9 April 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR ALAN JOHN HOLMAN**

**Date of hearing:** 8 April 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.

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

 Mr Lance Justice appeared on behalf of Mr Holman.

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

**Plea:** Guilty

**DECISION**

Mr Alan John Holman, you have pleaded guilty to a breach of Australian Harness Racing Rule 267. The Rule relates to suspension or disqualification resulting from a criminal conviction.

The criminal conviction in the present case can be summarised as being in relation to stalking. This occurred by the way of text messages and obscene photos sent by you between 8 July 2018 and 3 September 2018. At the time you were a licensed trainer aged 72 years. The person who received the messages was a female junior driver aged 19 years old.

Without going into the lurid content of the messages and photos sent by you, you did not state who you were and you used more than one mobile phone number. In a message of 26 August 2018, you texted “seen you at Shepparton trots a couple of weeks ago”. In the same message you threatened that, if she did not send to you some nude photos of herself, the next message would be to her father.

The last message that you sent, which was on 3 September 2018, threatened that time was running out. Understandably the victim felt scared. She went to the police.

At the Bendigo Magistrates Court on 13 May 2019, you pleaded guilty to stalking. The Magistrate imposed a Community Corrections Order of 18 months duration and ordered that you undergo certain treatment and rehabilitation. But for the plea of guilty the Court could have imposed an additional penalty of 14 days imprisonment.

Your background is that you are now 74 years of age. You receive an age pension. You are essentially a hobby trainer, normally training only one or two horses, and having been a trainer since 2014. However, your involvement in harness racing goes back many decades. As we understand it, you were a breeder and an owner, although your full-time employment was with the railways. You retired from that when you were 59 years of age.

You live by yourself in a caravan at the Charlton caravan park. You are separated from your wife and have an adult family. You do some voluntary work at the Charlton track where two trainers are based, but this is not paid employment. A disqualification will have no effect on your income.

We take into account you have pleaded guilty from the outset.

This is an unpleasant case. You may not have disclosed to the young victim that you were a licensed trainer but, for example, your text message of 26 August 2018 made it clear that you had seen her “at Shepparton trots”. The link to the harness racing industry was made clear, particularly bearing in mind that the victim was a young female driver.

This offence and these incidents occurred in the context of the industry. They have the potential to be very damaging to the image of the industry with a much older trainer stalking a young female junior driver and referring to seeing her at the trots. There is a direct link to the industry, and not just a passing one.

The Stewards seek a penalty of 3 years disqualification, bearing in mind your early plea of guilty and your circumstances. This strikes us as a fair and proper penalty, bearing in mind the nature of your behaviour and the potential damage to the industry. Accordingly, we fix the penalty at disqualification for 3 years. The appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal