



Racing Integrity
Commissioner

Independent Review into Victorian Racing Industry Victim Support and Complaint Processes

Final Report
31 August 2023



**Racing Integrity
Commissioner**

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Commissioner's introduction



Over the last two and a half years, a number of complaints about physical and sexual abuse, assault and harassment of people working in the Victorian racing industry (VRI) have been brought to my attention. Some are more recent, others date back decades. They are not confined to one racing code.

To foster an industry-wide response to these concerns, I consulted with the controlling bodies – Racing Victoria Limited, Harness Racing Victoria and Greyhound Racing Victoria. They engaged openly with me about the issues and were amenable to an industry-wide approach to ensure adequate and appropriate processes, systems and supports are in place to respond to complaints of this nature.

Ultimately, the controlling bodies expressed a desire to better understand past and current experiences of physical and sexual abuse, assault and harassment in the VRI. They also recognised the value in taking a restorative, human-centred approach to doing this, by reaching out to victim survivors and others who have been affected, listening to them and learning, offering support, so that the industry can learn to respond better to their needs.

In March 2022, this culminated in the controlling bodies making a joint referral to me to assess and report on the issues, pursuant to the function conferred by section 37B(1)(g) of the *Racing Act 1958 (Vic)* (Racing Act). The controlling bodies sought that I establish an independent opportunity for victim survivors to report their experiences of physical and sexual abuse, assault and harassment in the VRI. They also asked that I review existing processes and systems for responding to these complaints.

I am pleased to present this report of the independent review into the VRI victim support and complaint processes (Review). The controlling bodies have agreed to the report being made public. I thank them for providing the opportunity to undertake this significant task and publish my findings.

The Review represents an historic opportunity to understand the experiences and expectations of victim survivors. A trauma-informed, human-centric approach was taken to ensure the wellbeing of everyone who has taken part. The integrity and independence of the process, and privacy and confidentiality of all information provided to the Review, has been a paramount consideration throughout.

It has been a privilege to be entrusted by those who have come forward to take part in the Review. Their courage and dignity in candidly sharing their experiences allows us all to better understand what happened to them, how they have been let down, and make sure we do everything we can to support them.

Your voices have been heard.

Listening to the insights of all who spoke to the Review has provided valuable learnings about how to improve on the participant protection inroads each code has made in recent years. It paves the way to address remaining issues, drive meaningful and enduring change, and embed the right processes and systems, to ensure safe and respectful workplaces are a normative experience for everyone in the VRI.

Without seeking to detract from the energy and focus that has been brought to the prevention task over the last decade, I remain personally devastated to hear participant experiences of continuing tolerance of harassment, abuse and assault within each of the codes. A number describe feeling invisible and invalidated because they consider that people in positions of authority have historically turned their backs on the problem, and colleagues and bystanders continue to walk past and turn a blind eye when they witness specific incidents. This is unacceptable and the controlling bodies must do more to incorporate effective bystander strategies in industry education. Calling out poor behaviour is a responsibility that we all share, and it is incumbent on every single one of us, regardless of our individual role or position, to take action.

For many in the VRI, this report will undoubtedly make for uncomfortable and, at times, shocking reading. However, we owe it to all who have been harmed to hear their voices, truly listen, believe what they have told us, and make a commitment to no longer tolerate or turn a blind eye. We have a moral imperative to do so. Our industry's social licence is also dependent on it. It demands that what happens off the track – and how we treat people – is as important to racing integrity as what occurs on the track.

Acknowledgements

I take the opportunity to acknowledge the many individuals and organisations, across Australia and around the world, who readily shared their knowledge and expertise with the Review team. The controlling bodies' commitment to the Review is evidenced by their provision of unreserved access to information, data and staff throughout the process.

The Review has also received invaluable support from The Hon Anthony Carbines MP, Minister for Racing, and The Hon Martin Pakula, former Minister for Racing, and, their staff, as well as Peter Betson, Deputy Secretary Sport, Tourism and Events, Department of Jobs, Skills, Industry and Regions and the Office of Racing.


The task would not have been possible without the passion and dedication of the Review team – led by Regina Weiss, and including Laura Johnston, Daniel Mills, Howard Beer and Elke Bellgrove – who provided unwavering compassion for the victim survivors who entrusted us with their harrowing stories. I am indebted to the deep expertise provided to this review by Kristen Hilton, former Victorian Equal Opportunity and Human Rights Commissioner, who provided expert advice to me and the Review team. I also acknowledge the hard work and significant contribution provided throughout the Review and to this report by Elissa Watson from my office.



Sean Carroll
Racing Integrity Commissioner

31 August 2023





I feel sick when I think about that ...
and now is my chance to rectify it.

Where to go if you need help

The Commissioner acknowledges that the material in this report – particularly the stories of sexual and physical harassment, assault or abuse – may cause distress and discomfort. There are support services available for those who need them, including those listed in Appendix 1.

1 Executive summary

1.1 Introduction

1.1.1 Overview

In recent years, the VRI has become increasingly aware of the terrible impact of historical harm and unlawful conduct that has occurred across all three racing codes. High profile allegations of abuse, recent reviews of this kind into other industries, and contemporary research into the impact of trauma are also reframing our understanding of participant needs across racing.

Alongside this, legislative changes and community expectations that centre on worker and participant safety and wellbeing have prompted an overdue wake up call for the VRI, compelling it to come to terms with devastating individual experiences and prepare for the task of reforming the structures, systems and attitudes that have allowed violence and abuse in the sport to occur.

Announced in March 2022, the establishment of the independent review into the VRI victim support and complaint processes followed a joint referral made by the three VRI controlling bodies to the Racing Integrity Commissioner. The terms of reference of the Review requested the Commissioner set up an independent opportunity for current and historical victim survivors of physical and sexual abuse, assault and harassment within the VRI to report their experiences, and to review current processes and systems for handling such complaints.

Over the course of nine months, the Review team conducted 185 confidential listening sessions and consultations across the VRI, and beyond, gaining perspectives and practical insights from participants, administrators, staff, pundits and experts from racing and other industries. VRI involvement in the Review for each code was commensurate to the respective rates of industry participation.

The Review uses the term ‘lived experience’ to describe:


- people who have direct first-hand experience of sexual or physical abuse, assault or harassment in the VRI
- people who have direct first-hand experience of using VRI victim support and complaint processes
- the families, carers and other people directly impacted by the incidence of workplace harm in the VRI.

Victim survivor is used throughout this report to describe adults, children and young people with lived experience. The term is intended to recognise the harm caused to them, honour their strength and resilience, and acknowledge the ongoing impacts.

As identified in the terms of reference, the Review has neither conducted investigations into the accounts it heard of sexual and physical abuse, assault and harassment, made findings of fact about the harm caused in racing workplaces, nor sought to establish liability. Rather, victim survivors were invited to come forward to give them an opportunity to tell their stories of what happened to them in a safe way. This has allowed them to be heard – as people and not statistics – so that all who work in the VRI can better understand why the industry must do better.

Ultimately, this will only be achieved through personal and collective commitment to critical reflection. It requires being open to learning from the lived experiences and impacts described in this report, releasing unexamined beliefs, assumptions and thinking, and acknowledging existing individual and structural power imbalances.

The perspectives, perceptions and experiences of the very people for whom the victim support and complaint processes were designed has also informed a deeper understanding of the issues, and nuance required to effectively respond to them. Absent this qualitative contribution, any examination by the Review of the controlling bodies’ current approaches would fall short.



Well, who is going to believe me? It's [a high-profile participant]. I'm a kid. Who's going to believe me?

1.1.2 Next steps

The controlling bodies' referral of the issues that form the terms of reference provides a clear statement of intent to champion reform, and impetus for action to implement its recommendations.

Beyond legal compliance, the Review highlights the need to rebuild trust and confidence, to ensure that the VRI is safe and fair for all by facilitating an environment where employees, participants and enthusiasts can have confidence in the integrity of the industry, and how it cares for its people.

The Review task was not envisaged as a tally of complaints or investigation of allegations that would result in a scorecard for each racing code. Rather, it has garnered a snapshot of existing VRI prevention and response frameworks, and makes a number of key findings about what improvements must be made to ensure that the industry's victim support and complaint processes are adequate and appropriate, and that all racing workplaces are safe and respectful.

The recommendations are informed by a deep understanding of the perspectives, perceptions and lived experiences of the very people for whom they were designed. These insights provide a platform to challenge the VRI to critically reflect and examine the beliefs, biases, values and thinking that has underpinned existing approaches. The recommendations also permit the Commissioner to monitor implementation and hold to account the controlling bodies' commitment to change.

1.2 Findings

1.2.1 Context and culture

The VRI has a long and proud history of significant contribution to the economic prosperity, sporting culture and social fabric of our state. Over 121,000 people are directly employed, volunteer or participate in racing, and the industry generates \$4.7 billion annually for metropolitan, regional and country communities throughout Victoria.

A cornerstone of racing's value is its social licence to operate. Historically, this has been reflected in a strong focus on the integrity of the racing event itself, and compliance with the rules of racing. However, this has not been sufficient to ensure adequate protection and respect for all who work in the VRI.

The Review observed that the industry is comprised of many dedicated and passionate people who have lived and breathed racing for generations. Countless racing participants are born into breeding, training and racing families. Others become 'lifers' and adopt the industry as their family. Often described as operating in a 'bubble', the sense of loyalty to the VRI and its people is palpable and staunchly defended with a sense of pride.

Whilst laudable for the sense of community it fosters, this has contributed to an environment where harassment, abuse and assault have taken place unchecked. The dark flipside of loyalty has been a culture of silence across the industry that is underpinned by an historical and widespread, tacit discouragement of reporting. At times, those who have raised complaints have been the subject of overt retaliation. A number hold the perception that perpetrators of abuse have been protected.

The Review heard numerous devastating accounts of physical and sexual abuse of people across decades, including children and young recruits in the industry. The abuse involves rape, other forms of sexual and physical assault, humiliating initiation practices, ritualised violence, grooming and harassment, including in recent years. Some of this abuse was perpetrated against children as young as 12.

Almost as damaging as the abuse itself, numerous Review participants spoke about racing authorities' historical inaction in response to their complaints. They expressed distress at the perception of 'cover-ups', with reports of harm being 'swept under the carpet'. Others spoke of a fear of retribution for daring to speak about what they experienced. Many spoke about not being offered support, or guidance on what to do and where to complain. As a result, they have put up with intolerable conditions. A number recounted historical failures when reports were made of physical assaults that resulted in serious injuries and no medical attention was offered.

We also heard of the severe and enduring impact of these harms. This led to some victim survivors leaving the industry. Others expressed a desire to walk away, but they remain working in the VRI due to a lack of options or viable employment elsewhere, and need for financial security. The lingering effects on work and personal relationships, individual self-worth, and wellbeing are profound.

The Review notes that whilst bullying, discrimination and other forms of harmful workplace misconduct are not explicitly set out in the terms of reference, these behaviours were nonetheless raised by the majority of victim survivors as part of their experience of physical and sexual abuse. The Review has documented these experiences in chapter 5 where they are linked to other forms of harm, as they help paint a more accurate picture of the industry as it has been, and continues to be, experienced by a number of participants.

Importantly, general tolerance of incivility and disrespect in the workplace has been shown to create an environment where more egregious forms of conduct can occur. Transforming this culture of passive bystander behaviour requires an appreciation of the various risks that are present in the workplace, and a comprehensive plan to mitigate them.

1.2.2 Acknowledgement, restoration and redress

Many of the findings and recommendations in the Review are future focused and articulate how the VRI can become safer and more inclusive. Unequivocal and visible leadership across the industry is required to set new standards, behaviours and accountabilities. VRI leaders, racing clubs, venue operators and employers must all create, champion, role model and impose standards, practices and behaviours that comply with legislation and reflect the industry's ethical obligations to promote the highest standards of integrity and care for all.

Additionally, the Review has also uncovered terrible harm, the effects of which endure for many past and current racing participants. Promoting positive change and rebuilding trust and confidence in the VRI, will only be effective if the shocking abuse is properly acknowledged, and satisfactorily responded to by all codes.

A restorative process for past harms, which includes meaningful options for repair that are founded on emerging best practice, must be part of this response. It should also provide an opportunity for leaders to build their capability to respond to both current, and historical, complaints in a victim-centred and trauma-informed way.

The Review found that to properly acknowledge and account for this harm, the codes should establish an adequately resourced restorative justice and redress program based on similar models that have been implemented by Victoria Police and the Australia Defence Force.

1.2.3 Responsibility and accountability

Primary responsibility for the control of racing in Victoria – including the licensing and registration of all participants and racing clubs, compliance monitoring and enforcement of the rules of racing – lies with Greyhound Racing Victoria, Harness Racing Victoria and Racing Victoria Limited. Until recently, the focus of the controlling bodies' enforcement of conduct standards has been on behaviour that impacts or is detrimental to the racing event itself.

The complex, multi-layered operating environment provides important context to the existing VRI policy frameworks that set behavioural expectations and respond to the incidence of harm. The Review found that there is no consistent approach within the industry, and marked differences in how each code deals with these issues.

The Review identified that each of the controlling bodies have internal policies for preventing and responding to harm involving their own staff and contractors. However, implementation varies, and there is minimal-to-no evaluation of the effectiveness of these policies. Significant disparity in the controlling bodies' external prevention framework for industry was observed, and only one code has a singular policy that expressly prohibits behaviour that is unsafe, disrespectful and unlawful.

A key driver of policy settings has been the controlling bodies' misconception that they cannot regulate workplace behaviour because they do not have an employment relationship with industry participants. They have considered that it is beyond the scope of their authority to hold individuals to account for aberrant behaviour that occurs in private workplaces away from the racetrack.


Yet each controlling body is responsible for licensing and registering its code's participants and racing clubs. This authority carries an obligation to ensure that the grant of any licence or registration is made conditional on compliance with the code's rules of racing, policies and processes, to ensure industry requirements are met and maintained.

Therefore, the explicit linking of behavioural standards to the ability to obtain, and retain, a licence or registration is no different to existing industry requirements that include meeting general 'fit and proper person' or suitability criteria, and specific occupational educational standards for different participant roles. These are powerful levers that the VRI can pull to ensure greater psychosocial safety and protection from harm for participants.

Of course, day-to-day oversight of staff behaviour vests with individual VRI employers, who also have a primary responsibility to prevent and respond to workplace harm. However, this does not preclude the controlling bodies from assuming a key role in setting conduct standards for their respective codes and educating all participants about expected behaviours, as other industry regulatory bodies do.¹

The Review also accepts that it is appropriate for the controlling bodies to refer reports of alleged criminal conduct to the police. Although not all matters will meet the requisite threshold to bring criminal charges (or result in a successful prosecution), it is open to the controlling body to still consider whether action should be taken under the code's 'fit and proper' policy and applicable rules of racing, by assessing the alleged conduct through the lens of the lower standard of proof applicable.

¹ For example, CPA Australia, Australian Health Practitioner Regulatory Agency, Victorian Institute of Teaching.



Looking back, it made me sick. What a scumbag. I go through a red light, two weeks down the track, I've got a \$300 bill. You go and grope people, and you're on the tele, on the radio.

1.2.4 Adequacy and effectiveness of current processes

The Review was tasked to examine whether the controlling bodies' current practices and policies were effective to enable those who are affected by harm to report and receive necessary support, both during the complaint process and thereafter, whether they are embedded through regular education, and how they are evaluated. This allowed the Review to discern whether existing policies and processes have translated into safer VRI workplaces and environments for employees and participants alike. Separate consideration was given to how the controlling bodies are preventing unlawful conduct from occurring in the first place.

Overall, we found that there were different levels of capability, understanding and investment in prevention and response across the VRI. Of the three codes, the Review found that Racing Victoria Limited has done significant and meaningful work to comprehensively review and update its policies and frameworks, and invest in internal capability. This shows a commitment to improving safety within the Victorian thoroughbred racing industry.

Notwithstanding, we found that there was still important work to do to entrench these initiatives as part of a sustained and broader cultural effort. This is particularly the case with the need to embed education and awareness programs, create a trauma-informed response to reporting, take a more proactive approach to mitigating risk, and collect and analyse reporting data.

We were told that there remains a lack of awareness of reporting channels. There is also a reluctance to report due to ongoing perceptions that no action will be taken, or retaliation may result from inadequate confidentiality and other protections.

With respect to Greyhound Racing Victoria and Harness Racing Victoria, the Review found that these codes have inadequate prevention and response frameworks. Specifically, current processes for reporting complaints of sexual and physical abuse, assault or harassment fall way short. They lack requisite independence and participants expressed that they do not trust that there is a safe and trauma-informed reporting environment for them.

The Review heard that there is limited awareness of internal reporting pathways at each code. This invariably results in participants reporting misconduct to race day stewards who routinely, and appropriately, refer allegations about criminal conduct to police. However, the experience of many participants was that stewards did not display the necessary skills and expertise to enable safe reporting about less serious matters. They therefore did not feel comfortable raising these types of deeply personal and non-racing issues with stewards. Victim survivors reiterated the need for a trauma-informed approach where reports of sexual and physical abuse, assault and harassment are handled by people with specialist skills and experience dealing with vulnerable victims.

1.2.5 Independent reporting and oversight

In addition to improving each of the code's internal capability and capacity to receive and more effectively deal with reports of harm that compromise the integrity of the industry, the Review found that an industry-specific independent reporting mechanism is required to receive reports of workplace harm, including anonymous reporting.

This mechanism would help to mitigate the concerns expressed to the Review, by participants and administrators alike, including reluctance to report directly to the codes due to a fear of victimisation, perceptions that complaints are not dealt with confidentially, and sense of lack accountability and oversight of the reporting process.

Established by the Racing Integrity Commissioner, the reporting channel would provide information and warm referrals to appropriate internal and external bodies, support for persons participating in the reporting process, and provide increased industry wide monitoring of emerging issues and code-specific risks also.

Increased monitoring and oversight will be important to ensure the Review recommendations are implemented as envisioned, and that any unforeseen issues are addressed promptly. It is imperative that the controlling bodies regularly monitor progress by reporting on the status of key milestones.

1.2.6 Greater focus on knowledge and awareness

The Review found that more must be done to provide regular, targeted and effective education on workplace harm and misconduct for all industry workers and leaders.


An overwhelming number of Review participants were of the view that VRI knowledge of what constitutes unacceptable conduct, and what to do if they had concerns, was lacking. In particular, we heard that there is limited education to promote positive behaviours towards women in racing, and the training that is offered is superficial.

It is critical that education is more than a mere 'box-ticking' exercise. Concerningly, the Review heard reports of participants routinely arranging for others to complete online training on their behalf. This highlights a need for experiential education. Effective programs must be developed and regularly evaluated to ensure that everyone who works in VRI understands the standards of behaviour that are acceptable.

To counter some of the deficiencies to the approaches to education, the Review recommends that quality and targeted mandatory training should be linked to licensing and registration application and renewal processes.

Additionally, a strong focus must be placed on industry leaders, including senior administrators, integrity officials who monitor and enforce compliance with the rules of racing, and other industry members in positions of responsibility, such as trainers, managers and forepersons. This should include raising awareness and promoting understanding of relevant anti-discrimination and health and safety legislative requirements, and application of child safeguarding frameworks in a way that focuses on specific risks within the VRI context.

We found that there was still important work to do to entrench existing initiatives as part of a sustained and broader cultural effort. This is particularly the case with the need to embed education and awareness programs, creating trauma-informed responses, and taking a proactive approach to risk mitigation and the collection and analysis of key data.



I always thought that there should have been some sort of mechanism in place to, you know ... It's all right to go to the stewards, because they're the upholders of the rules of racing. But I still think now that there should be a special section of the industry that deals with these sorts of things.

1.2.7 Targeting wellbeing support

The Review heard that there is significant demand for better participant access to appropriate mental and psychosocial health support services, including referrals to specialist external services.

Many thoroughbred participants and industry leaders remarked on the success of the Melbourne Racing Club's wellbeing program. Accessible to all industry workers who use its facilities, the initiative included a focus on mental health and physical wellbeing from an 'on-the-ground' perspective. It provided a safe place for participants to disclose welfare issues, with the option of obtaining assistance and support for those who required it.

