17 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE PYE**

**Date of hearing:** 14 September 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson), Dr Andrew Gould and Ms Judy Bourke.

**Appearances:** Mr Adam Purton, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Shane Pye represented himself.

Mr Anthony Pearce,Mr Simon McLean, Mr Kirk Branton and Ms Michelle Green attended the hearing.

**Charges:** Local Racing Rule (“LR”) 42.1 states:

It is a Serious Offence if a person keeps a greyhound in conditions which are dangerous or detrimental to the health and safety of a greyhound.

Greyhounds Australasia Rule (“GAR”) 86(g) states:

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

(g) wilfully assaults, obstructs, impedes, abuses, interferes, threatens or insults the Controlling Body, any member of the Controlling Body, a club, any member of the committee of a club, any Steward or any other official of the Controlling Body or a club in or at any place including in or in the vicinity of the place where an inquiry is to take place, is taking place or has taken place.

GAR 86(f)(i) states:

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

(f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting or offensive language, conduct or behaviour in any manner or form towards, or in relation to-

(i) a Steward.

GAR 86(d) states:

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

(d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

GAR 86(p) states:

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

(p) 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.

GAR 86(e) states:

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

(e) being an owner, trainer, attendant or a person having official duties in relation to greyhound racing, refuses or fails to attend or to give evidence at an inquiry, or produce a document or other thing in relation to an investigation, examination, test or inquiry pursuant to these Rules when directed by the Controlling Body, Stewards or the committee of a club to do so.

**Particulars of charges: Charge 1: LR 42.1**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. Between 20 March 2020 and 10 November 2020, you kept the following three (3) greyhounds (“the greyhounds”):
* “CATALEYA” – “WDAPH” – Microchip Number 956000003279685
* “YATAGHAN MISS” – “VFCMZ” – Microchip Number 956000005407868
* “ODDS AND EVENS” – “VFSEW” – Microchip Number 956000004935993

in conditions which were dangerous and detrimental to their health and safety in that you:

* failed to provide appropriate sized kennels;
* failed to provide clean and adequate area to exercise;
* failed to provide clean and suitable bedding (faeces on bedding); and
* failed to remove a large build-up of furniture and rubbish next to the kennels which was a risk to their safety.

**Charge 2: GAR 86(g)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 10 November 2020, Investigative Stewards attended your registered kennelling premises in Chadstone, Victoria to conduct a property inspection and check the welfare of greyhounds.
4. On 10 November 2020, you confronted Investigative Stewards who were in process of seizing three (3) registered greyhounds pursuant to section 24U of the *Prevention of Cruelty to Animals Act 1986* from your registered kennelling premises in Chadstone, Victoria.
5. On 10 November 2020, you abused Investigative Stewards in that you stated:
* *“Shut up you fuck wit, you don’t want to get put on your arse, fuck off”*, and
* *“You can shove it up your fucking arse”*.

in the vicinity of your registered kennelling address where an inquiry was taking place.

**Charge 3: GAR 86(f)(i)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 10 November 2020, you engaged in improper, offensive and insulting language towards a Steward in that you left a voicemail on the phone of an Investigative Steward where you stated:
* *“[name deleted] you tell [name deleted] he’s being charged for stealing my dogs this morning and he’s a cock sucker”*.

**Charge 4: GAR 86(d)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 16 April 2020, at approximately 2:15pm, Investigative Stewards from the Greyhound Racing Integrity Unit (“GRIU”) were attempting to organise a property inspection of your registered kennels with you during a recorded telephone call.
4. On 16 April 2020 during the recorded telephone call, you stated to Investigative Stewards that you were you were returning from Wagga Wagga (NSW) and were currently in Albury (VIC). During the phone call you stated,
* *“How’s the weather in Melbourne?”, “I’m in Albury”, “Tomorrow I’ll be home” and “I’m going to drive now 8 hours and I’ll be home”.*
1. On 16 April 2020 at approximately 3:33pm, Investigative Stewards attended your registered kennelling premises and witnessed you standing in the driveway.
2. You being a public trainer made a false or misleading statement in relation to an investigation in connection with greyhound racing.

**Charge 5: GAR 86(p)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 9 July 2020, Greyhound Racing Integrity Unit Intelligence Manager issued you with a lawful order via email which directed you to complete an Establishment Health Management Plan (“EHMP”) and provide evidence of its completion by no later than close of business on 16 July 2020.
4. On 16 July 2020, Greyhound Racing Integrity Unit Intelligence Manager issued you with an extension of time to complete the EHMP and to provide evidence of its completion by no later than 20 July 2020.
5. On 21 July 2020, Greyhound Racing Integrity Unit Intelligence Manager issued you with a further extension of time to complete an EHMP and provide evidence of its completion by close of business on 21 July 2020.
6. On 29 July 2020, the EHMP was still not completed as per the lawful order issued to you on 9 July 2020 and you advised the Greyhound Racing Integrity Unit Intelligence Manager that you had not completed the EHMP.

**Charge 6: GAR 86(g)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 29 July 2020, Investigative Stewards attended your registered kennelling premises in Chadstone, Victoria to conduct a property inspection, check the welfare of greyhounds and issue you with a ‘Notice of Inquiry’ (“NOI”).
4. Investigative Stewards asked if you were refusing them entry into the kennels to inspect the greyhounds. You stated:
* *“I’m refusing you here on my property, I’m sick, go the fuck down the driveway”*.
1. You then threw an unknown object at the Stewards which caused them to leave the property.

**Charge 7: GAR 86(e)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 29 July 2020, Investigative Stewards attended your registered kennelling premises and issued you with a Notice of Inquiry which was to be held at Sandown Greyhound Racetrack at 11:00am on Tuesday 11 August 2020.
4. On 29 July 2020, in a phone call with the Greyhound Racing Integrity Unit (“GRIU”) Intelligence Manager, you stated you would not be attending the inquiry scheduled to be held at Sandown Greyhound Racetrack at 11:00am on Tuesday 11 August 2020.
5. On 11 August 2020, you failed to appear at the inquiry which was to be held at Sandown Greyhound Racetrack at 11:00am on Tuesday 11 August 2020.

**Charge 8: GAR 86(e)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 152243) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Chadstone, Victoria.
3. On 14 January 2021, Investigative Stewards spoke to you via phone and advised you that they were issuing you with a Notice of Inquiry to attend an inquiry which was to be held at Sandown Greyhound Racetrack at 10:00am on Monday 18 January 2021.
4. On 17 January 2021, you advised Investigative Stewards from the Greyhound Racing Integrity Unit (“GRIU”) that you were unable to attend the inquiry due to a family funeral. The inquiry was rescheduled to 3 February 2021.
5. On 3 February 2021, you failed to appear at the inquiry which was to be held at Sandown Greyhound Racetrack at 10:00am.

**Plea:** Not Guilty to all charges

**DECISION**

1. Mr Shane Pye is a registered greyhound trainer. On 27 October 2020, his registration was suspended by Greyhound Racing Victoria (“GRV”) as a consequence of the circumstances relating to the eight charges laid against him. The Registrar and Assistant Registrar of the Tribunal were copied into the email sent by GRV to Mr Pye serving him with a copy of the full brief of evidence on 31 August 2021. Shortly after the commencement of the hearing, Mr Pye demanded an adjournment of the proceedings, claiming that he had not received the brief. The adjournment application was in the process of being heard when Mr Pye started to become abusive to Counsel for the GRV Stewards and to the Tribunal. He said he was not going to be involved further with this hearing. His adjournment application was formally refused. He nonetheless stayed on the phone line during the telephone hearing and was abusive, disruptive and contemptuous to the Tribunal. The presiding member of the Tribunal directed the Assistant Registrar to discontinue Mr Pye’s phone line to the proceeding, having regard to his abuse of the Tribunal and his contempt for the proceeding. The matter then proceeded to be continued to be heard in his absence.

**Charge 1: LR 42.1**

1. The first charge is laid under Local Racing Rule (“LR”) 42.1, which makes it a serious offence if a person keeps a greyhound in conditions which are dangerous or detrimental to its health and safety.
2. Mr Pye, at all relevant times, kept three greyhounds, “Cataleya”, “Yataghan Miss” and “Odds And Evens”, at his registered kennel address in Chadstone, Victoria. Video evidence taken by the Stewards showed that the kennels provided by Mr Pye were of insufficient size to comfortably house three greyhounds. There was insufficient room for the greyhounds to exercise and the bedding provided was unclean and unsuitable. There was also a large build up of rubbish next to the kennels, which posed a risk to the safety of the greyhounds. These features were evident on 20 March 2020 when Investigative Stewards attended Mr Pye’s kennel address. On that day, they issued Mr Pye with a notice to complete an Establishment Health Management Plan (“EHMP”). On 9 July 2020, Stewards found that the premises still contained large amounts of rubbish. They issued Mr Pye with a compliance notice to undertake clean up work.
3. Stewards attempted, on 29 July 2020, to access the property to see if the compliance notice had been complied with by Mr Pye and were not given access by Mr Pye.
4. On 13 October 2020, Stewards found that the kennels were still poorly constructed. Limited exercise area was available to the greyhounds, which were all overweight. No EHMP had been completed and there was excessive rubbish and furniture about the property, which provided a hazard for the greyhounds.
5. On 21 October 2020, the Stewards issued a notice to comply under the *Prevention of Cruelty to Animals Act 1986* concerning the size of the kennels, their lack of waterproofing, the removal of excess urine and faeces and the elimination of hazards.
6. On 10 November 2020, the Stewards attended the property and found the three greyhounds in the backyard. They observed large piles of old faeces about the yard, faeces in bedding, bedding strewn through the backyard and kennels, stagnant water and piles of rubbish close to the kennels. There was no clear space for the greyhounds to walk in the yard. The conditions were disgraceful. They posed significant risk to the health and safety of the three greyhounds, each of which was removed from the property by Royal Society for the Prevention of Cruelty to Animals (“RSPCA”) inspectors who accompanied the Stewards.
7. Having regard to the foregoing, we are comfortably satisfied that Mr Pye kept greyhounds between 20 March 2020 and 10 November 2020 in conditions which were dangerous and detrimental to their health and safety. We are comfortably satisfied that charge 1 is made out and Mr Pye is guilty as charged.
8. We are fortified in our view about Mr Pye’s guilt on this charge by a report by veterinarian, Dr Juliana Xue, about the conditions in which the greyhounds were kept. Dr Xue observed that the greyhounds had mild dehydration, diarrhoea and poor coat quality and in one of them, a urinary tract infection. Dr Xue also observed from photos of the living conditions of the greyhounds, apart from the clutter and inadequate kennels, a lack of shelter for three greyhounds to protect them from extreme weather.

