

THE EFFECTS OF CORRUPT ACTIVITY, PERCEPTIONS OF CORRUPT ACTIVITY AND OF INTEGRITY INTERVENTIONS IN HARNESS RACING

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EXECUTIVE SUMMARY

From 2010 to 2015, Shayne Cramp dominated harness racing as a trainer in Mildura, Victoria. His father, Greg Cramp, worked with him and was heavily involved in the industry. From at least 2012, complaints of race fixing, irregular racing and of doping were made against the Cramps. Following a police investigation that commenced early in 2014, the Cramps were arrested and charged in February 2015 over allegations that included the fixing of a race in Mildura on 12 November 2014. They were then convicted in November 2015 in the Melbourne Magistrates Court of one offence each under section 195C of the *Crimes Act 1958* (Vic). On 4 November 2015, the Cramps were disqualified from participating in the industry for 12 years by HRV.

The localised nature of the conduct involved makes this a good case study of the effects of corrupt conduct in harness racing and of an integrity intervention to address that conduct. In this analysis, the circumstances of harness racing in Mildura as they were before the exclusion of the Cramps are compared with the situation that prevailed after their exclusion, and as against industry trends. **This analysis is supplemented by interviews with participants who were active in harness racing in Mildura during the relevant periods.**

Unfortunately, the available data concerning wagering was of limited assistance to the analysis. However, other statistics showed that during the period in which Shayne Cramp was the dominant trainer between 2010 and 2015, activity and participation levels by others declined relative to both historical local levels and by reference to average trends in the industry in Victoria. Then, following the Cramp's exclusion from the industry in 2015, activity and participation levels increased, again relative to both historical local levels and by reference to average trends in the industry in Victoria. In particular:

- The average number of horses entered to start each Mildura race meeting declined by 16%, then increased by 27%;
- Total starters at Mildura race meetings declined by 20.7%, then increased by 42%;
- Starters entered by other Mildura-based trainers declined by 10.7%, then increased by nearly 25%, with the number of starters entered by interstate trainers increasing by 62%; and
- Average attendance at Mildura harness race meetings declined by over 11%, then increased by 26%.

In most cases, these declines and subsequent increases are not explicable by similar trends experienced elsewhere in the industry, nor has any other factor been identified as being likely to be responsible for these trends. Even so, the coincidence of the declines experienced in the industry in Mildura with the period of Shayne Cramp's dominance as a trainer and of the increases with the Cramps' exclusion does not definitively establish cause and effect in relation to integrity: that corrupt activity or perceptions of corrupt activity on the part of the Cramps were responsible for the declines and that the removal of the Cramps on the proof of an integrity breach was responsible for corresponding increases in activity and participation.

Noting this, the links between activity levels in the industry and corrupt activity or perceptions of corrupt activity and the integrity intervention against the Cramps are nevertheless considered to be sound. The reasons for this include that the perception that a trainer is successful by using illegitimate methods, and who apparently gets away with it, may be expected to have a greater discouraging effect than where a trainer who is perceived to be legitimately successful. In Mildura, this assumption was strongly supported by the accounts of many interviewees. Then, while Shayne Cramp was dominant relative to the performance of other trainers, his horses only comprised 12.5 % of total starters and he did not train the winners of so many races that there were no opportunities left for other trainers: other trainers won about 70% of races during this period. Again, this lends support to the view that it was not Cramp's dominance of itself that suppressed the activity of others, rather it was the perceptions that illegitimate methods were being used to achieve this dominance and that the authorities were not taking action to prevent this. Further, factors such as fluctuations in attendance at Mildura harness race meetings do not appear to be influenced by the dominance of a trainer but are explicable by reference to perceptions of illegitimate conduct by a dominant trainer who is subsequently excluded.

In addition to the potential use of wagering data in the future, the following are suggested as key indicators of the effects of corrupt activity in harness racing when measured to determine variations against past levels and against any movements in industry averages:

- Overall race entries;
- Entries per race;
- Number of races per meeting;
- Number of meetings per year;
- Racecourse attendance levels;

- Number of registered trainers in the relevant area;
- Number of horses in work with the registered trainers;

A further factor that could be assessed is the number and type of complaint made by participants about alleged corrupt practices in the industry.

The case of the Cramps in Mildura illustrates the type of damage that actual or perceived corruption in harness racing can exact on the industry. This damage is in addition to the generally assumed negative impact of corruption on wagering on the sport. While a single instance of corruption, in and of itself, may have a lesser effect than a sustained course of corrupt conduct, there is no reason to consider that all acts of corruption do not lead to similar effects to those observed in Mildura.

In relation to the factors relevant to a court in sentencing those involved in corrupt activity in harness racing, it is observed that corruption such as race fixing is not a crime of passion but one involving substantial calculation. It is simply not explicable or excusable as a one-off ‘brain fade’ or as a crime of opportunity. Indeed, from the perspective of the effects of corrupt conduct on the industry, there is no such thing as a ‘one-off’ instance of race fixing. The industry is now relatively rife with ‘one -offs’, with each new incident adding to perceptions produced by prior incidents. It follows that the effects of any instance of corrupt conduct are both individually and cumulatively damaging to the industry. These effects go beyond the level of any personal financial benefit wrongly appropriated by the wrong doer in a single case. Apart from effects on wagering, the wrong doer’s actions deny other participants the benefits of legitimate competition and profoundly damage the very basis of competition upon which the sport is based, leading to the declines in participation by others of the type experienced in Mildura, ultimately threatening the on-going viability of the sport. Accordingly, while in a particular case a court must determine a sentence according to the wrong that has been proven before the court, it would appear to be an error of principle to approach the consideration of the damage caused by the corrupt conduct as if it was a one-off instance of individual conduct to be measured by the quantum of the financial windfall gained by the individual and somehow isolated from or unconnected to the broader industry.

Finally, the problem of group or team tactics as a form of race fixing as a problem for harness racing was highlighted during the analysis of the situation in Mildura. It is recommended that HRV satisfy itself that its rules and processes adequately address this issue.

1 INTRODUCTION

‘Corruption is one of the most dangerous social ills of any society. This is because corruption, like a deadly virus, attacks the vital structures that make for society’s progressive functioning, thus putting its very existence into serious peril.’¹

Harness Racing Victoria (‘HRV’) is a statutory body.² Its functions are to administer, develop and promote the sport of harness racing in Victoria.³ HRV has commissioned the Melbourne Law School on behalf of the University of Melbourne to conduct a study of the effects of actions by HRV and Victoria Police against Greg and Shayne Cramp.

Shayne Cramp was a leading harness racing trainer based in Mildura, Victoria. His father, Greg Cramp, worked with him in his harness racing activities and was heavily involved in the industry. Following a police investigation, the Cramps were charged and convicted in the Melbourne Magistrates Court of one offence each under section 195C of the *Crimes Act 1958* (Vic), one of the sports integrity provisions of the Act. The offences related to the fixing of a race in Mildura on 12 November 2014. On 4 November 2015, the Cramps were disqualified from participating in the industry for 12 years by HRV. This penalty was upheld on appeal in February 2016, by the HRV Racing Appeals and Disciplinary Board (‘RAD Board’),⁴ and then ultimately (in April 2017), by the Victorian Civil and Administrative Tribunal (‘VCAT’).⁵

This study examines whether the actions taken against the Cramps to protect the integrity of Victorian harness racing have produced any observable, wider effects in the sport: that is whether the exclusion of the Cramps from the industry has produced any effects beyond the exclusion of those individuals.

¹ J.T. Gire, ‘A psychological analysis of corruption in Nigeria’, (1999) 1 *Journal of Sustainable Development in Africa* 1.

² Established under section 39(1) of the *Racing Act 1958* (Vic).

³ Harness Racing Victoria, ‘About HRV’, www.thetrots.com.au/about-hrv/

⁴ *Shayne Cramp and Gregory Cramp v Harness Racing Victoria Board*, Harness Racing Victoria Racing Appeals and Disciplinary Board, 26 February 2016, <http://www.harness.org.au/userfiles/34/Cramp%20Shayne%20and%20Greg%20RAD%20Board%20hearing%2023%20Feb%202016.pdf>.

⁵ See *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471; *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472.

2 BACKGROUND

In 2017, Shayne Cramp was a 31-year-old harness trainer who was described as having worked in the harness racing industry all his life.⁶ Certainly, he had been licensed as stable hand or driver since the 1999/2000 season when he was a teenager, and as a trainer since the 2006/07 season.⁷ After commencing training, Shayne Cramp experienced only modest success for several years.⁸ Then, from 2009/10, immediately following his return from a period working in Perth with well-known and successful Western Australian trainer, Gary Hall Snr, Shayne Cramp began to dominate harness racing as a trainer in Mildura.⁹ When arrested in 2015, he was training approximately 40 horses. Shayne Cramp was the leading trainer in Mildura and generally only raced his horses there. He would often have two to four horses in each race.¹⁰ The dominance of Mildura harness racing by Shayne Cramp is discussed further below.

Greg Cramp had been a licensed trainer/driver since 1983. He had also been prominent in the harness racing industry in and around Mildura.¹¹

From at least 2012, multiple allegations of race fixing were levelled against Shayne and Greg Cramp.¹² Allegations of doping of horses and irregular betting were also made.¹³ It is reported that in March 2014, after a tip off from racing authorities, Victoria Police commenced an investigation into race fixing in the Mildura area.¹⁴

⁶ *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471, [21].

⁷ *Ibid*, [41]. This information was said to be derived from HRV records. HRV advise that Shayne Cramp was licensed as a trainer on 30 September 2005 but did not enter any horses in races until the 2006/2007 season: Neal Conder, Harness Racing Victoria email of 15 January 2010.

⁸ In the three years from the 2006/07 season to the 2008/09 season, the number of starters trained by Shayne Cramp was low compared to subsequent years, with only a small number of starters in 2006/07 (23) and in 2008/09 (7). In 2007/08, Shayne Cramp had 165 starters but achieved a winning success rate of only 6.7%. Shayne Cramp's dominance as a trainer began with his return from Western Australia in 2009/10: Harness Racing Victoria, 'Season by Season Performance for Shayne Cramp as a Trainer', 15 January 2020.

⁹ Harness Racing Victoria, 'Season by Season Performance for Shayne Cramp as a Trainer', 15 January 2020.
¹⁰ *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471, [21].

¹¹ *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472, [39].

¹² See Office of the Racing Integrity Commissioner, 'ORIC Intelligence Holdings Greg & Shayne Cramp', 31 October 2019.

