very clear to him that I believed that the Stewards had not been supported and that **I personally had been bullied & harassed on numerous occasions**. I also sent Mr Brown examples of email correspondence which **demonstrated examples of bullying & harassment**.

To this day I am unaware of any investigation conducted regarding **my allegations of bullying & harassment**.

Commissioner Wheeler has conducted a comprehensive review, the outcomes of which can be found at Attachment B.

Upon reflection I would have reported the **many instances of mistreatment, bullying & harassment**, however I really did not believe that I had the support or avenues to lodge such a complaint.

At no stage during her tenure as Acting Chief Steward did Ms Thorsby lodge any complaint about her treatment whilst employed at GWIC. Her email to me and others notifying her resignation was supportive and positive of her time at GWIC.

For the record, I enjoyed working with Gail early on and recognised her extensive experience in race day officiating. That is why she was given the opportunity to act as the Chief Steward in the first place. It is personally disappointing to me that she has taken such a stance against her employer, GWIC, who provided her with such a fantastic opportunity to work in furtherance of the welfare and integrity goals of GWIC and the greyhound racing industry.

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I note for the record that Ms Thorsby's behaviour towards me seemed to 'cool' after I had to intervene to seek resolution of a complaint against her by a casual steward she had personally recruited and then sacked soon after. That complainant put forward a number of allegations against Ms Thorsby. The complainant remained dissatisfied with the handling of his complaint by other members of staff, necessitating the matter being escalated to me for resolution. As part of that process I asked Ms Thorsby to respond to the allegations made against her by that complainant. She seemed to take umbrage at being asked to do so.

Restructure

After spending significant amounts of money on 4 internal reports, one significant recommendation in relation to the manning of Stewards on race day advised that 3 Stewards was an appropriate number. It stated that 2 Stewards on track was "unworkable". The "Murrihy Report" specifically advised against an alternative "Bunker" type system whereby 2 Stewards attended the race day in person with 1 Steward observed and assisted from an offsite control room.

GWIC's executive team chose to ignore this expensive reputable recommendation and implement the "Bunker" system.

This system is extremely problematic as with less resources on the ground it has compromised the enforcement of race day compliance of rules.

Furthermore, the third Steward allocated to the offsite role is located at home with access to Foxtel facilities like anyone else. NSW greyhound industry has become the laughingstock of the country in respect to this aspect of Stewardship.

The decentralisation of the industry which involves the shutting down of certain racetracks creating fewer racetrack hubs throughout NSW. This will create significant issues in relation to circumstances where Stewards have to travel long

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distances, there is every chance that something may go wrong for one of them or both of them may not be able to attend. This would put the race day in jeopardy and create implications to participants.

Gail Thorsby, as Acting Chief Steward, had every opportunity to contribute to the structuring of the capability that she was accountable for. I understand the 'bunker' system had previously been used by GRNSW. If the NSW greyhound industry has, as Ms Thorsby claims 'become the laughing stock...in this aspect of stewardship' (which I doubt) then she bears considerable responsibility for this outcome.

Other Information

Since my departure I remain regularly in contact with many of my ex GWIC Steward colleagues. The reliable information I have received is contrary to the "Murrihy" report and problematic. **My initial replacement lasted a month of the dictatorship and resigned.**

It was disappointing that the incoming Chief Steward resigned shortly after commencing due to family related issues that are confidential.

The position remains vacant, creating a crucial integrity & compliance industry experience void. The "Steward Panel" are currently being managed by Senior Legal Advisor & Acting CEO. I was in the midst of implementing a comprehensive education & training program focusing on much needed conflict resolution and interview procedures.

Upon commencement GWIC stated there would be 20 fulltime Stewards and 6 fulltime Cadets engaged. During my employment, the numbers only ever reached 13 fulltime Stewards and no Cadets. A key recommendation of the "Murrihy" report was to introduce a "cadet" program with training which required added resources.

To my knowledge, no resources has been added to the "Steward Panel" since I commenced employment with GWIC.

