

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED TRAINER JOHN SHELTON

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Principal Member; Ms J. Foley; Mr. J Murphy**

Appearances: **Racing NSW - Mr T. Moxon, Deputy Chairman of Stewards**

Appellant: Self represented

Date of Hearing: **2 May 2024**

Date of Reasons and
Orders: **2 May 2024**

REASONS FOR DECISION

1. On 3 December 2023, licensed trainer John Shelton pleaded not guilty to a breach of AR 245(1)(a) of the Australian Rules of Racing (**Rules**), following a Stewards' Inquiry. That rule is in the following terms:

A person must not administer a prohibited substance on Prohibited list A and/or Prohibited List B to a horse which is detected in a sample taken from the horse prior to or following the running of race.

2. The relevant circumstances were that a pre-race blood sample was taken from the horse Koondeeman, prior to it running in Race 8 Benchmark 58 Handicap over 1100m at Armidale Racecourse on 3 December 2023. Laboratory analysis of the sample by the Australian Racing Forensic Laboratory and Racing Analytical Services Ltd, detected the substance Meloxicam.
3. Meloxicam is a Prohibited List B prohibited substance. It is a substance capable at any time of causing either directly or indirectly an action and/or effect within the digestive system and/or the musculoskeletal system, and it is categorised as an analgesic, anti-inflammatory and antipyretic agent.
4. Given this was Mr Shelton's second offence and the not guilty plea, the Stewards were of the view that an appropriate base penalty was a fine in the sum of \$10,000. Koondeeman, which finished 5th in the race, was disqualified under AR 240(1). Mr Shelton has now appealed to the Panel against the severity of the penalty imposed. He represented himself at the Appeal hearing, with the Stewards represented by the Deputy Chairman of Stewards, Mr T. Moxon.

5. As submitted by T Moxon, a breach of AR 245(1)(a) is a serious infringement of the rules. Any time a horse runs in a race with a prohibited substance in its system, the racing industry is inevitably damaged once that substance is detected. A key purpose of the penalty provisions in the rules is to ensure that a message is sent to the public that such breaches are not tolerated by the officials, and to uphold the integrity and image of the sport.
6. Mr Moxon also noted that this was the Appellant's second time that he was guilty for the same offense, the previous occurrence being in 2015, with the current breach caused by a failure of the Appellant to adhere to the veterinarian's advice, which required that Meloxicam be administered at four clear days prior to racing. The Appellant administered Meloxicam within three days of racing and there seemed to be a misunderstanding by the Appellant of the required timeline between administering the Meloxicam and the horse racing.
7. That said, this was short of the most serious breach of this rule. Ordinarily, a breach of this rule would result in suspension, or even disqualification. The Appellant said he genuinely believed he had done nothing wrong, which the Panel accepts. The Appellant appears to have operated under that misapprehension that the Meloxicam could be administered three days before a horse was to race, whereas the label of the Meloxicam clearly required "four days withholding to race". The Appellant thought the Meloxicam would be out of the horse's system by race day and it was not intended to have any kind of performance enhancing effect. This was a mistake, not dishonesty or an attempt to cheat.
8. The Panel acknowledges that this is the Appellant's second offence for a breach of AR 245(1)(a), and again it involves Meloxicam. The Panel would expect that a trainer of Mr Shelton's experience is fully aware of his obligation to follow veterinarian advice and THE Panel would be surprised if his stable practices are not improved moving forward.
9. Bearing in mind the Appellant's 50 years in the industry, in which his record has been generally good, as well as the Appellant's new appreciation of the benefits of a guilty plea, we are of the view that while the penalty imposed by Stewards was reasonable, a more appropriate penalty is a fine in the sum of \$8,000.
10. The orders of the Panel are:
 1. Appeal against severity of penalty allowed.
 2. Penalty of a fine in the amount of \$10,000 set aside
 3. In lieu of that penalty, a fine in the sum of \$8,000 is imposed.
 4. Appeal deposit to be refunded.