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GWDOC21/100036

Ms Merrin Thompson
Director of Committees
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

By email only to:

Dear Ms Thompson

RE: Inquiry into the Greyhound Welfare and Integrity Commission

I refer to the letter dated 25 March 2021 from the Committee Chair to Dr Michelle Ledger, Director Animal Welfare, in which the Chair provided Dr Ledger with an opportunity to respond to specific adverse comments contained within submission number 69 lodged by The Australian Workers' Union and submission number 71 lodged by Ms Gail Thorsby, former A/Chief Steward (as shown in red ink in the submissions supplied).

You will be aware that Dr Ledger replied on 30 March 2021 and in doing so informed the Committee that she had referred both submissions to the Commission as her employer.

The Commission rebuts inaccurate claims made in submissions 69 and 71 for the reasons stated in the attached schedule.

If the Committee intends to publish submissions 69 and 71, the Commission requests that this letter, the attached schedule and the file attachments be published concurrently.

Please contact me on _____ if you wish to discuss.

Yours sincerely

Steve Griffin
Interim Chief Executive Officer
9 April 2021

RESPONSE TO SUBMISSION 69 BY THE AUSTRALIAN WORKERS' UNION (NSW BRANCH)

	Page ref	Extract from AWU submission	Commission's response
1.	2	<i>"GWIC Executive Management and officers do not have sufficient knowledge of many aspects of the industry."</i>	Two of the Commission's four executives have occupied their role for three years and acquired significant greyhound racing industry experience during that time, supplementing their credentials from previous employment and training. The other two executives have relevant skills, qualifications and experience for their role with the Commission. Many of the Commission's other staff have significant greyhound racing industry experience acquired over the three years that the Commission has been in operation.
2.	2	<i>"A lack of flexibility in dealing with participants."</i>	This claim is wrong. As an example of improved accessibility and greater flexibility, the Commission has introduced online transaction services and pop-up kiosks at race meetings where participants can engage directly with Commission staff and carry out any required transactions, including renewal of registrations. Shortly, self-service kiosks will be available at multiple racecourses. Also, as referred to in point 67 below, the Commission's decision makers determine applications and other matters on a case-by-case basis, taking into consideration submissions made by participants as well as other relevant factors.
3.	2	<i>"A closed mind toward the potential for genuine mistakes including for Owners and Trainers with long term records of an exemplary nature."</i>	This claim is wrong. When determining disciplinary matters, the Commission will always have regard to the reasons provided by the industry participant in disciplinary matters. This will include where genuine mistakes are made by participants with an exemplary disciplinary record.
4.	2	<i>"Delays in re-instating licences. This effectively brings double punishment."</i>	This claim is wrong. Under the regulatory framework, the reinstatement of a registration for a participant that completes a period of suspension occurs immediately. If a

	Page ref	Extract from AWU submission	Commission's response
			participant is disqualified, the participant must re-apply for registration and such applications are dealt with in accordance with due process including reasonable timeliness.
5.	2	<i>"A lack of procedural fairness, including suspending participants for summary offences prior to an investigation."</i>	This claim is wrong. The regulatory framework allows for the interim suspension of a participant while further inquiries are made into a matter. Where an interim suspension is being considered, the Commission follows due process which includes giving the participant an opportunity to make submissions on the proposed intention to suspend on an interim basis. Interim suspensions are issued only in more serious cases of integrity and/or welfare breaches.
6.	2	<i>"From the point of GWIC's engagement of integrity officers there were discrimination against existing GRNSW integrity officers. As a result of this recruitment strategy very few were engaged by GWIC. Since then, the few that were initially employed have moved out of the industry as a result of disillusionment in GWIC's leadership and industry knowledge."</i>	This claim is wrong. Section 68(2) of the <i>Greyhound Racing Act 2017</i> ("GRA") specifically prohibits the Commission from appointing GRNSW staff as an inspector. This is in keeping with recommendations 42 and 43 of the Greyhound Industry Reform Panel chaired by the Hon Morris lemma in 2017. Upon establishing the Commission in July 2018, a number of veterinarians and approximately 75% of stewards recruited by the Commission were previously employed by GRNSW in those roles.
7.	3	<i>"As part of the Act "The Greyhound Industry Animal Welfare Committee" are to develop a Code of Conduct.</i> <i>The Committee lacked crucial experience and practical insight into the industry day-to-day operations"</i>	This claim is wrong. Section 35 of the GRA required the Commission to prepare a Greyhound Welfare Code of Practice and, in doing so, the Commission sought the advice of the Greyhound Industry Animal Welfare Committee ("AWC") as is required by Section 35 (4) of the GRA.
8.	3	<i>The Committee lacked crucial experience and practical insight into the industry day-to-day operations"</i>	Section 33 (2) of the GRA provides for the membership of the AWC and the appointees have wide-ranging exposure to day-to-day industry operations and relevant professional experience. It is noted that the report of the statutory review of the GRA, as tabled in the Parliament on 7 April 2021, did

	Page ref	Extract from AWU submission	Commission's response
			not support the recommendation of the Commission to expand the composition of the AWC at this stage.
9.	4	<p><i>"Early 2018 the AWU received numerous calls from members concerned about the implementation of a new mandatory "Race Day Hydration & Hot Weather Policy" policy.</i></p> <p><i>In short it become mandatory for trainers to provide a bowl of water to their greyhounds at the point of kennelling. This reduces the capacity for the speed of the greyhounds."</i></p>	<p>The Race Day Hydration & Hot Weather Policy was introduced by GRNSW. From 1 July 2018, the Commission adopted this policy. The Commission subsequently introduced a process allowing a greyhound to be exempted from a water bowl being placed in its race kennel in certain circumstances on application to the Commission. A number of applications have been approved.</p> <p>Additionally, in line with its commitment to evidence-based policy settings, the Commission has launched a pilot study to investigate the water consumption of greyhounds while kennelled on a race day. The results of that study are due in June 2021. A full policy review will be undertaken following those results, in consultation with industry.</p>
10.	5	[There has been no] <i>"...consultation with the AWU in relation to the NSW Greyhound Code of Practice"</i>	This claim is wrong. The AWU was sent a draft version of the Code of Practice and two meetings were conducted with AWU officials. The AWU's feedback was incorporated into the final version of the Code which the Commission submitted to the Government for approval. The Commission continues to consult the AWU on other relevant matters from time to time.
11.	6	<i>"The overall welfare of greyhounds has deteriorated significantly since the inception of GWIC's stewardship of welfare within the industry."</i>	This claim is wrong. The Commission's submission to the Select Committee (Submission 31) contains at pages 24 – 37 a wide range of welfare-related initiatives commenced by the Commission. These include introduction of the Code of Practice and a Greyhound Rehoming Policy, both of which bind industry participants and have already and will in the future improve welfare outcomes; formation of a Race Injury

	Page ref	Extract from AWU submission	Commission's response
			Review Panel to examine major racing-related injuries; establishment of a Greyhound Examination Database in partnership with UTS to provide accurate injury reporting in real time; and the publication of accurate injury data at regular intervals. Race related injuries and deaths are currently amongst the lowest on record.
12.	6	<i>"A significant lack of Industry experience from both the Chief Vet and On Track Veterinarians (OTVs) has led to a long list of on-track race day welfare and cruelty issues."</i>	<p>This claim is wrong. The Commission's veterinarians do not lack relevant skills, qualifications, or experience. As noted at point 6 above, a number of the Commission's veterinarians were previously employed by GRNSW.</p> <p>After this claim was first raised by the AWU in September 2020, the Commission wrote to the AWU seeking details relating to these assertions. On 11 November 2020, the AWU advised that it was compiling a list to support the assertions. However, to date, the Commission has not received this list or any other information from the AWU.</p>
13.	6	<i>"Very few integrity officers previously employed by GRNSW remain within the industry, the few that remained predominately have left the industry as a result of disillusionment in GWIC's leadership and industry knowledge."</i>	See point 6 above.
14.	6	<i>"Since GWIC's inception we received several complaints from a number of members regarding property inspections the AWU formalised concerns with GWIC in relation to this issue."</i>	<p>Any complaints about how Commission staff undertake their roles can be addressed through the Commission's internal complaints processes which are outlined on the Commission's website.</p> <p>Commission Inspectors will at all times record their interactions with participants whilst at their kennel premises by utilising body-worn cameras, subject to the consent of the participant. This serves as protection for both Commission</p>

	Page ref	Extract from AWU submission	Commission's response
			inspectors and participants. If there is any concern regarding an inspector's interaction with a participant, the audio-visual recording can be examined by the parties concerned, including the complainant.
15.	7	<i>"Property entry without owner present or permission as they were at work."</i>	Section 73 of the GRA authorises a Commission Inspector to enter premises at any time, unless the premises are residential premises in which case a warrant or the occupant's permission is required. Notwithstanding, Commission inspectors rarely enter a participant's property without permission or in circumstances where the participant or occupant are not present. Entry to non-residential premises without permission will occur only to protect the welfare of greyhounds present and/or for the preservation of evidence.
16.	7	<i>"Inappropriate time of inspection"</i>	Commission Inspectors will, in most cases, coordinate the timing of their inspections with participants. This is as convenient for participants as it is for Commission Inspectors, as it provides the Inspectors with certainty that participants will be present when they attend their property, often located in regional, rural or remote areas. Without a pre-arranged inspection being made, inconvenience would be caused to both participants and Commission inspectors. However, there will be occasions where it is appropriate for the Commission not to pre-announce an inspection.
17.	7	<i>"Integrity Officer's unwillingness to be flexible in the coordination of the inspection"</i>	This claim is wrong. Commission staff will always endeavour to be flexible with routine inspections. There will be a limited number of occasions where, for operational reasons, it is not feasible for a Commission inspector to pre-arrange an inspection. This will be mainly due to the nature of the inspection, which might include allegations of serious

	Page ref	Extract from AWU submission	Commission's response
			misconduct or greyhound welfare issues, or the service of prohibited substance notifications upon a participant.
18.	7	<i>"Integrity Officer's abrupt rude attitude interacting with the property owner"</i>	This claim is wrong. See point 14 above.
19.	7	<i>"Property owners feeling like a criminal resulting in mental health issues."</i>	This claim is wrong See point 14 above.
20.	7	<i>"Meeting minutes refer to the Chief Legal Officer advising that a compliance and enforcement policy would be launched to overcome and resolve our member's concerns. The AWU are yet to be consulted or be informed of any such policy."</i>	The Commission published its <i>Compliance & Enforcement Explanatory Guide</i> on its website in February 2020. The Guide explains how the Commission approaches its regulatory role, including detecting and responding to non-compliance.
21.	7	<i>"The AWU continues to receive extreme member reports of unprofessional intimidatory behaviours from integrity officers."</i>	See point 14 above. The Commission has robust mechanisms for participants or members of the public to lodge complaints about any of the Commission's employees. Participants, stakeholders and the public are able to lodge complaints via the Commission's website or over the telephone and are able to remain anonymous if they wish. The Commission treats any allegation that its staff are unprofessional very seriously. The AWU has not passed these concerns onto the Commission and should do so if they are felt to be well-founded.
22.	8	<i>"Disciplinary proceedings for participants lack procedural fairness and any flexibility. Participants who have exemplary records over a long period of time are nevertheless the subject of an absolute liability test when it comes to substances being found in their dogs."</i>	This claim is wrong. The Commission is bound to apply procedural fairness principles and always provides an opportunity for participants to address the penalty to be imposed upon them before any penalty is imposed. The Commission will take into consideration any mitigating factors presented by a participant in response to charges and the proposed penalty. If a participant is aggrieved by a decision, the participant is able to appeal to the NSW Racing Appeals Tribunal ("RAT").