¹³ See 'Greg and Shayne Cramp – Timeline' attached.

¹⁴ Adam Cooper, 'High profile father and son harness racing team avoid jail for betting fix' *The Age*, 3 September 2015.

Also in 2014, harness racing stewards charged both Shayne and Greg Cramp over irregular driving in separate incidents in which it was alleged that the drivers did not give their horses an opportunity of winning.¹⁵

In October 2014, as part of their investigation, the Victorian Police Sporting Integrity Intelligence Unit commenced monitoring the Cramps' telecommunications. This produced almost immediate results, with suspicious activity detected in relation to Mildura harness races on 29 October and 12 November 2014.

Suspicious activity involving Shayne Cramp was detected in race 6 at Mildura on 29 October 2014. Victoria Police subsequently charged that, in relation to this race, Shayne Cramp bet on a rival trainer's horse and ensured his own horse did not win in breach of ss 195C and 195D of the *Crimes Act 1958*. These charges were subsequently withdrawn, although it was established that Shayne Cramp had made a profit of \$750 from the arrangement.

Suspicious activity involving the Cramps was also detected in relation to Race 5 in Mildura on 12 November 2014. In that race, Shayne and Greg Cramp planned and carried out an arrangement by which three designated horses would finish 1st, 2nd and 3rd to produce a winning trifecta bet on the race. Shayne Cramp drove the winning horse and Greg Cramp drove the second placed horse. There was no evidence that the driver of the third placed horse was involved in the arrangement. Shayne Cramp was the trainer of the horses driven by himself and his father. He is known to have made \$820 from bets on the race. There was no evidence that Greg Cramp made any profit.

The Cramps were arrested by Victoria Police on 2 February 2015, and suspended on the same day by HRV stewards, pending an inquiry. The arrests were reported to have been the outcome of a 10-month investigation.¹⁶

On 3 September 2015, Greg and Shayne Cramp both pleaded guilty in the Melbourne Magistrates Court to one charge each of engaging in conduct that corrupts a betting outcome in contravention of section 195C of the *Crimes Act 1958* (Vic). Both Shayne and Greg Cramp

¹⁵ See 'Greg and Shayne Cramp – Timeline', entries for 13 June 2014 and 15 August 2014. The charge in relation to Shayne Cramp was overturned by the HRV RAD Board: see *Shayne Cramp v HRV Stewards* Harness Racing Victoria Racing Appeals and Disciplinary Board, 14 July 2014, <http://www.harness.org.au/userfiles/94/CRAMP-5.pdf>.

¹⁶ Rod Nicholson, Mark Buttler, Tom Minear, 'Police raid Mildura property of top harness duo over race-fixing', *Herald Sun*, 2 February 2015. The suspension was reported: see for example: 'Stewards suspend licences of Greg Cramp, Shayne Cramp', *Bendigo Advertiser*, 3 February 2015, <https://www.bendigoadvertiser.com.au/story/2857561/stewards-suspend-licences-of-greg-cramp-shayne-cramp/>

were convicted and sentenced to a Community Corrections Order for a period of 12 months, with Shayne Cramp required to perform 300 hours of community work and Greg Cramp 200 hours of community work. The fact that Shayne Cramp had made a profit of \$750 from the arrangement in relation to the 29 October 2014 race was taken into account in his sentencing in relation to the corrupt activity of 12 November 2014.

The magistrate (Magistrate Lethbridge) commented that while this type of offending often requires imprisonment, because the offending was isolated to one race, there was meagre financial reward for Shayne Cramp only, and because of the lack of sophistication of the arrangement, he considered the offence to be at the lower end of the scale. The convictions attracted significant publicity.¹⁷

On 30 October 2015, following a hearing before an HRV Sub-Committee, the HRV Board determined to disqualify Shayne and Greg Cramp from the industry for 12 years, backdated to 2 February 2015, when the Cramps' licences were originally suspended by the HRV stewards.¹⁸ This disqualification also attracted publicity.¹⁹

Both Shayne and Greg Cramp pursued appeals against the severity of their sentences. The findings of guilt were not challenged. The first appeal to the HRV RAD Board was dismissed on 29 February 2016.²⁰ The subsequent appeals to VCAT were dismissed on 7 April 2017.²¹

A timeline relating to developments in the Cramp's case, including the various allegations of corrupt activity, is attached as **Appendix 1**.

¹⁷ See for example: Wayne Flower, 'Mildura identities Shayne, Greg Cramp admit race fixing scam', *Herald Sun*, 3 September 2015; Peta Carlyon, 'Shayne and Greg Cramp: High-profile father and son plead guilty to harness race fixing', ABC News, 3 September 2015; Adam Cooper, 'High profile father and son harness racing team avoid jail for betting fix', *The Age*, 3 September 2015.

¹⁸ *Shayne Cramp and Gregory Cramp v Harness Racing Victoria Board*, Harness Racing Victoria Racing Appeals and Disciplinary Board, 26 February 2016, <http://www.harness.org.au/userfiles/34/Cramp%20Shayne%20and%20Greg%20RAD%20Board%20hearing%2023%20Feb%202016.pdf>.

¹⁹ See for example: ABC News, 'Prominent harness racing trainers Shayne and Greg Cramp banned for 12 years for race fixing', 30 October 2015, <https://www.abc.net.au/news/2015-10-30/prominent-harness-racing-trainers-banned-for-race-fixing/6900608>; Danny Russell, 'Harness racing pair Shayne and Greg Cramp cop 12 years for race fixing', *Herald Sun*, 30 October 2015.

²⁰ For a press report of this, see Mildura Independent, 'Shayne and Greg Cramp appeals dismissed – 12 year penalty remains', 1 March 2016, <http://www.milduraindependent.com/index.php/sport/2204-shayne-and-greg-cramp-appeals-dismissed-12-year-penalty-remains>.

²¹ *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471; *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472.

2.1 Dominance

Between 2010 and 2015, Shayne Cramp was the dominant harness racing trainer in Mildura. The table below shows that during this period, the horses trained by Shayne Cramp won at the rate of 28.8% and placed 30% of the time for a win/place strike rate of approximately 60% when Cramp trained only approximately 12.5% of starting horses.

Season	Starters	Wins	Winning %	Placings	Place %	Win and Place %	Stakes \$
2009/10	13	11	85%	1	9%	94%	\$30,544
2010/11	229	50	22%	72	31%	53%	\$211,499
2011/12	299	82	27%	95	32%	59%	\$342,643
2012/13	501	155	31%	141	28%	59%	\$703,293
2013/14	552	162	29%	170	31%	60%	\$826,707
2014/15	172	49	28%	52	30%	58%	\$250,830
2015/16	0	0	0%	0	0%	0%	\$0

The margins by which Shayne Cramp won the Mildura harness racing trainers' premiership illustrates his dominance. In the 2010/11 season, Shayne Cramp amassed 193 points. His nearest competitor scored only 97 points. In 2011/12, Shayne Cramp scored 332 points, his nearest competitor 108. He scored 589 points in 2012/13 to the second placed trainer's 101 points, and 552 points to the second placed trainer's 72 points in 2013/14. In 2014/15, Shayne Cramp only trained horses for less than half the season before being suspended yet still managed to win the trainers championship with 190 points to the second placed trainer's 99 points.

In contrast, in the two years following the exclusion of the Cramps, the points margin between the first and second placed trainers was nine points in 2015/16, and 25 points in 2016/17.

Also illustrating the unusual dominance of Shayne Cramp as a trainer, at one meeting at Mildura in 2014, he trained the winner of every race in an eight-race meeting, including a trifecta of runners in one race and quinellas in three others. Shayne Cramp drove three of the

winners and Greg Cramp two others.²² Cramp held an Australian national record for having trained six winners in a single race meeting five times.²³ He also trained four winners in a single race meeting a record 16 times.²⁴

Cramp's dominance was reported as having become 'the "norm" at Mildura'.²⁵

It is not clear why Shayne Cramp became so successful as a trainer from 2009. Whether it is credible that one trainer could consistently and legitimately achieve a win/place record that is so much better than any other trainer is not clear. It may be that there is a virtuous circle in that the owners of the best horses place their horses with the best trainers or that one trainer may apply training techniques that are more productive than those adopted by other trainers. Whether such factors can account for the extent of the dominance of Shayne Cramp is unknown. It is observed that Cramp's rise to dominance was precipitous.

It is also noted that it has been reported that doped harness racing horses have a very high winning rate (80%) but that no doping charges were ever brought against Shayne Cramp, notwithstanding that numerous allegations of doping had been levelled against him.²⁶

3 EFFECTS ANALYSIS OF INTEGRITY ACTION – GENERAL FACTORS

3.1 Detrimental effects of corrupt conduct on harness racing

The effects of corruption or perceived corruption in sport are widely considered to be negative, particularly in sports where wagering is a central element. Indeed, these negative effects constitute the purpose of the sports integrity provisions of the *Crimes Act*, which is 'to protect

²² 'Trainer sends out every winner on card!', Harness Link, 16 July 2014, <http://www.harnesslink.com/News/Australian-first---Cramp-trains-every-winner-at-Mildura>.

²³ 'Cramp dominates Mildura again', Harness Link, 13 November 2014, <http://www.harnesslink.com/News/Cramp-dominates-Mildura-again>.

²⁴ 'Cramp continues Mildura dominance', Harness Link, 20 November 2014, <http://www.harnesslink.com/News/Cramp-continues>. These records were set at Mildura.

²⁵ 'Cramp dominates again', Harness Link, 30 October 2014, <http://www.harnesslink.com/News/Cramp-dominates-again>.

