



HEARING OF A CHARGE ISSUED AGAINST LICENSED TRAINER MR BJORN BAKER FOR A BREACH OF AR227.

Stewards: M F Van Gestel (Chairman)
S G Railton
J J Earl

22 October 2021

Racing NSW Stewards today conducted the hearing of a charge issued against licensed trainer Mr Bjorn Baker, under AR227(a), following the mistreatment of the 2019 Frosted x Sixtyfour gelding, trained by Mr Baker, at the Warwick Farm equine pool on the morning of Saturday 28 August 2021. Further evidence was taken from Mr Baker who was assisted by solicitor Mr David Walter. Submissions on behalf of Mr Baker were considered by the Stewards.

Background

On 14 September 2021 an inquiry was conducted whereby evidence was taken from Mr Baker, stable foreman Mr Stephen McLean and stablehands Mr Daniel Henkel and Ms Hannah Olden. In addition, Stewards considered a brief of evidence provided by the Racing NSW Investigations and Surveillance unit, which included witness statements and veterinary reports. Veterinary inspections conducted did not identify any physical injuries sustained by the gelding.

On 24 September 2021, Racing NSW Stewards received submissions on behalf of Mr Baker. Stewards issued the following charge on 30 September 2021.

Charge

Mr Baker was charged in the following terms.

AR227(a) - Negligently failing to have sufficient controls, policies, protocols and education for staff to ensure his staff did not commit a breach of the cruelty provisions of AR231(1)(a) & (b) on the 2019 Frosted x Sixtyfour gelding on 28 August 2021 – noting Mr Baker was not present at the time the incident occurred.

Plea: Not Guilty Finding: Guilty

In finding Mr Baker guilty of the offence Stewards were satisfied that Mr Baker did not have sufficient controls, policies, protocols and education for his staff to prevent a breach of the welfare rules, such as providing employees with Racing NSW minimum standards for equine welfare or implementing a written code of conduct for his staff that outlined the expectations placed upon employees in respect to equine welfare.

Penalty

The following penalty considerations were taken into account.

1. Principle of specific and general deterrence and what message is sent to the industry in respect to such conduct.
2. Purpose for issuing penalties as a protective measure for the image and interests of the thoroughbred Industry.
3. Mr Baker's disciplinary record over 13 years of training.
4. Whilst finding Mr Baker guilty of the offence, the Stewards accepted Mr Baker did not authorise the mistreatment of the horse to take place but had negligently failed to have sufficient controls, policies, protocols and education for staff to ensure his staff did not commit a breach of the cruelty rules.

Stewards determined the appropriate penalty be a fine of \$4000.

Relevant Rules

AR 227 Breaches of the Rules

Without limiting any other powers, a PRA or the Stewards may penalise any person who:

- (a) *commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules;*

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;*
- (b) *if the person is in charge of a horse – fail at any time:*
 - (i) *to exercise reasonable care, control or supervision of the horse so as to prevent an act of cruelty to the horse;*

**M F VAN GESTEL
CHAIRMAN OF STEWARDS
GENERAL MANAGER - INTEGRITY**