

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MR MITCHELL FORD

Date of hearing:	Friday 29 th March 2024
Stewards Panel:	Neil Finnigan (Chair); Roger Brown
Present:	Mr Mitchell Ford
Rule:	Australian Harness Racing Rules
Charge:	That Mr Mitchell Ford did present to drive at the Tasmanian Trotting Club meeting on Sunday 25 th February 2024 when a saliva test showed an irregularity and subsequent urine sample provided by yourself, upon analysis was found to contain the prohibited substances <i>Amphetamine, Ecstasy, Benzodiazepines</i> and <i>Cocaine Metabolites</i>
Plea:	Guilty
Penalty:	Six(6) month suspension of drivers licence, with two(2) months fully suspended for a period of 24 months, pending a similar breach under Part 14 of the Australian Harness Racing Rules.

1. Background

- (a) The Respondent, Mr Ford was a licensed harness person based at Brighton, Tasmania.
- (b) Mr Ford was a Grade 'A' licenced Harness Racing Driver on the 25th February 2024.
- (c) Mr Ford was engaged to drive at the Tasmanian Trotting Club meeting on Sunday 25th February 2024 for trainer Wayne Yole.

- (d) Mr Ford was subjected to a routine random saliva test.
- (e) Mr Ford was requested to supply a urine sample after the saliva test showed an irregularity, to which Mr Ford agreed.
- (f) The urine sample confirmed an irregularity.
- (g) After the irregularity found in the initial findings, Mr Ford volunteered to step down from his driving engagement.
- (h) A sealed urine sample was sent to the Racing Analytical Services Limited (RASL) with the unique specimen number of A260285709 ('Sample A').
- (i) On Saturday 2nd March 2024 Mr Ford presented to Stewards and another saliva test and urine sample were taken, numbered A260285737 ('Sample B').
- (j) On Tuesday 12th March 2024 Racing Analytical Services Limited (RASL) notified the Offices of Racing Integrity reporting that *Amphetamine, Ecstasy, Benzodiazepines* and *Cocaine Metabolites* had been detected in sample A260285709 (Sample 'A'), with the accompanying certificate of analysis numbered RS24/03213-B.
- (k) Mr Ford was notified of the result of 'Sample A' by Mr Roger Brown via telephone, Wednesday 13th March 2024.
- (l) On Thursday 21st March 2024, Racing Analytical Services Limited (RASL) notified the Offices of Racing Integrity reporting sample A260285737 Sample 'B', with the accompanying certificate of analysis numbered RS24/03701-B had shown a negative finding.
- (m) On Friday, 29th March 2024 Office of Racing Integrity Stewards inquired into the findings, and after hearing from Mr Mitchell Ford as well as his advocate Mr Nathan Ford, Mr Mitchell Ford was formally charged with a breach of Australian Harness Racing Rule 250(1)(a), with the particulars being that he did present to drive at the Tasmanian Trotting Club meeting on Sunday 25th February 2024 when not free of prohibited substances namely *Amphetamine, Ecstasy, Benzodiazepines* and *Cocaine Metabolites*.
- (n) Mr Ford pled guilty to the charge.

2. Penalty Approach

2.1 Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –

- (i) 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.

- (ii) 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.
- (iii) Penalties imposed upon those offending the substance abuse rules should reflect the industry's disapproval of these substances being detected in those performing duties which may put at risk, both the health and wellbeing of other licence holders and standardbreds
- (iv) 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.

3. Respondents Penalty Submissions

- 3.1 Mr Ford submitted that he had ingested a single tablet the weekend prior to the night the samples were taken.
- 3.2 Mr Ford submitted that leading up to the race meeting he had not been booked to drive as he was under an embargo when the driver declaration passed.
- 3.3 Mr Ford submitted that he was contacted the afternoon of the race meeting when another driver Mr A McDonough notified trainer W Yole that he would not be able to fulfill his early driving commitments on the night due to transport problems.
- 3.4 Mr Ford submitted that he accepted the drives without any concerns as it was his belief that whatever may have been in his system was long gone.
- 3.5 Mr Ford has acknowledged his wrongdoing and has shown remorse for such.

4. Penalty Discussion:

- 4.1 In approaching the matter of penalty, if any, to be imposed, the Panel have reflected on previous penalties imposed for breaches of substance abuse rules. These being both Tasmanian and Interstate decisions.
- 4.2 We are guided by penalties imposed for breaches of the substance abuse rules, and in particular, first-time offenders. Penalties for these breaches range from three(3) to five(5) month suspensions, and include the substance abuse of cannabis and methamphetamine, however we are also mindful of the analytical findings on this occasion.
- 4.3 Having regard to all circumstances, the Stewards believe that the starting point for this case be at the six(6) month suspension of licence.

5. Factors in Mitigation

5.1 In determining the appropriate penalty, the Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions. These being :-

- (a) Mr Ford has been fully cooperative throughout the ORI investigation.
- (b) Mr Ford's admission of the breach.
- (c) Mr Ford's previously clear record.
- (d) Mr Ford's clear signs of remorse.

6. Outcome

6.1 Having regards to all circumstances the Stewards make the following orders;-

- (a) Mr Ford to have his driver's licence suspended for six(6) months, of which two(2) months will be suspended for a period of 24 months pending a similar breach under Part 14 of the Australian Harness Racing Rules.
- (b) Mr Ford's penalty to be back dated to the 25th February 2024, as he had been stood down from that date.

Decision Date: 29th March 2024