



**INTERNAL REVIEW DECISION**  
**(Internal Review Decision Notice in response to an Application for Internal Review)**

<b>PART 1: Details of Internal Review</b>	
<b>Internal Review Number:</b>	Internal Review 0026-18
<b>Applicant's Name:</b>	Nicole Hanrahan
<b>PART 2: Decision History</b>	
<b>Original Decision:</b>	Breach of Rule 190(1) of the Australian Harness Racing Rules
<b>Original Decision Makers:</b>	I Brown, N Finnigan, N Torpey
<b>Date of Original Decision:</b>	13 March 2018
<b>Internal Review Decision:</b>	Original decision of charge and penalty confirmed - 18 month disqualification
<b>Internal Adjudicator:</b>	Mr Kane Ashby, Queensland Racing Integrity Commission
<b>Date of Internal Review Decision:</b>	26 April 2018
<b>PART 3: Summary of Internal Review Application</b>	
<p>The Applicant, Ms Nicole Hanrahan, trainer of MAJOR GRANDEUR which presented to race at Marburg on 29 April 2017 and ACER ANIMUS which presented to race at Redcliffe on 4 May 2017 and 25 May 2017, was issued charges pursuant to Australian Harness Racing Rules 193(3) and 190(1).</p> <p>Australian Harness Racing Rule 193(3) states:</p> <p><i>"A person shall not administer or allow or cause to be administered any medication to a horse on race day prior to such horse running in a race."</i></p> <p>Australian Harness Racing Rule 190(1) states:</p> <p><i>"A horse shall be presented for a race free of prohibited substances."</i></p> <p>The specifics of the charges in relation to MAJOR GRANDEUR being:</p> <p><i>"Nicole Hanrahan, as the trainer of MAJOR GRANDEUR, did administer or cause to be administered a prohibited substance to that horse prior to it racing at Marburg on 29 April 2017 when a urine sample taken from it, upon analysis, detected a prohibited substance, namely Cobalt in excess of the prescribed threshold."</i></p> <p>In the alternative:</p> <p><i>"Nicole Hanrahan, as the trainer of MAJOR GRANDEUR, did present that horse to race at Marburg on 29 April 2017 when a urine sample taken from it, upon analysis, was found to contain a prohibited substance, namely Cobalt in excess of the prescribed threshold."</i></p>	



The specifics of the charges in relation to ACER ANIMUS at Redcliffe on 4 May 2017 being:

*“Nicole Hanrahan, as the trainer of ACER ANIMUS, did administer or cause to be administered a prohibited substance to that horse prior to it racing at Redcliffe on 4 May 2017 when a urine sample taken from ACER ANIMUS, upon analysis, detected a prohibited substance, namely Cobalt in excess of the prescribed threshold.”*

In the alternative:

*“Nicole Hanrahan, as the trainer of ACER ANIMUS, did present that horse to race at Redcliffe on 4 May 2017 when a urine sample taken from ACER ANIMUS, upon analysis, was found to contain a prohibited substance, namely Cobalt in excess of the prescribed threshold.”*

The specifics of the charges in relation to ACER ANIMUS at Redcliffe on 25 May 2017 being:

*“Nicole Hanrahan, as the trainer of ACER ANIMUS, did administer or cause to be administered a prohibited substance to that horse prior to it racing at Redcliffe on 25 May 2017 when a urine sample taken from ACER ANIMUS, upon analysis, detected a prohibited substance, namely Cobalt in excess of the prescribed threshold.”*

In the alternative:

*“Nicole Hanrahan, as the trainer of ACER ANIMUS, did present that horse to race at Redcliffe on 25 May 2017 when a urine sample taken from ACER ANIMUS, upon analysis, was found to contain a prohibited substance, namely Cobalt in excess of the prescribed threshold.”*

The Applicant pleaded not guilty to the abovementioned charges.

The stewards were unable to identify any evidence of direct administration of Cobalt to either MAJOR GRANDEUR or ACER ANIMUS and subsequently found the Applicant not guilty of the charges pursuant to Australian Harness Racing Rule 193(3).

After hearing evidence from the Applicant in relation to the charges pursuant to Australian Harness Racing Rule 190(1), the stewards subsequently found the Applicant guilty.

In determining penalty, the stewards were mindful of the Applicant’s personal circumstances and her history as a licensed racing industry participant, noting no prior breaches of the subject rule. Stewards were also mindful of the requirement of a penalty to serve as an appropriate deterrent and the negative impact such breaches have on the integrity and welfare of the industry.

Stewards subsequently disqualified the Applicant for a period of nine (9) months for each of the three charges, with a further order that the penalty stemming from the breach on 29 April 2017 and the breach on 4 May 2017 be served concurrently and the penalty stemming from the breach on 25 May 2017 be served cumulatively, therefore totalling a period of disqualification of eighteen (18) months effective immediately and to expire at midnight on 17 October 2019.

The Applicant sought a review of the charges and penalty on the basis the Applicant believes she is not guilty of the charges as she has not, and does not, cheat or use Cobalt outside what is in the horse’s feed and/or supplements and she does not exceed recommendations. The Applicant further submitted the following in support of her Application:



*"I am Not Guilty of these charges.*

*I have not, and do not cheat or use cobalt outside what is in horse feeds and or supplements and do not exceed recommendations.*

*I'll begin with QRIC Stewards comments that I did not raise concerns regarding potential feed labels being inaccurate or contaminated feed, upon their stable visit to inform me of cobalt irregularities in my horses. The fact of the matter-is, it was not common knowledge until the Ron Quinton case (Ron Quinton had cobalt samples return above the legal threshold but was successful in defending his case due to extreme levels of cobalt in his pre mixed feeds) which was several months after QRIC Stewards attended my stables to advise me of cobalt irregularities, that the possibility of irregular levels of cobalt in prepared feeds was occurring.*

*Thus this information was not available to me at such time.*

*QRIC Stewards still have not provided me with exact requested information regarding sample no 418358 (which was originally reported as a negative reading), and accepted a letter from Samantha Nellis from Queensland Racing Science Centre (Claiming sample 418358 was screened at 315) as fact without material evidence. Ian Brown advised me to accept Samantha Nellis letter as fact and later advised me via email he would have no more correspondence with me into that matter even though I requested information time and time again which still was not and has not been provided. Relevance of this sample is clear to most layman of persons from a legal/integrity and evidentiary perspective.*

*Not providing this information has directly impeded me the right and opportunity to investigate exactly what went on, thus denying me a just opportunity to defend my case. The absence and outright refusal to provide me with the requested evidence is totally unacceptable. This kind of treatment would not be accepted in a courtroom so why should it be accepted here?*

*My inquiry into the Queensland Racing Science Centres current accreditation to test said samples was also ignored.*

*The relevance of sample 418358 is quite significant as it was taken 85 minutes after an apparent positive reading, though the level in 418358 was initially reported as a negative, this would correlate to Professor Chapman's expert evidence regarding the inaccuracies of testing cobalt in urine.*

*I also have concerns regarding Mr Mills statements in giving evidence for QRIC. He clearly made suggestive remarks regarding my integrity in assuming an apparent increase in cobalt levels from my horse was an attempt to gain performance enhancement and it has now been accepted by Racing Victoria that cobalt is not performance enhancing through their legal representation in a recent cobalt case.*

*Also citing harness racing rules in relation to my case, his statements are offensive and clearly biased. It is disturbing that QRIC Stewards have taken the evidence provided by Mr Mills given he is what I assumed an independent advisor.*

*Mr Mills claimed that as horses are permitted to drink after a race it shouldn't affect the hydration of the horse, in effect the urine concentration gravity.*



*Mr Mills suggestion that a horse drinking minutes before giving a urine sample would return the hydration of the horse to enable accurate urine reading is absolutely inaccurate and disappointing given Mr Mills evidence took precedence over Professor Chapman and Dr Derek Major.*

*Therefore not only have QRIC Stewards chosen to accept evidence from someone who has overstepped his evidentiary obligations by making suggestive comments regarding myself, QRIC Stewards have also chosen to accept evidence from Mr Mills whose understanding of cobalt is seemingly somewhat antiquated over independent experts Professor Chapman and Dr Derek Major.*

*I ask you, as the person or person's conducting this internal review, to seek out why I was not provided with information I have requested and inquire as to how a sample can be overlooked at the Queensland Racing Science Centre, and months after it was reported as a negative reading suddenly be retrieved (at my request) at a level of 315 and still not provide material evidence. It is not acceptable. The Racing Science Centre can either prove with material evidence the claimed level or they can't.*

*Mr Mills states "Cyanocobalamin (Vit B12) containing negligible cobalt (0.00434 mg cobalt per mg of Cyanocobalamin)", but it is in fact 4.34% by weight of cobalt, and is yet another inaccurate statement made by Mr Mills, which again is evidence that QRIC stewards should not have accepted Mr Mills statements as supporting evidence. In my submissions, I challenged Mr Mills who claims cobalt to be performance enhancing and potentially toxic, to provide evidence to support his statements regarding at what level cobalt became performance enhancing or potentially toxic. This to date has not been supported or answered by him. Given those facts at what point does Mr Mills evidence take precedence over expert advice over Professor Chapman and Dr Derek Major.*

*The breakdown of this case is plagued with unreliable, inaccurate and incomplete evidence and answers. I ask you, the internal reviewer, to look at this case independently and recognise the facts and investigate what I have said, thus allowing your outcome to reflect these facts.*

*Due to the unwillingness to provide, and the absence of relevant evidence in this case, I would ask the charges be dropped and a close look at what actually went on in the Queensland Racing Science Centre in which the mystery surrounding sample 418358, which I have at no time been given the opportunity to investigate, due to the absence of material evidence."*

The outcome the Applicant is seeking is that the case be dropped and an explanation as to how the Queensland Racing Integrity Commission could accept evidence from Mr Mills, an explanation as to why the Applicant was not provided evidence upon her request regarding sample 418358, and an explanation as to how it could be overlooked at a NATA accredited facility and yet a level be retrieved from the said sample without having to provide material evidence.

