

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MR COREY BELL

- Date of Decision:** 29 November 2024
- Stewards Panel:** Dayle Brown (Chair); Larry Wilson and Barry Delaney.
- Respondent:** Mr Corey Bell
- Rule:** Australian Harness Racing Rule 187(2)
- (1) *A person who is directed to do so by the Stewards shall attend an inquiry or investigation convened or conducted by them.*
 - (2) *A person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.*
- Charge 1:** During the Inquiry you refused to answer the Chairman's question as to what you observed in relation to the treatment of horses in wash bays at the Sidmouth Property between 1 April 2020 and 1 April 2023, in that:
- (a) When asked by the Chairman for your observations of the treatment of horses in wash bays at the Sidmouth Property, you responded "*No, no comment*";
 - (b) When asked by the Chairman "So you're refusing to answer that question, is that correct?", you responded "Yeah, yep".
- Plea:** Not Guilty
- Penalty:** \$500 fine

Charge 2: During the inquiry you refused to answer questions in relation to your observations of the administration of intra-articular injections between 1 November 2020 and 1 April 2023 to horses at the Sidmouth Property, in that:

- (a) When asked by the Chairman whether you were going to give the Stewards any of your observations or insights from when you were working at the Sidmouth Property in relation to the administration of intra-articular injections to racehorses between 4 November 2020 and 1 April 2023, you responded "No";
- (b) When asked by the Chairman "So you're refusing to answer that question?", you responded "Yep".

Plea: Not Guilty

Penalty: \$500 fine

Background

1. The Independent Stewards Panel (**ISP**) was appointed on 22 February 2024; the Director of Racing, Mr Robin Thompson, directed the Panel to conduct an investigation pursuant to Rule 181 of the AHRRs.
2. Part B of the direction was to investigate specific findings outlined in Mr Ray Murrehy's Final Report. Outlined below are the findings that related to the inquiries involving Mr Corey Bell:
 - Finding 5 - Race 3 on 19 August 2022 at Launceston: The investigation determined that there has been non-compliance by Ben Yole and Nathan Ford with AHRR 240(a)(i) and (ii) in that the evidence supports that in concert with Nathan Ford, Ben Yole gave instructions to Corey Bell driver of Southshore (NZ) that may have unlawfully advantaged Eippermill and unlawfully disadvantaged Southshore (NZ).
 - Finding 6 - Failure to care for two-year-old gelding Blings on Fire: The investigation determined that there has been non-compliance by trainer Ben Yole with AHRR 218 in that the evidence supports that as the trainer of Blings on Fire during the period 28 August 2022 and 3 September 2022, he failed to comply with his responsibilities to properly care for the welfare of that two-year-old.
 - Finding 7 - Mistreatment of horses in the wash bay on race days at Yole Sidmouth property: The investigation determined that there has been non-compliance with AHRR 218A(1) by trainer Ben Yole and the stable foreman Tim Yole in that the evidence supports that they mistreated horses in the wash bay at the Sidmouth property on race mornings regardless of whether the horses were actually contacted with the whip.
 - Finding 8 - Race day administration of medication: The investigation determined that there has been non-compliance with AHRR 193(3) and (8) by trainer Ben Yole, and stable foreman Tim Yole, in that the evidence

supports a finding that they systematically administered, or caused to be administered by stable employees, medication in the form of oral pastes, given over the tongue to multiple horses prior to their loading onto the horse transports to be taken to race that day at Tasmanian harness race meetings.

- Finding 9 - Administration of injections to horses within one clear day of the race: The investigation determined that there has been non-compliance with AHRR 196B(1) by trainer Ben Yole, and stable foreman Tim Yole, in that the evidence supports a finding they both did systematically administer, and Ben Yole caused Tim Yole to administer, intravenous injections to horses nominated to race either on race day and/or within one clear day of such race.
 - Finding 10 - Administration of intra-articular injections to horses within eight clear days of the race: The investigation determined that there has been non-compliance with AHRR 196D(1) by trainer Ben Yole in that the evidence supports that he did administer intra-articular injections to horses nominated to race within eight clear days of the commencement of their races.
3. On 15 May 2024 the ISP interviewed Mr Bell at his registered stable address in Kilmore, Victoria. On this occasion, Mr Bell expressed that he wanted to withdraw the statement of interview that occurred on 9 June 2023 with Mr Murrehy, which ultimately formed part of Mr Murrehy's findings in his report.
 4. On 5 June 2024, Mr Bell signed a statement withdrawing the statement of interview he had with Mr Murrehy on 9 June 2023. Mr Bell was informed that if the investigations of the ISP proceeded to the inquiry stage, he could be directed to attend as he was a licensed person, a person bound by the AHRR and given this position he should seek legal advice.
 5. Mr Bell was then directed to attend the following inquiries on the dates set out below:
 - a. 13 August 2024:
 - i. Race 3 the Bevans Lee Butchery stakes at Launceston on 19 August 2022. In particular, the circumstances that 'Southshore NZ', driven by Mr Corey Bell, surrendered the lead to 'Eippermill', driven by Mr Nathan Ford. Mr Ben Yole was the trainer of 'Southshore NZ' and 'Eippermill'.
 - b. 14 August 2024:
 - i. The treatment of horses in the wash bays at Mr Ben Yole's Sidmouth property between 1 April 2020 and 1 April 2023;
 - ii. The care and welfare of 'Blings on Fire', a two-year-old racehorse, between 28 August 2022 and 3 September 2022;
 - iii. The oral administration of pastes to racehorses between 1 April 2020 and 1 April 2023;

- iv. The administration of intravenous injections to racehorses between 1 April 2020 and 1 April 2023; and
 - v. The administration of intra-articular injections to racehorses between 4 November 2020 and 1 April 2023.
6. Mr Bell was given permission by the ISP not to attend in person and he gave evidence to both inquiries via a Teams link on:
 - a. 13 August 2024; and
 - b. 14 August 2024.
7. Before starting the inquiry on 14 August 2024, Mr Bell contacted the ISP and indicated that he would not be answering any questions during the inquiry. At the inquiry, Mr Bell gave evidence; however, refused to answer questions relating to:
 - a. the treatment of horses in the wash bays at Mr Ben Yole's Sidmouth property between 1 April 2020 and 1 April 2023; and
 - b. the administration of intra-articular injections to racehorses between 4 November 2020 and 1 April 2023.
8. On 10 September 2024, Mr Bell was directed to attend an inquiry on 12 September 2024; however, Mr Bell was unable to attend on that date, and the inquiry was rescheduled for 13 September 2024
9. The inquiry was then held on 13 September 2024 into the following issues:
 - a. The veracity of Mr Bell's evidence before the inquiry on 13 August 2024 relevant to Race 3, the Bevan Lee's Butchery Stakes at Launceston on 19 August 2022. In particular, the circumstances that SOUTHSORE NZ, driven by you, surrendered the lead to EIPPERMILL, driven by Mr Nathan Ford; and
 - b. Mr Bell's refusal to answer questions at the inquiry on 14 August 2024 relevant to:
 - i. the treatment of horses in the wash bay at Mr Ben Yole's Sidmouth property between 1 April 2020 and 1 April 2023; and
 - ii. the administration of intra-articular injections to racehorses between 4 November 2020 and 1 April 2023.
10. On 9 October 2024, Mr Bell wrote to the ISP via email and:
 - a. pleaded not guilty to the charges, and
 - b. provided submissions in support of his not guilty plea.
11. On 16 October 2024, the ISP wrote to Mr Bell asking whether he had any additional evidence he intended to provide to the ISP before the ISP met to determine whether the two charges had been established

Findings

12. The standard of proof is referred to in the well-known High Court case of *Briginshaw v Briginshaw* (1938) CLR 336. The ISP must have a reasonable degree of satisfaction, or to put it another way, the ISP must be comfortably satisfied that the charge has been proven. The ISP must take into account the seriousness of the allegation and the gravity of the consequences that may flow from a particular finding. The conduct alleged is such that it should

not be found proved without clear proof. As such, findings are made only where the ISP has achieved the requisite degree of satisfaction appropriate to the charges laid.

