16 February 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TROY SCOTT**

**Dates of hearings:** 19 September 2022, 20 September 2022 and 21 September 2022

**Date of decision hand down:** 13 February 2024

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

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

Mr Troy Scott initially represented himself, but then took no further part in the proceedings.

**Charges and particulars:**

**Charge No. 1 of 7**

Greyhounds Australasia Rule **106 (1) (c)** reads as follows:

*A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-*

*(c) kennels constructed and of a standard approved by the Controlling Body which are adequate in size and which are kept in a clean and sanitary condition*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 23rd of February 2021, you failed to provide kennels which were compliant with Part 6.7 of the ‘Code of Practice for the Keeping of Racing Greyhounds’ **(“the code”)**, in particular.
3. The outdoor galloping yards contained kennels which were too small for the number of greyhounds they housed including ten (10) yards (No’s 1 -10) housing between 2- 4 greyhounds but containing kennels which were too small for a single greyhound;

1. A further fourteen (14) outdoor yards/kennels (No’s 11-20 and 35-38) contained single greyhounds but provided weatherproof areas which were less than 3 sqm;
2. All kennels in these areas failed to have flooring which was impervious to liquids;

1. Fourteen (14) greyhounds housed in indoor kennels (No’s 21-34) failed to have provided soft dry bedding.

3. You failed to ensure that greyhounds, which were in your care or custody, were provided at all

 times with kennels constructed of a standard approved by the Controlling Body.

**Charge No. 2 of 7**

Greyhounds Australasia Rule **86 (p)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person:*

* *disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 3rd May 2021, you were issued with a ‘Directions Notice’ by Investigative Stewards which stated;
	1. “*Yards 11A, 16A, 17A, 20A, 37 and 38 are to comply with the Code of Practice for the Keeping of Racing Greyhounds specifically paragraph 6.7.2 Minimum Housing Requirements and 6.7.6 Construction of housing pens & yards – Weatherproof area at page 33.”*
3. You were required to comply with this direction by 5 pm on the 17th May 2021;
4. You failed to comply with the lawful order of a Steward.

**Charge No. 3 of 7**

Greyhounds Australasia Rule **86 (p)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person:*

* *disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 9th June 2021, you were issued a verbal lawful direction by Investigative Stewards to complete an Establishment Health Management Plan (EHMP), have it approved by a registered Vet and provide photographic evidence of same by 5pm on 17th of June 2021.
3. You failed to comply with the lawful order of a Steward.

**Charge No. 4 of 7**

Greyhounds Australasia Rule **86 (p)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person:*

* *disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 12th March 2021, you were issued with ‘Directions Notice’ by Investigative Stewards which stated;

*“Provide information as to the cause of injury to the greyhound in the isolation area during the kennel inspection of 23 February 2021 greyhound as referred to in Compliance Notice 001305 issued that day and a treatment plan for treating the said.”*

1. You were required to comply with this lawful direction by 5 pm on the 16th March 2021 but did fail to do so.
2. On 10th May 2021, you were further issued with a ‘Directions Notice’ by Investigative Stewards in regards to the same greyhound which stated;

*“Provide* *veterinary records detailing injuries to & of injured greyhound UNNAMED “VJNNA” 9560000012179289 who was observed in an injured state at your kennels at 540 Lillicur Rd, Lillicur on 25 February 2021*

1. You were required to comply with this lawful direction by 5 pm on the 17th May 2021 but did fail to do so;
2. You failed to comply with the lawful order of a Steward.

**Charge No. 5 of 7**

Greyhounds Australasia Rule **105 (4) (i)**,reads as follows:

* *A registered person shall within 3 working days of a greyhound coming pursuant to or leaving the person’s care or custody, give notice to the Controlling Body of that occurrence.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 23rd of February 2021, Investigative Stewards located greyhound un-named (NGFHH) (My Bro Fabio / Premier Mozz) at your kennel address at 540 Lillicur Rd, Lillicur.
3. You failed to notify GRV (the Controlling Body) within three (3) working days of this greyhound coming into your care or custody.

**Charge No. 6 of 7**

Greyhounds Australasia Rule **R137 (1) (b)** reads as follows:

*(1) Application for registration of a litter whelped in the jurisdiction of a Controlling Body shall be made by lodging with the Controlling Body, within the prescribed time,*

*(a) a completed prescribed application form together with the prescribed fee; and*

*(b) for pups whelped on or after 1 July 2015 a certificate of vaccination against* *parvovirus, hepatitis and canine distemper (C3) issued by a veterinary surgeon identifying the greyhound by reference to its sex and colour, that indicates that such vaccination was performed upon the greyhound at least between six (6) and eight (8) weeks.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 15th March 2021, you whelped a litter of one (1) pup by sire Orson Allen (NFCVO) and dam Maximum Babe (VENWR).
3. You were required to provide a certificate of vaccination against parvovirus, hepatitis and canine distemper (C3) issued by a veterinary surgeon identifying the greyhound by reference to its sex and colour, that indicates that such vaccination was performed upon the greyhound between six (6) and eight (8) weeks.
4. You failed to provide such a certificate of vaccination.

