



## **GREYHOUND RACING NEW ZEALAND POLICY**

### **PROTOCOL FOR DRUG AND ALCOHOL TESTING OF LICENCED PERSONS**

#### **1. OBJECTIVE**

- 1.1** Greyhound Racing New Zealand considers it vital that any Licenced Person who has, is or is likely to carry out a Safety Sensitive Activity at a Racecourse must operate in a safe manner and not be affected or compromised by drugs and alcohol.
- 1.2** It is well recognised that drug and alcohol use creates a serious risk to health and safety and may be the cause of Racecourse accidents. The health and safety and protection of all persons at a Racecourse is of paramount importance to the Association.
- 1.3** The Association requires Clubs to manage risks to health and safety by eliminating risks, so far as is reasonably practicable. Alcohol and drug testing are reasonably practicable ways of minimising risks to health and safety at a Racecourse.
- 1.4** The provisions of the Rules of Racing, and in particular rule 62.4, apply to this protocol.

#### **2. SCOPE**

Subject to clause 2.3, this protocol strictly prohibits:

- 2.1** The consumption, use, sale, transfer, supply, manufacture or possession of drugs at a Racecourse;
- 2.2** Any Licenced Person who has, is or is likely to carry out a Safety Sensitive Activity at a Racecourse:
  - 2.2.1** consuming alcohol or drugs;
  - 2.2.2** being impaired or potentially impaired by alcohol or drugs;
  - 2.2.3** returning a Positive Result for drugs and/or alcohol under this protocol;

except as otherwise authorised by this protocol and/or the Rules of

Racing.

- 2.3** For the avoidance of doubt, nothing in this protocol should be considered to operate as a ban on the consumption of alcohol at a Racecourse, provided that the breath alcohol levels set out in this protocol are observed by any Licenced Person who has, is, or is likely to carry out a Safety Sensitive Activity at a Racecourse.

### 3. DEFINITIONS

This protocol adopts the definitions set out in the Rules of Racing. Additional definitions are set out below.

**Alcohol** means any beverage that contains ethyl alcohol, including but not limited to, beer, wine, cider and spirits.

**Constitution** means the Constitution of the New Zealand Greyhound Racing Association Incorporated, as amended from time to time.

**Drugs** mean any mind-altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and any drugs listed in AS/NZS 4308:2008 (or any successor standard). The Association may also include in this definition drugs other than those listed in the standard, such as those drugs referred to as "designer drugs", including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

**Positive Result** includes:

- Returning a positive drug concentration at or above the confirmatory AS/NZ 4308:2008 cut-off concentrations (or any successor standard);
- Subject to changes to permissible breath/alcohol limits allowed by returning a breath alcohol level greater than:
  - 150 micrograms of alcohol per litre of breath, if the person is younger than 20 years of age;
  - 400 micrograms of alcohol per litre of breath, if the person is 20 years of age or older.

**Protocol** means this policy document relating to drug and alcohol testing.

**Racing Integrity Unit** means the independent organisation that is charged with managing the integrity issues within the three New Zealand racing codes - Harness, Thoroughbred and Greyhound.

**Safety Sensitive Activity** means an activity associated with races or racing which is of the type that is specified by the Association in a published policy to be a Safety Sensitive Activity. For the purposes of this protocol, in relation to a Racecourse, Safety Sensitive Activities include:

- Kennelling dogs at Race Course (transferring a dog from a vehicle in

the car park to the kennels and/or from the kennels to the track and back again);

- Handling dogs on a Race Course;
- Catching dogs on a Race Course;
- Leading dogs from a Race Course back to the kennels or vehicles in the car park;
- Any other activity that occurs within the Race Course environment during a race day.

