

NSW RACING APPEALS TRIBUNAL DECISIONS MR SHAUN SIMIANA

SEPTEMBER 22 2020

HRNSW Stewards commenced an Inquiry on 5 October 2016 into the results of the following Out of Competition blood samples taken from horses in the care of Trainer Mr Shaun (Anthony) Simiana:

FRANCO TIAGO NZ	Sample collected on 17 April 2016
WALKABOUT CREEK	Sample collected on 17 April 2016
FRANCO TIAGO NZ	Sample collected on 18 April 2016
WALKABOUT CREEK	Sample collected on 18 April 2016
WALKABOUT CREEK	Sample collected on 3 May 2016

Those samples were reported to contain the prohibited substance Peptide VNFYAWK.

On 5 October 2016, HRNSW Stewards issued 8 charges against Mr Simiana and adjourned the Inquiry to allow Mr Simiana to consider those charges.

The Inquiry resumed on 7 December 2016 at which time Mr Simiana's legal representatives made a number of requests and further applications. Following correspondence between the parties, due to the fact that no submissions were received from Mr Simiana in response to the charges issued by 20 January 2017, HRNSW Stewards considered the matter on the evidence that was before them, in the absence of any submissions.

Mr Simiana was found guilty of all charges and advised through his legal representative of that decision. Mr Simiana was provided with an opportunity to provide submissions in relation to the matter of penalty by COB 3 February 2017. Following an extension until COB 7 February 2017, no submissions were received and HRNSW Stewards considered the matter of penalty.

On 15 February 2017, Mr Simiana was issued with the following penalties:

In relation to Charges 1,2,3,4 & 7, pursuant to Australian Harness Racing Rule (AHRR) 190A(1)(a), Mr Simiana was disqualified for a period of six (6) years to be served concurrently.

In relation to Charges 5,6 & 8, pursuant to Australian Harness Racing Rule (AHRR) 196A(1)(i) & (2) Mr Simiana was disqualified for a period of ten (10) years to be served concurrently.

HRNSW Stewards ordered that the two (2) periods of disqualification imposed be served cumulatively. Therefore Mr Simiana was disqualified for a total period of 16 years to commence from 28 July 2016, the date upon which he was stood down.

**For further information on this matter contact:
HRNSW Integrity Department
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HRNSW Stewards also disqualified the subject horses from the following races pursuant to Australian Harness Racing Rule (AHRR) 190A(1)(b):

- FRANCO TIAGO NZ be disqualified as the winner of Race 5 at Tabcorp Park Menangle on 19 April 2016.
- FRANCO TIAGO NZ be disqualified as the winner of Race 2 at Tabcorp Park Menangle on 30 April 2016.
- WALKABOUT CREEK be disqualified from its fourth place at Tabcorp Park Menangle on 19 April 2016.
- WALKABOUT CREEK be disqualified from its second place at Dubbo on 29 April 2016.
- WALKABOUT CREEK be disqualified from its third place at Tabcorp Park Menangle on 14 May 2016

In addition, HRNSW Stewards ordered that Mr Simiana pay to HRNSW within 14 days of being advised of the Steward's Decision, the sum of \$15,000 as costs pertaining to the analytical tests that were costs borne by the Controlling Body in relation to the prohibited substances from his horses, pursuant to NSW Local Rule 256A.

The decisions of the HRNSW Stewards were appealed to the NSW Racing Appeals Tribunal by Mr Simiana.

Following an appeal hearing, on 16 June 2020 the NSW Racing Appeals Tribunal handed down the decision that the appeal against all eight (8) charges had been dismissed.

On 5 August 2020, the NSW Racing Appeals Tribunal handed down the following penalty decisions:

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| Charges 1,2,3,4 & 7 - | Severity appeal dismissed. Disqualification in each of the five charges of 5 years to be served concurrently; |
| Charges 5,6 & 8 - | Severity appeal upheld. Disqualification in each of the three charges of 10 years to be served concurrently. |

In addition, the NSW Racing Appeals Tribunal ordered that the disqualification periods for charges 1,2,3,4 & 7 be served cumulative to the disqualification periods for charges 5,6 & 8.

On 17 September 2020, the NSW Racing Appeals Tribunal ordered that the periods of disqualification be served as follows:

In respect of charges 1,2,3,4 & 7 (being a concurrent disqualification period of 5 years) Mr Simiana was disqualified:

(a) from 29 July 2016 to 5 February 2019 (being 2 years, 6 months and 8 days); and

(b) from 5 August 2020 to 26 January 2023 (being 2 years, 5 months and 22 days).

In respect of charges 5,6 & 8, Mr Simiana was disqualified from 27 January 2023 to 27 January 2033 (being 10 years).

Further, the NSW Racing Appeals Tribunal ordered the following:

- Mr Simiana to pay HRNSW analytical costs of \$15,000;
- Limited order for Mr Simiana to pay HRNSW costs and further directions issued;
- 25% of the appeal deposit to be refunded to Mr Simiana.

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