

Media Release

Racing Appeals & Disciplinary Board

11 November 2019

HRV RAD Board Hearing – John Nicholson

On 29 October 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered a charge issued by HRV Stewards under Australian Harness Racing Rule (AHRR) 190(1) against licensed trainer John Nicholson.

AHRR 190(1) reads as follows:

A horse shall be presented for a race free of prohibited substances.

The charge related to a urine sample collected from the horse 'Smart Little Shard' after it won Race 8, the 'Woodlands Stud Pace', at the Tabcorp Park Melton harness racing meeting on 4 February 2019. Racing Analytical Services Limited (RASL) reported the sample contained arsenic in excess of the allowable threshold.

Mr Nicholson pleaded guilty to the charge before submissions on penalty were heard from the HRV Stewards and Mr Nicholson.

In deciding an appropriate penalty, the HRV RAD Board considered Mr Nicholson's guilty plea and cooperation throughout the investigation; the circumstances of the case; Mr Nicholson's lengthy involvement in the harness racing industry and other relevant factors. Also the purpose of the rules in relation to prohibited substances to protect the integrity of the industry and to ensure drug free racing; penalties in similar cases; both general and specific deterrence; and past industry notices regarding arsenic.

Mr Nicholson was fined \$3000, of which \$1500 was suspended for a period of 12 months. The HRV RAD Board also ordered that, under AHRR 195, 'Smart Little Shard' be disqualified from Race 8 at Tabcorp Park Melton on 4 February 2019 and the placings be amended accordingly. The HRV RAD Board further ordered that any prizemoney won by 'Smart Little Shard' from the race in question be returned to HRV.

HRV RAD Board Panel: Judge Graeme Hicks (Chair) and Dr. Hugh Millar

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.