

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MR JAKOB WHITE

Date of hearing:	Wednesday 4 th October 2023
Stewards Panel:	Neil Finnigan (Chair); Ross Neal
Present:	Mr Jakob White
Rule:	Australian Harness Racing Rules
Charge:	That Mr Jakob White did present to drive NO NUKES SKIPPER in Race 4 at the Launceston Pacing Club meeting on Sunday 9 th July 2023 when a saliva lick test and subsequent urine sample provided by yourself, upon analysis was found to contain the prohibited substances <i>Benzoyllecgonine</i> and <i>Ecgonine methyl ester</i> (metabolites of cocaine).
Plea:	Guilty
Penalty:	Six(6) month suspension of drivers 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 White was a licensed harness person based at Brighton, Tasmania.
- (b) Mr White was a Grade 'B' licenced Harness Racing Driver on the 9th July 2023.
- (c) Mr White was engaged to drive NO NUKES SKIPPER in Race 4 at the Launceston Pacing Club meeting on Sunday 9th July 2023 for trainer Ben Yole

- (d) Mr White was subjected to a routine random saliva lick test.
- (e) Mr White was requested to supply a urine sample after the saliva lick test showed an irregularity, to which Mr White agreed.
- (f) The urine sample confirmed an irregularity
- (g) At a subsequent inquiry on the evening Mr White 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 302094.
- (i) On Thursday 20th July 2023 Racing Analytical Services Limited (RASL) notified the Offices of Racing Integrity reporting that *Benzoyllecgonine* and *Ecgonine methyl ester* (metabolites of cocaine) had been detected in sample 302094, with the accompanying certificate of analysis numbered RS23/11130-B.
- (j) On 31st August 2023 RASL advised the presence of *Benzoyllecgonine* and *Ecgonine methyl ester* (metabolites of cocaine) had been confirmed in the reserve portion of sample 302094.
- (k) Following preliminary phone conversations, Mr White agreed to have the matter dealt with via correspondence.
- (l) On Thursday, 28th September 2023 Mr Jakob White was formally charged with a breach of Australian Harness Racing Rule 250(1)(a), with the particulars being that he did present to drive NO NUKES SKIPPER in Race 4 at the Launceston Pacing Club meeting on Sunday 9th July 2023 when not free of prohibited substances namely *Benzoyllecgonine* and *Ecgonine methyl ester* (metabolites of cocaine).
- (m) On Tuesday, 3rd October 2023, Mr White pleaded 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 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 White submitted that on the day of sampling he had taken "over the counter 'flu medication".
- 3.2 Mr White 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 White has been fully cooperative throughout the ORI investigation.
 - (b) Mr White's admission of the breach.
 - (c) Mr White's previously clear record.
 - (d) Mr White's clear signs of remorse.

6. Outcome

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

Mr White to have his driver's licence suspended for six (6) 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. Given Mr White has been stood down since 9th July 2023 the three months penalty to be served is effective from that date. Resultantly the effective dates of Mr White's suspension are 9th July 2023 up to and including 8th October 2023.

Decision Date: 4th October 2023