

1 May 2026

DECISION

HARNESS RACING VICTORIA

and

SCOTT GARRAWAY

Date of Hearings:	17, 18, 19 and 20 November 2025, 8 December 2025 and 30 January 2026
Date of Decision:	30 April 2026
Panel:	Judge Marilyn Harbison (Deputy Chairperson), Dr Andrew Gould and Ms Judy Bourke.
Appearances:	Ms Amy Wood, instructed by Mr Andrew Cusumano, appeared on behalf of the Stewards. Mr Scott Garraway represented himself and appeared as a witness. Professor Paul Mills appeared as a witness. Ms Maria Garcia appeared as a witness. Dr Adam Cawley appeared as a witness. Mr Stephen Svanosio appeared as a witness. Mr Anthony Camilleri appeared as a witness.
Charges:	Australian Harness Racing Rule ("AHRR") 196A(1)(ii) states: (1) A person shall not administer or cause to be administered to a horse any prohibited substance (ii) which is detected in any sample taken from such horse prior to or following the running of any race. AHRR 190(1) states: (1) A horse shall be presented for a race free of prohibited substances.

Particulars: Charge 1: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Wilshire Boulevard';
3. On 1 May 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 4 at the Swan Hill harness racing meeting, the "Alabar – Tradition Of Excellence Pace" (the Race);
4. You administered, or caused to be administered, to 'Wilshire Boulevard' a prohibited substance which was detected in samples taken from that horse prior to and following the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Wilshire Boulevard' cobalt;
 - b. Prior to the Race, a blood sample was collected from 'Wilshire Boulevard', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - c. Following the Race, a urine sample was collected from 'Wilshire Boulevard', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - d. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 2: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'Wilshire Boulevard';
3. On 1 May 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 4 at the Swan Hill harness racing meeting, the "Alabar – Tradition Of Excellence Pace" (the Race);

4. Prior to the Race, a blood sample was collected from 'Wilshire Boulevard', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. Following the Race, a urine sample was collected from 'Wilshire Boulevard', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

6. As the trainer of 'Wilshire Boulevard' on 1 May 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 3: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Orama';

3. On 13 May 2022, the horse 'Orama' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Falvo Fruits Table Grapes Supports Pacing For Pink" (the Race);

4. You administered, or caused to be administered, to 'Orama' a prohibited substance which was detected in a sample taken from that horse following the running of the Race, in that:

a. You administered, or caused to be administered, to 'Orama' cobalt;

b. Following the Race, a urine sample was collected from 'Orama', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

Charge 4: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'Orama';
3. On 13 May 2022, the horse 'Orama' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Falvo Fruits Table Grapes Supports Pacing For Pink" pace (the Race);
4. Following the Race, a urine sample was collected from 'Orama' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
5. As the trainer of 'Orama' on 13 May 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

Charge 5: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Glam Rock';
3. On 24 May 2022, the horse 'Glam Rock' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Aaron Bain Racing Supports Pacing For Pink" pace (the Race);
4. You administered, or caused to be administered, to 'Glam Rock' a prohibited substance which was detected in a sample taken from that horse following the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Glam Rock' cobalt;
 - b. Following the Race, a urine sample was collected from 'Glam Rock', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - c. Cobalt is a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

Charge 6: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'Glam Rock';
3. On 24 May 2022, the horse 'Glam Rock' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Aaron Bain Racing Supports Pacing For Pink" pace (the Race);
4. Following the Race, a urine sample was collected from 'Glam Rock' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
5. As the trainer of 'Glam Rock' on 24 May 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

Charge 7: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Blazin Beauty';
3. On 3 June 2022, the horse 'Blazin Beauty' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Good Deal Tyres Pace" (the Race);
4. You administered, or caused to be administered, to 'Blazin Beauty' a prohibited substance which was detected in samples taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Blazin Beauty' cobalt;
 - b. Prior to the Race, two blood samples were collected from 'Blazin Beauty', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 8: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'Blazin Beauty';
3. On 3 June 2022, the horse 'Blazin Beauty' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Good Deal Tyres Pace" (the Race);
4. Prior to the Race, two blood samples were collected from 'Blazin Beauty' with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable threshold;
5. As the trainer of 'Blazin Beauty' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 9: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Orama';
3. On 3 June 2022, the horse 'Orama' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Good Deal Tyres Pace" (the Race);
4. You administered, or caused to be administered, to 'Orama' a prohibited substance which was detected in samples taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Orama' cobalt;

b. Prior to the Race, two blood samples were collected from 'Orama', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 10: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'Orama';

3. On 3 June 2022, the horse 'Orama' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Good Deal Tyres Pace" (the Race);

4. Prior to the Race, two blood samples were collected from 'Orama' with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable threshold;

5. As the trainer of 'Orama' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 11: AHRR 196a(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Wilshire Boulevard';

3. On 3 June 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 7 at the Mildura harness racing meeting, the "Tasco Petroleum Pace";

4. You administered, or caused to be administered, to 'Wilshire Boulevard' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

- a. You administered, or caused to be administered, to 'Wilshire Boulevard' cobalt;
- b. Prior to the Race, two blood samples and a urine sample were collected from 'Wilshire Boulevard', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;
- c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 12: AHRR 190(1)

- 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
- 2. At all relevant times, you were the trainer of 'Wilshire Boulevard';
- 3. On 3 June 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 7 at the Mildura harness racing meeting, the "Tasco Petroleum Pace" (the Race);
- 4. Prior to the Race, two blood samples and a urine sample were collected from 'Wilshire Boulevard' with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;
- 5. As the trainer of 'Wilshire Boulevard' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 13: AHRR 196A(1)(ii)