	Page ref	Extract from AWU submission	Commission's response
23.	8	<i>"Furthermore, there are situations where a mistake has been made. We have had participants trying to assist heal and injury and minimise pain by rubbing a steroid cream on the dog. They have done so in order to look after the welfare of their dog. The dog then has licked themselves and therefore had a prohibited substance in them."</i>	Steroids are a prohibited substance in the greyhound racing industry under the Greyhound Racing Rules. If a participant treats a greyhound's injury by applying a steroid cream, the greyhound should not be presented for racing until the steroid is no longer detectable in the greyhound's body system.
24.	8	<i>"Adding to this problem is an issue where a participant has served their sentence but due to administrative delays, they are unable to obtain their licence back for months. This is for all intense and purposes double punishment."</i>	This claim is wrong. See point 4 above. In addition, the Commission takes very seriously the discharging of its responsibilities to ensure that only fit and proper individuals are permitted to be registered to participate in the industry. The re-admittance of an individual previously banned from the industry for significant welfare and/or integrity issues without proper consideration has the potential to undermine the reputation of the industry. Accordingly, the Commission takes a very considered approach to applications received for re-registration by individuals that fall within this category. More generally, applications for registration are assessed and approved on an average of 6.2 business days.
25.	8	<i>"Furthermore, participants are often suspended prior to being heard. This applies even where the charge is minor. The consequence is a lack of procedural fairness and that many participants will be punished prior to being convicted."</i>	This claim is wrong. The Commission must, under section 58 of the GRA, provide written notice to any participant facing disciplinary action. Moreover, when considering interim suspensions, procedural fairness requires the Commission to provide notice in writing and an opportunity for the participant to provide a response on a proposed course of action.
26.	8	<i>"The AWU have received numerous accounts from Stewards and specifically, the former Chief Steward Gail Thorsby in relation to negative verbal and email interactions between both Former CEO GWIC (Ex CEO) & Chief Veterinary Officer (Chief Vet) with Ms Thorsby."</i>	In August 2020 Chris Wheeler PSM, who is a Commissioner, solicitor and former Deputy Ombudsman, conducted a review of the evidence relating to allegations of bullying of Ms Thorsby. The review by Commissioner Wheeler examined all the evidence available at the time in relation to the allegations. The review found:

	Page ref	Extract from AWU submission	Commission's response
			<ul style="list-style-type: none"> • That there was no evidence to support the allegation that bullying or harassment was the cause or reason for Ms Thorsby's decision to retire; • That there was not repeated unreasonable behaviour directed towards Ms Thorsby that would constitute bullying, as commonly defined; and • That there was not a need on the material provided for Commission staff to have made further enquiries in relation to the alleged or perceived behaviour towards Ms Thorsby. <p>This report is attached at Annexure 1 (with limited redactions for privacy and legal reasons).</p>
27.	9	<i>The relationship between GRNSW and GWIC is highly strained and this is having an impact on the industry as a whole.</i>	<p>This claim is wrong. As outlined at page 20 of the Commission's submission to the Select Committee (Submission 31), the Commission liaises often with GRNSW at strategic and operational levels. For example, the Chief Commissioner and Chief Executive Officer conduct frequent formal and informal dialogue with their GRNSW counterparts to discuss issues of mutual concern such as greyhound rehoming, development of minimum track standards, development of education programs for participants, arrangements for meeting public health requirements during the COVID-19 pandemic, and GRNSW's funding of the Commission. The Commission and GRNSW generally agree on operational matters, funding of the Commission has been a continuing point of contention.</p> <p>Senior executives of both GRNSW and the Commission meet monthly at a GRNSW/GWIC joint managers meeting. This meeting discusses matters of joint importance, including</p>

	Page ref	Extract from AWU submission	Commission's response
			<p>facilitation of race day operations, welfare policies, issues with clubs, current policies and initiatives of both organisations and progression of mutual programs.</p> <p>The Commission's Race Injury Review Panel meets monthly to assess and determine injuries to greyhounds at race meetings. The panel is chaired by the Commission's Chief Veterinary Officer. GRNSW is represented on this panel by the Manager of Animal Welfare and the Track Maintenance Manager.</p> <p>GRNSW and the Commission jointly conduct a meeting with the Greyhound Breeders Owners and Trainers' Association ("GBOTA") and Greyhound Clubs NSW on a quarterly basis, with the first formal meeting occurring in February 2021.</p>
28.	9	<i>"The resignation of Gail Thorsby was explained by GWIC and the NSW Government as being amicable and predominately due to her retirement. However, this was not the case. Her resignation occurred due to bullying. Ms Thorsby did not wish to retire at that point. It needs to be properly assessed and dealt with."</i>	Commissioner Wheeler's report at Annexure 1 addresses this issue. The report found no evidence that Ms Thorsby's resignation was due to bullying. The Commission considers that Commissioner Wheeler's report adequately addressed the matter, and further action is not required.
29.	9	<i>"Every steward that the AWU has spoken to has made representations that Ms Thorsby had conveyed to them that she had been treated terribly by both Former CEO GWIC and Chief Veterinary Officer. In effect they looked down upon her and been excluded from areas of work which was under her auspices. Gail had also reported her concerns to Chief Commissioner Chief Commissioner GWIC."</i>	The Commission has not received any complaints from stewards in relation to verbal and/or email interactions with the former CEO or with the Chief Veterinary Officer. The statements made by Ms Thorsby in her exit interviews led to the review being conducted by Commissioner Wheeler. His report is at Annexure 1 .
30.	9	<i>"Meanwhile bullying has not been properly dealt with by GWIC. These problems need to be fleshed out and exposed."</i>	This claim is wrong. The Commission has not received a complaint from any of its stewards that there is or was bullying within the Commission. Based upon the feedback

	Page ref	Extract from AWU submission	Commission's response
			provided by Ms Thorsby during her exit interviews, the Commission undertook an external consultant's review of the relationship between the Commission's stewards and veterinarians. This review found that the stewards and veterinarians were supportive of each other. See also point 41 below.
31.	9	<i>"There is a lack of support from senior management in relation to Work Health and Safety (WHS) issues such as abuse from the public and others within the industry."</i>	This claim is wrong. The Commission has taken disciplinary action against a number of participants for misconduct, including abuse, against stewards and other Commission staff. Disciplinary action decisions are published on the Commission's website. Further, the Commission has a Workplace Health and Safety Committee which has senior staff members represented from various teams, including stewards, to ensure any WHS concerns are raised and resolved appropriately.
32.	9	<i>"The AWU industrially represent Stewards within the greyhound industry."</i>	This claim is wrong. In February 2019 the AWU discontinued an action against the Commission when the Public Service Association (" PSA ") intervened in the dispute. The PSA claimed coverage of all Commission staff, including stewards, as they are government sector employees employed under the <i>Government Sector Employment Act 2013</i> . No industrial action or representation in relation to any Commission staff has been made known to the Commission where the AWU represents its members. Although the AWU represented stewards when they were employed by GRNSW, this is no longer the case.
33.	9	<i>"Stewards were interviewed and employed by the team prior to appointing a Chief Steward. This was the first of many flaws in relation to the recruitment and management of this role."</i>	All stewards were recruited in accordance with NSW Government employment processes.

	Page ref	Extract from AWU submission	Commission's response
34.	9	<i>"...employees were informed of a 35hr Monday-Friday week, no weekend work. This is impractical."</i>	This claim is wrong. The Commission has never informed stewards, whether at a July 2018 induction or otherwise, that a 35-hour Monday-Friday working week was applicable. All stewards and other staff, including veterinarians, are required to work nights and weekends as part of their shift roster.
35.	9	<i>"The question was asked "What if I have worked my 35hrs for the week?" There would be a reply stating, "You go home". This is impractical. When there is a race meeting on for Stewards to go home in the middle of an event would cause significant disruption. There were no alternative plans for this scenario."</i>	This claim is wrong.
36.	10	<i>"Stewards have ongoing issues regarding travel and fatigue issues. The amount of travel that they are required to undertake is causing considerable fatigue. The amount of travel that they undertake is a Work Health and Safety concern."</i>	The Commission, in consultation with the PSA and staff, has developed a Fatigue Management Policy for stewards and other staff within the Commission. Stewards were consulted in the development of this Policy.
37.	10	<i>"The Human Resources Payroll SAP system does not match work rosters/travel or engagement rates of pay and is causing considerable administrative difficulties."</i>	Since the Commission changed its payroll business system (due to machinery of government changes), there have been administrative difficulties with the incoming system. These are currently the subject of ongoing discussions between the Commission's Senior HR and DCS support system staff in order to rectify any anomalies.
38.	10	<i>"Overall lack of understanding and consultation in relation their stewarding function/roles. In August 2019 CEO committed to attending more race meetings to gain a better understanding of their role, Former CEO GWIC attended one race meeting in the following 6months."</i>	All senior executives within the Commission attend race meetings on a regular basis in either a working capacity or to engage directly with Commission staff, participants, or other industry stakeholders. For example, over the past five months, the Interim CEO has attended 15 race meetings.
39.	10	<i>"Inconsistent intervention of Former CEO GWIC into various matters."</i>	No examples are given. In any event, this claim has no basis in fact and is rejected.

	Page ref	Extract from AWU submission	Commission's response
40.	10	<i>"Unfair treatment of Gail Throsby resulting her submitting her resignation. Every steward the AWU has spoken to has made representations that Gail had conveyed to them that she had been treated terribly by both Former CEO GWIC and Chief Veterinary Officer. In effect they looked down upon her and been excluded from areas of work which was under her auspices. Gail had also reported her concerns to Chief Commissioner GWIC."</i>	This claim is wrong. See point 28 above.
41.	10	<i>"This unhealthy relationship (between Stewards and Veterinarians) is creating day to day challenges and obstacles for trainers, owners, stewards, race clubs and their employees."</i>	This claim is wrong. In 2020, the Commission engaged a consultant to assess its race day operations and the relationship between stewards and veterinarians. The report, prepared by the Michael Miitze Management Consulting Pty Limited (" MMMC "), did not find any issues between stewards and veterinarians. The consultant was required to engage with all stewards and employed veterinarians. A copy of the MMMC report is enclosed at Annexure 2 (with limited redactions for privacy and legal reasons)
42.	10	<i>"There have been a number of concerning incidences relating to the recruitment of family members and conflict of interests."</i>	This claim is wrong. All staff employed within the Commission are recruited in accordance with NSW Government employment processes. Also, a requirement to declare actual or potential conflicts of interest is in place.
43.	11	<i>"The new Chief Steward has an uncle who is race club manager and an aunt, a licenced person and has recently handled greyhounds for a participant who has had a chequered past regarding swabbing."</i>	<p>This claim is wrong. The Commission appointed Mr Brett Day as Chief Steward in late 2020. Mr Day resigned shortly afterwards because a family member required specialised medical treatment which was available in Melbourne but unavailable in regional NSW.</p> <p>In recruiting Mr Day, the Commission was satisfied that family relationships in the greyhound racing industry could be managed appropriately as the Commission has a robust</p>

	Page ref	Extract from AWU submission	Commission's response
			process for the management of conflicts of this nature which would have mitigated any actual, potential or perceived conflict of interest should Mr Day have remained with the Commission.
44.	11	<i>"The Commissioner has a direct employment relationship with Centium who have been contracted by GWIC to conduct audits and reviews. He also has a relationship with Centium Group's subcontractor investigative consultants (Miitze Report)."</i>	This claim is wrong. The Commission understands that Commissioner Wheeler is not in a "direct employment relationship" with the Centium Group and is engaged by that firm as a consultant on a fee for service basis. Commissioner Wheeler declared that business relationship and has not participated in any matter where the Commission considered engaging Centium. Further, Mr Wheeler is unaware of any subcontractor relationship between Centium and consultant Michael Miitze Management Consulting Pty Limited as claimed.
45.	11	<i>"A GWIC restructure that occurred as a consequence of the affected employees."</i>	This claim is wrong. In April 2020 the Commission engaged independent integrity consultant Ray Murrihy to conduct a review of the Commission's race day operations. Mr Murrihy assessed the efficacy of the Commission's stewarding functions. His recommendations have been accepted and are being progressively implemented.
46.	11	<i>"Steward's request to view Murrihy report was denied."</i>	The Murrihy report has been provided to all Commission stewards (in addition to other reports undertaken by GRNSW on stewarding functions).
47.	11	<i>"...there has been a reduction in race day Stewards from 3 to 2. This has further compromised the integrity of the industry. The reduction makes it difficult for stewards to do their job."</i>	This claim is wrong. Three stewards are almost always rostered for every TAB race meeting in NSW. It should be noted that, when GRNSW was the controlling body, only two (and sometimes one) steward were rostered to officiate at TAB race meetings. Since the Commission commenced operations in July 2018, three stewards are routinely rostered for TAB race meetings.