²⁶ In other circumstances, it has been estimated that 80% of doped harness racing horses won their races: Tom Reilly, Chris Roots, 'Insider blew whistle on corruption in trotting', *Newcastle Herald*, 2 September 2011, <https://www.newcastleherald.com.au/story/934453/insider-blew-whistle-on-corruption-in-trotting/>.

the integrity of sports in Victoria, integrity which is vital if the confidence and passion of Victorian sports lovers is to be secured for future generations'.²⁷

Consistent with this, the HRV Sub-Committee that made recommendations to the HRV Board in relation to the Cramps exclusion from the industry observed:

This industry is driven by off course turnover and if people think that it is not clean ... it's not a clean set up well then they won't bet on it, (and) if they don't bet ... everybody suffers from breeders, people who want to have foals, the people at yearling sales, the people who pre-agist, the people that break in, if horses are not there and the horse population is dropping, everybody suffers. People walk away from it ... If you haven't got [betting] turnover, you haven't got a business.²⁸

In turn, the HRV RAD Board commented:

the criminal conduct each of these Appellants engaged in is conduct which had the significant potential to adversely affect the financial viability of the Harness Racing Industry in general, and therefore, that all of the countless people who are engaged in that industry in some way or another and do in part or wholly depend upon for their livelihoods.²⁹

In the Magistrates Court, Magistrate Lethbridge noted the capacity of the Cramps' corrupt conduct in undermining harness racing's reputation, the public confidence and the viability of the industry: 'it's the effect it has on the whole industry ... it threatens the whole industry [if] the public believe it is corrupt, the public won't support it. That threatens the whole industry [that] hundreds if not thousands of people rely on for their livelihood'.³⁰

²⁷ Attorney-General Robert Clark, *Crimes Amendment (Integrity in Sports) Bill 2013*, Second Reading Speech, Legislative Assembly, Parliament of Victoria, 7 March 2013, [http://hansard.parliament.vic.gov.au/?IW_DATABASE=*&IW_FIELD_TEXT=HOUSENAME%20CONTAIN%20\(ASSEMBLY\)%20AND%20SPEECHID%20CONTAINS%20\(40562\)%20AND%20SITTINGDATE%20CONTAINS%20\(7%20March%202013\)&Title=CRIMES%20AMENDMENT%20\(INTEGRITY%20IN%20SPORTS\)%20BILL%202013&IW_SORT=n:OrderId&LDMS=Y](http://hansard.parliament.vic.gov.au/?IW_DATABASE=*&IW_FIELD_TEXT=HOUSENAME%20CONTAIN%20(ASSEMBLY)%20AND%20SPEECHID%20CONTAINS%20(40562)%20AND%20SITTINGDATE%20CONTAINS%20(7%20March%202013)&Title=CRIMES%20AMENDMENT%20(INTEGRITY%20IN%20SPORTS)%20BILL%202013&IW_SORT=n:OrderId&LDMS=Y).

²⁸ Magistrate John Doherty, HRV Sub-Committee Chairperson, 'Considerations of the Sub-Committee', quoted in *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472, [81].

²⁹ *Shayne Cramp and Gregory Cramp v Harness Racing Victoria Board*, Harness Racing Victoria Racing Appeals and Disciplinary Board, 26 February 2016, <http://www.harness.org.au/userfiles/34/Cramp%20Shayne%20and%20Greg%20RAD%20Board%20hearing%2023%20Feb%2016.pdf>, [34].

³⁰ Magistrate Lethbridge, at transcript p 25 of the hearing held on 3 April 2015, quoted in *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472, [78]. See also Magistrate Patrick Southey quoted by Adam Holmes, 'Shelbourne harness racing trainer fined \$20,000 for fixing three country Victorian races', *Bendigo Advertiser*, 25 January 2018, as saying: 'If the public say "I don't trust it, I've had enough of it, I'll follow another sport", all those innocent hard working people will be impacted'.

Then, in VCAT, the tribunal observed:

The purpose of imposing penalties under the Australian Harness Racing Rules is primarily protective, to preserve the integrity of harness racing by imposing penalties sufficient to deter a guilty party from repeating the conduct (specific deterrence), send a message to the industry concerning the fate of those who offend against the rules (general deterrence) and to uphold the reputation of the industry with the betting public and the general public.³¹

Further, Senior VCAT Member Ian Proctor commented:

The telephone intercepts capture the casual amused nature of [Greg Cramp's] attitude to the corruption in which he engaged with his son. They would send a shiver of fear up the spine of the industry. If the community was to conclude this was "business as usual" for trainers and drivers, no one would place a bet'.³²

These assessments do not sit well with the conclusion of Magistrate Lethbridge that the offending of the Cramps was at the lower end of the scale because it was isolated to one race, there was meagre financial reward for Shayne Cramp only, and because the arrangement lacked sophistication.

It therefore becomes important to attempt to identify whether there is evidence that supports the general propositions as to the wider, detrimental effects of the corrupt activity of the Cramps. That evidence may support the value and effectiveness of industry measures designed to protect a sport's integrity and evidence the extent of damage caused by corrupt conduct in the industry.

In this regard, the case of the Cramps presents an opportunity to identify any such evidence that, in other circumstances, would not necessarily be detectable.³³ The benefit of examining the case of the Cramps is that their conduct occurred in a specific location over a definite

³¹ *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471, [78]; *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472, [76], citing *Corstens v Racing Victoria Limited (Occupational and Business Regulation)* [2010] VCAT 1106, 19.

³² *Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 471, [90]; *Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)* [2017] VCAT 472, [89].

³³ There are few empirical studies of the effects of corruption in sport, perhaps because it is difficult to isolate the effects of corrupt conduct in the data. This was suggested by M. Duggan, S. Levitt, 'Winning isn't everything: Corruption in sumo wrestling' (2002) 92(5) *American Economic Review* 1594, where sumo wrestling in Japan was empirically analyzed to conclude that the sport was marred by match fixing. For an empirical study that concluded that corruption in sport led to detrimental social effects, see M.E. Manoli et al, 'Does Corruption in Sport Corrode Social Capital?', 8 October 2019, ESAM.net.

period. The localised nature and timing of the conduct means that any effects in the Mildura area produced by the integrity actions taken against the Cramps are more likely to be influenced by those actions and less influenced by industry-wide factors. The effects may therefore be more readily detected by comparing the circumstances of harness racing in Mildura as they were before and after the exclusion of the Cramps, and as against industry trends.

3.2 A One-Off Incident of Corrupt Conduct and the Effects of Integrity Assurance Actions

On the basis of what was proven before him beyond reasonable doubt as a criminal offence, Magistrate Lethbridge, while noting the threat posed to the industry, appeared to consider the Cramps' offences as if they were isolated to one race. This is correct as a matter of fact in that the activity involved in fixing race 5 at Mildura on 12 November 2014 was a single case of race fixing. However, two issues arise from this. The first is the significance to be given to this fact in assessing the seriousness of the offence. This issue is discussed below, where it is suggested that to consider incidents of race fixing as isolated incidents is a flawed approach to assessing the seriousness of such incidents.³⁴ The second and related issue is the relevance of a one-off incident of race fixing in an assessment of the effects the integrity intervention that uncovered the race fixing.

In relation to this second issue of assessing the effects of an integrity intervention, it is to be noted that if the actions of the Cramps were only a one-off instance of corruption, then there is less - or no - reason to assume that the integrity intervention and the Cramps' subsequent exclusion from the industry would produce any detectable subsequent positive effects in the industry. The reason for this is that whether the industry in Mildura was perceived as being free of corruption or not at the time of a one-off integrity intervention, a one-off incident would not necessarily signal to others that the industry would be any different following the intervention. The action could not therefore be credited with contributing to any subsequent effects.

On the other hand, if the actions taken against the Cramps represented action that addressed more deep-seated and longer-standing perceptions of integrity problems in harness racing in Mildura, problems associated with the Cramps, then it is reasonable to assume that any positive effects resulting from the intervention would be more pronounced. This would confirm the

³⁴ See discussion below under the heading 'The Effects of Corrupt Activities'.

benefits of counter-corruption measures and initiatives and support the assumptions that are made as to the negative effects of race fixing and other corrupt activity in the industry.

In this regard, it is essential that the integrity actions against the Cramps were matters of public knowledge: integrity actions taken in secret could not be expected to influence the behaviour of others who are unaware of the actions. Here it is noted that the suspension, conviction and exclusion of the Cramps from harness racing were widely publicised.

As noted, a factor that potentially restricts the conclusions that can be drawn from specific integrity actions in harness racing - in this case, the actions against the Cramps in Mildura - is the wider perceptions of the integrity of the industry. That is, even if the action against the Cramps is viewed as positively addressing corruption in the sport, if the sport is nevertheless considered to be afflicted by continuing and more prevalent integrity issues, then the Cramps case may be insufficient to overcome those wider concerns. In this respect, it is observed that harness racing is perceived to have a wider problem with integrity.³⁵ Instead of diminishing their significance, any discernible positive effects achieved by the intervention against the Cramps, notwithstanding this poor perception of the industry, may therefore be considered more significant in evidencing both the damage caused by corrupt conduct and the value of integrity assurance actions.

3.3 Duration of Corrupt Conduct

Shayne Cramp expressed remorse and described his actions as a 'brain fade'; Greg Cramp described his actions as an 'on the spot' decision.³⁶ Notwithstanding this, and notwithstanding the sentencing of the Cramps on the basis of a single instance of corrupt conduct (albeit that Shayne Cramp's sentence included accounting for his profiting from betting on a horse in a

³⁵ See for example: Bren O'Brien, "Irrelevant and corrupt" – Does harness racing have a future?', [www.punters.com.au](https://www.punters.com.au/news/irrelevant-and-corrupt-the-trots-grim-future_164744/), 14 December 2017, https://www.punters.com.au/news/irrelevant-and-corrupt-the-trots-grim-future_164744/; Josh Robertson, 'An industry "disintegrating": Fixing scandal rocks the world of Queensland harness racing', ABC News, 28 December 2017, <https://www.abc.net.au/news/2017-12-28/race-fixing-rocks-the-world-of-queensland-harness-racing/9287696>; Tristan Rayner, 'What's happening to harness racing, and why does it keep happening?', www.theroar.com.au, 10 August 2017, <https://www.theroar.com.au/2017/08/11/whats-happened-harness-racing-keep-happening/>. A similar problem exists within the harness racing industry in New Zealand: see Mat Kermeen, 'How the outcome of a harness race could be fixed', stuff.co.nz, 6 September 2018, <https://www.stuff.co.nz/sport/racing/106865910/how-the-outcome-of-a-harness-race-could-be-fixed>. See also: Nick McKenzie, Michael Bachelard and Richard Baker, 'Top harness racing driver allegedly involved in race fixing', *Sydney Morning Herald*, 29 August 2016; AAP, '3 arrested in harness racing corruption probe' ABC News, 24 November 2011.

³⁶ Harness Racing Victoria, 'Shayne and Greg Cramp disqualified for 12 years', Media Release, 30 October 2015, http://www.harness.org.au/media-room/news-article/?news_id=27972.

race in which he drove another horse), this study proceeds on the basis that the Cramps case involves more than the potential impacts of a one-off instance of corrupt conduct.