#### **PART 4: Reasons for Internal Review Decision**

The Applicant, Ms Nicole Hanrahan, was the trainer of MAJOR GRANDEUR when it presented to race at Marburg on 29 April 2017 and ACER ANIMUS when it presented to race at Redcliffe on 4 May 2017 and 25 May 2017.



Pre-race urine samples collected from the aforementioned horses were subsequently analysed by the Racing Science Centre (RSC) and Racing Analytical Services Limited (RASL), which reported the samples contained Cobalt at a mass concentration in excess of the regulatory threshold of 100 micrograms per litre in urine pursuant to the Australian Harness Racing Rules. The aforementioned accredited racing laboratories detected the samples contained Cobalt in excess of 200mcg/L on 29 April 2017 at Marburg, 139mcg/L and 124mcg/L on 4 May 2017 and in excess of 200mcg/L on 25 May 2017 at Redcliffe respectively.<sup>1</sup>

MAJOR GRANDEUR placed second starting at \$13.00 in the aforementioned race. ACER ANIMUS placed third starting at \$6.00 and first starting at \$5.20 respectively in the aforementioned races.

The Cobalt threshold prescribed pursuant to Australian Harness Racing Rule 188A(2)(k) was reduced from 200 micrograms to 100 micrograms per litre in urine as of September 2016 (to take effect as of 1 November 2016).

Dr Karen Caldwell, Acting Manager of Veterinary Services RSC, provided a Veterinary Certificate stating *“Cobalt is a naturally occurring inorganic trace element and also exists in the structure of vitamin B12. Cobalt in can stimulate erythropoiesis (the formation of red blood cells) and as a result may enhance aerobic performance. Cobalt can be toxic if administered in large doses.”*<sup>2</sup>

The inquiry was conducted on the papers by way of written correspondence between the Applicant and the stewards. The Applicant's primary concerns was the validity of the certificates of analysis for the samples the subject of this review, mainly due to an issue with a post-race urine sample obtained from ACER ANIMUS at Redcliffe on 25 May 2017. The current method for analysing Cobalt samples, particularly the effects of dehydration on the concentration of substances contained in equine urine. The Applicant submitted reports from Dr Derek Major and Professor Colin Chapman, particularly related to the current testing mechanism for Cobalt and the effects of urine specific gravity measurements. The Applicant submitted there were similarities with Mr Ron Quinton's Cobalt inquiry in New South Wales and further submitted recent literature and penalty precedents indicating Cobalt was no longer deemed to be a performance enhancing substance.

On 27 July 2017, the Applicant, requested the Cobalt levels in the post-race urine sample collected from ACER ANIMUS at Redcliffe on 25 May 2017. The Applicant was subsequently informed in an email dated 8 August 2017 that the sample (number 418358) was negative. Subsequent to receiving the negative result, the Applicant sought further information regarding sample 418358, considering ACER ANIMUS' pre-race urine sample collected on the same day returned Cobalt levels in excess of 200mcg/L. During this process it was established by the RSC, upon review of the analytical data, that sample 418358 actually screened a Cobalt level of 315mcg/L. Ms Samantha Nelis, Acting Manager of Analytical Services RSC, provided a statement dated 30 November 2017 that *“Re Sample Number 418358 I have reviewed the analytical data for the sample number 418358 (Laboratory Number 17-17428). The screening result for this sample was 315 micrograms per litre. This result was overlooked during the screening process and subsequently did not undergo confirmation analysis such that, had the confirmation analysis confirmed the result was above the regulatory threshold, a Certificate of Analysis would have been produced.”*<sup>3</sup>

<sup>1</sup> Exhibit 18, 27, 31, 40, 44 and 52

<sup>2</sup> Exhibit 19

<sup>3</sup> Exhibit 57



The reviewer acknowledges sample 418358 was a post-race urine sample collected from ACER ANIMUS at 2:09pm subsequent to winning at Redcliffe on 25 May 2017. Notwithstanding, the reviewer finds sample 418358 is not the subject of review and no formal action was taken against the Applicant relating to the aforementioned screen result due to the sample being overlooked during the screen process and consequently did not undergo confirmatory analysis. The reviewer therefore accepts the evidence of Ms Nelis and finds sample 418358 is not the subject of review.

Dr Major's report, in part, stated "*Urine is not the appropriate medium for the detection of cobalt misuse in the racing horse. Blood plasma measurement is the only reliable way to assess a horse's exposure to cobalt. To give any realistic interpretation of urine cobalt levels the "raw" value must be corrected for the concentration of the urine, either by specific gravity measurement or urinary creatinine. This approach is taken in human sports drugs enforcement. I have observed instances where for example one horse has 5 times the "raw level" as another, when their corrected values were exactly the same. As we are reliant on a small number of measurements on urine alone, we have no insight into the cobalt status of these horses. Analysis of the blood collected for TCO2 testing would have been considerably more informative. My work has shown that horses receiving what has been termed "doping" doses of cobalt chloride will have elevated red cell and plasma cobalt levels for many weeks. On the other hand small amounts of cobalt, either oral or by injection, cause transient peaks in urine while plasma levels remain low.*"

Dr Major added "*the most likely explanation for these elevated urinary cobalt levels is a combination of:*

- *Exposure to a cobalt containing substance, including registered mineral supplements, vitamin B12 injections or feedstuffs, close to the time of testing.*
- *The horses' individual tendency to produce concentrated urine, or its hydration status on raceday.*
- *Unidentified factors regulating the uptake, distribution and release of cobalt in the horse.*
- *In the absence of information from plasma testing, the apparent upward trends over time in both these horses would suggest ongoing low level exposure to cobalt, such as via feed.*
- *There is no evidence that the horses received what has been termed "doping doses" of cobalt between February and May 2017.*
- *There is no prospect that the horse has incurred "erythropoiesis" from cobalt exposure. It has never been proposed that erythropoiesis has occurred at plasma levels of less than 300 pg/L, which is not in my opinion consistent with the pattern of urine results in these horses. The regulatory threshold is 25 pg/L in plasma.*
- *Serious "toxicity" in humans has been considered at plasma levels of around 700 pg/L, with possible reversible effects at 300 pg/L. There is no evidence that these horses have been exposed to cobalt at even a small fraction of this amount.*
- *There is no prospect that this horse has experienced cobalt-induced "hypoxic inductible factor 1 alpha stabilization."<sup>4</sup>*

<sup>4</sup> Exhibit 56



Professor Chapman's report, in brief, suggested that urine specific gravity should have been measured since 'severely dehydrating conditions' may be concentrating the urine, and increasing the urinary concentration of Cobalt in both horses above the threshold (100 pg/L (= 100 ng/mL) of urine.<sup>5</sup>

Professor Paul Mills submitted a report in response to the aforementioned reports which stated "*There are some serious concerns about the scientific validity and credibility of several of the comments by Dr Major. While I am also not aware of how many horses have exceeded the cobalt threshold and also had detectable concentrations of arsenic in the blood or urine, it is misleading to associate any exposure of horses to CCA and cobalt levels - these are totally different substances and it is not useful to refer to potential exposure to CCA for these horses.*

*Dr Major suggested three possible explanations for cobalt levels exceeding the threshold, as follows, with my response following each point:*

- (i) Exposure to a cobalt containing substance, including registered mineral supplements, vitamin B12 injections or feedstuff, close to the time of testing;*

*Obviously, these horses have been exposed to cobalt and/or cobalt-containing supplements and treatments. What these were and how close to racing they were administered is not possible to determine from the data available (i.e. urinary cobalt concentrations). It is unlikely that vitamin B12 contributed substantially to the cobalt levels reported since Cyanocobalamin (vitamin B12) contains negligible cobalt (0.00434 mg cobalt per mg of cyanocobalamin) and can practically be ignored for significantly contributing to cobalt concentrations in the urine.*

*What cannot be over-stated is that horses do not require additional cobalt. There is sufficient cobalt in the feed and from most pastures, so there is no medical or nutritional requirements for additional cobalt in the healthy horse. It can therefore only be assumed that additional cobalt was administered to affect performance.*

- (ii) The horses' individual tendency to produce concentrated urine, or its hydration status on raceday;*

*It is correct that urine concentration may have some effect of the concentration of substances in the urine. This is why a threshold was established, which was initially 200 pg/L and is currently 100 pg/L. The Ho et al (2014) was the first to establish a threshold and recommended 75 pg/L, based on 7462 horses post-race (so likely to be even further dehydrated). Brynn Hibbert's final report from Australian horses did statistical analysis and found probability of a regular horse exceeding 200 pg/L — 1 in 8 million, while exceeding 100 pg/L is — 1 in 100 000. Importantly, on-going surveillance by the RSC from 6751 equine urine samples between 26th June 2015 and 8th March 2017 showed that the mean (average) concentration of cobalt in these samples was 9.2 pg/L. Note that this included pre-race and post-race samples. To summarise, we have a LOT of horses that were tested on raceday, both pre- and post-race, with average urinary cobalt concentrations of < 10 pg/L, so horses exceeding the current threshold could only have done so if cobalt was administered close to or on raceday.*

- (iii) Unidentified factors regulating the uptake, distribution and release of cobalt in the horse.*

*It is pretty obvious from the above points that the threshold was established to a large population of horses to account for individual and possibly unidentified variability of cobalt pharmacokinetics in the horse.*

<sup>5</sup> Ibid



*It is unlikely that MAJOR GRANDEUR and ACER ANIMUS differ significantly from these horses in terms of equine physiology and cobalt pharmacokinetics.*

*Dr Major suggested that plasma was the more appropriate medium to measure cobalt concentrations in the horse. The concern is that we are not looking at cobalt pharmacokinetics, but the probability that a urinary cobalt concentration will exceed the threshold (— 1 in 100 000 of exceeding 100 pg/L according to Professor Hibbert). There are also noted concerns with longer term cobalt potentially sequestering in the red blood cells. Irrespective, urine was the medium established according to the rules of racing and many thousands of horses have demonstrated that a mean concentration of <10 is pg/L and well below the threshold.*

*Finally, Dr Major states an opinion on several issues without specific evidence, so this can only be considered uninformed and speculative. He stated that there was no evidence that the horses received cobalt doping between Feb and May 2017, yet the concentrations of cobalt in the urine for that MAJOR GRANDEUR and ACER ANIMUS are prima facie evidence for cobalt being administered to these horses, according to the Rules of Racing. Importantly, Dr Major states that there was no prospect that erythropoiesis occurred and no prospect that the horses experienced cobalt-induced hypoxic inducible factor (HIF) 1 alpha stabilisation. This is entirely without basis, since these factors were not investigated and, under the Rules of Racing, do not have to be proven. Cobalt has been shown to affect erythropoiesis and HIFs in mammals, which is why the threshold was established to prevent cobalt being administered to potentially affect performance. The possibility of cobalt to be toxic to the horse is less certain, although Dr Major frequently suggested that cobalt was possibly administered to MAJOR GRANDEUR and ACER ANIMUS as 'ongoing low level exposure'. Part of the toxic effect is due to genetic changes resulting in cancer, which could potentially be more likely with prolonged administration.*

*It was inappropriate to state that: 'an apparent increasing trend' was not consistent with cobalt doping, since this was only three samples, two of which were from one horse. In contrast, I have been aware of several horses that have exceeded the threshold to suddenly approach normal cobalt concentrations (-5-10 pg/L) when sampled following notification of a positive sample. An increase in cobalt concentrations for ACER ANIMUS could merely reflect similar or greater cobalt being administered to this horse and/or closer to racing.*

*Response to comments from Colin Chapman*

*Many of the comments made by Professor Chapman have been covered in my responses to Dr Major (above). However, some specific comments are as follows:*

*(i) USG as a plausible explanation for the presence of cobalt above the threshold in the subject horses;*

*The threshold for cobalt concentrations in urine (100 pg/L) were based on studies around the world that measured cobalt concentrations in equine urine. One major report from Hong Kong (Ho et al 2014) found that in a controlled (unsupplemented) population of 7462 horses the normal cobalt concentrations in equine urine was —  $5.5 \pm 5.0$  pg/L. Ongoing surveillance by the Racing Science Centre (RSC) from 6751 equine urine samples between 26<sup>th</sup> June 2015 and 8<sup>th</sup> March 2017 showed that the mean (average) concentration of cobalt in these samples was 9.2 pg/L. Note that this included pre-race and post-race samples. Brynn Hibbert's final report did statistical analysis and found probability of a regular horse exceeding 200 ng/mL 1 in 8 million, while exceeding 100 ng/mL is — 1 in 100 000. This would include the outliers (probably supplemented).*



*This 'normal' was < 22 ng/mL. So the likelihood that (horse name) both exceeded what has been termed a 'generous' threshold is statistically unlikely and also unlikely due to alterations in USG, since many of the horses in the RSC surveillance would be in a similar physiological situation as (horse name) and (horse name) when the samples were collected. Furthermore, a sample collected from (horse name)— 2 weeks later (30' December 2016) than the infringing sample returned a cobalt concentration of 16.7 pg/L, further suggesting this horse could be considered in the normal population and the sample collected on the 16<sup>th</sup> of December represented more cobalt present in the horse than any effects of USG.*

*(ii) the possibility of cobalt being detected above the threshold in the subject horses due to dehydration; and*

*A dehydrated horse should not be racing. This is a medical condition and would affect performance. It is accepted that trainers may withhold water immediately before a race and that horses can sweat significantly during racing, so body fluid concentrations would be expected to decline following a race. Since the urine sample collected post-race is taken soon after the actual race and the horse is*

*5. permitted to drink, it would be difficult to suggest exactly how dehydration may affect concentrations of drugs in the urine. However, as noted above, the surveillance from the RSC collected both pre-race and post-race samples from several thousand horses and still reported a mean cobalt concentration of 9.2 pg/L. It is therefore highly unlikely that an increase in USG resulted in a horse exceeding the threshold unless there was highly than normal cobalt in that horse.*

*(iii) any opinion in reply to the opinion of Mr Chapman as contained within his respective report.*

*USG is known to be unreliable in the horse due to the high and variable turbidity in the samples. This turbidity is due to sediment (protein and other), which affects standard methods to measure USG, such as refractometry. As such, there is no NATA accredited method to measure USG in the horse. The calculations that Prof Chapman is therefore attempting is based on unreliable assessment of USG AND an assumption of what the USG may have been in these horses. This is not scientifically valid. However, if we actually do use the scientifically-valid evidence available to us from samples collected in Australian horses on race day, including the RSC surveillance and Prof Hibbert's study, we find a mean cobalt concentration of 9.2 pg/L and an — 1 in 100 000 chance of exceeding a threshold of 100 pg/L (with much higher odds assumedly for two horses exceeding this threshold). It is therefore not useful to accept Prof Chapman's report to explain why both STEERING and LYRA exceeded the threshold of cobalt concentration in the urine.”<sup>6</sup>*

The stewards conducted a stable inspection at the Applicant's licensed premises on 25 May 2017, whereby the stewards informed the Applicant of the initial two Cobalt irregularities for MAJOR GRANDEUR on 29 April 2017 and ACER ANIMUS on 4 May 2017. The file note of the stable inspection noted:

*“Upon arrival, we found Ms Hanrahan shampooing both horses in preparation for them competing at Redcliffe that day. (Photograph 1). Near the horses was a container labelled AppeTITE (Photograph 2 & 3) which Ms Hanrahan advised that both horses receive 60ml daily of the product.*

<sup>6</sup> Exhibit 61



*Found next to where the horses were tied up were two used syringes (Photograph 4). Ms Hanrahan advised that they were used to administer the appeTITE.*

*Feeding Regime:*

*Ms Hanrahan advised that the feeds are located in an open shed where both horses are stabled at night. (Photograph 5).*

*Advice was that both horses are fed the following:*

- Micropseed*
- Formula 3*
- Corn*
- Oates is given only to Major Grandeur*

*Additives given to the horses:*

- Stamazine*
- Carbalene*
- 3 Iron*

*Ms Hanrahan advised that both horses received 20/25 ml by injection usually on Mondays. Mr Hanrahan advised stewards that, upon his recommendation, both horses were given extra B12 (approx. 10m1) 2 or 3 times a week in help increase their appetite.*

*Treatment Records*

*Stewards took possession of Ms Hanrahan's Treatment Book. Copy of relevant dates attached. (Photograph 11-14).<sup>7</sup>*

The Applicant's treatment records state "Horses in work feed additives per day; 2 cups of livamol, ½ cup glucose, ½ cup handful sea salt, 30 grams' brewer's yeast, 30 grams konkeys Cell Salt. General injections and pastes; Hemoplex, B12, B Complex, Vitamin C, Amino lite, Inmazine, Butapho Sphan, B1 and tetanus." Extracts from the treatment records for the relevant horse's state "ACER ANIMUS received, 10mls hemoplex oral, 10mls of Vitamin C, B Complex and 20mls Tripart all intravenous and MAJOR GRANDEUR received a drip, 10mls hemoplex oral, 10mls B Complex, 50mls Amino lite intravenous and 60ml appetite oral on 23 April 2017. ACER ANIMUS received 60mls Amino lite, 20mls Vitamin C, B Complex and Tripart all intravenous on 8 May 2017." The reviewer notes the aforementioned treatment to MAJOR GRANDEUR was (5) days prior to subject race and the treatment to ACER ANIMUS on 8 May 2017 was (17) days prior to the horse returning a second Cobalt positive sample. There is no evidence recorded in the treatment records consistent with the aforementioned stable inspection file note stating "Mr Hanrahan advised stewards that, upon his recommendation, both horses were given extra B12 (approx. 10ml) 2 or 3 times a week in help increase their appetite."

<sup>7</sup> Exhibit 53



Australian Harness Racing Rule 190(B)(1) states:

*"A trainer shall at all times keep and maintain a log book"*

...

*(b) recording all details of treatment administered to any horse in his or her care and including as a minimum requirement, including; the names of the horse, treatment, administration date, route and amount given signed by the person administering or authorizing treatment."*

The reviewer finds the Applicant's treatment records fall well below the standard required under the aforementioned rule.

For clarity, in the decision of Mr Ron Quinton's Cobalt inquiry, Racing New South Wales Stewards' Report stated:

*"Racing New South Wales Stewards on 3 August 2017 conducted an investigation into elevated levels of cobalt detected in three horses trained by Mr Ron Quinton that presented to race on 12, 15 and 22 July 2017. Mr Quinton advised no practice within his stable had changed nor had he knowingly fed or treated horses with products containing high levels of cobalt. A further inspection of Mr Quinton's stables was conducted on 17 August 2017 to advise that the pre-race sample provided by Boss Lane on 5 August 2017, had returned an irregularity to cobalt above that excepted by AR178C(1)(l) and blood samples were taken from a number of horses, along with feed and supplements.*

*These samples were subsequently analysed for cobalt. The blood samples taken from horses on 17 August 2017 all returned elevated levels of cobalt, although below the threshold level of 25µg/L excepted by AR178C(1)(l). The feed sample of Barastoc Phar Lap taken from Mr Quinton's stable on 17 August 2017 was found to contain a level of cobalt of 21mg/kg, in excess of 40 times of that listed on the product label. Mr Quinton had fed Phar Lap to all but 4 horses in his stable during the relevant periods. These four horses were sampled and found to have levels of cobalt in accordance with the population mean. In contrast 8 horses that were fed Phar Lap were found to contain elevated levels of cobalt in out of competition samples and in some cases were over the level of 100ug/L excepted by AR178C(1)(l). Mr Quinton provided evidence of having fed Phar Lap for a period in excess of 10 years. On 23 August 2017 horses in Mr Quinton's stables were subsequently taken off Phar Lap feed and replaced with another commercially available feed. On 1 September 2017 samples taken from a number of Mr Quinton's horses, previously fed Phar Lap and that had been found to have elevated levels of cobalt, returned lower cobalt levels. On 6 September further urine samples taken from those horses returned cobalt levels close to the population mean. During the period 31 August 2017 to 13 September 2017 Racing NSW, with the approval of the Racing NSW Animal Care and Ethics Committee, conducted a feed trial whereby 4 horses were fed Phar Lap consistent with the feeding regime of Mr Quinton. The Phar Lap feed used for the trial was found, through analysis conducted by NMI and Symbio Laboratories, to contain levels of cobalt as high as 11mg/kg (20 times higher than stated on the manufacturers label) but lower than the feed samples obtained from Mr Quinton's stable which returned a levels as high as 25.8mg/kg. The feed trial established once horses commenced to ingest the Phar Lap feed their cobalt levels increased significantly and returned to mean population levels soon after being taken off the Phar Lap feed. Racing NSW Senior Official Veterinarian Dr Craig Suann, Racing NSW Veterinarian Dr Tania Selig, advised that Boss Lane and Imanui (another horse of Mr Quinton's that tested positive to cobalt) could have been subjected to in excess of 75mg of cobalt per day.*



*Dr Caroline Foote Equine Nutritional Expert provided evidence that the usual total daily intake of cobalt in a thoroughbred horse was up to 6 to 7mg per day. Having regard to the evidence detailed above, the Stewards accepted the evidence of Dr Suann and Dr Selig that they were comfortably satisfied that the cause of the levels of cobalt in Boss Lane and Imanui were due to the prolonged ingestion of the Phar Lap feed which contained levels of cobalt up to 50 times higher than the manufacturer's label."*

ACER ANIMUS' urine sample history demonstrates the two pre-race urine samples the subject of this review exceeding the Cobalt threshold and sample 418358 as noted above. MAJOR GRANDEUR's urine sample history demonstrates, in addition to the sample subject of this review, a further two post-race urine samples collected in February and April 2017, returned Cobalt levels of 11mcg/L and 93mcg/L respectively.<sup>8</sup>

The RSC collated a spreadsheet of data following its analysis of testing Cobalt in equine race day urine samples. The data demonstrates 13,485.00 samples tested between 26 May 2015 and 17 January 2018 showed a mean of 8.57 mcg/L and a median of 4.69mcg/L. This data indicates horses being fed registered commercial supplements containing Cobalt in accordance with manufacturer's guidelines are highly unlikely to exceed the Cobalt threshold. This is further supported by the thoroughbred and harness racing codes' decision to amend the Cobalt threshold from 200mcg/L to 100mcg/L in September and November 2016 respectively.

The reviewer notes investigations that involve some form of feed or supplementation contamination, generally a pattern is formed whereby a series of horses from the stable test positive or unusually high levels to the relevant substance, as in the case of Mr Ron Quinton. There is no evidence in the subject review that any form of feed or supplement contamination was evident. The Applicant was feeding Microspeed and Formula 3, not Barastoc Phar Lap feed as in the Quinton inquiry. The reviewer finds, considering the Applicant's consistent feeding and supplement regime, the subject horses Cobalt levels are inconsistent, particularly in the case of MAJOR GRANDEUR returning Cobalt levels of 11, 93 and in excess of 200mcg/L in urine in a period of two months. The reviewer acknowledges a reasonable inference drawn for the inconsistent levels may be the administration of Cobalt or supplements containing Cobalt close to race time.

The Applicant's submissions in defence of the charge are outlined in Part 3 of this decision.

The reviewer accepts the Applicant's submissions in requesting relevant data pertaining to sample 418358 and finds no reason why the requested documents were not provided to the Applicant considering it was documented in Ms Nelis statement, noting the relevant laboratory number for such sample was (Laboratory Number 17-17428). Notwithstanding, the reviewer finds sample 418358 is not the subject of review and no formal action was taken against the Applicant related to the aforementioned screen result due to the sample being overlooked during the screen process and consequently did not undergo confirmatory analysis. The reviewer therefore finds it not directly relevant to the subject review.

The Applicant submitted *"My inquiry into the Queensland Racing Science Centres current accreditation to test said samples was also ignored."* The reviewer acknowledges it has been noted in previous Internal Review Decisions that the RSC is Queensland's Principle Racing Laboratory approved by the Control Body to analyse samples and things for prohibited substances in accordance with the rules of racing.

<sup>8</sup> Exhibit 54



The RSC is a quality assured facility with quality management systems certified to AS/NZS ISO 9001:2008 Standards and the sample management is a documented procedure that oversees the samples transit throughout the laboratory, inclusive from the time the laboratory was in receipt of the sample to the analytical and reporting processes. The RSC is an analytical chemistry laboratory accredited to National Association of Testing Authorities (NATA) ISO 17025 (2005) Standard and is regularly audited against such standard for re-accreditation by an appropriate authority with the expertise to properly assess the laboratories work and ensure the highest standards possible. The reviewer is satisfied the Racing Science Centre is an appropriately accredited racing laboratory approved by the control body to test samples and things for prohibited substances.

The Applicant submitted in evidence stating *"it has now been recognised and accepted that Cobalt is not a performance enhancing substance."* The reviewer acknowledges that irrespective of the argument as to Cobalt being performance enhancing or not as submitted by the Applicant, Cobalt is deemed a prohibited substance when levels exceed the regulatory threshold under the Rules. In this instance, the Applicant has presented two horses to race with a prohibited substance present in their system, namely Cobalt at a level above the prescribe threshold, pursuant to Rule 190(1) of the Australian Harness Racing Rules.

Racing Queensland issued industry notices to participants in September 2013, advising it is accepted Cobalt is a substance detectable in most, if not all, horses due to dietary intake. Cobalt, in a variety of forms including Cobalt Chloride, is present in a variety of pre-mixed feeds and supplements, however if used according to the manufacturers guidelines, it will not typically elevate to a level which could be deemed a breach of the Australian Harness Racing Rules. A further industry notice was issued in October 2016 advising of the aforementioned reduction in the Cobalt threshold and further warned trainers, in amongst others warnings, to only administer nutritional supplements that are manufactured and marketed by reputable companies and avoid the use of inadequately labelled and unregistered products. The notices further advised that trainers should consult with their veterinarian to ensure that their feeding and supplementation practices are sufficient to meet the nutritional requirements of horses under their care and that their supplementation practices, particularly with products containing cobalt and/or vitamin B12, are not excessive in light of those requirements.

The reviewer finds ignorance to the fact that supplements containing Cobalt and Vitamin B12 administered close to race times may elevate cobalt to unacceptable levels under the Australian Harness Racing Rules is not a form of defence, especially in light of the many published cases in recent years and industry notices pre-warning participants of such dangers. The Applicant is responsible to familiarise herself with the active constituents of all supplements administered to her horses, in particular, products that contain Cobalt and Vitamin B12 to ensure horses are presented to race free of prohibited substances.

The reviewer, having considered the expert evidence of Professor Mills, Dr Major and Professor Chapman, accepts the evidence of Professor Mills over Dr Major and Professor Chapman. The reviewer further accepts the evidence of Dr Karen Caldwell and Ms Samantha Nelis in the *Internal Review Decision IR0019-18*. Such decision, in part, specifically related to urine specific gravity, noted there is no NATA accredited methodology available in Australia to measure specific gravity in equine urine and that the reduced Cobalt threshold of 100mcg/L was established following statistical analysis of the many variables which was inclusive of urine specific gravity, and nor is such test a requirement under the Rules of Racing.



In weighing up the extensive evidence and submissions in this matter, the reviewer finds the Applicant failed to provide any plausible explanation for presenting MAJOR GRANDEUR to race at Marburg on 29 April 2017 and ACER ANIMUS to race at Redcliffe on 4 May 2017 and 25 May 2017 with Cobalt in excess of the regulatory threshold under the Australian Harness Racing Rules. The reviewer accepts the Certificates of Analysis issued by the RSC and RASL for MAJOR GRANDEUR at Marburg on 29 April 2017 and ACER ANIMUS at Redcliffe on 4 May 2017 and 25 May 2017, is conclusive evidence of the presence of a prohibited substance in accordance with Australian Harness Racing Rules. The reviewer therefore accepts the Applicant had presented such horses to race when not free of prohibited substances and accordingly finds the charges proven.

The Applicant's disciplinary history over a period of approximately twenty-five (25) years as a licensed trainer is clear of any previous offence pursuant to Australian Harness Racing Rule 190(1). The Cobalt precedents for a 'presentation' offence within the Queensland racing industry previously incurred a minimum penalty of a twelve (12) month period of disqualification. Notwithstanding, in some recent matters penalties of nine (9) month disqualification periods have been imposed, taking into account the relevant circumstances of individual cases and that of Queensland Civil and Administrative Tribunal decisions, with specific consideration to a guilty plea and unblemished disciplinary history on extended training careers.

In weighing up the matter of penalty, consideration was provided to the Applicant's submissions and personal circumstances, the detected level of Cobalt in the aforementioned samples, not-guilty plea and totality of penalty precedents. The reviewer further acknowledges the importance that each case is treated on its merits and set of circumstances. The reviewer finds Cobalt is a prohibited substance that provides participants with an unlevelled playing field and such matters have a detrimental effect on the racing industry. A penalty not only needs to be fair and evidence based, but also serve as a deterrent to any likeminded persons. The reviewer acknowledges the Applicant was initially informed of MAJOR GRANDEUR's and ACER ANIMUS' sample results on 25 May 2017 during a stable inspection. The original penalty imposed for these two offences was a period of a nine (9) month disqualification on each charge to be served concurrently. The Applicant was informed at a later date of ACER ANIMUS' second irregularity and was subsequently issued with a period of a nine (9) month disqualification for such offence to be served cumulatively with the previous two offences, totaling a period of an 18 month disqualification.

In considering the evidence and aforementioned factors related to penalty, and taking into account the subject review involved three (3) separate Cobalt presentation offences, the reviewer finds the penalty is reflective of the evidence and consistent with penalty precedents and therefore in all circumstances is satisfied the original decision on charge and penalty be confirmed.

#### **PART 5: Review Rights following Internal Review Decision**

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.



For further information regarding the processes for an external review of the decision, please contact QCAT:

**Queensland Civil and Administrative Tribunal**

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001  
Postal Address: GPO Box 1639, BRISBANE QLD 4001  
Phone: 1300 753 228  
Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au)