	Page ref	Extract from AWU submission	Commission's response
48.	11	<i>"There is a disparity between employment conditions between vets and stewards."</i>	This claim is wrong. Both the Commission's stewards and veterinarians are employed on the same Crown Employees (Public Sector – Salaries 2019) Award conditions.
49.	11	<i>"Structural flaws relating to Chief Vet being senior to Chief Steward have contributed to this issue and has undermined the authority of the stewards."</i>	This claim is wrong. The Director Race Day Operations (Chief Steward) and the Director Animal Welfare (Chief Veterinary Officer) are graded equally.
50.	11	<p><i>"In June 2020, Chief Veterinary Officer circulated email correspondence relating to proposed changes to policy and practices relating to Falls, Poor Performance/Subterminal Performance, Racing Incident (Interference), Beaten Favourite, Suspected Marring or FTP etc. All of these issues are fundamental operational functions for stewards under the stewardship of the Chief Steward."</i></p> <p><i>This example was typical of the treatment in which Gail Thorsby and our members have had to endure over the previous two years. This was the straw that broke the camel's back and led to Gail Thorsby submitting her resignation not long after resulting GWIC losing the only reputable extensively experienced employee."</i></p>	<p>These claims are wrong. The Chief Veterinary Officer does not, and has not, provided any directions to stewards in relation to any of their functions.</p> <p>The submission that Ms Thorsby and AWU members have endured mistreatment by the Commission's veterinarians, including the Chief Veterinary Officer, is totally rejected by the Commission. See the report by Commissioner Wheeler at Annexure 1. Further, the AWU does not have any standing on industrial matters in relation to any Commission staff, including stewards.</p>
51.	12	<i>"In July 2018 GWIC appointed a new CEO. Upon her commencement her first demand was to change the current "Ozchase" system which is used to hold details of greyhounds, participants, form, swabbing, grading and other such information. The CEO has since overseen the development and implementation of "OneGov" at exorbitant expense. Two years and at considerable expense, GWIC are now endeavouring to adopt "Ozchase" functions within "OneGov" system."</i>	The Commission deployed the NSW Government's OneGov system following a competitive process to develop an enhanced business support system, including a case management system and a proven online transaction capability for registration and related purposes, which OzChase could not then perform. During a transition period of approximately 18 months, both OneGov and the legacy OzChase system were used in a race day context. For reasons of practicality, OzChase is predominantly used for all race day functions except the entry of swabbing data and the approval of race results.

	Page ref	Extract from AWU submission	Commission's response
52.	12	<i>"Further to this GRNSW retained the "Ozchase" system as their data base which in turn requires GWIC's "OneGov" system to interface resulting in compatibility issues. At one point due to "OneGov" deficiencies, Stewards were directed to utilise "Ozchase" for all functions except swabbing."</i>	The Commission has continued to develop application interfaces between the OzChase and OneGov systems. These have largely been implemented and improved the flow of race day information between the systems.
53.	12	<i>"At no point was Gail Thorsby (Chief Steward) or any other Steward consulted or involved in the development of "OneGov" system. This has caused considerable waste and inefficiency."</i>	This claim is wrong. During the initial phases of the development of the OneGov system, Ms Thorsby was not in the role of Chief Steward. However, during ongoing development and enhancement of the system, Ms Thorsby was consulted along with a number of other stewards.
54.	12	<i>"The GWIC website is not user friendly and is very hard to locate the information/pages required to complete a basic transfer."</i>	This claim is wrong. The Commission's website complies with Government standards for accessibility, and it links with an online registration and other transactions portal which a significant number of participants use without difficulty.
55.	12	<i>"The expectation of participants of living on online and completing everything online is very narrow minded on how the industry works. GWIC has put expectations on all participants to access all information via the website."</i>	<p>This claim is wrong. The Commission's efforts to make online transactions simpler and easier for participants is in keeping with the Government's commitment to deliver better services. The Commission is committed to further development and enhancements to its online services as this will further improve the customer experience in addition to reducing costs.</p> <p>Notwithstanding, the Commission's staff continue to attend race meetings and other events to assist participants who don't have digital skills to complete their transactions. Participants are also able to contact the Commission on 13 49 42 for assistance to complete transactions over the phone. Paper-based forms continue to be available to those participants who request them.</p>

	Page ref	Extract from AWU submission	Commission's response
56.	12	<i>"No transition plan has been considered by GWIC to accommodate all participants."</i>	This claim is wrong. For those participants who do not have access to online services, paper-based forms are still available. Additionally, participants can contact registration staff at the Commission via telephone, who are able to assist with registration or other transactional services and also with enquiries.
57.	12	<i>"GWIC have conducted four internal reports in two years at significant cost without any structural or on the ground operational improvements or efficiencies. In fact, it is not clear what changes there have been, and the report has not been circulated."</i>	The AWU has not particularised the four reports it is referring to. In any event, this claim is rejected.
58.	13	<i>"There is no grievance procedure for complaints in relation to GWIC. This means that where GWIC have activities are unfair or unethical there is no capacity to complain and more importantly have the matters dealt with."</i>	This claim is wrong. The Commission has a defined complaints process available to both Commission staff and participants. Additionally, the Commission has an internal complaints panel which is comprised of a Commissioner and senior executives that meet regularly to consider and determine any complaints made against Commission staff.
59.	13	<i>"For the aforementioned reasons, the AWU seeks that there be one body (Greyhound NSW) which undertakes all of the functions including the regulatory function regarding greyhound racing. This would resolve difficulties regarding inexperience in the industry and ensure that they regulator has the resources and know how to undertake all of these functions. This would be a more efficient process."</i>	The AWU submission is transparently aimed at clawing back industrial control of stewards as had been the case when stewards were previously employed by GRNSW which seems to be why the AWU has waged a continuing campaign to have GRNSW reinstated as the sole controlling body. It is noted that the report of the statutory review of the GRA, as tabled in the Parliament 7 April 2021 has not proposed any change to the allocation of functions between the Commission and GRNSW.
60.	13	<i>"Replace current Chief Vet with a reputable long-term industry expert senior veterinarian."</i>	This claim is wrong. The Commission's Director Animal Welfare (Chief Veterinary Officer) is already a "reputable" and an "expert senior veterinarian" who has an extensive racing veterinary background and after three years in the

	Page ref	Extract from AWU submission	Commission's response
			current role has accumulated substantial greyhound racing knowledge, experience and expertise.
61.	13	<i>"Replace existing OTVs with more industry experienced vets or introduce a comprehensive education and training program for the current inexperienced inept GWIC OTVs."</i>	This recommendation is misconceived. Three of the six current on-track veterinarians were formally employed by GRNSW as veterinarians. Additionally, the Commission contracts with veterinarians in private practice across NSW. All have experience dealing with greyhound injuries, and many were also contracted by GRNSW before July 2018. Veterinarians employed since the creation of the Commission have also received additional professional development training from respected industry veterinarians.
62.	13	<i>"Industry veterinarians who have been ostracised and excluded from the industry such as [redacted] should be re-engaged where possible."</i>	This claim is wrong. Industry veterinarians are engaged as and when appropriate. See point 61 above.
63.	13	<i>"The Stewards should be the decision makers. Not the vets. Their role should be an advisory one."</i>	This recommendation is misconceived. Stewards are primarily responsible for making racing integrity decisions. However, the Greyhound Racing Rules empower the Commission's on-track veterinarians to issue directions to industry participants particularly in relation to welfare and veterinary treatment of their greyhounds.
64.	13	<i>"Animal Welfare Committee to include two further representatives who are experts in the various aspects of the industry."</i>	See point 8 above.
65.	13	<i>"The AWU to be a representative of GKIN committee."</i>	The Commission has formally established the Greyhound Industry Participants Advisory Council (GIPAC) to provide advice about industry policy and feedback in relation to the Commission's services and performance. The AWU of itself is not an industry participant and therefore not eligible for appointment to GIPAC under its eligibility criteria.
66.	13	<i>"Development of a "compliance and enforcement" policy recognising key integrity objectives keeping in mind property</i>	The Commission has a <i>Compliance & Enforcement Explanatory Guide</i> published on its website. The

	Page ref	Extract from AWU submission	Commission's response
		<i>owner's human and civil rights such as organising inspections at agreed times with persons present etc. Targeted recruitment of individuals with experience in compliance within the racing industry."</i>	Commission has also published a Customer Charter which sets out the timeframes for various services to be delivered by the Commission.
67.	14	<i>"Substances in dogs should no longer be an absolute liability offence. The possibility of mistakes or situations beyond the owners' control should be considered by the regulator"</i>	<p>The Greyhound Racing Rules provide that, where one certificate of a prohibited substance matter is provided, this is prima facie evidence of the existence of a prohibited substance. Notwithstanding, the Commission only takes disciplinary action when two certificates are provided, that is an "A Sample" confirmed by a "B Sample" certificate. Where participants raise the possibility of mistakes or situations beyond their control in their submissions on a proposed disciplinary action arising from detection of a prohibited substance, the Commission will always take this into account in the determination of penalty. It should be noted that the Commission has either imposed a nominal penalty or a suspended penalty against many participants when submissions are made that support inadvertent administration of a prohibited substance.</p> <p>The RAT is available for participants to appeal against an adverse decision on such matters. The RAT also takes into account all relevant matters.</p>
68.	14	<i>"Suspensions prior to convictions should be reserved for the most minor offences".</i>	The Commission imposes interim suspensions on a very limited basis and only for serious matters affecting integrity or welfare.
69.	14	<i>"Licences need to be re-instated on the day that the suspension ends. Any necessary administrative processes should occur in advance".</i>	This is what already occurs. When a suspension is imposed, it is imposed for a set period (e.g. 4 months). As the suspension period expires, a participant is automatically able to recommence in the activity of their previous registration. A suspension is simply that – a suspension for a defined

	Page ref	Extract from AWU submission	Commission's response
			period. The same does not occur however for disqualifications or warning offs as mentioned in point 24.
70.	14	<i>"The AWU should have a regular consultation committee with the regulator".</i>	This already occurs. As part of the Commission's Stakeholder Engagement Plan, the AWU is consulted, including on major matters of change such as occurred with the Code of Practice and the Draft National Greyhound Racing Rules.
71.	14	<i>"Review of Recruitment Policy targeting individuals who have backgrounds and industry experience within compliance and the interaction of greyhound industry participants".</i>	In addition to earlier comments in this regard, the Commission seeks to employ the best qualified amongst applicants for vacancies when they arise. In addition, the Commission is a NSW Government agency and as such will continue to comply with recruitment requirements set by the Government.
72.	14	<i>"GWIC to consult with affected stakeholders including the AWU in developing and agree upon a "compliance and enforcement" policy recognising both GWIC's key integrity objectives and also property owner's human and civil rights".</i>	This has already been completed – see points 20 and 66 above.
73.	14	<i>"Establishment of reform panel to review all currently flawed industry codes, rules, regulations, policy etc".</i>	The NSW Government has just completed a Statutory Review of the GRA. The AWU were able to make a submission to that review. Notwithstanding, the Commission always remains open to industry consultation and proposed changes to key policies and other regulatory instruments through its various committee and processes.