The circumstances supporting this assumption include:

- The conduct for which the Cramps were convicted involved premeditation and planning. It was not a ‘spur of the moment’ action: ‘corruption is a crime of calculation, not passion’;³⁷
- There is a long history, from at least 12 January 2012, of allegations and complaints against the Cramps in relation to race fixing, irregular betting and doping of horses, these activities being alleged in 2012 to have already been happening over many years. ORIC records indicate 16 separate complaints/allegations between 2012 and 2015;
- Prior to the incident over which they were convicted, HRV Stewards had previously charged Shayne Cramp with failing to give his horse the best opportunity of winning (June and August 2014);
- Victoria Police were apparently aware of issues sufficient to support the commencement of an investigation at the start of 2014 and to then obtain permission to monitor the Cramps’ communications;
- Victoria Police began to monitor the Cramps telecommunications in October 2014. The activity that led to the Cramps’ convictions was detected within a month;
- Others were aware of and involved in at least some of the Cramps’ conduct eg Giuseppe Alicastro who was disqualified for 18 months for placing a bet on behalf of Shayne Cramp on a horse driven by another driver in a race in which Shayne Cramp drove another horse;
- While not convicted of an offence in relation to race 6 in Mildura on 29 October 2014, this conduct evidences other improper conduct, which was taken into account in Shayne Cramp’s sentencing;
- The circumstances involved at least the perception amongst those in the industry of a long-running course of corrupt conduct.³⁸

‘The Cramps were superstars of the sport in Victoria, although they were also suspected by many industry insiders to be corrupt. After they were arrested and suspended, there

³⁷ Robert Klitgaard, *Controlling Corruption* (1988, University of California Press).

³⁸ See also section 3.1 above.

was an increase in betting on races in which the Cramps usually competed. The increase in betting suggested punters had more confidence in the sport with the pair removed.’³⁹

3.4 When the Effects of Integrity Actions May Become Obvious

The suspension of the Cramps was effective from 2 February 2015. Nevertheless, it may be unreasonable to assume that all or any positive reactions by others to the actions taken against the Cramps would necessarily be observable immediately following this.

It is possible that the suspension of the Cramps by HRV stewards in February 2015 may have led to a reversal of some negative effects caused by the perception of Cramp’s corrupt activities from that time. However, the Cramps were only then suspended pending an investigation. It is therefore reasonable to consider that the public would have perceived that there remained a prospect that the Cramps could resume their involvement in the industry. Shayne Cramp had previously avoided a suspension by appealing a stewards’ decision.⁴⁰ Some industry participants, or potential participants, would therefore have refrained from taking any actions until the position was more certainly determined. For example, it is possible that new trainers contemplating entering the industry at Mildura or existing trainers with capacity to increase their activities at Mildura would refrain from doing so until it was clear that the Cramps would not be returning to the industry. Further, the lead times involved in some activities also would mean that measurable effects would not be immediately apparent.

Noting this, the relevant dates by reference to which the effects of integrity actions should be considered are:

- 2 February 2015 – suspension of Cramps by stewards;
- 3 September 2015 - Magistrates Court guilty pleas;
- 4 November 2015 - HRV Board announces disqualifications;
- 29 February 2016 – HRV RAD Board dismisses appeals;
- 7 April 2017 – VCAT decisions dismissing appeals.

³⁹ Nick McKenzie, Michael Bachelard and Richard Baker, ‘Top harness racing driver allegedly involved in race fixing’, *Sydney Morning Herald*, 29 August 2016, <https://www.smh.com.au/sport/top-harness-racing-driver-allegedly-involved-in-race-fixing-20160828-gr2yjk.html>.

⁴⁰ Harness Racing Victoria, ‘VIC – Shayne Cramp VCAT Review’, Media Release, 9 December 2014, http://www.harness.org.au/media-room/news-article/?news_id=25186.

If it is correct that other participants in the industry can be assumed to have waited upon the outcome of the investigation of the Cramps before altering their level or form of participation in the industry, then effects arising from the integrity actions against the cramps would be most likely to become apparent following their disqualifications at the end of 2015.

4 ASSESSMENT OF EFFECTS OF INTEGRITY ACTIONS

The assumptions that are made as to the detrimental effects of corrupt activity in harness racing have been outlined above.⁴¹ These assumptions are general and are described by reference to effects on the confidence in the industry and the related suppressing effect of corrupt conduct on wagering. The consequences of this for those who work and participate in the industry are then noted. In this case, it is possible go beyond generalised assumptions and to examine more granular factors that may evidence the effects of corrupt conduct on the industry. Particularly at the local level, effects beyond simply the suppression of wagering may be evident. In addition to wagering activity, adverse impacts on confidence in the industry caused by corrupt conduct may be evident from the activity of other participants.

Accordingly, factors relating to harness race meetings at Mildura to be examined are:

- Effects on wagering;
- The number of horses entered to start in each race meeting;
- The number of race meetings held;
- Spectator attendance levels;
- Trainer activity; and
- The number of trainers active in the Mildura region.

These factors are examined by reference to the period during which Shayne Cramp was most active as a trainer – from 2010 to 2015 when he was suspended. The levels of activity evidenced by these factors are then compared with the period following 2015 to 2018. Analytically, these factors are valuable tools as they are quite specific to Mildura and the influence of issues associated with the Cramps may be more easily isolated.

⁴¹ See section 3.1 above.

The analysis that follows draws on two types of information. First, interviews were conducted with individuals involved in harness racing at Mildura during the relevant periods. Second, data relating to the various factors is examined.

5 PARTICIPANT INTERVIEWS

Eighteen individuals involved in harness racing in Mildura over the relevant period were interviewed. These persons' involvement in the industry was as trainers, drivers, stewards, owners, committee members and club officers. These interviews were conducted on a confidential basis.

The purpose of the interviews was not to gather evidence on specific incidents, but for the purpose of providing general information that could inform the analysis of the situation in Mildura during the Cramp 'era' and in the period following the Cramps' suspension and exclusion from the sport.

5.1 Participant Feedback

While not universal, the feedback from the participants who were interviewed was substantially consistent: there was a widespread perception that the Cramps had been cheating over a long period, including suspicions that they doped their horses.

Some participants conceded that not every race was fixed and that the Cramp's success enabled them to attract a better class of horse and a large number of horses. This in turn boosted Shayne Cramp's chances of success. It was also conceded that Cramp was a good trainer and there were accounts of him applying more modern training techniques. One participant noted that people thought that Shayne Cramp's success 'put Mildura on the map', but that it nevertheless had a really detrimental impact within the industry. That is, notwithstanding Cramp's training prowess, his training was tainted by perceptions of cheating over a sustained period.

One common complaint was that the Cramp stable would have multiple runners in the same race and that the stable adopted 'team' or 'group' tactics. The chances of one of two of the Cramp's stable's runners would be sacrificed if necessary, to challenge and tire out any rival horse, with the Cramps' favoured horse 'taking a sit' and coming through at the end of the race. There were also inconsistent performances from Cramps' horses: it was not always the favourite that would be the presumed choice of the stable for the win.

Many participants stated that they felt that they were not competing on an even playing field. The perception was that the domination of the Cramps was due to cheating. A number of trainers questioned the credibility of the training results obtained by Shayne Cramp, questioning the likelihood of improvements of 80-120 metres in horses being obtained simply by good training techniques.

There was a widespread dissatisfaction amongst participants, including talk of a trainer boycott. A number of accounts were advanced of people getting out of the industry because of the Cramps' involvement, including one of those interviewed who did leave and others who were on the verge of leaving. The situation was described as 'soul destroying for the industry'. Smaller hobby trainers were described as being the first to go and they have not returned to the industry. Others described accounts of between 7-9 and of up to 13 trainers who left the industry because of the Cramps. One trainer described how he could not attract new owners and battled to keep his existing owners.

Rival trainers contended that it was not the fact of their horses being beaten by Cramp-trained horses that caused the dissatisfaction, but the concern that cheating was involved. Many complained of 'not competing on an even playing field.'

The stewards were criticised for perceived 'inaction'. In response, it was observed that 'people knew they (the Cramps) were cheating but you have got to have the proof.' The period was described as 'the saddest time in harness racing history in Mildura'. There was a sense of: 'what's the point of continuing?' One participant described the situation as everybody being defeated, deflated and frustrated at what seemed to be a complete lack of interest in the authorities in trying to regulate what the Cramps were up to. There was said to still be a lingering frustration that a situation of really overt cheating had been allowed to persist for two to three years.

One participant suspected the Cramps of betting overseas, as otherwise there was no evidence of significant returns for their actions.

Many described a culture of 'intimidation' –a 'toxic' culture. One incident in which Shayne Cramp drove his horse into another horse after they had crossed the finishing line (which led to a suspension for Shayne Cramp) was well known amongst participants. Participants described how it was generally thought that this was something that could happen to them if they did something that interfered with the Cramps race plans. It 'put the fear of God into other people'. Other observations were to the same effect, including one participant who commented

that: ‘If you led in a race at Mildura you knew you were going to cop it. It was a horrible era and it drove people away from the sport.’

Wider effects of the Cramp’s behaviour included that stewards did not want to be rostered on in Mildura. There was also an account of one driver who refused to return to drive in Mildura.

In contrast were the descriptions of the positive effects since the Cramps’ exclusion – more people were described as coming back into the sport and the atmosphere was ‘100% different’ (interrelationships more cordial, positive). Numerous participants spoke of an immediate and drastic change.

There was a general perception that trainers now have more horses in work, and that more trainers are coming from interstate because the Cramps are no longer around. There was also said to be a perception that harness racing in Mildura was now a lot cleaner. There is now a level playing field and competition is better.

As noted, these views were not unanimous. One interviewee considered that turnover was down since the Cramps’ exclusion and, together with one other participant, attributed the bad feelings of other participants towards the Cramps to jealousy. One other participant also considered that, while racing at Mildura was initially cleaner following the Cramp’s bans, another problem involving improper race tactics had since arisen.⁴² A number of Shayne Cramp’s former owners considered his exclusion had lowered the standard of trotting in Mildura and was the reason why these owners had ceased or reduced their involvement in the industry at Mildura.

These accounts of participants need to be assessed together with any changes evidenced by data relating to harness racing in Mildura during the relevant periods.

⁴² This new problem was suspect actions during races. These actions were alleged to involve a group of drivers who travelled together from elsewhere in Victoria to participate in harness race meetings at Mildura. Perceptions of this problem existing were shared by some other interviewees.

