



INQUIRY INTO THE ANALYSTS FINDING OF HEPTAMINOL AND COBALT ABOVE THE THRESHOLD IN A PRE-RACE URINE SAMPLE TAKEN FROM TALIANO PRIOR TO THE GELDING COMPETING IN RACE 2 – MAIDEN HANDICAP 1400M CONDUCTED AT MURRUMBIDGEE TURF CLUB ON 14 JULY 2020

**Stewards Room
Murrumbidgee Turf Club, Wagga Wagga**

21 October 2020

Committee of Stewards: **J A Shultz (Chairman)**
 L J Martin
 J D Walshe

Racing NSW Stewards today conducted an inquiry into reports from the Australian Racing Forensic Laboratory (ARFL), Racing Analytical Services Limited (RASL) and the National Measurement Institute (NMI) concerning the Analysts findings of Heptaminol, and Cobalt above the threshold in a pre-race urine sample taken from Taliano prior to the gelding competing in and subsequently winning Race 2 – Maiden Handicap 1400m conducted at the Murrumbidgee Turf Club on Tuesday 14 July 2020.

Cobalt was certified at the following levels.

National Measurement Institute	147µg/L
Racing Analytical Services Ltd	166µg/L

Evidence was today taken from the trainer of Taliano, Ms Michelle Russell, Racing NSW Chief Veterinary Officer Dr Toby Koenig and ARFL Science Manager Dr Adam Cawley. Ms Russell also represented the interests of the owners of Taliano in respect to the provisions of AR240(1). The inquiry was unable to establish the reasons for heptaminol, and cobalt being detected above the threshold.

Charges:

Ms Russell was issued with the following charges

Charge 1:

Pursuant AR240(2), as the licensed trainer at all relevant times Ms Russell did bring the racehorse Taliano to the Wagga Wagga racecourse on 14 July 2020 for the purpose of participating in race 2 the "Maiden Handicap 1400m" whereby the prohibited substance cobalt was detected above the threshold of 100 micrograms per litre, in a pre race urine sample collected from the gelding.

Plea: Guilty

Charge 2:

Pursuant to AR240(2) as the licensed trainer at all relevant times Ms Russell did bring the racehorse Taliano to the Wagga Wagga racecourse on 14 July 2020 for the purpose of participating in race 2 the "Maiden Handicap 1400m" whereby the prohibited substance heptaminol was detected in a pre-race urine sample collected from the gelding.

Plea: Guilty

Charge 3:

Pursuant to AR104(1) as the licensed trainer at all relevant times Ms Russell did fail to keep accurate treatment records for Taliano for the relevant period up to and including 14 July 2020.

Plea: Guilty

Penalty

Stewards considered the following matters when determining the appropriate penalty for Ms Russell in respect to all charges issued

1. Guilty Plea for all charges
2. No previous breaches under the same or similar rules in which charges were issued
3. Personal and professional circumstances
4. Licensing history
5. Principles associated with breaches under such rules
6. Precedent penalties
7. Principles of deterrence in sentencing

Charge 1 - AR 240(2) Prohibited substance detected in a sample namely Cobalt. Stewards determined the appropriate penalty be a period of 12-month disqualification. Having regard to the above-mentioned considerations, a period of 12-month disqualification was issued to commence on October 21, 2020 and to expire on 21 October 2021 on which day Ms Russell may reapply for her license.

Charge 2 - AR 240(2) Prohibited substance detected in a sample namely Heptaminol. Stewards determined the appropriate penalty be a period of 2-month suspension of her trainers license. Having regard to the above-mentioned considerations, a period of 2-month suspension was issued to commence on October 21, 2020 and to expire on 21 December 2020.

Stewards ordered both charges under AR240(2) to be served concurrently.

Charge 3 - AR 104(1) Fail to keep accurate treatment records - Stewards determined the appropriate penalty be a \$300 fine

In accordance with the provisions of AR240(1), Taliano was disqualified from its first placing in Race 2 Maiden Handicap 1400m conducted at the Wagga Wagga racecourse on 14 July 2020 and the placing's amended as follows.

05. Cape Cluster	1 st
03. Ma Bella Rosie	2 nd
06. Cracking Dawn	3 rd
09. Sheeza Menzies	4 th
02. Kez	5 th
07. Crafty Girl	6 th
11. Sixpenny Fair	7 th
08. Ramachandra	8 th

In accordance with the provisions of AR283(7) & (8) the commencement of the disqualification was deferred for a period of 7 days, however during this period Ms Russell is not permitted to nominate or start a horse in any race or official trial.

Ms Russell was advised of her right of appeal.

Relevant Rules

Division 2 – Prohibited substance in a sample taken from a horse

AR 240 Prohibited substance in sample taken from horse at race meeting

- (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.
- (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.

Division 3 – Prohibited List B thresholds

11. Cobalt at a mass concentration of 100 micrograms per litre in urine or 25 micrograms per litre in plasma.

AR 104 Trainers must keep treatment records

- (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.

Division 4 – Penalties

AR 283 Penalties

(7) A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions considered fit.

(8) Notwithstanding that the commencement of a period of disqualification may be deferred under subrule (7), a trainer must not start a horse in any race from the time of the decision to disqualify that trainer until the expiration of the period of disqualification.

J A Shultz
Chief Steward
Southern District Racing Association