10 July 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DOUGLAS KENYON**

**and**

**LESLIE KENYON**

**Date of hearing:** 8 July 2024

**Date of decision:** 10 July 2024

**Panel:** Judge John Bowman (Chairperson), Dr Andrew Gould and Ms Maree Payne.

**Appearances:** Mr Gregory Buchhorn, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.

Mr Douglas Kenyon did not attend the hearing.

 Mr Leslie Kenyon did not attend the hearing.

**Charges:** Greyhounds Australasia Rule (“GAR”) 159(1)(a) states:

(1) A person who, in the opinion of a Controlling Body or the Stewards:

(a) uses, or attempts to use, in connection with greyhound training or greyhound racing, any live animal, whether as bait, quarry or lure;

must be disqualified for life, and, if applicable, in addition fined a sum of money not exceeding the amount specified in a relevant Act or the Rules.

GAR 159(1)(c) states:

(1) A person who, in the opinion of a Controlling Body or the Stewards:

(c) causes, procures, permits or allows a greyhound to pursue or attack any live animal;

must be disqualified for life, and, if applicable, in addition fined a sum of money not

exceeding the amount specified in a relevant Act or the Rules.

GAR 159(1)(d) states:

(1) A person who, in the opinion of a Controlling Body or the Stewards:

(d) fails to use all reasonable endeavours to prevent a greyhound pursuing or attacking any live animal;

must be disqualified for life, and, if applicable, in addition fined a sum of money not exceeding the amount specified in a relevant Act or the Rules.

GAR 156(d) states:

An offence is committed if a person (including an official):

(d) attempts or conspires with another person to commit a breach of the Rules.

GAR 159(1)(b) states:

(1) A person who, in the opinion of a Controlling Body or the Stewards:

(b) attempts to possess, has possession of, or brings onto any premises, grounds or within the boundaries of any property where greyhounds are, or activities associated with greyhound racing occur or are intended to occur any live animal for the purpose of being, or which is reasonably likely to be or capable of being, used as bait, quarry or lure;

must be disqualified for life, and, if applicable, in addition fined a sum of money not exceeding the amount specified in a relevant Act or the Rules.

GAR 164(a) states:

An offence is committed if a person (including an official);

(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

GAR 159(3)(b) states:

(3) A person who, in the opinion of a Controlling Body or the Stewards:

(b) attempts to possess, has possession of, or brings onto any premises, grounds or within the boundaries of any property where greyhounds are, or activities associated with greyhound racing occur or are intended to occur, any animal carcass or part of an animal, for the purpose of being, or which is reasonably likely to be or capable of being, used as bait, quarry or lure;

must be disqualified for a period not less than 10 years and, if applicable, in addition fined a sum of money not exceeding the amount specified in a relevant Act or the Rules, unless there is a finding that a special circumstance exists at the time of the offence, in which case a disqualification penalty less than the minimum disqualification penalty stated in this subrule may be imposed.

GAR 158(1) states:

(1) Only lures approved by a Controlling Body are permitted to be used or kept in the possession of a person at any place where greyhounds are, or greyhound racing activities occur.

GAR 144(1)(d) states:

(1) An offence is committed if a person:

(d) acquires, attempts to acquire or possesses any permanently banned prohibited substance.

GAR 156(f)(ii) states:

An offence is committed if a person (including an official);

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper.

GAR 164(b) states:

An offence is committed if a person (including an official);

(b) refuses or fails to attend or to give evidence at an inquiry (or at any other disciplinary process, hearing or appeal proceeding) or produce a document or other thing in relation to an investigation, examination, test or inquiry (or other disciplinary process, hearing or appeal proceeding) pursuant to the Rules when directed by a Controlling Body, the Stewards, or another authorised person.

**Particulars:** **Douglas Kenyon**

**Charge 1:** **GAR 159(1)(a)**

 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 September 2023, you attended the registered kennel address of Mr Leslie Kenyon in Lara, Victoria.

3. On 1 September 2023, you have, in the opinion of the Stewards, used and/or attempted to use in connection with greyhound training and/or greyhound racing at least one live rabbit as bait, quarry or lure.

**Charge 2: GAR 159(1)(c)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 September 2023, you attended the registered kennel address of Mr Leslie Kenyon in Lara, Victoria.

3. On 1 September 2023, you have, in the opinion of the Stewards, caused, permitted or allowed greyhounds to pursue or attack at least one live rabbit.

**Charge 3: GAR 159(1)(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 September 2023, you attended the registered kennel address of Mr Leslie Kenyon in Lara, Victoria.

