28 July 2025

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**BROOKE McPHERSON**

**Date of Hearing:** 15 July 2025

**Date of Decision:** 15 July 2025

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Greg Childs

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Ms Brooke McPherson represented herself.

**Charges:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

(1) A horse shall be presented for a race free of prohibited substances.

AHRR 190B(1)(b) states:

(1) 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:

(i) the name of the horse

(ii) the date and time of administration of the treatment

(iii) the name of the treatment (brand name of active constituent)

(iv) the route of administration

(v) the amount given

(vi) the name and signature of the person or persons administering and/or authorising treatment.

**Particulars of charges: Charge 1: AHRR 190(1)**

1. At all relevant times, you were a licensed trainer and driver with Harness Racing NSW, and a person bound by the AHRR.

2. At all relevant times, you were the trainer of Yankee Babe;

3. On 24 October 2024, the horse Yankee Babe was presented for, and competed in, Race 4 at the Kilmore harness racing meeting, the “Kilmore Men’s Shed 3YO Maiden Pace” (the Race);

4. Prior to the Race, a urine sample was collected from Yankee Babe, with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of Yankee Babe on 24 October 2024, 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 2: AHRR 190B(1)(b)**

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

2. At all relevant times, you were the trainer of Yankee Babe and had the horse in your care;

3. On or around 21 October 2024, Yankee Babe was administered an intravenous drip which contained injectable veterinary medicines (the Treatment);

4. The Treatment was not recorded in a log book;

5. You have failed to keep and maintain a log book recording all details of treatment administered to a horse in your care.

**Pleas:** Guilty

**DECISION**

1. Ms Brooke McPherson is a licensed trainer under the Australian Harness Racing Rules (“AHRRs”). She has been charged with two offences. The first is a presentation offence. She is charged with having presented a horse, “Yankee Babe” to race at Kilmore on 24 October 2024 when a level of cobalt over the threshold was present in the horse. The threshold is 100 micrograms per litre. It is not possible to ascertain the exact reading found in the horse. However, the scientific evidence indicates that it was over 200 micrograms per litre.
2. She has pleaded guilty to this charge.
3. The second charge is that she administered an intravenous drip to the horse which contained injectable veterinary medicines and administered other oral supplements to the horse, but that she did not record the application of those medicines in her logbook.
4. She has pleaded guilty to that charge as well.
5. Ms McPherson is licenced in New South Wales (“NSW”). She arranged for the horse to be entered into the race on 24 October 2024 and driven by an A grade driver, Mr Thomas Gilligan, as her representative. Mr Gilligan is her husband.
6. Urine samples were taken from the horse before the race. The horse won the race. The samples were tested at Racing Analytical Services Limited (“RASL”) and on analysis were revealed to contain cobalt at a level of greater than 200 micrograms per litre. The reserve urine and control samples were sent to the racing chemistry laboratories in Western Australia for referee analysis. That analysis confirmed the level of cobalt to be in excess of 200 micrograms per litre.
7. Ms Mcpherson was not able to be interviewed by the Stewards. Mr Gilligan, who is closely involved in her training programme, was interviewed, but was unable to offer an explanation for the elevated cobalt concentration. However, he told the Stewards that he and Ms McPherson regularly administered an intravenous vitamin drip to all their horses approximately three days prior to racing, and an oral paste two days prior to racing. The paste contained the products “Hygain Release” and “Hygain Tru Care”. The horses are also administered a racing syrup or iron syrup. He said that administration of these substances ceases two nights before a race. This procedure has been followed for the last 10 years.
8. Ms McPherson confirmed that those products were administered to the horses and that none of the substances administered were recorded in her logbook. She also had no explanation for the high level of cobalt recorded.
9. It appears that one or more of these supplements may have been the source of the excessive cobalt reading, but no definitive finding can be made by the Tribunal on the evidence before us.
10. Ms McPherson told us that she did not know about cobalt until charged with these offences. She has obtained independent scientific advice and accepts that several factors could have contributed to the high reading obtained on this occasion.
11. Disqualification or suspension will have a disastrous financial effect on her. She and her husband run a horse training facility from their 60-acre farm. She has a young child and is pregnant. She and her husband have taken on significant financial commitments in connection with building a new house on the property. They will lose the income they had expected to receive in training fees.
12. Ms McPherson also told us that she was aware of her obligation to keep an up-to-date treatment record book, and had done so in the past. However, her book was full, and she had not recorded the treatments described by Mr Gilligan in his interview as she was waiting for a new book to be delivered.
13. Clearly the presentation of a horse with levels of cobalt over the threshold is a serious offence. All participants in the industry must be vigilant in preventing this from occurring. Here the level is twice the threshold. We consider that a trainer of Ms McPherson’s experience should have taken more effective precautions. A trainer who makes extensive use of supplements runs the risk of inadvertently introducing prohibited substances into the horse.
14. Ms McPherson has been a licenced trainer and driver since 2013. She has one prior offence in NSW for administration of an alkalising agent in August 2023. She was disqualified for six months for that offence. On that occasion, she was seen administering a syringe to a horse when it was on a float during transport to a racecourse. No prohibited substances were detected in the horse, but the presence of an alkalising agent was detected.
15. She has pleaded guilty to the offences before us at the earliest opportunity.
16. Taking all these matters into account, the penalties we impose are as follows:

Charge 1: 12 month suspension, with 6 months suspended for two years pending no further relevant offences during that time.

Charge 2: $250 fine.

1. In addition, Yankee Babe is disqualified from Race 4 at Kilmore on 24 October 2024 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal