

**Submission
No 81**

**INQUIRY INTO GREYHOUND WELFARE AND
INTEGRITY COMMISSION**

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SUBMISSION TO SELECT COMMITTEE ON THE GWIC AND OTHER AS PER TOR

I would like to thank the Select Committee for its work on this Inquiry and its interests in the NSW Greyhound Racing industry. I am a participant with various experiences spanning over 30 years within and outside the NSW Greyhound Racing Industry. I am currently in what I consider to be a privileged position of handling greyhounds every day (and almost every waking hour of my day). Although this requires an extreme level of commitment and sacrifice (on not just me but my family - no holidays, no sleep-ins or days off !!!), greyhounds truly are a great animal and I would not rather be doing anything else.

After having read the various transcripts, I would be pleased if my following comments could be considered by the Inquiry.

COMMENTS ON EVOLUTION OF NSW GREYHOUND RACING

In my opinion, the NSW Greyhound Racing industry offers a beacon of hope and leadership for all animal intensive industries across the world, in how we as humans treat and regard animals. In the case of the greyhound, the greyhound is now much revered, better understood, and truly regarded by people from all walks of life. Certainly I do not think there is any other animal living in Australia that is better accounted, traced, tracked and protected.

The NSW Greyhound racing culture has undoubtedly changed, whether that be the participants, administrators, or in the oversight of the industry. Animal welfare is well and truly at the forefront for all concerned. With the rapid changes that have taken place, naturally **teething issues** and **unintended consequences** will arise.

PROBLEMS EVIDENT arising from teething issues and the pace of change.

I think the evidence shows some main areas which are very concerning:-

1. Risks around the behaviour of GWIC officers in executing the wide-ranging inspection and disciplinary powers trusted to them.
2. Participants who fundamentally support the current industry ethos have been negatively impacted by unintended consequences of advancing technology and tightened regulation/rules. For example, at Goulburn, we heard Kerry Drynan's experience. Kerry is a participant well known for her love for her greyhounds. Until recently, she had a proud unblemished record over 30 +years . As I understand it, she fed her dog meat from what was previously a reliable source. A medicine given to the cow before slaughter was later detected in her dog that ate its meat and a low level "positive swab" was recorded in the dog (as in many other such cases) . Previously, laboratories may not have not detected such a low level contaminant. Alternatively, cattle medicine may

have changed away from the usage of procaine, which already has a threshold level, but this medicine did not. In any event, there are many potential innocent explanations and yet Kerry is being dragged through a harmful, protracted and totally unnecessary process, that is not deserved. Kerry was brave in telling her story. She is, however, only one of many good members of the participant community that has faced such a situation. The impact on Kerry and others is deep, extending from her ability to function day to day, loss of her good reputation, the financial costs of defending her case, and the impacts on her mental health. I do not suggest that there should be no enquiry made of a positive swab, and illegal drug use and cheats must not in any way be tolerated. But there must be better ways of handling such an inquiry and some groundwork into the potential for innocent, positive swabs should be undertaken and identified and a consideration given to these before charges are laid. My suggestions are set out further below.

3. Greyhounds Australasia (GA) (the ruler 'maker' nationally) is failing to consider the impact on honest participants arising from the technological advancement of drug detection. It is noticeably silent in this Inquiry despite its very relevance.
4. In my view, GWIC is too removed and decentralised at Bathurst and needs better industry guidance. It should be moved to a more central area where it is more accessible and more *out and about*. It also needs better guidance and input from the industry itself.

SIX KEY SOLUTIONS

SOLUTION ONE- A NEW OVERARCHING GUIDING PRINCIPLE FOR GWIC - the right of participants to the respect, fairness, freedoms and courtesies we expect in everyday Australian society (Terms of Reference A in respect to principals).

SOLUTION TWO - SECURING FAIRNESS - SEPARATION OF POWERS

i) In Australia, where an enquiry into the rights of an individual is undertaken by a judge or by a domestic tribunal, a fundamental procedural tenet is *nemo iudex in causa sua*, meaning *no-one is a judge in his own cause*. It is an ancient principle of natural justice and is the reason that criminal charges laid by police can only be determined by courts, who jealously guard their independence from both police and the political sphere. This protects from corruption, incompetence and/or charging error. At the moment, GWIC lays charges and determines guilt or innocence. Instead, a tribunal who stands independent of GWIC should determine the outcome of any charge. This would ameliorate the risk of GWIC pressure for a conviction, bias, mal-administration and corruption. The current independent Racing Appeals Tribunal would be the right body for this, with a further appeal process available if necessary. The volume of disciplinary matters is not overly high, and should be manageable along these lines.

ii) Where GWIC considers it is in the public / industry interest for an interim suspension of license to be handed down prior to the full judicial process being completed, it should apply to

this Tribunal (and the participant should have the right to object). Interim suspensions have severe consequences for participants, and their necessity should be examined at arms-length from the charger. In a recent case, where GWIC stood a person down, at much cost to him, he was required to remove greyhounds from his training programme, only to have the interim suspension overturned by the tribunal after much damage was done.

iii) It seems not all tribunal decisions are published, and not all in a timely manner. As these are of public and industry interest, there should be a mandatory requirement that written decisions be published within 72 hours (or thereabouts) (unless the Judge orders otherwise).

SOLUTION THREE. CREATE A GRIEVANCE PANEL

The internal review process of GWIC should be replaced or supplemented by an independent Grievance Panel, where participants can report and seek guidance where they feel conduct of GWIC, GRNSW or a club body towards them is inappropriate and /or heavy handed.