Despite its effectiveness, the program waned during the pandemic. It was relaunched earlier this year in an expanded form to cover Cranbourne, Pakenham and Mornington training centres. Its success highlights the value of a wellbeing program as a proactive prevention tool that can also facilitate a human-centred response to reports of unlawful conduct. It is a model that could be readily expanded across thoroughbred racing, adopted by the other codes, or rolled out as an VRI-wide initiative.

The absence of targeted wellbeing programs for stable and kennel staff, including track riders, strappers, greyhound catchers and attendants – who collectively form the vast majority of the VRI workforce – is an industry shortcoming. The observations within chapter 5 highlight VRI workplace power imbalances as a driver of inappropriate behaviour when left unchecked. Many administrators and participants noted the various health and wellbeing supports provided by representative bodies for trainers, drivers, jockeys and breeders, and shared the view that other participants who constituted the most vulnerable and at-risk workers in the VRI are inadequately supported and are in need of a tailored welfare program.

Equally as important to many was the need for a holistic approach to support to meet their ongoing needs, from the time they initially reported an issue, extending throughout the entire complaint process, and beyond. This was particularly apposite to those who were subjected to adverse workplace and professional consequences – from industry peers, managers and those in positions of influence – for raising their concerns. Unsurprisingly, participants have called for better whistleblower protections for people who report unlawful conduct. They demand the controlling bodies do more to send a clear message to industry that retaliatory behaviour, including breaches of confidence, is unacceptable and will not be countenanced.

1.2.8 Increasing diversity

Although tangential to the terms of reference, another key issue that was regularly raised throughout the Review was the perception that the VRI was reluctant to embrace diversity. Framed as an important social issue that the industry should proactively address to better reflect wider community expectations, questions frequently arose – from participants and administrators alike – about whether the VRI needed to do more to provide a safe work environment for everyone, regardless of gender identity, sexual orientation, race, age, religion or culture.

VRI organisations which do not reflect the diversity of the wider racing community will need to prioritise greater inclusion and diversity to ensure better representation across gender, age, cultural and sexual demographics, in line with Victorian board diversity guidelines that state:

Diversity of skills and expertise, and the perspectives and lived experiences of people from different backgrounds, contribute to good governance and help ensure that boards are making decisions in the interests of the Victorian community.²

Acknowledging existing industry strategies that target greater diversity, the Review recommendations will undoubtedly also contribute to effect necessary change through an overt commitment to inclusion that will send a strong positive message to everyone who works in the VRI. Diversity also improves understanding of lived experience beyond the normative, which is a protective factor relevant to the design of human-centred practices and responses.

² <https://www.vic.gov.au/diversity-victorian-government-board-guidelines/about-guide>



Nobody from the racing industry contacted me ... I was left to just die on the vine. Nobody offered any support

1.3 Recommendations

Recommendation 1

That the senior leaders of each of the VRI controlling bodies, as soon as practicable following the publication of this report–

- a. acknowledge the current and historical harm experienced by people across the industry
- b. make a commitment to driving change in how the industry prevents and responds to unacceptable behaviour, and educates participants about expected standards.

Recommendation 2

That the senior leaders of each of the VRI controlling bodies, as soon as practicable following the publication of this report, establish a VRI stakeholder implementation steering committee with an independent chair, which, at a minimum should–

- a. comprise suitably skilled members from each controlling body and key stakeholder groups/associations within each code
- b. oversee the implementation of these recommendations and ensure, where possible, a consistent VRI approach through the sharing of learnings and best practice
- c. adopt a collaborative approach to implementation of these recommendations through regular and effective engagement and consultation with key participant and racing club stakeholders
- d. draw on the knowledge and experience of relevant experts outside the VRI
- e. meet quarterly, and be established for a period not less than two years from the date it commences.

Recommendation 3

That each of the VRI controlling bodies, within 12 months of the publication of this report, establish an independent restorative engagement framework and scheme for current and former industry participants who have experienced physical and sexual abuse, physical and sexual assault and sexual harassment which should–

- a. draw on best practice restorative and redress approaches from other sporting codes and contexts
- b. establish eligibility for participation in the scheme
- c. provide the opportunity for a direct personal response from the controlling body that includes acknowledgment of the impact of the abuse on the victim survivor and consideration of other matters or concerns related to their experience that are important to them
- d. facilitate direct access to support services, counselling and psychological care
- e. provide for repair and redress through restitution and rehabilitation
- f. be administered by an independent provider with relevant expertise
- g. operate for two years from when it commences.

Recommendation 4

That each of the VRI controlling bodies, within 12 months of the publication of this report, develop a comprehensive plan that targets the prevention of physical and sexual abuse, assault and harassment and other unsafe or disrespectful behaviours in their code, which, at a minimum should–

- a. identify how and when the code-specific drivers, risk factors and findings identified in chapter 5 of this report will be addressed
- b. review and update its prevention policy framework to address the code-specific findings in chapter 6, and ensure it meets relevant state and federal equal opportunity and human rights legislation, occupational health and safety requirements, and incorporates child safe standards
- c. be informed by consultation with the different participant cohorts relevant to each racing code, industry associations and other key stakeholders
- d. include a communication strategy for participants and racing clubs that promotes understanding of safe and respectful behaviours, publicises reporting pathways, complaint processes and available supports, and informs industry about progress in implementing the recommendations of this Review
- e. establish key accountabilities for senior role holders, including board members, CEOs and other senior leaders
- f. include a requirement for periodic internal monitoring and evaluation of the plan by the controlling body's board, and periodic external oversight via the Racing Integrity Commissioner's audit function.

Recommendation 5

That each of the VRI controlling bodies, within 18 months of the publication of this report, mandate a best practice and industry-tailored safe and respectful behaviours education program for all industry participants and club and controlling body staff, contractors and volunteers, which, at a minimum should–

- a. be a prerequisite, via a licensing or registration requirement, or other contractual or employment mechanism, for all new persons entering the industry
- b. thereafter be conducted on a regular three-year cycle for all persons remaining in the industry
- c. prioritise all current club, controlling body and industry association leaders, including board and committee members, directors, executives and senior people leaders, to undertake the training and education within the first 12 months of implementation
- d. provide information about the drivers, risk factors and impacts of physical and sexual abuse, assault and harassment and other unsafe or disrespectful behaviours, including gendered harm in industry workplaces
- e. provide contextual, scenario-based training, and information about reporting pathways, complaint processes, available support, and how to be an effective bystander
- f. provide an understanding of compliance requirements with relevant state and federal equal opportunity and human rights legislation, occupational health and safety requirements, and child safe standards.

Recommendation 6

That each of the VRI controlling bodies acknowledge and endorse the Racing Integrity Commissioner's office as an independent reporting mechanism for participant protection and child safeguarding concerns which, at a minimum, permits the Racing Integrity Commissioner to:

- a. receive reports about participant protection and child safeguarding concerns, including anonymously
- b. triage all reports received about participant protection and child safeguarding concerns to determine the most appropriate mechanism to deal with the matter, including, as applicable—
 - i. referral to a controlling body under section 37(B)(1)(d)(ii) of the *Racing Act 1958* (Vic), for informal resolution, investigation and/or consideration of provisional action against a participant or person
 - ii. disclosure to a controlling body or external agency under section 37E of the *Racing Act 1958* (Vic), or referral to the police under section 37B(1)(d)(i), for consideration and appropriate action
- c. request the controlling bodies provide information about the outcome or status of all participant protection and child safeguarding concerns referred by the Racing Integrity Commissioner's office on a quarterly basis, or otherwise by exception.

Recommendation 7

That each of the VRI controlling bodies, within 12 months of the publication of this report, revise and update its code's participant complaint handling processes for responding to physical and sexual abuse, assault and harassment and other unsafe or disrespectful behaviours, which, at a minimum should—

- a. protect and prioritise the safety, wellbeing and wishes of the complainant throughout the process, including providing clear information about the process, how decisions are made and options for resolution, and referral to support or counselling where required
- b. include investigation and informal or alternate dispute resolution pathways that are conducted by suitably qualified persons who are experienced in trauma-informed approaches, and provide an option for external referral or investigation
- c. prioritise early intervention to resolve complaints before they escalate, wherever possible, including by embedding restorative approaches undertaken with suitably qualified and trained staff
- d. provide timely and regular communication to all parties about the status of the complaint
- e. establish a transparent findings and resolution process following an investigation that enables the controlling body to protect individuals from harm, hold perpetrators to account, deter others from engaging in inappropriate behaviour, and preserve the integrity of the code, as applicable
- f. ensure that all complaints are appropriately recorded in a way that protects the confidentiality of the parties, whilst simultaneously allowing the controlling body to understand and evaluate complaint trends and respond in a systemic way
- g. be well communicated across the code.

Recommendation 8

That each of the VRI controlling bodies, within 12 months of the publication of this report, take steps to ensure adequate wellbeing, participant protection and child safeguarding supports are available to all racing participants and staff within their code which, at a minimum should include–

- a. engaging an independent provider to provide a mental and psychosocial health assistance and support program for both participants and the controlling body's staff
- b. establishing dedicated and adequately resourced participant protection and child safeguarding role/s, with requisite expertise and skills to provide information and guidance to participants about protection and safeguarding, including how to raise concerns, access support, and available response options
- c. establishing an adequately resourced and targeted wellbeing program for at risk or vulnerable participants within the code, including stable and kennel staff, as applicable.

Recommendation 9

That each of the VRI controlling bodies, within 12 months of the publication of this report, develop and implement a monitoring and evaluation framework which, at a minimum should–

- a. identify implementation indicators for each of the recommendations, including progress activity and outcomes
- b. establish a mechanism for the collection of de-identified data about their receipt, management, investigation and resolution of all participant protection and child safeguarding concerns
- c. build capability in the analysis of data trends and identification of opportunities for early intervention, systemic response and continuous improvement in prevention and response
- d. allocate resources to implement the monitoring and evaluation framework
- e. provide for annual reporting on each of these matters to the Racing Integrity Commissioner.

2. Introduction: about the Review

2.1 Terms of reference

Following consultation with the three VRI controlling bodies in July 2022, the Commissioner established the Review terms of reference (see Appendix 2). The key objectives are reproduced below.

2.1.1 Objectives of the Review

The aim of the Review is to ensure that worker wellbeing is at the forefront of the VRI through effective and appropriate processes and systems to prevent and respond to physical and sexual abuse, assault and harassment.

The Review will identify recommendations to ensure that people who work in the VRI are treated with dignity and respect, and have access to clear and effective complaint mechanisms, referral pathways and appropriate supports.

The objectives of the Review are to:

- understand the experiences and expectations of victims of physical and sexual abuse, assault and harassment who currently work, or have previously worked, in the VRI with respect to ensuring their wellbeing
- examine the adequacy, effectiveness and awareness of current VRI complaint and reporting processes and systems, supports and referral pathways to prevent and respond to physical and sexual abuse, physical and sexual assault and sexual harassment, and protect and promote the wellbeing of all who work in the industry
- assess the capacity and capability of the controlling bodies, and structural, cultural or other characteristics of racing workplaces, to prevent and respond to complaints about physical and sexual abuse, physical and sexual assault and sexual harassment in the VRI, including barriers to reporting, and options to drive cultural change and promote appropriate behaviour
- prepare a report setting out findings and recommendations on the matters within the terms of reference, with a focus on constructive measures that entities within the VRI can implement to ensure appropriate and effective processes and systems are in place that prevent and respond to physical and sexual abuse, physical and sexual assault and sexual harassment and prioritise the wellbeing of all who work in the industry.

2.2 Ethics approval

The Review was conducted under Victoria University Human Research Ethics Committee approval. Ethics approval was sought to provide independent oversight of the Review, ensure its methodology is robust and aligned with best practice, and proactively identify and manage all inherent risks associated with the Review. This included requesting victim survivors to provide informed consent before taking part, having a trauma-informed approach to their participation, and ensuring that they were aware of the specialist counselling, support and referral services available to them.

2.3 Voluntary

Participation in the Review was voluntary. No one was compelled to provide information or material, and individuals were able to choose if, when and how they participated in the Review, including anonymously.

2.4 Trauma-informed

In recognition of the potential distress and re-traumatisation caused when victim survivors share their very personal experiences of physical and sexual abuse, assault and harassment, a human-centred approach was at the heart of all Review processes.

A targeted *Participant Information Sheet and Consent Form and Trauma Informed Guide to Participation*, dedicated Review email address, and telephone hotline were created so that any person who wanted to share their experiences felt safe to do so, and could be provided with timely information about:

- the aims of the Review and different participation modalities
- how to access support services and other assistance
- how to make an informed choice about their participation
- how their participation may impact them if they have experienced trauma.

Everyone who participated in the 1:1 listening sessions were given the opportunity to have a support person attend. Qualified counsellors with specialist expertise were also available to provide immediate assistance to anyone who needed it at all stages of the Review. Referral to external supports and specialist trauma counselling, and to police or other relevant agencies, was also offered if needed, and as appropriate.

2.5 Confidential

Protecting privacy and maintaining confidentiality over all data collected – listening sessions, consultations and information provided by participants, the controlling bodies, experts and other bodies – has been integral to maintaining confidence in the Review’s integrity and independence.

All information and data gathered throughout the Review has been, and will continue to be, collected, used and stored in accordance with the requirements of the *Data Privacy and Protection Act 2014* (Vic), the *Public Records Act 1973* (Vic) and ethical approval. The Review information extracted, quoted and referred to in this report has been de-identified to avoid individual attribution and identification.

Prior to the collection of any personal information, the informed consent process ensured all persons who wanted to contribute to the Review were aware that disclosure of their information could be required by law in limited circumstances. For example, in relation to mandatory reporting obligations or concerns about immediate safety or risk of harm. No relevant disclosures have been made.

2.6 Methodology

The findings and recommendations of this report are informed by a sound evidence base, drawn from a wide range of sources, adopting both qualitative and quantitative research and data collection, via:

- an online survey
- 1:1 listening sessions and consultations
- written submissions
- requests for information
- review of relevant data, policies, processes and legislation
- research.

These mixed methods gave the Review access to a range of lived and observed experiences of physical and sexual abuse, assault and harassment from across the VRI, as well as diverse perspectives about the systemic changes that are required to better respond to victim survivors and prevent workplace harm.

The methodology also facilitated contributions from current and former industry administrators and staff, and examined the controlling bodies' existing victim support and complaint processes. To assess and identify gaps in current VRI processes and systems, research was undertaken into the policy settings and practices implemented in other industries and jurisdictions. Input was additionally sought from relevant Australian and international bodies and experts.

Collectively, these approaches have allowed the Review to be well informed about the impact and cause of past and recent harms, identify future risks, and develop a pathway to ensure that the VRI is doing all it can to protect and support all industry workers.

3. Participation and data collection

3.1 Eligibility

Participation in the Review was open to:

- anyone aged 18 years or older who works, or has previously worked, in thoroughbred, harness or greyhound racing in Victoria
- organisations and experts with relevant experience or expertise.

In recognition of the breadth of VRI workplaces, relative employment insecurity and transience, the term 'work' was construed broadly to include any person who is, or has been, engaged in paid or unpaid work in the VRI, whether as an employee, contractor and subcontractor (and their employees), labour hire worker, apprentice, trainee, student or intern. This ensured that individual roles and tenure were not a barrier to participation in the Review.

3.2 Engagement

Diverse participation in the Review was sought to gain a comprehensive understanding of the breadth of lived experiences and VRI workplace contexts.

This was achieved through briefings with the controlling bodies, racing clubs, industry leaders, associations and representative bodies, and traditional and social media. Word of mouth was also observed to be an effective engagement strategy once individual participation in the 1:1 listening sessions commenced.

Direct engagement with industry proved to be an important mechanism to raise awareness about the Review. It also allowed the Review team to garner an understanding of the varied racing environments within each code and learn about racing workplaces at the coalface. This was achieved through attendances at racecourses, tracks, stables and kennels at Ararat, Bendigo, Ballarat, Caulfield, Cobram, Cranbourne, Flemington, Geelong, Horsham, Kilmore, Melton, Mildura, Moonee Valley, Pakenham, Sale, Sandown, Shepparton, Stawell, Stony Creek, Swan Hill, The Meadows, Warragul, Warrnambool, Werribee and Yarra Valley, allowing the Review team to meet with a range of licensed and registered racing participants from all VRI codes.

3.3 Direct participation

The majority of people who engaged with the Review did so through the confidential 1:1 listening sessions and consultation. Individuals were also given the option of being involved in the Review anonymously, via the online survey or a written submission.

Following ethics approval and commencement of the information gathering stage, 185 people made direct, in-person contributions to the Review. Of those-

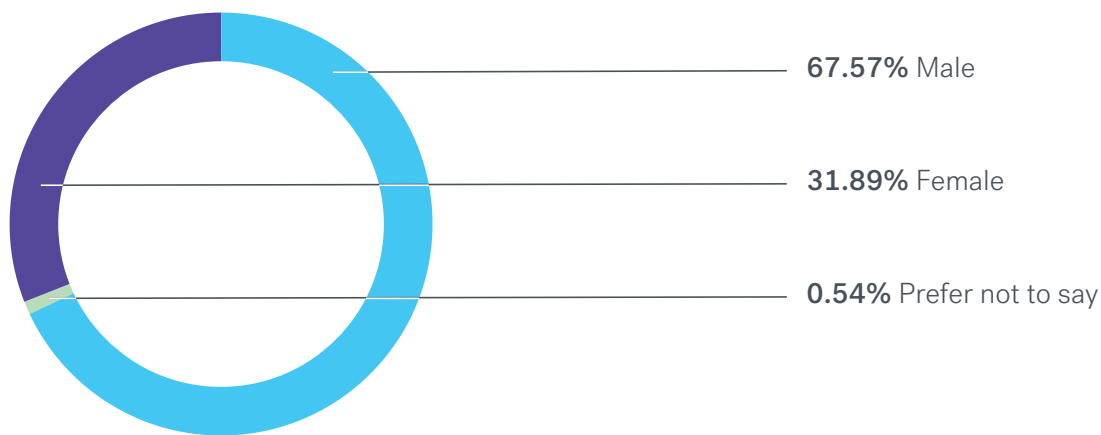
- 68% identify as male, 32% as female, and less than 1% would prefer not to say
- 57% are current or former licensed and registered VRI participants, 33% are current or former administrators, employees and board or committee members of controlling bodies, racing clubs or industry associations, and 10% are experts and administrators from other sporting codes and industries
- more than one in five current or former controlling body, racing club and industry association administrators and staff identified as being a victim survivor or having knowledge of physical and sexual abuse, assault or harassment in the VRI.

Participation in the Review

Review Participant Type*	Greyhound	Harness	Thoroughbred	Cross-Code	Non-Racing
Current/former licensed/ registered participant	8.65%	4.32%	43.24%	1.08%	0.00%
Controlling body/club/ association staff and administrators	4.32%	7.03%	20.54%	1.08%	0.00%
Other industries/experts	0.00%	0.54%	2.16%	0.00%	7.57%
Total	12.97%	11.35%	65.95%	2.16%	7.57%

* VRI workforce subgroups with a small sample size have not been identified as discrete groups in this report, to maintain the confidentiality of individual respondents and avoid the potential shortcomings of statistical analysis associated with small sample size.

Gender of Review Participants



3.3.1 Online survey

A third-party provider was engaged to administer an online survey for the Review to seek demographic information. The survey was also designed to ascertain the prevalence and nature of physical and sexual abuse, assault and harassment in VRI workplaces, as well as the mechanisms in place to report, support and respond to these issues. This information was sought via a series of customised questions that were based on the respondent's answers to previous questions.

Thirty-two people completed the survey. Their responses have been de-identified and included in aggregate results to avoid individual identification. However, this data contributed to the reporting of systemic issues and trends.

3.3.2 Listening sessions

Confidential 1:1 listening sessions were critical to hearing from victim survivors in their own words. Each session was conducted by two members of the Review team, and were generally conducted over a 2 to 3-hour period. All followed a semi-structured format. This provided consistency in the collection of standardised information, with sufficient flexibility to capture individual experiences, observations and insights about existing systems and processes.

Participation in the listening sessions included people from each of the codes and a range of workplace settings within the VRI across varied metropolitan, regional and country locations. The vast majority were conducted in-person, with a small number taking place online, to accommodate individual needs and preferences.

