



INQUIRY INTO ANALYSTS FINDING OF COBALT IN A POST RACE URINE SAMPLE TAKEN FROM WILD CHAP AFTER WINNING AT WAGGA WAGGA ON 9 JANUARY 2020.

Thursday 28 January 2021

**Stewards: M F Van Gestel (Chairman)
W R Birch
T P Moxon**

Racing NSW Stewards today conducted an inquiry into the analysts findings of cobalt being present in a urine sample taken from Wild Chap after winning at the Murrumbidgee Turf Club race meeting conducted at Wagga Wagga racecourse on 9 January 2020.

The conduct of the Stewards inquiry was postponed allowing Racing NSW to work collaboratively with the NSW Police Force to ascertain if any criminal offence had been committed under Part 4ACA Cheating at Gambling of the Crimes Act 1900, due to highly elevated level of cobalt detected in the sample and to fully investigate the betting on the event, which saw Wild Chap being well supported to win the race. When no criminal offences were identified the Stewards then elected to conduct the inquiry.

Evidence today was taken from Mr Mick Tubman, trainer of Wild Chap, Racing NSW Chief Veterinary Officer Dr Toby Koenig, ARFL Science Manager Dr Adam Cawley, Racing NSW General Manager - Investigations Mrs Jacqueline Johnstone, Senior Investigator Det. Sgt. Tony Williams, Racing NSW Betting Analyst Mr Mitchell Reid, licensed trainer Mr Anthony Mountney, jockey Ms Winona Costin, licensed stablehands Ms Anita Burgess, Ms Nell Foley and Mr Brendan Heffernan, registered owner Mr Brett Crilly and Mr Glenn Murphy.

Wagering Investigation

A thorough analysis was conducted of the betting on the event by Racing NSW Betting Analysts. Racing NSW Investigators conducted a number of interviews of persons who had supported Wild Chap to ascertain if there was any prior knowledge that Wild Chap was presented to race with a prohibited substance in its system. Those investigations and today's inquiry did not establish that any party that profited from betting on Wild Chap had any prior knowledge in respect to the use of prohibited substances.

Cobalt Analysis

Cobalt was detected in the sample at the following levels.

National Measurement Institute (NMI)	1243ug/L
Racing Analytical Services Limited (RASL)	>200ug/L

The inquiry was unable to establish the cause of the analysts findings and elevated level of cobalt detected in the sample. Mr Tubman was charged with the following offences.

1. Charge 1 – AR232(i) False Evidence

Mr Tubman did provide false evidence on 31 January 2020 & 9 July 2020 during an investigation as to why the CCTV located at his stables had failed to record on the morning of 9 January 2020, in the knowledge he intentionally turned off the CCTV to avoid the CCTV recording his administration of an electrolyte paste to Wild Chap in prohibition of the Rules of Racing.

Plea: Guilty

2. Charge 2 – AR232(i) False Evidence

Mr Tubman did provide false evidence on 9 July 2020 that Wild Chap did not receive treatment on the day it was engaged to race at Wagga Wagga on 9 January 2020, in the knowledge that such evidence was false, as he treated Wild Chap with an electrolyte paste on the morning of 9 January 2020.

Plea: Guilty

3. Charge 3 - AR249(1)(a) – Raceday Medication

The details of the charge being that Mr Tubman did administer medication in the form of an electrolyte paste to Wild Chap on the morning of 9 January 2020, the day Wild Chap was engaged to race at Wagga Wagga racecourse.

Plea: Guilty

4. Charge 4 – AR240(2) Presenting Wild Chap with Cobalt

Mr Tubman did present the racehorse Wild Chap to race in Race 6 CG&E Maiden Plate 1200m at the race meeting conducted at Wagga Wagga on 9 January 2020 when the prohibited substance cobalt was detected in a post-race urine sample, above 100ug/l that is excepted by Division 3(11) of Prohibited Substance List B.

Plea: Guilty

5. Charge 5 – AR104 Failure to keep Proper Treatment Records

Mr Tubman did fail to record the time of the treatments and the name and signature of the person who administered treatments to Wild Chap on 7 January 2020.

Plea: Guilty

Penalty

The Stewards considered the following matters in respect to penalty.

- Mr Tubman's licensing history having been a licensed trainer for over 30 years.
- His disciplinary record, which included a period of disqualification for possessing EPO in 2018.
- His current personal circumstances.
- General principals when considering penalties for offences under the Rules of Racing

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Charges 1 & 2 – 16 Months disqualification reduced to 12 months for guilty plea.

Charge 3 – 6 Months (Mandatory Minimum Penalty) reduced to 4.5 months for guilty plea.

Charge 4 – 18 Months disqualification reduced to 13.5 months for guilty plea.

Charge 5 - \$500 fine

In total Mr Tubman was disqualified for a period of 2 Years and 6 months (30 months) to commence on 28 January 2021 and to expire on 28 July 2023 and fined the sum of \$500.

Disqualification of Wild Chap

Acting under the provisions of AR240(1) Stewards disqualified Wild Chap from its 1st placing in Race 6 – CG&E Maiden Plate conducted at Wagga Wagga on 9 January 2020 and amended the placings as below.

04. Haunting Spirit	1 st
06. Macgyver's Me Mate	2 nd
13. Pushkar	3 rd
10. Zarsnip	4 th
12. Houlio's Dream	5 th
07. One More Tipple	6 th
03. Deganway	7 th
05. Inniskillen	8 th
08. Sounds Famous	9 th
11. Deemed Corrupt	10 th
02. Canberra Tram	11 th
09. Falcon Heavy	12 th

Relevant Rules

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

- (i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.***

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.

AR 249 Administration of medication on race day

(1) Notwithstanding the provisions set out in Schedule 1, Part 2, Division 2, a person must not, without the permission of the Stewards:

(a) administer;

any medication to a horse at any time on race day prior to the commencement of a race in which the horse is engaged to race.

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.

(2) For the purpose of subrule (1), each record of administration must include the following information:

(a) the name of the horse;

(b) the date and time of administration of the treatment or medication;

(c) the name of the treatment or medication administered (brand name or active constituent);

(d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;

(e) the amount of medication given (if applicable);

(f) the duration of treatment (if applicable);

(g) the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.

M F Van Gestel
Chairman of Stewards
General Manager - Integrity