31 May 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MATTHEW CRAVEN**

**and**

**ANON GOLINO**

**Date of hearing:** 12 May 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

**Appearances:** Mr Brett Day appeared on behalf of the Stewards.

Mr Matthew Craven represented himself.

Mr Anton Golino failed to appear.

**Charges and particulars:**

**Anton Golino**

**Charge No**.**1**

Australian Harness Racing Rule (“AHRR”) 231(1)(d) states:

231  (1)  A person shall not

(d)  abuse

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

**The particulars of the charge being:**

1. On 20 November 2020 a race meeting was conducted at Tabcorp Park Melton which you attended and participated in as a trainer;
2. Subsequent to the running of Race 8 on this evening you remarked towards licensed trainer and driver Matthew Craven “You cheating fuck” and “You’re a cheat mate” or words to the effect thereof;
3. By making these comments, or words to the effect thereof, you abused Matthew Craven, a person participating in the harness racing industry.

**Anton Golino**

**Charge No**.**2**

AHRR 231(1)(e) states:

231  (1)  A person shall not

(e)  assault

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

**The particulars of the charge being:**

1. On 20 November 2020 a race meeting was conducted at Tabcorp Park Melton which you attended and participated in as a trainer;
2. Subsequent to the running of Race 8 on this evening you remarked towards licensed trainer and driver Matthew Craven “You cheating fuck” and “You’re a cheat mate” or words to the effect thereof;
3. Upon hearing these comments Mr Craven turned and walked towards you. You continued to walk towards Mr Craven and walked into Mr Craven resulting in front-on physical contact.
4. By behaving in such a way you assaulted Matthew Craven, a person participating in the harness racing industry.

**Matthew Craven**

**Charge No**.**1**

AHRR 231(1)(2) states:

231  (2)  A person shall not misconduct himself in any way

**The particulars of the charge being:**

1. On 20 November 2020 a race meeting was conducted at Tabcorp Park Melton which you attended and participated in as a trainer;
2. Subsequent to the running of Race 8 on this evening licensed trainer Anton Golino remarked towards you “You cheating fuck” and “You’re a cheat mate” or words to the effect thereof;
3. You retaliated to these comments by engaging in a verbal argument and walking towards Anton Golino to confront him.
4. By engaging in a verbal argument and confronting Anton Golino you misconducted yourself.

**Charge No**.**2**

AHRR 231(1)(e) states:

231  (1)  A person shall not

(e)  assault

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

**The particulars of the charge being:**

1. On 20 November 2020 a race meeting was conducted at Tabcorp Park Melton which you attended and participated in as a trainer;
2. Subsequent to the running of Race 8 on this evening licensed trainer Anton Golino remarked towards you “You cheating fuck” and “You’re a cheat mate” or words to the effect thereof;
3. Upon hearing these comments, you turned and walked towards Anton Golino. Anton Golino continued to walk towards you and walked into you instigating front-on physical contact.
4. You retaliated by pushing Anton Golino.
5. By pushing Anton Golino you assaulted a person participating in the harness racing industry.

**Pleas:** Guilty to all charges

**DECISION**

1. Mr Anton Golino and Mr Matthew Craven are licenced harness racing drivers and trainers. On 20 November 2020 they competed in race 8 at Melton. A horse trained by Mr Craven won the race and a horse trained by Mr Golino finished second.
2. After the race, outside the Sports Bar, in full view of members of the public, Mr Golino spoke to Mr Craven calling him “a fucking cheat”. Mr Craven asked Mr Golino what he wanted to say. Mr Golino said “you’re a cheat mate”. Mr Curico, the on-course electrician, observed the men walking towards each other and then to bump chests. He said that Mr Golino pushed Mr Craven and Mr Craven pushed back. He said that further words were exchanged until he walked towards them and pulled them apart.
3. Stewards of Harness Racing Victoria (“HRV”) have charged Mr Golino with abusing a person participating in harness racing, under Rule 231(1)(d) and with assaulting a person engaged in harness racing under Rule 231(1)(e). He pleaded guilty to the charges. He has one relevant prior offence for conduct related matters.
4. The altercation between the trainers was an unedifying spectacle in full view of ordinary members of the public and had the capacity to bring harness racing into disrepute. Mr Golino engaged in unnecessary abuse in calling Mr Craven a cheat in the way he did. If he had a problem with Mr Craven he should have raised it with the Stewards.
5. Mr Golino inflamed the situation by walking into Mr Craven and making unwelcome physical contact with him. This was an assault, albeit at the lower range of culpability for that offence.
6. Stewards of HRV have charged Mr Craven with engaging in misconduct under Rule 231(2) by engaging in a verbal argument with Mr Golino and walking towards him. It would have been better for Mr Craven to ignore Mr Golino, walk away and report his conduct to Stewards. Mr Craven has also been charged with assault under Rule 231(1)(e) by pushing Mr Golino. This type of assault, while unnecessary, was also at the lower range of the types of acts contemplated by that offence. Mr Craven has one relevant prior offence for misconduct related matters.
7. In all the circumstances, having regard to penalties for previous breaches of the Rules in question in like recent cases, we imposed the following penalties:
8. for Mr Golino on charge 1, a fine of $500.
9. for Mr Golino on charge 2, a fine of $2,000 with $1,000 suspended for 2 years pending no further conduct related offences.
10. for Mr Craven on charge 1, a fine of $250.
11. for Mr Craven on charge 2, a fine of $1,000 with $500 suspended for 2 years pending no further conduct related offences in the next 2 years.
12. The higher penalties for Mr Golino reflect the fact that his poor conduct initiated the confrontation between the two licenced participants. The penalties imposed reflect the importance of general and specific deterrence and also the significance of protecting the image of the industry. In that regard, the participants in this matter should realise that they are viewed by many in the industry as role models.
13. Finally, we note that Mr Golino failed to appear at the hearing, despite being informed of the date and time of the hearing by the Registrar and indicating to the Stewards that he would appear on that day and plead guilty. We are satisfied that he had notice of the hearing.

Mark Howard
Registrar, Victorian Racing Tribunal