

STEWARDS INQUIRY DECISION

Date of Decision: 6th August 2021

Stewards Panel: L Lord (Chair), H Edgecombe, B Plunkett

Name: Ms Samantha Gangell

Track/Race: Tasmanian Trotting Club

Date: 25th April 2021

Rule no: AHRR 231(2)

Charge(s): Ms Samantha Gangell is, and was at all relevant times, a trainer and driver licenced by the Office of Racing Integrity Tasmania and is a person bound by the Australian Harness Racing Rules.

Ms Gangell was conducting activities regulated by a licence at the Tasmanian Trotting Club meeting on 25th April 2021 as a driver.

It is the opinion of Stewards, the evidence presented and her own admissions, that on 25th April 2021 Ms Gangell misconducted herself by engaging in offensive language toward another licenced person, Mr Ray Pullen.

Inquiry Decision: The Stewards Panel imposed a fine of \$500. That fine is wholly suspended on the provision that she does not re-offend under this Rule or Rules of this nature for a period of twelve (12) months.

FACTS:

Ms Gangell and Mr Pullen became engaged in an altercation at the Tasmanian Trotting Club meeting on 25th April 2021 in the stabling area.

The altercation was witnessed by a number of racing participants and subsequently reported to Stewards.

INQUIRY:

On 14th July 2021 Stewards held the Inquiry into the matter.

Stewards considered written and verbal evidence tendered from a number of witnesses, surveillance footage of the incident and written and verbal evidence from Ms Gangell and Mr Pullen regarding the incident.

The surveillance footage showed Ms Gangell and Mr Michael Pullen conversing in the stabling area, when Mr. Ray Pullen moved toward them stepped in between them, facing Ms Gangell.

Witness accounts described Mr. Ray Pullen stepping in between Ms Gangell and Mr Michael Pullen in what could be construed as an intimidating way, facing Ms Gangell and using abusive language toward her. Ms Gangell retaliated by using offensive language toward Mr Ray Pullen before walking away.

DECISION:

After consideration of all the evidence produced throughout the Inquiry the Stewards Panel issued Ms Gangell with a charge under AHRR 231(2).

Ms Gangell pleaded Guilty to the charge.

The Stewards Panel imposed a fine of \$500. That fine is wholly suspended on the provision that she does not re-offend under this Rule or Rules of this nature for a period of twelve (12) months.

In considering an appropriate penalty, Stewards took into account the following matters:

- Ms Gangell's Guilty plea

- Her offence record in relation to matters such as this. There are no misconduct offences recorded against her record
- Ms Gangell retaliated to Mr. Pullen's physical and verbal initiation of the incident
- Her words were disgraceful. She could have exited the situation without retaliation
- Penalty precedents imposed throughout Tasmania and indeed Australia of a similar nature.
- Her relevant personal circumstances
- A penalty needs to act as a deterrent, both personally and to the industry as a whole
- ORI does not tolerate foul or offensive language occurring, regardless of the circumstances
- A penalty needs to act as a deterrent, both personally and to the industry as a whole, in order to uphold the image and integrity of the industry
- We have considered that race meetings are a place of work, and that all participants have a right to feel safe when attending race meetings

Ms Gangell was advised of her Right to Appeal.