



*INQUIRY INTO THE ANALYSTS FINDING OF COBALT IN A URINE SAMPLE TAKEN FROM TESARC SUBSEQUENT TO IT BEING PLACED FIRST IN THE BENCHMARK 66 HANDICAP 1420M CONDUCTED AT GRAFTON RACECOURSE ON 29 APRIL 2019.*

**Grafton Racecourse**

**Wednesday 29 April 2019**

**Stewards: M A Holloway (Chairman)  
R W Loughlin**

The Stewards today conducted an inquiry into two Analysts' findings of cobalt at a concentration above the level excepted in paragraph 11 of Division 3 of the Prohibited List B in a post-race urine sample taken from *Tesarc* following that gelding winning Race 9 Benchmark 66 Handicap 1420m at Grafton racecourse on the 29 April 2019.

Cobalt was certified at the following levels.

National Measurement Institute	216µg/L
Racing Analytical Services Ltd	195µg/L

Evidence was taken from trainer of *Tesarc*, Mr Scott Henley, licensed stablehand Mrs Fleur Henley, Racing NSW Senior Official Veterinarian Dr Toby Koenig, ARFL Science Manager Dr Adam Cawley and veterinarian Dr Derek Major.

Mr Henley was found guilty to a charge under AR240(2) in that being the trainer of the racehorse *Tesarc*, he brought *Tesarc* to Grafton racecourse on Monday 29 April 2019 for the purpose of participating in Race 9 Benchmark 66 Handicap 1420m and the prohibited substance Cobalt was detected, above the level of 100 micrograms per litre excepted in paragraph 11 of Division 3 of the Prohibited List B, in a post-race urine sample taken from the gelding following it winning Race 9 Benchmark 66 Handicap on that day.

### **Penalty**

In assessing penalty stewards considered the decision of the Racing Appeals Tribunal in the matter of Sprague 27 June 2018, where The Tribunal determined the starting point for cobalt offences, involving presentation, be a period of disqualification of 16 months. After taking into account Mr Henley's clean record, having been involved in racing for approximately 34 years, the last 5 years as a trainer, and his not guilty plea the Stewards determined that a period of disqualification of 14 months was the appropriate penalty. Accordingly, Mr Henley was disqualified for a period to commence immediately and to expire on 17 November 2020.

Mr Henley was advised that he is permitted to care and work horses in his care for a period of 7 days whilst he makes the appropriate arrangements to comply with the provisions of a AR263, however he is not permitted to nominate or start a horse in a race or official trial during this time.

Mr Henley was advised of his right of appeal against conviction and penalty.

## **RACING NSW – STEWARDS REPORT**

Acting under the requirements of AR240(1), *Tesarc* was disqualified from its 1st placing in Race 9 Benchmark 66 Handicap conducted at Grafton racecourse on the 29 April 2019 and the placing's were amended as follows:

1st	<i>My Dream Lover</i>
2nd	<i>Dark Image</i>
3rd	<i>Caro Cavallo</i>
4th	<i>Spirit of Husson</i>
5th	<i>New Endeavour</i>

### **Relevant Rules**

**AR 240 (2)** - Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

**AR240(1)** – Subject to subrule (3), if a horse is brought to a racecourse and a prohibited substance on Prohibited List A and / or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the horse must be disqualified from any race in which it started on that day.

**M A Holloway**  
**Chief Steward NRRA**