**Charge 2: GAR 86(g)**

1. Charge 2 is laid under Greyhounds Australasia Rule (“GAR”) 86(g). Under that sub-rule, amongst other things, a person who obstructs, impedes, abuses, interferes, threatens or insults any Steward at any place where an inquiry is to take place or is taking place or at any place is guilty of an offence.
2. Investigative Stewards on 10 November 2020 attended the property to conduct a kennel inspection and welfare check. When the Stewards were in the process of seizing the three greyhounds, Mr Pye abused them and said the following:

• *“Shut up you fuck wit, you don’t want to get put on your arse, fuck off”*; and

• *“You can shove it up your fucking arse”*.

1. GAR 86(g) prohibits, amongst other things, the abuse of Stewards “at any place”. We are comfortably satisfied that the charge has been made out.

**Charge 3: GAR 86(f)(i)**

1. Charge 3 is laid under GAR 86(f)(i), which, amongst other things, prohibits the use of improper, insulting or offensive language directed at a Steward. On 10 November 2020, Mr Pye left a voice message on the voicemail of an Investigative Steward which said *“[name deleted] you tell [name deleted] he’s being charged for stealing my dogs this morning and he’s a cock sucker”.* We find that language improper, insulting and offensive directed at a Steward. We find the charge established to our comfortable satisfaction.

**Charge 4: GAR 86(d)**

1. Charge 4 is laid under GAR 86(d), which, amongst other things, prohibits the making of false statements to Stewards in relation to an investigation in connection with greyhound racing.
2. On 16 April 2020, Investigative Stewards telephoned Mr Pye in a recorded call to arrange an inspection of his kennels. The call was placed at 2:15pm. Mr Pye claimed to be in New South Wales. At 3:33pm they saw him standing in the driveway at his property in Chadstone, Victoria.
3. The comments were made in relation to an investigation. The investigation was one into the condition of the kennels at Mr Pye’s property, being the investigation commenced on 20 March 2020. We are comfortably satisfied that charge 4 is made out.

**Charge 5: GAR 86(p)**

1. Charge 5 is made under GAR 86(p), which prohibits, amongst other things, the failure to comply with a lawful order of a Steward. On 9 July 2020, Stewards ordered Mr Pye to complete an EHMP by 16 July 2020. He failed to do so. Further extensions were granted and not complied with. No EHMP was ever produced by Mr Pye to the Stewards.
2. We are comfortably satisfied that charge 5 is made out. Mr Pye is guilty of that offence.

**Charge 6: GAR 86(g)**

1. Charge 6 is laid under GAR 86(g), as was charge 2. The relevant insult was given on 29 July 2020, when Mr Pye said to Investigative Stewards:
* *“I’m refusing you here on my property, I’m sick, go the fuck down the driveway”*.

The driveway was the way to enter and exit his home and kennels. We are comfortably satisfied that the charge is made out. We find Mr Pye guilty as charged on charge 6.

**Charge 7: GAR 86(e)**

1. Charge 7 is laid under GAR 86(e), which amongst other things, prohibits the refusal to give evidence at an inquiry. On 29 July 2020, Mr Pye was served with a Notice of Inquiry, which required his attendance at an inquiry on 11 August 2020. Mr Pye refused to attend the inquiry and failed to do so. We are comfortably satisfied he is guilty as charged.

**Charge 8: GAR 86(e)**

1. Charge 8 is also laid under GAR 86(e). It concerns a failure to comply with a notice to attend an inquiry due to be held on 18 January 2021. Notice was given to Mr Pye on 14 January 2021. On 17 January 2021, the inquiry was rescheduled to 3 February 2021 after Mr Pye requested it be rescheduled. He failed to appear at the inquiry, which was to be held on 3 February 2021, but it could not proceed in his absence. We find Mr Pye guilty as charged.

**Penalty Hearing**

1. A hearing to deal with the sanctions to be imposed on Mr Pye will be conducted by telephone at 9:30am on 29 October 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal