11 December 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE JACK**

**Date of hearing:** 8 December 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Shane Jack represented himself.

**Charge:** Greyhounds 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 charge:** 1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Taya Bale”.

3.“Taya Bale” was nominated to compete in, Race 2, PAUA RACING KENNELS, Tier 3 Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 30 January 2020 (**the Event**).

4. On 30 January 2020, you presented “Taya Bale” at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from “Taya Bale” at the Event (**the Sample**);
2. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Shane Jack is a registered greyhound trainer and the trainer of the greyhound “Taya Bale” at all relevant times. Taya Bale competed in Race 2 at Warragul on 30 January 2020. A post-race swab showed the presence of arsenic at a level greater than 1600 nanograms per millilitre (“ng/ml”). The threshold under the Greyhounds Australasia Rules (“GAR”) for arsenic is 800 ng/ml. That has been so since 1 July 2016. Trainers have been advised through the Greyhound Racing Victoria (“GRV”) website of the danger of inflated arsenic levels in greyhounds as a result of the chewing by greyhounds of Copper Chrome Arsenate (“CCA”) treated timber. There have been several cases since July 2016 before the Greyhound Racing Appeals and Disciplinary Board and this Tribunal concerning positive swabs resulting from greyhounds chewing treated timber.
2. Stewards of GRV have charged Mr Jack under GAR 83(2) for presenting a greyhound for an event while not being free of a prohibited substance. Mr Jack told a preliminary inquiry into the positive swab that Taya Bale is a “mad chewer”, unlike any of his other greyhounds. Mr Jack did not see the warnings about the chewing of CCA on the GRV website, including one put up on 22 March 2018. He was vaguely aware of the problem, but did not realise it would put Taya Bale over the threshold.
3. Arsenic is a prohibited substance above the threshold. Low levels are expected in greyhounds as it is a naturally occurring trace element which is found as a result of normal dietary intake and environmental exposure. It acts as a depressant. The result for Taya Bale was abnormal compared to tests carried out on other greyhounds trained by Mr Jack during the period January to March 2020.
4. Mr Jack has been training since 2002 and has a good record in relation to prohibited substance matters. He pleaded guilty to the charge and cooperated with the Stewards. He is now aware of the dangers presented by dogs chewing CCA treated timber.
5. In setting a penalty, we take into account the above matters and the importance of general deterrence and keeping a level playing field by maintaining a drug free industry. We also take into account Mr Jack’s good character. We further take into account recent penalties in like matters.
6. In all the circumstances, we impose a 6 months suspension on Mr Jack, but suspend 4 months of that period pending no further breach of GAR 83(2) in the next 12 months. We also impose a $500 fine. In addition, Taya Bale is disqualified from Race 2 at Warragul on 30 January 2020. The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal