

9 August 2024

DECISION

GREYHOUND RACING VICTORIA

and

AMANDA SCOTT

Date of hearing:	30 July 2024
Date of decision:	30 July 2024
Date of reasons:	9 August 2024
Panel:	Judge Marilyn Harbison (Deputy Chairperson) and Ms Danielle Hikri.
Appearances:	Ms Yana Podolskaya appeared on behalf of the Stewards. Ms Amanda Scott represented herself.
Charge:	Greyhounds Australasia Rule (“GAR”) 165(a) states: An offence is committed if a person (including an official): (a) 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:	<p>That you, Ms Amanda Scott, a licensed participant with Greyhound Racing Victoria (“GRV”), has committed an offence in that you have engaged in conduct that is detrimental to the interest and image of greyhound racing.</p> <p>Specifically, on Friday, 7 June 2024, whilst acting in a participant role at the Bendigo race meeting, you have intentionally attempted to pull a chair out from beneath fellow licensed participant, Mrs Jennifer Torr.</p>

A penalty of a fine of \$1,000 with half (\$500) suspended for a period of 24 months, pending no further breaches of the same/similar Rule was imposed.

Plea: Not Guilty

DECISION

1. Ms Amanda Scott is a licenced participant with Greyhound Racing Victoria (“GRV”). On the 7 June 2024, she was involved in an incident with another participant, Mrs Jennifer Torr. The Stewards held an investigation into the incident and concluded that, during the incident, Ms Scott intentionally attempted to pull a chair out from beneath Mrs Torr. The Stewards further concluded that in doing so she committed an offence, in that she engaged in conduct detrimental to the interests and image of greyhound racing.
2. The Stewards found her guilty of that Charge and imposed a penalty of a \$1,000 fine. Ms Scott has appealed that decision to this Tribunal.
3. In coming to the decision, the Stewards interviewed Ms Scott and watched a CCTV recording of the incident. In the hearing of this appeal, we have also watched that recording and have taken into account the matters raised in the interview with Ms Scott.
4. We have come to a contrary view to that taken by the Stewards. We regard the CCTV footage, which is grainy and not of high quality, as equivocal. Ms Scott consistently stated to the Stewards, and has repeated before us, that she did not intentionally attempt to pull the chair out from beneath Mrs Torr. She gave evidence that Mrs Torr sat down beside her. As soon as she realised that Mrs Torr intended to sit next to her, Ms Scott rose from her chair and moved away. In so doing, she accidentally tripped on the chair on which Mrs Torr had just sat. Ms Scott says that the chair moved under Mrs Torr because it had been pulled out into her walking path and, as a result, she accidentally kicked the chair, and not because of any deliberate act on her part.
5. In coming to their conclusion, the Stewards placed great significance on the fact that Ms Scott could be seen in the video with her hand on the back of Mrs Torr’s chair. Ms Scott denied that she had touched Mrs Torr’s chair at all.
6. We have watched the CCTV footage repeatedly. It is our view that it is most likely that Ms Scott did touch the back of the chair. We do not consider, however, that the video shows Ms Scott pulling at the chair. We consider it equally likely that she put her hand on the back of the chair for support and that she did so incidentally whilst simultaneously

tripping on the chair leg of Mrs Torr's chair. It is not surprising that she would not remember touching the chair if that manoeuvre occurred at the same time as she tripped on the chair.

7. The foundation of this Charge is that Ms Scott undertook this manoeuvre intentionally out of vindictiveness towards Mrs Torr. There is certainly a history of antagonism between the two women. Mrs Torr had taken out a restraining order against Ms Scott for unrelated reasons. However, the evidence is that it was because of the existence of this restraining order that Ms Scott took the action that she did in order to move away from Mrs Torr. As soon as Mrs Torr moved, uninvited, to sit next to her, Ms Scott immediately stood up and moved away as quickly as she could.
8. In our view, the explanation given by Ms Scott is as plausible as the contrary explanation favoured by the Stewards.
9. Given the indistinct nature of the video footage and Ms Scott's consistent contrary version of events, it is not clear to us as to why the Stewards did not investigate further. They do not appear to have taken a statement from Mrs Torr. If they did so, it was not presented at this appeal. Further, despite Ms Scott telling the investigating Steward that she had two witnesses to the incident, those witnesses were never interviewed by the Stewards
10. Also, it is clear from the CCTV footage that there was a significant number of persons seated very close to where this incident took place. None of those persons were interviewed, even though at least some of them appeared from the video to be looking at the incident whilst it happened.
11. In the circumstances, we are not satisfied that the incident can be described as an intentional act by Ms Scott.
12. It follows that there is not sufficient evidence to ground a Charge of misconduct, as intention is a fundamental element of that offence. We therefore uphold the appeal and dismiss the Charge.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal