



INQUIRY INTO THE ANALYSTS FINDING OF COBALT IN A URINE SAMPLE TAKEN FROM RIVAL MO PRIOR TO IT BEING PLACED FIFTH IN THE BENCHMARK 58 HANDICAP 2230M CONDUCTED AT GRAFTON RACECOURSE ON 20 FEBRUARY 2020.

Grafton Racecourse

Thursday 28 May 2020

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

The Stewards today conducted an inquiry into two Analysts' findings of cobalt, at a concentration in excess of 100 µg/L, in a pre-race urine sample taken from *Rival Mo* prior to that mare placing 5th in Race 1 Benchmark 58 Handicap 2230m at Grafton racecourse on the 20 February 2020.

Cobalt was certified at the following levels.

National Measurement Institute	222µg/L
Racing Analytical Services Ltd	196µg/L

Evidence was taken from trainer of *Rival Mo*, Mr Terry McCarthy, Racing NSW Senior Official Veterinarian Dr Toby Koenig and ARFL Science Manager Dr Adam Cawley.

Mr McCarthy was found guilty to a charge under AR240(2) in that being the trainer of the racehorse *Rival Mo*, he brought *Rival Mo* to Grafton racecourse on Thursday 20 February 2020 for the purpose of participating in Race 1 Benchmark 58 Handicap 2230m 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 urine sample taken from the mare prior to its running and placing 5th in that event.

Penalty

Stewards were mindful of their requirement to issue a penalty that provides Mr McCarthy a message to ensure that he does not repeat such conduct in the future, to provide a general message to the community at large to indicate to those who are likeminded to offend in such manner what the likely consequences are, and, to indicate to the broader community who are not likely to engage in such conduct that horse racing is operating at the highest possible standards.

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, of this nature be a period of disqualification of 16 months.

Amongst other aggravating and mitigating factors, stewards formed an opinion that the penalty was mitigated by the fact Mr McCarthy has offended once previously under the prohibited substance rules in approximately 47 years involved in the horse racing industry, 37 years as a trainer.

RACING NSW – STEWARDS REPORT

Accordingly, Mr McCarthy was disqualified for a period of 14 months.

Mr McCarthy was advised that under the provisions of AR283(7) 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 prohibitions on a disqualified person listed under AR263, however he is not permitted to nominate or start a horse in a race or official trial during this time.

The period of such disqualification issued to Mr McCarthy was ordered to commence on Friday 5 June 2020 and to expire on Thursday 5 August 2021.

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

Acting under the requirements of AR240(1), *Rival Mo* was disqualified from its 5th in Race 1 Benchmark 58 Handicap 2230m conducted at Grafton racecourse on the 20 February 2020 and the placing's were amended as follows:

1st	<i>Tickets for Youth</i>
2nd	<i>Pressing Matters</i>
3rd	<i>Misty View</i>
4th	<i>Lets Torque A Deel</i>
5th	<i>Myboycellito</i>

Further, Mr McCarthy was fined \$400 for failing to record the oral administration of Electropaste to *Rival Mo* on, or around, Tuesday 18 February 2020 by midnight on that day (AR104(1)).

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.

AR104(1) – A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.

M A Holloway
Chief Steward NRRA