RESPONSE TO SUBMISSION 71 FROM MS GAIL THORSBY

	Page ref	Extract from Ms Thorsby submission	Commission's response
1.	1	<i>"There are significant problems with respect to the manner GWIC has approached the overall regulation of welfare and integrity within the industry".</i>	This claim has not been particularised. In any event, this claim is wrong.
2.	1	<i>"It was the culmination of these problems and the bullying & harassment I was subjected to which led to my early retirement".</i>	This claim is not supported by the evidence. It was not made in Ms Thorsby's letter of resignation, nor when she attended her exit interviews. Nor did she lodge a formal complaint in relation to alleged bullying and harassment during or after her time with the Commission. Also see point 18.
3.	1	<i>"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."</i>	In mid-2018, the then GRNSW Chief Steward agreed to take up a short-term engagement with the Commission to fill the vacancy and participated in recruitments wherever feasible.
4.	1	<i>"Upon commencement in July 2018 the "Steward Team" were employed under the Crown Employees Award, working a 35hour week Monday to Friday.</i> <i>No operational contingencies were put in place to cover weekend work or additional hours of work.</i> <i>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".</i>	This claim is wrong. The working conditions of the Commission's stewards are as stipulated in the Crown Employees (Public Sector – Salaries 2019) Award and Ms Thorsby was employed under those conditions and knew of them.

	Page ref	Extract from Ms Thorsby submission	Commission's response
5.	1	<i>"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".</i>	Nothing is particularised in this submission. In any event, see point 4 above.
6.	2	<i>"Employees upon initial engagement directed to supplement their normal hours of 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".</i>	The Commission, in consultation with the Public Service Association which has industrial coverage of the Commission's workforce, has a Fatigue Management Policy in place covering all employees.
7.	2	<i>"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".</i>	This claim is not supported by any evidence and is wrong.
8.	2	<i>"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."</i>	The Commission deployed the NSW Government's OneGov system following a competitive process to overcome the OzChase shortcomings. OneGov was engaged to develop an enhanced business support system, including a proven online transaction capability for registration and related purposes. During a transition period of approximately 18 months, both OneGov and the OzChase system were used in a race day context. For reasons of practicality, OzChase is predominantly used for all race day functions except the entry of swabbing data and the approval of race results.
9.	2	<i>"Under GWIC's structure of authority, effectively Vets have an ability to override Steward's decisions relating to a Steward's role".</i>	This claim is wrong. In general, veterinarians deal with welfare related matters and stewards deal with racing related matters.
10.	3	<i>"Decisions under the auspices of the role of a Steward need to be made by a Steward".</i>	Stewards are primarily responsible for making racing integrity decisions. However, the Greyhound Racing Rules

	Page ref	Extract from Ms Thorsby submission	Commission's response
			empower the Commission's on-track veterinarians to issue directions to industry participants particularly in relation to veterinary treatment of their greyhounds.
11.	3	<p><i>"Examples include:</i></p> <ul style="list-style-type: none"> <i>-Unprofessional conduct from Vets regarding pressuring Stewards to change race day reports.</i> <i>-Vets directing Stewards to nominate which dog would be vetted, when the vet had not even watched the race.</i> 	See point 10 above.
12.	3	<p><i>"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".</i></p>	<p>The incident referred to was subject to a full review by the Commission and a comprehensive investigation, including by an external regulatory racing veterinarian. Findings from that review led to a procedural change for OTVs on race-day, including the wearing of first aid 'bumbags' at all times while on track to facilitate immediate provision of treatment to an injured greyhound on track.</p> <p>Furthermore, the Commission initiated a review of its internal Guidelines for the Treatment of Serious Racing Injuries and Euthanasia in racing greyhounds by an expert panel of eminent racing veterinarians and an animal ethicist. 18 recommendations were made, which the Commission is currently implementing, including the publication of the public facing principles in the Treatment of Serious Injuries on the Commission's website.</p>
13.	3	<p><i>"There has been a culture of Vets treating Stewards in a demeaning manner.</i></p> <p><i>The culture of in fighting between them is significant."</i></p>	These claims are wrong. In 2020, the Commission engaged a consultant to assess its race day operations and the relationship between stewards and veterinarians. The report prepared by Michael Mitz Management Consulting Pty Limited did not find any issues between stewards and

	Page ref	Extract from Ms Thorsby submission	Commission's response
		<i>This includes instances of bullying and harassment of stewards.</i>	veterinarians. The consultant was required to engage with all stewards and employed veterinarians.
14.	3	<i>"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".</i>	This claim is wrong and is not supported by any evidence.
15.	3	<i>"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".</i>	This claim is wrong and is not supported by any evidence.
16.	3	<i>"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".</i>	This claim is wrong and is not supported by any evidence.
17.	3	<i>"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".</i>	The current Director of Race Day Operations (Chief Steward) and the Director Animal Welfare (Chief Veterinary Officer) are graded equally.
18.	4	<i>"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".</i>	This claim is wrong. In August 2020 Commissioner Chris Wheeler PSM, solicitor and former Deputy Ombudsman, conducted a review of the evidence relating to allegations of bullying of Ms Thorsby. The review by Commissioner Wheeler examined all the evidence available at the time in relation to the allegations. The review found that there was no evidence of bullying or harassment of Ms Thorsby.

	Page ref	Extract from Ms Thorsby submission	Commission's response
			The report by Commissioner Wheeler is attached at Annexure 1 (with limited redactions for privacy and legal reasons).
19.	4	<p><i>"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".(of the incident at the Gardens)</i></p> <p><i>"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."</i></p>	See point 18 above.
20.	4	<p><i>"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></p> <p><i>These two more recent examples of the bullying and harassment I had received led to me submitting my resignation."</i></p>	See point 18 above.
21.	4	<i>"I did have plans to further develop the skills and industry knowledge of my "Stewards Panel" members for a further 6 months, however the relationship had become untenable"</i>	Any plans to further develop the skills and industry knowledge of Commission stewards by Ms Thorsby were not known to the Commission.
22.	4	<i>"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-</i>	See point 18 above.

	Page ref	Extract from Ms Thorsby submission	Commission's response
		<i>party reports of bullying harassment that I had been subjected to".</i>	
23.	4	<i>"From the minutes of this meeting, it is very clear that I had significant concerns about the way I was treated."</i>	See point 18 above.
24.	4	<i>"Steve Griffin informed me that there would be a formal investigation into my bullying & harassment allegations."</i>	Ms Thorsby was advised that her feedback during her exit interview would be examined and considered, which they were. See point 18 above.
25.	4	<i>"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".</i>	See point 18 above.
26.	5	<i>"To this day I am unaware of any investigation conducted regarding my allegations of bullying & harassment".</i>	The Wheeler report (Annexure "1") was prepared in August 2020 after Ms Thorsby had resigned and departed the Commission.
27.	5	<i>"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".</i>	In addition to point 18 above, no instances of mistreatment, bullying or harassment were reported by Ms Thorsby.
28.	5	<i>"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".</i>	This claim is wrong. Three stewards are almost always rostered for every TAB race meeting in NSW. It should be noted that, when GRNSW was the controlling body, only two (and sometimes one) steward were rostered to officiate at TAB race meetings. Since the Commission commenced operations in July 2018, three stewards are routinely rostered for TAB race meetings. Further, the 'Bunker' system was introduced as a result of COVID-19 restrictions and a race schedule that required participants to race only in regions where they resided. This reduced travel for

	Page ref	Extract from Ms Thorsby submission	Commission's response
			Commission stewards. Additionally, there are improved efficiencies by using the 'Bunker' system at race meetings where long-distance travel for all stewards can be reasonably avoided without diminishing regulatory oversight.
29.	5	<i>"GWIC's executive team chose to ignore this expensive reputable recommendation and implement the "Bunker" system".</i>	See point 28 above.
30.	5	<i>"This system is extremely problematic as with less resources on the ground it has compromised the enforcement of race day compliance of rules".</i>	See point 28 above.
31.	5	<i>"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".</i>	See point 28 above.
32.	5	<i>"The decentralisation of the industry which involves the shutting down of certain racetracks creating fewer racetrack hubs throughout NSW."</i>	This is a matter for GRNSW.
33.	5	<i>"This will create significant issues in relation to circumstances where Stewards have to travel long 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".</i>	See point 35 of the Commission's response to the AWU submission.
34.	5	<i>"My initial replacement lasted a month of the dictatorship and resigned",</i>	This allegation is wrong. Mr Brett Day resigned as the Chief Steward shortly after his appointment in September 2020 to return to Melbourne to continue with specialised medical treatment for a member of his family, which treatment was unavailable in regional NSW.
35.	5	<i>"The position remains vacant, creating a crucial integrity & compliance industry experience void. The "Steward Panel"</i>	Mr Wade Birch commenced as Director Race Day Operations (Chief Steward) on 22 March 2021.

	Page ref	Extract from Ms Thorsby submission	Commission's response
		<i>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".</i>	
36.	6	<i>"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".</i>	This claim is wrong. Currently there are 19 full-time stewards, and 9 casual stewards and 1 contractor steward. In determining the appropriate number of stewards, the Commission had regard to various reports about the role and composition of stewards, including the Sector Seven Report commissioned by GRNSW in 2016.
37.	6	<i>"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."</i>	The Commission is developing a cadet steward program. The Director of Race Day Operations (Chief Steward) commenced on 22 March 2021 and is the responsible executive for the delivery of this program.
38.	6	<i>"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."</i>	See Commissioner Wheeler's report at Annexure 1 .
39.	6	<i>"Over the latter months of employment as Chief Steward I was left out of committee meetings I would have contributed valuable information to".</i>	This claim is wrong. Ms Thorsby's contributions were sought in matters that were relevant to her role as Acting Chief Steward. These included standing invitations to participate in regular cross-team management meetings and in scheduled meetings of the Race Injury Review Panel.

Review of evidence relating to the allegations of bullying of Gail Thorsby, former Acting Chief Steward, GWIC

1. In the course of an interview with Chief Commissioner Alan Brown on Wednesday 22 July 2020, Ray Hadley alleged that Ms Gail Thorsby, former Acting Chief Stewart of GWIC, was bullied into resigning.

- Redacted due to potentially defamatory imputations

Redacted due to potentially defamatory imputations

Ms Gail Thorsby's letter of resignation

3. In an email dated 8 June 2020, Ms Thorsby gave notice to Mathew Tutt, Director Legal Services, of her intention to resign on 23 July. Ms Thorsby informed Mr Tutt as follows:

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*

4. There is no mention or indication in this email that bullying or harassment was the cause or a reason for Ms Thorsby's decision to retire. It is largely a positive email about Ms Thorsby's time as Acting Chief Steward with the Commission.

5. Another explanation was put forward by the Chief Commissioner during the Hadley interview:

ALAN BROWN: And we'd always – and we applied – we advertised for a new Chief Steward --

RAY HADLEY: Mmm.

