

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MR DYLAN FORD

Date of Decision:	Wednesday 27 th November 2024
Stewards Panel:	Neil Finnigan (Chair); Carolyn Ellson
Respondent:	Mr Dylan Ford
Rule:	Australian Harness Racing Rules
Charge:	That you Mr Dylan Ford are charged under the provisions of AHR Rule 250(1)(a) due to you being an engaged driver, participating at the Tasmanian Trotting Club's meeting on Sunday 13 th October, 2024, when a routine urine sample taken from yourself, upon analysis was found to contain the prohibited substances Morphine and Codeine.
Plea:	Guilty
Penalty:	Four(4) month suspension of driver's licence, with three(3) 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 is a licensed harness person based at Sandford, Tasmania.
- (b) Mr Ford was a Grade 'A' licenced Harness Racing Driver on Sunday 13th October 2024.

- (c) Mr Ford was engaged to drive at the Tasmanian Trotting Club meeting on Sunday 13th October 2024 for trainer Tammy Langley.
- (d) Mr Ford was subjected to a routine random saliva lick test.
- (e) Mr Ford was requested to supply a urine sample after the saliva lick test showed an irregularity, to which Mr Ford agreed.
- (f) A sealed urine sample was sent to the Racing Analytical Services Limited (RASL) with the unique specimen number of 302735.
- (g) On Monday 28th March 2024 Racing Analytical Services Limited (RASL) notified the Offices of Racing Integrity reporting that *Morphine and Codeine* had been detected in sample 302735, with the accompanying certificate of analysis numbered RS24/15333-B.
- (h) Mr Ford was notified of the result of sample 302735 on Tuesday 29th October 2024, where indicated that he would not require a witness or independent analysis on the reserve portion of his sample.
- (i) On Wednesday 6th November 2024, Racing Analytical Services Limited (RASL) notified the Offices of Racing Integrity reporting the reserve portion of sample 302735 of the presence of Morphine and Codeine.
- (j) Stewards investigated into the analytical findings, holding inquiries on Sunday 10th November 2024 and Wednesday 20th November 2024 before finalising their investigation on Wednesday 27th November 2024 where Mr 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 13th October 2024 when not free of the prohibited substances Morphine and Codeine.
- (k) 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 felt unwell late on Saturday 12th October 2024 and as such ingested two(2) maxigesic tablets at approximately 1am, two(2) panadol at 5am all on Sunday 13th October 2024.
- 3.2 Mr Ford submitted that leading up to the race meeting he had continued to feel unwell and was given at approximately 11am and a single paracetamol/codeine tablet by a family member, medication he was familiar with from past experience.
- 3.3 Mr Ford submitted that after taking the medication his condition improved, to the point he felt comfortable to fulfill his driving engagements.
- 3.4 Mr Ford submitted that he fulfilled his driving engagements without any concerns of the effect of the medication believing he suffered no impairment from the taking such.
- 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. Penalties for these breaches range from one(1) to five(5) month suspensions, and include the Morphine, Codeine and Panadol Forte.
- 4.3 We are also guided by confirmation from two experts in the field who confirmed that the medication alleged to be taken by Mr Ford can result in the levels found in the analytical findings.
- 4.4 We are also aware Mr Ford had one(1) previous indiscretion albeit nine(9) years ago
- 4.5 Having regard to all circumstances, the Stewards believe that the starting point for this case be at the four(4) 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 forthright evidence
- (c) Mr Ford's admission of the breach.
- (d) Mr Ford's previously record.
- (e) 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 four(4) months, of which three(3) 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 28th October 2024, as he had been stood down from that date.

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