28 July 2025

**DECISION**

**RACING VICTORIA**

**and**

**HEATH CHALMERS**

**Date of hearing:** 2 July 2025

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**Panel:** Judge John Bowman (Chairperson), Dr Andrew Gould and Ms Danielle Hikri.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Heath Chalmers represented himself.

**Charges and particulars:** **Charge 1 of 3: AR 228(b)**

AR 228(b), reads as follows:

**AR 228 Conduct detrimental to the interests of racing**

A person must not engage in:

…

(b) misconduct, improper conduct or unseemly behaviour;

**The particulars of the charge**

1. You are, and were at all relevant times, a Trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, in charge of Immortal Weapon (the Horse) and had responsibility for its care.
3. On 20 November 2024, you engaged in the following conduct:
* You led the Horse to the front of a jogger;
* You clipped the Horse to the front of a jogger using an unbreakable tether and;
* You proceeded to strike the rear of the Horse, with force, on four (4) occasions, using the metal clip end of the lead rope, and caused the Horse to lunge forward and lose its footing, become trapped, and thrash about with all four legs in an attempt to get up and get free of the jogger.
1. As a result of your conduct, the Horse suffered serious injuries and was required to be euthanised.
2. Your conduct, as outlined in particular 3, was improper and accordingly in breach of AR 228(b).

**Charge 2 of 3: AR 231(1)(a)**

AR 231(1)(a), reads as follows:

**AR 231 Care and welfare of horses**

(1) A person must not:

(a) commit or commission an act of cruelty to a horse, or be in possession of any article or thing which, in the opinion of the Stewards, is capable of inflicting cruelty to a horse; …

**The particulars of the charge**

1. You are, and were at all relevant times, a Trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, in charge of Immortal Weapon (the Horse) and had responsibility for its care.
3. On 20 November 2024, whilst Training the Horse, you were in possession of an article or thing, namely a lead rope with a metal clip, which in the opinion of the Stewards, was capable of inflicting cruelty to the Horse.

Charge 3 of 3: AR 233

AR 233, reads as follows:

**AR 233 Other misconduct offences**

A person must not:

(a) breach a policy, regulation or code of practice published by Racing Australia or a PRA; …

**The particulars of the charge**

1. You are, and were at all relevant times, a Trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, in charge of Immortal Weapon (the Horse) and had responsibility for its care.
3. On 20 November 2024, you were in breach of Racing Victoria’s Thoroughbred Racehorse Welfare Policy, in that you used an unbreakable tether to tie the Horse.

**Pleas:** Guilty to Charges 1 and 3.

Charge 2 was withdrawn.

**DECISION**

Mr Heath Chalmers, you are pleading Guilty to a breach of AR 228(b) – basically a misconduct or improper conduct Charge (Charge 1). We emphasise that it is not a cruelty charge as such.

You are also pleading Guilty to a breach of AR 233(a) – breaching a policy published by Racing Victoria (Charge 3).

Charge 2 was withdrawn.

The two remaining Charges concern animal welfare and, in particular, Charge 1 concerns the use of a lead rope with a metal clip on one end to strike a horse attached to a jogger. The horse, Immortal Weapon, was thrashing about. Ultimately, it suffered an injury which resulted in it being euthanised.

This could be described as the Principal Charge.

In this matter, the parties engaged in considerable negotiation, which ultimately arrived at an agreed penalty.

Both Mr Marwan El-Asmar, on behalf of the Stewards, and Mr Paul Maher, from the Australian Trainers Association, who has been assisting you, are experienced and very sensible representatives of their respective interests. Of course, that does not mean that a joint and agreed penalty submission will always be accepted. The final decision remains that of this Tribunal. However, an agreement on penalty involving such representatives is a powerful argument in favour of the joint proposal.

Mr Chalmers, you are 37 years of age, a married man with three young children. You have been brought up with horses and indeed commenced riding track work at the age of 12. Apart from a couple of attempts at becoming a jockey, you were a full-time employee of well-known trainer’s, Mr Austin Coffey, for in excess of twenty years. You obtained your trainers licence in 2017 and have been successful. Apart from training horses, you do a considerable amount of work educating horses for other trainers. You do a lot of work at Swan Hill racecourse.

In short, racing is and has been your life. The property on which you reside at Murrawee has been purchased by you and is set up for breaking in and pre-training horses. The racehorses which you train are stabled in the 14 boxes which you rent at Swan Hill racecourse.

The bottom line is that racing and the preparation of racehorses is, and has always been, your only occupation since the age of 12.

Your financial commitments are quite substantial. Apart from renting some 14 boxes at Swan Hill racecourse for a modest amount, you are paying off a substantial mortgage in relation to the property where you reside. There is a small training track there and other facilities. Your wife is not working, and, as stated, you have three young children. Thus, your financial position will be very difficult once any income from racing is removed.

This is what could be described as a little more borderline than some other matters where there has been an agreed penalty for which our approval was sought. However, as stated, both parties have very experienced people representing or assisting them. The agreed penalties are not so manifestly inadequate as to cause us to refuse to make the orders sought. We repeat that we have a lot of confidence in the representatives of the parties who have assisted in the preparation and presentation of the matter. We shall make those Orders.

In summary, you are disqualified for a period of six months on Charge 1, and you are fined the sum of $2,000 on Charge 3. Charge 2 is withdrawn. If you are not clear as to the effects of disqualification, these can be explained to you by Mr Maher.

Unless there is some other agreement, the disqualification shall commence immediately.

Note: Agreement was reached that the period of disqualification commence 7 days from this date on 9 July 2025.

Mark Howard

Registrar, Victorian Racing Tribunal