

# Stewards' Report

## Stewards Report: Michael Costa

**Date: 22 September 2020**

**Panel: W Hadley, D Aurisch and A Turner**

The Queensland Racing Integrity Commission's Integrity Investigations Team (IIT) conducted an investigation into the ownership of registered thoroughbred SUPERGIANT(NZ). A complaint was received expressing concerns over the bona fides of the ownership of the gelding after comments were posted to a website by the gelding's licensed trainer, Michael Costa, following the running of Race 6 at the Gold Coast Turf Club on 16 November 2019, in which the gelding competed in and subsequently won.

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into the findings of the IIT and, after considering evidence provided by Mr Costa, the Stewards charged Mr Costa pursuant to Rule 227(a) of the Australian Rules of Racing.

Australian Rule of Racing 227(a) provides:

*Without limiting any other powers, a PRA or the Stewards may penalise any person who:*

- (a) commits any breach of the Rules or engages in conduct or negligence which has led or could have led to a breach of the Rules.*

The specifics of the charges being that Michael Costa, as the licensed trainer of SUPERGIANT (NZ), committed an act of negligence that led to a breach of Rule 38(1) of the Australian Rules of Racing. That Mr Costa permitted SUPERGIANT(NZ) to compete in Race 6 at the Gold Coast Turf Club on 16 November 2019 whilst Mr Costa was listed as the 100% registered owner of the gelding. At a time when Mr Costa had obtained ownership percentages in SUPERGIANT(NZ), but the ownership of the gelding had not yet been transferred to the new owners and the registration of the owners had not been finalised by Racing Australia or the PRA.

Mr Costa entered a plea of guilty to the charge and made brief submissions to the Stewards on penalty.

In determining penalty in relation to the charge, the Stewards considered the following:

1. Mr Costa's plea of guilty at the earliest available opportunity.
2. the nature, circumstances, and seriousness of the offending conduct, in that:

- (i) Mr Costa purchased SUPERGIANT(NZ) from New Zealand and proceeded to offer the gelding to his ownership database, noting that Mr Costa had not undertaken the process of registering a horse purchased from New Zealand before, and he was therefore not familiar with the process of registering a horse through DNA and microchipping;
  - (ii) Mr Costa had taken steps to ensure his compliance with the registration requirements in accordance with the Australian Rules of Racing by contacting Racing Australia, who advised him that the gelding could race as a visitor registered in New Zealand. Mr Costa subsequently informed the pending owners that their ownership could not be registered for syndication until the DNA testing and microchipping had been undertaken;
  - (iii) SUPERGIANT(NZ) arrived at Mr Costa's stables on 24 October 2019 and competed in Race 6 at the Gold Coast Turf Club on 19 November 2019 upon the gelding being permitted by Racing Australia to race as a visitor, in which the gelding won the race. Mr Costa paid all pending owners their respectful prizemoney, despite Mr Costa still being the 100% registered owner of the gelding at that time;
  - (iv) Racing Australia has since endorsed the transfer of ownership to all the pending owners, being twenty (20) entities, with the ownership still current as at the date of the inquiry; and
  - (v) there had not been anything sinister on Mr Costa's behalf in respect of the registration of the syndicate.
3. Mr Costa's disciplinary history over a period of approximately ten (10) years.
  4. Mr Costa's cooperation throughout the inquiry, together with his frank and forthright evidence; and
  5. the need for the penalty to act as both a specific deterrent to Mr Costa to reduce the risk of further offending and a general deterrent to the wider racing industry for the integrity of the racing industry to remain paramount.

The Stewards, having considered the above factors, determined the appropriate penalty was a monetary penalty in the amount of \$1,000.

Mr Costa was advised of his rights to apply for an internal review of the decision pursuant to Chapter 6 of the *Racing Integrity Act 2016* (Qld).

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