3. On 1 September 2023, you have failed to use all reasonable endeavours to prevent greyhounds from pursuing and attacking at least one live rabbit.

**Charge 4: GAR 156(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 September 2023, you attended the registered kennel address of Mr Leslie Kenyon in Lara, Victoria.

3. On 1 September 2023, you have conspired with another person, namely you brother Mr Leslie Kenyon, to commit breaches of the rules in relation to live baiting.

**Charge 5: GAR 159(1)(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 September 2023, you attended the registered kennel address of Mr. Leslie Kenyon in Lara, Victoria.

3. On or prior to 1 September 2023, you had possession of, or brought onto a premises where greyhounds are, or where activities associated with greyhound racing occurs, at least one live rabbit for the purpose of being, or which is reasonably likely to be capable of being, used as bait, quarry or lure.

**Charge 6: GAR 164(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 329208) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 5 September 2023 you participated in a recorded inquiry with Investigative Stewards.

3. During this inquiry, you made false or misleading statements regarding your involvement in live baiting activities.

**Leslie Kenyon**

**Charge 1: GAR 159(1)(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On 1 September 2023, you have, in the opinion of the Stewards, used and/or attempted to use in connection with greyhound training and/or greyhound racing at least one live rabbit as bait, quarry or lure.

**Charge 2: GAR 159(1)(c)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On 1 September 2023, you have, in the opinion of the Stewards, caused, permitted or allowed greyhounds to pursue or attack at least one live rabbit.

**Charge 3: GAR 159(1)(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On 1 September 2023, you have failed to use all reasonable endeavours to prevent greyhounds from pursuing and attacking at least one live rabbit.

**Charge 4: GAR 159(1)(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On or prior to 1 September 2023, you had possession of, or brought onto your premises where greyhounds are, or where activities associated with greyhound racing occurs, at least one live rabbit for the purpose of being, or which is reasonably likely to be capable of being, used as bait, quarry or lure.

**Charge 5: GAR 159(3)(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On or prior to 5 September 2023, you had possession of, or brought onto your premises or within its boundaries at least one rabbit carcass for the purpose of being, or which is reasonably likely to be capable of being, used as bait, quarry or lure.

**Charge 6: GAR 158(1)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On 5 September 2023, you were in possession of, at your registered kennel address, a lure that was not approved by a Controlling Body.

**Charge 7: GAR 156(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

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 Lara, Victoria.

3. On 1 September 2023, you have conspired with another person, namely you brother Mr Douglas Kenyon, to commit breaches of the rules in relation to live baiting.

**Charge 8: GAR 144(1)(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. Between 11 June 2023 and the 14 August 2023, you acquired, attempted to acquire and/or had possession of a permanently banned prohibited substance, namely Erythropoietin (EPO).

**Charge 9: GAR 156(f)(ii)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have done something in relation to a greyhound or greyhound racing, which in the opinion of the Stewards constitutes misconduct or is improper, in that:

a. Between 31 July 2023 and 18 August 2023, you have purchased or obtained two live ferrets;

b. You have used the ferrets to assist in catching rabbits that were to be used for the purpose of live baiting.

**Charge 10: GAR 156(f)(ii)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have done something in relation to a greyhound or greyhound racing, which in the opinion of the Stewards constitutes misconduct or is improper, in that:

a. Between 31 July 2023 and 5 September 2023, you have possessed 6 rabbit nets;

b. You have used the rabbit nets to assist in catching rabbits that were to be used for the purpose of live baiting.

**Charge 11: GAR 164(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On the 10 November 2023, you were sent a Direction Notice by GRV Investigators to attend an inquiry to be held at 46-50 Chetwynd Street, West Melbourne on 14 November 2023 at 10:30am.

3. You failed to attend the relevant inquiry.

**Charge 12: GAR 164(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 5 September 2023 you participated in a recorded inquiry with Investigative Stewards at your registered kennel address.

3. During this inquiry, you made false or misleading statements regarding your involvement in live baiting activities.

**Pleas:** **Douglas Kenyon:** Charge 4 withdrawn by the Stewards.

Not Guilty to all remaining Charges.

**Leslie Kenyon:** Charges 6 and 7 withdrawn by the Stewards.

Not Guilty to all remaining Charges.

**PENALTY**

In these matters, we would refer to our earlier decision in relation to liability. We found Mr Douglas Kenyon and Mr Leslie Kenyon guilty of the Charges against them. Neither attended that hearing, despite being fully informed of it. Each indicated in advance that there would be no attendance. Each was found guilty of a number of Charges. The hearing on the issue of penalty was adjourned to give both the opportunity of appearing and being heard in relation to those issues.

