

Additional Stewards Report



Stewards: - J. Petzer (Chairman), M. Santoro, P. Ryan & S. Callanan

Friday, 15 December 2023

Mr. Brendan Fisher

Stewards concluded an inquiry into the circumstances relating to a series of emails sent by Mr. Brendan Fisher, a registered racehorse owner based in Victoria, to various Racing SA staff/emails.

The emails related to various licensed participants in South Australia and were objectively viewed offensive in nature and improper. Mr. Fisher was directed and required to attend an inquiry (via video link) into the nature of the emails on Thursday 02 November 2023 at the offices of Racing Victoria. Mr. Fisher failed to attend the inquiry. On 03 November 2023 Stewards advised Mr. Fisher, in writing, that the matter had been considered and that four (4) charges had been laid against him, those charges being under; AR232(b) - [one] and AR228(b) - [three]. The abbreviated particulars being;

Charge 1 - That Mr. Brendan Fisher, a registered racehorse owner in Australia; failed to comply with requirements and directions provided to him by Racing SA Stewards, under the Rules of Racing, on; 13/10/2023, and 25/10/2023, to attend an inquiry, on Thursday 02 November 2023, into the nature of a number of emails sent by him to various Racing SA email addresses on 23/09/23, 24/09/23, and 27/09/23.

Charges 2, 3 & 4 - That Mr. Brendan Fisher, a registered racehorse owner in Australia, engaged in improper conduct, that conduct being; that he sent an email on [relevant date] to [relevant person/email], at [relevant time], which included comment, directed at [licensed participant/s], in the following terms - [offensive/improper comments].

Mr. Fisher responded to Racing SA Stewards in writing on 08/11/2023, and on 10/11/2023 Stewards granted Mr. Fisher an extension of time until 17/11/23 to respond to the charges. It is noted that pleas of "not guilty" had been entered on the record on behalf of Mr. Fisher when he failed to respond in this regard.

On 20/11/2023 Stewards, after again receiving no response from Mr. Fisher, advised him that after due consideration of the matter he had been found guilty of all four (4) charges. Mr. Fisher was given opportunity to make submissions on penalty by 24/11/23.

On 04/12/2023 Stewards wrote to Mr. Fisher and advised, that, given he had not provided any submissions on penalty, determinations in this regard had now been made. He was advised that the following was considered in relation to;

Charge 1 -

- A breach of this type/kind is objectively serious.
- Mr. Fisher was afforded proper and due notice to attend the inquiry (via video link) at the offices of Racing Victoria.
- Mr. Fisher failed to attend as directed and required under the rules of racing.
- Mr. Fisher has a clean record in this regard.
- Adherence by participants to directions and/or requirements under the rules of racing, issued by Stewards, are critically important for the proper regulation of the industry.
- Following Mr. Fisher's failure to advise of his plea to the charge, a plea of "not guilty" was recorded in respect of this charge on his behalf.
- General and Specific deterrence.

Charges 2, 3 & 4 -

- Breaches of this type/kind are objectively serious.
- The comments made in respect of the relevant licensed participants were improper on any objective assessment and cannot be condoned.
- The comments were made to staff of Racing SA and the publicity of those comments were limited to that extent.
- Mr. Fisher has a prior breach recorded against him under the same rule of racing in respect of a matter dealt with by Racing Victoria Stewards on or about 10 December 2022 for which a monetary penalty was imposed - \$2000 of which \$1000 was suspended for a period of 24 months. It was noted this matter involved derogatory emails sent by Mr. Fisher regarding jockeys based in Victoria.
- Following Mr. Fisher's failure to advise of his pleas to the charges, pleas of "not guilty" were recorded in respect of these charges on his behalf.
- General and Specific deterrence.

Penalties:

Charge 1: a Disqualification of a period of six (6) months - to commence at midnight 13/12/23 and to expire at midnight 13/6/24.

Charge 2: a Fine of \$500.

Charge 3: a Fine of \$500.

Charge 4: a Fine of \$500.

Mr. Fisher was informed of his right of appeal.

It is noted that Mr. Fisher did not exercise his right of appeal in this matter.

J Petzer
General Manager Integrity - Racing SA