Charge 1

13. It is alleged that during the Inquiry Mr Bell refused to answer the Chairman's question as to what he observed in relation to the treatment of horses in wash bays at the Sidmouth Property between 1 April 2020 and 1 April 2023.
14. That he did so is proven by means of the transcript of his evidence given to the ISP on 14 August 2024. In particular, the ISP notes the evidence given by Mr Bell on 14 August 2024 as follows:

CHAIRMAN: Thanks Mr, Mr Bell for that. But let me just deal with, this is quite an unusual circumstance, so just let me just deal with these other matters first then I'll hand over to the Stewards for their questions and then I'll hand over to Mr Yole, Mr Ben Yole and Mr Tim Yole. So, I'm going to ask you a question in relation to the treatment of horses in wash bays at Mr Ben Yole's Sidmouth property between April, 1 April 2020 and 1 April 2023. Can you tell us about what your observations of that was?

MR BELL: No, no comment.

CHAIRMAN: So you're refusing to answer that question, is that correct?

MR BELL: Yeah, yep.

Charge 2

15. It is alleged that during the Inquiry Mr Bell refused to answer questions in relation to his observations of the administration of intra-articular injections between 1 November 2020 and 1 April 2023 to horses at the Sidmouth Property.
16. That he did so is proven by the means of transcript of his evidence given to the ISP on 14 August 2024. In particular, the ISP notes the evidence given by Mr Bell on 14 August 2024 as follows:

CHAIRMAN: The administration of intra-articular injections to racehorses between 4 November 2020 and 1 April 2023.

MR BELL: No, just one clear day, what I seen.

CHAIRMAN: Well it's not one clear day Mr Bell, its eight days prior to racing, did you observe any...

MR BELL: Yeah, (inaudible)...

CHAIRMAN: Are you going to give us any of your observations, or any insights when you were working there in relation to that question, I've just asked you?

MR BELL: No.

CHAIRMAN: So you're refusing to answer that question?

MR BELL: Yep.

Penalty Approach

17. Turning to the matter of penalty the ISP are cognisant of the following Sentencing Principles:
 - a. That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
 - b. In a harness racing context, it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
 - c. In determining what, if any penalty, that is to be imposed, the Stewards endeavour to reach a proportionate balance between: the public interest; the interests of the offender; the interests of the industry as a whole; the seriousness of the offending; and any aggravating/mitigating factors.

Respondents Penalty Submissions

18. In his short submission to the ISP, on 8 November 2024, Mr Bell indicated he:
 - a. is a licensed driver with Harness Racing Victoria;
 - b. derives his income from driving harness horses; and
 - c. accepts that a fine would be an appropriate penalty.

Penalty Discussion:

19. In approaching the matter of penalty, if any, to be imposed, the ISP have reflected on previous penalties imposed for a failure to give evidence to a Stewards inquiry.
20. The charges for which Mr Bell has been found guilty relate to a failure to give evidence to the ISP when conducting an inquiry into serious allegations about the mistreatment of horses.
21. The ISP have carefully considered and taken into consideration the relevant evidence in this matter including:
 - a. the written submissions made by Mr Bell; and
 - b. the transcripts of the inquiries of 14 August and 13 September 2024.

Outcome

22. The job of the Stewards is difficult enough without industry participants making that work harder by refusing to answer their questions.
23. Having taken into account all the circumstances relevant to this matter and recent penalties in like matters the following penalties are issued to Mr Bell:
 - a. Charge 1 – Fined the sum of \$500.00
 - b. Charge 2 – Fined the sum of \$500.00

Decision Date: 29 November 2024