ALAN BROWN: ----- some time ago and we weren't happy with the quality of the applicants. And we had a review just done recently by Ray Murrihy ... looking into the – into our stewarding cohort and he made a number of recommendations. But we've always identified that we needed a Chief Steward operating out of Bathurst.

ALAN BROWN: A centralised location. And Gail was comfortable being up in the Northern Rivers. So when we advertised for this new position, the new Chief Steward, just recently, again, Gail didn't apply, she decided that she would retire. Because she knew the position had to be filled by someone who lived in Bathurst.

6. In this regard I note Ms Thorsby's statement in her notice of resignation above:

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.

7. I also think it is relevant that Ms Thorsby will be eligible for a pension when she turns 66 on 3 December this year. [REDACTED] recalls Ms Thorsby mentioning to her that she had always intended to retire at the end of the year, so her resignation in July appears to have been a decision to bring forward implementation of a decision already made by five or six months. Mr Tutt, Ms Thorsby's supervisor also provided information that Ms Thorsby had previously advised that she would retire at the end of 2020. This is further reflected in Mr Tutt's notes of the exit interview on 25 June (see para 3 in 11 below).

Ms Thorsby's Exit Interview

8. The Exit Interview with Ms Thorsby on 25 June was conducted by Steve Griffin, Director, Customer Experience, Capability & Assurance, Mathew Tutt, Director, legal services, and [REDACTED], Senior HR Advisor.

9. In an email dated 24 June Ms Thorsby requested to have a support person:

Hi all,

After discussing this with the panel they have asked me to include [REDACTED] in on the meeting and I must add I'm not in any union. This was more for him to listen to what I want to add to the conversation regarding my concerns.

Really appreciate if this can be arranged he is free at that time tomorrow and quite frankly this is not how I wanted this to be but I owe this to the panel.

Kind regards

Gail

10. The request for Mr [REDACTED] to be present as a support person was granted and it would appear from the terms of the above email that Ms Thorsby:

- requested that she be accompanied by [REDACTED] at the request of the stewarding panel,
- the purpose was for him to listen to what she wanted to say regarding her concerns, and
- was participating in the exit interview to support that panel.

Mr Tutt's notes taken at the interview

11. Notes of the meeting were taken by Mr Tutt, who subsequently had his notes transcribed. The File note was provided to me on 19 August:

File Note

Gail Thorsby Exit Interview

25 June 2020 at 10:09am

Attendees:

Gail Thorsby, Acting Chief Steward, [REDACTED], AWU Support Person, [REDACTED], HR Manager GWIC, Steve Griffin, Director Matthew Tutt, Director

The interview started off by the parties introducing themselves and then Gail introduced to say that she's been in the industry for 21 years as a steward, as a Chief Steward. Said she's never endured such a toxic attitude.

Gail said that she was going to be working up until the end of the year, but she's brought forward, as she's retiring. Said there's been some decisions made largely by Vets which were hard to understand. She said she received an email after the [REDACTED] incident where, after she sent the email advising Judy and Michelle after getting off the phone to [REDACTED], the response back from Judy and Michelle was that Gail was throwing someone under the bus, being [REDACTED]. Said she felt she was bombarded. Said she didn't expect that she would get a nasty email.

She said that there was another incident where she was asked a question about a dog being put down at Wentworth Park because of a fractured wrist. She said she then got a response back from Michelle which was a nasty email. Said the dog was a giveaway, and the response from Michelle was totally inappropriate and that Gail's never seen anything like it.

She said that the stewards and vets have been toxic and that the stewards are being alleged to not work with the vets. She said as a panel the stewards have never thrown anyone under the bus. She never accused the vet on the day of the qualifications and that she gets phone calls from vets as to why you vet dogs. She said that's never happened in her career as a steward.

She said there was a particular incident involving [REDACTED] where Michelle's given some instructions and [REDACTED] has made contact with [REDACTED] and questioned or instructed to inspect a dog. [REDACTED] was rung up and asked why the dog wasn't vetted, and he wasn't even at the race meeting. That is, [REDACTED] wasn't at the race meeting. They asked to change the report and that this was evidence of control by the vets.

She also said that Gail had done a lot of the work on the dog coronavirus, but the vets got all the recognition for it. She said she would like more recognition for the panel. In addition to the recognition she'd like support. She said that [REDACTED] and the [REDACTED] don't traditionally "dob" on people.

She said that there was an incident at Wentworth Park involving [REDACTED] where she was late to a race meeting, that the stewards never make a big issue of that. She said some of them will watch races but many of them won't, and that they'll be in their room. She said vets are often in their rooms looking at Facebook. Gail said it's not right to have the feeling of "us against them". She said these behaviors can't happen and that the panel want more support and recognition for the good things that they've done, and encouragement. They'd be much happier with the recognition.

We also discussed the [REDACTED] as it was obviously topical. We said we'd organise a debrief for the [REDACTED]. We also [REDACTED] that there should be courses to deal with conflict,

and that this was something that we should address at a future stewards' conference. She did talk about stewards being bullied at the track but in reference to the conduct of the back of the [REDACTED]. We had to talk about cadets and that the graduated, or tiered, program for stewards was something that the Commission was already advanced in achieving, and that we'd have a proper program. [emphasis added]

It was offered by Steve that there be a private conversation between Alan and Gail, and that this would be facilitated in the following week.

as the support person, was also advised but did not make any other comments and remained largely silent throughout the interview.

The meeting went for 45 minutes with all parties appearing via Skype, and Matthew and Steve on the same Skype in Steve's office.

FURTHER COMMENTS

During the exit interview Gail brought to our attention some emails sent by Judy and Michelle which Gail perceived to be an attack on her. Gail did not make any complaint of bullying in any specific sense. Gail provided generalised commentary about issues that have been occurring between, largely, the vets and the stewards, and felt that Michelle was behind much of the reasons for there to be disharmony amongst stewards and vets. This conduct was general interference of the stewards as a whole. At no point did Gail ask for any of the conduct to be the subject of a complaint or referral to the ICP. The context of the conversation was that the stewards are mistreated/bullied by the vets and that Gail felt she was the recipient of intemperate emails from Judy and Michelle that she perceived as inappropriate. The conversation ended with the offer for an interview to be conducted with Alan and that Matthew was going to arrange that.

12. I note that the only references to bullying in this File Note are:

- *"...stewards being bullied at the track but in reference to the conduct of the back of the [REDACTED] (which is a reference to an incident involving the conduct of a participant towards stewards),*
- *"Gail did not make any complaint of bullying in any specific sense", and*
- *"The context of the conversation was that the stewards are mistreated/bullied by the vets..."*

Mr Griffin's recollections of what was said at the interview

13. While Mr Griffin made no notes of what was said at the interview, he advised in an email originally sent to me and Mr Tutt on 27 July:

"... During the interview Ms Thorsby raised concerns regarding what she perceived as being attempts to interfere with stewarding functions and she cited some examples. Ms Thorsby then provided some recommendations for improving the stewarding function. Given the nature of Ms Thorsby's feedback, she was offered the opportunity of speaking with the Chief Commissioner prior to her retirement;"

I believe that the Chief Commissioner had a Skype meeting with Ms Thorsby on 5 July during which she seemingly repeated the information that she provided in her exit interview. There was a subsequent discussion following the claims made last week in the media last week that Ms Thorsby had resigned due to bullying and harassment. Our discussions confirmed that:

- *Ms Thorsby did not lodge specific complaints of bullying and harassment at either her exit interview or discussions with the Chief Commissioner;*
- *Ms Thorsby did not lodge a grievance or complaint alleging bullying and harassment via any other formal process available to her to make such complaints; and*

- *Ms Thorsby's resignation email did not contain any adverse comment whatsoever, Accordingly the Commission did not form the view that an investigation was required into these matters". [emphasis added]*

14. In response to a request from me for any notes or recollections about what was said at the Exit Interview, Mr Griffin sent me an email on 17 August in which he expanded on the above advice as follows:

- *'During the interview Ms Thorsby raised concerns regarding what appeared to be a collective view that the stewarding panel was being inappropriately harassed and questioned by the Commission's Veterinarians and that this had gotten worse over the previous twelve months. I do recall her describing the events over a period of time amounting to bullying of the stewards.*
- *During the interview Ms Thorsby did mention responses to her email from Judy and Michelle following the on track death of a greyhound at The Garden on the 15th of May as being an example of the treatment of stewards. However, Ms Thorsby did not state that she was specifically the victim of bully and harassment from either Judy or Michelle, but rather that this was part of an overall perception of her and the stewarding panel whereby, in their view, veterinarians were seeking to exert undue or inappropriate influence or control of the stewarding panel. [emphasis added]*
- *The exit interview then went onto discussed ways that Ms Thorsby thought things could be improved for the stewarding panel.*
- *Given the nature of her feedback it was suggested that she de-brief with Chief Commissioner to share her insights into how to improve the stewarding panel and the apparent adversarial relationship between the panel and the veterinarians. Ms Thorsby thought that this would be a good idea and agreed.*
- *Following the exit interview I briefed Alan and advised him that Gail had expressed the desire to meet with him to debrief prior to her retirement.*
- *I understand that Matt then organised for this meeting to occur. I believe the meeting between Alan and Gail took place on the 2nd of July.*
- *Following Alan's meeting with Gail he requested that he, Judy, Matt, Michelle, other Commissioners and I meet to discuss Gail's concerns following the ORC meeting on the 7th. As Alan was feeling unwell this discussion did not take place.*

My overall assessment of Ms Thorsby's exit interview (which is corroborated by her resignation letter and email regarding the exit interview) was that she wanted to voice the perception that had developed within the stewarding panel that they felt harassed or bullied by the Commission's OTV's. At no time did Ms Thorsby make specific bully and harassment allegation against Judy or Michelle nor did she request an investigation in such matters. If she had, then such allegations would have been escalated to the ICP and investigated.

If Ms Thorsby had such allegations to make, it would seem very curious to me that she would not repeat these to Alan when she met with him to ensure that appropriate action was taken.

I remain firmly of the view that Ms Thorsby exit interview and subsequent interview with Alan covered the same subject matter insofar that Ms Thorsby felt that she had an obligation to the stewarding panel to pass on their collective views prior to her retirement in the hope that improvements could be made to the deteriorating relationship between the stewards and OTV's.'

15. There is no mention or indication in the above recollections that bullying or harassment was the cause or a reason for Ms Thorsby's decision to retire. The above recollections indicate that the concerns raised by Ms Thorsby focused on problems in relation to:

- the treatment of stewards, including the relationships between the stewards and vets.
- the role of stewards,
- the role of vets.

recollections of what was said at the interview

16. In response to a request from me for any notes or recollections about what was said at the Exit Interview, [REDACTED] provided the following file note dated 18 August:

"Background: I have been with the Commission since the 4th April 2020 and have been contracted to work in the Senior HR Advisor role. Outside of this contract, I run my own practice [REDACTED] and the work I perform is mainly organisational development and executive coaching. I have over 16 year's experience in this field. In addition to this, over the past 15 years I have served on numerous not for profit boards and have held various positions on those boards. In this time, and through this experience, I have dealt with and been consultant for, numerous bullying complaints and staff grievances of very serious nature, including bullying, harassment and discrimination.

My experience in the nature of bullying complaints leads me to being highly attuned to pick up on anything that might constitute a grievance or complaint during these types of meetings. And so I was at the Exit Interview (held 25 June 2020). Gail did use the word bullying once during her interview where she said that she had received a 'bullying email from Michelle'. There was no further context or any further detail, or any further information around this statement. My judgement was that this did not warrant any action from the Commission or to be recognised as anything more than the statement made during her Exit Interview.

At no other time during the Exit Interview was there anything mentioned that I considered warranted any further action from the Commission. Following the interview, I shared these conclusions with Steve Griffin and Matthew Tutt.

I did not take notes at this meeting as the understanding was that Matthew Tutt would take notes"

17. As mentioned below, the commonly accepted definition of bullying is that it involves a course of conduct (see 31-32 below).

recollections of what was said in a subsequent telephone conversation

18. [REDACTED] had a telephone conversation with Ms Thorsby on 20 July and drafted the following file not on 18 August:

File Note

Gail Thorsby phone call

20 July 2020

Gail Thorsby called my phone to discuss a separate matter (a recruitment process that she was running). At the end of that conversation I asked Gail if I could check in with her that she had had her conversation with Alan Brown as had been agreed during her Exit Interview. Gail confirmed that she had spoken with Alan and was happy with how the conversation went. She said that she was happy she had 'said her piece'.

I asked Gail if she was satisfied that she had said everything that she wanted to say to Alan, and whether she had given all the feedback that she wanted to pass on to the Commission through the Exit Interview and her conversation with Alan. Gail responded that she definitely said everything that she wanted to say, and that she had shared her thoughts at both the Exit Interview and with Alan.

██████████
Senior HR Advisor
18th August 2020

Exit Interview with Chief Commissioner

19. In response to a request from me for any notes or recollections of what was said by Ms Thorsby in her exit interview with Chief Commissioner Brown on 2 July, on 17 August he emailed the transcript of the handwritten notes he made during that interview (by Skype). In that email, Chief Commissioner Brown stated *"I have not attempted to expand on what I wrote down during the interview although the ones that follow the interview regarding the emails which were made at the time include some of my recollections of what Gail said about them during the interview"*.

20. The transcript is as follows:

*"AWU/Steve/Matt meeting re retirement.
Being a steward, had to adapt
Pretty upset last week at meeting with Matt/Steve/AWU/support person
Situation with Vets/stewards unique
Internal issues-biggest concern not enough say on things-always shot down
Michelle problem-stewards don't seem to control meetings
Reports-medical injury terms
Vets questioning stewards on particular dogs, e.g., Bathurst. ██████████-Michelle asked why a particular dog not vetted.
2 stewards.
Report on euthanasia-injury was metatarsal. Gail questioned -why put down. Stewards agreed.
Nasty email back from Michelle + Judy supporting-all Gail asked was why ██████████ dog-not wanted by him-
██████████ was vet-not good reports on her.
Lot of dissatisfaction among participants as to some vets experience. Eg, ██████████ often late didn't turn up at Richmond. Stewards never have said anything about vets.
Concerned about lack of experience.
Stewards being criticised for vets inexperience.
V. little recognition of stewards. Support for Gail overwhelming amongst stewards.
██████████ re ██████████ matter. Lack of recognition-explained that now fixed.
Matt has been a great supporter + she of him.
Incident at the Gardens-Sat am, call from steward crying-more to come of this. ██████████
Gail trying to help-by alerting to possible issue.
Stewards to meet Commissioners.
Cadet succession plan v. important.
Need enthusiasm back in stewards ranks
End July leaves GWIC
She will send me some emails which concerned her"
The emails which Gail subsequently sent to me are the following, and my file notes made at the time:*

- 1. 16 May. Judy to Gail. Gail's email was only intended to assist the Commission get prepared for reaction to ██████████ issue at the time. V. surprised by allegations she was throwing him under the bus*
- 2. 20/12/2019 Michelle to Matt-copied to Gail re co op needed between Stewards + vets (note Gail sent it on to ██████████ @ GRNSW-Why?)*

Michelle wants vets to have power to issue direction.

Lack of co-op from Stewards.

3. 19/12/19 Gail to Michelle

Responding to email to Michelle when she complained about lack of co-op from Stewards to vets

Late 19/12-predates 20/12(was copied to [REDACTED])" These emails are referred to below]

21. There is no mention or indication in the above contemporaneous notes that bullying or harassment was the cause or a reason for Ms Thorsby's decision to retire. The above notes indicate that the concerns raised by Ms Thorsby focused on the problems in relation to:

- the role of stewards, and
- the relationships between the GWIC stewards and vets.

Emails forwarded to Chief Commissioner by Ms Thorsby

22. As mentioned in the Chief Commissioner's transcript above, following her exit interview with the Chief Commissioner Ms Thorsby forwarded to the Chief Commissioner, following a request by the Chief Commissioner, the following emails which she had told him had concerned her.

23. The email of 19 December 2019 sent by Ms Thorsby to Dr Michelle Ledger, Chief Veterinary Officer, was in the following terms:

Dear Michelle,

I write this email with disappointment that your team are implying we do not support them. I have given advice to our Stewards to be supportive when Veterinary exams are taking place. This has been occurring and I would like you to give me these incidents you are reporting on know so I can liaise with my team as to what occurred and to obtain an explanation.

We are a team environment and reading this email undermines the job we do. As I explained before we will support a direction but it needs to be given by your Vet and supported by us. We have not got the qualifications to instruct the trainers there would be adverse outcomes if we instructed them to do something regarding treatments or operations we would be facing litigation If you read Rule 86 (p) ***disobeys or fails to comply with the Lawful order of a Steward or other person or body having official duties in relation to greyhound racing. That allows the Vets to have the power*** [emphasis in original]

In regards to the Veterinary reports on our Steward Reports I was of the belief that the Vets and Stewards get together at the end of the race meeting and go through the injuries accounted throughout the race meeting it certainly happens at all my race meetings. Where is this not happening so I can address.

With the terminology it was a trial basis when the Steward reports were changed with other sections changing also. The Industry feedback was they didn't like the new concept and it was very hard to understand what the injuries were in fact. We are providing these reports for the Industry and the changes we have made in recent times have been very welcomed. It has been positive feedback where the trainers are able to read the report in layman's terms. Example: Thoroughbred race reports NSW do not or other States Greyhounds for that matter give what you are requiring.

After your email I have sought comments from the panel who are aghast with the dissatisfaction you have outlined. We strive to work together at race meetings and with our fellow employees not to have criticism it is not healthy.

Please take the time Michelle to inform me of all these incidents that have occurred and I will endeavour to source a better outcome. By sending emails like this does not help moral or a have a healthy environment to work in.

kind regards

24. This email and the one below were copied by Ms Thorsby to [REDACTED], an employee of GRNSW. When asked by the Chief Commissioner why she had copied these emails to [REDACTED], Ms Thorsby responded *"That's quite easy to answer [REDACTED] has been a good friend and a confidant and I wanted his thoughts was I reading too much into these emails and this has been strictly confidential with [REDACTED] as I trust his opinion"*.
25. The email of 20 December 2019 sent by Ms Thorsby to [REDACTED] contained a copy of an email Dr Ledger had sent to Matthew Tutt, Director Legal Services, referring to issues between GWIC stewards and vets. Dr Leger's email was in the following terms:

Dear Matt,

The vets had a meeting today and again the point was raised that in certain instances, OTV's are needing to direct a participant to seek veterinary care within a specified time period. (serious injuries)

The OTV's are in a position to decide the time frame, based on the severity of the injury and will always tell the participant to do so as well as providing a written instruction.

In some instances, the participants do not comply with their instructions and vets are ringing them for days afterwards following up on injured greyhounds.

Vets have previously sought support from the Stewards, who are in charge of the race meetings and have power under the Rules to make directions, to verify and reinforce their verbal directions and record such in the Stewards report. The Stewards have declined, citing this is a veterinary process.

We have a few concerns with the behaviour of some participants who blatantly refuse to comply, there is no record of a direction being given and OTV's have no powers under the Rules to give an instruction to a participant which can then be acted on with disciplinary action, should the participant not comply. In some instances, welfare outcomes for greyhounds are not good as a result. This leaves the OTV's feeling powerless and unsupported.

Can we revisit the notion of Stewards assisting with verbal direction please, in some instances? Failing this, can we write a local Rule that gives OTVs powers to direct treatment within a certain timeframe?

Also, some injury descriptions and further discussion is required in the Stewards reports in order to improve the perception of treatments that were administered and actions that were taken by OTV's. e.g the fractured neck at Bathurst where it would have improved perception to include that the greyhound was stabilised and immediately referred to a local veterinarian for further treatment and may have prevented the backlash from the anti-racing welfare groups. I wonder whether Stewards may be open to receiving further descriptions from OTV's in their reports or whether we need to have a "Veterinary Surgeons Report" as the summary page with further advice from vets contained in the report in that

section. We had designed and put forward a veterinary template for injury descriptions for Stewards reports previously, which was rejected by Stewards.

Your advice on how to proceed with improving the welfare perception of the Stewards reports and welfare outcomes for injured greyhounds at the tracks would be appreciated. I also wish to immediately institute the veterinary clearance requirement for greyhounds suffering >42 day incapacitations, which will also need to be recorded as such in the Stewards report and on OzChase.

26. The email of 16 May 2020, sent by Judy Lind, CEO of GWIC, to Ms Thorsby, Dr Ledger and Mr Tutt, was in the following terms:

Hi Gail

Can you please clarify your comments in this email regarding [REDACTED] What precisely are you asserting?

I understand the circumstances were horrific for all concerned. Counselling support is available and should be accessed by those impacted.

But I do not appreciate any staff member throwing any other staff member under the bus. Matt and Michelle

Please organise a Skype on Monday for all GWIC staff who were present last night so we can debrief the incident.

27. The above emails were forwarded by Ms Thorsby to her two private email addresses and on 23 June to [REDACTED] her support person at the Exit Interview on 25 June 2020.

28. I have also been provided with another email from Dr Ledger to Ms Thorsby, Mr Tutt and Ms Lind on 16 May, this was in the following terms:

Hi Gail,

Thanks for letting us know, I'm afraid that you will need to be more specific about what

[REDACTED] has done that leads to people needing counselling, I'm not sure I'm understand what you're saying.

What is it that will come out of last night?

There is no doubt that it was traumatic for everyone, I would have thought that includes

[REDACTED]

Kind regards,

Dr Michelle Ledger

Chief Veterinary Officer

Greyhound Welfare Integrity Commission

[REDACTED]

29. The emails referred to in paragraphs 25 - 27 above were in response to an email from Ms Thorsby to Ms Lind, Dr Ledger and Mr Tutt of 16 May, which was in the following terms:

Good morning all,

I have just got off the phone to [REDACTED] one of our Stewards from last night. [REDACTED] described the circumstances of what took place as gruesome and I offered the number to

[REDACTED] for counselling as [REDACTED] broke down on the phone describing what took

place. [REDACTED] also advised the Gardens Club are offering counselling to the staff due to the

circumstances which appear to more about [REDACTED] I think you all have to be aware of what might come out of last night and I can only be advised by our Stewards what they observed.

30. There is no mention in the above emails of bullying, nor do I consider the language or tone of the emails to constitute bullying. While the view's expressed by Ms Lind in her email of 16 May were short and direct, the email does not evidence bullying as that term is commonly defined (see 31-32 below). The emails focus on problems in relation to:

- the particular incident from The Gardens the night before where a greyhound was catastrophically injured
- that witnesses to this incident should receive counselling if required
- treatment of stewards, including the relationships between the stewards and vets.
- the roles of stewards and vets.

