



Racing Integrity  
Commissioner



# Annual Report 2022–2023



**Racing Integrity  
Commissioner**

Authorised by the  
**Racing Integrity Commissioner**

Level 27, 121 Exhibition Street  
Melbourne Vic 3000

PO Box 24034, 111 Bourke Street  
Melbourne Vic 3001

Phone: +61 3 8684 7776  
Racing Integrity Hotline: 1300 227 225  
Email: [enquiries@racingintegrity.vic.gov.au](mailto:enquiries@racingintegrity.vic.gov.au)  
Website: [www.racingintegrity.vic.gov.au](http://www.racingintegrity.vic.gov.au)  
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Designed by Vetro

# Letter of Transmittal

The Hon Anthony Carbines MP  
Minister for Racing  
Level 26, 121 Exhibition Street  
Melbourne Vic 3000

I am pleased to present you with my annual report for the year ending 30 June 2023, for tabling under section 37F of the Racing Act 1958 (Vic) and to inform the Parliament, controlling bodies, racing industry participants, and the Victorian public about my racing integrity oversight role and operational activities undertaken during the preceding 12 months.

A handwritten signature in blue ink, appearing to read 'Sean M Carroll', with a large, stylized flourish at the end.

**Sean M Carroll**  
Racing Integrity Commissioner  
30 September 2023



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# Commissioner's message



It is more important than ever to reflect on the role of integrity in the wider context. This year in Victoria we have witnessed, and are progressively experiencing, cost pressures across all areas of our lives, which will have a range of personal and financial impacts for some time to come. As a result, the racing industry is already feeling the pressure of increased competition for the corporate and entertainment dollar. Additionally, many participants will face financial ramifications due to the forecast downturn in wagering revenue and reductions in prize money.

Integrity creates trust and trust creates value. We know that people spend more on businesses and products they trust. Integrity is the most important currency the Victorian racing industry has and is critical to preserving our social licence. Maintaining the high standards that underpin confidence in the Victorian racing industry's continued prosperity will ensure we collectively and individually remain at the front of the contest.

We know that people experiencing economic hardship are more vulnerable to poor decision-making and these issues will undoubtedly create integrity ripple effects across the Victorian racing industry. This may include taking shortcuts in relation to compliance and welfare concerns, or overtly seeking to gain an advantage by crossing integrity boundaries altogether.

How do we maintain our focus on integrity against this backdrop? There is no singular solution. The controlling bodies play an important role in leading the way.

During testing times, it is imperative that the controlling bodies continue to regularly review their integrity and compliance frameworks, to ensure they remain responsive to new and evolving risks. This will allow them to proactively use their finite resources to target the right risks.

The controlling bodies are also key to entrenching integrity culture within each racing code. More than a statement, slogan or mere compliance with the rules of racing, integrity culture is about creating an understanding of shared responsibility and accountability which affirms the notion of doing the right thing – by both the industry itself, and all people connected with it.

In a dynamic operating environment, it is incumbent on all leaders to stop and listen. The measure of our culture is not in the assessment of those in senior positions, but from the perceptions of employees and participants on the ground. For they will ultimately determine whether our actions align to a true culture of integrity.

Individuals will continue to play a fundamental role in speaking up when something is either not right, or plainly wrong. My office and each code have clear avenues to seek early support and assistance when it is needed, and otherwise report integrity concerns where underhanded conduct is suspected. I encourage everyone associated with the Victorian racing industry to use these valuable services at the earliest opportunity.

This report documents the performance of my statutory functions, exercise of powers and integrity related activities during the last 12 months.

I acknowledge the ongoing support of The Hon Anthony Carbinis MP, Minister for Racing, who has continued to place priority on racing integrity in our state.

In another exceedingly demanding year with a number of significant investigations on foot, in conjunction with the independent review into Victorian racing industry victim support and complaint processes, I thank my staff and review team for their diligence and dedication to ensuring confidence is maintained in our wonderful Victorian racing industry.

All the best in racing



**Sean M Carroll**  
Racing Integrity Commissioner

# Role of the Racing Integrity Commissioner

## Overview

The Racing Integrity Commissioner (Commissioner) is an independent statutory officer appointed under Part IA of the *Racing Act 1958* (Vic) (Racing Act). The Commissioner is a central integrity oversight body in the Victorian racing industry whose key focus is providing assurance about the integrity processes and systems of Racing Victoria Limited, Harness Racing Victoria and Greyhound Racing Victoria to Parliament and the public.

The Commissioner's role also affords an opportunity to share learnings and insights gained from the performance of oversight activities with all three racing controlling bodies, to embed continuous improvement in integrity across the broader racing ecosystem.

- **conduct own motion inquiries** that do not relate to any specific complaint and may include an investigation into systemic issues in racing
- **make recommendations following the investigation of any complaint, inquiry or matter** to the Minister, VRIB or relevant controlling body, as appropriate
- **direct the Victorian Racing Tribunal (VRT) to hear and determine an appeal** made by a person against a penalty imposed under the rules of racing of a fine of \$250 or less if the Commissioner considers it is in the public interest for the appeal to be heard
- **notify IBAC** of any matter suspected of involving corrupt conduct.

