9 February 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**COREY BELL**

**Date of hearing:** 2 February 2023

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.

**Appearances:** Mr Scott Gillespie appeared on behalf of the Stewards.

Mr Corey Bell represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(1) states:

(1) a driver shall take all reasonable and permissible measures during the course of a race to ensure that the horse driven by that driver is given full opportunity to win or obtain the best possible placing in the field.

**Particulars of charge:** Corey Bell the driver of Safe Jewels was found guilty of a charge under Rule 149(1) in that on the final turn, he directed his mare wider into a position where there was no clear run when it was both reasonable and permissible to remain trailing Mach Charm for a short distance and utilise the sprint lane and this would have provided Safe Jewels with a clear and uninterrupted run to the finish. Stewards determined that the decision of Mr.Bell to shift wider has resulted in his mare being held up and therefore not given the full opportunity to win or obtain the best possible placing in the event. Mr.Bell had his licence to drive in races suspended for a period of 4 weeks which was ordered to commence at midnight on Wednesday 30 November 2022. When considering penalty Stewards took into account Mr.Bell’s driving and offence record in addition to the circumstances attached to this matter.

**Plea:** Guilty

**DECISION**

Mr Corey Bell, in this appeal you are pleading guilty to a breach of Australian Harness Racing Rule (“AHRR”) 149(1). Basically, the Stewards assert that you did not take all possible and appropriate measures to win or obtain the best possible placing. This relates to your drive on “Safe Jewels” in Race 3 at Warragul on 21 November 2022. Safe Jewels finished fifth.

The essence of the charge is that on the last lap at approximately the home turn, you came off the back of “Mach Charm”, driven by Mr Robert Walters, a situation where, had you waited, you would have had the advantage of the sprint lane. As things eventuated, you were held up in the straight and, as stated, your horse finished fifth, beaten 4.6 metres.

The Stewards found that there had been a breach of AHRR 149(1) and your licence to drive was suspended for four weeks. When you lodged this appeal, you were pleading not guilty to the charge.

As we understand the situation, you have been in discussion with the Stewards. You are now pleading guilty to the charge. The Stewards are prepared to consent to the appeal being upheld and the penalty being reduced from four weeks to three weeks suspension. You agree with this.

Of course, the final decision on an appeal is always that of the Tribunal. However, if the parties agree to the upholding of an appeal and a certain reduced penalty, that is obviously highly persuasive.

We do uphold the appeal. We congratulate the parties on the very sensible approach that has been adopted. Both you and the Stewards, and particularly Mr Scott Gillespie, are to be commended for the practical way in which this appeal has been handled and so resolved.

The appeal is upheld. The penalty now imposed is one of three weeks suspension to commence at midnight on Sunday, 5 February 2023.

We again thank the parties for their common sense approach that has been adopted.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal