

***Harness***  
**Racing Appeals & Disciplinary Board**

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31 August 2018

## **HRV RAD Board Hearing – Gaita Pullicino**

On 29 August 2018, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered three charges issued against unlicensed person Gaita Pullicino under Australian Harness Racing Rules (AHRR) 187(3), 187(2), and 91(1)(a).

Charge 1, under AHRR 187(3) which states:

*A person shall comply with an order or direction given by the Stewards.*

The particulars of this charge were that on 19 May 2017, whilst HRV Stewards conducted an inspection of trainer Andrew Jordan's registered training establishment, Mrs Pullicino took possession of a satchel and fled the property, despite being issued with directions from HRV Stewards to remain on the property and to produce the contents of the satchel.

Charge 2, under AHRR 187(2) which states:

*A person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.*

The particulars of Charge 2 were that on 22 May 2017, Mrs Pullicino refused to produce her mobile phone for forensic examination, despite being issued with directions from HRV Stewards to do.

Charge 3, under AHRR 91(1) which states:

*A person shall not carry on an activity regulated by licence –*

*(a) if that person is not the holder of a current licence*

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

The particulars of Charge 3 were that Mrs Pullicino carried on activities regulated by a licence, namely the preparation of injectable treatments for horses trained by Andrew Jordan, whilst not being the holder of a current licence.

Mrs Pullicino was represented at the hearing by Mr Lance Justice, and pleaded guilty to charges 1 and 2. Ms Amy Wood (of counsel) appeared for the HRV Stewards.

The Board heard evidence from Stephen Svanosio (Investigative Steward) and Mr Jordan and submissions from Ms Wood and Mr Justice before adjourning to consider Charge 3. Ms Pullicino did not give evidence.

The Board was satisfied on the balance of probabilities that Ms Pullicino was involved in the preparation of injectable treatments for horses in the care of Mr Jordan and found her guilty of the charge under AHRR 91(1). The Board relied on the evidence given by Mr Jordan on transcript on 19 May 2017, set out in exhibits HRV 15 and HRV 18. It noted that Mr Jordan did not resile from that evidence at the hearing of charges against him on 2 May 2018, when he was represented by senior counsel. The Board considered that the evidence given by Mr Jordan at this hearing (via telephone) and contained in the undated hand-written letter provided by him is a recent invention. There was no previous mention that Mr Jordan felt pressured by the Stewards or any suggestion that he was incapable of giving appropriate evidence on 19 May 2017, and there was no medical evidence to that effect presented at the hearing.

## **Penalty**

Before determining penalty, the Board heard character evidence on Mrs Pullicino's behalf from Mr Brian Kiesey and evidence from her psychologist, Mr Robert White. The details of that evidence are not set out due to its personal nature.

In determining penalty, the HRV RAD Board considered:

- The serious nature of the charges;
- The extenuating circumstances in relation to the first charge;
- Mrs Pullicino's guilty pleas in relation to the first two charges;
- The need for deterrence, particularly general deterrence;
- Ms Pullicino's poor record;
- The fact that there are certain activities that must only be undertaken by licensed persons to ensure the safety and integrity of the industry

Taking all of these matters into account, the HRV RAD Board imposed the following penalties:

Charge 1 – \$1000 fine

Charge 2 – 12 month disqualification

Charge 3 – 12 month disqualification

The HRV RAD Board also ordered that the disqualifications are to be served concurrently and that they are to commence immediately.

*HRV RAD Board Panel: Alanna Duffy (Chair), Hugh Millar, Rod Osborne*