6 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR TROY SCOTT**

**Date of hearing:** 22 April 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Heidi Keighran.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Troy Scott represented himself.

**Charge:** Greyhound Australasia Rule (GAR) 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charges:**

**Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Hornet Hudson”.*
3. *“Hornet Hudson”* was nominated to compete in, Race 12, DOWNLOAD THE NEW WATCHDOG APP, Grade 5 T3, conducted by the Ballarat Greyhound Racing Club at Ballarat on 16 September 2019 (**the Event**).
4. On 16 September 2019, you presented *“Hornet Hudson”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Hornet Hudson”* at the Event (**the Sample**);

(b) Caffeine and its metabolites (Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Fonzarelli”.*
3. *“Fonzarelli”* was nominated to compete in, Race 4, GRAYS BENDIGO (1-3 WINS) (275+ RANK), Restricted Win, conducted by the Bendigo Greyhound Racing Club at Bendigo on 20 September 2019 (**the Event**).
4. On 20 September 2019, you presented *“Fonzarelli”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Fonzarelli”* at the Event (**the Sample**);
	2. Caffeine and its metabolites (Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Plea:** Not Guilty

**DECISION**

Mr Troy Scott, you have pleaded ‘not guilty’ to two presentation charges pursuant to GAR 83 (2). We say at the outset that we have accepted this plea is basically because you do not want to be seen to be pleading ‘guilty’ to such charges and effectively could not bring yourself to plead ‘guilty’. However, you do not contest the factual basis of the two charges and indeed made appropriate admissions.

The charges involve post-race swabs positive to caffeine from two dogs trained by you. The earlier was Hornet Hudson in Race 12 at Ballarat on 16 September 2019 and the second Fonzarelli in Race 4 at Bendigo on 20 September 2019. Both dogs won.

You make no challenge to the swabbing process or the accuracy of the returns. Whilst originally you could provide no explanation, apart from possible nobbling, further enquiries revealed that employees had without your knowledge fed the dogs a supplement which contains caffeine. You accept responsibility. The Stewards do not challenge this explanation.

You have a very substantial operation with several employees, three in fact. You had on your premises 6 to 8 dogs that were racing, but 90 dogs and puppies that were being educated.

We accept all of the above but, as you properly admitted, the responsibility rests with you, and accordingly we find the two presentation charges proven. We find you guilty of the two breaches.

Turning to the question of penalty, we will not afford you the reduction associated with a plea of guilty, but we do take into account that in effect, there was very little that you contested.

You have been a public trainer since 2004. As stated, you are in the industry in a big way, although you are ceasing involvement in training racing dogs and concentrating on education and the like. You have three employees and you live on the property at Lillicup where the kennels are located.

You have one relevant prior conviction, this being on 30 November 2017 in relation to cobalt. The penalty ultimately imposed on you was a suspension for 12 months, in turn fully suspended for 12 months. Clearly there were circumstances warranting such a fully suspended penalty, but it does remain a relevant prior conviction.

General deterrence must also be borne in mind. Trainers must be particularly careful in relation to the substances and products that are on their shelves and which are administered by themselves or their staff. Participants in the industry have been warned many times about caffeine.

Bearing in mind all of the above, we are of the view a period of suspension is warranted. The penalty we impose is suspension for 5 months, with 3 months of that penalty in turn suspended for 12 months on the basis that there are no further breaches of the relevant rule during that period. Thus, there is an immediate suspension of 2 months.

In addition, each dog is disqualified from the race in which it competed and won. The finishing order is amended accordingly and the prize money redistributed.

Mark Howard
Registrar, Victorian Racing Tribunal