

THE ROLE AND FUNCTIONS OF THE
GREYHOUND RACING
INTEGRITY AUDITOR

GREYHOUND RACING INTEGRITY AUDITOR

This document is intended to provide guidance to persons who wish to lodge a complaint in respect of integrity issues affecting the Greyhound Racing Industry conducted in New South Wales.

The role and functions of the Integrity Auditor are set out in Sections 25 to 27 of the Greyhound Racing Act, 2009 ("The Act").

A. FUNCTIONS:

Section 26 of the Act sets out the functions of the Integrity Auditor as:

- (a) The primary oversight of those aspects of the functions of GRNSW that relate to stewards, drug testing and control and registration;
- (b) Providing advice to GRNSW on the matters referred to in paragraph (a);
- (c) Receiving and investigating complaints against racing officials in respect of the exercise of functions relating to greyhound racing;
- (d) Such other functions as are conferred or imposed on the Integrity Auditor by or under this or any Act.

B. INDEPENDENCE

Section 26 (2) of the Act states that the functions of the Integrity are to be exercised independently of GRNSW.

Note: To exercise these functions independently, the Integrity Auditor operates freely and without interference from a GRNSW racing official. It means independence from those who have an interest in the results of any review or investigation undertaken by the Integrity Auditor as well as possessing an independent attitude in undertaking the review or investigation.

C. REVIEW OF PRIMARY OVERSIGHT MATTERS

There is no guidance in place to assist the Integrity Auditor in reviewing primary oversight matters other than having the function of providing advice to GRNSW.

In some instances GRNSW may refer primary oversight matters to the Integrity Auditor for review or it may refer a matter where it has received submissions from racing participants or a third party.

GREYHOUND RACING INTEGRITY AUDITOR

Another avenue may arise from the receipt of a complaint sent to the Integrity Auditor in the first instance supported by substantive reasons from participants or members of the public to review a primary oversight matter.

Participants should note that the conduct of a review does not mean that any suspicion or wrongdoing has occurred.

When a review is completed the Integrity Auditor will provide draft findings and recommendations to GRNSW for comment before finalising the review. Publication of a primary oversight review will be assessed on individual facts and circumstances.

If appropriate a copy of the review will be provided to the Minister and any third party authority.

D. COMPLAINTS HANDLING

All complaints about a GRNSW Racing Official must be made in writing and sent to the postal address of the Integrity Auditor which appears below in this document.

The Integrity Auditor will not consider matters raised by email in the first instance. The Integrity Auditor may choose to communicate with the parties by email after a formal complaint is lodged.

Section 27 of the Greyhound Racing Act, 2009 sets out the circumstances how the Integrity Auditor is to deal with complaints.

The Integrity Auditor is required under Section 27 (2) of the Greyhound Racing Act to consider whether the complaint:

- (a) is frivolous, vexatious or not made in good faith, or
- (b) is trivial, or
- (c) does not relate to the exercise of functions by a racing official in a corrupt, improper or unethical manner.

Note: In relation to making complaints the following guidance is provided:

- A. The Integrity Auditor deals with complaints against a racing official or officials when it is alleged that there is conduct to suggest that the racing official who exercises a power, duty or authority under the Act, has acted in a way that may be either considered as corrupt, unethical or improper conduct.*

GREYHOUND RACING INTEGRITY AUDITOR

A racing official is defined in the Act as meaning a member of GRNSW (e.g. a Board member), the CEO of GRNSW, a Steward or any other member of staff appointed by GRNSW.

- B. Complaints can be made by any person, whether or not they are a participant in the greyhound industry. A person does not need to be a licensed person such as an owner, trainer or handler to be capable of lodging a complaint.*
- C. To assess if a complaint can be investigated, the Integrity Auditor will consider the nature of the complaint and the supporting reasons. If insufficient detail is provided, the Integrity Auditor may request the complainant to provide further information and/ or engage with GRNSW and then consider the additional information to determine if the complaint will be investigated.*
- D. Then the Integrity Auditor must review the matters raised in the complaint to determine if any corrupt, unethical or improper conduct has occurred. If the Integrity Auditor is satisfied then an investigation will be commenced. If not the matter is finalised and the complainant informed.*
- E. For a complaint to be properly assessed, the complainant must specify in detail the conduct that suggests a racing official acted in a manner that may be corrupt, unethical or improper. If the complaint raises other unrelated issues then the Integrity Auditor may refer those matters to the appropriate area within GRNSW for consideration.*
- F. Where a complaint is solely about dissatisfaction with a decision made by GRNSW or the application of a GRNSW policy or procedure then the matter will not be considered by the Integrity Auditor.*
- G. Persons should consider the following concepts to assist in lodging a complaint against a racing official:*

***Corrupt conduct** is where a public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others. Additionally a public official may act dishonestly or unfairly, or breaches public trust.*

***Unethical conduct** is behaviour that falls below or violates the professional standards.*

***Improper conduct** often refers to unethical conduct, a breach of etiquette, or morally offensive behaviour or engaging in improper business practices.*

COMPLAINTS NOT INVESTIGATED:

When the Integrity Auditor decides to finalise a complaint without holding an investigation, the complainant will be notified in writing with the reasons for not proceeding. GRNSW will be provided with details of the complaint and decision.

COMPLAINTS PROCEEDING TO INVESTIGATION:

When the Integrity Auditor decides to conduct an investigation, all involved parties will be provided with a copy of the complaint.

The Integrity Auditor will allow the racing official or officials adequate time to respond to the complaint. The complainant will be informed of the time allowed.

During the investigation the Integrity Auditor may decide to request further information from any party. In that case the other party or parties will be given an opportunity to respond.

The Integrity Auditor can issue a notice in writing to a racing official to provide information, records and authorise compliance with the notice.

FINDINGS AND RECOMMENDATIONS OF AN INVESTIGATION:

When an investigation reveals that there is a necessity to review and improve GRNSW procedures, the Integrity Auditor will send a draft of the report to GRNSW for comment before a final report is released to the parties.

Where this is an adverse finding against a racing official or officials, a draft of the report will be provided to the person or persons, the subject of the adverse finding. A reasonable opportunity to respond will be set by the Integrity Auditor and a final report will not be released until responses are received.

POST INVESTIGATION:

The Integrity Auditor is required to provide a copy of any investigation report to GRNSW and the Minister if the results indicate that there has been a contravention of the Act or any other Act in relation to the conduct of greyhound racing or a contravention of the GRNSW Code of Conduct.

If the report identifies any racing official in an adverse manner, a copy of the report must be given to the racing official.

The Integrity Auditor must inform the person who made the complaint of whether a report has been made or whether it has been considered that the complaint does not warrant a report being made.

GREYHOUND RACING INTEGRITY AUDITOR

The Integrity Auditor will assess whether any report should or should not be produced and /or published based on the facts and circumstances of a complaint.

FAIRNESS:

The Integrity Auditor will observe the principles of procedural fairness at all times so that all parties involved in the complaint are allowed a proper and full opportunity to address the matters raised.

CONFIDENTIALITY:

All complaints will be treated on the basis that the matters disclosed are confidential. In circumstances where it is necessary to disclose complaint information elsewhere then the Integrity Auditor will seek the complainant's consent in the first instance.

All parties are requested to observe that confidentiality will be applied throughout the review and investigation of a complaint.

***Graham Gorrie
Integrity Auditor
August 2012***

Contact details:

Greyhound Racing Integrity Auditor

PO Box 1625 HORNSBY WESTFIELD 1635

Telephone: (02) 9476 1433

Email: grglawyers@bigpond.com