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Summary

The reasons for my early retirement were due to the matters that I have raised in this submission. This was denied by the CEO of GWIC on the Ray Hadley show. My purpose in making these submissions is to make the public and decision makers know the situation so that hopefully it can be fixed.

The second sentence of this paragraph is incorrect. I, as the then CEO of GWIC, have never spoken on the Ray Hadley 2GB radio program. The Chief Commissioner, Mr Alan Brown AM, appeared on that show. Ms Thorsby's statements above appear to indicate that she was the source of 'leaking' to Ray Hadley and/or that she 'backstopped' others with 'ammunition' for use by Ray Hadley. For the record I retain my rights to take legal action for defamatory comments made about me by Ray Hadley and the Hon Mark Latham.

I care deeply about greyhound racing but I worry for the future of the industry if these problems are not fixed. For this Industry to prosper stakeholders need to have confidence in the decision makers that their Industry is managed in the highest regard. With my experience of being a former Chief Steward in Queensland and the knowledge I have gained within the Industry unfortunately had no weight with GWIC.

Over the latter months of employment as Chief Steward I was left out of committee meetings I would have contributed valuable information to.

Ms Thorsby remained as a member of the Senior Leadership Team until her departure. GWIC records of minutes will clearly show her level of attendance at, and contribution, to these meetings.

In my time as Chief Steward I had a panel of Stewards that respected my leadership and became very distressed with my resignation.

My choice to tend my resignation was a very sad day for me as I knew my voice and experience was being ignored yet my knowledge had been taken from me by

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others.

Throughout this submission Ms Thorsby presents herself as a 'victim', unable to influence the changes necessary to ensure the efficient and effective conduct of the stewarding function. That function was her responsibility. No barriers were in her way to implement whatever changes she thought necessary to improve the stewarding and race day integrity function.

The statement that Ms Thorsby's 'knowledge had been taken from me by others' makes no sense. I have no doubt that Gail's departure from GWIC was a sad day for her and that COVID lock downs prevented a farewell for her.

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ATTACHMENT D

Judy Lind

From: Gail Thorsby
Sent: Monday, 8 June 2020 2:35 PM
To: [REDACTED] Judy Lind; [REDACTED]
Subject: Resignation Gail Thorsby

Dear Matthew,

My apologies for notifying you by email and not face to face. However, circumstances are such that this is not possible. Please accept this email message as notification that I am resigning from GWIC effective 23rd July 2020.

I appreciate the continual support you have given me who would have thought an Acting role would have continued for this long since October 2018. When I took the position in the Northern Rivers November 2012 it was leaving a position of Chief Steward from Racing Queensland to a much more relaxed lifestyle on the Northern Rivers how wrong was I.

Without a team of dedicated Stewards my role would have been much more of a challenge. The panel have supported me throughout and the trust and respect they have shown me I will be forever grateful.

Matt I believe together we have created new procedures and processes to set a good platform for the future. Having the respect within the Industry has always been my focus.

I'm giving you plenty of notice so a replacement can be found to take the panel forward and if I can be of assistance during the transition, please let me know.

Kind regards
Gail

ATTACHMENT E

Judy Lind

From: Judy Lind
Sent: Friday, 10 July 2020 9:48 AM
To: Chris Wheeler
Cc: [REDACTED]
Subject: Internal Complaint - Gail Thorsby
Attachments: Gail Thorsby email of 13 june.PNG

Morning Chris

I write to you in your capacity as Chair of the Commission's Internal Complaints Panel, copied to [REDACTED] and [REDACTED] as members of that Panel. I have copied [REDACTED] in, given the seriousness with which I view the matter. Whilst I had some preliminary conversations with [REDACTED] and [REDACTED] yesterday, which brought to light the issues I describe below, no strategy is yet determined. By the way [REDACTED] does not want to disturb the rostering arrangement at Wentworth Park tomorrow night, which Ms Thorsby is scheduled to work.