- 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
- 2. At all relevant times, you were the trainer of 'Glam Rock';
- 3. On 3 June 2022, the horse 'Glam Rock' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "McDonald's Mildura & Irymple Pace" (the Race);

4. You administered, or caused to be administered, to 'Glam Rock' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

- a. You administered, or caused to be administered, to 'Glam Rock' cobalt;
- b. Prior to the Race, a blood sample was collected from 'Glam Rock', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
- c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 14: AHRR 190(1)

- 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
- 2. At all relevant times, you were the trainer of 'Glam Rock';
- 3. On 3 June 2022, the horse 'Glam Rock' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "McDonald's Mildura & Irymple Pace" (the Race);
- 4. Prior to the Race, a blood sample was collected from 'Glam Rock' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
- 5. As the trainer of 'Glam Rock' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 15: AHRR 196A(1)(ii)

- 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
- 2. At all relevant times, you were the trainer of 'James Charles';

3. On 3 June 2022, the horse 'James Charles' was presented for, and participated in, Race 11 at the Mildura harness racing meeting, the "One Stop Wholesalers Mildura Pace" (the Race);

4. You administered, or caused to be administered, to 'James Charles' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

a. You administered, or caused to be administered, to 'James Charles' cobalt;

b. Prior to the Race, a blood sample was collected from 'James Charles', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 16: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'James Charles';

3. On 3 June 2022, the horse 'James Charles' was presented for, and participated in, Race 11 at the Mildura harness racing meeting, the "One Stop Wholesalers Mildura Pace" (the Race);

4. Prior to the Race, a blood sample was collected from 'James Charles' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of 'James Charles' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 17: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Overreaction';
3. On 3 June 2022, the horse 'Overreaction' was presented for, and participated in, Race 12 at the Mildura harness racing meeting, the "TAB Long May We Play Pace" (the Race);
4. You administered, or caused to be administered, to 'Overreaction' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Overreaction' cobalt;
 - b. Prior to the Race, a blood sample was collected from 'Overreaction', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 18: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'Overreaction';
3. On 3 June 2022, the horse 'Overreaction' was presented for, and participated in, Race 12 at the Mildura harness racing meeting, the "TAB Long May We Play Pace" (the Race);
4. Prior to the Race, a blood sample was collected from 'Overreaction' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
5. As the trainer of 'Overreaction' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 19: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'This Is Bill';
3. On 3 June 2022, the horse 'This Is Bill' was presented for, and participated in, Race 2 at the Mildura harness racing meeting, the "Gateway Mildura Pace" (the Race);
4. You administered, or caused to be administered, to 'This Is Bill' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'This Is Bill' cobalt;
 - b. Prior to the Race, a blood sample was collected from 'This Is Bill', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 20: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'This Is Bill';
3. On 3 June 2022, the horse 'This Is Bill' was presented for, and participated in, Race 2 at the Mildura harness racing meeting, the "Gateway Mildura Pace" (the Race);
4. Prior to the Race, a blood sample was collected from 'This Is Bill' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of 'This Is Bill' on 3 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 21: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Overreaction';

3. On 10 June 2022, the horse 'Overreaction' was presented for, and participated in, Race 2 at the Mildura harness racing meeting "The Gateway Pace" (the Race);

4. You administered, or caused to be administered, to 'Overreaction' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

a. You administered, or caused to be administered, to 'Overreaction' cobalt;

b. Prior to the Race, a blood sample and a urine sample were collected from 'Orama', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 22: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'Overreaction';

3. On 10 June 2022, the horse 'Overreaction' was presented for, and participated in, Race 2 at the Mildura harness racing meeting, "The Gateway Pace" (the Race);

4. Prior to the Race, a blood sample and a urine sample were collected from 'Overreaction' with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;

5. As the trainer of 'Overreaction' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 23: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'James Charles';

3. On 10 June 2022, the horse 'James Charles' was presented for, and participated in, Race 4 at the Mildura harness racing meeting, the "Zilzie Wines Pace" (the Race);

4. You administered, or caused to be administered, to 'James Charles' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

a. You administered, or caused to be administered, to 'James Charles' cobalt;

b. Prior to the Race, a blood sample was collected from 'James Charles', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 24: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'James Charles';

3. On 10 June 2022, the horse 'James Charles' was presented for, and participated in, Race 4 at the Mildura harness racing meeting, the "Zilzie Wines Pace" (the Race);

4. Prior to the Race, a blood sample was collected from 'James Charles' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of 'James Charles' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 25: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Miss Twinkle';

3. On 10 June 2022, the horse 'Miss Twinkle' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Park Douglas Printing Pace" (the Race);