## Functions

Under the Racing Act, the Commissioner's functions are to–

- **conduct annual audits of the internal integrity processes and systems**, in whole or in part, of each controlling body in areas identified by the Commissioner or the Victorian Racing Integrity Board (VRIB)
- **conduct audits outside the subject matter of the annual audit** if requested by a controlling body
- **conduct audits of the internal animal welfare processes and systems** of each controlling body to the extent that they relate to integrity in racing
- **investigate complaints about the integrity processes and systems** of a controlling body
- **refer complaints about certain matters**, including suspected criminal conduct and breaches of the rules of racing, to other specified bodies
- **investigate matters referred** by the Minister, VRIB or a controlling body
- **investigate public interest complaints** that relate to the conduct of a controlling body or an employee, officer or member of a controlling body
- **report the findings of any investigations conducted into complaints that have not been referred to other bodies** to the complainant and Minister, VRIB or relevant controlling body



# Strategic Plan 2022–26

The strategic plan drives operational and resourcing decisions for the Racing Integrity Commissioner and staff. It is also designed to increase awareness about the Racing Integrity Commissioner’s aspirations for Victoria racing integrity.

## Vision

Victorian racing is recognised for its ability to uphold high integrity standards to protect the integrity of the industry and racing event

## Purpose

To provide independent assurance that the Victorian racing controlling bodies’ have the right integrity processes and systems in place.

## Values

Independent, transparent, accountable, proactive stewardship

## Strategic Priorities

Enhanced public trust and confidence in the integrity of the industry

Entrenched high standards of integrity and continuous improvement across the industry

Improved industry capability and sustainability

## Focus Areas

Increasing transparency and accountability through reporting

Benchmarking industry performance and identifying improvement areas

Targeting compliance activities through use of intelligence and risk-based methodology

Improving industry complaint handling access and responsiveness

Collaborating with industry to strategically and thematically address systemic issues and serious risk

Promoting minimum industry-wide integrity education standards

# Year in Review

108

complaints received

↓  
12%  
↓



↑  
21%  
↑

183

operational visits to race meetings, trackwork, trials and kennels/stables

457

intelligence reports created

↑  
5%  
↑



↑  
nil change  
↓

17

investigations conducted

# Highlights

## Review of investigation processes and systems of a controlling body

In March 2023, a public summary report was released of the Commissioner's review of Racing Victoria Limited's integrity processes and systems relating to its investigation into allegations of systemic 'stomach tubing', and other breaches of the rules of racing, by persons connected with Aquanita Racing Australia Pty Ltd (Aquanita investigation).

Although seven licensed persons received substantial disqualifications from thoroughbred racing – including three life bans – the Aquanita investigation attracted significant attention and scrutiny, including nearly 100 complaints and enquiries to the Commissioner's office. These matters were unable to be resolved until all disciplinary processes had concluded, when final determinations about penalties and prizemoney were made by the controlling body in March 2021.

The scope of the review was determined by an assessment of the complaints. In August 2022, the Commissioner informed Racing Victoria Limited that the review would examine the following central issues:

- the adequacy of the investigation
- the identification and management of conflicts of interest arising from the professional and personal relationships that existed between relevant persons
- the identification and investigation of race fixing through wagering analysis
- the identification and investigation of use of other substances and training methods that may have breached the rules of racing.
- Racing Victoria Limited co-operated with the review and provided ready assistance to the Commissioner's office throughout what proved to be a particularly complex task. This resulted in more than 650 documents - comprising statements, interview and surveillance transcripts, intelligence reports, phone records, betting data and analysis, policies, registers and meeting minutes - being produced to the review.

After examining all this material, the Commissioner identified that there were some deficiencies in certain aspects of the Aquanita investigation. In particular, the seizure and management of participants' telecommunications devices, which resulted in evidence either not being obtained at the first available opportunity, being destroyed, or permanently lost.

The Commissioner noted that this did not cause detriment to those who were subsequently charged and sanctioned. However, the absence of relevant evidence meant that the question of whether others had knowledge of, or were implicated in, systemic doping can never be answered.

Notwithstanding, the Commissioner determined to make no recommendations in the matter because the identified issues had already been rectified, or efforts to improve the controlling body's systems and processes were in train.

## Investigation into allegations of improper administration of a racing club\*

In May 2023, the Commissioner finalised a substantial and long running matter which had been referred for independent investigation by a controlling body following complaints concerning the administration of a racing club.

Noting that the Commissioner's functions are not those of a law enforcement or prosecuting body, the investigation necessarily focused on the racing club's integrity processes and systems.

The club cooperated fully with the investigation and produced extensive material to the Commissioner's office, including financial records dating back to 2015, board minutes and other relevant information. A number of current and former officials and members of the club were also spoken to.

\* This case has been de-identified to maintain the integrity and confidentiality of the relevant processes and systems.

## Highlights (continued)

At the conclusion of the investigation, the Commissioner identified a number of governance and financial reporting deficiencies and risks at the racing club, and opportunities for the controlling body to provide appropriate governance support and oversight to the club.

Following receipt of the Commissioner's findings, the controlling body and racing club resolved to:

- undertake a comprehensive and independent external review of the racing club's governance and financial management practices
- appoint an independent observer to attend club committee meetings
- require all club committee members to complete external governance and financial management training
- hold committee meetings at least every second month
- update the club's policies, procedures and governance documents
- develop a renewal and succession plan for committee members to ensure appropriate skill composition and expertise.

## Independent review into Victorian racing industry victim support and complaint processes

The Commissioner reported last year that he was conducting an independent review into Victorian racing industry victim support and complaint processes (Review), following a referral of the matter by the racing controlling bodies.

In December 2022, at the Review's half-way point, it published an interim report setting out the terms of reference which included establishing an independent opportunity for victim survivors to share their experiences of physical and sexual abuse, assault and harassment in the Victorian racing industry, and reviewing the controlling bodies' existing victim response processes and systems. The controlling bodies' referral of these issues provides a clear statement of intent to champion reform, and impetus for action to implement its recommendations.

