22 December 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE PYE**

**Date of hearing:** 21 December 2021

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

**Appearances:** Mr Adam Purton appeared on behalf of the Stewards.

Mr Shane Pye did not attend 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

**PENALTY**

1. In a decision dated 14 September 2021, Mr Shane Pye was found guilty of eight charges, which had been laid against him by Stewards of Greyhound Racing Victoria (“GRV”). The first of the charges was laid under Local Racing Rule (“LR”) 42.1, for keeping greyhounds in conditions which were dangerous or detrimental to their health and safety. The second was under Greyhounds Australasia Rule (“GAR”) 86(g), for abusing Stewards at a place where an inquiry was to take place. The third was under GAR 86(f)(i) for offensive language directed at a Steward. The fourth was under GAR 86(d) for making a false statement to Stewards. The fifth was under GAR 86(d) for failing to comply with a lawful order of a Steward. The sixth was another charge under GAR 86(g) for abusing the Stewards on a second occasion. The seventh was under GAR 86(e) for refusing to give evidence at an inquiry. The eighth was also under GAR 86(e) and concerned failure to comply with a notice to attend an inquiry.
2. This decision should be read in conjunction with the decision of 14 September 2021. The issue for current determination is the penalty to be applied in relation to each of the proven offences. The offences are all very serious ones that strike at the heart of GRV, as the industry regulator, to be able to properly regulate the industry. It strikes at its ability, through its Stewards, to police safety conditions for greyhounds in the registered kennels of licenced persons. It further strikes at the heart of the ability of the Stewards to perform their important work without being abused, lied to, ignored and defied by registered participants. Registration as a trainer, in particular, in the greyhound racing industry, is a privilege, not a right. With that privilege comes responsibility, including adherence to the Rules of greyhound racing, humane treatment of greyhounds and respect for the work of Stewards.
3. The charges proven against Mr Pye show that he is a person who is presently unfit to participate in the industry. His behaviour, the subject of the charges, was nothing short of disgraceful. Even allowing for the totality principle, he is deserving of a long period of disqualification. The totality principle application has led us to make two of the penalties concurrent with others.
4. In setting penalties in the above matters, we take into account general deterrence, denunciation of appalling conduct, just punishment and animal welfare considerations, as well as recent penalties in like cases. In this case, specific deterrence is also important.
5. Mr Pye has been a registered greyhound trainer continuously since 2015. Prior to that, he had been a registered trainer between 2007 and 2009. Other than the matters the subject of these charges, he has a good record with no relevant prior offences. However, on these matters, he has shown no remorse and chose not to make himself available for submissions on the penalty hearing by telephone.
6. His behaviour that led to these offences and his behaviour at the hearing of the charges on 14 September 2021 indicates that he may be suffering from some form of mental disorder. However, there was no other evidence before us to enable the Tribunal to form a conclusive view about that matter.
7. On Charge 1, a charge under LR 42.1 which amounted to a form of animal cruelty, we impose an 18 month disqualification. The living conditions provided for greyhounds were grossly unsuitable.
8. On Charge 2, a charge under GAR 86(g), we impose a six month disqualification to be served cumulatively with the penalty imposed on Charge 1. The abuse of the Stewards by Mr Pye was among the worst kind of any before this Tribunal.
9. On Charge 3, a charge under GAR 86(f)(i), we impose a nine month disqualification, with six months concurrent with the penalty imposed on Charge 2 and three months to be served cumulatively with the penalty imposed on Charge 1.
10. On Charge 4, a charge under GAR 86(d), we impose a six month disqualification to be served cumulatively with the penalty imposed on Charge 1.
11. On Charge 5, a charge under GAR 86(p), we impose a six month disqualification to be served cumulatively with the penalty imposed on Charge 1.
12. On Charge 6, a charge under GAR 86(g), we impose a two year disqualification to be served cumulatively with the penalty imposed on Charge 1. As well as abusing the Stewards, the throwing of objects by Mr Pye was egregious.
13. On Charge 7, a charge under GAR 86(e), we impose a 12 month disqualification to be served cumulatively with the penalty imposed on Charge 1.
14. On Charge 8, the second charge under GAR 86(e), we impose a 12 month disqualification to be served concurrently with the penalty imposed on Charge 7.
15. The total period of disqualification is six years and three months. That disqualification will commence with effect from the date of Mr Pye’s suspension by the Stewards prior to the hearing of the charges on 27 October 2020.
16. The Tribunal has been supplied with a victim impact statement which expresses the trauma a Steward experienced as a result of Mr Pye’s treatment of that Steward. It demonstrates the necessity for a severe penalty.
17. Finally, we observe that this matter was originally listed for hearing a couple of weeks ago in the County Court of Victoria. Mr Pye requested an adjournment to attend a family member’s funeral in New South Wales and the matter was adjourned, by consent, to today. Yesterday afternoon, Mr Pye’s counsel advised that his instructions were withdrawn. Mr Pye then contacted the Assistant Registrar to say that he was in isolation. The Tribunal decided to conduct the hearing by telephone to enable Mr Pye to participate. Mr Pye claimed that he was too sick to attend a hearing by telephone, but he was not in receipt of a medical certificate to attest to that. He was advised that the matter would proceed by telephone and that he would be contacted at the time of the hearing. He indicated that he would refuse to make himself available. The Tribunal notes these matters in fairness to Mr Pye and to GRV and to place on the record what has transpired. It also places on record that Mr Pye was given every opportunity to attend the penalty hearing. However, he refused and/or failed to do so.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal