

Tasracing Integrity Unit

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STEWARDS DECISION

TASRACING INTEGRITY UNIT

and

SARAH COTTON

Date of Decision: 2nd April 2025

Stewards Panel: Mr M Castillo (Chair), Mr N Finnigan, Mr R Brown and
Miss E Morice-Smith

Respondent: Mrs Sarah Cotton

Rule: Australian Rules of Racing AR240(2)

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

(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.

Charge: Mrs Sarah Cotton, the trainer of WE ALL DECIDE, presented that horse to compete in Race 2 at the Tasmanian Racing Club on Sunday 12th May 2024, when a post-race urine sample taken from the mare revealed the presence of a prohibited substance, namely, AMINOREX.

Plea: Guilty

1. Background

- (a) The respondent, Sarah Cotton, is an Open Permit licensed trainer under the Australian Rules of Racing.
- (b) Mrs Cotton is 34 years of age and has held a trainer's licence for 11 years.
- (c) WE ALL DECIDE was correctly entered for and presented to race in Race 2 at the Tasmanian Racing Club's meeting on Sunday 12th May 2024.
- (d) WE ALL DECIDE placed 1st in the event earning \$15,625 in stake money.
- (e) WE ALL DECIDE started as favourite for the event, with a starting price of \$2.80.
- (f) WE ALL DECIDE was subjected to post-race swabbing, where a urine sample was taken. The procedure was witnessed by Office of Racing Integrity Steward Mrs Emily Dunbabin, and the sampling process was witnessed by Ms Tracey Cross. The sampling process was not contested.
- (g) The collection of the sample was concluded at 1:17pm, with the sample being allocated the unique number R005184.
- (h) On the 5th of June 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance AMINOREX had been detected in sample R005184, taken from WE ALL DECIDE on the 12th of May 2024.
- (i) RASL advised the reserve portion of the sample had been forwarded to the Australian Racing Forensic Laboratory in New South Wales for referee analysis.
- (j) Office of Racing Integrity Stewards alerted Mrs Cotton to the irregularity.
- (k) The outcome of the reserve sample was provided by the Australian Racing Forensic Laboratory on the 25th of June 2024. The Report confirmed AMINOREX had been detected in sample R005184.
- (l) Mrs Cotton was contacted by Tasracing Integrity Stewards in March 2025, regarding upcoming inquiry into the Laboratory's findings.

2. Submissions of the Respondent

- 2.1 When asked to explain the irregularity, Mrs Cotton submitted that WE ALL DECIDE was housed in a paddock on her Broadmarsh property that, unbeknownst to her, had germinated a weed.
- 2.2 It was Mrs Cotton's belief that the findings had come about through the mare ingesting the weeds.
- 2.3 Mrs Cotton stated that she was aware of other trainers in the area who had also had irregular swab results to this weed but since her tenure on the property in 2014, she had never come across the weed until now.

3. Penalty Considerations

3.1 Principles

- 3.1.1 Penalties are designed to punish the offender for their wrongdoing. Penalties are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but nonetheless, the offender must be met with a punishment.
- 3.1.2 In a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- 3.1.3 Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in horses.

4. Stewards Approach

- 4.1.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 4.1.2 We are guided in our approach to penalty by those imposed, not only in Tasmania but also within other Australian jurisdictions.
- 4.1.3 With respect to this matter, Stewards have adopted a \$3000 fine as a starting point. This is consistent with penalties handed down for similar breaches Australia-wide.
- 4.1.4 With all cases, even though they may on the surface seem similar, they all need to be assessed on an individual basis with the consideration of all circumstances.

5. Respondents Penalty Submissions

- 5.1 Mrs Cotton submitted that in considering penalty, Stewards should consider her honesty and cooperation when dealing with the matter.
- 5.2 Mrs Cotton submitted that her record be considered, having no prohibited substance violations recorded in her involvement in the Racing Industry.
- 5.3 Mrs Cotton submitted that the findings were due to unintentional ingesting of toxic weeds.
- 5.4 Mrs Cotton submitted that while the findings were unintentional, she acknowledged her responsibility under the Australian Rules of Racing.

6. Penalty Discussion:

- 6.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 6.2 In consequence, trainers must take all reasonable steps and must take proper care, always, to avoid presenting a horse that could give rise to an adverse test result.
- 6.3 Resultantly, where there is a breach of the drug rules, trainers must expect substantial penalties, because every time a racing animal is presented to race with a prohibitive substance in its metabolism, then the integrity of not only, as in this case, Thoroughbred Racing, but racing, in general, is compromised.
- 6.4 In this matter we approach the imposition of penalty on the basis that the cause of the findings was not intentional. However, the onus under AR 240(2) is on the trainer to present a horse free of any prohibited substance, the rule is absolute. Hence, the respondent's admission of the breach.
- 6.5 In fixing penalties, we have regard to the need to uphold the integrity of racing, not only in Thoroughbred Racing but in all codes of racing. Penalty precedents have long been at the forefront of disciplinary decision-making, albeit with each case being decided on its own merits. It is wrong to suggest otherwise. Accordingly, the penalty that is imposed upon the respondent must be at a level that protects the public by encouraging the highest of standards of professional behaviour and that the respondent is dealt with in a fair and just manner.

7. Factors in consideration of penalty.

In determining the appropriate penalty, the Stewards recognise the following factors:

- 7.1 Mrs Cotton has admitted to a charge of presenting WE ALL DECIDE to race with the prohibited substance AMINOREX in its system.
- 7.2 Stewards believe it to be most probable that Mrs Cotton did not intentionally present WE ALL DECIDE to race with the prohibited substance AMINOREX in its system.
- 7.3 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of not only Thoroughbred Racing but racing in general, is compromised.
- 7.4 The Stewards have identified no aggravating factors that would necessitate an increase from the starting point.

8. Outcome

Mrs Cotton is to be fined, pursuant to the Australian Rules of Racing AR 240(2). The particulars of the fine being one of \$3000, with Stewards directing that \$1000 of the fine be suspended for a period of 24 months, pending another breach AR240(2) of the Australian Rules of Racing.

9. Disqualification Of Horse

It is mandatory under the Australian Rules of Racing that if a horse competes in a race and is found to have competed with a prohibited substance in its system, it must be disqualified from that race.

AR240(1) reads

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.

Consequently, the placings for Race 2 at the Tasmanian Race Club's meeting on the 12TH of May 2024 are to be adjusted to reflect the disqualification of WE ALL DECIDE.

Decision Date: 2nd April 2025