The Review was finalised after the reporting period. Over the course of its nine-month information gathering phase which extended until March 2023, the Review conducted 185 listening sessions and consultations, and gathered a range of policy and procedural documentation. This provided an historic opportunity to gain the perspectives and insights of participants, administrators, staff, pundits and experts, from the Victorian racing industry and beyond.

The Review task was not envisaged as a tally of complaints or investigation of allegations for each racing code. Instead, it has garnered a snapshot of the controlling bodies' existing prevention and response frameworks. It makes key findings about the improvements that need to be made to ensure that the Victorian racing industry's victim support and complaint processes are adequate and appropriate, and all racing workplaces are safe and respectful.

The final report of the Review was handed down in September 2023 and made recommendations about systems reform that are informed by an understanding of the perceptions and lived experiences of the very people for whom current victim and support processes were designed. Their insights provide a platform to critically challenge the beliefs that have underpinned existing approaches. The recommendations also permit the Commissioner to monitor implementation and hold to account the controlling bodies' commitment to change.

## Racing integrity education

Throughout the year the Commissioner has maintained a commitment to ensuring the availability of quality integrity education to all racing integrity officials and participants through his continued involvement in the Victorian Racing Integrity Board's Integrity Training Steering Committee.

The steering committee's advocacy resulted in the May 2023 announcement that \$280,000 would be provided from the Victorian Racing Industry Fund to help develop and deliver integrity training for 80 students from the racing industry over the coming two years.

Divided into streamed programs, the education has been developed by Victoria University in consultation with the steering committee and Victorian racing industry. The Graduate Certificate in Sport Integrity is designed for stewards and integrity officials, and includes modules on investigations

and evidence gathering, integrity and ethics. The separate Vocational Education Package provides targeted shorter courses for racing participants, comprising units that include health and safety, conflict management, responsible behaviour, racing operations and animal welfare. The first intakes for these programs have already commenced.

## Own motion inquiry into the circumstances of a controlling body's investigation

In June 2023, the Commissioner released a public summary report of an own motion inquiry into the circumstances of Harness Racing Victoria's 2015 investigation of race fixing against licensed participants. The controlling body referred the investigation to police who subsequently laid criminal charges against a number of participants.

At the conclusion of all court proceedings, in November 2021, the charges were dismissed. This outcome resulted in considerable industry disquiet and a complaint about the matter to the Commissioner's office. The Commissioner assessed the complaint, industry concerns and the evidence from the criminal prosecution, and considered that they raised issues about the integrity processes, systems, governance, decision-making and conduct of the controlling body. Following consultation with Harness Racing Victoria, in March 2022, the Commissioner determined to conduct an own motion inquiry into the matter.

The inquiry was conducted over 15 hearing days, with 18 participant and administrator witnesses giving evidence. Other persons who fall outside the scope of the Commissioner's powers were invited to provide relevant information. This resulted in a further 31 industry sources providing information about wagering and harness racing operations.

The Commissioner is not an appeal body and has no jurisdiction to review the decisions and actions of the courts or other agencies, or make findings about the guilt or innocence of any person. After examining all the available material, the Commissioner determined that complaints about the conduct of individuals could not be substantiated, and no adverse findings were made against any person.

The inquiry found that it was appropriate for Harness Racing Victoria to commence an investigation into race fixing allegations, and report concerns of participants' potential criminal conduct to police. The Commissioner acknowledged the significant improvements made to the controlling body's integrity processes and systems since 2015. However, the inquiry identified shortcomings in the following areas:

- monitoring and oversight of the integrity department's operational decision-making, investigations, and assessment and management of risk
- implementation of corporate policies and procedures in the integrity department, including related training of integrity staff
- welfare and other support provided to participants and staff who are involved in investigations and court and tribunal proceedings.

Harness Racing Victoria has indicated that it accepts the Commissioner's findings in this matter, and is working with the Commissioner to address them, to ensure continuous improvement.

**Diagram: Commissioner's integrity oversight functions**





# Enquiries and complaints

## Overview

### Enquiries

An enquiry is a contact from a racing participant, industry stakeholder or member of the public requesting information about integrity in the Victorian racing industry, the Commissioner's complaint process, or providing information they believe is relevant to the Commissioner's functions. An enquiry may or may not proceed to a complaint.

Each year, the Commissioner receives numerous enquiries from people seeking to lodge complaints about matters that fall outside the Commissioner's investigation and referral jurisdiction. Where possible, the Commissioner assists people to direct their complaints to the correct body to deal with their concerns.

### Complaints

The Commissioner recognises a complaint as being made when substantive information is received from a person who has demonstrated an intention to make a complaint about a matter within the Commissioner's jurisdiction.

The Commissioner can receive complaints in multiple formats, including through the dedicated integrity hotline which provides for the making of anonymous complaints, and by telephone and email.

### Referral of certain complaints to other bodies

The Commissioner may refer certain types of complaints to specified external bodies under the Racing Act – see *Referrals and Disclosures*.

### Complaints the Commissioner can investigate

Under the Racing Act, the Commissioner may only investigate–

- complaints about the integrity processes and systems of a controlling body
- public interest complaints that relate to the conduct of a controlling body or an employee, officer or member of a controlling body
- complaints referred by the Minister, VRIB or a controlling body.

### What are integrity processes and systems?

Integrity processes and systems of a controlling body include any process or system that is necessary to safeguard the integrity of the Victorian racing industry on, or off, the track.

Service issues, including administrative error and slow response times, are not integrity processes and systems.

