



HARNESS RACING VICTORIA

External Complaints Handling Procedure

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ORG-PR-003
(01 Feb 2013)

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1. PURPOSE

The purpose of this policy is to set out the principles that Harness Racing Victoria (HRV) has adopted for the management of complaints received in relation to any service, issue or action concerning HRV.

2. SCOPE

This document applies to external stakeholders of HRV, including but not limited to - licensed participants, customers/suppliers/contractors, owners/trainers/members of harness racing clubs, and members of the public. These include complaints concerning:

- HRV's function as a statutory body responsible for administering, developing, and promoting the sport of Harness Racing in Victoria;
- Steward's exercise of power or function under Australian Harness Racing Rules (AHRR), and;
- HRV or its services, including contractors carrying out services on behalf of HRV.

This policy does not cover disputes and grievances that may arise in the workplace regarding a problem, concern, or complaint related to an employee's work or the work environment, as it is covered in PC-PO-011 Grievance Policy.

Where a complaint involves allegations of corrupt conduct, the complainant will be advised to make their disclosure directly to Independent Broad based Anti-Corruption Commission (IBAC), as mentioned in LRC-PP-001 Public Interest Disclosure Policy and Procedure.

3. DEFINITIONS

Complaint: As defined by the Victorian Ombudsman, a complaint is an expression of dissatisfaction with:

- The quality of an action taken, decision made, or service provided by an agency or its contractor;
- A delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.

Complainant: A person, group or company that makes a complaint.

Improper conduct: Includes corrupt conduct, criminal offences, professional misconduct, knowingly or recklessly breaching public trust, misuse of information, substantial mismanagement of public resources or conduct involving substantial risk to public health or safety, or to the environment.

4. RESPONSIBILITIES

Chief Executive Officer (CEO) is responsible for:

- Providing internal review to complainants who are dissatisfied with the outcome of their complaint or concern;



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- Ensuring an effective complaint handling process is followed, as described in section 5;
- Ensuring business improvement activities are undertaken;

The Head of Legal, Risk and Governance is responsible for:

- Sending acknowledgment email to the complainant within 7 days of receipt of the complaint;
- Forwarding complaints to relevant Department Managers;
- Keeping CEO informed about the progress of the complaint handling process;
- Liaising with Managers, and other stakeholders during the complaints handling process;
- Supporting the complaints handling process;
- Recording all complaints in the Complaint Register;
- Closing out complaints in the register once resolved.

Managers are responsible for:

- Investigating complaints referred to for further investigation, as mentioned in section 5.3.2;
- Seeking further information from the complainant where required;
- Sending progress update e-mail to the complainant, if investigation is expected to take more than 28 days to resolve;
- Liaising with The Head of Legal, Risk and Governance and other stakeholders throughout the complaint handling process;
- Supporting employees by providing advice and/or information during the complaints handling process;
- Sending complaint resolution outcome e-mail to the complainant.

Complainants are responsible for:

- Displaying appropriate conduct and respect in the way complaints are expressed;
- Refraining from reporting vexatious or unreasonable complaints as described in section 5.1;
- Following the process as outlined within this procedure.

5. COMPLAINTS MANAGEMENT

HRV is committed to efficient complaint handling and creating a culture that encourages feedback and complaints. All members of the public have a right to complain, and HRV recognizes that this contributes to the improvement of HRV's services and processes. HRV shall treat all complaints fairly and behave and interact based on its [core values](#) of:

- Respect
- Integrity
- Safety and Wellbeing, and
- Excellence

5.1. What can complaints be about?

All stakeholders have a right to complain about HRV and seek remedy where they are dissatisfied or concerned about a particular issue or feel that their expectations of HRV are not being met. While HRV shows due respect, fairness, and responsiveness to all complaints received, there is an expectation that complainants also display appropriate conduct and respect in the way complaints are expressed.



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Vexatious complaints will not be considered by HRV, examples of which could include -
Complaints:

- Made or pursued without reasonable grounds;
- Initiated to harass or annoy someone;
- Made to cause delay or detriment;
- Containing inappropriate or offensive language;
- Used for wrongful purposes.

HRV reserves the right to determine that a complaint will not be investigated where the complaint:

- Is subject to an existing mediation or dispute resolution process;
- Relates to a legal proceeding;
- Is vexatious and/or unreasonable;
- Has insufficient information regarding the subject of a complaint;

5.2. How to make a Complaint

A person can make a complaint in a number of ways:

Online: [online complaint lodgement form](#)

E-mail: hrvcomplaints@hrv.org.au

Mail: Addressed to:
Executive Assistant, Harness Racing Victoria,
PO Box 184, Moonee Ponds, Vic 3039

Fax: 03 9214 0699

Anonymous complaints may not be fully investigated as it could be impractical to investigate a complaint without contacting the complainant for further information or disclosing their identity. Such complaints may more appropriately be directed to other investigating entities as mentioned in section 5.3.4.