Definition of bullying

31. SafeWork NSW describes workplace bullying as: *"repeated, unreasonable behaviour directed towards a worker, or a group of workers, that creates a risk to their health and safety."* While the Commonwealth Fair Work Act 2009 does not apply to state and local government agencies in NSW, the SafeWork NSW website links to Safe Work Australia's 2016 Guide for Preventing and Responding to Workplace Bullying. In this guide, bullying is defined in the following terms:

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

[The Fair Work Commission refers to such a risk¹ in the following terms: *A risk to health and safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety*². *The ordinary meaning of 'risk' is exposure to the chance of injury or loss*.³ *The risk must be real and not simply conceptual*.⁴ *The bullying behaviour must create the risk to health and safety. Therefore there must be a causal link between the behaviour and the risk. Cases on causation in other contexts suggest that the behaviour does not have to be the only cause of the risk, provided that it was a substantial cause of the risk viewed in a common sense and practical way*.⁵]

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. [This is an objective test⁶]

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include:

¹ <https://www.fwc.gov.au/anti-bullying-benchbook/when-worker-bullied-at-work>

² [Thiess Pty Limited v Industrial Court of New South Wales \[2010\] NSWCA 252](#) (30 September 2010) at paras 65-67, [78 NSWLR 94]; [Abigroup Contractors Pty Limited v Workcover Authority of New South Wales \(Inspector Maltby\) \[2004\] NSWIRComm 270](#) (24 September 2004) at para. 58, [(2004) 135 IR 317]

³ Macquarie Concise Dictionary definition [Re Ms SB \[2014\] FWC 2104](#) (Hampton C, 12 May 2014) at para. 45.

⁴ [Re Ms SB \[2014\] FWC 2104](#) (Hampton C, 12 May 2014) at para. 45.

⁵ [Newcastle Wallsend Coal Co Pty Ltd v Workcover Authority \(NSW\) \(Inspector McMartin\) \[2006\] NSWIRComm 339](#) (5 December 2006) at para. 301; [Re Ms SB \[2014\] FWC 2104](#) (Hampton C, 12 May 2014) at para. 44

⁶ [Re Ms SB \[2014\] FWC 2104](#) (Hampton C, 12 May 2014) at para. 41

- *abusive, insulting or offensive language or comments*
- *aggressive and intimidating comments*
- *belittling or humiliating comments*
- *victimisation*
- *practical jokes or initiation*
- *unjustified criticism or complaints*
- *deliberately excluding someone from workplace activities*
- *withholding information that is vital for effective work performance*
- *setting unreasonable timelines or constantly changing deadlines*
- *setting tasks that are unreasonably below or beyond a person's skill level*
- *denying access to information, supervision, consultation or resources to the detriment of the worker*
- *spreading misinformation or malicious rumours*
- *changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.*

32. A complicating factor is that perceptions may differ as to whether particular behaviour constitutes bullying or harassment. Behaviour that may have no negative effect on one person might create significant distress for another. This means that managers and employees have to be very alert to the sensitivities of employees/co-workers arising out of such factors as gender, personalities, levels of resilience and confidence, cultural backgrounds/norms, life events that are significant emotional stressors, work styles, etc. In this regard it is relevant to note the comments of Commissioner Cloghan in the Fair Work Commission case of *Harris v WorkPac Pty Ltd* [2013] FWC 4111:

While the [Fair Work] Commission does not and should not endorse the view that 'anything goes' at the workplace, it is also important not to confirm as bullying and gross misconduct behaviour, as in this case, which is not pursued with any vigour and relates to incidents which occurred some time ago. In my view, the Commission should guard against creating a workplace environment of excessive sensitivity to every misplaced word or conduct. The workplace comprises of persons of different ages, workplace experience and personalities - not divine angels. Employers are required to pursue inappropriate behaviour but need to be mindful that every employee who claims to have been hurt, embarrassed or humiliated does not automatically mean the offending employee is 'guilty of bullying' and 'gross misconduct'. [at para 73]

33. Since Ms Thorsby's departure date of 23 July there have been subsequent communications with Commission staff (mainly by email) about the finalisation of her final payments for her entitlements and provision of her separation certificate. I am advised that no mention of any allegations of perceived or actual bullying has been made during these communications.

Assessment

34. In my opinion the above records contain:

- no evidence that bullying or harassment was the cause or a reason for Ms Thorsby's decision to retire,
- do not demonstrate repeated unreasonable behaviour directed towards her that would constitute bullying as commonly defined.
- do not evidence, even in a contextual sense, a need for Commission staff to have made further inquiries in relation to the alleged or perceived behaviour toward Ms Thorsby.

CONFIDENTIAL



GWIC CONSULTATION REPORT

1. BACKGROUND

In August 2020, GWIC (the Commission) invited Michael Miitze Management Consulting (MMMC) to submit a proposal to develop a culture change management plan for its stewarding function. This arose from feedback to the Commissioners that stewards felt:

- Their efforts are unvalued;
- They feel disconnected from the Commission's head office;
- They feel as if they have no say in how the industry is being regulated;
- There is a feeling that they are being bullied and/or harassed (there is no detail available in relation to this); and
- They have expressed dissatisfaction in the manner in which vets are operating with them at the track.

The piece of work required was:

- A series of meeting/workshops/individual meetings with the stewarding team (across all of NSW) to debrief and 'download' the issues giving rise to the views expressed. During COVID the Commission has been primarily using Skype to hold meetings with stewards;
- Determine whether there are issues requiring the Commission's immediate attention from a grievance management or misconduct perspective; and
- As a result of these meetings/workshops develop a change management plan for the Commission's leadership to implement.

2. WORKFORCE REVIEWS CONTEXT

We were made aware there had been two workforce reviews conducted recently:

- one of Head Office, compliance and enforcement and on-track vet (OTV) functions (conducted by Tim Kelly, Oxygen HR) from December 2019 to March 2020; and
- the other of the stewarding function, conducted by Ray Murrihy (Integrity Consultant, Ray Murrihy Consulting) from April to July 2020.

The key drivers for change (outlined in the Veterinary Services PowerPoint) were:

1. After 2 years of operation, the Commissioners and Executive have a greater understanding of the Commission's operating environment, industry and community expectations
2. The majority of the Government's policy reform initiatives have been implemented by the Commission
3. Industry perception regarding the Commission's over servicing of race day functions
4. Significant travelling by the Commission's field staff (Stewards, OTV's and Inspectors) resulting in (a) a potential work, health and safety risk; (b) a loss in productivity; (c) a reduction in responsiveness; and (d) an opportunity for the Commission to realise substantial efficiencies

- [REDACTED]
[REDACTED]
[REDACTED]
5. A need to enhance the Commission's compliance & enforcement functions
 6. A need for the Commission to develop strong analytical capabilities
 7. A need for the Commission to enhance its welfare compliance functions
 8. Completion of OneGov build and implementation of other new technologies in 2020

The stewards and vets had each been briefed on the outcomes of the reviews and we were provided with summaries of each review so that we understood the context and how this may be impacting stewards' and vets' views and perceptions.

3. OUR APPROACH

In our proposal, we proposed the following approach:

- Initial meetings with key staff to better understand the context and history of the situation – i.e. CEO, Chief Veterinary Officer, Senior HR Advisor and Chief Steward;
- Desktop research to understand relevant policies and procedures and other documentation, processes and structures relating to stewards and the organisation more broadly;
- Individual interviews with all stewards, probably via video conference, subject to the prevailing COVID-19 situation;
- Identification and reporting of matters, if any, requiring immediate action by GWIC; and
- Delivery of a report of staff perceptions and findings and a comprehensive change management plan.

Initial meetings with the Director, Integrity and Legal Services (Matthew Tutt), the Director, Customer Experience, Capability and Assurance (Steve Griffin) and the Chief Veterinary Officer (CVO Michelle Ledger), who along with the CEO, Judy Lind, form the executive of the Commission, changed the approach somewhat. It became clear the vets should also be interviewed as they work closely with the stewards at the track.

4. PROCESS AND TIMEFRAME

MMMC Consultants (Michael Miitze and Joyce Crawford) initially held meetings with managers to get a better understanding of the context and drivers. These meetings were with:

- Matthew Tutt, Director, Legal and Integrity Services on 17 August
- [REDACTED] Acting Chief Steward on 21 August
- Steve Griffin, Director, Customer Experience, Capability and Assurance on 24 August
- Michelle Ledger, Chief Veterinary Officer on 24 August
- Matthew Tutt and [REDACTED] (incoming Chief Steward) on 25 August

It was agreed all stewards would be invited to a briefing about the process, and to meet the Consultants, with [REDACTED] introducing the session and [REDACTED] introducing himself as the incoming Chief Steward. This meeting took place on 25 August, following the earlier meeting between the Consultants, Matthew Tutt and [REDACTED]

In our meeting with the CVO on 24 August, it was agreed we would meet with the vets (employees and some of the contract vets) to seek their views on the proposed changes emerging from the workplace reviews and how this would impact their roles and that of the stewards. This meeting took place on 2 September.

On 28 August, Michael and Joyce attended a race meeting at Goulburn to shadow the stewards (and to some extent the OTV) to get a better understanding of their roles and responsibilities.

5. INTERVIEWS WITH STEWARDS

Interviews took place between 1 and 17 September with 23 stewards. All stewards were asked the same questions. It should be noted that many responses were particularly focussed on the impact of the proposed change to reduce from three to two stewards at race meetings (which we now understand is not happening).

Below are our overall observations in relation to the responses to questions, including a synopsis of the key issues, concerns and comments raised by stewards. A detailed summary of some of the verbatim comments from stewards is at Attachment A.

How do you feel about the proposed changes to stewarding functions, and how will this impact your work?


MMMC's overall observation/s in relation to this question: The main focus in response to this question was the proposal to reduce from three to two stewards at TAB meetings. All stewards interviewed disagreed with this change, with responses ranging from "*will compromise the integrity of racing*" to "*completely unworkable*". The main concerns were:

- Difficult to manage all aspects of integrity and welfare at the track, particularly if there was an incident (e.g. injury to a dog, trainer reprimand, etc.)
- Simply not enough GWIC "eyes and ears"
- Lack of witness and back-up/support if there was an altercation between a participant and a steward/vet
- Increased (and unreasonable) pressure on two stewards to effectively discharge all duties

What suggestions do you have for reducing negative impact? What support would you like to have during the transition period (and beyond)?


MMMC's overall observation/s in relation to this question: The majority of stewards interviewed put forward constructive suggestions, both in relation to reducing negative impacts and enhancing the integrity and welfare functions more broadly. The main suggestions/comments were:

- Moving from club-employed staff to GWIC employees performing important functions, such as swabbing, kennel inspections and lure driving (9 responses). The main reasons were that:
 - there are inherent, and sometimes unavoidable, conflicts of interest (under the current arrangements)
 - GWIC has no control over the quality, professionalism and training of club-employed staff – noting that these aspects are mixed at best
 - this would provide extra GWIC presence on track, particularly in light of the proposed reduction from three to two stewards
- Improved facilities at some tracks – e.g. standard of stewards' rooms, recording equipment and camera positioning/angles, particularly back straight cameras (8 responses). Several stewards expressed a view that GWIC could be using their influence/advocating more strongly in this area.

- 
- Improved training across a range of areas, including use of various IT systems, WH&S (including dealing with difficult/aggressive participants), swabbing, induction for new stewards (8 responses). Several stewards identified this as a high priority, given the intention to recruit cadet stewards.
 - Greater opportunity for stewards to meet (virtually via Skype). It was noted by several stewards that there have been a couple of “steward conferences”, but that these forums had not been entirely successful. It was suggested that the format, frequency, planning and administration of these could be improved (7 responses).
 - Reducing the range of tasks required to be done on track during race meetings, where these tasks could be performed later without compromising integrity or welfare – e.g. data entry of swabbing results and other administrative tasks that are not as time-critical (5 responses).
 - Views on both the “bunker review” and wagering analyst were mixed. It appeared that this was mainly due to a lack of clarity among the stewards about specifically how these functions would operate.