Sessions were recorded with the consent of individual participants. Direct quotes and firsthand accounts in this report have been de-identified and are used with the express permission of the individuals concerned.

The open manner in which people shared their experiences was both courageous and generous. Many conveyed an altruistic motivation for coming forward. They hoped that speaking up would help the VRI become a safer place for all, especially its youngest and most vulnerable participants.

3.3.3 Consultations

The Racing Integrity Commissioner and Review Lead conducted confidential consultations with the controlling bodies, and other VRI-affiliated associations and bodies throughout the Review, including during the establishment phase, to seek input about the terms of reference, the identification of prospective and suitably qualified Review team members, and the proposed process.

Once the Review was underway, consultation provided key VRI stakeholders and other local and overseas experts with the opportunity to share their knowledge and insights about current victim support and complaint processes, and the efficacy of different prevention and response frameworks.

Individuals representing 30 organisations were consulted. Some did so on more than one occasion, reflecting their willingness to engage in different aspects of the Review.

3.3.4 Written submissions

Individuals and organisations could make written submissions to the Review via the dedicated online Review portal or by email. Submissions could be made anonymously, confidentially or publicly. They provided an important option to contribute to the Review for individuals who may not have felt comfortable participating in a 1:1 listening session. Two written submissions were received from individuals, reflecting the overwhelming preference for in-person engagement with the Review.

3.4 Data collected from other sources

The focus of this work was to examine the existing victim support and complaint processes, capacity and capability at each controlling body, and identify good prevention and response practices outside the VRI.

3.4.1 Requests for information

Requests for information were issued to Greyhound Racing Victoria, Harness Racing Victoria and Racing Victoria Limited seeking industry information and documents relevant to the terms of reference, including:

- workforce demographic data
- governance and policies
- complaint data
- available support for complainants
- knowledge and awareness.

The controlling bodies were also invited to make comment on the draft final report and recommendations. Their feedback has been incorporated into this report prior to its finalisation.

The Review team acknowledges the support and cooperation received from the controlling bodies throughout this considerable endeavour, and is grateful for the assistance provided and enthusiasm for the task from all.

Information from various state, federal and international racing, sporting and other organisations was also sought, to learn about their different approaches to preventing and responding to workplace harm, including in relation to:

- governance frameworks
- policies and procedures
- complaints received and referrals to external bodies
- available support services
- education, including induction processes and training.

Verbal and written responses about these matters were received from the following organisations and bodies:

Victorian

- Melbourne Racing Club
- Moonee Valley Racing Club
- RMIT Centre for Innovative Justice
- Victoria Police
- Victorian Equal Opportunity and Human Rights Commission
- Victorian Greyhound Owners and Breeders Association
- Victorian Jockey Association
- Victorian Racing Club
- Victorian Racing Integrity Board
- Victorian Trainers and Drivers Association

Interstate and federal

- Athletics Australia
- Australian Football League
- Australian Trainers' Association
- Australian Workers' Union
- Cricket Australia
- Gymnastics Australia
- National Rugby League
- Queensland Racing Integrity Commissioner
- Rugby Union Australia
- Sport Integrity Australia
- Swimming Australia
- Tennis Australia,

International

- British Horseracing Authority (UK)
- Courage First Athlete Helpline (USA)
- Global Athlete (CA)
- New Zealand Racing Integrity Board (NZ)
- Singapore Turf Club (SNG)
- United States Equestrian Federation (USA)
- US SafeSport (USA)
- We Ride Together (USA)

Some 114 policy, process and other relevant documents were shared with the Review in response to requests for information.

3.4.2 Research

The Review team examined and analysed a range of domestic and international research and data relevant to how physical and sexual abuse, assault and harassment is managed in the workplace, including:

- reports and recommendations of national and international reviews and inquiries
- relevant state and Commonwealth legislative frameworks
- regulatory settings, including policies, processes and other measures implemented in Australia and elsewhere.

The focus of this work was to identify good practice and modern approaches to participant safeguarding, including effective prevention and response strategies.

3.4.3 Feedback

The Review team sought feedback about the experience of victim survivors who engaged with the Review, to ensure their needs and expectations about the process were met, and any concerns were addressed.

Overall, people indicated that their experience was safe, respectful and valuable. A significant number told us they were pleased that the Review was conducted, and have confidence in its independence. Many also expressed appreciation for the opportunity to share their stories, including–

[I]t's hard to overstate how helpful it is to be heard on this stuff after all this time.

I never thought any of it would see the light of day, to be honest with you. Speaking about these things does come with a bit of a downside, but I ... [a]ppreciate the work you guys are doing.

4. VRI Ecosystem and authorising environment

4.1 Demographic

The VRI is a multi-faceted and complex ecosystem that is geographically dispersed across metropolitan, regional and country locations. Key workplaces include the multiple greyhound (13), harness (45) and thoroughbred (70) racetracks where clubs hold race meetings, and training and trials take place.

Numerous secondary workplaces operate training facilities, kennels and stables throughout the state in a range of environments, and under various business structures – from self-employed sole traders, to small-to-medium sized partnerships and enterprises, and large partnerships and incorporated entities.

Across the breadth of these workplaces, in 2021-22, the VRI employed 34,874 people in full time equivalent roles in the greyhound (4,700), harness (4,469) and thoroughbred (25,705) racing codes under multiple private employment and volunteer arrangements.

According to 2022 market research undertaken on behalf of the state government and VRI³, each code is represented by the following cohorts of licensed and registered racing participants:

A not insignificant number (920) of VRI workers – 2.5% greyhound, 2% harness and 3% thoroughbred – are under the age of 18. The majority are stable and kennel staff. Notably, 57% of all thoroughbred racing workplaces are reported to employ at least one minor.

Over the last two decades the gender demographic of the VRI has evolved considerably. At the turn of the century, relatively few women worked in any of the industry's codes. Currently, an estimated 29% of current registered greyhound racing trainers are female. Females also make up 47% of all licensed stablehands in harness racing. However, there is an appreciably lower gender balance within licensed trainer and driver ranks, where only 16% and 17% respectively are female (both having increased by approximately 3% in the five years to 2023). In 2022, 28% of jockeys, 75% of apprentice jockeys and (26%) of thoroughbred trainers were female. The Review was not provided with current gender data for stablehands in the thoroughbred racing industry.

Role	Thoroughbred	Harness	Greyhound	Total
Breeders	1,458	2,026	373	3,857
Breeders' Staff	1,545	1,195	201	2,941
Owners and Syndicate Members*	71,388	4,784	7,232	83,404
Trainers	956	958	1,455	3,369
Stable/Kennel Employees	3,730	1,002	667	5,399
Racing Club Staff	5,493	851	1,145	7,489
Wagering Service Provider Staff**	1,761	245	545	2,551
Bookmakers & Staff	985	53	8	1,046
Volunteers	4,741	2,394	1,390	8,525
Jockeys, Drivers and Apprentices	318	580	0	898
Other Racing Business Staff	401	51	71	523
Peak Racing Body Staff	448	271	375	1,094
Total	93,225	14,410	13,463	121,098

* Thoroughbred owners include all individual Owners Gold Card holders for the racing season

** Individual code values based on share of turnover

3 IER Pty Ltd, *Size and Scope of the Victorian Racing Industry* (2022), 6

4.2 Control of racing, participants, clubs and employees

4.2.1 Control of racing

The Racing Act recognises Racing Victoria Limited as the controlling body for thoroughbred racing, and establishes Harness Racing Victoria and Greyhound Racing Victoria as statutory authorities with respective responsibility for the control of harness and greyhound racing.

The controlling bodies are responsible for the promotion, development and probity of their racing codes, and management of the racing event. This includes licensing and registering participants and racing clubs, and performing integrity functions to enforce compliance with the rules of racing.

Thoroughbred

The Victoria Racing Club was the principal racing authority for thoroughbreds until 2001, when Racing Victoria Limited – a private company whose members comprise the three metropolitan racing clubs, Country Racing Victoria Limited, Thoroughbred Racehorse Owners' Association Inc, Thoroughbred Breeders Victoria Inc, Australian Trainers' Association (Vic), Victorian Jockeys' Association Inc, the four unions that represent different VRI participant cohorts, the Victorian Bookmakers' Association Limited and the Australian Jumping Racing Association Inc – was enshrined under the Racing Act as the new governing and controlling body for Victorian thoroughbred racing.

Unlike the other two VRI controlling bodies, Racing Victoria Limited is a registered company limited by guarantee under the *Corporations Act 2001* (Cth). This means that its functions and objectives are sourced from its constitution, which include equine and participant safety and welfare and ensuring that, 'Victorian thoroughbred racing is managed to effectively foster and promote the safety and welfare of competing horses and people bound by the Rules of Racing'.

The constitution also authorises Racing Victoria Limited to exercise powers and perform functions conferred by the Racing Act. This includes applying and enforcing of the rules of racing.

4.2.2 Control of participants: licensing and registration

The controlling bodies hold a unique and privileged power to decide who can participate in their industry through the setting of licensing and registration standards. In recent years, they have each used these standards to take positive steps to increase the level of professionalisation within their industries. Notably, control is achieved in the absence of an employment relationship with participants, or express legal mandate over relevant areas, by virtue of their inherent governing jurisdiction.

Over time, VRI requirements for participation in each of the codes have evolved. Current standards now require individuals to satisfy specific criteria, including meeting minimum occupational standards, skills and knowledge for some roles before a participant can be licensed or registered. All racing participants must also agree to be bound by their respective code's rules of racing, policies and processes, and have continuing disclosure obligations. These matters are explored in the following sections.

Greyhound

The registration of greyhound racing participants includes a threshold assessment of whether an individual is a fit and proper person. Upon being granted registration, all participants are bound by the Racing Act, rules and/or directions of the controlling body in force or issued from time to time.

Following the Victorian Racing Integrity Board's cross-code initiative to review and improve consistency in each controlling body's licensing and registration frameworks, Greyhound Racing Victoria updated its guidance to industry in January 2023. Its published Fit and Proper Person Test establishes criteria referable to a person's character, reputation, honesty, integrity, criminal and animal welfare histories that are taken into account in assessing whether a participant is eligible for registration.

Importantly, Greyhound Racing Victoria's policy highlights the temporal nature of the fit and proper person test as being applied at a fixed point, the outcome of which may change over time, with the regression or improvement of individual circumstances.

Harness

The granting and annual renewal of harness racing participant licences is based on the suitability criteria set out in the controlling body's *Licensing [sic] and Registration Policy*. The policy was reviewed and updated in October 2022, and is published on the controlling body's website. Its criteria is similar to the greyhound racing fit and proper person test, and requires all licensed participants over the age of 18 to have a working with children check.

The policy expressly references consideration being given to disrespectful, rude or poor behaviour that is directed towards Harness Racing Victoria officials, stewards or employees. It is silent on behaviour directed at participants or other persons at the racetrack or in a racing workplace. However, 'lifestyle, health or social issues' form part of the controlling body's assessment of whether the applicant 'poses a risk to the health, welfare or safety of others involved in harness racing, or to the integrity of the sport'. It also includes a process for determining whether a licence should be renewed or maintained if a person no longer meets the suitability criteria.

Thoroughbred

As with the other codes, all participants must meet general threshold conditions relevant to their role before they are granted a licence, permit or registration by Racing Victoria Limited. This includes agreeing to be bound by the rules of racing and its social media policy, undergoing a criminal history check, completing nominated education, and disclosing any cross-code and inter-jurisdictional racing disciplinary history.

In 2019, Racing Victoria Limited replaced its former fit and proper test for thoroughbred racing licensing and renewal applications with the introduction of a 'Suitability Policy'. It contains the same key criteria as the harness racing policy. In January 2023 it was updated to expressly include consideration of whether an applicant is subject to an exclusion order, has been a director of an insolvent business, and their past history of conduct relating to animal welfare. Racing Victoria Limited publishes its suitability policy on its website. Renewals for all licences, permits and registrations are undertaken on an annual basis.

4.2.3 Control of racing clubs

The 128 Victorian metropolitan and country racing clubs prepare and maintain tracks and manage on-course facilities. They are separate legal entities from the controlling bodies, who register them in accordance with their code's rules of racing. Racing club members, who include licensed and registered participants as well as social members, are bound by each club's membership terms and conditions. These arrangements are enshrined in the clubs' constitution or governing rules under the *Associated Incorporations Reform Act 2012* (Vic), *Corporations Act 2001* (Cth) or, in the case of the large metropolitan clubs, their own legislation. The Minister for Racing has a role in approving any amendments to a club's constitution or governing rules (as distinct from the rules of racing).

Separate to the controlling bodies' registration of clubs, the Minister for Racing issues a perpetual licence or permit for each racing club. The licence specifies the type of racing that the club may conduct, and the venue at which it can undertake the activity, following assessment of:

- the club's registration status with the relevant controlling body/s and the code's support of the licensing application
- the club's constitution with legislative requirements
- the existence of any adverse findings against the club's current office holders.

4.2.4 Control of controlling body employees

Control over the conduct of the controlling bodies' own staff is established through the employment relationship. Each of the controlling bodies have various policies in place that set out expected behaviour and these are canvassed in chapter 6. Harness Racing Victoria is the only controlling body to explicitly incorporate the rules of racing into their employment terms and conditions with staff. Notwithstanding, the relevant rules – including those that govern conduct – clearly apply to their employees, as set out below.

4.2.5 Rules of racing

The rules of racing establish how the sport is controlled. They variously cover the conduct of the racing event itself, as well as ownership, competition eligibility and restrictions, safety and welfare, licensing and registration, doping, competition manipulation, betting, conduct and disciplinary processes.

Within each VRI code, the rules of racing are constituted by both national (or in the case of greyhound racing, Australasian) and local or state-based rules. The rules are developed and amended through extensive collaboration with industry. Consultation extends to interstate and federal racing bodies for the national rules. As result, the VRI controlling bodies cannot readily introduce changes to the rules.

How the respective code's rules of racing identify and deal with physical and sexual abuse, assault and harassment is set out in the following pages.

Greyhound

The Greyhounds Australasia Rules (GAR) were significantly updated in 2022 and are largely modelled on Victoria's previous local rules of racing. Conduct standards are identified in the relevant GARs extracted below.

GAR 1 The Application of these Rules

1. These Rules apply from the date of their commencement to any person who takes part in any activity in connection with greyhound racing in Australia
2. Without limiting subrule (1) of this rule, these Rules apply to:
 - a. each Controlling Body and every Club;
 - b. the members, officers, employees, committee members and volunteers of a Controlling Body or a Club;
 - c. any person who takes part in any Event or attends any meeting or trial;
 - d. any person who bets or wagers on greyhound racing;
 - e. any person who engages in conduct connected with greyhound racing in Australia

GAR 156 General offences

An offence is committed if a person (including an official):

- f. has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:
 - ii. constitutes misconduct or is negligent or improper;
- g. wilfully assaults, obstructs, impedes, abuses, interferes with, threatens or insults:
 - i. a Controlling Body;
 - ii. any officer, employee or member of a Controlling Body;
 - iii. a Club, or an officer, employee or member of a Club;
 - iv. a Steward or any other official of a Controlling Body or a Club;
 - v. a Committee or Sub-committee of a Controlling Body,

in or at any place, including at or in the vicinity of the place where an inquiry, other disciplinary process, hearing or appeal proceeding is to take place, is taking place or has taken place;
- w. fails to comply with a policy or code of practice adopted by a Controlling Body.

GAR 165 Conduct detrimental to the interests of greyhound racing

An offence is committed if a person (including an official):

- a. commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing;
- b. publishes or causes to be published, or broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language in any manner or form towards, or in relation to:
 - i. a Controlling Body;
 - ii. any officer, employee or member of a Controlling Body;
 - iii. a Club, or an officer, employee or member of a Club;
 - iv. a Steward or any other official of a Controlling Body or a Club;
 - v. a Committee or Sub-committee of a Controlling Body.
- c. engages in contemptuous, unseemly, improper, insulting, or offensive conduct or behaviour in any manner or form towards, or in relation to:
 - i. a Controlling Body;
 - ii. any officer, employee or member of a Controlling Body;
 - iii. a Club, or an officer, employee or member of a Club;
 - iv. a Steward or any other official of a Controlling Body or a Club;
 - v. a Committee or Sub-committee of a Controlling Body.

These rules expressly capture officials, and also apply to all controlling body and racing club staff, directors and committee members as persons who are 'connected in some way to greyhound racing'. Yet the focus is on misconduct by participants that is directed at Greyhound Racing Victoria and club staff acting in the course of their duties. This is not a criticism, and those people are entitled to perform their roles without fear of being subject to inappropriate behaviour.

However, these rules provide limited protection to greyhound racing participants unless the conduct falls within GAR 156(f)(ii) or 165(a). As there are no definitions of the key terms within these rules, it is unclear the extent to which physical and sexual abuse, assault or harassment are captured by them. Greyhound Racing Victoria also does not have a policy or code for participants that enlivens GAR 156(w).

Harness

The Australian Harness Racing Rules (AHRR) apply to individuals and entities, including syndicates, incorporated bodies and unincorporated associations and establish the following conduct offences.

AHRR 231

1. A person shall not
 - a. threaten
 - b. harass
 - c. intimidate
 - d. abuse
 - e. assault
 - f. otherwise interfere improperly with
 - g. bully

Anyone employed, engaged, or participating in the harness racing industry or otherwise having a connection with it.

2. A person shall not misconduct himself in any way.

AHRR 248

A person shall not say, publish or write or cause to be said, published or written anything malicious, intimidatory, obscene, offensive, defamatory, racist, threatening, harassing, discriminatory, abusive or otherwise improper about HRA, the Controlling Body, their members and employees or the Stewards or anyone else associated with the Harness Racing Industry.

AHRR 243

A person employed, engaged, or participating in the harness racing industry shall not behave in a way which is prejudicial or detrimental to the industry.

The AHRR have broad application to behaviour that falls within the scope of the Review, and apply in equal measure to participants and staff, directors and committee members of the Harness Racing Victoria and clubs.

Thoroughbred

The rules of racing of Racing Victoria Limited include the Australian Rules of Racing (AR) and local rules, which include the conduct offences that are set out below. The Racing Act expressly authorises the application and enforcement of these rules to:

- all persons who hold a licence, registration, permit or other authority issued by Racing Victoria Limited
- other persons, arising out of their attendance at race meetings, or participation in an activity in connection with or involving horse racing or wagering on a horse race in Victoria.

AR 228 – Conduct detrimental to the interests of racing

A person must not engage in:

- a. conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;
- b. misconduct, improper conduct or unseemly behaviour;
- c. improper or insulting behaviour at any time towards a PRA, the Stewards, a Club, or any official, employee, contractor or agent of any of them in relation to the relevant person's functions, powers or duties;
- d. publishing or posting on any social media platform or channel any material, content or comment that is obscene, offensive, defamatory, racist, threatening, harassing, discriminatory or abusive to or about any other person involved in the racing industry;
- e. conduct which threatens, disparages, vilifies or insults another person ("other person") on any basis, including but not limited to, a person's race, religion, colour, descent, national or ethnic origin, special ability/disability, or sexual orientation, preference or identity, while the other person is acting in the course of his or her duties in the racing industry.

AR 233 – Other misconduct offences

A person must not:

- a. breach a policy, regulation or code of practice published by Racing Australia or a PRA;
- b. engage in workplace harassment or bullying of a person while the person is acting in the course of his or her duties while employed, engaged in, or participating in the racing industry;
- c. engage in sexual harassment of a person employed, engaged in, or participating in the racing industry

AR 233 expressly encapsulates the controlling body's *Participant Protection Policy* which includes an extensive range of unlawful behaviour, including all conduct that falls within the scope of this Review – see chapter 6.

4.3 Legal frameworks that support safe and respectful workplaces

The controlling bodies' specific authorising environment for the control of conduct in the VRI is augmented by the broader legal frameworks that underpin safe and respectful working environments for all, and which are set out below.

4.3.1 State

Responsibility for enforcing the following frameworks primarily vests with the Victorian Equal Opportunity and Human Rights Commission, WorkSafe Victoria and the Commission for Children and Young People respectively. Each of these agencies publish a range of best practice guidance material, resources and supports to assist individuals and organisations to understand and comply with their legal obligations.

Discrimination and harassment

It is a fundamental right to be treated fairly and humanely in your place of work. The *Equal Opportunity Act 2010* (Vic) imposes a positive duty on organisations by requiring them to take proactive, reasonable and proportionate steps to eliminate discrimination, sexual harassment and victimisation. The Act also makes it unlawful to:

- discriminate against a person because of a specific protected personal characteristic protected by law
- sexually harass someone
- victimise a person for speaking up about their rights, making a complaint, helping someone else make a complaint, or refusing to do something that would be contrary to the Act.

In practice this means that the controlling bodies and individual employers operating within the VRI must have in place proactive measures to demonstrate that they are taking all reasonable steps to ensure that their employees are free from discrimination, sexual harassment and victimisation. In the event that they do not meet their legal obligations, employers can be held both directly and vicariously liable.

Health and safety

The *Occupational Health and Safety Act 2004* (Vic) imposes a range of positive duties on employers, employees, workers and other persons to maintain a safe working environment by:

- proactively taking reasonable action to eliminate physical and psychological risks
- ensuring that other persons are not exposed to risks to their health or safety arising from the conduct of a business undertaking.

This legislation requires employers to provide and maintain a safe working environment, without risks to physical and psychological health, including conduct such as sexual harassment and gendered violence, insofar as it is reasonably practical.

Child abuse and safeguarding

Mandatory child safe standards were legislated in Victoria in 2016 in response to the state's parliamentary inquiry, *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* (2013). Following the Commonwealth's *Royal Commission into Institutional Responses to Child Sexual Abuse* (2017), the Council of Australian Governments – including all states and territories – endorsed the 'National Principles for Child Safe Organisations' in 2019.

In July 2022, Victoria updated its child safe framework and introduced three new standards, to create consistency with the national principles. Each standard is expressed as a statement of an expected outcome that must be achieved, including minimum requirements and compliance indicators. This framework complements relevant protections under the *Child Employment Act 2003* (Vic) and mandatory screening for applicable persons under the *Worker Screening Act 2020* (Vic)⁴ that applies to all persons who work with, care for and supervise children.

Although the racing industry does not formally fall within the scope of Victoria's reportable conduct scheme, the *Crimes Act 1958* (Vic) creates 'failure to disclose' and 'failure to protect' offences that also impose duties on adults and 'staff members in a position of authority' respectively, that are designed to keep children safe.

Charter of Human Rights

The *Charter of Human Rights and Responsibilities Act 2006* (Vic) additionally requires all public authorities, including Greyhound Racing Victoria and Harness Racing Victoria, to act compatibly with human rights, including the right to equality, the right for children to be protected, and to properly consider human rights when making decisions. The right of all Victorians to be recognised as a person, enjoy their rights without discrimination, be treated equally under the law, and be protected from discrimination is established under section 8.

4.3.2 Commonwealth

In December 2022, a new positive duty on employers, and people conducting a business or undertaking, to eliminate workplace sex discrimination and harassment commenced. This followed amendments to the *Sex Discrimination Act 1984* (Cth) in response to recommendations from the *Respect@Work: Sexual Harassment National Inquiry Report* (2020) (Respect@Work).

This new legal obligation is enforceable from December 2023 and requires VRI participants who conduct a business or undertaking (even if they do not employ anyone) to take proactive steps to prevent:

- workplace sexual harassment, sex discrimination, sex-based harassment
- conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex
- victimisation from occurring in the workplace or in connection to work.

⁴ The *Worker Screening Act 2020* (Vic) updates and replaces the former *Working with Children Act 2005* (Vic) and sets out the working with children check requirements.



[I]t's hard to overstate how helpful it is to be heard on this stuff after all this time.

5. What we heard – Experiences and drivers of unsafe workplaces and disrespect

The Review has created a unique avenue for VRI victim survivor voices to be heard. The Review team acknowledges the trust and confidence placed in it by all VRI participants that have come forward to share their experiences, particularly those who provided such frank and fulsome accounts of the horrific and life-altering harm that they were subjected to. Their bravery is deeply valued.

Victim survivors consistently told us that a key motivation for coming forward was the hope that speaking up would help the VRI become a safer place for all, so that others are not subject to the behaviours levelled at them. Overwhelmingly, they articulated a desire to ensure that better safeguards are in place to protect and support everyone in the VRI, particularly its youngest and most vulnerable participants.

The richness of these collective perspectives makes for uncomfortable reading that is intended to be a catalyst for reflection and change.

5.1 A cultural snapshot across time

This chapter explores the experiences of former and current participants in the VRI, as recounted to the Review. Over nine months, through conversations, submissions and site visits, including at training and trials across Victoria, the Review listened to many positive experiences within the VRI, and heard of racing authorities' efforts to initiate and promote change. However, we also heard of an industry that was experienced as unsafe because for too long it provided little accountability for poor behaviour, had immature systems and processes in place to protect vulnerable children and young people, where bullying and abuse was unchecked, and people feared speaking out.

While measures have been put in place in recent years to stop more egregious forms of abuse, the Review heard that behaviours continue to cause harm within the industry. Moreover, the Review heard that incidents and experiences that may be characterised as 'historical' continue to have a profound physical, financial and psychological impact on those who experienced it.

For some participants, speaking with the Review team was the first time they had disclosed decades old sexual and physical abuse. This is consistent with the behaviour of victim survivors of sexual abuse and trauma, who in the majority of cases do not report it.⁵ The *Royal Commission into Institutional Responses to Child Sexual Abuse* found that many victims do not disclose child sexual abuse until many years after the abuse occurred, often when they are well into adulthood. Of the victim survivors of sexual abuse who did come forward to the Royal Commission it took, on average, 31.9 years to disclose the sexual abuse.⁶

The temporal scope of this Review is broad. A number of the experiences recounted to the Review team stem from the 1970-1990s and involved brutal initiations, and the sexual and physical abuse of boys. During this period, all facets of Victoria's racing industry were male-dominated, and there was no system in place to safeguard and protect minors or vulnerable people who worked in the industry, some as young as 12.

The VRI demographic has changed considerably in the last two decades. With more women in the industry, issues have shifted. In more recent times, the Review heard of women and girls experiencing sexual assault, harassment and discrimination in their racing workplaces.

The prevalence of gender-based harm including sexual harassment and assault at work is not unique to racing. The latest national survey into sexual harassment in the workplace by the Australian Human Rights Commission, found that one in three workers reported that they had experienced sexual harassment in the workplace. The report also found that women, particularly young women and women from diverse backgrounds, were far more likely to experience sexual harassment than men. Yet few made formal complaints.⁷

Research also shows that despite the prevalence of harassment and abuse against females, it is not limited to women in the workplace, but also directed at males, particularly with respect to sexual orientation and gender diversity.

⁵ *Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse* (Final Report, 2017) vol 4, 9, 16, 30.

⁶ *Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse* (Final Report, 2017) vol 4, 33; Cindy Tarczon and Antonia Quadara, ['The nature and extent of sexual assault and abuse in Australia'](#) (Resource Sheet, Australian Centre for the Study of Sexual Assault (ACSSA), Australian Institute of Family Studies, December 2012).

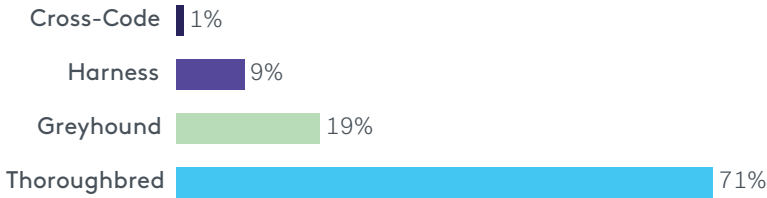
⁷ <https://humanrights.gov.au/time-for-respect-2022>

One of the drivers of the serious and persistent abuse and harassment within the industry is the insularity of the environment and the sport itself. It is hard to break into and, once entry has been achieved, staying there and getting ahead can become all consuming. While some participants describe this tribal, or familial, type of environment as fostering loyalty, pride and support, the flip side of this is an environment that has discouraged speaking out, and normalised abuse and harassment as rites of passage, or experiences that must be tolerated in a perverse demonstration of loyalty or belonging.

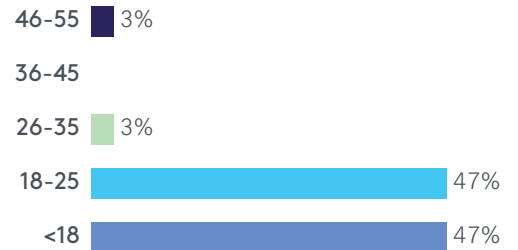
The 'bubble like' nature of the industry is further underpinned by cultural norms such as wilful blindness, silence, significant power imbalance and the prioritisation of animal welfare over human care. Other specific risk factors which have shaped the experience of participants include precarious living and working conditions, and the prevalence of alcohol and other substances.

Demographics of victim survivors who spoke to the Review

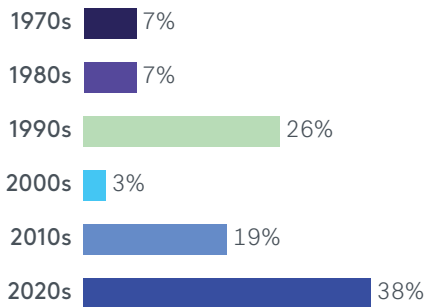
Racing Code



Age Commenced in the VRI



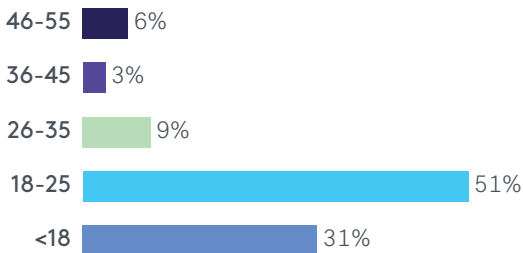
Temporal span of harm*



Gender



Age when first harmed in the VRI



Period of involvement in the VRI before being subjected to harm



*all percentages have been rounded to the nearest whole number

5.1.1 A culture of silence

It has always been difficult to speak up without it being detrimental to your career.

Common across many victim survivors and industry observers was the clear reluctance to speak up or make complaints of assault or abuse for fear of retribution, retaliation or fear of not being believed. This is not an uncommon phenomenon across sports in general, and multiple studies have found that individuals contemplating the merits of reporting abuse consider the prospects of being believed.⁸ This issue is central to the decision of whether to report abuse. If not believed a person or participant may face social ridicule, and/or professional consequences.

Relevant to participant experiences shared with the Review, specific studies on athletes' reluctance to report abuse have found that several factors contribute to that reluctance. These include the difficulty in reconciling being an 'abuse victim' with the expected resilience and generalised attribution of 'toughness' given to elite athletes; the fear of expulsion from a group for speaking out, and the fear of tarnishing the image of their sport.⁹

The Review heard that those who did report, or make a formal or informal complaint, were generally not believed or supported, or the complaint was swept under the carpet. Others spoke of retaliation or being victimised as a result of making a complaint. In many cases this had professional and personal consequences for the individuals concerned. Some were isolated for making a report, others experienced further abuse and harassment, whilst others spoke of having no option other than to leave the industry altogether.

The Review heard that–

Raising awareness [of sexual abuse] just brings your whole career to nothing. As soon as you do you are looked upon as a bit weak, they won't take you around the stables ... You have to earn your stripes by not saying [anything]. That's how you get the good horses.

Well, who is going to believe me? It's [a high-profile participant]. I'm a kid. Who's going to believe me?

Other victim survivors described their experiences of abuse as leaving them with a sense of enduring shame, within a culture of 'just getting on with it'.

5.1.2 Power imbalances

Experts agree that power imbalances, particularly when coupled with factors such as normalising unacceptable behaviours, create an environment that allows sexual and physical abuse, assault and harassment to perpetuate:

For sexual abuse to occur, power imbalance and isolation along with tolerant norms are necessary antecedent conditions. These factors act as a filter which determines whether the pressure to conform to dominant values, in particular the expectation to comply with the demands of experts, actually gives rise to sexual abuse. Instigators of sexual abuse who possess formal and informal power, for example, an authority figure with high status characteristics such as gender and age, can enact sexual abuse with fewer consequences for the instigator and less resistance from the target.¹⁰

The Review heard of structural power imbalances that exist across the VRI between those working on the ground, on the one hand in stables, kennels and on the track and people in positions of authority, on the other. This disparity was despite the improvements that have come with the establishment of various industry groups and generational shifts in attitudes over time.

⁸ Sylvie Parent, 'Disclosure of Sexual Abuse in Sport Organizations: A Case Study', (2011) 20:3 *Journal of Child Sexual Abuse*, 322-337; Gerd M Solstad, 'Reporting abuse in sport: a question of power?' (2019) 16(3) *European Journal for Sport and Society*, 229-246.

⁹ Gerd M Solstad, 'Reporting abuse in sport: a question of power?' (2019) 16(3) *European Journal for Sport and Society*, 229-246.

¹⁰ Victoria Roberts, Victor Sojo and Felix Grant, 'Organisational factors and non-accidental violence in sport: A systematic review' (2020) 23(1) *Sport Management Review*, 23.

The *Royal Commission into Institutional Responses to Child Sexual Abuse* identified vulnerability and power imbalance as inherent factors influencing the reluctance to disclose sexual abuse.¹¹ The Royal Commission described power imbalance as fostering an ideal environment for opportunistic perpetrators:

The power and status of perpetrators within the institution can also inhibit identification and disclosure. Perpetrators may exploit the power and authority associated with their position to create the impression that they are beyond reproach, to avoid abuse being identified, and to exert pressure on children to prevent disclosure. Perpetrators often have considerable authority in their position, which can lead children to fear that if they disclose: they will not be believed; their school grades or other status may suffer; the perpetrator will make life difficult for them, their parents or siblings; or disclosure will jeopardise their aspirations or interfere with special training or opportunities.¹²

5.1.3 Use of substances

The Review heard of the widespread use of substances throughout the VRI. Participants reported that alcohol and drug use often fuelled violent and unpredictable behaviour and sexual and physical abuse. We heard that over consumption was common and normalised. Participants told the Review of witnessing the use of a range of illicit substances, including Mandrax, LSD, cannabis, cocaine and methamphetamines or ‘ice’. The Review also heard reports of stable staff using their wages for illicit drugs and working under the influence of drugs and alcohol, with drugs reported to be easily accessible.

Industry participants also told the Review that substances, including alcohol, were used as a disabler for young people to become easier targets for perpetrators. Victim survivors readily reported using various substances to numb their pain, shame, and other impacts of the harm caused by their abuse.

5.1.4 Perception that human welfare is a lower priority

Whilst there is no doubting the controlling bodies’ commitment to participant welfare, the Review found this to be less overt compared with existing strategies and initiatives that prioritise animal welfare through mandatory education and rehoming programs. Notwithstanding their belief that animal welfare is a critical component of racing, a number of victim survivors spoke about their perception that it was prioritised over human wellbeing and safety.

To make the point, one participant referenced a recent controlling body advertisement–

‘We’re here for the horses’. Right. That’s the by-line. So, again, it’s only ever about horse. The horses don’t take themselves to the races, by the way. They don’t muck themselves out in the mornings. They don’t feed themselves. They do not hose themselves down.

Another participant noted that emphasis was on equine welfare was essential, but questioned why the same attention, education and funding had not been directed towards employee wellbeing. This view was equally shared across participants presently working in each of the three codes.

¹¹ *Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse* (Final Report, 2017) vol 4, 9.

¹² *Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse* (Final Report, 2017) vol 4, 12.

5.2 Experience and impact: historical abuse 1970s–1990s

Whilst the Review heard of historical sexual and physical abuse during the 1970s-1990s from participants of all three racing codes, the overwhelming majority of these were from the Victorian thoroughbred racing industry.

During this period, it was common practice for child apprentice jockeys to be indentured to stables, with trainers becoming their legal guardians. Young boys often ceased their schooling early and lived at stable premises, in dormitories or houses, and co-located with adult trainers and stable staff.

Most former apprentice jockeys and stable staff the Review spoke to were from working-class backgrounds, and/or first-generation immigrant families. As one Participant put it:

I think that there was some status in the context of my family of having someone who was an apprentice jockey in the family.

The draw to the 'shiny lights' of racing – the opportunity to mix with, and be revered by, the elite of Victorian society whose patronage the industry depended on – was magnetic. The inherent class divide made for an intoxicating yet dangerous environment for young, often naïve and vulnerable boys whose fantasies of being involved in the racing industry were ripe for exploitation.

The Review heard that sexual and physical abuse and violence were tolerated, accepted and became the norm in this era, with no recourse for complaint. There was also no desire to speak up, for fear of losing the chance of becoming a star, or fear of losing their only source of income. Some victim survivors went on to achieve great success. However, the impact of the abuse they were subjected to was, in many cases, devastating. Many participants recounted that their terrible experiences led to drug and alcohol addiction, depression, self-harm, suicide attempts and periods of incarceration.

5.2.1 Living conditions

Participants spoke of dormitories and living quarters during this period where children as young as 12 and 13 lived largely unsupervised. In some cases, the dormitories became the hunting ground for sexual predators. Living conditions were cramped, with no privacy and free-for-all entry. One participant described how, when still a minor himself, he went back to his sleeping quarters one afternoon to find a young person with a mental impairment performing oral sex on the foreman. The foreman threatened to kill the participant if he told anyone what he witnessed.

The Review was told that minors living in the dormitories were left to their own devices once the trainers left in the evening. One participant who lived in one such dormitory as a 15-year-old in the 1980s described:

I mean, there was rats running around our dorm. I mean, it was dusty, it was horrible. Anyone could go in there. There was no privacy. And this was racing property. These are the community stables owned by racing. And they rent out to the trainers. So it was their property. The people that did the abuse were registered and licenced by them in their own property.

5.2.2 Working conditions and professional stressors

The Review also heard that working conditions during this period were very challenging. The hours kept were long and strenuous, and particularly incompatible with the healthy physical and mental development of an adolescent child. For those aspiring to be jockeys, there was constant pressure to keep weight to a minimum, with ‘wasting’ techniques including the use of ‘piss pills’ or diuretics, excessive smoking and methamphetamine use reported as widespread.

One victim survivor, who started out in the industry in the 1980s, described not being paid for 12 months and having no days off over the entire year. Another recalled it as a:

[H]arsh work environment. The lack of pay, lack of holidays, lack of care, lack of safety, lack of kind of protection from sleazebags. You know, criminal types, drunks and perverts. Nothing.

It has been found that unique stressors in some working environments can take an inordinate toll that may undermine resilience and predispose individuals to abuse.¹³ In racing, working conditions and professional expectations can place significant demands on participants. Anti-social and long hours and extensive travel, invariably lead to overwork, sleep deprivation and use and misuse of a range of substances to maintain capacity. In the case of jockeys, additional interminable stressors included routine fasting and professional uncertainty.

5.2.3 Initiations

The Review heard that brutal initiation rituals were considered normal practice and a rite of passage in many stables, with the smallest and youngest predominantly targeted. These practices ranged from, what some called, ‘just a bit of fun’ to rape, sexual abuse and serious physical assaults. Participants described the stables as violent places:

[T]hey [other stable employees] coordinated and they’d come out of their box and then they’d come into where you were and just march you to the ground and kick you and ... This is while the horses are still in the box.

Participants also told the Review about ritualised violence and initiations – which included being thrown in chaff bags and left on street corners, in manure pits, in feed silos and bins, being locked in the boot of a car for hours, having molasses poured into riding boots; being tied to lamp posts on busy streets and left alone (sometimes naked), being stripped naked and left in the middle of a racecourse, and being urinated on from the trainers’ tower (invariably referred to as the ‘golden tower’).

One of the most common and egregious initiations was ‘nuggeting’ or ‘greasings’, which involved the smearing of hoof oil or shoe polish on the testicles, genitals and anus of young, new recruits. Several participants recounted a particularly horrendous initiation where they were tied naked to a lamppost in a busy street, with horse testicles (removed in gelding) wrapped around their necks. Another spoke of witnessing an initiation where the victim was doused in kerosene or methylated spirits and had a cigarette thrown at them, causing significant burns.

All victim survivors who spoke of being the target of initiations – and who knew of others who were similarly besieged – were minors at the time, no older than 15 years of age, and many were younger. Although the majority of these initiations targeted boys, the Review also received reports of young female stable staff being subjected to initiations, including having their breasts smeared with molasses by older male stable staff.

¹³ Victoria Roberts, Victor Sojo and Felix Grant, ‘Organisational factors and non-accidental violence in sport: A systematic review’ (2020) 23(1) *Sport Management Review*, 8-27

The Review heard that perpetrators – who were generally older males – used surprise tactics on their victims and left the young boys in a state of shock and fear, to the point of self-urination and defecation. One participant spoke of perpetrators forcing the wooden handle of the hoof-oil brush in his mouth so he wouldn't yell while they 'finished off the job' of 'greasing'. Many victims continued to be targeted – some, several times a week – until they either left the industry or fought back. One reflected that, 'you just became conditioned to it'.

One participant described their own initiation, which occurred when they were 15:

You'd get grabbed when [most of the important people] had left. And, you know, just strip, just ... your clothes ripped off. Held down. And we used to paint the horses' hooves with the molasses tar stuff, hoof oil it was called. Black, greasy, horrible molasses. So you get your testicles and your anus painted with this stuff. They'd grope you. Then they let you up, all laughing.

When asked about the possible rationale behind the 'initiations', one participant observed that:

You had to prove yourself as an apprentice. You had to prove your commitment, and that you had to go through initiation practice to show if you were made of the right stuff.

Another noted:

I think that, back then, there was just a culture of that ... Being tough and exploited, could be possibly good for you. That there was a sense that, you know, like, you know, the occasional getting beaten up could, you know, if it doesn't kill you, it makes you stronger kind of approach.

The Review heard that initiations were a common and known practice across stables in this time period. The trauma of these experiences was compounded by the apparent acceptance of the practices, and the absence of any support for victims, or consequences for perpetrators. Even by the societal norms of 40 and 50 years ago, the initiation processes described to the Review were unequivocally unacceptable and unlawful. They amount to gross violations of minors and other vulnerable people in the VRI.

5.2.4 Sexual assault and abuse

In addition to the abuse experienced during initiations, victim survivors also told the Review of their experience of brutal sexual assaults and rape when they were young participants. Many lived either in dormitories at stables or in share houses with other – often older – stable staff. The Review heard that there was little or no oversight of these living arrangements, particularly at night, when sleeping quarters where young people slept were left wide open, with ready access to anyone. As one victim survivor noted, this environment provided '[F]ree access to exploit and destroy lives ... It was really dangerous.'

Young racing participants were often left alone with older trainers and stable staff with little protection or regard for their welfare. A participant recalled needing to regularly fend off the sexual advances of an older participant who was often drunk and entered his room uninvited on numerous occasions.

In some cases, the abuse was opportunistic, on other occasions it was predatory. One participant described being woken, after falling asleep in a car, by an older participant performing oral sex on him. A number of participants provided compelling second-hand accounts of other instances of similar sexual assaults told to them by friends and colleagues who were also victims.

The nature of the sexual assaults varied and included being whipped on the penis, having pubic hair burnt, having foreign objects inserted into the anus, forced oral sex and other rapes. One victim survivor endured regular 'greasings' before being raped when the handle of the paintbrush used to apply the molasses – and other objects – was forcibly inserted in his anus. Another participant, who was regularly assaulted and anally raped from the age of 15 told of regular incidents where:

[Three stable staff] would rock up around midnight. ... So it would start just with hands under your bed. Like, sitting on your bed, right. Pissed, drinking, and just talking crap to you. ... Sometimes it would be just a touch up, you know. But sometimes it escalated to where there was anal penetration, right, with bottles. Beer bottles. Jockey's whip, the handle [of a] can, just the end bit of it, and penis, and fingers by these three. [The other kids present were] pretending they were asleep. [There were] full beds in the apprentice's dorm, because it was the kid's dorm.

One victim survivor who was a participant in the 1980s shared that, whilst living in the family home of a trainer and his wife, along with other stable staff, he was regularly sexually abused. The trainer would come into his bedroom and touch his penis, force him to perform oral sex and attempt anal sex. The victim recounted that he tried to report the abuse to one of the stable staff, but it was not taken further. When he moved to another stable, he considered reporting the sexual abuse to his new employers, whom he considered to be ‘decent people’. However, he ultimately did not tell them because he was concerned that they would think badly of him.

One participant recalled his first day in the industry when, at the age of barely 15, he arrived at the stables and was taken by the older foreman to a loft:

I got to the loft and there’s probably six guys, they’re drinking beers. And then I hear a woman’s voice, ‘I like – I love the young ones’. And I look and there’s this ... woman. She’s utterly naked. I’d never seen a naked woman before. ... So there’s some sort of gang-bang going on. ... So then they start urging me to have sex with this woman. ... And then they just grabbed me, threw me on this woman, trying to pull my dacks down. I’m holding onto them. She’s wrapped her legs around me. I was trapped, they’re pushing me, she’s rapt, they’re trying to get my pants down and I’m just in full-blown panic, and I, you know, like, there were just hands on me, like, holding me, but somehow, I squirmed out, sort of, slid across the floor to the, you know, and just raced down the ladder and ran out.

Another particularly abhorrent practice was the use of young participants as ‘bait’ for hate crimes, enlisting them to entrap men who were then set upon and subjected to vicious physical assaults and homophobic attack. The Review heard from a victim survivor who, presumably because of his youth and diminutive size, was repeatedly used by older participants to lure people into the toilets in a park near a racing club. The older participants would then beat and rob anyone who approached the young participant. The victim considered that he was being ‘dragged as a kid into criminality, into depravity’.

5.2.5 Power imbalance and failure to protect

As already observed, many historic experiences relayed to the Review were shaped by the power imbalances between young and, at times, vulnerable participants who were desperate to make it in the industry, and older participants who exercised significant control and authority over them.

Participants spoke of their aspirations, as children of predominantly low-to-middle class families, often first-generation immigrants, dreaming of the money and stature the racing world could bring, and of the immense pride felt by their parents when they entered the industry.

One victim who was sexually abused by another participant believes that it was swept under the carpet because his alleged abuser was revered and successful, enjoying the patronage and protection of ‘powerful’ people in the VRI. Another reflected on his experience as follows:

There was always a power imbalance because once you’ve got a horse that’s good enough, all jockeys would want to get on it. And then if you’re a top jockey and your horse wasn’t that good, but you might want to still ride for a top trainer and an average ride so if you showed loyalty, you might get to ride their better horses. ... At an elite level, jockeys have got choices. At the bottom end, jockeys don’t have choices.

With the balance of power weighing heavily in favour of those who had influence, control and connections, it was potentially career-ending for victim survivors to disclose the abuse they experienced and witnessed.

One participant, who reported his own sexual abuse decades after it happened, felt regret for not doing so at the time. However, he was afraid of losing his job, and had no other options financially:

I feel sick when I think about that because I just ... and now is my chance to rectify it.

During this period, power imbalances were further entrenched by the almost complete lack of safeguards or regulatory protection. As one participant pointed out, trainers were experts in training horses, not people. No official education or oversight was required for participants who had young people in their employ and care, and there was no obligation to undergo any screening akin to the current day working with children checks:

I've got no doubt that that would have helped in many ways, to have some sort of screening of trainers before they could have apprentices.

The Review was told that the experience of victim survivors during the 1970s–1990s was that trainers and people in positions of responsibility frequently offered no real protection for young apprentices and stable staff, either intentionally or through wilful blindness:

The trainer didn't get involved in that, but he didn't stop [the abuse] from happening. He could have easily stopped it from happening. It was a known thing, and it, you know – and it was horrible.

Former participants spoke of the camaraderie and solidarity they had for one another, as co-victims of abuse:

[W]e looked out for each other as much as we could.

Although this brotherhood of sorts gave some comfort to the young, abused boys – some of whose relationships have endured to the present day – it remains that children were providing support from predatory aggressor adults to each other. This was notwithstanding that the adults were legally responsible for the wellbeing and safety of the children in their care. Their inaction constituted a gross and abject failure which allowed abuse to perpetuate.

The Review also heard that the small number of female participants working in the industry in the 1980s, afforded little-to-no protection from sexual harassment:

If you were a girl working in a racing stable, you were classed as an 'easy'. ... If you were working at a racing stable you were 'asking for it'. ... Trainers would walk up beside the girl and touch them. ... Girls who wanted to go further in the racing industry had to sleep with the boss.

5.2.6 No adequate reporting or complaints process

Although there were hierarchical structures in stables, and unwritten reporting lines existed for day-to-day training and stable work, none of the participants the Review spoke to felt able to report their abuse, or were aware of any option to do so:

There was never anyone to complain to.

I couldn't tell anyone, I had no one to tell.

Racing stewards were not regarded as people to whom complaints could be made. Rather, they were feared. There was little confidence amongst participants that any complaint would be treated confidentially and a belief that details would be relayed back to the alleged perpetrator. As an industry insider with more than 50 years in racing said:

I always thought that there should have been some sort of mechanism in place to, you know ... It's all right to go to the stewards, because they're the upholders of the rules of racing. But I still think now that there should be a special section of the industry that deals with these sorts of things.

In this era, complaint of any kind was looked upon as a sign of weakness. One victim survivor, who reported the brutal physical and sexual assaults he was subjected to as part of his 'initiation' to his employer, was told that it will toughen you up. Despite the complaint, there were no consequences for the perpetrator nor protection for the young victim, and the abuse continued.

The parent of another victim survivor confronted their son's employer about the abuse their child was subjected to. There was no investigation, inquiry or welfare follow-up, and the child ultimately left the participant's employ. The Review heard from another victim survivor who made a complaint to a steward about a participant who had sexually assaulted him when he was young. The steward told him to, '[I]eave it with me. I'll handle it.' However, the victim was subsequently advised that it was a matter for law enforcement and the code would not pursue the conduct allegations as it considered them to be a private matter.

One victim survivor summed up the non-existent oversight and complaints model as follows:

[It] was never talked about or had addressed to me any notion of responsibility, of any authority for your safety as a kid. I never saw it, nor was ever exposed to it in principle or verbally or anything. No one was advocated for from a perspective of responsible adult with a duty of care to the, you know, the safety and the monitoring of minors. ... No avenue for complaint or reporting. None. And in fact, it was the opposite, right. It was like that was the last thing you were going to do. So, it's not that there was even nothing there, it was advocated firmly against, very firmly.

Another victim survivor of brutal rapes as a young participant eventually spoke out about the violations many years later and made official complaints to the controlling body and law enforcement. An insider with firsthand knowledge described the handling of those complaints as 'devastatingly poor, hopeless', whilst another described the process as 'shameful'.

5.3 Experience and impact: recent history and present day

Like many other industries, there are features of the VRI that have changed in the last two decades which have increased protections and improved some circumstances for participants. Notably, the dormitory-style accommodation which allowed abusers unfettered access to young people are largely gone. Despite this, the Review was told of people still living at their workplaces in conditions which continue to be unsafe and unacceptable.

Legislative changes designed to protect children and young people – such as the introduction of the child safe standards, stronger occupational health and safety laws, and more robust sexual assault and harassment laws – collectively place clearer obligations on all, both across society in general and the VRI in particular.

A growing awareness of the devastating impact of sexual and physical abuse and harassment has also led many racing workplaces to put in place mechanisms to facilitate complaints and reporting, prioritise the welfare of employees and those that participate in the VRI, and hold perpetrators to account.

Despite these shifts, the Review heard that too many people still experience the industry as unsafe. In particular, and notwithstanding significantly greater female workforce participation in a variety of racing roles, sexual harassment and abuse continues to occur. Power imbalances, fears of retaliation, lack of support for some of the industry's most vulnerable participants, inadequate reporting mechanisms, and a lack of accountability and transparency, remain common experiences that were reported to the Review. These issues are outlined in more detail below.

5.3.1 Sexual harassment and abuse

Sexual harassment in the workplace is clearly defined in legislation as unwelcome sexual advances, requests for sexual favours, and any unwelcome conduct of a sexual nature that could reasonably offend, humiliate or intimidate another person.¹⁴

Research has shown that in the workplace – which, in this context, covers stables, racetracks, kennels, living quarters, vehicles transporting racing people and animals, as well more traditional office settings – sexual harassment, sexual assault and other forms of gender-based violence are often underpinned by systemic gender inequality, power and control.

The Review heard from victims and observers of explicit and vocal harassment, sexual innuendo, humiliation and belittling with sexual connotations, unsolicited messages, social media harassment and physical sexual harassment. While the majority who told of recent experiences of workplace harm were women, the Review found that these behaviours also affected and were directed towards men – particularly young men, members of the LGBTIQ community, and those who do not ascribe to a particular type of masculinity.

The Review also listened to frequent accounts of sexual harassment, and pervasive sexism within pockets of the racing fraternity, including from those in administrative and management roles. Impacted participants described feeling that they had no choice but to accept this, and the consequential fear of sexual abuse, as being part of the terms and conditions of their job.

¹⁴ *Equal Opportunity Act 2010* (Vic) s 92.

Unsurprisingly, a stable wellbeing program, which ran from 2017-2019 to reduce the incidence of key risks amongst stable staff – including overdose, sexual assault and suicide – concluded that:

[W]omen in the racing industry have also reported confidentially that they have regularly experienced verbal, sexual and physical abuse. Victims of this type of abuse often feel powerless in these circumstances.

Participants told the Review that sexual harassment in the present day invariably targets the youngest and most vulnerable girls who join the industry directly from pony clubs or the like:

It isn't right, but the guys seem to get away with it.

One participant who was 17 when she commenced in the industry told the Review that she experienced sexual harassment in the first week of her employment. In the absence of any other protections, she dealt with it by:

[C]overing up, wearing baggier jumpers, bigger jackets to make sure people didn't notice you. But the comments were always going to be there I guess and that was just what people considered part of the industry. I didn't trust anyone.

Another participant who worked in the industry during the early 2000s recalled:

When they abused them, they would say 'shush shush shush' which horse do you want? I'll give you the horse.

Others spoke of being offered drives to and from races in return for sexual favours. One participant who worked in racing until recently told the Review that sexual harassment took place on a daily basis:

Pretty much every single day of work you would hear some sort of sexual innuendo. It didn't matter who it came from. It could come from a rider, it could come from a jockey, ground person and sure enough – high up level management and ... People throw a sexual innuendo. You can be bending over cleaning buckets ... 'Oh gee, your arse looks good today.'

When asked her thoughts on why this type of behaviour continued to take place when there were now greater legal protections and awareness, a participant responded:

Because the guys know the girls won't say anything, they are too scared to lose their pony club jobs. They want to be with the horses, they don't want to lose their jobs. It is normalised. This is the industry whether people like it or not.

Others spoke of an environment that tolerates a harmful spectrum of conduct, including regular derogatory and sexist comments, homophobic slurs, and slapping on the backside with whips.

Reports made to the Review identified a pattern of people in positions of power engaging in sexual relationships with young participants that continues to the present day. Several former participants spoke to the Review about their experiences of retaliation from people in senior positions in racing workplaces when their sexual advances were rejected. This included prized animals being removed from their care, and opportunities for advancement and career progression were lost, resulting in financial consequences and hardship for those victims.

An insider described seeing vulnerable people – often young girls with a love for animals – needing to work their way up the ranks, frequently exploited. Direct observations were made of power and control over female participants who, to this day, remain reluctant to report the unacceptable conduct. One victim observed:

As a woman in the workplace, particularly a male dominated one, you don't want to make waves.

Another participant, who commenced in the industry in the last decade, said:

When I first started, I was quite young. I was still a teenager, fresh out of school. And I was basically told, from the get-go that, as a girl, if I didn't have thick skin, if I couldn't let things just roll off my back, you know ... Sexual comments, rude comments, all those sort of things. If I couldn't cop that, I just shouldn't bother.

She went on to say that the VRI is:

[H]ard work physically, hard work mentally and, for women, it is hard work emotionally. You do have to grow that thick skin.

5.3.2 Lack of support for most vulnerable racing workers

Although there have been positive and generational shifts in attitude, the experiences of too many Review participants reveal continuing acceptance of behaviours within the VRI which, by societal and workplace protection standards, are unacceptable and unlawful.

Participants described employers that created a safe space for their staff, demonstrating that it is possible to foster workplaces that are respectful and intolerant of sexual harassment and abuse. However, too many told us that they felt that the current state of racing is not conducive to care, because they experienced the systems for ensuring people are safe as being ineffective and not sufficiently proactive.

Key industry associations provide targeted wellbeing programs for jockeys, trainers and harness drivers. However, and unlike other jurisdictions, there is no equivalent Victorian body for track riders, stable hands, strappers and other stable or kennel staff. These participants make up the vast majority of thoroughbred and harness racing workers and their need for support is arguably greater than other participant cohorts, given their relatively low status in the industry and higher vulnerability. A key administrator said that these workers 'are the backbone of the industry and we need to look after them'.

5.3.3 Inadequate reporting or complaints process

Effective and safe reporting and complaint processes are critical mechanisms for preventing and responding to harm and misconduct across any industry. The careful recording of reports received and complaint outcomes is essential for understanding the risks to physical and psychological safety and experiences of harm across VRI workplaces, as well as developing a comprehensive response to manage them.

The controlling bodies' efforts in these areas are described in chapter 6. Despite the codes' efforts in key areas, victim survivors and administrators who spoke to the Review overwhelmingly expressed a belief that more can, and should, be done to encourage victims to come forward, and hold perpetrators accountable. They reflected that this would require improvement to existing reporting and complaint processes, which many acknowledged have failed to protect participants in the past.

A number of participants told the Review of their distress at knowing some perpetrators still worked in the industry. When reflecting on the way the VRI has dealt with abuse, one victim survivor who was subjected to brutal initiation processes and then sexually assaulted by a high-profile participant said:

When you harm children, right, that's, you know ... That's evil. But you know what, you know, what's even more evil is the people that protect them. They're just as guilty as what they are. Evil prevails when good men fail to act. ... Absolutely disgusting.

Another victim observed:

Looking back, it made me sick. What a scumbag. I go through a red light, two weeks down the track, I've got a \$300 bill. You go and grope people, and you're on the tele, on the radio.

The conduct of some participants has been left unchecked, with no action taken, despite numerous complaints of sexual assault being levelled. In relation to one such participant, one industry insider wryly noted that the alleged perpetrator was simply allowed to 'get on with his life'.

Regardless of context, the making of a complaint or report about harassment, abuse or assault can be extremely challenging. This is made more difficult in environments where there are immature and inaccessible complaints and reporting processes, a lack of trust and confidence in how reports will be handled, a well-held fear of retaliation and victimisation, lack of perpetrator accountability, and a culture that has actively discouraged people from speaking out. The Review heard that all these factors were present in the VRI. To that end, many participants advocated for better internal reporting and support pathways, as well as new reporting and complaints mechanisms that are independent of the controlling bodies and participants' workplaces.

One leading administrator was firmly of the view that a victim should not be reporting misconduct to the enforcement or integrity arm of the industry. Rather, that complaints should be made to an independent external body that can provide a safe place to report. The strength of whistleblowing, in his view, was of utmost importance in making that reporting model work effectively.

Others spoke of the problem in relying on stewards to handle complaints about abuse, assaults and harassment. Traditionally, the role of stewards was focused on monitoring and enforcing the on-track rules of racing. In more recent years, with the widening of the integrity lens to 'off-track' conduct, the role of stewards has extended. However, participants noted that many lack the requisite training and capability to deal effectively and sensitively with reports of abuse and harm.

Overall, the Review heard that the historical and current response to reporting and complaints has led to a further traumatising of victim survivors. One participant, who made a complaint to a steward about a prominent industry person, was ostracised and retaliated against by people close to the perpetrator. She was encouraged by others to cease the complaint. The participant's expectation was that, once she had made her complaint, the perpetrator 'shouldn't have been able to talk about it' and ought to have been subject to some sort of confidentiality requirements to protect her from retaliation by others:

All I had done was stand up for myself ... I don't accept this behaviour and, somehow, I got harassed ...

Another participant, in describing a complaint she made about a senior person whose sexual advances she rejected, said of the process:

[The person to whom she complained] had no power to take it any further. They were a boys' club and drank together every ... No one [sic] of them was going against the other. ... [They] basically said, 'there's nothing I can do.' ... They don't want to rock the boat. When you are making \$250,000 a year, you do not want to rock the boat.

One person, who was sexually harassed from the age of 17, was of the view that the perpetrators, who she observed were often prominent males in the racing industry, would simply get away with their unacceptable behaviour without fear of consequence:

[W]e can have what we want, we can say what we want, there are not going to be any consequences for us, you've got to deal with it, you're a girl, what are you going to do about it?

An insider who worked in the VRI between 2000–2010, spoke of the complete inadequacy in any complaint mechanism, particularly for those in regional areas. At small country workplaces, making a complaint against an employer or person in a position of authority would inevitably result in loss of employment – a risk that many in small rural communities could not assume. As one person put it:

One of the fears is that you'll be identified, because people talk in the ... racing bubble. If you do dob someone in, they work out who it is.

5.4 The enduring impact of abuse

As already noted, the Review spans a broad time period, and has examined both historical abuse and more recent harm. Victim survivors report that previous experiences are too readily minimised or dismissed by some because they are “*in the past*”. However, the impact and effects of ‘historical’ harm endures among many of those who shared their stories with the Review.

A significant number of victim survivors have been diagnosed with post-traumatic stress and depressive disorders, suffer from anxiety, and are either recovering from substance abuse or continue to be reliant on legal and illicit substances to cope. Others spoke of suicidal ideation and self-harm, as well as broken relationships, and financial consequences suffered as a result of being unable to work. The Review also heard that victim survivors required extensive counselling and professional psychiatric or psychological assistance. The majority pursued these services of their own accord, and without assistance or support from the VRI.

One victim survivor who was sexually assaulted as a 15-year-old turned to illicit substances to help numb the trauma of the violations he was systematically subjected to:

I embraced drugs, too, after a period there ... I was a heroin addict in the end ... So, I spent actively, maybe, 15 years of my life forgetting, right, and doing all I could.

This individual received no aftercare when he left the industry aged 21 and admitted himself to rehabilitation. To this day, he is traumatised by his experiences in the industry:

I don't even like hearing races broadcast on the radio.

Although the industry has launched dedicated support services in recent years, participants spoke of a reluctance to access them, and held a genuine mistrust and lack of confidence in using any service associated with the industry that has caused them significant harm. The Review heard that the perception of many was that industry assurances of confidentiality, anonymity and independence attached to these services are generally not believed.

Some participants also spoke to the Review about a sense of regret for not reporting their sexual abuse earlier. Others told of the indelible guilt that parents of abused child participants had suffered well into old age. One participant who observed daily sexual harassment of girls working in racing in the early 2000s described the victims as ‘broken’.

The Review heard that historically, aftercare and transition out of the industry was non-existent. The words of one participant were relayed:

Nobody from the racing industry contacted me ... I was left to just die on the vine. Nobody offered any support.

6. What we learned: current VRI approaches to safety and respect

6.1 Introduction

In recent times there has been a significant focus on how to better prevent and respond to issues of harassment, sexual and physical assault, bullying and discrimination in workplaces generally, and in sport. This focus has come about largely in response to those who have spoken out about the impact of workplace and participant harm, leading to domestic and international reviews and inquiries that have documented the prevalence and consequences of failing to provide a safe and inclusive environment.

Much of the focus of these reviews has been on uncovering historical incidents of harm – current prevalence and risk factors of harmful and unlawful behaviours – and examining how to drive the necessary cultural change to reduce harm, increase confidence in reporting, and achieving proportionate outcomes for those who engage in misconduct.

Within the sporting context, the establishment of Sport Integrity Australia in 2020 has led to a shift in the domestic sports integrity landscape. In addition to traditional functions aimed at protecting the integrity of the sporting competition itself, the agency has assumed an expansive role in driving participant protection and child safeguarding strategies in national sporting organisations under the national integrity framework. Standards now address abuse, bullying, harassment, sexual misconduct, discrimination, victimisation and vilification, and adopt minimum practices that are in line with child safe standards. An overwhelming majority of national sporting organisations have signed up to the national integrity standards.

Within the workplace context, the Respect@Work report makes it clear that sexual harassment and associated behaviours are widespread across Australian workplaces. The Inquiry's report also notes that misconduct of this nature is more likely to occur in industries that have been traditionally male dominated¹⁵ and characterised by significant power disparities.¹⁶

While Respect@Work focussed on sexual harassment and discrimination, many of its findings and 52 recommendations are applicable to a range of workplace and participant harms, including key recommendations that call on individual employers and industry bodies to develop comprehensive prevention and response frameworks.

6.2 Industry-wide approaches

Importantly for this Review, Respect@Work identified the benefit in taking an industry or sector-wide approach to addressing workplace harm. It provides a number of examples from the legal profession, hospitality industry and university campuses that seek to deal with broader discrimination, harassment and bullying initiatives, using industry-specific research, policies, campaigns, training templates, and complaint and support avenues.¹⁷

The appeal of industry-wide approaches is that they help to ensure simplicity, efficiency and better protections for those that may move across codes and workplaces. They are useful in identifying and responding to systemic drivers, promote a 'raising of the bar' across the entire industry, and neutralise unhelpful demonising of individual workplaces or organisations.¹⁸

With this in mind, while this Review has examined relevant policies and processes from each controlling body, and can identify a spectrum of maturity, awareness and capability in preventing and responding to workplace and participant harm, there is significant merit in pursuing both industry-wide and code-based approaches to better prevent and respond to these issues in the VRI, including through the sharing of best practice, key learnings, and resources.

¹⁵ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 218-234.

¹⁶ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 139-140.

¹⁷ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 718-721.

¹⁸ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 726.

6.3 Responding to and preventing unlawful conduct

Effectively preventing and responding to current, historical and potential future harm is central to safety, inclusion and integrity within any workplace and industry. Not only is comprehensive prevention and response best practice, it is also required by law.¹⁹

Over the course of the Review, we cited many policies, references to training, and heard of improvements to complaint handling processes and capability within in the VRI over the last few years. In particular, the Review recognises that Racing Victoria Limited has taken comprehensive steps in recent times to better prevent and respond to harm.

The Review also observed that Greyhound Racing Victoria and Harness Racing Victoria have more work to do, in terms of laying clear foundations for the cultural change required. For these codes, implementing improved prevention and responses will require a different approach – one that focuses less on mere compliance, and instead looks to entrench a more sophisticated understanding of the drivers of workplace harm and what steps can be taken to disrupt them.

The Respect@Work report identified key domains that constitute a comprehensive prevention and response framework.²⁰ The Review considers that this framework provides a helpful organising logic for VRI action, and has undertaken analysis in the following areas as they relate to the Review.



¹⁹ *Equal Opportunity Act 2010 (Vic)* s 15.

²⁰ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 618.

²¹ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 626.

6.3.1 Leadership

Visible and values driven leadership plays a critical role in creating safety and inclusivity in the VRI. Research shows that leaders must set the tone, act with courage and humility, and role model positive behaviours. Other characteristics of effective leadership include: challenging unacceptable behaviour, regularly and clearly communicating what actions are being taken to address it, and transparency about mistakes that organisations have made in the past.²¹

In referring the independent review of VRI victim support and complaint processes to the Commissioner, the controlling bodies’ leaders have demonstrated a commitment to ensuring that victim survivors are able to be heard, and acknowledged that more must be done to ensure a safe environment for everyone who works in the industry.

Ongoing leadership will be required to ensure that the findings and recommendations of this Review are implemented, and that all controlling body directors, executives and staff are aligned to proposed reforms. The Review proposes the establishment of a cross-code stakeholder implementation steering committee to facilitate this. The committee is additionally intended as a vehicle for industry engagement and collaboration, to foster collective ownership of outcomes, create opportunities for co-design, and facilitate the early identification and effective resolution of issues. This will ensure that implementation of the recommendations is informed by the specific needs of the VRI, and cognisant of the barriers faced by victims.

The Review also heard that there was a lack of diversity amongst code leadership including senior leadership and at board level. While it is beyond the scope of the Review to analyse organisational and leadership diversity, it is worth noting that as part of the ongoing commitment to reform within the VRI, it will be critical to ensure that leadership is properly reflective of participant demographics and the wider Victorian community.

6.3.2 Policy and culture

Like many employers, one of the primary ways in which the controlling bodies have sought to improve safety and increase awareness amongst employees and participants is through the adoption and amendment of relevant workplace and participant policies. Whilst policies and codes of conduct provide an essential foundation for setting standards and expectations, their content, development, ease of access and implementation will influence just how effective they are in creating a safe environment. Where possible, they should be developed in consultation with staff and participants, and should be regularly assessed for effectiveness.

International best practice indicates that workplace harm and safety policies should be specific and contain core content, including:

- recognition that certain behaviours are not just unacceptable but also unlawful
- clear application to all worker, leaders, board members, contractors and other participants
- clear definitions of unacceptable behaviours with examples that are cognisant of industry context
- recognition of the drivers of workplace harm, including where relevant gender inequality, power imbalance and precarious working conditions
- accessible and robust complaint and reporting mechanisms, outline of investigations processes, and range of sanctions that may be taken
- external reporting and support channels for victim survivors
- clear assurance and commitment to ensuring that people who report harm are protected from retaliation.²²

By way of example, in 2022, the British Horseracing Authority updated its *Code of Conduct*. Forming part of its rules of racing, the code now expressly references the need to protect the dignity of others, and prohibits a range of conduct including: bullying, harassment, sexual misconduct, unlawful discrimination, abuse of positions of power or responsibility and taking advantage of vulnerable persons.

With these features in mind, the Review examined the controlling bodies' applicable internal and external policies, to assess whether they are fit for purpose and effectively implemented. In particular, existing codes of conduct, and whistleblower, sexual harassment and participant protection policies were a key focus.

It is important to note that due to the lack of data available, the Review was unable to effectively assess whether updated reporting and complaint handling practices have led to improvements in the experience of safety and wellbeing across the VRI. As already observed, the controlling bodies must ensure regular evaluation of their policies and processes to ensure they have key risk mitigation strategies in place.

Chapter 4 sets out each the authorising environment at each controlling body with respect to how it controls participants, clubs and employees under the various rules of racing. What follows is an examination of the policy framework that each code uses to set standards of conduct – both within their internal workplaces, and externally with industry.

Greyhound

Internal controlling body policies

Greyhound Racing Victoria staff and directors are bound by the *Victorian Public Sector Codes of Conduct* which enshrine a value of respect in the workplace that includes 'ensuring freedom from discrimination, harassment and bullying'. However, the Review was unable to ascertain whether there has been any specific training or education about the application of these codes.

Greyhound Racing Victoria also has a *Respect in the Workplace Policy* which repeats and incorporates its *Sexual Harassment Policy*, and separately references discrimination, bullying and victimisation. These policies apply to all staff, board and committee members and contractors.

The extent to which they are intended to meet Greyhound Racing Victoria's own obligations as an employer, the focus of these policies is on fostering an inclusive and diverse workplace and identifying unlawful conduct. The policies are expressed in formal language. They state an expectation that, where appropriate, 'disputes and issues will be resolved at the lowest possible level', although anticipate the possibility of formal investigation. However, there is no accompanying guidance to inform the process that will be followed if a complaint is made, and they do not identify the independent reporting mechanism that is available under the Speak Up program. 'Access' to these internal policies is provided through the induction process and on the intranet.

²² Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 657.

Greyhound Racing Victoria's internal *Reporting Misconduct in the Workplace and Reporting Unacceptable Behaviours in the Workplace* guidelines encourage reporting (but do not mandate it) and place obligations on the controlling body's employees to not tolerate or engage in – and managers to take appropriate action to prevent – misconduct and unacceptable behaviour in the workplace.

External industry policies

Greyhound Racing Victoria relies on the rules of racing to inform its participants about conduct standards (see chapter 4) and has no participant protection strategy. Despite having 60 registered catchers and attendants under the age of 18, it also has no child safeguarding frameworks in place. The Review understands the controlling body is currently developing policy to implement the child safe standards.

Greyhound Racing Victoria also has no external position commensurate to the internal *Respect in the Workplace and Sexual Harassment* policies for participants to expressly set behavioural expectations about sexual abuse, assault and harassment. The website contains *Social Media Guidelines (2022)* which applies to anyone associated with the industry, to the extent their social media activity references Greyhound Racing Victoria, or anything related to, or connected with, greyhound racing in Victoria.

Harness

Internal controlling body policies

As a public sector body, Harness Racing Victoria staff and board members are also bound by the applicable *Victorian Public Sector Code of Conduct*. In 2019, the controlling body updated its *Social Media Policy* which states that it applies to employees and contractors (although, and on the basis that the code applies to staff participating in social media, it expressly indicates that it 'does not form part of any contract of employment or service'). However, other than a singular reference to not using social media to "discriminate, harass, bully or victimise employees, or harness racing participants or contractors", the focus of this policy is reputational.

In 2020, the controlling body introduced an internal *Child Safe Code of Conduct*. Applying to all staff, volunteers and contractors, the code sets behavioural expectations when engaging with children – whether at a racing event, track or in an office environment. Harness Racing Victoria has a separate *Child Safety, and Wellbeing Procedure*, which country clubs are expected to follow. It identifies the internal 'Child Safe Office' as the reporting pathway for concerns to be raised. Both the code and procedure were updated in 2022 to align with changes to the Victorian child safe standards.

External industry policies

Harness Racing Victoria has published a statement of *Expected Behaviour of Participants* on its website. It states that all participants are required to read, acknowledge and abide by the identified behaviours, and expressly makes licensing conditional on compliance. The *Expected Behaviour of Participants* statement is framed upon principles of fairness, respect, responsibility, safety and integrity. However, the articulation of these principles only references unfair advantage in the racing context, conduct that amounts to vilification or discrimination, use of disrespectful, abusive or aggressive language, not taking responsibility for actions, and unsafe or dangerous practices. Whilst this is a helpful expression of behavioural expectations, it does not go far enough. Nor does it adequately address the full breadth of conduct that is the subject of this Review.

The extent to which its internal child safe framework is intended to meet Harness Racing Victoria's own workplace obligations, it does not find any external expression as a policy statement for participants. This is notwithstanding, at the time of publication, the controlling body had 33 licensed drivers and stablehands under the age of 18.

Harness Racing Victoria has a *Social Media Policy* for Industry Participants that sets expectations when using social media. Similar to the reputational focus of its internal equivalent, the policy aims to 'protect the interests of the code of harness racing, licensed persons, its employees and officials of Harness Racing Victoria and the Victorian harness racing industry'. Notably, it prohibits the making of any comment or post that is, or could be considered: offensive, abusive, racist, threatening, discriminatory, bullying, defamatory or disrespectful to another person or body in the harness racing industry and controlling body, its employees, officials, participants within the industry.

The Review also found a limited focus on the welfare of human participants evident in the controlling body's 2022-23 annual integrity plan, and no reference to participant wellbeing in Harness Racing Victoria's *Risk Management Plan*.

Thoroughbred

Internal controlling body policies

Of the three controlling bodies, Racing Victoria Limited has developed the most comprehensive prevention framework to date. This includes an updated *Sexual Harassment Policy* in April 2023 which expresses 'zero tolerance' for sexual and physical harassment, and provides processes for reporting concerns or complaints. This policy complements Racing Victoria Limited's *Code of Conduct* which sets out expected standards of behaviour, actions, practises and ethics in the governing body's own workplace, as well as its *Social Media Policy* (which also applies to participants) and internal *Whistleblower and Grievance & Disputes* policies.

External industry policies

Racing Victoria Limited has undertaken significant work in recent years to develop industry policies aimed at participant protection and child safeguarding. All policies are approved by the board and reviewed at least bi-annually, with those identified below being reviewed annually.

In 2019, Racing Victoria Limited introduced a comprehensive *Participant Protection Policy* which was the subject of minor revision in December 2022. Applying to all participants, staff, officials and service providers, the policy evidences a strong commitment to safeguarding the safety and wellbeing of everyone

who is engaged in the Victorian thoroughbred racing industry, and sets out clear expectations for conduct. The policy also requires clubs to adopt and comply with it, promote the policy to members and tenants, and recognise and enforce penalties imposed under it.

The *Participant Protection Policy* expressly defines safeguarding concerns that constitute a breach of the rules of racing and/or applicable laws as including harassment, sexual harassment, physical, sexual and psychological abuse, abuse of power, discrimination, grooming, child abuse and social networking. It also specifically references 'at risk' persons as including children, young people and vulnerable adults. The policy identifies reporting pathways and complaint handling processes that include how conflicts of interest will be managed, and when matters will be referred to an external authority.

Racing Victoria Limited's *Speak Up Policy* was also introduced in 2019 and reviewed most recently in December 2022. It applies to all participants and encourages the reporting of serious misconduct (as defined), identifies safe and confidential disclosure mechanisms, and provides protection and support for those who speak up, including the appointment of an industry contact protection officer in appropriate cases.

In 2020, Racing Victoria Limited introduced a *Safeguarding Young Persons Policy* which was reviewed and updated in December 2022 following amendments to the Victorian child safe standards framework. Applicable to all persons bound by the rules of racing, the policy is designed to complement the *Participant Protection Policy* and assist participants to comply with specific legal obligations to protect children and young people from abuse and neglect by:

- setting clear behavioural standards for any adult who interacts with a young person whilst participating in the Victorian thoroughbred racing industry
- promulgating the use of positive guidance to reflect the developmental stage of the young person when interacting with them
- promoting the obtaining of a working with children check when a participant's role requires direct, and more than incidental, contact with a young person
- outlining reporting obligations and relevant offence provisions.

The Review considers that there is an opportunity for Greyhound Racing Victoria and Harness Racing Victoria to leverage the substantial work that Racing Victoria Limited has done in building its participant protection policy framework. As noted above, in addition to code specific policies, the Review considers that it would be useful to develop a comprehensive VRI framework for participants that is easily accessed, well communicated and clearly sets out industry expectations, reporting mechanisms, complaint pathways and supports available for affected people.

The existence and extent of child safeguarding practices varies across the industry. Neither Greyhound Racing Victoria nor Harness Racing Victoria have child safeguarding policies. The Review considers that both codes should prioritise the introduction of a framework to protect children and young people who work in their industries, as Racing Victoria has already done. Harness Racing Victoria relies solely on the working with children check screening tool for all participants over the age of 18.

The Review recognises that participation of children and young people in these codes overwhelmingly occurs within familial environments. However, it can no longer be assumed that this workplace setting is sufficiently different to make it immune to risk when participation at trials and race meetings occurs in public settings, outside the family home. It is therefore imperative that both controlling bodies implement frameworks to address the specific risks and vulnerabilities of children and young people in their respective codes.

6.3.3 Knowledge

One of the key domains for addressing workplace harm is knowledge. Knowledge is sometimes characterised in a prevention framework as education and training. However, the concept of knowledge implies something slightly different.²³ It recognises that one-off education sessions or online 'tick the box' training modules will be insufficient to gain a real understanding of the impact, drivers and appropriate responses to harm and misconduct.

It has been shown that a lack of accountability from sports' governing bodies, and failure to exercise regulatory control over the boundaries of acceptable conduct, can result in participants being unaware of applicable policies, how to report aberrant behaviour, or what resources exist to support them. Invariably, this leads to an increased tolerance of inappropriate and unacceptable behaviour, and an inability to recognise and report more serious forms of abuse.²⁴

There is limited utility in a policy that sits in a top drawer, or an obscure part of a controlling body's website. To have any credibility, or real and lasting impact, it must be embedded into industry culture and enlivened through effective awareness and education campaigns – both at the entry point to the industry and thereafter, periodically, for as long as participation is maintained. The controlling bodies must ensure that minimum compulsory induction and ongoing training is fully integrated into licensing and registration requirements, and that education programs are developed, delivered, and attended or completed.

Whilst to varying degrees there has been some progress across the VRI in the development of written prevention frameworks, the Review considers that there is considerably more work to be done to ensure effective, meaningful and ongoing awareness and education – both within each controlling body, and at an industry level.

The Review observed that much of the relevant training that was provided – and noting that some controlling bodies did not provide any training on critical issues – occurred through a compliance lens. It was not evaluated or monitored for completion, and was often only required as a part of the registration or staff induction process. As detailed below, in recent times Racing Victoria Limited has invested more in the training of its staff and industry, however there is still room for improvement.

Without the provision of contextualised, formal education and training to participants about the conduct standards expected of them, specific industry risks, how to report concerns and access support, how their complaints will be managed, or the consequences of breach, any value achieved from the implementation of a robust prevention strategy will be undermined and quickly eroded.

²³ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 662.

²⁴ Sylvie Parent, 'Disclosure of Sexual Abuse in Sport Organizations: A Case Study', (2011) 20:3 *Journal of Child Sexual Abuse*, 322-337.

Education is also critical for industry leaders within the controlling bodies, racing clubs, associations and large employers, to ensure they have a deep understanding of the drivers, prevalence and enduring impacts of different forms of harm and abuse.

Greyhound

Staff

Greyhound Racing Victoria provides a *Respect in the Workplace* training module for staff. Although it is in a workshop format, and includes case scenarios for participants to discuss, it is otherwise very generic and provides only a simplistic overview of harassment, discrimination and bullying. A sizeable amount of the workshop content is focused on courteous and professional workplace interactions and diffusing hostile situations.

External

The Review was unable to identify any specific training, awareness campaign, education program or guidance documents for industry participants about expected standards of behaviour.

Greyhound Racing Victoria offices and racing clubs publicly display 'Respect' posters, which implore the reader to 'treat our team and each other with respect' and state that 'behaviour that is physically or verbally aggressive, threatening or violent towards others will not be tolerated.'

Current training for greyhound trainers and attendants linked to registration requirements include a mandatory online assessment based on a series of competencies which cover occupational health and safety. However, this does not include any relevant content about appropriate participant behaviour and conduct in the workplace.

Harness

Staff

As part of induction processes, all new Harness Racing Victoria staff are provided with online training about the policies identified at 6.3.2. Staff do not receive any face-to-face training, or any regular or ongoing education about conduct.

External

Although harness racing participants have been required to complete mandatory online training in *'Expected Behaviour of Participants'*, a module on sexual harassment is not included. Additionally, the Review understands that no such education is currently required or offered, and only a handful of harness racing participants who spoke to the Review had completed it. Harness trainer licences require enrolment in – although not completion of – online training that includes a component about conducting open, honest and ethical dealings with industry organisations and stakeholders, and treating ideas and opinions of others with respect.

Harness Racing Victoria has a dedicated 'Integrity Matters' webpage and newsletter for participants. However, both forums focus on the integrity of the racing event and are underutilised vehicles for raising awareness and disseminating information about unacceptable behaviour and how to safely report it.

Thoroughbred

Staff

Racing Victoria Limited has provided relevant compulsory training for all new staff since 2018. The program has evolved to its current format, which is a 3.5 hour, face-to-face 'Respect@Work' workshop. Conducted by an independent third-party provider, the workshops cover a range of topics, including diversity and inclusion, respectful workplaces, understanding bias and bystander activism.

Since early 2020, Racing Victoria Limited has also required all new employees, raceday officials, independent contractors, volunteers and service providers to complete an online sexual harassment prevention training module, and has plans to make it available to staff who commenced prior to its implementation. Additionally, staff must complete an online induction program that covers content including: culture and values, diversity and inclusion, code of conduct, use of social media, and health and wellbeing.

All online training modules linked to behaviour are mandatory at the commencement of employment and at least bi-annually thereafter – sooner if there is substantial change to a policy.

Industry

Racing Victoria Limited engages with industry to provide information about a range of integrity and other matters – including new and amended policies, procedures and rules of racing, as well as training relating to participant safety and wellbeing – via its official ‘*Industry Notice*’ email communications to participants. It also has dedicated portals on its website for:

- **participant protection and wellbeing:** where all policies and other resources, an FAQ page, information about available support, and how to report a concern are published
- **trainers:** includes links to information about employer’s obligations to provide a safe working environment under discrimination, harassment and health and safety law, and dispute resolution under the applicable Award
- **stablehands:** provides basic information about mental health and available support, wages and employment conditions, and employee rights and obligations under health and safety law.

Since 2015, Racing Victoria Limited has employed a dedicated, full time participant wellbeing role. This key resource was consolidated with the appointment of a full time, participant protection role at the beginning of 2019. Collectively, these roles focus on the development and delivery of education for participants about appropriate workplace behaviours. They also promote cultural change through information conversations, provide information and resources about safeguarding policies, practices, rights and obligations, and are tasked with providing relevant education and support to racing clubs.

In late 2022, Racing Victoria Limited began rolling out a new online wellbeing learning module specifically designed for participants. The training provides a broad introduction to respectful and anti-social workplace behaviours, and includes content on bullying, harassment and sexual harassment, the consequences of poor behaviour in the workplace, what to do about it, and how to report. It is mandatory for all new licence applicants. All other participants were required to complete the training before the annual re-licensing cycle commenced on 1 August.

The participant wellbeing module incorporates a video segment that focuses on sexual harassment, and highlights the impact of inappropriate conduct on mental health and wellbeing. The video covers what to do if this type of conduct is experienced or observed in the workplace, and explores what can be done to break the cycle of such behaviour. To promote the implementation of this training initiative, the Review understands that Racing Victoria Limited’s two participant wellbeing and protection staff will attend metropolitan and country racing clubs, to provide support and guidance to participants about the training, and discuss any safeguarding issues raised.

The Review acknowledges Racing Victoria Limited’s recent efforts to provide targeted training for industry. The controlling body is encouraged to continue to evolve this program to include ongoing education that is repeated during the course of an individual’s participation, and give consideration to building more capacity to promote its prevention framework through greater presence at racetracks and industry workplaces.

Currently, only thoroughbred racing participants are required to undertake education about appropriate standards of behaviour as part of the licensing process. The Review has found that there is much more that the VRI can do to develop knowledge of harmful conduct internally, as well as to promote awareness to industry through more interactive and innovative methods. Although each of the controlling bodies has dedicated participant hubs and portals on their websites, key information is still often difficult to find and spread across multiple web pages.

Additionally, although most policies examined by the Review cross-reference other key documents, when read together, the controlling bodies’ guidance material frequently overlaps and includes internal inconsistencies. This weakens its impact, and reduces clarity about expectations and processes.

Case studies: Australia

Play by the Rules is an interactive education and information website that was created in South Australia two decades ago to provide resources about discrimination, harassment and child protection in sport. Now a collaboration between Sport Integrity Australia, Sport Australia, the Australian Human Rights Commission and relevant state and territory departments and agencies, it has expanded to include free online training in preventing and dealing with discrimination, harassment, child safety, inclusion and integrity issues in sport.

In addition to its online safeguarding training, Sport Integrity Australia conducts an accredited hybrid course for club and association Member Protection Information Officers (MPIO) which covers complaint resolution procedures, participant protection, child protection, harassment, discrimination, as well as ethical and practical considerations. Readily applicable to the racing context, MPIOs are a first point of contact for participants in the complaint process, providing information and guidance about how to report unacceptable conduct, and how complaints are handled.

Sport and Recreation Victoria promotes *Play by the Rules* and its own *Fair Play Code*, and supports state sporting associations, leagues and clubs to champion a positive sporting culture and environment for everyone. This is achieved through the linking of government funding to compliance. Sport and Recreation Victoria additionally provides a range of publicly available participant protection information, resources, tools and free online training for sporting bodies, administrators, participants and spectators relating to discrimination, vilification, abuse and other forms of inappropriate behaviour.

Case studies: International

The British Horseracing Authority has developed a standalone Racing2Learn portal which offers a wide range of relevant resources and training under modules including Policies, Safeguarding and Integrity, and Social Conduct and Behaviours. The successful completion of training is linked to the Authority's licensing framework which is delivered face-to-face, after the Authority learned that participants routinely arranged for staff to complete mandatory online training requirements for them.

SafeSport (US) considers participant education and awareness to be the most critical components of safe and respectful sporting environments that are free of abuse and harassment. SafeSport develops best practice guidance, policies and online training for sporting organisations and individuals – including participants, coaches, trainers, doctors, volunteers, mentors, parents and administrators – to assist them to prevent, recognise and respond to abuse. To raise awareness more broadly, SafeSport also has its own podcast series *Champion in Every Corner* to share information, tips and resources on how to keep sport safe for athletes, coaches, parents and governing bodies.

6.3.4 Reporting

The VRI has clear obligations to take steps to prevent harm and abuse from happening on its watch. Also to ensure that when harm occurs, there is an appropriate and effective response that provides formal and informal resolution pathways, and support.

The absence of an adequate reporting mechanism and complaint process can cause significant additional detriment to those who speak out about their abuse. This erodes the trust and confidence that others have in the willingness and capability of the industry and its leaders to create a safe environment that holds perpetrators to account. The Review heard that perceptions about the safety of the reporting and complaints process, and the experience of actual harm caused to victim survivors who reported their abuse, were huge determinants of whether misconduct was reported.

Racing Victoria Limited has made some changes to its reporting and complaint processes. However, the other controlling bodies do not provide clear, accessible reporting and complaint processes for

conduct that falls within the scope of the Review. Both place significant reliance on victims reporting matters to police. Whilst this is an important option, alternate pathways that respond to other forms of unlawful conduct which do not involve allegations of criminal behaviour are also required.

The Review finds that all controlling bodies must do more to ensure their reporting and complaint handling processes are trauma-informed and human-centred, to reduce the incidence of re-traumatisation and further harm, and provide adequate protection from reprisal and retaliation.

The lived experience of participants from across all VRI codes provides overwhelming support for an independent pathway to report complaints about conduct. Independent reporting mechanisms have also featured in recommendations made by other inquiries into abuse. They have informed the response approaches taken in other industries and jurisdictions.

What is a trauma-informed and person-centred approach?

Trauma may present at different times and in different ways, and can be triggered or exacerbated by a reporting process, particularly when victim survivors tell, or have to repeat, their experiences. A trauma-informed approach means ensuring the physical, psychological, cultural and emotional safety of a person, and providing an opportunity for victim survivors to regain control of their experience.

In the context of the Review, a person-centred approach means that the individual that is impacted has a meaningful say in how they wish to report their matter, and how the process will unfold. Such an approach requires sensitive and non-judgmental responses to reporting, and providing impacted individuals with appropriate support and regular communication throughout the process.

Robust and trusted reporting and complaint processes are critical in both prevention and response efforts. When effective, they:

- empower complainants to report
- act as a deterrent to unlawful behaviour
- are a key component for modelling leadership about safe and fair workplace culture
- set expectations about what behaviour is, and is not, appropriate in the workplace.

The below provides an overview of the current reporting pathways and complaint processes within each VRI code.

Greyhound

Internal controlling body reporting and complaint pathways

Greyhound Racing Victoria's internal *Reporting Misconduct in the Workplace and Reporting Unacceptable Behaviour* guidelines provide pathways for employees and contractors to raise concerns – either with the direct line manager, the people and culture team, or CEO, as applicable.

The Review was not provided with any evaluation information to understand whether these guidelines have led to a greater propensity or confidence to report workplace harm or misconduct. There appears to be no data available to assess the number or types of complaints that are made through these channels, or evidence of the controlling body taking action to identify reporting and complaint trends.

The Review also notes that the policy's prioritisation of 'confidential' resolution at a local level may mean that the prevalence of disrespectful behaviour falls out of the line of sight of management. Moreso, given there is no central record of either formal or informal complaints.

The independent 'Your Call' service is available to the controlling body's employees as part of its 'Speak Up' strategy, to encourage them to report misconduct. Operated by an external provider via a 1300 number or online form, it creates a reporting pathway for staff to 'feel safe to raise issues as they arise', and includes an option to raise issues anonymously (unless there is a legal requirement to disclose). An online portal allows a discloser to receive updates, provide additional evidence and request support. The Review was not provided with any data to assess whether, or to what extent, the service is being used.

External industry reporting and complaint pathways

Although Greyhound Racing Victoria has a *Complainant Management Charter*, it is framed as an enforcement document that provides internal guidance to staff on how complaints about potential breaches of the rules of racing will be investigated by the integrity department. It is not published on the controlling body's website. Beyond referencing the principles of good complaint management, including 'listen, acknowledge and confirm the issues' and 'manage expectations', it does not have a victim-centred lens.

Similarly, Greyhound Racing Victoria's *Feedback Guidelines* and *Feedback Office Procedure Guide* both contemplate staff resolution of 'feedback enquiries' from the public, participants and industry stakeholders, including in relation to 'compliments, complaints and suggestions' about the regulation and management of greyhound racing and welfare, as well as provide feedback at the conclusion of stewards' investigations. As such, neither provides external-facing information about the controlling body's complaint and reporting mechanisms.

The Review was not provided with any data about the number of complaints received, the outcomes of investigations or what systemic changes may have been implemented in response to complaints or investigations.

Harness

Internal controlling body reporting and complaint pathways

Internal staff workplace concerns are handled by reference to the controlling body's *Grievance Policy*. Complaints can variously be made directly to Harness Racing Victoria, the Racing Integrity Commissioner, or a relevant external body. The controlling body can receive complaints by mail, email or online form. Responses are managed in four stages: initial assessment, investigation, internal review and external review. The Review was not provided with any data about the number or types of complaints received, the outcomes of investigations or what changes may have been made as a result of analysis of trends in reports made.

External industry reporting and complaint pathways

Harness Racing Victoria has an *External Complaints Handling Procedure* which was updated in August 2022 and is published on its website. It sets principles for how the controlling body will manage complaints about any service issue or action, including how it performs statutory functions and services, and how stewards' exercise of powers and functions under the rules of racing. It makes no mention of complaints about harassment, bullying, abuse or other misconduct.

Harness Racing Victoria's Obligation to Come Forward Policy provides for the disclosure of serious misconduct by licensed persons. It states that 'any matter that is not considered serious misconduct should be reported via alternative avenues', although does not identify alternate reporting pathways. 'Serious misconduct' includes: illegal conduct, breaches of the AHRR, equine welfare concerns, breaches of the controlling body's policies, and allegations of corruption and dishonesty. The policy sets out internal and external reporting channels, including anonymous, as the integrity department, Racing Integrity Commissioner's office, or relevant government, regulatory or law enforcement agency. However, it does not identify which agencies, or how to contact them.

The Review received only notional information about how many disclosures were made under this framework and what actions were taken as a result. This rendered any analysis of its impact nugatory.

Thoroughbred

Internal controlling body reporting and complaint pathways

Of the three codes, Racing Victoria Limited has done the most in making changes to its reporting and complaint processes. Its *Grievance and Disputes Policy* outlines a general process for how staff and raceday officials can make a complaint about employment-related issues, and how their complaint will be managed. Under the updated internal sexual harassment policy, staff are instructed to report relevant concerns to their direct manager, or a member of the people and culture team.

Additionally, Racing Victoria Limited has had an internal *Whistleblower Policy* in place since 2008 to encourage disclosure of potential misconduct, dishonesty or illegal activity. The policy expressly includes discrimination, vilification, sexual harassment, harassment, bullying, victimisation, and unsafe work practices. It confers protection from adverse action if a relevant report is made and applicable conditions satisfied. The Review was not provided with any data in relation to the outcomes of investigations, limiting our ability to review the efficacy of these policies.

External industry reporting and complaint pathways

Racing Victoria Limited's participant protection manager receives, assesses and investigates disclosures and reports under its industry-facing *Participant Protection Policy*. Referral for investigation to stewards, where allegations relate to suspected breaches of the rules of racing, police or another relevant authority is also expressly contemplated, as appropriate. Concerns may be reported directly via email, online form or telephone.

The *Speak Up Policy* was introduced in 2019 and encourages all participants to report serious misconduct, including physical and sexual abuse, assault and harassment, to either Racing Victoria Limited's integrity department or the Racing Integrity Commissioner.

Information about the number of reports of sexual or physical harassment, assault or abuse has been provided to the controlling body's board, via its Racing Integrity and Equine Welfare sub-committee, since 2019. The Review understands that the majority of matters are directly investigated by the participant protection manager, with other investigations referred to the relevant internal department – including people and culture, compliance assurance and equine welfare teams, and stewards – or an external agency, such as FairWork, WorkSafe, the former Department of Health and Human Services, or Victoria Police. The outcome of these investigations is not known, including whether any adverse findings were made or disciplinary sanctions imposed.

The Review notes emphatically that low reporting or complaint numbers do not neatly translate into a lower incidence of harm. More often it indicates a culture where complaints and reporting is not encouraged or dealt with effectively. More monitoring is required to understand whether the controlling bodies' victim support and complaint processes are having the desired effect.

As with the prevention policies canvassed earlier in this report, the Review observed that reporting pathways and complaint processes are not easily located on the controlling bodies' websites, and was unable to ascertain how they are made visible to employees and participants on a regular basis after their initial promulgation.

International research: Barriers to reporting

Research into barriers to the reporting of abuse by athletes has identified links between the level of enmeshment between individual identity and the sport.²⁵ This is apposite to racing where professional, social and familial integration is high for a significant number of participants, particularly those entering the industry or in less senior roles. Seen through this lens, under-reporting of abuse is likely prevalent in the VRI due to participants' fears they may jeopardise their membership or standing in the industry, or face consequences including isolation and reprisal.

As identified, the racing 'bubble' consists of countless private workplaces with limited-to-no oversight of operating environments away from the track by the controlling bodies. Studies have found that a major risk factor for abuse and non-reporting is the extent to which an organisation or industry ecosystem is a 'closed shop'.²⁶

²⁵ Gerd M Solstad, 'Reporting abuse in sport: a question of power?' (2019) 16(3) *European Journal for Sport and Society*, 229-246.

²⁶ Victoria Roberts, Victor Sojo and Felix Grant, 'Organisational factors and non-accidental violence in sport: A systematic review' (2020) 23(1) *Sport Management Review*, 8-27.

Sanctions and Accountability

An effective reporting and complaint system that promotes broader cultural change is underpinned by clear, consistent and proportionate consequences for perpetrators of harmful conduct. The Review spoke to a number of victim survivors and other stakeholders who observed that, over time, the controlling bodies have failed to ensure accountability for unlawful behaviour.

Whilst policy and licensing frameworks set expectations about behavioural standards, they have limited value without active enforcement and consequences for breach. Beside the personal use of illicit substances by participants, the Review found limited evidence of action taken by stewards for contraventions of industry policies directed at inappropriate conduct occurring outside the traditional lens of the rules of racing. Where enforcement has occurred, suspension ordinarily results. Whilst this type of sanction is imposed for its deterrence value, in the absence of education or support, it does not provide any genuine learning opportunity to drive behavioural change.

Conduct issues are also referred to the Victorian Racing Tribunal. Established in 2019, the tribunal is the VRI's independent disciplinary and appeals body which replaced the codes' former Racing and Disciplinary Boards. Its jurisdiction includes hearing and determining appeals against stewards' penalty decisions, and matters referred by the controlling bodies or stewards. The vast majority of cases decided by the tribunal relate to conventional integrity-related breaches of the rules of racing, such as the detection and administration of prohibited substances.

Analysis of all hearing outcomes at the tribunal in the last four years indicates that approximately 13 cases – less than 3% of all matters – relate to conduct that falls within the scope of the Review. Penalties imposed range from fines (\$250 – \$2000) to suspension and disqualification (3 months – 2 years). The Review was unable to find evidence of any controlling body seeking behavioural modification outcomes for affected participants in these cases, such as education or counselling.

In considering options for the VRI to take more robust approaches to accountability, including harm-reduction, and internal or informal resolution pathways, the Review looked at other relevant models.

Under the Sport Integrity Australia complaint handling processes, reports relating to alleged breaches of participant protection and child safeguarding policies may be made directly to the agency, or the relevant national sporting organisation. In addition to providing a centralised mechanism to refer appropriate matters to external agencies, Sport Integrity Australia offers wellbeing referrals to all parties to the complaint process. It also shares trend and thematic analysis of its complaints data with the sporting codes, to inform continuous improvement in their own education and integrity programs.

Many sporting codes have observed an increase in reporting under the national framework due to improved participant confidence in the transparent, independent complaint and resolution avenues that are available. The experience of these bodies supports hybrid reporting and complaint models which allow for the code to retain a role in responding to lower-level breaches through early resolution and the provision of frontline support, assistance and education, whilst ensuring independent avenues are available to investigate more serious and complex allegations, including providing access to specialist support services and counselling when it is needed.

