

## HEARING RESULT

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**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:** 13 June 2014

**SUBJECT:** **HEARING RESULT – TRAINER: SHANE NICHOLS**

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**Panel** Judge Russell Lewis (Chair), Mr Darren McGee, Dr June Smith.

**Appearances** Mr Patrick Wheelahan appeared as Counsel for Mr Nichols.  
Mr James Ogilvy appeared on behalf of the Stewards.

**Charge** Breach of AR 178E(1)

*Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.*

The particulars of the charge being that Mr Nichols orally administered an electrolyte paste, 'Restore,' on the morning of Friday 25 April 2014 to the horse *Hot Shoe Shuffln (NZ)* which was engaged to run in Race 5 at Yarra Valley that day.

**Plea** Guilty.

**Decision** Mr Nichols convicted and fined \$4,000 - due on or before 31 July 2014.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR D. McGEE  
DR J. SMITH**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF SHANE NICHOLS**

**MELBOURNE**

**FRIDAY, 13 JUNE 2014**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr S. Nichols

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CHAIRMAN: Shane Nichols, you have pleaded guilty to a charge laid under Australian Rule of Racing 178E(1), in that on 25 April 2014, you administered medication to a horse trained by you on race day without the permission of the Stewards. This offence carries with it a minimum mandatory penalty of six months' disqualification unless special circumstances are established which would lead the Board to impose a lesser penalty.

The medication in question is a proprietary product called Restore which is an electrolyte supplement. It is not a prohibited substance. On race morning, the Stewards visited your stables in time to observe you administering Restore which was an oral paste. Under questioning by the Stewards, you made full admissions and explained that you had omitted to medicate the horse the previous day and it was an act of stupidity to medicate the horse on that morning.

At this hearing, it transpires that your action was not so much an act of stupidity as an aberration. The Board regards these admissions as representing a plea of guilty at the earliest opportunity. Accordingly, the Board is satisfied that a special circumstance has been established.

Further, the Board is satisfied that you have exhibited moral contrition and that you have an excellent reputation in the racing industry. In 25 years, you have never been convicted of any offence under the Rules of Racing.

Nevertheless, the mere fact that the Australian Rules of Racing now impose a mandatory penalty for this offence is testimony to the attitude the authorities have now taken in relation to this type of offence. This was not an accidental, nor an inadvertent administration, it was an administration made when you well knew of the relevant rule.

The principles of general deterrence and preservation of the image of racing are an important sentencing consideration. That said, the Board agrees that a financial penalty is the appropriate disposition. Mr Nichols, you are fined the sum of \$4000, to be paid on or before 31 July 2014.

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