

18<sup>th</sup> January 2022

## ***NOTICE OF INTEGRITY HEARINGS PANEL RESULT – Mr Colin Simes***

**PANEL:** Mr Timothy McGrath (Chair), Ms Tanya Johnston.

**STEWARDS REPRESENTATION:** Mr Derek Kordick, Risk & Compliance Manager.



### **Outcome of IHP Hearing**

On 8<sup>th</sup> September 2021 Mr Simes appeared before the Integrity Hearings Panel (IHP) in relation to matters arising from:

1. The participation of greyhound Dakota Hummer at Adelaide Greyhound Racing Club on 11<sup>th</sup> March 2021, and;
2. A post-race sample of urine was taken from Dakota Hummer and was subsequently determined to contain Atenolol, a prohibited substance.

*Prior to the hearing, it was determined that the hearing could proceed despite only 2 members of the Integrity Hearings Panel (IHP) being present (noting Local Rule 115(3) requires 3 members of the IHP, including the Chair, to be present in determining a matter). Mr Kordick submitted that Local Rule 118(4) afforded the Chair, in relation to this hearing, the discretion to make a direction in relation to the operation or procedure of the IHP, in particular, that this hearing could proceed on the basis that a guilty plea had been entered, and any penalty imposed would be determined by the fully constituted IHP as set down within LR 115(3) – it was further submitted that such a course would not be inconsistent with the Rules as envisaged by LR 118(4)(a). The Chair, and Mr Simes, agreed that the proposed course was appropriate in the circumstances.*

Following consideration of various sources of information, Stewards considered it appropriate to subsequently charge Mr Simes with the following charge:

- Breaching Greyhounds Australasia Rule 83 (2)(a) in that on 11<sup>th</sup> March 2021, Mr Simes presented Dakota Hummer at an event, namely, Race 10 at Adelaide Greyhound Racing Club not free of any prohibited substance(s). The prohibited substances identified following a post-racing sample being taken from Dakota Hummer was analysed and determined to be Atenolol (Atenolol is a legally prescribed drug for humans that is used to address issues related to blood pressure).

Mr Simes elected to enter an early guilty plea to the charge.

The IHP heard submissions from Mr Simes and from Mr Kordick on behalf of the Stewards.

No irregular betting was identified in relation to the race Dakota Hummer raced in that relate to the charge.

Of significance, it is important to note that, without in any way seeking to diminish the seriousness of the allegation, Stewards accept that the presence of the prohibited substance noted in the charge, was not intentionally administered by Mr Simes. Stewards accept that the likely source of the identified substance was through inadvertent and entirely unintentional transference (Atenolol is a medication legally possessed within the home of Mr Simes).

As noted in previous matters, the IHP is ever mindful of the underlying importance of presenting greyhounds free of prohibited substances. Presentation offences have been rightly condemned through past decisions of the Stewards; a stance that has been supported by the Racing Appeals Tribunal on many occasions. Such offences invariably result in suspensions or disqualifications. Matters will invariably differ in their surrounding circumstances.

The IHP have now considered several matters involving prohibited substances on a number of occasions. The IHP have formed the view that this matter should be differentiated from those offences that have resulted in immediate suspensions and disqualifications. The IHP have formed this view, for the following reasons, all of which were undisputed by Mr Kordick on behalf of the Stewards:

- Mr Simes has an unblemished and commendable significant history in greyhound racing.
- Mr Simes has undertaken to take a more militant approach to the regime of exercising his dogs.
- The Stewards accepted that Mr Simes had made positive efforts to avoid such contamination both prior to, and following the identification of the substance in this matter.
- Through his admission to the charge at the earliest opportunity.
- Mr Simes was fully co-operative with Stewards throughout their investigation into this matter and he was polite in the extreme when appearing at the IHP.

Although a lenient approach should be sparingly considered when addressing matters involving prohibited substances, the IHP have formed a view, in all of the circumstances, that this is indeed a case that is deserving of such an approach.

In all the circumstances, the IHP have resolved to finalise this matter as follows:

- Mr Simes will be suspended for a period of 3 months.
- Considering his early guilty plea, that suspension will be reduced to a period of 2 months and 14 days.
- Given the circumstances of the offence, and all matters personal to Mr Simes, that 2 months and 14 days will be fully suspended for a period of 12 months.
- A fine of \$300 reduced to \$200 considering her early guilty plea will be imposed.

It necessarily follows that the IHP endorse the recommendation of GRSA Stewards, acting under GAR 83(4), to direct that:



1. Dakota Hummer be disqualified from Race 10 at the Adelaide Greyhound Racing Club held on 11<sup>th</sup> March 2021.

Stewards will direct that the placings in the event be amended accordingly and that the \$2,090.00 prizemoney be returned to GRSA for redistribution where appropriate.

Both parties were advised of their right of appeal.



**Timothy McGrath**  
**GRSA INTEGRITY HEARINGS PANEL CHAIR**

