

14 February 2020

DECISION

HARNESS RACING VICTORIA

and

MR ALAN JOHN HOLMAN

Date of hearing: 13 February 2020

Panel: Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Mr Greg Childs.

Appearances: Mr Brett Day appeared on behalf of the Stewards.
Mr Lance Justice appeared on behalf of Mr Holman.

Stay application: 3 year disqualification of Harness Racing Victoria licence on 10 February 2020 under Australian Harness Racing Rule 267 – Disqualification by Conviction.

DECISION

Insofar as the following involves questions of law, it is my decision, with the help of my colleagues. Whilst I shall use the word ‘we’, any question of law will be my decision as chair.

We are not prepared to grant a Stay and the penalty imposed by the stewards on 10 February 2020 of a disqualification of 3 years remains in place.

We have come to that conclusion for the following reasons. Mr Holman pleaded guilty to a charge pursuant to the *Crimes Act 1958* of stalking another person and he so pleaded guilty at the Magistrates Court at Bendigo on 13 May 2019. The victim of this crime was a woman who is also a registered person in the harness racing industry.

The decision in this case involves the exercise of a discretion. It also involves a balancing exercise, taking into account in particular the interests of each person involved and the interests of the Harness Racing Board in protecting the integrity and reputation of the harness racing industry.

Offences of this nature deserve strong condemnation and clearly have the potential to damage the reputation of the industry.

We note that Mr Holman is a hobby trainer. He will not be affected financially by the operation of the Stay. He is in fact an aged pensioner. As we understand it, he has only a few horses and does not train for other people. He gains some therapeutic benefit from the horses, which are not boxed or trained on his premises, but at the harness racing centre at Charlton.

In our opinion, in all the circumstances, the integrity and image of the harness racing industry outweighs the personal circumstances advanced on behalf of Mr Holman and the application for a Stay is refused.

Mark Howard
Registrar, Victorian Racing Tribunal