25 January 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TROY SCOTT**

**Date of hearing:** 18 January 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Damien Hannan, instructed by Mr James Buaban appeared on behalf of the Stewards.

Mr Troy Scott represented himself.

**Charges and particulars:**

**Charge No. 1 of 3**

Greyhounds Australasia Rule 86(u) reads as follows:

**Rule 86 (u)**

A person shall be guilty of an offence if the person –

(u) Commits a breach of the rules relating to syndicates.

**Particulars of Charge**

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

1. You were, at all relevant times, the Sole Trader of Rising Star Kennels (RSK).
2. You did, between August 2017 and July 2019, sell to persons interests/ownership shares via Rising Star Kennels (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).
3. You failed to register Syndicates in relation to the greyhounds in which interests/ownership shares were held (as per attached Schedule 1) as required by the Local Racing Rules 13.1.

**SCHEDULE 1 –**

**Ten (10) Syndicates**

1. RSK CLEO SYNDICATE - FLAMING CLEO

2. RSK CAMARO SYNDICATE - BLURRY FACE

3. RSK LIBERTY SYNDICATE - ALL FOR LIBERTY

4. RSK GLORY SYNDICATE - GLORIOUS ONE

5. RSK BALBOA SYNDICATE - UNNAMED - VHWVF

6. RSK BULLET SYNDICATE - BALLISTIC

7 RSK HUDSON SYNDICATE - HORNET HUDSON

8. RSK ARNIE SYNDICATE - ARNINATOR

9. RSK MICHONNE SYNDICATE – UNNAMED - NGFHH

10. RSK DUSTY SYNDICATE - UNNAMED - VGPJO

**Charge No. 2 of 3**

Greyhounds Australasia Rule 86(q) reads as follows:

**Rule 86 (q)**

A person shall be guilty of an offence if the person –

(q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars of Charge**

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

1. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK).
2. You did, between August 2017 and July 2019, sell to persons interests / ownership shares via the Rising Star Kennel (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).

1. You engaged in conduct which was detrimental or prejudicial to the interest, image, and promotion of greyhound racing in that you failed to:
2. register the syndicates with GRV;
3. supply receipts for shares purchased;
4. supply Owners Certificates for shares purchased;
5. pay winnings monthly;
6. advise that a greyhound you sold shares in was not in your control;

5. These acts are, both individually and altogether, detrimental and prejudicial to the interest, image and promotion of greyhound racing in that they have negatively impacted upon the trust and confidence of members of the public getting involved in Greyhound Racing.

**Charge No. 3 of 3**

Greyhounds Australasia Rule 86(o) reads as follows:

**Rule 86 (o)**

A person shall be guilty of an offence if the person –

(o) has in relation to a greyhound or greyhound racing, done a thing or omitted to do a thing which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

**Particulars of Charge**

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

1. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK).
2. You did, between September 2017 and July 2019, sell to persons interests / ownership shares via the Rising Star Kennel (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).
3. You did in relation to greyhound racing engage in the following conduct, which in the opinion of the Stewards, was, individually and altogether, dishonest, improper, constitutes misconduct, or alternatively was negligent, in that you:
4. Advertised and sold shares in greyhounds for syndication in which you never registered.
5. You failed to keep complete proper records and systematically failed to comply with financial agreements.
6. You sold shares in a greyhound you had no control over (Montey Jack Microchip No. 956000005583756).
7. You failed to comply with a number of terms of the RSK Syndicate Contracts.
8. You failed to interact with syndicate members with respect.
9. You transferred greyhounds to a third party instead of registering a syndicate.

**Pleas:** Not Guilty to all charges.

**DECISION**

1. After a contested hearing on 5 September 2022, Mr Scott was found guilty of 3 breaches of the rules of greyhound racing in a decision of the Tribunal published on 18 September 2022.
2. This decision dealing with penalty is to be read together with that decision (“the liability decision”).
3. The first charge of which Mr Scott was found guilty was a breach of Greyhounds Australasia Rule (GAR) 86(u), a Rule relating to syndicates. During the hearing, Mr Scott made admissions concerning all elements of the offence, but persisted with a not guilty plea. This is a particularly serious charge. This issue was discussed by the Tribunal in the matter of Trickett of 17 March 2022. There the Tribunal noted that the failure to register syndicates strikes at the heart of the syndications process and lessens the confidence of the public in the industry. Unlike the present case, Mr Trickett pleaded guilty and co-operated with the Stewards. He was disqualified for 4 years on that charge.
4. In this case a disqualification period of 5 years is appropriate. The offences were largely as a result of Mr Scott’s lack of attention to his obligations, but that is no excuse. Behaviour of the type engaged in by him undermines the syndication process. He has no insight into his offending and has shown no remorse.
5. General deterrence demands a lengthy disqualification. The protection of the public is also an important consideration, as is just punishment and denunciation of the conduct.
6. The second offence is under GAR 86(q). Mr Scott is guilty of this charge, given that his conduct constituted acts which were detrimental to the interests of greyhound racing. Mr Scott also pleaded not guilty to this charge. It also involved failure to issue receipts for ownership shares, failure to pay prize money and failure to advise about the sale of shares in a greyhound which was not in his control. On this charge we impose a penalty of 6 months disqualification, but make it wholly concurrent with the penalty on Charge 1, as the conduct is inextricably linked to the conduct the subject of Charge 1.
7. Charge 3 concerned a breach of GAR 86(o) regarding dishonest, improper behaviour and misconduct. The particulars of the charge are largely repetitive of the particulars of Charge 2. On that Charge we impose a 6 month disqualification, but make it wholly concurrent with the 5 year disqualification on Charge 1.
8. The actual total operative penalty of 5 years disqualification shall commence immediately. We note that Mr Scott’s registration as a public trainer expired on 26 July 2022 and that he has not sought to renew it.

Mark Howard  
Registrar, Victorian Racing Tribunal