27 May 2025

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**LACHLAN STEENHUIS**

**Date of hearing:** 21 May 2025

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**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Grant Adams appeared on behalf of the Stewards.

Mr Lachlan Steenhuis did not attend the hearing.

**Charge:**

AHRR 231(1)(e) reads as follows:

*A person shall not assault anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.*

**Particulars:**

1. You were at all relevant times, a person bound by the Australian Harness Racing Rules
2. On 22 October 2022 at the Geelong harness racing meeting, you attended as a spectator.
3. Following Race 6, and at approximately 9:30pm, you assaulted Mr Warton by punching him several times.
4. By conducting yourself in the abovementioned manner you assaulted a person participating in the harness racing industry.

**Plea:** Guilty

**DECISION**

1. Mr Lachlan Steenhuis is not presently a harness racing participant, but he has been licenced in the past. On 22 October 2022, he was involved in an incident at the Geelong Harness Racing Track. The incident was a fight with another man, named Mr Ashley Warton. Both Mr Steenhuis and Mr Warton were spectators at a harness racing meeting.
2. As a result, Mr Steenhuis was charged under the Harness Racing Rules. The relevant Rule reads as follows:

“A person shall not assault anyone employed engaged or participating in the harness racing industry or otherwise having a connection with it”.

1. Mr Steenhuis has pleaded guilty to this offence, but he did not appear at this sentencing hearing.
2. Both men knew each other. Mr Walton’s partner had been previously the partner of Mr Steenhuis. There was a great deal of bad blood between the two families. The Stewards took statements from many witnesses to the incident. They gave conflicting accounts of what had taken place.
3. As we have said, Mr Steenhuis has pleaded guilty to the offence. However, when being interviewed by the Stewards, his account of the incident was that Mr Warton pushed him first and then both were involved in pushing and pulling of each other. He denies having punched Mr Warton. He had a bottle in his hand, but denied having used it in an attempt to punch or threaten Mr Warton. Other witnesses described how, after the initial scuffle, the two men were separated. Shortly afterwards Mr Steenhuis broke away from a security officer who was guarding him and ran across to Mr Warton, grabbing and punching him several times.
4. Some of the witnesses described Mr Steenhuis as having attempted to kick Mr Walton. He denies having done so. He stated in his interview with the Stewards that he had been taunted by Mr Warton and by his former partner, this occurring in the moments leading up to his unwise and aggressive reaction.
5. Given that he has pleaded guilty to this charge and no witnesses have been called to give evidence, we have no way of reconciling these conflicting accounts. In any event, it is clear that there was a fight, even for a short period of time and that Mr Steenhuis was involved as an aggressor in the fight.
6. The police were called to the racetrack and ultimately charged Mr Steenhuis with unlawful assault as a result of his actions towards Mr Warton. The matter was dealt with by way of a diversion. This involved Mr Steenhuis accepting that he had committed the offence, but not being dealt with in court. Mr Walton also obtained an intervention order against Mr Steenhuis. This has since lapsed. It is notable that, on the application for an the intervention order, Mr Warton appears to have conceded that it was he who first pushed Mr Steenhuis before the incident got underway. We are told by the Stewards that Mr Steenhuis met all the conditions imposed by that diversion and has been in no further trouble since.
7. The incident lasted for only a short time. Mr Steenhuis was interviewed by the Stewards regarding the incident and expressed his remorse. He agreed that he had been heavily intoxicated on the night and said that his mental health had been severely affected at the time. He described himself as having been provoked by taunts from Mr Warton and his partner.
8. Mr Steenhuis was not a registered participant in harness racing at the time of this incident. He had been previously licenced as a stable hand, but this licence had lapsed on 31 August 2022.
9. The question arises as to whether, in the circumstances, this Tribunal has jurisdiction to hear the matter.
10. The Stewards have submitted that there is jurisdiction. It was submitted that this is so because the incident took place on premises under the jurisdiction of Harness Racing Victoria. The Stewards also point to the fact that Mr Steenhuis had been previously licensed and that, since this incident occurred, he has been in the early stages of making an application for registration.
11. Mr Steenhuis has not challenged the jurisdiction of this Tribunal. He has not appeared before us today and is not legally represented. Thus, there has been no opportunity for this Tribunal to hear argument on this issue.
12. The Stewards referred to two cases in which this Tribunal has dealt with the question of jurisdiction over unlicensed persons.
13. The first case was that of Harness Racing Victoria v Kevin Trickey of 28 July 2020. Mr Trickey padlocked an entrance gate in order to prevent Stewards having access. He was camping at the racetrack at the time. At the time of the incident, he was not on licensed premises and he was not a licensed person. The Tribunal held that in those circumstances there was no jurisdiction to hear the case. There was no appearance by Mr Trickey in that case and so the Tribunal did not have the benefit of legal argument.
14. The other case was that of Harness Racing Victoria v Joshua Masierowski of 18 February 2022. In that case, there was no appearance by Mr Masierowski. A jurisdictional Ruling was made, again without the benefit of any argument on behalf of the person charged. It was determined in that case that jurisdiction existed over Mr Masierowski even though he was an unlicensed person, because the charge laid against him concerned his behaviour at a registered training establishment.
15. It is unfortunate that there has not been a case in which there has been a detailed argument on this jurisdictional issue. Given the plea of guilty entered in this case, we will proceed on the basis that the Tribunal does have jurisdiction, while noting that we have not heard detailed argument either for or against this proposition.
16. Mr Steenhuis’ behaviour on the night was regrettable. We agree with the Stewards submission that general and specific deterrence are significant sentencing considerations. The assault occurred during a race meeting on the night of the Geelong Cup, within the sight of the many racegoers at the event. It would have significantly diminished the image of the sport.
17. He has pleaded guilty to the charge and was cooperative with the Stewards investigation. These matters are to be taken into account in his favour. He was 22 years old at the time, and suffering from a mental illness. He has since obtained professional support and medication for his depressive condition. We are satisfied that he has significant remorse and that he is unlikely to reoffend.
18. He was been a registered stablehand from May 2017 until 31 August 2022, when his registration lapsed. He had one disciplinary matter in that time, a caution which he received in response to an unacceptable twitter post. He is keen to apply for registration again and made enquiries about this on 22 February 2024. The response from HRV was that the application would not be considered until after the conclusion of this hearing. He has thus lost the opportunity to be involved in the sport for a significant period of time.
19. Taking all these matters into account, the penalty which we impose is as follows:

A period of 6 months disqualification from obtaining a licence with that sentence backdated to commence on 22 February 2024, that being the date on which he intended to apply for reregistration.

Mark Howard

Registrar, Victorian Racing Tribunal