Again, despite being informed of what was occurring, neither attended at the hearing on penalties. We are comfortably satisfied that each had no intention of attending. We were equally satisfied that the hearings on penalty should proceed in their absence and that is what occurred.

In the case of Mr Leslie Kenyon, Charges 6 and 7 were withdrawn. Charge 4 had been withdrawn earlier in relation to Mr Douglas Kenyon. We turn now to our findings.

**MR DOUGLAS KENYON**

We refer to our earlier findings and the factual bases of the Charges. In relation to Charges 1, 2, 3 and 5, each involves the use of a live animal as a bait, quarry or lure and involves a breach of a sub-division of Greyhounds Australasia Rule (“GAR”) 159. These are most serious matters, involving, as they do, the use of a live rabbit, killed by dogs in the course of a training exercise. The penalty in each instance is disqualification for life unless special circumstances exist.

There is no evidence that any special circumstances do exist. This was quite blatant use of a live animal or live animals as a quarry or lure. This is deplorable behaviour thoroughly deserving of disqualification for life. We also impose a fine of $20,000. These penalties shall be imposed on Charge 1. The same penalties are imposed on Charges 2, 3 and 5. However, these are to be served concurrently with Charge 1. In other words, the penalties are disqualification for life and a total fine of $20,000.

In relation to Charge 6, this concerns the making of false or misleading statements at a Stewards inquiry. On this Charge, the Stewards seek a penalty of disqualification for 12 months. We agree with that proposed penalty. These are very serious matters. The wilful making of false or misleading statements was an attempt at avoiding incrimination for such an important and serious offence. The penalty imposed is that sought by the Stewards – disqualification for 12 months. Of course, this will be of necessity a penalty concurrent with Charge 1. However, it is a blatant breach of an important Rule and deserving of the penalty sought.

Thus, the effective total penalty imposed on Mr Douglas Kenyon is disqualification for life and a fine of $20,000. The disqualification is backdated to commence on 5 September 2023.

**MR LESLIE KENYON**

We again refer to our earlier findings and their factual bases.

On each of Charges 1, 2, 3 and 4, we impose a penalty of disqualification for life and a fine of $20,000. These are appropriate penalties for offences of such gravity. They involve great cruelty and have the potential to be very damaging to the impression of greyhound racing formed by the general community. Disqualification for life and a fine of $20,000 are appropriate penalties. Again, the penalties are imposed in respect of the four breaches, but the penalties on Charges 2, 3 and 4 are concurrent with that on Charge 1.

On Charge 5, possessing a live animal for the purposes of use as a bait, there is considerable overlap with Charges 1 – 4. We impose a penalty of disqualification for 15 years and a fine of $5,000. Of course, the disqualification imposed is concurrent with the penalty imposed on Charge 1. The fine imposed is cumulative on Charge 1.

Charge 8 concerns possession of a permanently banned prohibited substance. Again, we refer to our earlier findings. We impose a penalty of disqualification for three years, to be served concurrently with the penalty imposed on Charge 1.

Charges 9 and 10 essentially relate to the obtaining of ferrets and rabbit nets. On each Charge, the penalty imposed is disqualification for 12 months, to be served concurrently with the penalty imposed on Charge 1.

Charge 11 involves GAR 164(b), the failure to attend a Stewards inquiry. Mr Kenyon announced in advance that he would not be attending an inquiry scheduled for 10 November 2023. He did not attend. The conducting of Stewards inquiries is essential to their work. We agree that the appropriate penalty is disqualification for two years, to be served concurrently with the penalty imposed on Charge 1.

Charge 12 involves GAR 164(a), the making of a false or misleading statement to Stewards. We would refer to our earlier decision. Hindering the work of the Stewards in this fashion, and in regard to potentially very important matters, deserves the penalty sought by the Stewards – disqualification for 12 months, to be served concurrently with the penalty imposed on Charge 1.

Thus, the effective total penalty imposed on Mr Leslie Kenyon is disqualification for life and a fine of $25,000. The disqualification is backdated to commence on 5 September 2023.

**CONCLUSION**

The end result is that both Mr Douglas Kenyon and Mr Leslie Kenyon are disqualified for life, and these disqualifications directly embrace the other periods of disqualifications imposed.

There are also fines which, leaving to one side concurrencies, total $25,000 in the case of Mr Leslie Kenyon and $20,000 in the case of Mr Douglas Kenyon.

The disqualifications for both Mr Douglas Kenyon and Mr Leslie Kenyon are backdated to commence from 5 September 2023.

This brings to an end what has been a very disturbing case of animal cruelty deserving of very severe penalties.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal