28 July 2025

**DECISION**

**RACING VICTORIA**

**and**

**JOHN PEARSON**

**Date of hearing:** 16 July 2025

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**Panel:** Judge John Bowman (Chairperson) and Ms Heidi Keighran.

**Appearances:** Mr Scott Hunter appeared on behalf of the Stewards.

Mr John Pearson 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 all Charges.

**DECISION**

Mr John Pearson, you are pleading Guilty to three Charges. One is in relation to a breach of AR 245(1). That Charge involves administration of a prohibited substance. A second alternative Charge of a breach of AR240(2) – bringing a horse on course when a prohibited substance was in its system – was withdrawn. The other remaining Charge is a breach of AR104 – a failure to keep proper records.

Charge 1 arises from a positive swab taken from Minesite, owned and trained by you, which competed in Race 5 at Benalla on Sunday, 10 November 2024. The horse finished 11th in a field of 13. The prohibited substance involved was cobalt.

There is little doubt but that the source of the cobalt was medication given to the horse by you closer to race day than it should have been. The principle medication given to the horse was VAM, administered on the Friday night prior to racing on the Sunday. You admit that you were late in the administering of the medication and did that too close to the race date.

You have been a licensed trainer for something approaching fifty years and currently train at Gunbower. You have an excellent record, with no prior convictions.

You only train for yourself. You are very much a hobby trainer, usually having only two or three horses owned entirely by you. It would be fair to say that you normally aim at lesser country race meetings in the northern area of this state and in southern New South Wales. The horses are stabled behind the bungalow in which you reside, this being at Gunbower. Your source of income is the aged pension. The impression gained is that, if that horses break square, you are well satisfied.

As stated, you have pleaded guilty to Charge 1 from the outset. Thus, you have a number of factors operating in your favour.

However, Charges such as this, involving cobalt, are serious matters. Mr Hunter, on behalf of the Stewards, has referred to a number of similar and relevant cases. In those, as in this case, the importance of a drug free industry is emphasised. Drug offences that strike of the heart of the integrity of racing must be penalised accordingly. Of course, we accept that this was not a case of wilful or deliberate administration. However, as in the other cases to which we have been referred, breaches of a Rule such as this warrant a period of suspension.

In our opinion, and bearing in mind the penalties imposed in such cases, the appropriate penalty is one of suspension for three months, commencing from today.

In relation to the breach of AR 104 – the failure to keep proper records – we would yet again point out the importance of proper and up-to-date record keeping. This is a vital element of the work of the Stewards. A fine is appropriate. We again bear in mind your excellent record and your personal circumstances.

Accordingly, for this offence we impose a penalty of a fine of $1,500. However, because of your record and your circumstances, we suspend the sum of $750 for a period of 24 months.

In other words, $750 is payable forthwith or as is arranged with the Stewards. The other $750 will be hanging over you for the next 24 months, but will only be activated if you commit a relevant offence during that time. We are hopeful that this would not occur.

Finally, Minesite is disqualified from Race 5 at Benalla on 10 November 2024 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal