

DATE: 8 September 2021

TRIBUNAL: Chairman: Hon. Tom Pauling AO QC  
Deputy Chairman: Teresa Hall  
Member: James De-Belin

APPELLANT: Mr James Bell

IN THE MATTER of an Appeal by Mr James Bell against a decision of Thoroughbred Racing Northern Territory Stewards.

BREACH OF RULE: AR 240(3)

### **DETERMINATION**

This is an appeal by trainer James Bell against the severity of a penalty of four months suspension in respect of a breach of AR 240(2).

Mr Bell brought the mare ASahi BEARING (the horse) to the Alice Springs Racetrack on 3 April 2021 for the purpose of participating in a race, being race three (3) on the card. It won the race.

A pre and post-blood sample was taken in the usual way with the requisite identification and precautions. A certificate from the Australian Racing Forensic Laboratory confirming the presence of prohibited substances in the samples. This was confirmed by an independent analysis by the Racing Analytical Services Limited. None of this is in dispute.

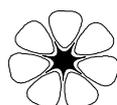
Mr Bell pleaded guilty to a charge under AR 240(2) and was suspended for a period of 4 months.

Mr Bell appealed the severity of the penalty.

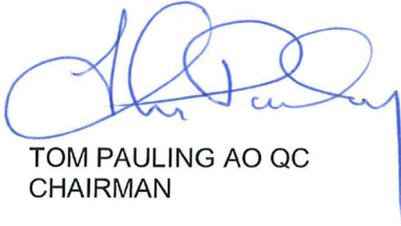
The Secretary of this Tribunal on many occasions attempted to contact Mr Bell who seemed to be actively avoiding him. Mr Bell was notified of the appeal date and time.

On 8 September 2021, the Tribunal sat to consider Mr Bell's appeal. Mr Bell did not attend and has not responded at all. In the circumstances, the Tribunal is of the view that the appeal should be dismissed for want of prosecution.

The stay of proceedings that was issued by me as the Chairman without opposition by the Stewards is now revoked.



The order of the Tribunal is that the appeal is dismissed. The Tribunal, at the request of the Chairman of Stewards, orders pursuant to S 145ZD of the *Racing and Betting Act 1983* that costs be awarded against Mr Bell in the amount of \$242 which is the cost incurred in preparing the transcript of the hearing before the stewards. The deposit is forfeited.



TOM PAULING AO QC  
CHAIRMAN

