

5 August 2024

DECISION

GREYHOUND RACING VICTORIA

and

SCOTT JAMES

- Date of hearing:** 26 July 2024
- Date of decision:** 26 July 2024
- Panel:** The Hon. Shane Marshall AM (Deputy Chairperson) and Ms Judy Bourke.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Shaun Boag represented Mr Scott James.
- Charge:** Greyhounds Australasia Rule ("GAR") 75(6)(c) states:
A person officiating in a capacity that has the potential to affect the result of an Event must not:
(c) engage in any betting transaction on that Event (and that prohibition includes causing a bet to be placed by or through another person or entity).
- Particulars:**
- Charge 1**
- That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 2 at Ballarat engaged in a betting transaction on "Lala Santa" in that Event.
- Charge 2**
- That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 3 at Ballarat engaged in a betting transaction on "Sahimma Sparkle" in that Event.

Charge 3

That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 12 at Ballarat engaged in a betting transaction on “Bissaka Spider” in that Event.

Charge 4

That on 24 October 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 9 at Ballarat engaged in a betting transaction on “Lala Noel” in that Event.

Charge 5

That on 21 November 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 11 at Ballarat engaged in a betting transaction on “Lala Que” in that Event.

Pleas: Not Guilty

DECISION

1. Mr Scott James is a registered greyhound trainer. He also works as a starter at the Ballarat Greyhound Racing Club (“BGRC”). He occasionally fills in as a starter in races at the Ballarat track if the regular starters are unavailable.
2. The starter, in conjunction with the Stewards, is in control of the starting process before a race. The starter ensures races start on time under the direction of the Stewards. The starter supervises the placement of the greyhounds in the starting boxes. When given a signal by the Stewards and after the greyhounds have been boxed, the starter communicates with the lure driver who releases the lure and a few seconds later the boxes open to enable the greyhounds to chase the lure.
3. Mr James has been charged by Greyhound Racing Victoria (“GRV”) Stewards with contravening Greyhounds Australasia Rule (“GAR”) 75(6)(c) on five occasions by placing

bets on greyhounds in races where Mr James acted as the starter of the events in question. Each event was at the Ballarat track.

4. The events in question, the subject of the Charges, involve three separate meetings. The first meeting was on 25 July 2022. On that day, Mr James placed three bets in races in which he acted as the starter. Single bets were made by Mr James in respect of two other events on 24 October 2022 and 21 November 2022.
5. Mr Shaun Boag acted as Mr James' representative at the hearing of the appeal from the Stewards, who had found Mr James in breach of GAR 75(6)(c) on five occasions. Mr Boag submitted that a starter does not have the capacity to affect the result of an event and on that basis, Mr James pleaded not guilty to all five Charges on appeal.
6. Ms Yana Podolskaya, on behalf of the GRV Stewards, submitted that a starter has the potential to affect the result of an event. She noted that the starter is not always supervised and has the ability to favour or disfavour a greyhound by, for example, throwing kibble in a box or putting sand in the eyes of a greyhound.
7. Ms Podolskaya also referred to a December 2012 report from the Office of the Racing Integrity Commissioner ("ORIC") which recommended that persons officiating at a race meeting not be permitted to bet. Starters were specifically mentioned. The Rule in question in this matter has been brought in after that report. That is indicative of a starter in greyhound racing being intended to be covered by the sub-rule.
8. Mr Boag referred to the automated nature of the start and the usual situation where a Steward supervises a starter. He conceded that a starter is not always supervised and that it is possible for a starter to act in an inappropriate way.
9. We consider that a starter in a greyhound racing event, having regard to the terms of the Ruling question and the ORIC December 2012 report, is someone who has the potential, as in the theoretical ability, to affect the result of an event.
10. Mr Boag also argued that, as a temporary starter who was someone who usually performed other duties as an employee of the BGRC, Mr James was not officiating at the event. We reject that submission. A starter is comprehended by the words to be "a person officiating". He was the starter for the events in question irrespective of the fact that he performed other duties on the nights in question and only performed starting duties intermittently.
11. Accordingly, we find each Charge proven and the appeal in relation to liability is dismissed. We will now hear the submissions of the parties on the question of penalty.