#### **4. DRUG TESTING PROCEDURE**

- 4.1** All aspects of the drug testing procedure shall be performed at the Association's expense by an appropriately qualified testing body in a confidential and private manner, and in accordance with Australia/New Zealand Standard 4308:2008 (or any successor standard).
- 4.2** All drug testing under this protocol will be carried out on behalf of the Association by a testing body engaged by the Racing Integrity Unit.
- 4.3** The Association and/or its nominated testing body may, in its/their absolute discretion, amend or vary the testing procedures set out in this protocol. This may occur where the relevant standard dictates a different procedure should apply, when the circumstances require it, or when otherwise deemed desirable.
- 4.4** The drug testing procedure is likely to involve the testing of a urine sample. If, in the future, less intrusive but equally effective methods of testing become available, the Association and/or its nominated testing body will endeavour to use them.

#### **5. REASONABLE CAUSE TESTING**

- 5.1** A Licenced Person may be tested for the presence of drugs or alcohol when a Racecourse Inspector or Steward has reasonable grounds for believing that the Licenced Person is either under the influence of drugs or alcohol or has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse and is unable to do so properly or with due care for the safety of himself or herself or any other person.
- 5.2** The testing procedure for reasonable cause must be used when a Racecourse Inspector or Steward suspects, on reasonable grounds and in his or her sole discretion, that drugs or alcohol may be impacting on a Licenced Person. Reasonable grounds for testing can be established if the Licenced Person's behaviour, actions or conduct are indicative of impairment or abnormal behaviour.

#### **6. POST-INCIDENT/ACCIDENT TESTING AND EMERGENCY SITUATIONS**

- 6.1** A Licenced Person may be tested for the presence of drugs or alcohol after a Racecourse incident or accident (which includes a near miss) has occurred, if a sufficient reason exists, in the sole discretion of a Racecourse Inspector or Steward.

- 6.2** A sufficient reason may include one or more of the following:
- where there is an injury that is considered serious (i.e. requires medical attention), a notifiable incident, or a near miss which had the potential to cause serious injury or loss;
  - where the actions or inactions of a Licenced Person may be considered to have contributed to the incident or accident;
  - where the Licenced Person acted in a careless, negligent or unsafe manner;
  - where the Licenced Person operated outside the Rules of Racing;
  - where there is an actual or potential significant damage to property.
- 6.3** Testing will be undertaken as soon as possible after the incident or accident. The test will be administered as soon as the Licenced Person is able to provide a Sample. If the Licenced Person involved requires medical treatment, this will be administered first. The Racecourse Investigator or Steward will ensure the Licenced Person is accompanied immediately to the designated site for the test.
- 6.4** In the event that an emergency situation arises as a result of a Racecourse incident or accident, appropriate first aid and/or other steps required to ensure the safety and health of the Licenced Person will be the priority before drug and alcohol testing occurs.

## **7. RANDOM TESTING**

While random testing is not currently part of this protocol, in future the Association may, following consultation with Clubs, introduce amendments to this protocol to provide for random drug or alcohol testing of Licenced Persons who have carried out, are carrying out, or are likely to carry out, a Safety Sensitive Activity at a Racecourse.

## **8. PROCEDURE FOR REASONABLE CAUSE/POST-INCIDENT/ACCIDENT TESTING**

- 8.1** The Racing Integrity Unit are responsible for appointing a provider to conduct reasonable cause/post-incident/accident testing in accordance with this protocol, which will be carried out in a confidential and private manner.
- 8.2** All Licenced Persons are entitled to be informed of the procedure to be followed, prior to the commencement of that procedure. They are also entitled to contact the Racing Integrity Unit to obtain a copy of the procedure at any other time.
- 8.3** If there is a fundamental change in testing procedures, Licensed Persons will be advised in the Associations regular communications.
- 8.4** If tests are negative, the Licenced Person may be able to return to performing Safety Sensitive Activities, determined by the Racing Inspector or Steward, after consideration of any other possible factors.
- 8.5** If the sample returns a "non negative" screening result or its integrity is suspect, the Licenced Person may be stood down from undertaking any Safety Sensitive Activity until the laboratory confirmed test results are available.
- 8.6** If the test returns a positive result, the "Positive Result" section of this protocol will apply.
- 8.7** The Racing Inspector or Steward will notify the Licenced Person of the test results as soon as practicable after the test.