6 DATA ANALYSIS

6.1 Wagering

Anecdotal evidence of an increase in wagering as a result of the exclusion of the Cramps has been noted, it being suggested that ‘punters had more confidence in the sport with the pair removed.’⁴³

However, general wagering statistics that would support any definitive conclusion regarding the effects of any corrupt conduct by the Cramps and of the integrity actions taken against them is difficult to obtain. Turnover data is only available in a consistent and reliable format from 1 September 2013. Further, technological changes in the way punters may place bets, the growth in sports betting and the changing role of corporate Wagering Service Providers (‘WSP’) has altered the nature of the wagering market during the relevant periods. Moreover, only two of the WSPs operated on all Mildura harness race meetings between 2013 and 2018.⁴⁴

Table 1 below outlines the betting turnovers of the two WSPs that offered betting markets on Mildura harness race meetings, the Victorian TAB, and the interstate TABs for the period 2013-2018. The only consistent, obvious trend from the figures is the increase in market share of the WSP, Ladbrokes. Otherwise, there are fluctuations in betting turnovers that have no obvious relevance. Other factors such as the introduction of a point of consumption tax in 2018 and the number of races run each year are also noted as impacting on betting turnovers.⁴⁵

Table 1: Mildura Harness Race Meeting Betting Turnover 2013-2018⁴⁶

	bet365	Ladbrokes	Vic TAB	Interstate TABs	Total
2013	\$5,339.32	\$5,464.47	\$42,270.30	\$71,094.49	\$124,168.58
2014	\$8,728.21	\$6,517.64	\$43,267.44	\$80,721.30	\$139,234.59
2015	\$6,272.77	\$9,578.43	\$42,609.71	\$77,273.43	\$135,734.25
2016	\$5,242.77	\$14,469.22	\$42,389.58	\$75,087.41	\$137,188.60
2017	\$4,526.28	\$19,825.03	\$39,016.83	\$71,799.92	\$135,168.06
2018	\$4,682.69	\$21,986.73	\$37,888.01	\$69,001.61	\$133,559.04

⁴³ See for example: Nick McKenzie, Michael Bachelard and Richard Baker, ‘Top harness racing driver allegedly involved in race fixing’, *Sydney Morning Herald*, 29 August 2016, <https://www.smh.com.au/sport/top-harness-racing-driver-allegedly-involved-in-race-fixing-20160828-gr2yjk.html>.

⁴⁴ Harness Racing Victoria, 16 December 2019.

⁴⁵ Harness Racing Victoria, Annual Report 2018/19.

⁴⁶ Source: Harness Racing Victoria, 16 December 2019.

6.2 *Mildura Race Meetings*

Table 2 below contains statistics relating to race meetings at Mildura and compares them with state-wide statistics for the period 2011 to 2018. This information forms the basis of a number of observations that follow.

Table 2: Mildura and Victoria Harness Race Meetings⁴⁷

Year	Number of Meetings		Average Races Per Meeting		Average Starters per Meeting		Average Starters per Race		Average Attendance	
	Mildura	Victoria	Mildura	Victoria	Mildura	Victoria	Mildura	Victoria	Mildura	Victoria
2011	35	497	8.3	8.0	77.4	78.4	9.3	9.8	441	441
2012	36	475	8.1	8.2	73.6	80.2	9.0	9.7	447	473
2013	37	456	8.0	8.3	71.8	79.2	9.0	9.5	454	442
2014	37	458	7.8	8.4	67.8	77.3	8.7	9.2	402	421
2015	33	460	7.7	8.4	65.1	76.2	8.4	9.1	391	381
2016	38	459	7.7	8.1	67.1	71.6	8.7	8.7	393	390
2017	31	446	8.7	8.6	76.2	76.0	8.7	8.8	421	390
2018	37	438	9.5	8.8	82.5	74.4	8.7	8.4	493	402

⁴⁷ Source: Harness Racing Victoria, 16 December 2019.

6.2.1 Races and Starters per Race Meeting

The perception of corrupt conduct in Mildura harness racing may have had the effect of discouraging other participants from taking part in the industry in Mildura. One manifestation of this may be evident in the willingness of harness racehorse owners and trainers to enter horses in races at Mildura.

Table 2 above shows that the average number of horses entered to start each race meeting at Mildura declined each year from shortly after the beginning of Shayne Cramp's dominance as a trainer in 2011 until 2015, the year in which the Cramps were first suspended. This was a decline of nearly 16%. This consistent rate of decline was not reflected in the state-wide average of starters per race over the same period.⁴⁸

Table 3: Average Number of Starters Per Race, Mildura and Victoria

Year	Average Starters per Meeting Mildura	Average Starters per Meeting Victoria
2011	77.4	78.4
2012	73.6	80.2
2013	71.8	79.2
2014	67.8	77.3
2015	65.1	76.2
2016	67.1	71.6
2017	76.2	76.0
2018	82.5	74.4

Since 2015, however, the average number of starters per race meeting at Mildura has increased each year, from 65.1 to 82.5, an increase of nearly 27%. Moreover, this increase runs counter to the decline which has been experienced in the state-wide average of starters per race meeting (from 76.2 to 74.4).

Consistent with and perhaps consequent upon the increase in average starters per race meeting in Mildura since 2015, the average number of races per meeting has also increased over the same period. Again, this increase in Mildura also reflects a divergence from the state-wide average number of races per meeting:

⁴⁸ The state-wide average was more volatile, trending initially up, and then experiencing a small decline.

Table 4: Average Number of Races per Meeting, Mildura and Victoria

Year	Average Races per Meeting Mildura	Average Races per Meeting Victoria
2011	8.3	8.0
2012	8.1	8.2
2013	8.0	8.3
2014	7.8	8.4
2015	7.7	8.4
2016	7.7	8.1
2017	8.7	8.6
2018	9.5	8.8

These statistics support the perceptions of those participants who were interviewed who identified a decline in activity during the period of Shayne Cramp's dominance, followed by increased activity levels. It is observed that the increase in activity levels has occurred notwithstanding that a number of owners who formerly placed their horses with Shayne Cramp have left the industry in Mildura.

6.2.2 Number of Mildura Harness Race Meetings

For the same reason that the number of horses entered to participate in races may indicate the effects of corrupt activity, a serious decline in the demand for harness races in Mildura may affect the number of meetings held.

However, Table 2 indicates that the number of race meetings held at Mildura over the relevant periods was relatively stable.⁴⁹

The decline in the number of starters from 2011 to 2015 does not appear to have been large enough to have caused any race meetings at Mildura to be cancelled. On the other hand, the subsequent increase has not led to new meetings being added (more than 37 per year) but this

⁴⁹ The abnormally low meetings held in 2015 and 2017 are explicable by other factors. Principally, in 2015, three Ouyen race meetings that were normally held at Mildura were conducted at Swan Hill. In 2017, one race meeting was abandoned due to the weather and two Ouyen race meetings were conducted at Ouyen instead of Mildura.

is apparently due to constraints on the availability of the racetrack rather than a lack of demand.⁵⁰

6.2.3 Race Meeting Attendance

The number of people attending race meetings at Mildura is a factor that most directly reflects the popularity of harness racing in the region.

The figures in Table 2 illustrate that the average attendance at harness race meetings in Mildura declined by over 11% between 2011 and 2015, but then increased each year to 2018 for an increase of 26%. This pattern is not reflected in the state-wide attendance figures. While the state-wide average attendance figures also declined between 2011 and 2015 (by 13.6%), the rate of increase in state-wide average attendance since 2015 (i.e. 5.5%) has been less than the 26% increase experienced at Mildura.

Table 5: Average Number of Races per Meeting, Mildura and Victoria⁵¹

Year	Average Attendance per Meeting Mildura	Average Attendance per Meeting Victoria
2011	441	441
2012	447	473
2013	454	442
2014	402	421
2015	391	381
2016	393	390
2017	421	390
2018	493	402

These statistics support the perceptions of participants who considered that there had been a decline in the popularity of harness racing in Mildura during the Cramp era and who considered that the environment at the Mildura racecourse was now more vibrant.

⁵⁰ The CEO of the Mildura Harness Racing Club, Michelle McGinty-Wilson, indicated that the multi-user nature of the Mildura harness racing facility restricts the club from staging more than 37 race meetings per year.

⁵¹ Average attendance at Mildura is boosted by high attendance at the annual Mildura Cup Carnival, which attracts large crowds including over 2,000 people for the Saturday night race meeting.

6.3 Trainer Activity

The dominance of one trainer deprives others of success and concentrates rewards of success in harness racing in the hands of the dominant trainer. Shayne Cramp was dominant from 2011 to 2015. This dominance may have had the effect of discouraging participation by other trainers. It is not clear however, whether it would be reasonable to expect this dominance to lead to any other effects, for example reducing attendance or suppressing wagering for the reason that harness races are, at least in theory, contested by individual horses rather than as contests between trainers' stables.

Noting this, the dominance of Shayne Cramp and his subsequent exclusion from the industry does appear to have had effects on the activities of other trainers.

Table 6: Starters per Trainer⁵²

Year	Local Trainers	Intrastate Trainers	Interstate Trainers	Shayne Cramp	Total Starters
2011	1742 (64.3%)	509 (18.8%)	272 (10.0%)	187 (6.9%)	2710
2012	1753 (66.1%)	485 (18.3%)	137 (5.2%)	276 (10.4%)	2651
2013	1723 (64.8%)	353 (13.3%)	154 (5.8%)	428 (16.1%)	2658
2014	1654 (65.9%)	225 (9%)	210 (8.4%)	420 (16.7%)	2509
2015	1555 (72.4%)	336 (15.6%)	223 (10.4%)	34 (1.6%)	2148
2016	1934 (75.9%)	252 (9.9%)	362 (14.2%)	0	2548
2017	1937 (78.3%)	213 (8.6%)	324 (13.1%)	0	2474
2018	2334 (76.4%)	358 (11.7%)	362 (11.9%)	0	3054
Total	14632	2731	2044	1345	20752

During the period of Shayne Cramps dominance as a trainer, the number of starters entered by other Mildura-based trainers declined (from 1742 in 2011, to 1555 in 2015), as did the total number of starters (from 2710 in 2011 to 2148 in 2015).⁵³

⁵² Source: Harness Racing Victoria. 16 December 2019.

⁵³ The decline in starters entered by other local trainers is not therefore explained by a corresponding increase in the number of starters entered by Shayne Cramp.

Then, in 2016, the year immediately following the exclusion of the Cramps from harness racing, a substantial increase in the number of starters entered by both local and interstate trainers occurred. Between 2015 and 2016, the number of starters entered by local trainers increased by nearly 25% (from 1555 to 1934) and the number of starters entered by interstate trainers by 62% (from 223 to 362). These increases have continued in the case of local trainers and been maintained in the case of interstate trainers.⁵⁴ In relation to the involvement of interstate trainers, it is important to note that HRV considers that ‘interstate support is important to the local industry as it presents competition and a variety in fields which will attract wagering, rather than the same horses week-in and week-out’.⁵⁵

Overall, the number of total starters at Mildura race meetings, which had declined each year from 2011 to 2015 (from 2710 to 2148), increased by 18.6% in 2016 (2548 starters) and has continued to increase from 2015 to 2018 (to 3054 starters i.e. a 42% increase).

These statistics confirm the views of participants as to the decline and subsequent increase in activity at the Mildura course.

6.4 Number of Trainers

Table 7 sets out the number of licensed trainers in the Mildura region and in Victoria between 2010 and 2018:

Table 7: Licensed Trainers in Mildura Region and Victoria 2010-2018⁵⁶

Season	No. of Licensed Trainers - Mildura Region	No. of Licensed Trainers - Victoria
2010/11	60	1,460
2011/12	62	1,405
2012/13	59	1,368
2013/14	59	1,300
2014/15	54	1,247
2015/16	51	1,224
2016/17	47	1,196
2017/18	48	1,141

⁵⁴ The number of starters entered by intrastate trainers has fluctuated over the period with no obvious reason.

⁵⁵ Harness Racing Victoria, ‘Analysis of Data for Mildura Race Meeting between 2011 and 2018’, 16 December 2019.

⁵⁶ Source: Harness Racing Victoria. 16 December 2019.

The number of licensed trainers in the Mildura area declined during the period of the Cramp's dominance from 60 in 2010/11 to 51 in 2015/16, a decline of 15% (or a decline of 18% from the high of 62 trainers in 2011/12). This is broadly consistent with the 16.2% decline in state-wide in trainer numbers between 2010 and 2015.

However, the decline in trainer numbers in Mildura fell relatively precipitously (13.5%) in the two years from 2013/14 (59 trainers) to 2015/16 (51 trainers). This decrease far exceeded the state-wide average decline in these two years of 5.8%.

The decline in trainer numbers in Mildura also appears to have now stopped, with a slight increase in the number of trainers between 2016/17 and 2017/18. This trend is not reflected in the state-wide numbers, which have continued to decline.⁵⁷

Again, these statistics regarding trainer numbers are broadly consistent with the perceptions of those participants who provided accounts of trainers based in Mildura having left the industry during the period of the Cramps' domination, followed by an improvement in the level of activity of trainers.

7 DISCUSSION

7.1 The Wagering Data Gap

The limited discussion that appears to have taken place of the effects of the integrity action taken against the Cramps in Mildura has focussed on perceived changes in wagering activity arising from those actions. However, as the analysis above indicates, the available wagering statistics reveal only an incomplete picture, making it difficult to draw any conclusions as to trends in wagering on Mildura harness races.

It is possible to speculate that changes experienced in areas of activity other than wagering would also be commensurately reflected in developments in wagering. So, for example, it may be reasonable to assume that wagering on Mildura harness races would have trended in the same direction and in proportion to trends in other areas: if average attendance at Mildura harness race meetings has increased by 26%, then it may be reasonable to assume that on-

⁵⁷ Harness Racing Victoria, 'Analysis of Data for Mildura Race Meeting between 2011 and 2018', 16 December 2019; Harness Racing Victoria, 'Key Industry statistics' 2005-2019.

course wagering would have increased by a similar percentage.⁵⁸ However, a definitive conclusion on this is not possible on the current data.

Moreover, wagering data (if it was available) may be difficult to analyse. For example, it is not clear whether the alleged improper activity of the Cramps was so widely known outside the industry in Mildura as to have influenced betting levels elsewhere or on an aggregate basis. Further, there is the problem that in the short-term, the action against the Cramps may both have contributed to the perception that the industry had an integrity problem (suppressing betting). Conversely, it may have reinforced a perception that the industry was being ‘cleaned up’ (encouraging betting), making it difficult to attribute any trends in wagering to specific causes. Analysis is also made difficult if it is true that betting activity on harness racing is more likely to be influenced by general perceptions of corruption in the industry than local issues. More substantively, reputation is a fragile commodity that is likely to require long-term and sustained industry-wide action to repair once damaged. Effects of specific integrity actions, such as those involving the Cramps, on betting activities may only be evident over the long-term.

Nevertheless, the lack of relevant data regarding wagering is a serious analytical gap, particularly considering the fundamental importance of wagering turnover for the sport. It is one thing to be able to conclude that wagering data does not provide assistance in assessing effects relating to corruption; it is another thing entirely to lack adequate data to analyse. It is not clear that relevant data would not be possible to accumulate, and it is recommended that steps be taken to identify how such information could be gathered.

7.2 The Picture Drawn by Trends in Other Factors

While the lack of a coherent picture as to trends in the wagering on harness races at Mildura presents as a gap in the data, the statistics available in other areas do appear to establish a clear picture. Two effects are observed.

First, during the period in which Shayne Cramp was the dominant trainer, activity and participation levels by others declined relative to both historical local levels and by reference to average trends in the industry in Victoria.

⁵⁸ Note: Aggregate levels of on-course wagering are now more difficult to determine, with punters now having the capacity to bet using phone and on-line accounts, rather than being limited to betting using the on-course facilities.

Second, following the Cramp's exclusion from the industry, activity and participation levels increased, again relative to both historical local levels and by reference to average trends in the industry in Victoria.

The average number of horses entered to start each Mildura race meeting declined by 16%, then increased by 27%.

- The average number of horses entered to start each race meeting at Mildura declined each year for a total decline of nearly 16% from shortly after the beginning of Shayne Cramp's dominance as a trainer in 2011 until his suspension in 2015, a consistent rate of decline that was not reflected in the state-wide average of starters per race over the same period;
- Since 2015, the average number of starters per race meeting at Mildura has increased each year, from 65.1 to 82.5. This increase of nearly 27% is more significant in that it runs counter to the decline of 2.4% which has been experienced in the state-wide average of starters per race meeting.

Total starters at Mildura race meetings declined by 20.7%, then increased by 42%.

- On a yearly basis, the number of total starters at Mildura race meetings declined by 20.7% from 2011 to 2015. The number of starters per year then increased by 18.6% in 2016 alone, and by 42% from 2015 to 2018.
- The average number of races per meeting in Mildura has also increased since 2015, again a trend that is more significant in exceeding the state-wide average number of races per meeting between 2015 and 2018.

Starters entered by other Mildura-based trainers declined by 10.7%, then increased by nearly 25%, with the number of starters entered by interstate trainers increasing by 62%.

- During the period of Shayne Cramps dominance as a trainer, the activity of other trainers declined. The number of starters entered by other Mildura-based trainers declined by 10.7%. Then, between 2015 and 2016, the number of starters entered by local trainers increased by nearly 25% and the number of starters entered by interstate trainers by 62%.
- The number of licensed trainers in the Mildura area declined by 15% during the period of the Cramp's dominance (or by 18% from 2011/12). This is broadly consistent with the 16.2% decline in state-wide in trainer numbers between 2010 and 2015. However, the decline in trainer numbers in Mildura appears to have now stopped, with a slight

increase in the number of trainers between 2016/17 and 2017/18. This turnaround is not reflected in the state-wide numbers, which have continued to decline.

Average attendance at Mildura harness race meetings declined by over 11%, then increased by 26%.

- The average attendance at harness race meetings in Mildura declined by over 11% between 2011 and 2015, but then increased by 26% to 2018. While the state-wide average attendance figures also declined between 2011 and 2015 (by 13.6%), the subsequent rate of increase experienced at Mildura has been nearly five times the increase in state-wide average attendance since 2015 (i.e. 5.5%).

The position then is stark: the period of Shayne Cramp's dominance as a trainer at Mildura coincided with declines in activity and participation levels. Following the integrity actions taken against Shayne and Greg Cramp in 2015, a significant rebound in activity and participation levels was experienced. In most cases, these declines and subsequent increases are not explicable by similar trends experienced elsewhere in the industry, nor has any other factor been identified as being likely to be responsible for these trends.

7.3 Corrupt Conduct - Cause and Effect

Nevertheless, the coincidence of the declines with the period of Shayne Cramp's dominance and of the increases with the Cramps' exclusion does not definitively establish cause and effect in relation to integrity: that corrupt activity or perceptions of corrupt activity on the part of the Cramps were responsible for the declines and that the removal of the Cramps on the proof of an integrity breach was responsible for corresponding increases in activity and participation. In particular, it is possible that the declines experienced during the period of Shayne Cramp's dominance as a trainer may simply indicate that other participants who would have entered horses or otherwise participated in the industry were discouraged, not by corrupt activity as such, but by the dominance of Shayne Cramp as a trainer. Certainly, two interviewees alleged that others were jealous of the Cramps' success. However, there are significant factors that support the association of the declines and subsequent increases with integrity issues and which tend against the trends in activity and participation being simply attributable as the effects of one trainer's dominance.

First, the effects produced by the dominance of a trainer who uses legitimate training methods to achieve success may be expected to be different to the effects of the dominance produced

by a trainer who uses corrupt means to achieve success. A perception that a trainer is successful by using illegitimate methods, and who apparently gets away with it, may be expected to have a greater discouraging effect (by, for example, leading others to conclude that their legitimate efforts will not be rewarded, that it is necessary to cheat to succeed, and the region is controlled by an established cheat) than where a trainer who is perceived to be legitimately successful (and therefore to be admired and perhaps emulated). While losing is an inherent likelihood in sport, losing because a competitor has or is perceived to have an unfair advantage - because there is not an even playing field – is antithetical to participation in sport. In Mildura, this assumption was strongly supported by the accounts of many interviewees.

Second, while Shayne Cramp was dominant relative to the performance of other trainers, his horses only comprised 12.5 % of total starters and he did not train the winners of so many races that there were no opportunities left for other trainers. Shayne Cramp's winning percentage was high, but it was less than 30%, meaning that other trainers won about 70% of races during this period. Again, this lends support to the view that it was not Cramp's dominance of itself that suppressed the activity of others, rather it was the perception that illegitimate methods were being used to achieve this dominance and that the authorities were not taking action to prevent this. For example, other trainers could not avoid coming up against Cramp in a race in which he had multiple starters and where he would use methods such as group racing tactics.