I seek formal advice from the Panel in relation to options for the formal investigation of Gail Thorsby and/or other appropriate actions, in the light of information that came to my attention yesterday. This information includes:

- Insufficient and unsatisfactory responses by Ms Thorsby to recent 'please explain' requests (one from [REDACTED] regarding why she forwarded Commission emails to outside parties, including [REDACTED] and another in relation to her role as supervisor and not ensuring her staff's leave was correctly recorded).
- Statements made by Ms Thorsby during a recent Skype meeting with [REDACTED] and [REDACTED], that she had provided an interview to a magazine journalist about her role in the Commission (which if true would be a clear breach of the Commission's media policy) and statements made by [REDACTED] during that same meeting that 'management is forcing Gail out of the organisation and what they are doing to Gail is a disgrace (or words to that effect).
- Comments made by Ms Thorsby in an email she sent to a group of stewards on 13 June 2020 (copy of relevant part attached), which raises serious questions about her relationship with the AWU (which includes participants of the greyhound industry, including [REDACTED] who is under a GWIC suspension for prohibited substances breaches) and the role she may have played in actively undermining and/or denigrating myself, [REDACTED] and the Commission, via her communications and relationship with the AWU.
 - I note that it was the AWU that recently approached the Commission with its concerns about how Gail was being treated. I also understand an AWU member also attended Gail's exit interview recently held with [REDACTED] and [REDACTED]

When viewed in totality these issues, in my view, are sufficient to justify the commencement of formal investigation for misconduct, notwithstanding Gail's' imminent departure from the organisation (with her last day of work currently set down for 23 July). At the very least I believe a fact gathering process, involving a full review of her Commission issued mobile phone and computer records should occur, focused on establishing the extent to which she may have leaked information to parties external to the Commission and/or had conversations with parties external to the Commission, which were intended to undermine or harm the Commission.

I send this email in good faith and based on my understanding of the situation (whilst noting that I have not been a direct party to the various conversations above). I seek your advice about whether my concerns outlined above should be viewed as a protected disclosure under the PID Act.

I also request external legal advice be obtained on remedies that would be available should it be shown that Ms Thorsby has engaged in behaviour that has harmed my reputation as CEO and that of the Commission.



JUDY LIND

Chief Executive Officer

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19 August 2020

Ms Judy Lind
Chief Executive Officer
Greyhound Welfare & Integrity Commission
Level 1, 230 Howick Street,
BATHURST NSW 2795

Outcome of Public Interest Disclosure

Dear Judy,

I write to formally notify you of the outcome of the Commission's management of the matters relating to alleged misconduct by the former Acting Chief Steward Ms Gail Throsby that you raised with me on 10 July 2020 under the provisions of the *Public Interest Disclosures Act 1994*.

Firstly, my apologise for not providing a formal response earlier.

On 21 July 2020, the Internal Complaints Panel (ICP) along with the Chief Commissioner met to determine the Commission's response to the matters raised by you.

The ICP considered that there were six allegations in relation to Ms Thorsby. These included:

1. Inadequate supervision of leave requests by stewards;
2. Forwarding Commission emails to external sources including [REDACTED] of GRNSW;
3. Contact with media without permission;
4. Forwarding of Commission emails to her personal email address;
5. Forwarding work related emails to external sources including [REDACTED];
6. The of sending an email to a number of stewards on 13 June 2020 from her work email account indicating she should get together with a number of stewards regarding the conduct of senior executives of the Commission including CVO and CEO.

The ICP and Chief Commissioner, based upon advice received from the Commission's Corporate Counsel made the following determinations:

- In relation to allegations 1, 2, 4 and 6 the allegations were founded to be sustained; and
- In relation to allegations 3 and 5 the allegations where not sustained.

...2.

The ICP then considered the merit and efficacy of progressing these matters to disciplinary action under section 69 of the *Government Sector Employment Act 2013*.

Given that Ms Thorsby's employment with the Commission was concluding within coming days, it was determined that:

- It was improbable that a disciplinary process could be concluded within such a short space of time; and
- would be superfluous given Mr Thorsby's retirement and exiting from the public sector.

Notwithstanding, the ICP resolved that the matter sustained against Mr Thorsby be placed and retained on her personnel file for future reference.

On this basis the Commission considers this matter closed.

I thank you for reporting these issues to me.

Yours sincerely,

<insert electronic signature>

Chris Wheeler
Commissioner

