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Nathan Ford – Appeal - AHRR 259(1)(a) & AHRR 259A

1. Nathan Ford was found guilty by ORI Stewards of a breach of AHRR Rule 259(1)(a) and- issued no penalty. However, under the provisions of AHRR 259A Stewards ordered that Mr Ford must recommence his disqualification in full (Mr Ford was disqualified for a period of sixteen months).
2. Mr Ford lodged an appeal with the TRAB (the Appeal) against both his conviction and the penalty.
3. The original Stewards inquiry (the Inquiry) comprised three separate hearings. The first hearing was on 4 May 2021 and involved all parties attending in person. The second and third hearings, both on 7 May 2021 were conducted by telephone.
4. At the conclusion of the hearing on 4 May, the Inquiry was adjourned to enable the Stewardsto consider the evidence and determine whether that evidence justified a charge being laid against Mr Ford. The three Stewards comprising the panel duly considered the evidence and determined to lay a charge against Mr Ford for a breach of Rule 259(1)(a).
5. When the Inquiry resumed by telephone on 7 May, Mr Ford was advised of the charge and asked to enter a plea. He pleaded not guilty. Mr Ford was then asked whether he wanted to make any submissions in support of his plea. He submitted that he was not guilty because of the evidence he had presented at the original hearing. Mr Ford did not provide any further evidence.
6. The Inquiry was adjourned again to enable the Stewards to determine whether the charge had ~~been~~ proven. The Stewards found the charge proven and subsequently advised Mr Ford on 7 May of that finding.
7. Preparation for the Appeal revealed that:-
 - a) When the Inquiry resumed on the first occasion and Mr Ford entered a plea of not guilty and did not offer any further evidence, only two of the original panel of three Stewards were present. The third Steward was officiating at a race meeting being conducted on the same day.
 - b) After the Inquiry was adjourned on the second occasion to consider whether the charge had been proven there were still only two Stewards comprising the panel.
 - c) The third Steward did not participate in the process that led to the Stewards finding the charge proven and subsequently advising Mr Ford of same.
8. Although Mr Ford after entering the plea of not guilty did not put forward any evidence additional to that provided by him on the first day of the Inquiry, the absence of the third Steward from the process that led to the finding of charge proven contravened the AHRR.
9. Rule 256(7) requires as a condition precedent to the Stewards finding an offence proven that:-


“Those Stewards who finally determine that an offence has been committed shall be present during the whole of the proceedings”

10. Rule 302 empowers a Controlling Body to, among other things:-

“Rectify an error which has occurred because of some mistake in the administration of the rules by.... the Stewards”

11. Given that the Stewards did not comply with the mandatory requirement of AHRR 256(7) and the error needs to be rectified, I am exercising my power under AHRR 302 to revoke the charge issued under AHRR 259(1)(a) against Mr Ford.
12. The result of the error is that the conviction of Mr Ford and the consequential order of the Stewards that his disqualification recommence - could not be sustained. The charges issued to Mr Ford pursuant to AHRR 259(1)(a) are to be revoked and no further action will be taken.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony Latham', with a long horizontal line extending to the right.

Tony Latham
Acting Director of Racing

10th August 2021