### What is a public interest complaint?

Any complaint that the IBAC has determined falls within its jurisdiction under the *Public Interest Disclosures Act 2012* (Vic) (PID Act) is a public interest complaint. If the Commissioner considers a complaint could be a public interest complaint, it must be referred to IBAC for assessment.

### Other complaints

The Commissioner is not an appeals or review body and cannot determine legal rights, claims or remedies between a licensed or registered person and controlling body or other industry participant. Therefore, the Commissioner is unable to deal with complaints about–

- decisions of stewards' inquiries and the VRT, or determinations made by other tribunals and courts
- commercial or contractual disputes between participants and other persons, including a controlling body.

If the Commissioner cannot deal with a matter, the person who made the complaint will be informed of this. The Commissioner will advise if another body is able to deal with the complaint.

## Assessment

All complaints are acknowledged and recorded on a central database so that systemic or recurrent issues can be identified. Each complaint is assessed to decide whether–

- it raises serious issues that require immediate action or safeguarding
- the Commissioner is the most appropriate body to address the issues raised
- it is about the integrity processes and systems of a controlling body
- IBAC needs to be notified
- it needs to be referred to another body
- it is currently being, or has already been, considered by the Commissioner’s office or another body
- it is appropriate to address the issues informally
- it needs to be formally investigated.

As part of the assessment, the Commissioner may seek further information or documents about the complaint by contacting–

- the person who made it, to obtain more detail and find out what outcome is sought
- the relevant controlling body to find out about any relevant integrity processes or systems that are in place, and/or seek information about any dealings it has had about the issues raised.

## Complaint outcomes

The Commissioner has no enforcement powers and cannot lay charges under the rules of racing or any law. The Commissioner may only take one of the actions outlined below to address the issues raised by a complaint.

### Make recommendations

Recommendations can only be made to the Minister, VRIB or relevant controlling body if a complaint has been investigated by the Commissioner.

## Informal resolution

The Commissioner may address issues without making a recommendation, including through stakeholder liaison, engagement and education, or via the audit process.

### Take no further action

The Commissioner may decide to take no further action because a complaint–

- has been referred to another body
- is being, or has already been, dealt with by another body or the Commissioner’s office
- the person to whom the complaint relates is not or has never been a licensed or registered participant
- it is not practicable to deal with it due to the effluxion of time
- it is not in the public interest to investigate or deal with the complaint
- the complaint is frivolous, vexatious, misconceived or lacking in substance.

A decision to deal with a complaint informally, or take no further action, does not prevent the Commissioner from considering the matter at a later time.

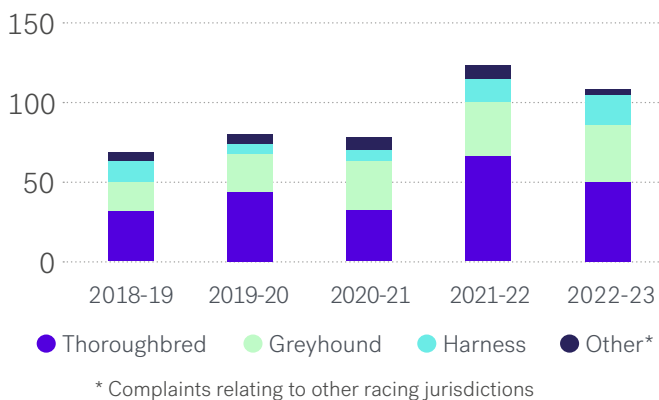
## Enquiries and complaints (continued)

### 2022-23 reporting

To provide informal access pathways for industry participants to raise concerns, the Commissioner and staff continue to prioritise operational attendances at training facilities and racetracks throughout the year.

The total number of complaints received in 2022-23 (108) through informal avenues and formal reporting mechanisms is notionally down on the last reporting period. However, this reduction is not remarkable as complaints are still 31% higher than the previous five-year average. A drop-off from last year's complaint figures was also expected due to the waning of heightened reporting activity once pandemic restrictions eased.

**Figure: 5-year trend in complaints received**



Of 108 complaints received during 2022-23

→ 30%

were finalised via informal resolution

→ 29%

did not fall within the Commissioner's investigation jurisdiction and resulted in referral or disclosure to another body

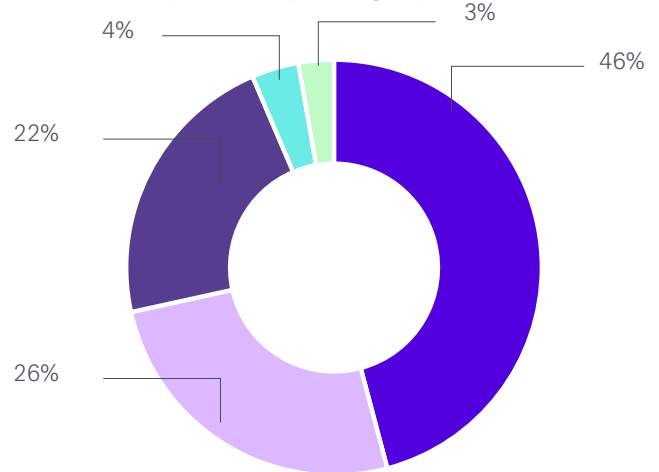
→ 23%

required no further action, usually because another body was already dealing with the matter or had taken action

→ 18%

required investigation.

**Chart: Complaints by category 2022-23**



- Conduct - Licensed/Registered Participant
- Controlling Body Process/System
- Conduct - Controlling Body Employee
- Disciplinary Outcome
- Racing Club

### Directions made to the VRT

In the last 12 months, the Commissioner received one request to direct the Victorian Racing Tribunal to hear and determine an appeal against a fine imposed under the rules of racing of \$250 or less. After considering the issues raised, the Commissioner did not exercise this power as he did not consider that it was in the public interest for the appeal to be heard.



