

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 your 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.

<b>Pleas:</b>	<b>Douglas Kenyon:</b>	Charge 4 withdrawn by the Stewards. Not Guilty to all remaining Charges.
	<b>Leslie Kenyon:</b>	Charges 6 and 7 withdrawn by the Stewards. Not Guilty to all remaining Charges.

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## **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.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal

18 June 2024

## **DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DOUGLAS KENYON**

**and**

**LESLIE KENYON**

<b>Date of hearing:</b>	26 March 2024
<b>Date of decision:</b>	26 March 2024
<b>Date of reasons:</b>	18 June 2024
<b>Panel:</b>	Judge John Bowman (Chairperson), Dr Andrew Gould and Ms Maree Payne.
<b>Appearances:</b>	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. Mr Benjamin Considine appeared as a witness. Dr Steven Karamatic appeared as a witness.
<b>Charges:</b>	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 your 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.

<b>Pleas:</b>	<b>Douglas Kenyon:</b>	Charge 4 withdrawn by the Stewards. Not Guilty to all remaining Charges.
	<b>Leslie Kenyon:</b>	Charges 6 and 7 withdrawn by the Stewards. Not Guilty to all remaining Charges.

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## **DECISION**

### **INTRODUCTION**

Neither Mr Douglas Kenyon nor Mr Leslie Kenyon attended at the hearing of the multiple Charges against each of them. Each had indicated in advance that there would be no appearance or participation in the hearing and, whilst some contact was made, this remained the situation. It was confirmed on the day of the hearing.

The facts of the cases against both those charged are sufficiently similar to justify the matters being heard together. Given the attitude adopted by both persons charged, it was determined that the cases should proceed in their absence. This also meant that pleas of “Not Guilty” should be, and were, entered on their behalf. GRV were required to prove each case to the required level of the *Briginshaw* test – that is, the level of comfortable satisfaction.

### **MR DOUGLAS KENYON**

There are six Charges against Mr Douglas Kenyon. Greyhound Racing Victoria (“GRV”) has withdrawn Charge 4 against him. We say at the outset that each of the remaining Charges against him have been proved to our comfortable satisfaction.

Video footage was taken of Mr Douglas Kenyon placing a greyhound in a starting box whilst Mr Leslie Kenyon attached a live rabbit to a lure. The dog was then released and chased it. This was a repeated process with a total of four greyhounds. Use of a dead rabbit was also observed.

These facts form the basis of Charges 1, 2, 3 and 5. There is some duplication, as all arise from the same factual background.

Charge 1 against Mr Douglas Kenyon is pursuant to Greyhounds Australasia Rule (“GAR”) 159(1)(a). This Rule is specifically directed to the use of a live animal as bait, quarry or lure. This Charge clearly has been proved to our comfortable satisfaction. The video material and the Stewards’ observation establish this.



Charge 2 is pursuant to GAR 159(1)(c). It prohibits a person from causing, permitting or allowing a greyhound to pursue or attack a live animal. Again, clearly this has been proved to our comfortable satisfaction. This Charge would appear to overlap substantially with Charge 1.

Charge 3 is a breach of GAR 159(1)(d). This refers to a person failing to use all reasonable endeavours to prevent a greyhound from pursuing or attacking any live animals. The video material and the Stewards' observations prove the breach of this Rule to our comfortable satisfaction.

Charge 4 was withdrawn by the Stewards.

Charge 5 is a breach of GAR 159(1)(b). It is quite clear from the available evidence that Mr Douglas Kenyon had possession of a live animal for the purpose of using it as a bait, quarry or lure. Again, this breach involves the same factual basis and has been made out to our comfortable satisfaction.

Charge 6 is pursuant to GAR 158(1) and involves a different type of offence, namely a licensed person making false or misleading statements. This refers to a recorded Stewards' inquiry conducted on 5 September 2023. We are comfortably satisfied that Mr Douglas Kenyon stated that he had no knowledge of live baiting practices and did not possess live rabbits. However, after later being shown photographs, he made admissions in respect of live baiting. This Charge has been made out to our comfortable satisfaction.

## **MR LESLIE KENYON**

A total of 12 Charges have been made against Mr Leslie Kenyon. Charges 1, 2 and 3 effectively are identical to Charges 1, 2, and 3 against Mr Douglas Kenyon, and are discussed above. The Stewards have withdrawn Charges 6 and 7 against Mr Leslie Kenyon. In relation to the remaining Charges against him, we find that the Stewards have discharged the burden of proof to our comfortable satisfaction.

Mr Douglas Kenyon and Mr Leslie Kenyon were acting in concert in carrying out the live baiting, with each performing different tasks as part of the same overall live baiting exercise.

Charge 4 against Mr Leslie Kenyon is essentially identical with Charge 5 against Mr Douglas Kenyon and concerns the possession of, or bringing on to premises, a live animal for the purposes of live baiting. We are comfortably satisfied that Charge 4 has been proven.

Charge 5 relates to GAR 159(3)(b), which could be summarised as bringing on to a property where there are greyhounds an animal carcass for the purposes of using it as a lure. We are comfortably satisfied that Mr Leslie Kenyon brought at least one rabbit carcass on to the premises at the relevant time.

Charge 6 was withdrawn by the Stewards.

Charge 7 was withdrawn by the Stewards.

Charge 8 concerns a breach of GAR 144(1)(d) – the acquisition or possession of a permanently banned prohibited substance. That substance was erythropoietin, known as “EPO”. We accept that Mr Leslie Kenyon purchased the EPO, apparently from a distributor in India, this occurring between 11 June 2023 and 14 August 2023. He paid \$633.20 for this. We are comfortably satisfied that this Charge has been proven.

Charge 9 concerns an alleged breach of GAR 156(f)(ii) – doing something or omitting to do something which constitutes misconduct or is negligent or improper. This involved multiple attempts to obtain ferrets between 31 July 2023 and 28 August 2023. In two separate incidents, a number of ferrets was obtained. We are comfortably satisfied that this constituted misconduct and was improper. We accept that the obtaining of the ferrets was done for the purpose of using them improperly as part of the training of greyhounds. We are comfortably satisfied that Charge 9 has been proved.

Charge 10 relates to the purchasing of rabbit nets and a ferret from an address in Norlane and so doing between 31 July 2023 and 2 August 2023. It is alleged that this constituted a breach of GAR 156(f)(ii). We are comfortably satisfied that this Charge has been proven. We are comfortably satisfied that this behaviour constituted misconduct or was negligent or improper.

Charge 11 concerns an alleged breach of GAR 164(b), which could be summarised as being a failure to attend or give evidence at a disciplinary hearing. Mr Leslie Kenyon was notified of that hearing on 10 November 2023. However, he stated that he would not be attending and did not do so. We are comfortably satisfied that this Charge has been proven.

Charge 12 relates to an alleged breach of GAR 164(a). It is asserted that Mr Leslie Kenyon made a false or misleading statement when interviewed by the Stewards on 5 September 2023. He stated that he had no knowledge of live baiting practices and denied being in possession of live or deceased rabbits. After being shown photographs, he later made admissions. We are comfortably satisfied that a breach of GAR 164(a) has been established.

**CONCLUSION**

Thus, we are comfortably satisfied that the Charges against both Mr Douglas Kenyon and Mr Leslie Kenyon have been proven.

We shall not move on immediately to the issue of penalty. We shall give both persons the opportunity to be heard on this issue. However, there will be no great delay in this regard. In any event, attempts shall be made to inform them of this.

**NOTE**

The Stewards will be asked to advise Mr Douglas Kenyon and Mr Leslie Kenyon, as soon as possible, of the overall penalty that shall be sought so that they can be aware of that.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal