

## HEARING RESULT

---

**Distribution:** Chief Executive  
Group Integrity Services, Group Racing  
Group Racing Development  
Credit Controller  
ARB, ATA, VJA, TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 21 May 2014

**SUBJECT:** **HEARING RESULT – TRAINER: NIALL PHILLIPS**

---

**Panel** Judge Russell Lewis (Chair), Mr Josh Bornstein (Deputy),  
Mr Graeme Johnson.

**Appearances** Mr Peter Murrhly appeared on behalf of Mr Phillips.  
Mr James Ogilvy appeared on behalf of the Stewards.

**Charges 1 & 2** Breach of AR 175(g)

*The Committee of any Club or the Stewards may penalise: any person who gives at any interview, investigation, inquiry, hearing and/or appeal any evidence which is false or misleading in any particular.*

**Charge 3** Breach of AR 175(g) - **withdrawn at the hearing.**

**Charge 4** Breach of AR 178F

*A trainer must keep, and retain for a period of twelve months, a record of any treatment administered to any horse in his care.*

Charges 1 & 2 relate to Mr Phillips giving false or misleading evidence regarding a race day stable inspection at his stables on 25 February 2014.

**Plea** Charge 1 - guilty.  
Charge 2 - guilty.  
Charge 4 - guilty.

**Decision** Charge 1 - Mr Phillips convicted and fined \$2,500.  
Charge 2 - Mr Phillips convicted and fined \$1,500.  
Charge 4 - Mr Phillips convicted and fined \$500.

A total of \$4,500 due on or before 31 July 2014.

---

**TRANSCRIPT OF  
PROCEEDINGS**

---

**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR J. BORNSTEIN, Deputy Chairman  
MR G. JOHNSON**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: NIALL PHILLIPS**

**MELBOURNE**

**WEDNESDAY, 21 MAY 2014**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. MURRIHY appeared on behalf of Mr N. Phillips

---

CHAIRMAN: On these charges, the Board is of the opinion that a financial penalty is the appropriate disposition. The Board takes into account Mr Phillips' plea of guilty and the fact that he has no relevant prior convictions.

On the other hand, these are not infrequent offences and the principles of general deterrence and preservation of the integrity of racing are important sentencing principles.

In relation to Charge 1, the Board is satisfied that there was an element of premeditation and in relation to that charge, the Board fines Mr Phillips the sum of \$2500.

In relation to Charge 2, which it is agreed between the parties is a less serious charge but nevertheless a serious charge, the Board fines Mr Phillips the sum of \$1500.

In relation to Charge 4, the Board notes that the obligation to keep proper records is mandatory, not optional, and although it finds that there was no sinister reason for the absence of the record in the appropriate book, the Board fines Mr Phillips the sum of \$500 in relation to that charge.

A total monetary penalty therefore of \$4500 is imposed, to be paid on or before 31 July 2014.

---