## CASE STUDY

### **Complaint about alleged inaction by a controlling body's stewards**

The Commissioner received a complaint from a participant about stewards refusing to accept a complaint or take action in relation to the administration of a prohibited substance to an animal in breach of the rules of racing.

The Commissioner reviewed video footage from the incident which revealed different circumstances to what had been described by the complainant and corroborated the stewards' account of events.

The Commissioner found that the stewards had acted in good faith and with integrity, and no adverse findings were made.

The Commissioner and staff continue to prioritise operational attendances at training facilities and racetracks throughout the year

## Enquiries and complaints (continued)

Table: Complaints by sub-category\*

Sub-Category	2021-22	2022-23	Change
<b>Conduct – Licensed/Registered Participant</b>	<b>41</b>	<b>50</b>	<b>↑ 22%</b>
Animal Welfare	7	10	↑ 43%
Conduct	4	22	↑ 450%
Criminal Matter	12	8	↓ 33%
Unlicensed/Unregistered Person	1	1	-
Commercial Dispute Between Participants <sup>^</sup>	11	3	↓ 73%
Breach of Rules of Racing	6	6	-
<b>Controlling Body Process/System</b>	<b>37</b>	<b>28</b>	<b>↓ 24%</b>
Animal Welfare	8	1	↓ 88%
Raceday/Racing Administration Matter <sup>**</sup>	6	4	↓ 33%
Breeding	1	0	↓ 100%
Complaint Handling	7	7	-
Governance	6	4	↓ 33%
Sample Collection	0	2	↑
Stable/Kennel Inspection	0	1	↑
Wagering Dispute	9	9	-
<b>Conduct – Code Employee</b>	<b>39</b>	<b>24</b>	<b>↓ 38%</b>
Animal Welfare	1	0	↓ 100%
Conduct	30	14	↓ 53%
Performance <sup>^^</sup>	8	10	↑ 25%
<b>Disciplinary Outcome</b>	<b>3</b>	<b>4</b>	<b>↑ 33%</b>
Seek Appeal/Review of Decision	0	3	↑
Seek Commissioner Direction <sup>***</sup>	3	1	↓ 67%
<b>Racing Club</b>	<b>3</b>	<b>2</b>	<b>↓ 33%</b>
Breach of Rules, Regulations or Policy	3	2	↓ 33%
<b>Total</b>	<b>123</b>	<b>108</b>	<b>↓ 12%</b>

\* Sub-category data has only been captured since 2020-21 and are regularly amended to better reflect available data

<sup>^</sup> Includes Ownership and Syndication Disputes and Financial Payment matters

<sup>\*\*</sup> Includes matters relating to barrier/box draws, race results and prizemoney disputes

<sup>^^</sup> Includes adequacy of an investigation/inspection, whether a process or system was followed, and interpretation of the rules

<sup>\*\*\*</sup> That the VRT hear and determine an appeal under s 37B(1)(i) of the Racing Act





# Information and intelligence

## Overview

An important assurance mechanism to assess the state of integrity in Victorian racing is the proactive identification of threats and vulnerabilities through intelligence.

## Information

The Commissioner collects integrity data and information from a range of sources. Formal and direct sources of information include complaints, audits and information sharing arrangements with the controlling bodies, law enforcement and integrity agencies.

Informal and indirect sources of information invariably come from long-term relationship building with industry, including enquiries via the long-established racing integrity hotline. The hotline allows racing participants and the public to make confidential and/or anonymous complaints and whistleblower disclosures about integrity issues.

## Intelligence

Intelligence is the output and process through which data becomes valuable information or intelligence. When integrity information is received by the Commissioner's office, it is assessed for relevance and reliability and classified into different categories for ready analysis.

Analysis establishes the significance and effect of raw data by combining the disparate pieces of integrity information to identify trends, patterns and relationships within the racing industry, using established threat, harm and risk assessment methodology. This process creates an Intelligence Report (IR) which is captured in the Commissioner's intelligence and case management system.

IRs are used to support the Commissioner's operational decision-making in the assessment of complaints and conduct of investigations. They are also used to support strategic decision-making, through the identification of serious or systemic issues and risks which warrant closer examination through the annual audit or an own motion inquiry.

## 2022-23 reporting

In the current reporting year, the Commissioner has maintained a regular and visible presence at race meetings, trackwork, trials, kennels and stables to strengthen relationships with Victorian racing industry participants and integrity officials.

In 2022-23, the Commissioner and his staff undertook 183 operational visits of this nature – up from 151 and 60 respectively in the two preceding reporting years. These visits were planned to ensure appropriate coverage in metropolitan and regional locations across the state and is represented in the following chart.

*Chart: Locations attended during 2022-23*



This proactive engagement has continued to correlate with an increase in reporting and collection of integrity related information by the Commissioner's office. Year-on-year comparison evidences a 5% increase in the number of IRs created during the reporting period, a figure that is more than double the previous five-year average.

The Commissioner's office made a concerted effort throughout the year to engage the harness racing industry, as it has been an historically lower source of information and intelligence compared to the thoroughbred and greyhound codes. This resulted in an almost five-fold increase in harness related IRs created (139) compared to the previous five-year average (24).

Chart: 2022-23 Operational visits

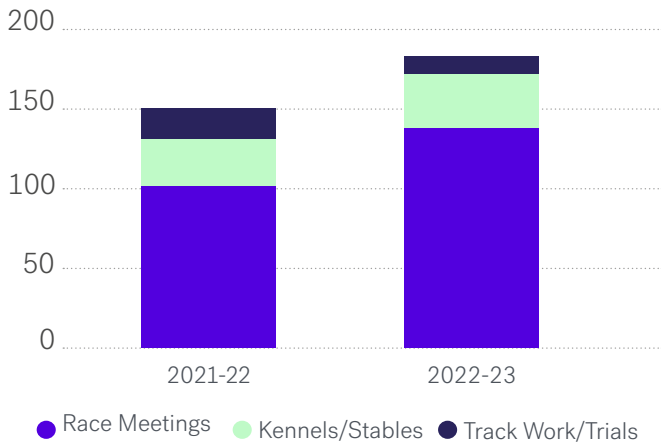
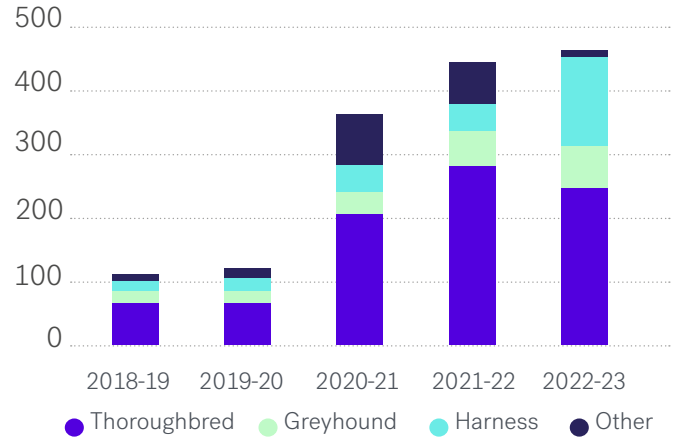


Chart: 5-year trend in IRs by racing sector



This proactive engagement has continued to correlate with an increase in reporting and collection of integrity related information by the Commissioner’s office

# Referrals and disclosures

## Overview

### Referral of complaints to other bodies

Under the Racing Act, the Commissioner may only investigate complaints about integrity processes and systems, public interest complaints and matters referred by the Minister, VRIB or controlling body.

The Commissioner is empowered to forward other complaints to the nominated external body, where they relate to or involve–

- a contravention of the rules of a controlling body: the relevant controlling body
- a criminal matter: *Victoria Police*
- corrupt conduct: *IBAC*
- a contravention of the Gambling Regulation Act 2003 (Vic): *the Victorian Gambling and Casino Control Commission (VGCCC)*

- a contravention of any Act or subordinate instrument in connection with the integrity of racing: *the relevant government agency*
- an internal integrity matter: *VRIB*
- animal welfare processes and systems of a controlling body: *the relevant government agency*.

Once a complaint is referred to another body, the Commissioner no longer has jurisdiction over the matter, or how it is handled by that body. However, the Commissioner seeks to monitor systemic issues and support continuous improvement in Victorian racing integrity processes and systems by requesting to be kept informed of any action taken by another body when a complaint is referred.



CASE STUDY

#### Referral of a complaint to a controlling body

The Commissioner received an anonymous complaint alleging a participant was engaging in inappropriate behaviour.

The information received by the Commissioner was assessed as credible and the complaint was referred to the relevant controlling body.

As a result of the referral, the controlling body investigated the complaint and subsequently laid charges under the rules of racing. The participant was found guilty and a significant disqualification was imposed.



## CASE STUDY

### Disclosure of integrity related information to a controlling body

The Commissioner received information from a member of the public that a fraudulent racing syndicate was operating in Victoria.

The information was cross-referenced with existing intelligence holdings which identified that the subject was a Victorian racing industry participant. After being evaluated as reliable, the information was disclosed as integrity related information to the relevant controlling body for investigation.

The participant was ultimately charged by stewards under the rules of racing and, after being found guilty, was disqualified for a lengthy period.

## Disclosure of information

The Commissioner can disclose integrity related information, as appropriate, to:

- a controlling body
- VRIB
- VRT
- the Minister
- state and federal police
- the IBAC
- the VGCCC, and
- a range of other racing, integrity, law enforcement, regulatory and other agencies prescribed under the Racing Act.

Integrity related information is information the Commissioner has collected or been given in the course of his functions and includes information in relation to–

- the contravention, or alleged contravention, of the rules of racing
- the identity of persons alleged to have contravened the rules of racing
- complaints received by the Commissioner
- audits conducted by the Commissioner.

Disclosure of integrity related information with the controlling bodies and other agencies allows the Commissioner to leverage intelligence to build a more comprehensive picture of the Victorian racing integrity landscape across all industry touchpoints.

In turn, this supports the controlling bodies to be intelligence-led in targeting their compliance and enforcement activities. It also assists the Commissioner to raise awareness about integrity risks and vulnerabilities in the industry.



# Investigations and inquiries

## Overview

### Investigations

The Commissioner may investigate complaints about the integrity processes and systems of a controlling body and matters referred by a controlling body, VRIB or the Minister. In deciding whether to conduct an investigation, the Commissioner will consider a number of factors, including–

- the best way to address the issues raised
- the subject matter and seriousness
- whether it raises systemic issues
- whether it has already been investigated
- resourcing priorities
- whether it is in the public interest.

If IBAC has determined that a complaint is a public interest complaint, the Commissioner must investigate it, unless–

- an investigation would prejudice criminal proceedings or investigations
- the subject matter has already been investigated or dealt with

- there is unsatisfactory delay since the person making the complaint became aware of the matter
- the conduct does not amount to improper conduct.

### Report of findings

The Commissioner must report the findings of any investigations conducted into complaints that have not been referred to other bodies to the person who made the complaint, and the Minister, VRIB or the relevant controlling body (with or without identifying either the person who made the complaint or who is the subject of it), as appropriate.

Prior to finalising an investigation report, the Commissioner routinely provides a draft copy to any affected persons, to afford procedural fairness.

On completion of an investigation of a public interest complaint, the Commissioner must report the findings to the relevant controlling body, VRIB and the Minister. However, the Commissioner must not include any information that is likely to lead to the identification of a person who has made an assessable disclosure, or that is otherwise prohibited under the PID Act.



#### CASE STUDY

### Investigation of a controlling body's integrity processes and systems

The Commissioner conducted an investigation following receipt of a complaint about a controlling body's integrity processes and systems relating to notification of a decision provided after a stewards' inquiry.

The controlling body was cooperative and produced relevant documents and other information. The Commissioner found that the stewards' inquiry itself was conducted appropriately and professionally. However, the controlling body's decision notification process was deficient because the participant was only informed of the outcome verbally, not in writing. This resulted in the participant misunderstanding the appeal process and timeframes.

Recommendations were made to address this by ensuring that participants receive written notification of decisions, including information about appeal options.

## Inquiries

The Commissioner can initiate an own motion inquiry (inquiry) into matters that do not relate to any specific complaint and may include an investigation into systemic issues in racing.

When conducting an inquiry, the Commissioner determines the scope of the issues to be examined. Ordinarily, an inquiry will focus on what happened, how it happened, and whether any changes to processes and systems need to be made to prevent it happening again. It may also examine the role, conduct and accountability of individuals.

In deciding whether to conduct an inquiry, the Commissioner will consider a number of factors, including–

- whether the circumstances indicate that an issue may be systemic or widespread, and not confined to a single event, person or complaint
- the public interest in scrutinising the relevant circumstances, events and actions, to promote or maintain confidence in racing integrity
- the seriousness and nature of the issues raised, including the risk to racing integrity
- whether another body has jurisdiction to examine the issues.

## Investigation and inquiry powers

The Commissioner may exercise the following powers when conducting an inquiry or investigation into a controlling body or a person, club or other body licensed or registered under the rules of racing, and require a person to–

- produce a specified document or other thing; and/or
- give evidence or answer questions on oath or affirmation.

These powers can only be exercised in respect of–

- a person who is licensed or registered under the rules of a controlling body
- a member of the board of a controlling body
- an employee of a controlling body
- a member of a committee or managing body of a club registered under the rules of a controlling body
- an employee of a club registered under the rules of a controlling body
- any person who, at the time the matter which is the subject of the inquiry or investigation occurred, fell within any of the above categories.

## Offences

Under the Racing Act, it is an offence to:

- fail to comply, without reasonable excuse, with a written notice to produce or attend served by the Commissioner
- fail to take oath, make affirmation, answer question or produce document, without reasonable excuse, when required to do so
- make false or misleading statements or produce false or misleading documents or other things to the Commissioner.

## Protections

A statement made by a person in response to any question put to the person in an inquiry or investigation by the Commissioner is not admissible in evidence in any civil or criminal proceeding against that person, and cannot be made the ground of any prosecution, action or suit against that person.

## Investigations and inquiries (continued)

### 2022-23 reporting

In 2022-23, the Commissioner conducted 17 investigations, the same number as per the previous year. Just over half (53%) of these investigations were finalised within the reporting period. The remainder are progressing in the usual course. Pleasingly, a number of particularly complex and long-running cases, including ten investigations that were commenced in the previous reporting period, are now in the final stages of final report preparation, including liaison with key stakeholders about crafting suitable recommendations.

The nature of the active investigations resulted in the Commissioner exercising fewer powers in 2022-23 compared to the previous year, as reported in the following table. During this period, all persons to whom a compulsory power was directed were fully compliant with the directions issued by Commissioner.

*Table: Powers exercised by the Commissioner in the conduct of an investigation or inquiry*

Requirement	2020-2021	2021-2022	2022-2023
Attend and give evidence	10	23	10
Produce documents and other things	9	12	0
Attend and give evidence and produce documents and other things	0	9	0
Invitation to attend	4	0	2
<b>Total</b>	<b>23</b>	<b>44</b>	<b>12</b>

The nature of the active investigations resulted in the Commissioner exercising fewer powers in 2022-23 compared to the previous year.





# Audits

## Overview

The conduct of the annual audit is a key assurance function at the Commissioner's disposal, allowing for the examination of the internal integrity processes and systems of the controlling bodies.

To enhance his ability to provide assurance about the status and adequacy of the controlling bodies' trajectory in addressing areas identified for improvement, the Commissioner has developed an annual audit program to facilitate a wholistic assessment of the integrity ecosystem at each controlling body across key domains.

The annual audit program is intended to create an iterative assurance cycle that incorporates an examination of best practice, comparative performance, benchmarking, change implementation, and re-audit of the controlling bodies' integrity processes and systems. This will allow the Commissioner to track integrity improvements and Victorian racing industry responsiveness across multiple years.

## 2022-23 reporting

The 2021-22 audit was completed in the reporting period. The Commissioner was pleased to inform the controlling bodies of the following audit outcomes:

- each has current and adequate betting policies in place
- each is managing the online integrity declarations portal appropriately
- each had successfully completed the most recent and required wagering audit for all integrity-related roles and specified industry participants
- each had identified and rectified any discrepancies in a timely and appropriate manner.

