



INQUIRY INTO THE CIRCUMSTANCES SURROUNDING THE EUTHANASIA OF KENNYSING AT CASINO
RACECOURSE ON SATURDAY 10 AUGUST 2024

Grafton Racecourse

4 December 2024

Stewards: D R Hadley (Chair)
M W Cleaver
T L Vanderstok

Background

On 10 August 2024, 6-year-old gelding *Kennysing* in the care of licensed trainer Mr Greg Kilner took part in race 5 at Casino Racecourse. During the event, *Kennysing* sustained a catastrophic injury to its right foreleg. A subsequent postmortem revealed the near complete disruption of the right fore superficial digital flexor tendon.

Racing NSW Stewards commenced an investigation surrounding the euthanasia of *Kennysing* and the care afforded to the gelding prior to its euthanasia. Stewards conducted interviews with witnesses, obtained veterinarian reports in respect to *Kennysing* and identified a further failure in respect to the recording of medications and treatments.

Racing NSW Stewards today conducted an inquiry into circumstances surrounding the euthanasia and prior care afforded to *Kennysing*. A brief of evidence compiled by Racing NSW Stewards was tendered and oral evidence was taken from Mr Kilner, Veterinarian Dr Alan Giles, Veterinary nurse Ms Gabriel Ross, Racing NSW Official Veterinarian Dr Rose Bensley and current industry participants.

Stewards considered the evidence and, as a result, issued three (3) charges against Mr Kilner as detailed below.

Charges issued against Mr Greg Kilner

Charge 1: AR229(1)(b) - Improper action in connection with racing

The details of the charge being that he did commit an improper action in connection with racing by allowing *Kennysing* to commence and continue to exercise on or around 11 April 2024 despite having been advised that *Kennysing* had a poor racing prognosis requiring a spell of between 8-12 months as a result of the injury. Additionally, he failed to have *Kennysing* undergo a veterinary examination prior to resuming racing on 14 July 2024 to determine whether *Kennysing* was suitable to return to racing.

Plea: Guilty
Finding: Guilty

Charge 2: AR105(1)(b) Matters that may affect the running of a horse in a race

The details of the charge being that prior to the gelding returning to races on Sunday 14 July 2024, he did fail to report to the Stewards by nomination time on Tuesday 9 July that *Kennysing* had suffered severe superficial digital flexor tendon injury to the right foreleg.

Plea: Guilty
Finding: Guilty

Charge 3: AR104 Trainers must keep treatment records

The details of the charge that between 11 April 2024 and 28 September 2024, he failed to record medication and/or treatment administered to horses in his care in accordance with AR104(2).

Plea: Guilty
Finding: Guilty

Penalty

The following penalty considerations were taken into account –

- Guilty pleas were entered at the earliest opportunity
- Objective seriousness of the breaches
- Precedent penalties
- Personal and professional circumstances
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct
- The importance of equine welfare for the thoroughbred racing industry prior to, during racing and on retirement
- The purpose of issuing penalties as a protective measure for the image, interests and welfare of the thoroughbred racing industry

Charge 1: AR229(1)(b) – 6 months disqualification of licence reduced to 4 months

Charge 2: AR105(1)(b) – 2 weeks suspension of licence (to be served wholly concurrent with Charge 1)

Charge 3: AR104 – \$1000 fine (wholly suspended for a period of 2 years under AR283(5)).

Having regard to the principles of totality of penalty, in addition to the orders in respect of concurrency as set out above, Stewards ruled that Mr Kilner's trainers licensed be disqualified for a period of 4 months. Such penalty to commence on 11 December 2024 and to expire 11 April 2025, on which day he may re-apply for his licence.

Under the powers afforded by AR283(7), Stewards ordered the commencement of the penalty be deferred for a period of seven (7) days, however, during this period Mr Kilner is not to start a horse in a race.

Mr Kilner was advised of his rights of appeal.

Relevant Rules:

AR 229 Corruption, dishonesty and misleading behaviour

(1) A person must not:

(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing;

AR 105 Matters that may affect the running of a horse in a race

(1) The trainer of a horse, or any person that is in control of a horse, that is nominated for a race must:

b. by nomination time, report to the Stewards any occurrence, condition, surgery or treatment that may affect the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered before nomination time;

AR 104 Trainers must keep treatment records

- 1. A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.*
- 2. For the purpose of subrule (1), each record of administration must include the following information:*
 - (a) the name of the horse;*
 - (b) the date and time of administration of the treatment or medication;*
 - (c) the name of the treatment or medication administered (brand name or active constituent);*
 - (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;*
 - (e) the amount of medication given (if applicable);*
 - (f) the duration of treatment (if applicable);*
 - (g) the name and signature of the person/s administering and/or authorising the*



administration of the treatment or medication.

(h) the reason for administering the treatment or medication. [para added 1.2.21]

Division 4 – Penalties AR 283 Penalties

AR283 (5) *Any person or body authorised by the Rules to penalise a person may in respect of any*

penalty imposed in relation to the conduct of a person and other than in relation to a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding 2 years, on terms they think fit.

D R Hadley
General Manager – Investigations
Racing NSW