

A Consultation on Proposed Regulatory Reform

Introduction

- 1.1 Bord na gCon recognises the importance in implementing the highest standards of integrity and compliance controls in all aspects of its regulatory structure and are currently considering a number of regulatory reforms as outlined in this document.
- 1.2 Public consultation is one of the commitments that Bord na gCon have made following the publication of the 2014 Indecon Report on the Irish greyhound industry. As Bord na gCon embarks on the implementation of various recommendations contained in this report, it will consult with those involved and views will be considered before decisions are taken.

Scope of Consultation

- 2.1 This is a public consultation and Bord na gCon particularly seeks views from those involved in the greyhound industry on the practicalities of implementing the proposals put forward in this document. All responses will be appropriately considered.
- 2.2 The consultation period will run for 2 weeks from 5th December 2014 to 19th December 2014.
- 2.3 Please respond before the closing date of **Friday 19th December 2014**. There is a summary of the questions at the end of this document. Please send responses to feedback@igb.ie. If you do not have access to email, please respond to:

Public Consultation on Regulatory Reform
Regulation Department
Bord na gCon
Greenpark
Dock Road
Limerick

The Publication of Test Results and Findings of the Control Committee

- 3.1 The proposal to publish tests results was one of the recommendations put forward in the 2014 Indecon Report. Bord na gCon considers this recommendation to be an absolute requirement to enhance full confidence in the integrity and transparency of the sport.

- 3.2 The Indecon Report highlighted that a lack of information being published on positive sample test results is potentially damaging to the reputation and public perception of the greyhound industry. A greater level of transparency is therefore required in order to enhance confidence in the sport.
- 3.3 Currently the only stage that positive sample results can be published is at the conclusion of proceedings before the Control Committee or the Control Appeal Committee. Pursuant to Article 8(6) of the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 (S.I. No. 301 of 2007), the Control Committee can publish its findings once proceedings have concluded and the Committee has made their decision. Where an appeal is lodged to the Control Appeals Committee, publication is delayed until the outcome of the appeal itself.
- 3.4 Bord na gCon proposes regulatory amendments to allow for the publication of positive test results at an earlier stage. This publication should take place at the conclusion of the analytical phase of the anti-doping and medication control process and after notice of results have been sent to the parties involved, prior to any hearing by the Control Committee. Such publication would specify the number of negative results, and the identity of any dogs which have tested positive.
- 3.5 It is proposed that all positive test results would be published by Bord na gCon via any medium deemed appropriate (for example, the online Resource Centre at www.igb.ie).
- 3.6 Bord na gCon is also considering reform to allow for the publication of Control Committee findings regardless of whether or not an appeal has been lodged to the Control Appeal Committee.

Q1: Do you think positive test results should be published and made available to the public?

Q2: At what stage in the process should these be published?

Q3: What information relating to the positive test should be published?

Q4: What methods of publication would you like to be used? (e.g. online Resource Centre)

Q5: Should the findings of the Control Committee be published in cases where the decision has been appealed to the Control Appeal Committee and the appeal is still pending?

Disqualification of a greyhound in the event of a positive sample

4.1 Bord na gCon proposes to amend the Racing Regulations in order to establish specific grounds for disqualification of greyhounds from racing. An example of such grounds would be where a test carried out on a sample under Article 29 of the Greyhound Industry (Racing) Regulations 2007 has returned a positive result.

Q6: Should greyhounds testing positive for a prohibited substance after a race be immediately and automatically disqualified from that race?

4.2 Bord na gCon is also considering introducing a short and rapid procedure to allow for a test result to be challenged before an independent body.

Q7: Should a short and rapid procedure for challenging a positive test result be introduced, and if so, should disqualification of the greyhound be delayed until this procedure has been concluded?

Bedding in Kennels and Access to Kennels

5.1 In recent years it has become customary for Bord na gCon officials to observe greyhound handlers/trainers/owners bringing bags (such as sports holdalls) with them to racing, consisting of equipment/refreshments/bedding to put in kennels.