**Charge No. 7 of 7**

Greyhounds Australasia Rule **R137 (1) (b)** reads as follows:

*(1) Application for registration of a litter whelped in the jurisdiction of a Controlling Body shall be made by lodging with the Controlling Body, within the prescribed time,*

*(a) a completed prescribed application form together with the prescribed fee; and*

*(b) for pups whelped on or after 1 July 2015 a certificate of vaccination against parvovirus, hepatitis and canine distemper (C3) issued by a veterinary surgeon identifying the greyhound by reference to its sex and colour, that indicates that such vaccination was performed upon the greyhound at least between six (6) and eight (8) weeks.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 15th March 2021, you whelped a litter of nine (9) pups by sire ‘Barcia Bale’ (30B 6882) and dam ‘Perrie The Fairy’ (VFBGB).
3. You were required to provide a certificate of vaccination against parvovirus, hepatitis and canine distemper (C3) issued by a veterinary surgeon identifying the greyhound by reference to its sex and colour, that indicates that such vaccination was performed upon the greyhound between six (6) and eight (8) weeks..
4. You failed to provide such a certificate of vaccination.

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

**DECISION**

There has been something of a delay in handing down the decision on penalty in this particular case. Another set of cases involving Mr Troy Scott resulted in a decision of this Tribunal early last year. The end result was that, in effect, Mr Scott was disqualified for a period of five years. We would also mention that any licence held by Mr Scott expired as of 26 July 2022.

Further, Mr Scott took no active role in the hearing of penalties for this set of charges against him, despite frequent contacts and attempted contacts with him. Accordingly, ultimately the hearing on penalty took place without his participation or compliance with any of the timelines set – for example, in regard to written submissions on penalty.

We regret and apologise for the delay in handing down this decision on penalty. However, in the circumstances, no urgency was attached to it. Every opportunity was given to Mr Scott to address the question of penalty. In circumstances where he was disqualified for five years on another matter or matters by another panel of this Tribunal, and which disqualification had years to run, the imposition of the penalties in these cases was put to one side. Having heard nothing of it for a lengthy period, we now turn to it.

Mr Scott has been found guilty by us of some seven charges. We would refer to our decision of 22 May 2023. Charge 1 involved GAR 106(1)(c), which could be summarised as a failure to provide clean and adequate kennels. Charges 2, 3 and 4 relate to GAR 86(p), and the failure to comply with the lawful orders of Stewards. Charge 5 is a breach of GAR 105(4)(1) – failing to give notice of the movement of a greyhound in or out of his custody. Charges 6 and 7 relate to failures to provide a certificate of vaccination in regard to a litter of pups, this being a breach of GAR 137(1)(b).

The Stewards provided written submissions regarding penalty within the time frame ordered. Mr Scott did not. Despite attempts at contact by the Registrar, he made no relevant contact and filed no relevant document – that is, no written submissions or the like.

We say now that we have read the detailed nine-page submission forwarded on behalf of the Stewards. We shall not set out the content in detail. Save to say, we agree with them. In particular, they set out in detail the emphasis that should be put on animal welfare and the importance of compliance with requirements in relation to the notification of the Stewards of greyhound movements. We agree that Mr Scott persistently failed to co-operate with the Stewards. He breached Rules designed to ensure animal welfare. He repeatedly failed to comply with Rules and orders of the Stewards, particularly in regard to such welfare. He may have left the industry and been disqualified for five years, but participants, or at least some of them, need constant reminders of the importance of the welfare of the animal, the importance of the Rules, and the constant attention of the public and media to such issues.

We agree with the penalties proposed by the Stewards. The penalties we impose are as follows:

1. On Charge 1, the breach of GAR 106(1)(c), disqualification for a period of six months cumulative upon Mr Scott’s current period of disqualification for five years.

2. On Charges 2, 3 and 4 the breaches of GAR 86(p), suspension for a period of six months concurrent with the penalty for Charge 1. In addition, Mr Scott is fined a total of $1,500, being $500 for each breach.

3. On Charge 5, suspension for a period of three months for the breach of GAR 105(4)(i) concurrent with the disqualification pursuant to Charge 1.

4. On Charges 6 and 7, a fine of $500 on each Charge, this being a total of $1,000 for breaches of GAR 137(1)(b).

Mark Howard
Registrar, Victorian Racing Tribunal