

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr BEN WOODSFORD

Date of hearing:	Wednesday 27 th April 2023
Stewards Panel:	Ross Neal (Chair); Bruce Free, and Neil Finnigan.
Present:	Mr Ben Woodsford
Rule:	Australian Rules of Racing 139 (1) (a)
Charge:	THAT on Wednesday 14 th September 2022 at Longford Racecourse being a track rider who, having been requested by a Stipendiary Steward to supply a sample of his urine which was found, upon analysis, to contain the controlled drug Cannabis at a concentration above the permitted threshold, committed a breach of Rule 139 (1) (a) of the Australian Rules of Racing, and that you are thereby liable to the penalty or penalties which may be imposed upon your pursuant to the provisions of Rule 283 of the said Rules.
Plea:	Admitted

1. Background

- (a) The Respondent, Mr Woodsford is a 24-year-old licensed track rider based at Longford, Tasmania.
- (b) On Wednesday 14th September 2022 Office of Racing Integrity Stewards conducted routine workplace drug testing at the Longford Training facility.

- (c) Mr Woodsford was one of the riders tested.
- (d) Mr Woodsford was initially subject to a saliva screening test.
- (e) The outcome of the saliva screen was that it demonstrated a non-negative result to cannabis.
- (f) Mr Woodsford was then required to provide a sample of his urine. This test being conducted by Office of Racing Integrity Stewards. This test also indicated the presence of cannabis above the permitted threshold.
- (g) During the currency of the testing process Mr Woodsford made admissions with respect to his use of cannabis in the days preceding the 14th of September.
- (h) As a consequence of the adverse saliva screening test outcomes, together with his admissions, Mr Woodsford's track rider's licence was suspended with immediate effect.
- (i) On Friday 30th September 2022 Racing Analytical Services Limited confirmed the presence of cannabis in the sample provided by Mr Woodsford.
- (j) On Friday 2nd December 2022 Mr Woodsford provided a clear sample and in consequence Mr Woodsford was permitted to resume duties at his property.
- (k) Mr Woodsford has subsequently been subject to workplace drug screening, and these have all proved negative.

2. Respondents Penalty Submissions

For his part Mr Woodsford stated that he moved to Longford in April 2022 to improve his lifestyle and overall quality of life.

Mr Woodsford added that while his overall situation has improved greatly, there was nonetheless an occasion in mid-2022 that where his positivity was adversely affected and in consequence he found himself reverting to imbibing in cannabis.

However, since this time, Mr Woodsford states that with the support of his employer, the Fulton family, together with that of other trainers and owners, he has taken significant steps in the right direction.

Mr Woodsford further stating that he has established a long list of clients for his horse breaking business.

3. Penalty

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) That in a 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) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in those persons actively involved in the care and training of race horses.
- (iv) The need to rehabilitate the offender should also be factored into the outcome.

4. Penalty Discussion:

When searching for comparable penalties imposed for breaches of AR 139 (1)(a) Racing Australia records demonstrate wide divergence in the approach taken by individual racing authorities. The penalties imposed for cannabis, in the main, ranging from 4 weeks through to 6 months, and either a suspension or disqualification. Notwithstanding that the penalties imposed for breaches of the drug rules are promulgated after consideration of all contributory factors.

In this matter, while we find the above penalty considerations helpful, we however are inclined to adopt a starting point approach of taking the last penalty imposed against Mr Woodsford and factoring an increase recognising that this is his third breach of the rule in a relatively short time span.

Noting that while the two previous breaches related to harness racing, this panel is nevertheless treating this breach as a third offence of the drug rules related to horse racing.

To this end we set the increase at 100% which means that the adopted starting point is a six-month suspension of Mr Woodsford licence.

5. Factors in Mitigation

This panel is well aware of Mr Woodsford's struggles and are correctly concerned that this is his third breach of the substance rules.

The Stewards recognise that Mr Woodsford has made progress with respect to his personal choices and has sought professional assistance in an attempt to correct mistakes made in the past. To this end Mr Woodsford has furnished correspondence from a suitably qualified professional confirming he is receiving assistance for his issues. This is to his credit.

Mr Woodsford also submitted that he is in stable employment has developed a client base relating to the education of young thoroughbred horses, and that this is providing him with sound income.

6. Discussion

It is concerning that Mr Woodsford again finds himself before the Stewards on a drug charge. This being his third offence in as many years. However, and notwithstanding the number of breaches, it is nonetheless noted that his offending has not escalated beyond the Class C drug cannabis.

While this is not a factor in mitigation it does demonstrate that Mr Woodsford has an issue with one particular substance – that being cannabis.

With respect to his conduct, the panel recognises that Mr Woodsford has made a conscious decision to improve himself, including engaging professional assistance. Mr Woodsford is also fortunate to be supported by Licensed Trainer Ms Alana Fulton on who's property he works.

7. Penalty

Turning to penalty, as stated, the panel has established a starting point of a six-month suspension of Mr Woodsford's track rider's licence. To this is factored the subjectives, or discounts which may be applied.

The panel has also had regard to the following factors:

- the circumstances of this breach.
- submissions made by Mr Woodsford including mitigating factors.
- his level of culpability and personal circumstances.
- his frank admission and cooperation with the investigation.

Given all circumstances the panel is not minded to reduce the penalty from a six-month suspension, however we do find that some relief should be afforded Mr Woodsford for the progress he has made in attempting to turn his life in a favourable direction. This relief being expressed by way of a suspension of 50% of the penalty for twelve months subject to him not breaching the drug related rules of both the thoroughbred and harness codes.

This being to hold Mr Woodsford 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.

8. Outcome

Mr Woodsford's track riders' licence is suspended for a period of six-months effective from today, with three-months wholly suspended for twelve months pending no further breaches of either thoroughbred or harness racing drug rules. Given Mr Woodsford was stood down from track riding for three months in September 2022 through December 2022 this represents time served, and no additional period of exclusion is imposed.

Decision Date: 27th April 2023