4. You administered, or caused to be administered, to 'Miss Twinkle' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

a. You administered, or caused to be administered, to 'Miss Twinkle' cobalt;

b. Prior to the Race, a blood sample was collected from 'Miss Twinkle', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 26: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'Miss Twinkle';
3. On 10 June 2022, the horse 'Miss Twinkle' was presented for, and participated in, Race 5 at the Mildura harness racing meeting, the "Park Douglas Printing Pace" (the Race);
4. Prior to the Race, a blood sample was collected from 'Miss Twinkle' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
5. As the trainer of 'Miss Twinkle' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 27: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'This Is Bill';
3. On 10 June 2022, the horse 'This Is Bill' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Laser Signs & Print Pace" (the Race);
4. You administered, or caused to be administered, to 'This Is Bill' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'This Is Bill' cobalt;
 - b. Prior to the Race, a blood sample was collected from 'This Is Bill', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
 - c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 28: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'This Is Bill';
3. On 10 June 2022, the horse 'This Is Bill' was presented for, and participated in, Race 6 at the Mildura harness racing meeting, the "Laser Signs & Print Pace" (the Race);
4. Prior to the Race, a blood sample was collected from 'This Is Bill' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
5. As the trainer of 'This Is Bill' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 29: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Wilshire Boulevard';
3. On 10 June 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 8 at the Mildura harness racing meeting, the "Tankard Dental Pace" (the Race);
4. You administered, or caused to be administered, to 'Wilshire Boulevard' a prohibited substance which was detected in samples taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Wilshire Boulevard' cobalt;
 - b. Prior to the Race, a blood sample and a urine sample were collected from 'Wilshire Boulevard', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 30: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
2. At all relevant times, you were the trainer of 'Wilshire Boulevard';
3. On 10 June 2022, the horse 'Wilshire Boulevard' was presented for, and participated in, Race 8 at the Mildura harness racing meeting, the "Tankard Dental Pace" (the Race);
4. Prior to the Race, a blood sample and a urine sample were collected from 'Wilshire Boulevard' with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;
5. As the trainer of 'Wilshire Boulevard' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 31: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;
2. At all relevant times, you were the trainer of 'Orama';
3. On 10 June 2022, the horse 'Orama' was presented for, and participated in, Race 9 at the Mildura harness racing meeting, the "Tasco Petroleum Pace" (the Race);
4. You administered, or caused to be administered, to 'Orama' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:
 - a. You administered, or caused to be administered, to 'Orama' cobalt;

b. Prior to the Race, a blood sample and a urine sample were collected from 'Orama', with subsequent analysis of those samples revealing cobalt concentrations in excess of the allowable thresholds;

c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 32: AHRR 190(1)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.

2. At all relevant times, you were the trainer of 'Orama';

3. On 10 June 2022, the horse 'Orama' was presented for, and participated in, Race 9 at the Mildura harness racing meeting, the "Tasco Petroleum Pace" (the Race);

4. Prior to the Race, a blood sample and a urine sample were collected from 'Orama' with subsequent analysis of those samples revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of 'Orama' on 10 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma or 100 micrograms per litre in urine.

Charge 33: AHRR 196A(1)(ii)

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR;

2. At all relevant times, you were the trainer of 'Springfield Shadow';

3. On 17 June 2022, the horse 'Springfield Shadow' was presented for, and participated in, Race 12 at the Mildura harness racing meeting, the "TAB Long May We Play Pace" (the Race);

4. You administered, or caused to be administered, to 'Springfield Shadow' a prohibited substance which was detected in a sample taken from that horse prior to the running of the Race, in that:

- a. You administered, or caused to be administered, to 'Springfield Shadow' cobalt;
- b. Prior to the Race, a blood sample was collected from 'Springfield Shadow', with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
- c. Cobalt is a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Charge 34: AHRR 190(1)

- 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the AHRR.
- 2. At all relevant times, you were the trainer of 'Springfield Shadow';
- 3. On 17 June 2022, the horse 'Springfield Shadow' was presented for, and participated in, Race 12 at the Mildura harness racing meeting, the "TAB Long May We Play Pace" (the Race);
- 4. Prior to the Race, a blood sample was collected from 'Springfield Shadow' with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
- 5. As the trainer of 'Springfield Shadow' on 17 June 2022, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 25 micrograms per litre in plasma.

Pleas: Not Guilty to Charges 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31 and 33.

Guilty to Charges 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32 and 34.

DECISION

- 1. Mr Scott Garraway is a licensed trainer with Harness Racing Victoria ("HRV"). His stables are at Cabarita near Mildura. He has been involved in harness racing in various

capacities, most recently as a hobby trainer whilst working full-time in the mining industry and has worked as a full-time A grade trainer since about 2016.

2. At the time of these events, he was the trainer of 15 horses, some of which were also owned by him.
3. In early 2022, a significant number of horses in the care of Mr Garraway had been found to contain elevated cobalt concentrations. This had initially arisen through random raceday sampling of horses.
4. The Stewards therefore initiated a wide-ranging investigation in relation to all horses trained by Mr Garraway. There were 73 blood and urine samples taken from horses in his care, comprising both raceday and out of competition samples.
5. Many of those samples contained cobalt at a higher than permitted level. Indeed, some of the samples showed levels which were extraordinarily high. The Stewards have concluded that there can be no possible explanation for these high levels other than that Mr Garraway has been intentionally administering prohibited levels of cobalt to the horses in his care.
6. That has led to these 34 charges being laid against Mr Garraway. Half of the charges are presentation charges. The other half are administration charges arising out of the same raceday readings.
7. He has pleaded guilty to the presentation charges and not guilty to the administration charges. We heard evidence in relation to the contested charges over four days in November 2025.

BACKGROUND

8. The charges relate to nine horses, and a total of 17 races. The races took place on just six race days in May and June of 2022.
9. The allegations span a period of just over six weeks commencing from 1 May 2022, when Mr Garraway presented his horse, "Wilshire Boulevard", to race at Swan Hill, on which occasion the first pre-race blood sample and post-race urine sample was collected.
10. This was followed by further sampling of horses trained by him throughout May to August 2022.
11. Mr Garraway's horses had been previously tested between 2017 and early May 2022. These high levels of cobalt had not previously been detected in any of his horses –

although he had been convicted of a cobalt offence in South Australia ("SA") in 2016. The circumstances of that conviction do not relate to the factual situation before us, although this conviction is relied on upon by the Stewards to demonstrate that Mr Garraway had prior knowledge of the issues surrounding cobalt contamination in horses.

12. It is alleged by the Stewards that once Mr Garraway was informed of the results of the sampling process, the cobalt concentrations in his horses gradually decreased and the horses returned acceptable cobalt levels in sampling taken after three months had elapsed.
13. The Stewards say that this pattern confirms that Mr Garraway must have been administering cobalt to his horses during the period of May to August of 2022.
14. Mr Garraway was interviewed by the Stewards on 3 June 2022.
15. He was unable to give any explanation as to the high cobalt readings detected up to that date in his horses. He described having administered supplements to his horses but denied having given any inappropriate level of supplements.
16. He was re interviewed on 17 June 2022. On that occasion, he said that he thought there must have been something wrong with the feed that he had given to his horses.
17. He was interviewed again on 24 June 2022. Once again, he was mystified as to how the high readings had come about. He thought it must have been something in the feed or the supplements or the powders that he had given to the horses.

COBALT

18. Cobalt is a substance commonly found in many natural substances, including horse feed.
19. Given that cobalt is a naturally occurring substance and levels of cobalt can vary, an offence is not committed unless the level of cobalt in a horse is over a threshold. This threshold is 25 nanograms per millilitre ("ng/ml") in blood or 100 ng/ml in urine, which is many times the typical levels found in racehorses in work.
20. The cobalt levels disclosed in Mr Garraway's horses in the samples, which are the subject of these charges, ranged from 27 ng/ml to 1300 ng/ml.

TIMELINE

21. On 3 June 2022, Mr Garraway was first notified that his horses, “Wilshire Boulevard” and “Orama”, had tested over the allowable threshold for cobalt in random testing at a race on 1 May 2022.
22. In the month between that first race and the notification to Mr Garraway, he had raced horses on three separate occasions – 1 May 2022, 13 May 2022 and 25 May 2022 – without knowing of the positive results for Wilshire Boulevard and Orama. Several of the horses which he entered to race in May of 2022 subsequently also tested over the allowable threshold to cobalt.
23. On 3 June 2022, Mr Garraway had seven horses entered to race at Mildura. He was interviewed by the Stewards on that morning, and, given the results for Wilshire Boulevard and Orama, was given the option by the Stewards to scratch those horses of his who were entered to race that day. He did not do so, telling the Stewards that he was confident that the horses were not contaminated by cobalt and that he had nothing to hide. Several of those horses later tested positive to cobalt at levels well over the threshold.
24. He gave evidence that he continued to believe that his horses were free from cobalt contamination until he was next interviewed on 17 June 2022, which was a date on which he again had a significant number of horses entered to race at Mildura. During that interview, he was told that his horse, “Glam Rock”, had tested positive from its race on 24 May 2022. Once again, he was given the option to withdraw his horses from their races on that day but did not take it. Subsequently, one of those horses tested positive to cobalt at a level well over the threshold.
25. Mr Garraway was admitted to hospital for hand surgery in June of 2022. On 24 June, when he was still in hospital, he was telephoned by the Stewards and given the results from the seven horses that raced on 3 June 2022. Each of those horses had tested significantly over the allowable threshold for cobalt. On that day, he was notified that the Stewards had decided to stand down eight of his horses because of their high cobalt levels.
26. Subsequently, the Stewards began to release horses from that stand down order as these cobalt levels declined.

THE HORSES FEED

27. Mr Garraway gave evidence that he fed his horses Tracktorque and Hygain Release.

28. He had no previous issues with the horses on this feed. However, he did notice that the Tracktorque had started to form clumps. The presence of these clumps was a significant issue in this hearing. Mr Garraway said that he suspected the clumps to have contributed to the high cobalt readings. One clump was tested and found to contain an extremely high level of cobalt. Other clumps were also given to the Stewards by Mr Garraway and formed part of the evidence in this hearing. The Stewards suspected Mr Garraway of deliberately planting clumps in his feed to mislead the Stewards as to the source of the cobalt.
29. Tracktorque is comprised of a mixture of whole grains held together by molasses. It resembles the texture of muesli. It contains added cobalt, but it is said by the manufacturer to be well within acceptable levels. Hygain Release is similar to Tracktorque, except that it does not contain oats which is thought to be safer for horses which are prone to “tying up”. It contains no added cobalt.
30. The horses named “This Is Bill”, “Miss Twinkle”, and “Coco Beach” were all on Hygain Release because of their tendency to tie up. All of his other horses were on Tracktorque.
31. As we have noted, several of these clumps of Tracktorque are exhibits in this case.
32. However, the real focus of attention was one particular clump which was marked as Exhibit 3.
33. Mr Garraway did not mention the occurrence of clumps in either the Tracktorque or the Hygain Release feed until the Stewards’ visit of 17 June 2022. On that occasion, he showed the Stewards clumps of congealed feed. He asked the Stewards to take some of the feed for analysis and said that he wanted all the products in his stables analysed. The Stewards declined to do this, saying they would discuss with “the boss” what products, if any, to send for analysis.
34. Mr Garraway took various photos of clumps which he had found, and particularly Exhibit 3, on 6 June 2022 and gave these photos to the Stewards at the time of the interview on 17 June 2022. He asked on 17 June 2022 for Exhibit 3 to be taken away by the Stewards to be tested, but this was not done until the further interview on 29 June 2022.
35. When tested, this clump was found to have extremely high levels of cobalt. The clump was also different in appearance from the other clumps in evidence. It did not have a muesli like consistency.
36. Mr Garraway says that he got this clump from the horses feeding bin. The Stewards say that he deliberately manufactured this clump out of an unknown substance containing high levels of cobalt, and that he did this after the first interview on 3 June 2022 in order

to pretend that the horses were getting high levels of cobalt from the feed. The Stewards asserted that he was doing this so they would not suspect that he was separately feeding his horses another unidentified product containing cobalt. It is said that this fits in with the fact that Mr Garraway did not mention clumping in his feed at the time of the first visit on 3 June 2022.

INSTANT B

37. Mr Garraway gave evidence that he also fed his horses supplements. The only supplement of any relevance to this case was Instant B, which is essentially Vitamin B12.
38. The evidence established that Mr Garraway had one container of Instant B at his stables on the day the Stewards first visited him on 3 June 2022. We accept that he was given this container together with five others, when he won a prize at Broken Hill in March of 2022. The uncontested evidence is that he did not buy this product and had not used it before being given it as a prize in the race.
39. This container was found to contain stratospheric levels of cobalt. The evidence was that it contained 1,625,000 fold greater cobalt than the advertised level on the bottle. A later sample analysis from the manufacturer matched the levels claimed on the bottle. However, the container was not removed for testing until 29 June 2022, and Mr Garraway was not advised of that test result until 4 August 2022.
40. The maker of this product was Cobain. That company was able to source a sample retained from the batch and that sample was tested for cobalt but returned levels consistent with those advertised on the container label.
41. The Stewards alleged that Mr Garraway must have also laced the container of Instant B with cobalt, and that he did so to make the Stewards think that the Instant B had contributed to the high levels of cobalt found in his horses.

PRESENTATION AND ADMINISTRATION

42. Mr Garraway has pleaded guilty to presenting the horses on each of the 17 occasions with high levels of cobalt. Clearly, this plea is appropriate on the evidence before us, as the charge of presentation does not require proof of that Mr Garraway intentionally presented each horse to race knowing that the horse was over the allowable threshold for cobalt. Intention and actual knowledge of the presence of the prohibited substance are both irrelevant to these charges.

43. Similarly, the charge of administration can be proved without proof that a person has intentionally administered a contaminating substance to a horse, and without that person knowing of the presence of the substance.
44. There are many situations where a trainer can be said to have administered a prohibited substance unintentionally.
45. However, the way in which the Stewards put the case against Mr Garraway does not involve unintentional administration. The Stewards say Mr Garraway deliberately administered a substance containing excessive levels cobalt to his horses and did so for the purpose of winning races. This is the issue which we must determine.
46. Intent is not a necessary element of the administration charges, but the presence of intent makes a great difference to the sentencing process.
47. The contest in this case is thus over whether Mr Garraway deliberately administered high levels of cobalt to his horses and then laced the samples he gave to the Stewards with high levels of cobalt to attempt to create an innocent explanation for the high readings.
48. If these allegations are proven, the charges of administration are serious indeed.

BURDEN AND STANDARD OF PROOF

49. The test which we must apply is the Briginshaw test. We do not need to be satisfied to the criminal standard of beyond reasonable doubt that Mr Garraway knowingly administered cobalt to his horses. The test to be applied is still the civil standard – that is, whether it is more probable than not that he intentionally administered cobalt to his horses. This is a less onerous test than the one applied in criminal law. However, we must be comfortably satisfied that this is the only correct conclusion, having regard to the fact that this is a disciplinary proceeding in which the consequences of a finding of intentional administration would be disastrous for Mr Garraway.
50. The Stewards have submitted that given that Mr Garraway has asserted that the contamination must have been in either the Instant B, Hygain or Tracktorque. Therefore, the burden of proof then shifts to him to establish that this is so.
51. Although it is true that the burden of proving exculpatory facts rests with Mr Garraway, it is important to state that the overall burden of proof does not change.

52. As we understand it, Mr Garraway's principal argument is that he has no idea what has caused the contamination, and that he did not intentionally administer cobalt to his horses.
53. The Stewards wish to prove intent so that it can be relied on as an aggravating factor in sentencing. It is the Stewards' task, given that intentional contamination is asserted, to prove to the Briginshaw standard that Mr Garraway did know what had contaminated the horses, and that he intentionally administered that substance or arranged for someone else to administer it to produce a level of cobalt over the threshold.

CIRCUMSTANTIAL EVIDENCE

54. The Stewards recognise that there is no direct evidence of Mr Garraway having doped his horses with cobalt. The Stewards argue that when we look at the evidence as a whole, there is powerful circumstantial evidence compelling that conclusion.
55. The Stewards submit that the only plausible explanation for the 17 very high positive readings is an "undocumented, intentional administration" by Mr Garraway, or at his request or with his knowledge.
56. The Stewards identified 10 items of evidence which it was said compel that conclusion when the entire circumstances of the case are taken into account.
57. The Stewards point to the fact that Mr Garraway gave evidence that, in the whole of his training career, he has only ever used Tracktorque and has had no problems with it up until May of 2022. The Stewards also pointed to the fact that, even during the happening of the events in May/June of 2022, Mr Garraway did not stop using Tracktorque. They say that this proves that he knew the Tracktorque was not the source of the problem. They say that this should assist us to come to a conclusion that he fed some other unknown product containing cobalt to his horses and that he is lying about not having done so.
58. Although Mr Garraway's continued use of Tracktorque after being charged is surprising, it is to be noted that his position throughout has been that he must have obtained a contaminated batch of Tracktorque confined to the period of May/June 2022 and that this was the source of the high readings. He gave evidence that, by the time he found out about the high readings in both the feed and the Instant B, he was actually past the danger period. He was not notified by the Stewards about the readings until mid 2024. He had continually asked the Stewards for the results of testing of his feed but had not been able to get these results as the Stewards said that they were not able to release them. The horses which were the subject of this proceeding were not racing at this time

because they had been stood down until they were below the cobalt threshold, and so there was no reason not to continue with the feeding regime that he had previously engaged in.

59. We recognise that the levels of cobalt found both in Instant B and in the clump of Tracktorque are extraordinarily high. These high levels are not in any way consistent with the feeding regime about which Mr Garraway gave evidence.
60. We acknowledge the force of the argument that the cobalt levels in this case are so extraordinarily high that it points to human intervention of some sort.
61. However, that is not the end of the matter. Even if some sort of administration seems likely, the Stewards bear the onus of proving that it was Mr Garraway who administered the cobalt. Although a lot of the evidence is perplexing, the problem with it is that it does not point to an obvious conclusion that the high levels came about as a result of some direct action by Mr Garraway.
62. Each of those matters of circumstantial evidence relied on by the Stewards are relevant to the question as to whether the horses were contaminated by an excess of cobalt in their feed.
63. However, when one considers the question of what positive evidence there is to point to a conclusion that it was Mr Garraway who deliberately contaminated his horses, that evidence is much less persuasive.

THE CIRCUMSTANTIAL EVIDENCE REGARDING INTENT

64. There is a great deal of circumstantial evidence which militates against a conclusion that Mr Garraway doped his horses. For instance, on two occasions, he was given the option to withdraw his horses from their races once the irregularity in the cobalt level had been identified. He refused to do so. He did so emphatically, saying that he had nothing to hide. It is possible that he did so either irrationally, or even recklessly, well knowing that he had been systematically doping all of his horses, including those that were to run that night, but taking the chance that no cobalt would be detected in them. However, we find this hypothesis is extremely unlikely. His action in refusing to remove the horses was risky, but it was not the action of a guilty person.
65. He said that he did not withdraw the horses because the B samples had not come back, and that he thought that a true positive would not be obtained until the B samples were also analysed.

66. We do not find that his stubborn insistence on the fact that the “B” results had not yet been given to him suggests that he was dissembling. We think it is more likely that he misunderstood the process involved in the sampling which had been described to him. He thought that the positive result would not be confirmed until the B samples came back. He thought that a positive A sample was not enough to confirm the presence of cobalt. Knowing that he had not administered any product containing cobalt to his horses, his decision to allow them to run despite the positive A samples is understandable. His misconception was perhaps the result of the wording used by the Stewards on 3 June 2022. The Stewards referred to “swab irregularities” – not positive swabs.
67. We think it likely, and Mr Garraway gave evidence to this effect, that he did not understand that the result from the A sample was a standalone result and not just part of a sampling process which had not yet been completed.
68. We think it possible that this understanding was reinforced by the fact that the certificates referred to a level of cobalt but did not indicate a numerical level. This was of course because this is the way that cobalt results are generally reported. During the whole of this case, Mr Garraway appears to have been under a misapprehension that the results were not final until a particular numerical figure was ascertained. As it turned out, the results were eventually translated into numerical figures but at a much later time in the investigation.
69. There are some other items of circumstantial evidence which also point in Mr Garraway’s favour. Most of the horses who tested positive had significant histories as winning horses. Glam Rock had won 12 or 13 races before May of 2022. Wilshire Boulevard had also won many races. The evidence was that the horses had each won at least six or seven races prior to the start of May 2022.
70. It does not seem likely that a trainer would suddenly start drugging horses who were already winning races, and continue to do so in the face of repeated positive samples.
71. Further, it does not make sense that Mr Garraway would intentionally administer excessive amounts of cobalt to all of his horses, both those racing and those not ready to race.

CONSIDERATION OF THE CIRCUMSTANTIAL EVIDENCE AND KNOWLEDGE

72. We have considered the evidence that no other person fed the horses but Mr Garraway. We accept that this is a significant factor to take into account, but it is not conclusive. Mr Garraway gave evidence that he was the only one who fed his horses or had

legitimate access to them, although he could not rule out contamination through another source.

73. The Stewards submitted that any alternative explanation relied on by this Tribunal in coming to its decision must be a reasonable explanation. It was submitted that all possible reasonable explanations consistent with innocence have been comprehensively excluded by the objective evidence.
74. The Stewards submitted that it was not necessary to prove precisely where the contamination came from, but that we should be comfortably satisfied that the elevated levels did not occur naturally.
75. The difficulty with the Stewards' argument is that Mr Garraway does not carry the burden of explaining to the Tribunal how the contamination actually occurred.
76. This Tribunal does not have an investigative function in this hearing. Our task is not to provide a clear scientific explanation as to how the contamination occurred. Our task is to analyse all the evidence presented to us and decide whether the Stewards have proven to us, on the Briginshaw standard, whether Mr Garraway intentionally administered excessive amounts of cobalt to his horses.

THE CREDIBILITY OF MR GARRAWAY'S EVIDENCE

77. The Stewards conducted a total of six interviews with Mr Garraway over a period of two months. Our assessment of Mr Garraway's responses in those interviews is that he appeared completely perplexed as to what was happening with his horses. He appeared very anxious to get to the bottom of the problem. He appeared to us to have been very cooperative and open with the Stewards and to be extremely concerned about the predicament that he found himself in.
78. He gave evidence and was cross-examined before us.
79. The Stewards have submitted to us that Mr Garraway's evidence should not be believed. It was said that this was because of lies or misleading evidence which Mr Garraway gave to the Stewards and in this hearing.
80. It was said that he lied to the Stewards at the time of the first interview, claiming that he had had no experience with cobalt when in fact he had had a conviction for presentation of a horse with cobalt in its system in SA some years before. This offence was so serious that it was dealt with by a period of 18 months disqualification.

81. Mr Garraway's explanation for this was that he had not thought that the circumstances of that offending had anything to do with the unexplained presence of cobalt in his stables. He explained that that offence related to cobalt ingested when he administered an off the shelf drenching product to a horse.
82. The Stewards pointed to other issues in his evidence which the Stewards said rendered him an unreliable witness. It was said that he claimed that a Steward retrieved a feed sample – later found to contain cobalt – when it was in fact Mr Garraway who did this. The action can be viewed clearly on body camera footage that was in evidence.
83. Further, Stewards submitted that his statements in his evidence about not understanding that he had a problem with cobalt in his horses because he had received only A sample results, and not the B samples, was absurd and rendered the whole of his evidence suspicious.
84. Without making light of these points, we indicate that we found Mr Garraway to be an honest witness when giving evidence before us. He was clearly mistaken about several matters and misguided about others. However, he was representing himself and, in our view, he did so honestly and frankly.

DISCUSSION

85. We accept the submission of the Stewards that there is insufficient evidence to conclude that the Hygain and Tracktorque fed by Mr Garraway to his horses between May and July of 2022 was infected with cobalt during the manufacturing process. We also accept that there is no evidence from which we can conclude that the Instant B was infected during the manufacturing process with excessive cobalt.
86. There is also clearly no evidence that the contamination was caused by any identifiable third party.
87. The Stewards say that the Tribunal should infer from all the evidence in this case that cobalt was administered by Mr Garraway in a manner which he has not volunteered.
88. If it were Mr Garraway's responsibility to prove to our comfortable satisfaction that the cobalt was administered through the horses feed, or by a third party, then he would have failed in that attempt.
89. However, that is not the standard which we apply. If intent is to be used as an aggravating factor in sentencing, it must be proven by the Stewards, to our comfortable satisfaction, that he deliberately administered the cobalt to the horses.

90. We have not been able to come to a conclusion as to what caused the extraordinary levels of cobalt found in Mr Garraway's horses. However, we are not persuaded that the horses were intentionally administered a substance containing excessive cobalt by Mr Garraway.
91. There are several reasons for this conclusion.
92. In our view the sudden presence of extraordinary amounts of cobalt over a short period of time-a period of six weeks in 2022, has no discernible explanation from the evidence presented to us.
93. We note that Professor Paul Mills, a veterinary pharmacologist, and an acknowledged expert in his field, could not give any scientific explanation of these extraordinary high readings, both in the horses and in the clump and sample of Instant B.
94. We are not persuaded that it is more likely than not that these readings came about because Mr Garraway administered some unidentified substance to his horses.
95. There was an extremely high concentration found in several horses which were not being raced. Those horses had been recently acquired for training and were not being fed either Tracktorque or the supplements. It seems odd that those horses would still have registered high readings. If the Stewards' suggestion that Mr Garraway was feeding some other unknown cobalt product to his horses is correct, it does not seem logical that he would feed that product to horses which were not even expected to race in the near future.
96. There was an extremely high concentrations found in several horses which were not receiving Tracktorque.
97. When the Stewards first contacted Mr Garraway regarding the cobalt detected in Wiltshire and another horse, they arrived at his property unannounced. They took the opportunity on that day to search through his stables. Nothing at all was detected out of the ordinary.
98. The presence of cobalt in the container of Instant B is a complete mystery. The Stewards hypothesis is that the container did not originally contain cobalt at the time of the Stewards visit in March of 2022. The Stewards say that after that visit, Mr Garraway panicked and deliberately laced that product with a great deal of cobalt so that he could later point to that product as being a potential source of cobalt contamination to his horses.

99. Mr Garraway denies this, and there is no direct evidence of it. It certainly seems odd that Mr Garraway, once on notice that the Stewards had detected cobalt, would not only deliberately introduce cobalt into the Instant B, but continue to race many horses between 3 June 2022 and the time those horses were stood down at the end of June. It is possible of course that he did make that decision, but to do so strikes us as being quite unlikely.
100. Such a theory is also contrary to the Stewards' initial submission about Instant B, which was that Mr Garraway had deliberately refrained from referring to Instant B when he was interviewed on 3 June 2022 and only raised the presence of this substance when it was drawn to his attention by the Stewards. If Mr Garraway knew, at the time of the first visit of the Stewards, that the container held excessive amounts of cobalt, and that he had been surreptitiously feeding it to his horses, one may have expected him to not have been keen to have it tested. However, the evidence is that he repeatedly requested that all the items in his stables be tested.
101. The video evidence shows that Instant B was identified by the Stewards at the time of that first visit on 3 June 2022. It was photographed by the Stewards on that occasion. It is true that Mr Garraway did not refer to it when describing his feeding and supplementation regime on 3 June 2022. In any event, this line of inquiry seems to us to go nowhere. The evidence of Professor Mills was that the Instant B could not have been implicated in these high readings. This is because cobalt in this oral form is excreted extremely quickly from the body. The Stewards appear to have accepted Mr Garraway's evidence that he stopped dosing his horses with Instant B two clear days before each race. The evidence of Professor Mills was that the cobalt in Instant B could thus have not contributed in any way to the high race day readings.
102. Professor Mills gave evidence that the presence of Exhibit 3, with its extraordinary high levels of cobalt, and also the presence of stratospheric levels of cobalt in the Instant B "confounds my opinion" as to the source of the cobalt in the horses.
103. He gave evidence that the Instant B would be rapidly excreted from the system, but that it was possible that Tracktorque would build up in the system overtime. He said that it may explain, in some part, why the cobalt took until approximately September of 2022 to be eliminated from the horses. However, his expert opinion was that he had no explanation, even after reviewing the extraordinary number of samples in evidence, as to when the administration occurred, by what means and how. He said that "where the cobalt came from, when it was given, how it was given I have no information about".
104. Clearly the Stewards do not have to prove that Mr Garraway had a particular motive in introducing cobalt into his horses, although it is well known that cobalt is sometimes

improperly used in order to enhance performance in racehorses. It clearly has this effect. However, the evidence is that Mr Garraway's horses were already winning races. They had won a significant number of races before May of 2022 and then continued to win races regularly after approximately September of 2022, when the cobalt had finally been eliminated.

105. There does not appear to be a particular pattern in the samples which are in evidence. This case is out of the ordinary in that there were a striking number of samples available, both prior to the period of contamination, during the period of contamination and again after the period of contamination had ceased. It is true that the highest contamination levels were generally those on race days, but that was not always the case. Professor Mills was unable to point to any particular patterns showing from those samples. He rightly pointed out that he had no evidence of when the cobalt was administered and in what quantities or by what means.

CONCLUSION AS TO INTENTIONAL ADMINISTRATION

106. We have carefully weighed these matters. In this case, there is a complete absence of direct evidence of Mr Garraway having administered any prohibited substance to his horses. There is no evidence as to what any such prohibited substance may have been, except that it must have contained cobalt. Although it appears clear from the evidence that the contaminating substance was not the feed, the circumstantial evidence relied upon by the Steward does not point unequivocally, or even probably, to any particular event of contamination, let alone any event involving Mr Garraway.
107. In those circumstances, and bearing in mind that we found Mr Garraway to be an overall truthful, though sometimes belligerent witness, we are unable to be comfortably satisfied that Mr Garraway intentionally administered cobalt to his horses, or that he contaminated the feed and Instant B samples with cobalt as alleged.

INNOCENT ADMINISTRATION

108. We have found that Mr Garraway did not intentionally administer cobalt to his horses. Given that finding, the next question which we must consider is whether we can be comfortably satisfied that Mr Garraway unintentionally administered cobalt to his horses through any means.
109. There is however, a difficulty in concluding that Mr Garraway is guilty of unintentional administration. The evidence of Professor Mills was that it was exceedingly unlikely that the feeding and supplement regime described by Mr Garraway would have produced levels of cobalt over the threshold.

110. In his evidence Professor Mills said this:

“I cannot make a definitive statement about the likely causes of cobalt detected due to inconsistencies in concentration between the samples provided by Mr Garraway and those provided independently. However, the concentration suggests that cobalt is being administered in some form”.

111. He was adamant that the feeding regime and supplement regime of Mr Garraway would not have produced levels of cobalt over the threshold. In his view, something had changed from that routine. There must have been some other administration.

112. This is particularly evident when one considers that three of the horses – This is Bill, Miss Twinkle, and Coco Beach – were not fed Tracktorque at all.

113. Further, Professor Mills was of the opinion that the Instant B, even at the levels found to be present in Mr Garraway’s bottle, would not have caused cobalt levels over the threshold on raceday.

114. Thus, the scientific evidence presented by the Stewards in this hearing clearly leads to the conclusion that Mr Garraway did not administer excessive amounts of cobalt through his feeding regime, or through his use of Instant B or other supplements.

115. Thus, there is no evidence from which we could be satisfied, let alone comfortably satisfied, that Mr Garraway unintentionally administered the cobalt to his horses.

116. We recognise that this means that there is no satisfactory explanation for the presence of cobalt in these nine horses. However, this conclusion is the only one that can be drawn from the evidence before us. The source of the excessive amounts of cobalt was not explained in the evidence and remains a mystery. It is for the Stewards to persuade us to our comfortable satisfaction that Mr Garraway administered excessive amounts of cobalt, and the Stewards have failed to do so.

117. Although this finding may appear at first glance perverse, we think it most likely has arisen because of the nature of cobalt itself. It is a naturally occurring substance. It is often not possible to identify precisely the source of cobalt contamination. In this case, neither the available scientific evidence nor the surrounding circumstances conclusively identified the source of the contamination. In such a situation, it is not possible for the Tribunal to be comfortably satisfied that the Stewards have proven their case.

FINDING

118. We therefore find the 17 charges of administration not proven. Each of these charges are dismissed.

119. We will now proceed to hear the plea in relation to the 17 presentation charges.

Mark Howard
Registrar, Victorian Racing Tribunal