

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.

- (i) 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;
 - (ii) 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;
 - (iii) All kennels in these areas failed to have flooring which was impervious to liquids;
 - (iv) 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;
 - a. *"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."

3. You were required to comply with this lawful direction by 5 pm on the 16th March 2021 but did fail to do so.
4. 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
5. You were required to comply with this lawful direction by 5 pm on the 17th May 2021 but did fail to do so;
6. 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

22 May 2023

DECISION

GREYHOUND RACING VICTORIA

and

TROY SCOTT

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

Panel: Judge John Bowman (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 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.

- (i) 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;
 - (ii) 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;
 - (iii) All kennels in these areas failed to have flooring which was impervious to liquids;
 - (iv) 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;
 - a. *"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."

3. You were required to comply with this lawful direction by 5 pm on the 16th March 2021 but did fail to do so.
4. 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
5. You were required to comply with this lawful direction by 5 pm on the 17th May 2021 but did fail to do so;
6. 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

Mr Troy Scott has pleaded “Not Guilty” to seven charges.

These consist of a breach of GAR 106 (1)(c); three breaches of GAR 86 (p); a breach of GAR 104 (4)(1); and two breaches of GAR 137 (1)(b).

Of these, we are of the view that the charge pursuant to GAR 106 (1)(c) potentially is the most serious and we shall refer to it as the Head Charge. It could be summarised as being an alleged failure to provide adequate kennel accommodation to the required standard.

The three charges pursuant to GAR 86 (p) involve alleged failures to comply with Lawful Orders of a Steward. The breach of GAR 105 (4)(1) relates to an alleged failure to give notice to the Controlling Body within three days of the coming or leaving of a greyhound. The two charges pursuant to GAR 137(1)(b) concern failures to provide vaccination certificates within the prescribed time.

The offences essentially occurred in the first half of the 2021 calendar year.

We apologise for the delay in handing down this decision. Mr Scott was involved in an unrelated matter at about the same time as these proceedings were on foot and in addition there was an extension of time concerning written submissions in this case. Regrettably some confusion and delay resulted.

We turn now to our findings.

We say at the outset that we are comfortably satisfied that all charges have been proven. We turn now to our reasons.

In relation to the Head Charge, we prefer and accept the evidence of the Lead Investigator, Mr Chris Gawne. We accept that the Stewards made an unannounced kennel visit on 23 February 2021. Many of the outdoor kennels were too small or provided weatherproof areas which were inadequate. There was also a failure to have appropriate flooring and, for some greyhounds in indoor kennels, adequate bedding. Mr Scott was pre-training something in the order of 70 to 85 dogs. He was made aware of the observations of the Stewards. A Compliance Notice was issued.

In summary, we are comfortably satisfied that the Head Charge has been proven.

We turn now to Charges 2, 3 and 4. These concern Mr Scott’s failure to perform aspects of the work referred to in the original Compliance Notice and a subsequent Directions Notice (Charge

2); his failure to produce an Establishment Health Management Plan as directed (Charge 3); and his failure to provide an on-going treatment plan in respect of a specific injured greyhound, this being requested and directed on a number of occasions (Charge 4). These failures occurred between 23 February 2021 and 17 June 2021.

In each instance, we are comfortably satisfied that the Charge has been proven.

Charge 5 relates to the failure of Mr Scott to include a specific un-named greyhound in his FastTrack account. This failure was despite a number of requests so to do between 23 February and 4 June 2021.

We are comfortably satisfied that Charge 5 has been proven.

Charges 6 and 7 involve the failure of Mr Scott to provide vaccination certificates in respect of two litters of pups within the required time frame or at all. In particular, requests so to do were made on 9 June and 5 July 2021.

We are comfortably satisfied that Charges 6 and 7 have been proven.

Mr Scott contested aspects of the above Charges and some Charges in their entirety. However, the bottom line is that we are comfortably satisfied that the evidence of the Stewards has been of sufficient weight to discharge the burden of proof in each instance. The oral evidence and the supporting material lead us to that conclusion. It may be that there are some small details that can be challenged, but the overwhelming weight of the evidence in each instance leads us to the conclusion that each Charge has been made out.

We shall hear submissions as to penalties on a date to be fixed.

Mark Howard
Registrar, Victorian Racing Tribunal