Acknowledging feedback from the controlling bodies about the technological limitations of the aged online portal, the Commissioner has also recommended that alternate, fit-for-purpose options to enhance the codes' management of the declarations be explored.

*Table: Annual audit recommendations*

Year	Audit topic	#
2016-17	Controls to manage persons who pose a risk to integrity	12
2017-18	Integrity processes and systems relating to animal welfare	22
2018-19	End-to-end management of investigations	12
2019-20	Integrity risk management	34
2020-21	Integrity risk management post Covid-19	10
2021-22	Integrity declarations and wagering compliance	1

For the 2022-23 annual audit, following consultation with the controlling bodies and Victorian Racing Integrity Board, the Commissioner determined to undertake a gap analysis of the integrity policies of each code.

To provide ecosystem consistency, the audit's scope aligns with key areas in the Victorian Racing Integrity Board's integrity plan framework. It will identify whether each controlling body has appropriate policies in place, and the extent to which there are any gaps.

The audit will provide a benchmark and assist the controlling bodies to identify any priority areas to be addressed. It will also support the Victorian Racing Integrity Board in its development of cross-code industry guidance in key integrity policy areas.

To date, over 150 policies and related documents have been reviewed by subject matter. The project is nearing completion. The draft audit report will be shared with the controlling bodies in the second half of 2023, for consultation and to provide a platform to develop recommendations.

The policy gap analysis is also benefiting the Commissioner's work in other areas, through the creation of an up-to-date library of the controlling bodies' integrity processes and systems and related policies. This will improve complaint handling efficiency by minimising the need to seek this material each time a complaint is received.



# Recommendations

## Overview

Recommendations may only be made by the Commissioner to the relevant controlling body, Victorian Racing Integrity Body or Minister as appropriate, following the investigation of any complaint, inquiry or matter.

The Commissioner may advise the Minister of any failure by a controlling body to implement or act on a recommendation so made.

## 2022-23 reporting

During the reporting period, the Commissioner made 15 recommendations to two controlling bodies. It is anticipated that other recommendations will be made in some of the investigations conducted during 2022-23 that are being finalised. These will be reported in next year's annual report.

The Commissioner did not advise the Minister of any failure by a controlling body to implement or act on a recommendation in 2022-23.

# Corporate Reporting

## Highlights

Machinery of government changes announced in December 2022 shifted responsibility for the racing portfolio from the former Department of Jobs Precincts and Regions to the Department of Justice and Community Safety (DJCS). These changes came into effect on 1 January 2023 and involved a six-month project with colleagues in both departments, to manage the orderly transfer of the office's HR, IT and financial systems, records and data, budgets, and assets. The Commissioner's office also assumed a significant administrative role supporting the Review throughout the year.

## Public sector reporting

### Staffing and shared services

The Commissioner receives funding and support from DJCS for a range of corporate services, including information technology, risk management, human resources and finance. The Commissioner is supported in the performance of his functions by dedicated staff who are employees of DJCS assigned to the Commissioner's office.

### Financial and corporate reporting

Detailed reporting for the Commissioner's office relating to financial performance, workforce data and other disclosures under *the Financial Management Act 1994* (Vic) is included in the DJCS annual report.

### Freedom of information

*The Freedom of Information Act 1982* (Vic) (FOI Act) provides the public with a right to request access to information held by the Commissioner. Three freedom of information (FOI) requests to access information under the FOI Act were received during 2022-23.

Following the application of exemptions under sections 30(1), 33(1) and 35(1)(b) of the FOI Act, partial access to some information was granted in relation to one request. Administrative release of information sought was made for the other two requests, pursuant to section 16(2) of the FOI Act.

An FOI request must be made in writing, clearly describe the information or document sought, and be accompanied by the prescribed application fee made payable to DJCS. Enquiries about access to documents held by the Commissioner can be made to-

### Freedom of Information Request

Racing Integrity Commissioner  
PO Box 24034,  
111 Bourke Street  
Melbourne Vic 3001  
Email: [enquiries@racingintegrity.vic.gov.au](mailto:enquiries@racingintegrity.vic.gov.au)  
Phone: +61 3 8684 7776

### Public sector conduct

The Commissioner and his staff are bound by the Victorian public sector codes of conduct. The Commissioner maintains a register of gifts, benefits and hospitality for his office and completes an annual declaration of private interests.

### No betting policy

The Commissioner and his staff adhere to a 'no betting' policy and complete annual declarations to attest their compliance.

### Public interest disclosures

The PID Act encourages and facilitates the disclosure of improper conduct and corruption in the Victorian public sector by providing protection to people who make disclosures in accordance with its provisions. Any disclosure of this type about the Commissioner or his staff may be made to either-

#### Independent Broad-based Anti-Corruption Commission

Level 1, 459 Collins Street (North Tower)  
Melbourne Vic 3000  
Phone: 1300 735 135  
Website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

#### Victorian Ombudsman

Level 2, 570 Bourke Street  
Melbourne VIC 3000  
Phone: 03 9613 6222  
Website: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)





## Racing Integrity Commissioner

Level 27, 121 Exhibition Street  
Melbourne Vic 3000

PO Box 24034, 111 Bourke Street  
Melbourne Vic 3001

Phone: +61 3 8684 7776  
Racing Integrity Hotline: 1300 227 225

[enquiries@racingintegrity.vic.gov.au](mailto:enquiries@racingintegrity.vic.gov.au)

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(Racing Integrity Commissioner)

This report is available at  
[www.racingintegrity.vic.gov.au](http://www.racingintegrity.vic.gov.au)