5.2 In addition, it has also become habitual for more than one person to attend to their greyhound in the kennel area.

5.3 These practices in the kennels are foremost concerns for the integrity and security at the racetracks and racing kennels. Thus Bord na gCon wishes to formally regulate what equipment is brought into the kennel areas and ensure that only one person per greyhound is permitted in the kennel area at all times.

5.4 Bord na gCon proposes to introduce new regulations prohibiting all items other than bedding, and to state that any bedding that is brought for use in kennels is only permitted at the discretion of Racing Officials. Regulations would also state that only one person per greyhound is permitted access to the kennel areas at all times.

Q8: Do you think that owners/trainers/handlers should be allowed to bring bedding into the kennels?

Q9: If bedding is allowed, what type of bedding should this be limited to?

Q10: Should it be at the discretion of Racing Official to decide what bedding is allowed?

- Q11: Do you think that any other items other than bedding are necessary and should be permitted in kennels?**
- Q12: Do you have any concerns about items that are being brought into the kennel area?**
- Q13: Do you think that access to the kennel area should be restricted to one person per greyhound?**
- Q14: Do you have any other concerns regarding the general security around kennels?**

Other Regulatory Proposals for Future Public Consultation

- 6.1 Bord na gCon is currently considering a number of other new regulatory instruments and legislative amendments. As outlined in the response to the 2014 Indecon Report, Bord na gCon recognises the importance of implementing the highest standards of compliance controls in all aspects of its regulatory infrastructure.
- 6.2 Bord na gCon considers that the list of proposals outlined below will enable the greyhound racing industry to achieve a robust and credible regulatory system to align the Irish greyhound industry with best international practice in racing integrity and compliance. Once these proposals have been further considered at Board level, they will be open for public consultation and we will allow for a period of time to receive submissions from industry stakeholders.
- 6.3 Bord na gCon will publish further information on this public consultation in due course. In the meantime, please see the below list for information on proposals that are due to be put forward for future consultation.
- 6.4 **List of Prohibited Substances (Non-exhaustive):** Bord na gCon seeks to create a formal non-exhaustive list of prohibited substances, listing all drugs, substances, supplements and methods which are banned from use in greyhound racing. The concept will also include categorising the list of substances into different groups to correlate with the seriousness of the offence. This list will be developed in a transparent manner with the assistance of the independent scientific group referred to in the Boards response to the Indecon Report.
- 6.5 **Definition of 'Prohibited Substances':** Bord na gCon seeks to amend its definition of 'Prohibited Substances' to help establish a more robust anti-doping and medication control regime.
- 6.6 **Strict Liability:** In order to enforce a policy of zero tolerance on the use of prohibited substances, Bord na gCon wishes to consider the principle of strict liability

for the presence of any drug, including medication, on race days and at any other licensed event or premises. It is proposed that strict liability be applied in all doping and medication control cases. This would ensure that an anti-doping rule violation occurs whenever a prohibited substance (or its metabolites or markers) is found, regardless of any other factor.

- 6.7 **Abuse of Officials:** Bord na gCon wishes to introduce an article to the Racing Regulations to allow an Exclusion Order and/or penalty to be imposed on any person who abuses a Bord na gCon official.
- 6.8 **Duty to keep record of medication:** Bord na gCon proposes a new regulation to introduce a duty to keep records of all medication administered to a greyhound.
- 6.9 **Kennelhand Licence:** Bord na gCon wishes to create a new licensed position of 'kennelhand'. This is to help maintain high levels of security around the kennel areas of tracks and to ensure greyhounds are always handled by someone who is formally licenced and registered by Bord na gCon.
- 6.10 **Use of mobile phones:** As an integrity measure, Bord na gCon would like to introduce a new rule to the Racing Regulations prohibiting the use of mobile phones in the kennel area.
- 6.11 **Forfeit list:** Bord na gCon proposes to establish a rule that all outstanding fines and fees must be paid before a person can enter a greyhound for racing. The method for this would be to enter the names of all persons who have an unpaid fine onto a 'Forfeit List', and only remove their name once the fine has been paid. As an added measure, it would also be proposed that Exclusion Orders can be applied to any person who is listed on the 'Forfeit List'.

SUMMARY OF QUESTIONS:

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- Q4: What methods of publication would you like to be used? (e.g. online Resource Centre)
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