

18 August 2021

DECISION

HARNESS RACING VICTORIA

and

MICHAEL BELLMAN

- Date of hearing:** 17 August 2021
- Panel:** Judge Graeme Hicks (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Adrian Anderson, instructed by Mr Andrew Cusumano, appeared on behalf of the Stewards.
Mr Damien Hannan represented Mr Michael Bellman.
- Charge:** Australian Harness Racing Rule ("AHRR") 231(1)(f) states:
- A person shall not otherwise interfere improperly with anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.
- Particulars of charge:**
1. You were, at all relevant times, licensed by HRV and bound by the Australian Harness Racing Rules.
 2. On 9 October 2020, you were engaged to drive '*Gilty By The Beach*' at the Geelong Harness Racing meeting in Race 10, the '*Jack Rabbit Winery 3YO Pace*'.
 3. On 9 October 2020 Mr Bellman was engaged to drive at the Geelong Harness Racing meeting. Sometime between race 9 and race 10, Mr Bellman approached another licensed female driver, from behind, flicked his whip between her thighs, and said "where's your face mask". COVID-19 restrictions were in place requiring participants to wear masks and socially distance.
- Plea:** Guilty
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DECISION

Mr Michael Bellman, you have pleaded guilty to breaching Australian Harness Racing Rule 231 (1)(f) which reads “a person shall not otherwise interfere improperly with anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.”

At the Geelong harness race meeting held on 9 October 2020, you interfered improperly with a female driver by coming up from behind her whilst she was in the stable area, flicked your whip between her thighs saying “Where is your mask?”. COVID-19 restrictions requiring the wearing of masks were in place at the time.

By your actions, you caused considerable distress to the female driver. It is relevant that you committed this act at her workplace and in circumstances where she had every right and expectation that she would be treated properly by you. Your actions were more than just stupid. They were completely wrong. In our opinion, during the relevant period you made only a qualified apology to the female driver for your behaviour

Your personal circumstances. You started as a 16 year old in the harness racing industry in 1997. It would be fair to say that your whole family, including your grandfather, father, mother and other family members, has been involved in harness racing industry for a considerable period of time. You are a very successful driver and have been for a long time. It is clear you love the industry and you have obtained awards. You have made strong contributions to public welfare and have raised money for many causes, including breast and prostate cancer. You have excellent character references, which speak highly of you as a role model. They describe you as being loyal, approachable and one who gives assistance to people in their professional and private lives. You have also borne the pressures of a domestic dispute involving custody of your children.

We have taken into account your plea of guilty, your personal circumstances and your good history within the harness racing industry.

The principle of general deterrence is relevant in determining an appropriate penalty. Those working in the industry must be deterred from interfering with their fellow workmates whilst they are going about their normal duties.

Mr Hannan, on behalf of Mr Bellman, submitted that the victim being female has no relevance. We do not accept that submission. We are of the opinion that it does have relevance. Putting

a whip between a female's thighs from behind and using it in a flicking motion is totally unacceptable. The purpose of the Rule is to protect those working in the harness racing industry. It is also important that women of all ages are encouraged to participate in the industry without having to deal with improper interference.

In all the circumstances, we impose a penalty of 3 months suspension.

Mark Howard
Registrar, Victorian Racing Tribunal