

## HEARING RESULT

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**Distribution:** Chief Executive  
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Office of Racing  
T Moxon – National Drug Register  
Racing Press

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

**DATE:** 6 March 2014

**SUBJECT:** **HEARING RESULT – TRAINER: MICHAEL TROTTER**

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**Panel** Judge Russell Lewis (Chair), Dr June Smith, Mr Ron Taylor.

**Appearances** Mr Trotter appeared on his own behalf.  
Mr James Hitchcock appeared on behalf of the Stewards.

**Charge** Breach of AR 175(gg)

*The Committee of any Club or the Stewards may penalise; any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.*

The particulars of the charge being that Mr Trotter made false or misleading statements to the Stewards in relation to the scratching of the horse *Shenanigans* from Race 5 at Terang on Monday, 9 December 2013.

**Plea** Guilty.

**Decision** Mr Trotter convicted and fined \$5,000.  
Fine due on or before 30 June 2014.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

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

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: MICHAEL TROTTER**

**MELBOURNE**

**THURSDAY, 6 MARCH 2014**

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR M. TROTTER appeared on his own behalf

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CHAIRMAN: Michael Trotter, you have pleaded guilty to a charge laid under Australian Rule of Racing 175(gg). The rule is in the following terms:

*The Committee of any Club or the Stewards may penalise any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.*

The essential facts relating to the charge are set out in the particulars of the charge and in Mr Hitchcock's evidence relating to the essential details.

In the Board's view, this was an egregious example of this type of offence; (1) the lies were premeditated; (2) you saw fit to use an apprentice rider as part of your deceit; (3) you persisted in the lies when being closely questioned by Mr Hitchcock until you realised that your concocted story had been exposed as pure invention.

The Board has taken into account your plea of guilty and your moral contrition and the fact that you have no relevant prior convictions; indeed, you have no convictions in relation to the Rules of Racing.

This type of offence, particularly by a licensed person, tarnishes the image of racing. In particular, such conduct demonstrates a lack of respect for those in authority, in this case, a senior steward, Mr Hitchcock. The principle of general deterrence is an important sentencing consideration.

Special deterrence is also relevant because although you had the opportunity to make a clean breast of things when first spoken to by Mr Hitchcock on the second occasion, you were prepared to persist in your lies until you realised that the game was up.

In this case, any penalty should be designed to send a message to the racing community that false statements in the form of premeditated lies to racing authorities will not be tolerated. But for the mitigating factors to which I have referred, a period of suspension would have been appropriate. In the Board's opinion, the appropriate penalty, having regard to all the circumstances, is a substantial financial penalty.

Michael Trotter, you are fined the sum of \$5000 to be paid on or before 30 June 2014.

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