10 November 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR MICHAEL BELLMAN**

**Date of hearing:** 29 October 2020

**Panel:** Judge John Bowman (Chairperson) and Magistrate John Doherty (Deputy Chairperson).

**Appearances:** Mr Stephen Coombes appeared on behalf of the Stewards.

Mr Lance Justice represented Mr Michael Bellman.

Mr Michael Bellman appeared.

**Charge:** Australian Harness Racing Rule (“AHRR”) 165(1)(b) states from the start through the first turn, and until reaching the next straight, a driver shall not move the driver’s horse towards the inside running line unless the rear of the driver’s sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

**Particulars of charge:** The particulars of the charge being that shortly after the start Mr Bellman permitted his drive to shift in when not one metre clear of the extended front legs of “Chief Safari” resulting in that gelding being tightened for racing room, having to be checked and breaking gait. Mr Bellman had his licence to drive in races suspended for two weeks to commence Midnight 3 July 2020. In assessing penalty Stewards took into consideration Mr Bellman’s plea, his good driving record and that the interference was in the low to medium range. As a result of the interference “Exciteusrubycee”, “Lifeasweknowit”, “Razs Veyron”, and “Celebrity Chef” all had to be checked.

**Plea:** Not Guilty

**DECISION**

This appeal arises as a result of a Stewards’ inquiry into the drive of Michael Bellman, who drove the horse “Wanted Lady” in Race 5, the Renown Silverware Pace at Stawell Harness Racing Meeting on 24 June 2020.

Mr Bellman was charged under Australian Harness Racing Rule (“AHRR”) 165(1)(b), that from the start through the first turn, and until reaching the next straight, a driver shall not move the driver’s horse towards the inside running line unless the rear of the driver’s sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

Mr Bellman through his representative, Mr Lance Justice, is pleading not guilty to the charge after initially reserving his plea at the initial inquiry. Harness Racing Stewards are represented by Mr Stephen Coombes, who was chairman of the meeting on 24 June 2020. On that day, Stewards found the charge against Mr Bellman sustained and imposed a penalty of suspension of his driving licence for two weeks.

In reaching a decision, Stewards were aided by the observation of Steward, Mr Mark Hill, video footage of the race and comments made by both Mr Bellman and fellow driver Mr Darby McGuigan. Race footage and a transcript of the inquiry has been made available to all parties, including the Tribunal.

In essence, the following is what allegedly occurred to bring about a rule breach. Mr Bellman drove Wanted Lady from barrier two and Mr McGuigan drove “Chief Safari” from barrier one. It is alleged that, as the field approached the first turn, Mr Bellman improved somewhat past Mr McGuigan’s horse and shifted down the track towards the lead. When this occurred, Chief Safari laid out a little and moved up the track slightly, whereby Chief Safari broke gait and caused interference to a number of runners. In other words, Wanted Lady crossed towards the running line, but the rear of its sulky was not at least one metre clear of the extended front legs of Chief Safari.

Stewards could not be sure whether contact was made between the two participants. Mr Bellman thought that he crossed Chief Safari without any problems. Mr McGuigan, who had driven Chief Safari previously, told Stewards that his horse was “rocky” from the start. He was happy for Mr Bellman to pursue the lead and he, Mr McGuigan, would sit in behind. He thought that Mr Bellman had already “gone” and that Chief Safari jumped out of its gear as it has a tendency to do. In fact, when interviewed Mr McGuigan was 110% sure that Mr Bellman had crossed and Chief Safari jumped for no reason.

On viewing the video footage at the Stewards inquiry, Mr Bellman conceded that it looked like he had crowded Chief Safari a little, but nevertheless, felt he had ample room.

On viewing the video footage, any interference has occurred before Wanted Lady got to the marker pegs. Prior to Chief Safari breaking gait, that horse has moved up the track towards Wanted Lady. Although Wanted Lady has come down the track towards Chief Safari, Chief Safari was not running in a straight line.

The side on video footage presents a camera angle of about 45 degrees to the horses at the critical time of the alleged infringement. Because of that deceptive angle, a substantial doubt exists about the relative positions of the rear of Mr Bellman’s sulky and the front legs of Chief Safari. The head on vision likewise has limited usefulness in determining their relative positions, particularly when considering the evidence of both Mr Bellman and Mr McGuigan.

In the opinion of the Tribunal, a substantial doubt exists about whether Mr Bellman has breached AHRR 165(1)(b). The Tribunal cannot be comfortably satisfied that such a breach has occurred. The appeal is upheld, and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal