



INQUIRY INTO THE ANALYSTS' FINDINGS OF COBALT ABOVE THE THRESHOLD IN A URINE SAMPLE  
TAKEN FROM GORGIAS AT MUDGEES ON 25 FEBRUARY 2024

**Racing NSW Offices**  
**Via Videoconference**

**21 June 2024**

**STEWARDS: T P Moxon (Chair)**  
**R W Loughlin**  
**S T Matthews**

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Racing NSW Stewards today conducted an inquiry into certification by the National Measurement Institute (NMI) and Racing Analytical Services Limited (RASL) of Cobalt being present above the threshold, in a urine sample taken from Gorgias following it competing in and subsequently winning Race 3 the Class 1 Handicap over 1200m, conducted at Mudgee on Sunday 25 February 2024.

Evidence was taken from Mr Dean McHardie, trainer and owner of Gorgias during the relevant period, Racing NSW Chief Veterinary Officer, Dr Carly Garling and Australian Racing Forensic Laboratory General Manager, Mr John Keledjian.

After considering all the evidence, Stewards determined the following.

**Charge – AR240(2)**

The details of the charge being, licensed trainer Mr Dean McHardie, did commit a breach of AR240(2) by reason of the following matters.

1. He is a licensed trainer with Racing NSW and was the trainer of Gorgias when it was brought to Mudgee Racecourse on 25 February 2024 for the purpose of participating in Race 3 the Class 1 Handicap over 1200m.
2. Following the running of Race 3, post-race urine sample N281687 was taken from *Gorgias*.
3. Cobalt was certified in sample N281687 when analyzed by two Official Racing Laboratories namely, the National Measurement Institute at a level of 181ug/L and Racing Analytical Services Ltd at a level of 188ug/L. Such levels being in excess of 100ug/L, the threshold excepted under Schedule 1, Part 2, Division 3 – Prohibited List B thresholds, part 11.
4. Cobalt is a prohibited substance as it:
  - a. Either directly or indirectly has an action and/or effect on the nervous system, the musculo-skeletal system, the endocrine system and the blood system. Such substances prohibited under Schedule 1, Part 2, Division 1 – Prohibited List B, parts 1(a), 1(e), 1(f), and 1(i).

- b. Is categorized as a haematopoietic agent. Such substances prohibited under Schedule 1, Part 2, Division 1 – Prohibited List B, part 2(pp).

**Plea: Not Guilty**

**Finding: Guilty**

### **Penalty**

The following matters were considered in respect to penalty:

- Mr McHardie's full co-operation with Racing NSW officials during the investigation.
- Mr McHardie's personal and professional circumstances.
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct.
- Purpose of issuing penalties as a protective measure for the image and interests of the thoroughbred racing industry.
- Stewards were not able to establish a definitive explanation for the analysts' findings.

Stewards determined the appropriate penalty be a period of 14 months disqualification, however, having regard to the penalty considerations above, reduced the penalty to a period of disqualification of 12 months. Stewards ruled that Mr McHardie be disqualified from Friday 21 June 2024 and to expire on Saturday 21 June 2025.

### **Gorgias**

In accordance with the provisions of AR240(1) Gorgias was disqualified from its 1<sup>st</sup> placing in Race 3 the Class 1 Handicap over 1200m at the Mudgee race meeting on Sunday 25 February 2024 and amended the placing as follows.

04. Bit Of Banter	1st
05. Goonoo	2nd
02.Chico Casino	3rd
07. Eilrahc	4th
09. Smart 'N' Ritzy	5th

### **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.*

**T P Moxon  
Deputy Chairman of Stewards  
Racing NSW**