What does Head Office do well?

MMMC’s overall observation/s in relation to this question: Responses to this question were variable, although there were a few recurring themes, including:

- It was noted by several stewards that administrative processes are improving and being automated/streamlined (less paper, more electronic) although it was acknowledged that this is still a work-in-progress (7 responses).
- It was also noted that customer service to participants was improving and considered generally good (based on the anecdotal feedback stewards receive). This included ear-branding, micro-chipping, identification, registration and general enquiries (5 responses).
- Several stewards noted that their dealings with Human Resources (HR) were satisfactory (7 responses).
- Several stewards noted that  was very good to deal with (6 responses).

What are areas for improvement in Head Office?

MMMC’s overall observation/s in relation to this question: Responses to this question included several areas where there were recurring themes. The main areas mentioned for improvement were:

- Communication from Head Office to field staff (14 responses). Several stewards acknowledged that there were efforts by Head Office to improve communications, but one of the main issues raised was that it was sometimes difficult to discern between critical information (e.g. policy/rule changes) and general information (i.e. nice-to-know).
- Consultation with stewards about decisions affecting their work was an area of concern (16 responses). Comments ranged from “*no consultation*” to “*consultation not being genuine*”.
- Communication/feedback from investigators and inspectors, particularly when stewards provide intelligence (16 responses).
- Understanding of the stewarding function by Head Office staff. Many stewards felt that other issues such as poor communication and lack of “genuine” consultation could be improved if Head Office staff had a better understanding of the stewarding function. Several

stewards made suggestions along the lines of Head Office staff attending race meetings, “shadowing” stewards, etc. (11 responses).

- Stronger leadership/greater visibility from Head Office. Comments relating to senior management included not having confidence in, not feeling supported/represented by and not trusting (9 responses).
- Greater focus on WH&S safety aspects for stewards, including driver fatigue and dealing with aggressive/threatening behaviour by participants (9 responses).

Should the stewarding function go back to GRNSW?

MMMC’s overall observation/s in relation to this question: The majority of stewards felt that the stewarding function should **not** go back to GRNSW. Specifically, only three (3) respondents felt that it should go back to GRNSW, with one respondent being “on the fence” (unsure). The main themes that emerged in response to this question were:

- Integrity and welfare should be separate from the commercial interests of GRNSW and there was an acknowledgement that GWIC needed to be established for this reason.
- GWIC is the right approach but the model/structure/culture needs improving.
- There are problems with the way things have been implemented and/or are currently operating.
- In the early stages of establishing GWIC there were some decisions made without enough planning and/or understanding of the industry.
- There was some acknowledgement that it is still “early days” for GWIC.

6. INTERVIEWS WITH VETS


Interviews took place between 16 and 23 September with six vets. All vets were asked the same questions. It should be noted that many responses were particularly focussed on the impact of the proposed change to reduce from three to two stewards at race meetings (which we now understand is not happening).

Below are our overall observations in relation to the responses to questions, including a synopsis of the key issues, concerns and comments raised by stewards. A detailed summary of some of the verbatim comments from vets is at Attachment A.

How do you feel about the proposed changes to stewarding and veterinary functions, and how will this impact your work and the stewards’ work?

MMMC’s overall observation/s in relation to this question: The main focus in response to this question was the proposal to reduce from three to two stewards at TAB meetings. Overall, the response from vets was consistent with the response from stewards, albeit from a different work perspective. Most vets felt that this change would have a negative impact on the work of both vets and stewards, with the main issues/comments being:

- Stewards are already very busy at race meetings with current resource levels (three stewards at most meetings).

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- In addition to their other tasks, stewards perform an important role in providing a presence and support for vets, particularly when dealing with difficult participants.
 - Likely to negatively impact on the well-being and safety of staff – both vets and stewards.
 - Difficult to manage all aspects of integrity and welfare at the track, particularly if there was an incident (e.g. injury to a dog, trainer reprimand, etc.).

Three of the vets interviewed indicated that the proposed new position of Veterinary Services Manager (VSM) was a good idea, as it would take some workload off the CVO, allowing the CVO to focus on bigger/more strategic matters. It was also noted that it will be critical that the roles of the CVO and VSM are clearly defined and delineated, and that this is understood by vets and stewards.

What suggestions do you have for reducing negative impact? What support would you like to have during the transition period (and beyond)?

MMMC's overall observation/s in relation to this question: There was considerable synergy between vets' and stewards' responses to these questions. The main suggestions/comments were:

- Moving from club-employed staff to GWIC employees performing important functions, such as swabbing and kennel inspections.
- Additional cameras/improved camera angles, better surveillance (e.g. recording of conversations), etc.
- Stewards to have a better understanding of vets' work.
- More opportunity for vets and stewards to interact/meet outside the pressure of race meetings. This could be work-related or simply social interaction. It was recognised that this is difficult, given the frequency and workload of race meetings.

What does Head Office do well?

MMMC's overall observation/s in relation to this question: Responses to this question were quite different to those from the stewards. Responses generally ranged from "very little dealings with Head Office" (ambivalence) to "general satisfaction". The main comments were:

- The Chief Veterinary Officer provides strong leadership and good communication to the vets.
- Human Resources provides a good service.
- CEO email updates are useful and informative.

What are areas for improvement in Head Office?

MMMC's overall observation/s in relation to this question: Some responses to this question from vets were consistent with stewards' responses, namely:

- Communication/feedback from investigators and inspectors.
- Leadership, support and communication for stewards.
- Greater feeling of "connection" between field staff and Head Office (notwithstanding the CVO provides good communication for the vets).



Should the stewarding function go back to GRNSW?

MMMC's overall observation/s in relation to this question: Five (5) of the six (6) respondents felt that the stewarding function should not go back to GRNSW. One respondent stated they were "not sure". The main themes that emerged in response to this question were:

- Integrity and welfare should be separate from the commercial interests of GRNSW.
- The approach is sound and we need to continue making improvements, including recommendations from the review.
- There was some acknowledgement that it is still "early days" for GWIC.

7. OTHER GENERAL OBSERVATIONS

The following are some general observations made during interviews with stewards and vets, and discussions with other GWIC staff:

- From our discussions with the senior leadership team, we felt that there was a lack of cohesion across the team and that this might be contributing to communication issues, inconsistent messaging and staff perceptions about Head Office.
- Most stewards appear to be very engaged with their work, if not GWIC, and committed to the objective of integrity in greyhound racing.
- Despite the negative feelings and perceptions outlined in this report (particularly among the steward cohort), the commitment of the stewards provides an opportunity to enhance engagement and relationships between the steward cohort and other areas of GWIC. However, this will only be achieved with some demonstrable actions, as recommended in this report. The starting point will be to provide clear and transparent feedback to the stewards (and vets) about observations and recommended actions. This will need to be followed up with timely and consistent implementation.
- Interviews with stewards and vets indicated very little ill-feeling or conflict between the two cohorts (noting that the project brief included that stewards "have expressed dissatisfaction in the manner in which vets are operating with them at the track").
- Several stewards commented that the Chief Steward role was not at an appropriate level, with some saying that it should be the equivalent of the CVO. However, we note that the Director, Legal and Integrity Services is the equivalent leadership role for the steward cohort and that this issue could be addressed, at least partially, with some review and/or clarification of the Director, Legal and Integrity Services and Chief Steward roles and responsibilities. We also note that this situation has been exacerbated by the lack of stability in the Chief Steward role.
- There was a noticeable contrast between vets and stewards in relation to the effectiveness of communication from Head Office, with the latter group being far more negative and critical. Whilst there is scope to improvement the effectiveness of communication, there would appear to some lack of understanding of mutual obligation among the steward cohort. The employer and employees have a mutual obligation to ensure effective communication in organisations. That is, it is not the sole responsibility of the messenger (i.e. Head Office/senior management), but also of the receiver (i.e. the stewards).

- The workforce reviews noted that one of the drivers for change was “*Significant travelling by the Commission’s field staff (stewards, OTVs and inspectors) resulting in (a) a potential work health and safety risk...*”. Our observation is that this is not a ‘potential’ risk, but an actual risk (and a significant one). For example, on the day we (Joyce and Michael) attended the Goulburn race meeting, two Sydney-based stewards had driven to Goulburn to arrive at the track at approximately 8.45 am (so leaving home at least 2 hours earlier), worked a full day (with minimal, if any, breaks) finished around 6 pm and then drove home to Sydney. Their day therefore spanned 6.45 am to 8 pm at least. Several other stewards raised similar concerns about driver fatigue during the interviews. It is noted that field staff have the option to stay overnight, under certain conditions.

8. RECOMMENDATIONS

Based on our observations from interviews, discussions and other research, we make the following key recommendations:

- Arrange a meeting (via Skype) of stewards and vets to provide a briefing on our observations and recommended actions.
- The senior leadership team should review its current operating arrangements (i.e. meetings, information sharing, communication protocols, etc.) with a view to enhancing cohesion and ensuring that communication and key messaging to staff is consistent.
- Remind staff, particularly stewards, of the concept of mutual obligation for effective communication and imbed this concept in work practices. For example, include in position descriptions and performance feedback discussions, encourage/remind staff to actively and positively participate in meetings and other communication mechanisms.
- Establish a working group to develop clear and consistent consultation arrangements for major change. As a starting point, existing consultation policy/guidelines need to be reviewed.
- Consider establishing working groups to look at how (or possibly if) recommended changes from the Murrihy review should be implemented.
- Establish a working group to review and enhance induction training for stewards. This is a priority for incoming cadets.
- Establish a working group to agree on communication procedures and protocols for critical and important information.
- Examine feedback and information sharing between field staff and Investigations/Inspections teams.
- Implement a roster to ensure Head Office staff gain exposure to race meetings (and specifically a better understanding of the stewarding function). This action should be expressed as a clear and realistic target, for example; “*by November 2021, 80% of Bathurst staff have “shadowed” a steward for a race meeting*”. The target will need to take into account logistics and operational impacts.
- Similarly, implement a roster to ensure that stewards spend at least one day at the Bathurst office. As above, this should also be expressed as a clear and realistic target. This will need

[REDACTED]
[REDACTED]
[REDACTED]

to be supported by a planned and structured program to ensure the learning benefits are realised.

- Review job description, performance agreement, etc. for Director, Legal and Integrity Services role and Chief Steward to clarify roles and responsibilities, including who is the primary conduit between stewards and Head Office, and related communication protocols.
- Commence planning for a stewards' conference. Seek feedback from stewards for the agenda and consider using the opportunity to including some training in key areas, such as WH&S and dealing with difficult/aggressive participants. Also, consider using a facilitator/co-ordinator to lead the conference.
- Conduct a training needs analysis for stewards and vets to develop an ongoing a training plan.
- Ensure that the Veterinary Services Manager (VSM) and Chief Veterinary Officer (CVO) roles are clearly defined and delineated, and that this information is communicated to, and understood by, all vets and stewards.
- Review the current policy and practices relating to field staff travelling to mitigate driver fatigue and associated risks. This might mean enforcing overnight stays to ensure that the total "working day", including travelling time, does not exceed, say, 10 hours.

Note: Each working group would comprise, say, 3 to 5 stewards, and have vet representation, as appropriate. Given the large number of stewards and the strong sentiment among many of them to be "more involved in things", consideration should be given to a selection/nomination process to ensure fair and equitable representation on working groups. Consideration should also be given to having a skilled facilitator for working groups to keep discussions solutions-focused, on track and to ensure outcomes are achieved.