## **9. POSITIVE RESULTS**

- 9.1** If a Licenced Person has undertaken a breath test in accordance with this protocol, and there is a Positive Result, then the breach of the protocol and the Rules of Racing shall be reported to the Association by the Racecourse Investigator or Steward dealing with the test and the Association shall consider whether, in addition to any penalty which may be imposed by the Judicial Committee, Licenced Person's Licence should be revoked, varied or suspended (including having conditions imposed on it).
- 9.2** If a Licenced Person has supplied a Sample or Samples in accordance with this protocol, and such Sample or Samples is/are found upon analysis to have produced a Positive Result, then:
- i. Licenced Person shall be notified in writing of the finding of that analysis as soon as reasonably practicable; and
  - ii. that Licenced Person's Registration shall be automatically withdrawn from the date of the written notice until the Judicial Committee issues a substantive decision in relation to any information filed against that person in relation to that Sample or Samples.

- 9.3** If:
- i. no information against that Licenced Person is filed within 21 days of the written notice referred to above being served on that person; and
  - ii. that Licenced Person has subsequently provided a further Sample (being the same type as the first Sample provided, e.g. urine) and such Sample is found upon analysis not to contain a controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance and/or its metabolites, artefacts or isomers;

then that Licenced Person's Registration shall be reinstated.

- 9.4** If, in the opinion of the Association, the hearing of an information against a Licenced Person in relation to a Sample or Samples referred to above is not held in a timely way as a result of delays or omissions on the part of the informant, then the Association may reinstate that person's Registration on such terms and conditions as the Association sees fit.

- 9.5** The above provisions shall take effect notwithstanding anything to the contrary in the provisions of Rule 107 of the Rules of Racing.

**10. NEGATIVE DRUG OR ALCOHOL TEST RESULT**

No action regarding drug or alcohol use will be taken against any Licenced Person who returns a negative drug test result, or an alcohol test result within the prescribed breath alcohol limits.

**11. INVALID DRUG TEST SAMPLE**

If a Licenced Person provides a sample that is "dilute" they will be given one further opportunity to provide a sample within 24 hours that is not "dilute". This may mean Licenced Person may have to reduce their fluid intake during this period. If the second sample is also "dilute" this will be treated as a failed test (i.e. positive) and the process in clause 11 above will apply.

**12. REFUSAL TO UNDERGO A TEST**

If a Licenced Person refuses to comply with a request to undertake a drug or alcohol test, at the discretion of a Racecourse Inspector or Steward, the Licenced Person will be charged under rule 11.3 and stood down until the JCA hearing and undergo a drug or alcohol test (as requested) and receive a negative result.

**13. CONSEQUENCES OF NON-COMPLIANCE**

Any Licenced Person who refuses to comply with a request made by a Racecourse Inspector or Steward pursuant to the Rules of Racing and/or this protocol may be deemed to be in breach of the Rules of Racing.

## **14. PRIVACY**

- 14.1** All personal information collected for the purposes of implementing and managing this protocol will be collected and stored in accordance with the Privacy Act 1993.
- 14.2** Personal information relating to drug and alcohol testing of any Licenced Person will be shared with third parties only as necessary to give effect to this protocol.
- 14.3** The results of a drug or alcohol test will be kept confidential to the Association and Licenced Person, and shall be used only in relation to determining fitness to perform any Safety Sensitive Activity at a Racecourse, and to assess whether there has been a breach of the Rules of Racing.

## **15. PRESCRIPTION DRUGS**

- 15.1** Where Licenced Person has been prescribed prescription drugs by their medical practitioner that have the potential to impair their ability to undertake a Safety Sensitive Activity, they must advise the Racing Inspector or Steward accordingly. The Racing Inspector or Steward must then make a decision as to whether Licenced Person should be permitted to undertake a Safety Sensitive Activity.