Relevantly, the British Horseracing Authority and SafeSport (US) place minimal to no reliance on financial penalties for misconduct. Instead, they impose sanctions ranging from education and counselling for low level breaches, to interference with the right to participate via restriction, ineligibility and, in the most serious cases, suspension and disqualification. Additionally, non-participants who, in the racing context, include spectators, social members of racing clubs, administrators and current and former employees of industry bodies, are captured by the SafeSport and British Horseracing Authority sanctions regime. These bodies' approach to sanctions are therefore suggested to the VRI as providing effective tools to deter inappropriate behaviour and promote accountability.

Case study: Sport Integrity Australia complaint process

Following an evaluation to determine whether a complaint is within jurisdiction, it is assessed by reference to the following:

- **Category 1 (low):** involves a relatively minor allegation of prohibited conduct, often arising from a mistake, misunderstanding, or absence of an intent to harm, with minimal complicating factors

Examples include unnecessary physical contact (that is not sexual misconduct), lewd jokes, aggressive tone, disrespectful comments that do not have other elements of more egregious or unlawful behaviour, photographing or transporting a child without appropriate consent

- **Category 2 (medium):** involves more serious, complex or repeated allegations identified by reference to frequency, intensity, number of complaints received and the risk of moderate or reasonable harm

Examples include bullying, abuse of position of trust or power, harassing behaviours and unwanted sexual interest, hazing or degrading initiation, intimidation, multiple incidents of unlawful discrimination, and physical altercations

- **Category 3 (high):** involves the most serious allegations involving criminal behaviour and/or immediate risk of harm

Examples include child abuse, indecent assault, rape, serious physical assault, exposing a child to inappropriate or harmful material or behaviours, failing to report child abuse or sexual misconduct, supplying alcohol or drugs to a minor

Case categorisation facilitates identification of the most appropriate mechanism to deal with the complaint, including informal resolution, alternate dispute processes, investigation or referral to an external agency. The assessment phase also considers whether the risk of harm to any person or child warrants the taking of provisional action, including suspension or restriction of a participant's licence/registration or access to the sport, until the complaint process is finalised.

Under the national integrity framework, sanctions may be imposed by a national sporting code at the conclusion of the complaints process. Intended to protect participants from harm and the integrity of the sport, rather than punish per se, sanctions invariably employ preventative strategies such as education or counselling to address behaviour when an adverse finding is made in relation to a Category 1 complaint.

The sanctions regime is intended to complement existing regulatory and law enforcement pathways where formal disciplinary hearings or criminal prosecutions are conducted in relation higher category complaints, and which may result in more punitive outcomes including disqualification, fines or even jail.

6.3.5 Support and restoration

The Review heard that over many years the VRI has failed to provide adequate support for victim survivors. Rather than focus on the wellbeing and safety of employees and participants, there has been a culture of tolerating harmful behaviour, and a failure to properly invest in support for those who have been affected by mistreatment.

All three controlling bodies have taken some positive steps toward supporting the mental health and wellbeing of their staff and participants. These programs should continue and be expanded to ensure that both whistleblower protections, and ready access to confidential support and advice lines, are available to everyone at each code.

To its credit, Racing Victoria Limited is the only body to introduce a dedicated participant protection role. Feedback about the value and effectiveness of this initiative – provided both directly to the Review and anecdotally from wider industry sources – is that it is a resounding success. Although, given the scope and size of the code and its legacy conduct issues, it may be prudent for Racing Victoria Limited to expand its participant protection capacity in the near future. This will ensure adequate support to respond to the anticipated upswing in need as the recommendations of this Review are implemented.

As it currently stands, the controlling bodies' support and advice pathways for people who raise issues of inappropriate conduct vary markedly, as described below.

Greyhound

Staff and industry

Greyhound Racing Victoria's *Employee Assistance Program* and *Greyhound Participant Support Program* are open to staff and participants respectively. Both services provide short-term, free, independent and confidential counselling support by an external provider, and can be contacted via phone or email. The Review was not provided with any data as to how often these supports are used, or the type of service sought.

Harness

Staff

The controlling body maintains an *Employee Assistance Program* for its own staff and their families via an external provider. This program is general in nature and include confidential coaching, counselling, assistance and support services and resources.

Industry

Harness Racing Victoria introduced its *Industry Assistance Program* in 2019 which it regularly promotes across all racing venues. The program provides confidential professional, coaching and support services delivered by an independent provider. In March 2023, the controlling body launched a targeted 'Drive for Life' program to support young harness drivers. Aimed at participants aged between 16 and 25 years, the program partners junior drivers with industry coaches to provide integrity, health and wellbeing, and other support.

Victorian harness racing participants who make a relevant disclosure under the *Obligation to Come Forward Policy* may have an integrity official appointed to address any specific protective or welfare concerns. Participants may also access the limited volunteer services of the Victorian Harness Racing Trainers and Drivers Association (who also support harness stablehands).

Thoroughbred

Staff

Racing Victoria Limited has an *Employee Assistance Program* for its employees and raceday officials which provides up to four sessions per year.

Industry

Since 2017, thoroughbred racing industry whistleblowers have also had access to the employee assistance program. The controlling body introduced its signature 'STABLELINE' program in 2018. It provides all participants and their immediate families with an independent and confidential 24/7 telephone support line, including access to qualified counsellors and mental health professionals. Current and past jockeys, apprentices and their families can access independent psychology and counselling support via the *Jockey Assistance Program*.

Racing Victoria Limited's website hosts a dedicated, participant protection and wellbeing portal that provides relevant links and information. Contact details for 'trainer champions', being licensed trainers who have undertaken specialist mental health education and may be contacted for support, are also identified on the website.

Additionally, under its Speak Up Policy, Racing Victoria Limited may appoint a MPIO-like Industry Contact Protection Officer to provide confidential support and information to relevant disclosers, who include its current employees and racing club and licenced trainers' staff. The *Participant Protection Policy* also sets out the controlling body's obligations as including supporting all individuals, and their families, who are involved in safeguarding concerns.

Racing Victoria Limited's annual reports indicate that 153 people accessed its employee assistance and 'STABLELINE' programs between 2019 and 2022.

Case study: Australia

The Australian Institute of Sport offers two free, independent and confidential programs for current and former athletes, coaches and support staff within the high-performance sports system that provide learnings for the VRI. The *Mental Health Referral Network* provides access to a group of expert psychologists and mental health clinicians with experience in elite and high-pressure environments. Separately, 'Be Heard' provides a dedicated support phone line, as well as an online portal to report participant protection concerns about unacceptable behaviour.

Case study: International

A signatory to the UK *Mental Health Charter for Sport and Recreation*, and supported by British Equestrian, *Riders Minds* is a bespoke charity established to support the mental health and wellbeing of all horse riders, drivers and equestrians. It provides free, online information and resources, including 'Head First Checker' for post-concussion mental health monitoring and 'MY Mental Health Checker', and offers a dedicated 24/7 help, text and chat line.

Restorative Justice

Many of the Review’s findings and recommendations are future focused and designed to ensure that the levels and impact of abuse and harm across the VRI does not happen again. Additionally, we separately heard that, without a meaningful acknowledgment and form of redress for past harms, the industry will struggle to rebuild the trust and confidence of participants or properly address the justice needs of those who have experienced harm.

Conducted effectively, restorative justice should represent an unequivocal commitment of an organisation or industry to respond to experiences of harm, assist in rebuilding trust, and assist in developing the accountability, understanding and commitment of leadership. It involves an active and participatory practice to address and repair the harm caused by wrongdoing, in recognition of the relationship between the harm and the attitudes and systems that contributed to, enabled, or overlooked it.

The central focus of a restorative justice process is to acknowledge the experience of the victim survivor, and provide victim-centric and trauma-informed processes that protect and prioritise the safety and choice of the victim. Restorative justice recognises that the impact of workplace harm, particularly the impact of violence and gendered harm, can be profound, significant, and lasting.

Restorative justice schemes can also support organisational learning by providing a path for individual victim-survivors who have suffered from past incidents to share their stories, receive recognition, and heal. For organisations, the acknowledgement, reflective practice and learning that restorative justice processes facilitate allow leaders to hear and learn from those experiences. These can be invaluable elements of a process that creates a safer, more equal workplace.

Over the last decade a number of Australian organisations have introduced restorative justice schemes to address rates of organisational harm. The first Australian institution to undertake public and historic reparations for gendered harm was the Australian Defence Force under the Defensive Abuse Response Taskforce (DART), which operated between 2011 and 2016 in response to the Australian Human Rights Commission’s *Review into the Treatment of Women in the Australian Defence Force*.

Subsequent schemes have taken learnings from the DART model, adapting the principles of restorative justice for their specific organisational needs and cultural change requirements. These include the Victoria Police Redress Scheme administered by the Department of Justice and Community Safety, the South Australia Police Redress Scheme, and the recently announced Ambulance Victoria scheme.

Following the 2021 release of the Australian Human Rights Commission Report on its *Independent Review of Gymnastics in Australia*, the Australian Sports Commission established a restorative program to support former Australian Institute of Sport scholarship athletes who experienced harm from inappropriate practices or abuse. Outcomes of the restorative program include access to counselling and wellbeing services, optional participation in restorative engagement with the Commission via an in-person meeting, letter, apology or site visit, and a one-off restorative payment (subject to eligibility).

The schemes set out above have key commonalities: they are independently run by a service at arm’s length from the organisation where the harm occurred, use specialist case managers and support services to provide a single point of contact to guide a victim-survivor through the scheme; and operate on principles of confidentiality, victim-centricity and trauma-informed practice. These schemes provide multiple pathways for victim survivors to acknowledge harm and provide reparation, including:

- **restorative engagement:** a victim survivor can tell their story to a trained senior leader from an organisation, and have their experience personally acknowledged and heard
- **financial redress:** a payment is made in acknowledgement of the type of harm experienced; in practice, these payments are often provided in tiers linked to the severity and nature of the harm experienced
- **non-financial redress:** the organisation agrees to reinstate entitlements (eg. sick leave) or opportunities (eg. leadership programs) lost because of a victim survivor’s experience of harm
- **mismanagement payments:** the organisation acknowledges that their response to harm via formal and informal reporting and complaints processes was inadequate and/or caused further harm
- **support:** access to counselling and therapeutic services funded by the restorative justice scheme to assist a victim survivor affected by the harm.

6.3.6 Monitoring and oversight

The Review identified a fundamental weakness in the VRI's ability to measure the incidence and impact of abuse and harm, or effectiveness of its responses, due to an absence of meaningful data points. This made any assessment of the impact of relevant policies impossible because the controlling bodies were only able to provide limited information about the number of complaints made, how they were handled, or what outcomes resulted in the preceding five years (in some cases, no information was provided). The Review was also unable to assess the effectiveness of available support programs due to an absence of any or adequate data about their uptake, by reference to volume, subject matter or outcome.

It is difficult to determine whether the absence of data reflects under-reporting due to a lack of confidence in current complaint processes, because there is an absence of awareness about the existing pathways to make a complaint, or for other reasons. However, the qualitative feedback from the majority of Review participants was that they did not trust the existing reporting and complaint processes due to perceptions that they were not independent or confidential.

Appropriate internal and external monitoring and oversight mechanisms are essential to ensuring accountability in any industry. When working effectively, monitoring and oversight arrangements – including audit and analysis – provide valuable data and intelligence to track trends, identify systemic issues and respond to emerging risks. Data collection and monitoring is key to continuous improvement and should be reported on regularly and transparently by the controlling bodies.

Across the VRI, there are a number of roles and bodies that have both direct and indirect monitoring, reporting, investigative and oversight functions that are relevant to the terms of reference. The key ones within the controlling bodies and the integrity oversight bodies are described below.

Internal monitoring and implementation

Controlling body integrity departments and other teams

The Racing Victoria Limited Integrity Services Department is comprised of staff who predominantly focus on the integrity of the racing event (both on and off the track), equine welfare, and licensing. Since 2019, the controlling body has also employed a full-time Participant Protection Manager who receives all complaints under the *Participant Protection Policy* (including the *internal Code of Conduct and external Safeguarding Young Persons Policy*), and triages them for appropriate management and next steps. The role also supports industry education by building relationships with participants and conducting workshops and seminars, to raise awareness of acceptable behaviours, including available reporting and response pathways. The incumbent in this role has extensive experience working with victim survivors and has relevant tertiary and post-graduate qualifications, including in investigations and forensic interviewing of children.

Racing Victoria Limited's full-time Participant Wellbeing Manager within its people and culture team is responsible for implementing relevant education programs, including promotion and awareness of programs for trainers and stablehands. The current manager is a registered psychologist who also provides initial guidance, advice and support to trainers and stable staff about workplace wellbeing, business practices and other challenges.

Harness Racing Victoria and Greyhound Racing Victoria's integrity units comprise stewards, investigators, animal welfare and legal roles. Harness Racing Victoria also employs a full-time Workforce Development Manager whose focus includes education and career pathways for participants (as well as staff).

Besides the dedicated role at Racing Victoria Limited, complaints and any consequential investigations generally fall to stewards and investigators within the codes' integrity departments. Although many have relevant experience and training in a law enforcement context, invariably these staff receive no specific education about trauma-informed, victim-centric approaches. The Review otherwise heard that, overall, there is limited capacity within the integrity departments to proactively prioritise the wellbeing and safety of industry participants and staff when they are, necessarily, heavily focused on the integrity of the racing event.

External monitoring and oversight

Racing Integrity Commissioner

The Racing Integrity Commissioner is an independent statutory officer appointed under the Racing Act as a key racing integrity oversight body. The Commissioner's legislative focus is providing assurance about the integrity processes and systems of the controlling bodies, and making recommendations, to drive continuous improvement in integrity across the VRI ecosystem.

The Commissioner's complaint function is narrow. It is confined to the investigation of complaints about the integrity processes and systems of the controlling bodies. The Commissioner may also investigate matters referred by a controlling body, the Victorian Racing Integrity Board or the Minister.

The Commissioner's office has an established independent pathway in place for VRI participants and members of the public to report concerns, make complaints and provide information about all integrity concerns – including anonymously – either directly or via a dedicated racing integrity phone hotline and email address. The Commissioner's office currently triages all matters raised and may investigate a matter within jurisdiction, or refer and disclose to the relevant controlling body, law enforcement or other authority, as applicable. Staffed with suitably skilled and experienced personnel, the Commissioner's office has the capability to stand up an independent industry reporting mechanism, subject to resourcing and capacity.

Victorian Racing Integrity Board

The independent Victorian Racing Integrity Board's separate oversight of the controlling bodies is similarly indirect, rather than operational, in nature. The Board's functions centre on endorsing the controlling bodies' annual integrity plans, budgets and resourcing, approving integrity-related rules of racing, and providing advice about their integrity and licensing policies.

Although the Board is supported by two full time advisory and administrative staff, board members are appointed on a sessional basis. The Board has a clear statutory function to support the controlling bodies' development of relevant policies.

Appendix 1 – Where to go if you need help

If you situation is urgent

If you or anyone you know is in immediate danger, or a crime is currently occurring, please call police on Triple Zero (000) or contact your local police station at: <https://www.police.vic.gov.au/police-station-location>

Report a criminal offence

For non-urgent matters, you can report a crime by contacting the Police Assistance Line on 131 444 or, if you wish to remain anonymous, contact Crime Stoppers on 1800 333 000 or via their website at: <https://www.crimestoppersvic.com.au/>

Support services

Sexual assault, harassment and violence

1800 Respect

A confidential counselling, information and support service that operates 24-hours a day, 7 days a week for people who have experienced sexual assault or sexual harassment

Ph: 1800 RESPECT (1800 737 732)

Website: <https://www.1800respect.org.au/>

Sexual Assault Crisis Line

Crisis Line: 1800 806 292 (free call)

Email: ahcasa@thewomens.org.au

Website: www.sacl.com.au

CASA

Website: www.casa.org.au for a list of Victorian Centres Against Sexual Assault

Mental health

Lifeline

24-hour crisis support and suicide prevention

Ph: 13 11 14

Website: <https://www.lifeline.org.au/>

beyondblue

Mental health support

Ph: 1300 224 636

Website: <https://www.beyondblue.org.au/>

Headspace

Supports young people aged between 12 and 25 years of age

Ph: 1800 650890

Website: <https://headspace.org.au/>

Kids Helpline

Counselling service for those aged between 5 and 25 years of age

Ph: 1800 55 1800

Website: <https://kidshelpline.com.au/>

Suicide Call Back Service

Ph: 1300 659 467

Website: <https://www.suicidecallbackservice.org.au/>

Appendix 2 – Review terms of reference

1. Background

The Racing Integrity Commissioner has established an independent review into Victorian racing industry processes (Review) following a joint referral made by the three Victorian racing controlling bodies – Racing Victoria Limited, Harness Racing Victoria and Greyhound Racing Victoria (the Controlling Bodies, each a Controlling Body).

2. Objectives of the Review

The aim of the Review is to ensure that worker wellbeing is at the forefront of the Victorian racing industry (VRI) through effective and appropriate processes and systems to prevent and respond to physical and sexual abuse, physical and sexual assault and sexual harassment.

The Review will consider recommendations to ensure that people who work in the VRI are treated with dignity and respect, and have access to clear and effective complaint mechanisms, referral pathways and appropriate supports. The objectives of the Review are to:

- understand the experiences and expectations of victims of physical and sexual abuse, physical and sexual assault and sexual harassment who currently work, or have previously worked, in the VRI with respect to ensuring their wellbeing;
- examine the adequacy, effectiveness and awareness of current VRI complaint and reporting processes and systems, supports and referral pathways to prevent and respond to physical and sexual abuse, physical and sexual assault and sexual harassment, and protect and promote the wellbeing of all who work in the industry;
- assess the capacity and capability of the Controlling Bodies, and structural, cultural or other characteristics of racing workplaces, to prevent and respond to complaints about physical and sexual abuse, physical and sexual assault and sexual harassment in the VRI, including barriers to reporting, and options to drive cultural change and promote appropriate behaviour; and
- prepare a report setting out findings and recommendations on the matters within this Terms of Reference, with a focus on constructive measures that entities within the VRI can implement to ensure appropriate and effective processes and systems are in place that prevent and respond to physical and sexual abuse, physical and sexual assault and sexual harassment and prioritise the wellbeing of all who work in the industry.

3. Scope of the Review

The Review will inquire into any potential systemic issues identified and will therefore not investigate or make findings about individual allegations.

Existing complaints will not form part of the Review and will be dealt with through existing processes. The Review will provide clear pathways to refer new complaints to the appropriate body, including Victoria Police, the Victorian Equal Opportunity and Human Right Commission, or relevant Controlling Body.

The Review will also offer clear referral pathways to support services, including specialist trauma counselling, to victims of physical and sexual abuse, physical and sexual assault and sexual harassment in the VRI. The Review will provide individuals with the ability to participate with full confidence that they will be supported, and their privacy protected.

Where applicable, the conduct of the Review will have regard to the *Public Administration Act 2004 (Vic)*, Victorian Public Sector values of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights, the *Victorian Charter of Human Rights*, and the *Victorian Public Sector Commission's Codes of Conduct*.

4. Review Process

The Review will be conducted by the Racing Integrity Commissioner who will appoint a team of suitably experienced and qualified experts to ensure it is conducted with the required sensitivity, confidentiality and independence.

The Review team may conduct the Review at their discretion, provided that at all times:

- the Review is undertaken in a manner respectful of the wellbeing of participants and those who otherwise work in the industry; and
- the Review team shall afford participants in the Review, including any person or entity whose rights may be adversely affected, procedural fairness and natural justice.

5. Interim and Final Report

After conducting an initial assessment, the Review team will provide an interim report to the Commissioner. The interim report will outline the Review team's progress to date and may include priority recommendations to address any immediate needs arising from the assessment.

A copy of the interim report will be provided to the Controlling Bodies as appropriate on a strictly confidential basis.

Following the interim report, the Commissioner shall then complete his final report. The final report will set out the steps taken by the Review team during the Review, the Review team's findings on the matters within the Terms of Reference and any recommendations the Commissioner deems necessary and appropriate.

6. Timing

The Review will formally commence in July 2022.

The interim report will be provided in December 2022.

The final report will be due on or before end June 2023*.

*The deadline for reporting was subsequently extended to August 2023.



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This report is available at
www.racingintegrity.vic.gov.au