

Stewards' Report

- Date:** Monday, 17 January 2022
- Panel:** Mr W Hadley (Chairperson), Ms A Turner
- Person:** Mr Barry Lee Kitchener
- Rule:** GAR 86(ah), GAR 86(d)
- Charge:**
1. Associating with warned off person Thomas Noble for the purposes of greyhound racing around the approximate date of 23 June 2021 pursuant to GAR86(ah).
 2. Making a false statement at a stewards' inquiry on 10 November 2021 pursuant to GAR86(d).
- Penalty:** Charge 1: Eighteen (18) month disqualification effective from midnight 17 January 2022.
Charge 2: Five (5) month disqualification to be served cumulative to Charge 1.

Stewards of the Queensland Racing Integrity Commission today concluded an inquiry in respect of charges issued against licensed trainer, breeder and owner Barry Kitchener resulting from a kennel inspection at a registered kennel address on 21 September 2021 in which Thomas Noble, being a person warned off for life for live baiting, was present.

After considering all of the evidence, Stewards issued two (2) charges to Mr Kitchener pursuant to the Greyhounds Australasia Rules as follows:

Charge 1: Breach of Greyhounds Australasia Rule 86(ah), which relevantly provides:

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

(ah) being a registered person or person associated with greyhound racing, associates with a disqualified person for the purposes of greyhound racing

The specifics of Charge 1 are as follows:

Barry Kitchener, as a licensed greyhound trainer, breeder and owner, did associate with warned off person Thomas Adrian Noble for the purposes of greyhound racing around the approximate date of 23 June 2021 in that he arranged the purchase of a lure with, and for, warned off person Thomas Adrian Noble.

Charge 2: Breach of Greyhounds Australasia Rule 86(d), which relevantly provides:

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

The specifics of Charge 2 are as follows:

Barry Kitchener, as a licensed greyhound trainer, breeder and owner, made a false statement at a stewards' inquiry on 10 November 2021, with the false statement being that he purchased one (1) lure from Graham Moscow around the approximate date of 23 June 2021, when he did, in fact, purchase two (2) lures from Graham Moscow around the approximate date of 23 June 2021.

Mr Kitchener enter a plea of not guilty to Charge 1 and a plea of guilty to Charge 2.

Stewards found Mr Kitchener guilty of Charge 1 and confirmed Mr Kitchener's plea of guilty to Charge 2, with Mr Kitchener then providing brief written submissions on penalty.

In determining penalty, Stewards considered the following:

- Mr Kitchener's plea of not guilty to Charge 1;
- Mr Kitchener's plea of guilty at the earliest available opportunity to Charge 2, affording him a one (1) month reduction in penalty;
- Mr Kitchen's time in the greyhound racing industry, being approximately twenty-five (25) years;
- the serious nature of Mr Kitchener's offending, being an association with a person warned off for life for live baiting and giving false and misleading evidence at a stewards' inquiry;
- Mr Kitchener's disciplinary history, noting no prior breaches of Greyhounds Australasia Rule 86(ah) or 86(d);
- that holding a licence within the greyhound racing industry is a privilege, not a right, and it is the participant's responsibility, in this instance Mr Kitchener's, to inform himself/herself of his/her obligations under the Greyhounds Australasia Rules;
- the need to maintain the integrity of greyhound racing by imposing a penalty that sends a clear and unequivocal message to ensure that Mr Kitchener, and all other participants, understand that complying with the Greyhounds Australasia Rules is a core requirement of participating in greyhound racing;
- the need for both specific and general deterrence; and
- relevant penalty precedents in respect of Greyhounds Australasia Rule 86(ah) and 86(d).

Accordingly, the Stewards issued the following penalties:

Charge 1: Eighteen (18) month disqualification effective from midnight 17 January 2022.

Charge 2: Five (5) month disqualification to be served cumulative to Charge 2.

Therefore, the total disqualification period imposed upon Mr Kitchener is twenty-three (23) months effective from midnight 17 January 2022 to midnight 17 December 2023.

Stewards permitted Mr Kitchener seven (7) days from midnight 17 January 2022 to transfer all greyhounds from his care and control, with Stewards permission being required for each transfer.

Mr Kitchener was advised of his right to an Internal Review.