

## **STEWARDS DECISION**

### **OFFICE OF RACING INTEGRITY**

and

### **SCOTT FORD**

|                              |   |
|------------------------------|---|
| <b>Date of hearing:</b>      | 24 <sup>th</sup> August 2022  |
| <b>Stewards Panel:</b>       | R Neal (Chair), B Free, and R Brown.  |
| <b>Respondent:</b>           | Mr S Ford.  |
| <b>Rule:</b>                 | Australian Rules of Harness Racing (AHRR) 250(1)<br><i>`A driver commits an offence if: -<br/>(a) A sample taken from him is found upon analysis to contain a substance banned by Rule 251</i>  |
| <b>Charge:</b>               | That Mr Ford on Monday 2 <sup>nd</sup> 2022 at Elwick Racecourse, having been required by a Steward to supply a sample of urine in accordance with ARR 250(1)(a) provided urine, which upon analysis, was found to contain the prohibited substances d-methamphetamine and d-amphetamine. |
| <b>Prohibited Substance:</b> | d-methamphetamine and d-amphetamine   |
| <b>Plea:</b>                 | Admitted  |
| <b>Inquiry Decision:</b>     | Suspended four months.  |

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### **1. Background**

- (a) The Respondent, Mr Scott Ford is a licensed C Grade Driver issued by the Office of Racing Integrity Tasmania and pursuant to the Australian Rules of Harness Racing.
- (b) On Monday 2<sup>nd</sup> May 2022 Mr Ford attended a trials meeting conducted at Elwick Racecourse.
- (c) Mr Ford was requested and supplied a sample of urine for analysis. This sample was given the unique number 300014.
- (d) On Tuesday 24<sup>th</sup> May 2022 Racing Analytical Services Limited (RASL) reported the presence of d-methamphetamine and d-amphetamine in sample 300014
- (e) Mr Ford was advised of the outcome and stood-down from driving.
- (f) On Friday 22<sup>nd</sup> July 2022 RASL reported that the reserve portion of sample 300014 had also tested positive for d-methamphetamine and d-amphetamine.
- (g) Mr Ford was then requested to attend a hearing into the matter.
- (h) Mr Ford admitted the breach.

## **2. Submissions of the Respondent**

- 2.1 Mr Ford could offer no explanation as to how the sample had returned an adverse result.

## **3. Penalty Approach**

### **3.1 Stewards approach to penalty -**

- (i) The Racing Industry requires those active at a training, driving or stable hand level to perform their duties free of prohibited substances. The rules are absolute in this regard. The rules are also comprehensive with respect to behaviours governing the behaviours of all participants. However, when these standards of behaviour are breached then those found to be in breach are liable to sanction, with sanctions for breaches of the drug related rules attracting penalties commensurate with the potential effect on not only others physically engaged in harness racing, but also reflective of the great harm to the reputational image of racing, because should such unacceptable behaviours go unchecked, or sanctions imposed not

reflect the seriousness of the offending, then great reputational harm to racing may result – that being that the public loses confidence in it.

- (ii) 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.
- (iii) In a generic 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.
- (iv) Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in participants.

### 3.2 Stewards Approach

- 3.2.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 3.2.2 All drivers have, for some considerable time, been consistently made aware of the absolute obligation to present themselves free of the influence of any prohibited substances. Drivers have also been made aware of the consequences should they fail to comply with this requirement.
- 3.2.3 Testing of licensed persons is also conducted to ensure that those active in the harness racing industry are operating in a healthy and safe workplace.

## **4. Respondents Penalty Submissions**

- 4.1 Mr Ford submitted that a penalty at the lower end should be imposed

## **5. Penalty Discussion:**

- 5.1 Mr Ford has had a long involvement in harness racing, with his judicial record being, in this Panel's view, less than impressive. Notwithstanding that while his offence record spans many pages and contains offending of significance, he has only appeared twice before on human drug related matters. These being in 2003 and 2016.

- 5.2 When referring to Mr Ford's historical substance offending, we note the 2003 matter involved cannabis, whereas the 2016 matter related to him failing to provide a sample.
- 5.3 Both the 2003 and 2016 matter resulted in a suspension of Mr Ford's licences of three months.
- 5.4 When establishing a starting point in this matter the Stewards determine that an uplift to 6 months is appropriate. Being that while the previous offence was some six years prior, Mr Ford's involvement in the industry has been punctuated by periods of inactivity or exclusion since that time, and therefore the time elapsed between breaches is not fully representative all factors.

## **6. Factors in consideration of penalty.**

- 6.1 As stated, Mr Ford's judicial record is singularly unimpressive and while the Stewards cannot provide any uplift from the starting point because of this factor, nor are we, in consequence, inclined to provide any relief.
- 6.2 We are however mindful that Mr Ford has admitted the breach and credit should be accorded to this factor. We quantify this at one month.
- 6.3 We are also aware that Mr Ford has been excluded from industry participation because of this irregularity and in we determine that a further one-month discount should be applied.

## **7. Outcome**

- 7.1 Having regards to all circumstances the Stewards find that a suspension of Mr Ford's licences of four (4) months will satisfy the accepted principles of sentencing. This being to hold Mr Ford accountable, to encourage in him a sense of responsibility for his actions, and to deter him and others from committing the same or similar offences.

**Decision Date:** 24<sup>th</sup> August 2022