The panel should be overseen by a respected retired judge or high standing mediator, and be supported by an experienced long-standing well regarded participant representative.

The Office should play a similar role to the NSW Ombudsman's office. It can also act as a mediator where parties agree. It should make recommendations to GWIC (or GRNSW or club body) as it sees fit over specific matters or matters of policy. It should report matters to NSW Parliament should the relevant body not act upon its recommendations. It should be accountable by reporting annually to parliament and its funding must be independent of GWIC and GRNSW.

SOLUTION FOUR- MENTAL HEALTH SUPPORT

Mental health support and protocols for the industry should be formally established and on-going.

SOLUTION FIVE - CHANGES TO INDUSTRY PARTICIPANTS ADVISORY COUNCIL

<https://www.gwic.nsw.gov.au/news-and-updates/industry-consultation/gwic-industry-participants-advisory-council>

The current IPAC was recently formed and is a good idea, but it should be expanded in purpose and made more relevant.

- It should have an independent, meaningful and free role
- It should not be limited by its current Terms of Reference.
- It should be empowered to set its own agenda (rather than it be dictated by GWIC)
- It should be able to meet with the Grievance Panel, and as a last resort, the Minister.
- Its work should expand to be an advisor to GRNSW
- The panel selection process should be transparent, with members voted upon by industry, in addition to selection of members by clubs and GBOTA

SOLUTION SIX - CREATE A DRUG DETECTION PANEL

Let there be no doubt, no one that I know in the industry has any time for drug cheats. It is not welcome and anyone who deliberately utilises a drug to gain an advantage should be prosecuted to the full extent of the rules, with criminal charges as applicable. Fortunately, the incidences of these appear to be very low.

However, the advancement in technology as it relates to capture contaminants at a very low level (in the feed, personal medications of the participant, etc) and other matters such as the new policies for cobalt (as it relates to greyhounds after having been implemented in the horse racing industry), is surely resulting in unintended consequences which are so severe they need to be dealt with at a higher level with a more modern approach.

I suggest a Drug Detection Panel (including participant representatives and scientists) should be formed to examine the following:-

- a) Pet food supplies are an economic source of nutrition for greyhounds and an efficient disposal for meat not meeting human grade requirements. This should be regarded as such, not disregarded as currently appears to be GWIC and GA's position. As part of this changed positioning, greyhound feed sources (other than human grade food suppliers) should require approval (administered by GWIC). Part of that accreditation should require the supplier to retain ongoing traceability of sourcing and supply of meat records, including vendor declarations as to medical use on cattle prior to death etc. This way, where there is a 'positive' reading, questions can be asked of the supplier and its vendor, rather than the current perverse focus upon the participant .
- b) It should be noted that even when sourcing human grade meat from a local butcher, low level contamination risk arises, such as hormones given to cows and that which can arise in the human handling of the meat. Threshold levels should be set so that non-performance enhancing substances sometimes found in all meats at low levels, are not considered a "positive swab" . This already exists for 'procaine' (in NSW only), so that approach simply needs to be expanded.
- c) Given the recent media exposure of the prevalence of cocaine and other illicit substances in the wider NSW community, a review of:-
 - i) Whether low level 'positive swabs' can arise from 'environmental' contamination (example a greyhound sniffing the ground, residue being on the vet's hands after the vet has touched another dog)
 - ii) Whether there is performance enhancement at the extremely low levels
 - iii) If the the answer to (i) is yes and (ii) no, then consideration of the setting of 'non reportable' for very low levels
 - iv) Alternatively or additionally, the setting of a separate system of discipline and penalty for low versus high levels (including warnings and assistance, prior to discipline). **This separation should be immediate, pending the findings of this work.**

- v) Whether the same Australian Standards for drug detection that is widely used (I believe including the NSW Police force) should be applied for NSW Greyhound racing
(<https://www.alcolizer.com/faq/what-are-the-australian-standard-drug-class-screening-cut-off-levels/>)
- d) Policies relating to cobalt and arsenic, as to how it affects greyhounds and not horses, should be fully reviewed by this panel
- e) This work should be done by and for NSW, outside the ambit of Greyhounds Australasia, and with high priority.

COMMENTS ON TERMS OF REFERENCE E - FUNDING ARRANGEMENTS.

- I note the Government announcement of 20 June 2021 which positively meets the requests of many submissions to this Inquiry.
- A fundamental overarching concept that should drive funding arrangements is:
 - NSW Greyhound racing is a very popular wagering product
 - The demand for the product in turn drives a whole ecosystem of:-
 - i. Demand for breeding
 - ii. Demand for training
 - iii. Demand for safe tracks
 - iv. Demand for participants
 - v. Rehoming and retirement requirements for greyhounds
 - vi. A demand for integrity and systems, to safeguard the integrity of the product and human welfare and animal welfare.
 - vii. The importance of greyhound racing in many people's lives
 - viii. The interests of stakeholders adverse to racing but concerned for animal welfare
 - ix. Jobs and contributions to the community particularly in NSW regional areas.

Therefore there should be a direct relationship between the revenue and this ecosystem. Revenues arising from the wagering on the product, should fairly and appropriately be distributed to fund the whole ecosystem of NSW Greyhound racing from breeding through to retirement of the greyhounds. To not fairly and sufficiently distribute funding is to sacrifice some point in that ecosystem. Further, and drilling down, I believe there should also be a direct nexus between the wagering revenues and rehoming/retirement of greyhounds, which should be overseen by both the industry and GRNSW (not just GRNSW).

Yours faithfully,

Michael Eberand
25 June 2021.