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 245(1)**

AR 245(1) reads as follows:

**AR 245 Administration of prohibited substance in sample taken from horse before/after running in race**

*(1) A person must not:*

*(a) administer; or*

*(b) cause to be administered,*

*a prohibited substance on Prohibited List A and/or Prohibited List B to a horse which is detected in a sample taken from the horse prior to or following the running of a race.*

*…*

**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.

1. You were, at all relevant times, the trainer of *Minesite* (the **Horse**).

1. On 10 November 2024*,* the Horse ran in Race 5, the Yarrawonga Hotel BM58 Handicap, over 1406 metres at the Benalla Racecourse (the **Race**), finishing eleventh.

1. Prior to the Race, you administered or caused to be administered Cobalt to the Horse, which was detected to be present and above the relevant threshold in a pre-race urine sample taken from the Horse.

1. Subject to the threshold in Schedule 1, Part 2, Division 3 (see Item 11) of the Rules of Racing, Cobalt is a prohibited substance pursuant to Schedule 1, Part 2, Division 1 (Prohibited List B) of the Rules of Racing.

**Charge 2 of 3: AR 240(2) (in the alternative to Charge 1)**

AR 240(2) reads as follows:

**AR 240 Prohibited substance in sample taken from horse at race meeting:**

**…**

1. *Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

**…**

**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.

1. You were, at all relevant times, the trainer of *Minesite* (the **Horse**).

1. On 10 November 2024*,* the Horse was brought to the Benalla Racecourse and was engaged to run in Race 5, the Yarrawonga Hotel BM58 Handicap, over 1406 metres (the **Race**), finishing eleventh.

1. On 10 November 2024, prior to the Race, a urine sample (R014177) was taken from the Horse (the **Sample**).

1. An analysis of the Sample detected the presence of Cobalt.

1. Subject to the threshold in Schedule 1, Part 2, Division 3 (see Item 11) of the Rules of Racing, Cobalt is a prohibited substance pursuant to Schedule 1, Part 2, Division 1 (Prohibited list B) of the Rules of Racing.

**Charge 3 of 3: AR 104**

AR 104(1) reads as follows:

**AR 104 Trainers must keep treatment records**

1. *A trainer must record any medication or treatment administered to any horse in the trainer’s care by midnight on the day on which the administration was given.*

1. *For the purpose of subrule (1), each record of administration must include the following information:*
2. *the name of the horse;*
3. *the date and time of administration of the treatment or medication;*
4. *the name of the treatment or medication administered (brand name or active constituent);*
5. *the route of administration including by injection, stomach tube, orally, topical application or inhalation;*
6. *the amount of medication given (if applicable);*
7. *the duration of treatment (if applicable);*
8. *the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*
9. *the reason for administering the treatment or medication.*

*[subrule amended 01/02/21]*

**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.

1. You are, and were at all relevant times, the trainer of *Minesite* (the **Horse**) and responsible for the maintenance of treatment records for any horse in your care.

1. Between 6 - 17 November 2024, you administered VAM paste to the Horse.

1. Between 6 – 17 November 2024, you did not record all medications or treatments administered to the Horse by the end of the day on which the administration was given, as required by AR 104(1).

**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