10 January 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**COREY BELL**

**Date of hearing:** 21 December 2023

**Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.

**Appearances:** Mr Peter Chadwick appeared on behalf of the Stewards.

Mr Corey Bell represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 165(1)(b) states:

(1) From the start through the first turn, and until reaching the next straight, a driver shall –

(b) 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:** Mr Corey Bell was found guilty to a charge under AHRR 165(1)(b) in that whilst racing into and making the first turn, when driving AS SHE SAYS he shifted down the track when not the required clearance ahead of the extended front legs of SWEET REVENGE NZ resulting in that horse being tightened and racing inside several marker pegs. Mr Bell was subsequently suspended for a period of three (3) weeks to commence midnight 18th November 2023.

**Plea:** Not Guilty

**DECISION**

Mr Corey Bell, you are appealing against a decision of the Stewards arising out of your drive of As She Says in Race 4 at Yarra Valley on 9 November 2023. The Stewards found you guilty of a breach of Australian Harness Racing Rule (“AHRR”) 165(1)(b), which concerns the early stages of the race. A driver crossing should be at least one metre clear of the extended front legs of the horse inside. The other horse involved was Sweet Revenge, driven by Mr James Herbertson.

In essence, the Stewards found that, in the early stage of the race and after approximately 100-150 metres, you crossed Mr Herbertson when not sufficiently clear of him, causing his horse to gallop for a couple of strides.

We have watched the video many times and looked at the still photographs extracted from it. You had drawn to the outside of the front row and Mr Herbertson was to your immediate inside. Both horses began smartly and moved clear of the field. Both then crossed towards the marker pegs, as they were well clear of the field. It is apparent that, at least for a short period, both drivers wanted the lead, but ultimately you crossed Mr Herbertson. The key question is whether you crossed Mr Herbertson when not sufficiently clear of him. You say that you were, and that Mr Herbertson’s horse then raced roughly for a couple of strides, Mr Herbertson, whilst not being absolutely forthwright when initially questioned, ultimately said that in essence his horse briefly got the “speed wobbles” and did not normally go at such a speed early in a race. You claimed that you were clear of him when you crossed.

In our opinion, the videos and the still shots do show that you were not completely clear of him by the required distance of 1 metre when you crossed him. You cut it too fine, crossing his horse sharply, causing it to make some contact with you and then to put in a couple of rough strides, almost breaking, but in fact settling down again. Indeed, it went on to win the race.

In short, we are comfortably satisfied that the Stewards case has been made out. Rule 165(1)(b) was breached by you. Accordingly, the appeal in relation to conviction is dismissed.

**PENALTY**

We turn now to the appeal concerning penalty. We appreciate that you do not get the benefit of a guilty plea. However, we do not consider this to have been a frivolous appeal. The Stewards certainly made out their case, but the level of interference was very much at the low end. As stated, the horse the subject of the interference went on to win the race.

We are not bound by the guidelines which assist the Stewards, but we do take them into account as a consideration.

You have a good record. You are engaged in the industry on a full-time basis. You and your partner have a number of horses in work, usually about fifteen, and on average you would have something in the order of four drives a week, essentially of your own horses. That number is down at the moment whilst the Kilmore track is closed. Overall, you have a substantial involvement and a good record.

Weighing up all these matters, particularly the low level of the interference, we are of the opinion that the appeal against penalty should be allowed and the suspension is reduced to one of two weeks. We understand that an agreement can be reached in relation to the starting date.

Mark Howard

Registrar, Victorian Racing Tribunal