

Stewards' Report

Stewards Report: Philip Kimmet

Date: 22 February 2020

Panel: N Boyle, K Daly, B Connell and A Turner

Queensland Racing Integrity Commission (QRIC) Stewards today inquired into a complaint regarding an incident that occurred on the afternoon of 26 January 2020 around 6.30pm in Waterford Court Bundall.

Evidence was taken today from Mr Philip Kimmet a licensed thoroughbred trainer, Mr Bryan Guy a licensed thoroughbred trainer, telephonic evidence from Mrs Kerry Guy a member of the Gold Coast Turf Club and video footage of the incident which took place in Waterford Court on Sunday afternoon 26 January 2020 around 6.30pm.

After considering all of the evidence tendered, licensed thoroughbred trainer Mr Philip Kimmet was issued with three charges under AR 228(b).

CHARGE ONE: AR 228(b): improper conduct

A person must not engage in:

(b) Misconduct, improper conduct or unseemly behaviour;

The specifics of the charge against being:

As a licensed trainer with QRIC, he did conduct himself improperly in that he was mounted on registered thoroughbred THE HOUSEMAN on Sunday afternoon the 26 January 2020 around 6.30pm unsaddled on a public thoroughfare and without wearing a helmet and safety vest as required to do so under the rules of racing.

Mr Philip Kimmet pleaded guilty to the charge.

CHARGE TWO: AR228(b): misconduct

A person must not engage in:

(b) Misconduct, improper conduct or unseemly behaviour;

The specifics of the charge being:

As a licensed thoroughbred trainer with QRIC, he did misconduct himself in that whilst leading THE HOUSEMAN on a public thoroughfare in Waterford Court Bundall, on route to be swum on the afternoon Sunday January 26 2020 around 5.45pm he did use profanities in a verbal exchange towards Mr Bryan Guy.

Mr Philip Kimmet pleaded guilty to the charge.

CHARGE THREE: AR228(b): unseemly behaviour

A person must not engage in:

(b) Misconduct, improper conduct or unseemly behaviour;

The specifics of the charge being:

As a licensed thoroughbred trainer with QRIC, he did behave in an unseemly manner in that whilst leading THE HOUSEMAN on a public thoroughfare in Waterford Court Bundall, en route to be swum on the afternoon Sunday January 26 2020 around 5.45pm he did have in his hand an alcoholic beverage whilst in control of THE HOUSEMAN.

Mr Philip Kimmet pleaded not guilty to the charge.

Stewards heard submissions from Mr Philip Kimmet in relation to defending charge three (3). After hearing submissions in defence of charge three (3) and considering all the evidence tendered in the inquiry, Stewards were satisfied to the requisite standard that the charge could be sustained and found Mr Philip Kimmet guilty of charge three (3) as issued.

In determining the appropriate penalties for each charge, Stewards were mindful of Mr Philip Kimmet's personal circumstances, his record as the holder of a general thoroughbred trainer's licence for the last three years with QRIC, and Stewards were also mindful of the need for a penalty to serve as a specific deterrent to Mr Philip Kimmet, and a general deterrent to the wider industry to prevent similar behaviour from licensees.

PENALTIES:

CHARGE ONE: Mr Philip Kimmet was fined the sum of \$1500 with \$1000 of that fine to be suspended for a period not exceeding two years under the provisions of AR.283(5). The suspended fine is on the proviso that there are no breaches of any rules relating to conduct matters in that time.

CHARGE TWO: Mr Philip Kimmet was fined the sum of \$500

CHARGE THREE: Mr Philip Kimmet was fined the sum of \$200

Mr Philip Kimmet was advised of his rights to an internal review.