5.3. Complaint Handling Process

HRV takes a four-tiered approach to complaint handling, as follows:

Initial Assessment: Complaint is assessed and resolved immediately, where possible.

Further Investigation, if required: If the complaint requires further investigation, it will be referred to relevant Manager(s) for investigation.

Internal Review: If the complainant is dissatisfied with the process or outcome of the initial resolution/investigation, they can request an internal review.

Access to External Review: If the complainant is dissatisfied with the process or outcome of the internal review, HRV informs them of available external review options.

5.3.1. Initial Assessment

All complaints are received by the Head of Legal, Risk and Governance, who forwards the complaint to relevant Department Manager(s), copying in the e-mail- Chief Executive Officer, . During this stage:

- The Head of Legal, Risk and Governance sends an official e-mail acknowledgment to the complainant (ORG-FO-004) as soon as practicable or within 7 days of receiving the complaint;



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- Head of Legal, Risk and Governance informs the complainant if HRV is not the right organisation to respond to the complaint;
- The Head of Legal, Risk and Governance logs the complaint in the complaints register;
- The complaint is assessed to determine further steps:
 - If the complaint requires further investigation, section 5.3.2 is followed;
 - If not, the complaint is resolved immediately, and the complainant is contacted to inform the outcome.

5.3.2. Further Investigation

- Where further investigation is required, the Department Manager and/or their delegated representative shall undertake the investigation process using Guideline for Complaints Handling/Investigations form (ORG-FO-005), consulting with the Head of Legal, Risk and Governance throughout the investigation process;
- All complaints shall be aimed to be resolved within 28 days. If it takes longer than 28 days, the Department Manager and/or their delegated representative shall contact the complainant prior to or at this time and provide update on the progress of the complaint;
- The Department Manager handling the complaint may contact the complainant to clarify or to seek further information regarding the complaint;
- Once the investigation is complete:
 - The Department Manager and/or their delegated representative shall email the complainant, to provide an outcome, copying in the e-mail the Head of Legal, Risk and Governance and CEO;
 - The Head of Legal, Risk and Governance shall update the complaints register with additional information/documentation and close the item.

5.3.3. Internal Review

If the complainant is dissatisfied with the process or outcome of the initial resolution/investigation, they can request an internal review by contacting HRV's CEO directly, in writing addressed to: CEO, Harness Racing Victoria, PO Box 184 Moonee Ponds 3039.

An outcome letter signed by the CEO will be provided to the complainant at the conclusion of the internal review, with details of external avenues available for review in relation to the matter.

5.3.4. External Review

If following the internal complaints process, the complainant is dissatisfied with the outcome, or the process, they may raise this with any of the following external investigating entities.

- [The Victorian Racing Tribunal \(VRT\)](#) – Hears and determines matters outlined in section 50C of the Racing Act 1958 (Vic), including but not limited to, appeals against decisions made by Stewards under the rules or charges made against a person for a serious offence under the AHRR.
- [Office of the Racing Integrity Commissioner \(ORIC\)](#) – Provides independent oversight of integrity and can be contacted to make complaints or disclosures regarding integrity related matters, including behaviours that may or may not be considered criminal or corrupt.



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- [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) – Is Victoria’s anti-corruption agency responsible for preventing and exposing public sector corruption and/or misconduct. IBAC can be contacted to make public interest disclosures under the Public Interest Disclosure Act (Vic) 2012 concerning improper conduct about public officers and public bodies, including HRV, its staff or, its Board members. Refer to LRC-PP-001 Public Interest Disclosure Policy and procedure for more information.
- [Office of the Victorian Information Commissioner \(OVIC\)](#) – Acts as an independent regulator with combined oversight of information access, information privacy, and data protection. OVIC can be contacted to lodge a complaint under the Privacy and Data Protection Act 2014 if:
 - HRV breached one or more of the ten [Information Privacy Principles](#);
 - HRV refuses to grant access to documents upon receiving a Freedom of Information (FOI) request. More information on FOI requests can be found in QMS-PR-001 Records Management Procedure.
- [Victorian Civil and Administrative Tribunal \(VCAT\)](#) - Is responsible for making decisions and helping people to resolve disputes about a wide range of cases. An application can be made to VCAT to:
 - Review penalty imposed by VRT in accordance with section 83OH of the Racing Act 1958;
 - Review a decision by HRV in relation to a licence, including but not limited to, a decision to refuse an application for a licence, a decision to revoke a licence, or a decision to impose a condition on a licence in accordance with section 83Q of the Racing Act.
- [Victorian Government Purchasing Board \(VGPB\)](#) – Customers/suppliers/contractors can refer procurement or supply related complaints to VGPB for review, if they are dissatisfied by the process or outcome of HRV’s initial resolution/investigation.

Other Investigating agencies:

Consumer Affairs Victoria

www.consumer.vic.gov.au

Victorian Ombudsman

www.ombudsman.vic.gov.au

Victorian Equal Opportunity & Human Rights Commission of Victoria

www.humanrightscommission.vic.gov.au

Minister for Racing

www.vic.gov.au/contactsandservices/directory

5.4. Detrimental Action

HRV takes complaints seriously and treats complainants and/or any other people connected to a complaint, such as witnesses, or persons cooperating with an investigation fairly. This also includes actively monitoring the workplace and anticipating problems that may arise due to detrimental action taken in reprisal. HRV does not tolerate reprisals against complainants or people connected to a complaint and such actions will be considered as a breach of this procedure.

5.5. Conflict of Interest

If a conflict of interest arises in the course of the initial assessment or investigation of a complaint, the person who is conflicted must notify the CEO. If the conflict involves the CEO, HRV’s Chairman must be notified. In all instances of a conflict, appropriate steps must be



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taken to address the conflict which may include the person having no further involvement in respect of the complaint as described in ORG-PR-001 Conflict of Interest Procedure.

5.6. Business Improvement

HRV is committed to taking action to change any underlying process or service where investigations indicate change is required.

Analysis of the complaints register will be regularly undertaken to identify trends and inform system and process improvements.

5.7. Breach of Policy

If an investigation results in a finding that an employee or contractor has engaged in conduct that is in breach of this procedure, that person(s) may be subject to disciplinary action up to and including dismissal.

5.8. Confidentiality

All complaints received by HRV are handled in the strictest confidentiality in accordance with HRV Privacy Policy (LRC-PO-005). Where HRV is required to disclose information to external agencies for investigation purposes, consent will be obtained from the individual(s) concerned except where such disclosure is required by law or a court/tribunal order.

6. RECORDS

Documents used to manage Complaints Handling Procedure will be produced in a format that allows tracking for verification and review purposes. Where records are produced, they will be stored in accordance with QMS-PR-001 Records Management.

All complaints are recorded and maintained in Sharepoint Complaints Register by the Head of Legal, Risk and Governance. The complaints register shows summary information concerning HRV's investigation and resolution of the complaint, and the response to the complainant, including all communications exchanged between HRV and the complainant.

Complaints investigated by Integrity team, in relation to breaches of the AHRR by licensed participants, owners, trainers, members of harness racing clubs are maintained in Information and Case Management System (ICMS).

7. REVIEW

This procedure will be subject to a planned review by General Manager - People and Culture, General Manager Integrity, and the Head of Legal, Risk and Governance in accordance with the requirements outlined in the Document Control Procedure QMS-PR-002. Other methods for reviewing and evaluating the performance of this procedure will include:

- Inspection and audit activity;
- Outcomes from performance reports identifying opportunity for improvement.

8. RELATED SYSTEM DOCUMENTS

Access to any of the references below shall be via the HRV intranet, manager, or supervisor in accordance with the Document Control Procedure.

- PC-PO-011 Grievance Policy
- ORG-FO-004 Complaint's receipt acknowledgment - Template
- ORG-FO-005 Guideline for Complaints Handling/Investigations



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- ORG-PR-001 Conflict of Interest Procedure
- LRC-PO-005 Privacy Policy
- LRC-PP-001 Public Interest Disclosure Policy and Procedure

9. REFERENCES

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Freedom of Information Act 1982 (Vic)
- Independent Broad-based Anti-Corruption Commission Act 2011 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Public Interest Disclosures Act 2012 (Vic)
- Racing Act 1958 (Vic)
- <https://www.thetrots.com.au/about-hrv/strategic-plan/>

10. AUDITABLE OUTPUTS

The following examples of records will be used to verify implementation of this procedure:

- Electronic/hardcopy complaints
- Guideline for Complaints Handling or Investigations
- Communication regarding the complaint
- Complaints register
- Conflict of interest declarations