PENALTY

12. On the question of penalty, we have determined to allow the appeal and set aside the three months suspension imposed by the Stewards that was, in turn, fully suspended for 12 months. We see no reason why the trainer's licence of Mr James should be interfered with, even on a fully suspended basis. Nothing he did to transgress the relevant Rule related to training. Simply because he is a registered GRV participant does not mean that his trainer's licence should be suspended when financial penalties can serve the purposes of specific and general deterrence.
13. We also set aside the financial penalties that were imposed by the Stewards on each Charge and impose the following financial penalties instead:
 - Charge 1: \$250 fine, fully suspended for a period of 12 months pending no further relevant offences.
 - Charge 2: \$250 fine, fully suspended for a period of 12 months pending no further relevant offences. This penalty is to be served concurrently with the penalty imposed on Charge 1.
 - Charge 3: \$250 fine, fully suspended for a period of 12 months pending no further relevant offences. This penalty is to be served concurrently with the penalty imposed on Charge 1.
 - Charge 4: \$250 fine, fully suspended for a period of 12 months pending no further relevant offences.
 - Charge 5: \$250 fine, fully suspended for a period of 12 months pending no further relevant offences.
14. The penalties on Charges 2 and 3 are concurrent on Charge 1 as we consider that the offending at BRGC in July 2022 involved a single course of conduct at one meeting. In addition, the above penalties were imposed having regard to there not being a code of conduct for starters at BGRC at the time of the events.
15. The total sum of the penalties is a \$750 fine, fully suspended for a period of 12 months pending no further relevant offences, and the recording of a finding of guilty in respect of each of the five Charges.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal

Investigative Stewards Hearing Report

Monday 4 March 2024

Date of Hearing: Monday 4 March 2024
Venue of Hearing: Via mobile phone
Name: Mr Scott JAMES
Date of offence: Various
Rule: **Greyhounds Australasia Rules (GAR) 75(6)(a)**
Officiating Investigative Stewards: Mr Chris GAWNE and Mr Dylan BARTOLO

REPORT

On 17 January 2024, Investigative Stewards held an Inquiry with Mr Scott JAMES considering matters relating to him performing duties as a starter of races at Ballarat when having placed a bet on a greyhound in those races

On 4 March 2024, Investigative Stewards held a Steward's Hearing with Mr JAMES relating to five (5) charges as follows:

CHARGE 1

That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 2 at Ballarat engaged in a betting transaction on LALA SANTA in that Event

Greyhounds Australasia Rules 75(6)(c)

CHARGE 2

That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 3 at Ballarat engaged in a betting transaction on SAHIMMA SPARKLE in that Event

Greyhounds Australasia Rules 75(6)(c)

CHARGE 3

That on 25 July 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 12 at Ballarat engaged in a betting transaction on BISSAKA SPIDER IN that Event

Greyhounds Australasia Rules 75(6)(c)

CHARGE 4

That on 24 October 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 9 at Ballarat engaged in a betting transaction on LALA NOEL that Event

Greyhounds Australasia Rules 75(6)(c)

CHARGE 5

That on 21 November 2022 you were a person officiating in a capacity that has the potential to affect the result of an Event namely a starter of Race 11 at Ballarat engaged in a betting transaction on LALA QUE in that Event

Greyhounds Australasia Rules 75(6)(c)

Mr JAMES pleaded guilty to the charges.

Investigative Stewards found the charge proven and imposed the following penalty.

NB: Steward Investigation/Hearing decisions are subject to Appeal under the Rules of Greyhound Racing.

PENALTY

Fined \$1,000 on each charge with \$750 of each charge suspended for 12 months.

Total Fine \$5000, of which \$3750 is suspended, \$1250 is payable now.

Suspended for a period of 3 months wholly suspended for a period of 12 months.

In determining penalty, Investigative Stewards considered several factors namely:

- Evidence of witnesses
- Mr JAMES' explanation concerning the incident
- Mr JAMES' guilty plea
- Mr JAMES' prior history.
- Specific and general deterrence.



Chris GAWNE
Investigative Steward
Greyhound racing Integrity Unit
Greyhound Racing victoria