Third, while trainer dominance may influence some factors, particularly those that measure the activity of other trainers, it is not clear why a factor such as average attendance levels would be adversely influenced by the dominance of a trainer. Certainly, variations in attendance are not obviously explicable by jealousy on the part of prospective racegoers. In other circumstances, punters flock to see champion horses and support champion trainers. On the other hand, the decline and increase in attendance levels experienced in Mildura is explicable if integrity issues were involved. For example, a perception that the outcomes of races were being manipulated and that accordingly, assessments of form normally made by members of the public could not be relied upon would be expected to discourage interest and attendance. The fact that average attendance has followed the same trend as other factors discussed but where average attendance cannot be dismissed as the product of trainer dominance supports the conclusion that integrity issues rather than mere dominance was the relevant cause for all factors.

7.4 Key Indicators

Following from this analysis, in addition to the potential use of wagering data in the future, the following are potential key indicators of the effects of corrupt activity in harness racing when measured to determine variations against past levels and against any movements in industry averages:

- Overall race entries;
- Entries per race;
- Number of races per meeting;
- Number of meetings per year;
- Racecourse attendance levels;
- Number of registered trainers in the relevant area;
- Number of horses in work with the registered trainers;

It is noted that Harness Racing Victoria measures these and various other key statistics on an industry basis. Some of the measures included in Harness Racing Victoria's Key Industry Statistics but not addressed here may also indicate adverse effects from localised perceptions of corrupt activity e.g. number of drivers, stablehands or breeding activity (sires, foals, namings, services). It is likely that these other measures would reinforce any trends shown by the measures listed above, but it is unlikely that these factors would establish any independent trend.

It is also observed that by their nature, these key indicators are most directly indicative of systemic or prolonged, localised corrupt activity or of perceptions of such activity.

7.4.1 The Purpose of Analyses

In considering the effectiveness of integrity actions, it is necessary to distinguish between two separate but related purposes for which analyses may be conducted or used.

First, in relation to detected corrupt activities, analyses may be used to illustrate the effects of corruption in the sport and the positive impacts of addressing that corruption. These types of analysis may be of general or industry-wide factors, or they may be specific to the effects of an individual case, as in the analysis here. Analyses of detected corruption are the type of analysis showing the damage caused by corrupt activity that may be put before and explained to a court for sentencing purposes.

This study is a contribution in this area. Unfortunately, there are few empirical studies of this type available to HRV.

Second, analyses may be used to attempt to identify whether undetected corruption may be occurring and whether further investigation and action may be warranted. Integrity units typically closely monitor unexplained movements in betting. Analysis of the factors examined here would appear to have the capacity to supplement that wagering analysis.

From this perspective, it may be that the situation in Mildura warranted greater scrutiny and action from stewards and HRV from the time when local trends inconsistent with industry averages became apparent in the period after 2010 (and certainly from 2012 when complaints were made to the ORIC), and sooner than the commencement of an investigation in 2014.

7.4.2 Complaints

The case of the Cramps also the potential usefulness of other factors, perhaps as part of a risk assessment process. One such other indicator of perceptions of corrupt activity, if not evidence of that activity itself, is the number and type of complaints made by participants about alleged corrupt practices. In the Cramps' case, stewards were aware of widespread dissatisfaction with the conduct of racing in Mildura. In addition, numerous complaints about the Cramps were made to the ORIC over a number of years prior to the commencement of a formal investigation at the beginning of 2015.

HRV does monitor complaints from external parties and records all complaints on its Intelligence and Case Management system. These complaints are then assessed and go through an intelligence process and then managed internally and subsequently investigated if that is required.

The experience at Mildura suggests that these complaints processes could be re-examined by HRV to identify whether improvements could be made. In particular, consideration could be given to the appropriate thresholds or factors that would justify further investigation, including assessing whether complaints coincide with trends in other key indicators. Consideration could also be given to establishing a process for the submission of confidential information or a whistle-blower type mechanism. HRV do have an integrity hotline number (03 9214 0651) and email address (integrity@hrv.org.au) and have a report suspicious activity form whereby people can submit their integrity concerns, photographs and documents directly on the HRV

website either anonymously or overtly. This information is provided to HRV 24/7 and is linked in with the HRV Intelligence and Case Management system.

7.5 The Effects of Corrupt Activities in Harness Racing

An analysis of the effects of corruption and of anti-corruption measures in sport that is based only on the effects of what has been legally proven in a particular case would be bound to be artificial and defective.

On the analysis here, it was the perception of corrupt activity from 2010 to 2015 that led to the declines in participation levels in that period. Actual corrupt activity was not established until the integrity intervention against the Cramps by VicPol and Harness Racing Victoria in 2015. But of course, the corrupt conduct of the Cramps that was ultimately detected in 2015, and for which they were convicted, could not have been responsible for the preceding declines experienced in the industry, albeit that the detected activity may have been typical of the perceived earlier conduct.

Similarly, as has been described above, it is difficult to credit the specific one-off integrity intervention in 2015 with producing all the benefits that have been experienced in Mildura following the suspension and exclusion of the Cramps, if that intervention is considered in isolation. These beneficial effects are only more completely explicable when taken in context, including with the preceding widespread perceptions of a long-standing course of illegitimate conduct by the Cramps, conduct that was brought to an end by their exclusion from the industry.

Yet, it must be stressed, it does not follow from this that corrupt activity needs to be long-running to produce detrimental effects. What the case of the Cramps in Mildura illustrates is the type of damage that actual and perceived corruption in harness racing can exact on the industry. This damage is in addition to the generally assumed negative impact of corruption on wagering on the sport. Certainly, a single instance of corruption, in and of itself, may have a lesser effect than a sustained course of corrupt conduct. However, if for no other reason than that those disadvantaged by race fixing cannot know whether it is a one-off incident or not, even single acts of corruption could generally be presumed to lead to similar effects to those observed in Mildura.

This then leads to the factors relevant to a court in sentencing those involved in corrupt activity in harness racing.

As has been observed, corruption such as race fixing is not a crime of passion but one involving substantial calculation. It is simply not explicable or excusable as a one-off 'brain fade' or as a crime of opportunity.

Indeed, from the perspective of the effects of corrupt conduct on the industry, there is no such thing as a 'one-off' instance of race fixing. The industry is now relatively rife with 'one-offs', with each new incident adding to perceptions produced by prior incidents. It follows that the effects of any instance of corrupt conduct are both individually and cumulatively damaging to the industry. These effects go beyond the level of any personal financial benefit wrongly appropriated by the wrong doer in a single case. Apart from effects on wagering, the wrong doer's actions deny other participants the benefits of legitimate competition and profoundly damage the very basis of competition upon which the sport is based, leading to the declines in participation by others of the type experienced in Mildura, ultimately threatening the on-going viability of the sport. Accordingly, while in a particular case a court must determine a sentence according to the wrong that has been proven before the court, it would appear to be an error of principle to approach the consideration of the damage caused by the corrupt conduct as if it was a one-off instance of individual conduct to be measured by the quantum of the financial windfall gained by the individual and somehow isolated from or unconnected to the broader industry.

7.6 Group or Team Race Tactics

As a final observation, there were many complaints of group or team tactics by the Cramps when Shayne Cramp had multiple runners in a race.

It appears that race fixing through the adoption of group racing tactics in harness racing is difficult to detect and, where suspected, more difficult to support and defend as the basis of disciplinary charges. Apart from the most blatant cases, it appears to be fraught for stewards to have to rely upon the actions of drivers in the course of a race as the principal evidence to sustain a charge of improper conduct to the requisite standard of proof.

In this regard, the problem is more acute in harness racing than, for example, in thoroughbred racing. The difference in harness racing being the nature of the racing in which factors such as the proximity of runners from the rail and from the front of race are more significant – the problems of being boxed in and the difficulty in overtaking are greater than in thoroughbred racing.

This is especially problematic when, as the analysis of the situation at Mildura makes clear, it is not only corrupt activity but also the perception of corrupt activity that has the capacity to produce detrimental effects. The accounts of participants reinforce that these detrimental effects are liable to become greater and wider in effect if it is also perceived that corruption such as race fixing through group tactics is not being adequately addressed by the authorities.

There is a clear potential for conflicts of interest for any trainer with multiple horses in the same event and it is not clear that existing rules and processes enable these conflicts to be managed effectively. The rules of harness racing are silent on the issue,⁵⁹ although HRV currently has some procedures in place to attempt to address this.⁶⁰

However, on the basis of the circumstances in Mildura, stewards pre-race enquiries as to race plans for each horse, in-race scrutiny, and post-race questioning of drivers and trainers as to race tactics all appear to lack effectiveness in addressing conflicts of interest or in altering perceptions of conflicts of interest adversely affecting harness racing.

It may be that the practice of trainers training multiple entries in the same race is relatively common in harness racing. Moreover, an analysis of the benefits in harness racing associated with allowing individual trainers to race multiple horses in the same race compared with the costs of actual and perceived race fixing/irregular running is beyond both the scope of this paper and the expertise of its authors. However, the problem has been identified at Mildura and it is noted that other sports proscribe similar situations that may give rise to perceptions of conflicts of interest.⁶¹ Harness Racing Victoria needs to be confident that its existing regulations in this area are appropriate in that the costs of addressing the problems caused by the conflicts produced by trainers having multiple runners in a race outweigh the potential benefits.

⁵⁹ Harness Racing Australia Inc, 'Australian Harness Racing Rules', 12 December 2019, <http://www.harness.org.au/rules/AHRRules.pdf>.

⁶⁰ Harness Racing Victoria, 'Notification of Driving Tactics Policy', 1 June 2019. In accordance with this policy, when a trainer has 2 or more horses engaged in a race, the trainer is to advise stewards of the intended race tactics.

⁶¹ See for example UEFA, 'Regulations of the UEFA Champions League 2018-21 Cycle, 2019/20 Season', https://www.uefa.com/MultimediaFiles/Download/Regulations/uefaorg/Regulations/02/60/37/12/2603712_DOWNLOAD.pdf, article 5.01, which proscribes involvement in more than one club participating in UEFA competitions. See also Australian Football League, 'Australian Football League Rules' 9 May 2019, <https://resources.afl.com.au/afl/document/2019/12/04/8f257045-94f2-45f6-82fb-d51120d27279/AFL-Rules-effective-9-May-2019.pdf>, rule 46.3.

8 CONCLUSION

Apart from any effects on wagering, the conduct and the perceptions of the conduct of Shayne and Greg Cramp during the period of their dominance from 2010 to 2015 appear to have had a significant detrimental effect on harness racing in Mildura. Large declines were experienced in various measures of activities in the industry, activities that are fundamental to the conduct and future of the industry. The magnitude of those declines is pronounced by reference to industry trends and to subsequent reversals in the measures consequent upon the integrity intervention in 2015.

The disqualification of Shayne and Greg Cramp has had a profound effect on the industry in Mildura.

A calculation of the economic impact of the harm caused by the actual and the perceived corrupt conduct of the Cramps in harness racing in Mildura is not attempted here. However, even allowing for the confined geographic area of impact of that conduct, the economic cost could be assumed to be considerable. If trends in wagering followed those in the other factors assessed here, then the resultant declines in wagering of 10-20% would add to that economic cost.

Just as significant as the economic effects, however, is the less tangible, human cost suffered by those involved in the industry and impacted by what has happened. All sports, including harness racing, rely upon the support and contributions of those at the grassroots level who contribute to the sport, not on the basis of a calculation of economic gain, but from an emotional commitment to their sport. Accordingly, it would be remiss to fail to mention the profound disillusionment recounted by participants of their experience during the period of the Cramps domination of harness racing at Mildura. These feelings were aggravated by the sense of powerlessness flowing from the perception that the sport's authorities were not taking action to ensure a level playing field. In this sense, the disillusionment of participants such as trainers that is produced by the perception of corrupt conduct, if left unchecked, represents an existential threat to the continued viability of the sport.

This observation then leads to the question of the relevance of the experience in Mildura for the industry more broadly.

One participant commented that it was only in Mildura that the Cramps could have done what they did – there was only a small number of competing horses that the Cramps needed to

manipulate. This raises the possibility that the consequences of the Cramps' activity and of the integrity action taken against them are isolated to Mildura. That is, that the very reason that the isolated situation in Mildura could be assessed means that it is not relevant to the rest of the industry.

This view, however, involves faulty reasoning. At most, the particular circumstances in Mildura mean that it is probably not possible to assume that the effects of corrupt activity (and of successful steps taken to remove it) will necessarily have exactly the same effects elsewhere. That is, that the percentage declines in activity measured in Mildura would be replicated to the same extent elsewhere. Noting this, there is simply no reason to consider that the effects of corrupt conduct or the perceptions of such conduct would not have similar effects elsewhere. Effects in other circumstances may be greater or smaller and may involve effects not measured here. Nevertheless, these local impacts in Mildura provide compelling evidence of the fundamental deleterious effects of corruption in the sport and of the value of addressing that corruption. Indeed, the situation in Mildura may be evidence on a small scale of the effects of corruption in harness racing that are then replicated and multiplied many times over in the industry more broadly.

APPENDIX 1

Greg and Shayne Cramp - Timeline

DATE	EVENT
1999/2000	Shayne Cramp licensed as a stable-hand/driver
30 Sept 2005	Shayne Cramp licensed as a trainer (no starters that year)
2006/2007	Shayne Cramp trains 23 starters
2007/2008	Shayne Cramp trained 165 starters, win rate of 6.7%
Sept 2008	Shayne Cramp travels to Perth to work for Perth trainer Gary Hall Snr
Mid 2010	Shayne Cramp returns to Mildura
2009/2010	Shayne Cramp trained 13 starters, win rate of 85%
12 Jan 2012	Allegation to ORIC of race fixing involving Shayne Cramp relating to Mildura harness races on 5 January 2012.
13 Jan 2012	Allegation to ORIC of race fixing and irregular betting involving Shayne Cramp relating to race 6 at Mildura harness races on 5 January 2012.
21 June 2012	Allegations to ORIC of the Cramps being involved in doping, race fixing and irregular betting over 'many years'.
26 Mar 2013	Information provided to ORIC of doping, race fixing and other issues involving the Cramps.
4 June 2013	Suspected race fixing involving Shayne Cramp in race 6 at Mildura on 4 June 2013 observed by ORIC Manager Investigations.
5 July 2013	Complaint to Minister alleging doping of horses in Mildura harness racing involving Shayne Cramp and of betting activity on fixed races.

16 Jan 2014	Allegation to ORIC of improper betting activity involving the Cramps.
24 Feb 2014	ORIC convened a meeting with HRV and Victoria Police resulting in the matter being referred to Law Enforcement.
12 Mar 2014	Complaint to ORIC alleging corruption in harness racing in Mildura involving Shayne Cramp and his family, and others.
Mar 2014	Vic Pol investigation after tip-off from racing authorities: see Adam Cooper, 'High profile father and son harness racing team avoid jail for betting fix' <i>The Age</i> , 3 September 2015.
3 April 2014	Allegation to ORIC of doping of horses with cobalt by Cramps.
13 June 2014	Stewards charge Shayne Cramp over drive on Philtra Phella in race 1, Mildura alleging did not give horse best opportunity (stewards charge overturned at RAD Board: see <i>Shayne Cramp v HRV Stewards</i> , Harness Racing Victoria ("HRV") Racing Appeals and Disciplinary Board ("RAD Board"), 14 July 2014, http://www.harness.org.au/userfiles/94/CRAMP-5.pdf . The decision of the RAD Board to dismiss the charges was upheld by VCAT in an appeal lodged by the HRV Stewards – see Australian Harness Racing Board, 'VIC – Shayne Cramp VCAT Review', 9 December 2014, http://www.harness.org.au/media-room/news-article/?news_id=25186).
18 June 2014	Allegation to ORIC of improper driving of a Cramp horse in race 1 on 13 June in Mildura (see above).
22 July 2014	Allegation to ORIC of irregular betting on behalf of the Cramps.
6 Aug 2014	Complaint to ORIC that nothing being done about race fixing and irregular betting by the Cramps
8 Aug 2014	Allegation by stewards of improper driving by Greg Cramp on 8 Aug in race 1 at Mildura.

15 Aug 2014	Complaint to ORIC that Greg Cramp failed to give the horse he was driving (Paint The Hammer) in Mildura harness races on 8 August an opportunity to win, that Cramp was not given a severe enough penalty and that the Cramps receive preferential treatment. Shayne Cramp was also driving a horse in the same race.
7 Oct 2014	Allegation to ORIC that Cramps had been involved with another individual in the use of doping agent 'Blue Magic' on horses. 'Blue Magic' is the common name of the drug propantheline, used to dope horses: see Harnesslink, "'Blue Magic" man jailed for drug trafficking', 9 July 2013, http://www.harnesslink.com/News/-Blue-Magic-man-jailed-for-drug-trafficking-107140 .
Oct 2014	Vic Pol Sporting Integrity Intelligence Unit commenced monitoring the Cramps' telecommunications.
29 Oct 2014	Suspicious activity involving Shayne Cramp was detected in race 6 at Mildura on 29 October 2014. [Note: Vic Pol subsequently charged that in relation to this race, Shayne Cramp bet on a rival trainer's horse and ensured his own horse did not win in breach of ss 195C and 195D of the <i>Crimes Act 1958</i> . These charges were subsequently withdrawn.]
12 Nov 2014	Suspicious activity involving the Cramps was detected on 12 November 2014, in Race 5 Mildura – Shayne Cramp wins, Greg Cramp second. [Note: this was the activity that subsequently led to charges under ss 195C and 195D of the <i>Crimes Act 1958</i> , and the convictions of the Cramps under s 195C. Shayne and Greg Cramp participated in an arrangement by which three of the horses would finish 1 st , 2 nd and 3 rd to produce a winning trifecta bet on the race. Shayne Cramp was the trainer of the two horses driven by himself and his father. He is known to have made \$820 from bets on the race. There was no evidence that Greg Cramp made any profit.]
2 Feb 2015	Vic Pol arrest Shayne and Greg Cramp.

2 Feb 2015	HRV stewards suspend Cramps' licences pending inquiry into Mildura race 5 on 12 November 2015.
22 Feb 2015	Allegation to ORIC of a history of an improper pattern of racing involving Cramp horses.
24 Feb 2015	Complaint to ORIC of improper race tactics in Race 2 at Mildura on 19 February 2015 involving Cramp horses and expressing relief that something had been done about the Cramps. [Note: the Cramps had been suspended on 2 February 2015, before this alleged incident.]
3 Sept 2015	<p>Greg and Shayne Cramp plead guilty to one charge each at Melbourne Magistrates Court under s195C <i>Crimes Act 1958</i> of engaging in conduct that corrupts a betting outcome in relation to an event.</p> <p>Both Shayne and Greg Cramp were convicted and sentenced to a Community Corrections Order for a period of 12 months, with Shayne Cramp required to perform 300 hours of community work and Greg Cramp required to perform 200 hours of community work.</p> <p>The fact that Shayne Cramp had made a profit of \$750 from the arrangement in relation to the 29 October 2014 race was taken into account in his sentencing in relation to the corrupt activity on 12 November 2014, albeit that Vic Pol withdrew the charges relating to the 29 November 2014 race.</p> <p>The magistrate (Magistrate Lethbridge) commented that while this type of offending often requires imprisonment, because the offending was isolated to one race, there was meagre financial reward for Shayne Cramp only, and because of the lack of sophistication of the arrangement, he considered the offence to be at the lower end of the scale.</p>
23 Oct 2015	Shayne and Greg Cramp attend an HRV Sub-Committee hearing called to consider the disqualification of the Cramps under Australian Harness Racing Rule 267(1).

30 Oct 2015	HRV Board endorsed the HRV Sub-Committee recommendations that Shayne and Greg Cramp be disqualified for 12 years backdated to 2 February 2015 when the Cramps' licences were originally suspended by the stewards.
4 Nov 2015	HRV Board advise the Cramps by letter of their disqualification for 12 years backdated to 2 Feb 2015.
17 Dec 2015	Giuseppe Alicastro disqualified for 18 months by HRV RADB for placing a trifecta bet in race 5 on 12 November 2014 in Mildura on behalf of Shayne Cramp. Cramp was involved in the race and was therefore not permitted to bet on it.
29 Feb 2016	HRV Racing Appeals and Disciplinary Board ('RAD Board') dismisses appeals lodged by Shayne and Greg Cramp against their disqualifications.
7 April 2017	VCAT dismisses appeals by Shayne and Greg Cramp against the decisions of the HRV RAD Board relating to penalty (guilt was not contested). See: <i>Shayne Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)</i> [2017] VCAT 471; <i>Greg Cramp v HRV Racing Appeals and Disciplinary Board (Review and Regulation)</i> [2017] VCAT 472.
17 April 2017	Information given to ORIC alleging that Mildura harness racing industry has improved considerably since the disqualification of Shayne and Greg Cramp.
17 Oct 2018	Shayne Cramp excluded from Victorian racecourses