15 April 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MELANIE LITHGOW**

**Date of hearing:** 25 March 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Dickens.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mrs Melanie Lithgow represented herself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charge:** 1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Gotham Duke”.

3. “Gotham Duke” was nominated to compete in, Race 7, OAKS AT LOGAN PARK HT2, Grade 5 Heat, conducted by the Warragul Greyhound Racing Club at Warragul on 5 May 2020 (**the Event**).

4. On 5 May 2020, you presented “Gotham Duke” at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from “Gotham Duke” at the Event (**the Sample**);
2. Pentobarbitone was detected in the Sample.

**Plea:** Guilty

**DECISION**

NOTE: The Tribunal amended this decision, by consent of the parties, on 14 April 2021. Greyhound Racing Victoria (“GRV”) omitted the fact that the race in question was part of a series and pursuant to Greyhounds Australasia Rule (“GAR”) 83(5)(b), the greyhound was required to be disqualified from all events in that series.

1. Mrs Melanie Lithgow is a registered greyhound trainer and the trainer of the greyhound “Gotham Duke” which competed in Race 7 at Warragul on 5 May 2020. A sample taken after the race showed the presence of Pentobarbitone. This sample was taken before the positive swab to Pentobarbitone was advised to her husband, Mr Sean Lithgow, from a greyhound trained by him after a race at Healesville on 17 April 2020. These reasons for decision should be read together with the reasons for decision in Sean Lithgow’s case.
2. Mrs Lithgow has been a public trainer for about ten years. Like Mr Lithgow, she is a hobby trainer who also works full time. She trains in partnership with her husband. Gotham Duke was fed meat from the same batch which contained the meat which was responsible for the positive swab of Mr Lithgow’s greyhound “New Sense” at Healesville.
3. Stewards of GRV have charged Mrs Lithgow with breaching GAR 83(2) for presenting a greyhound for a race while not being free of a prohibited substance. Mrs Lithgow pleaded guilty at the earliest opportunity and was cooperative with the Stewards. She has a good record and character and like her husband, now feeds the dogs kangaroo meat three days prior to a race.
4. In setting a penalty, we take into account the same considerations as mentioned in Mr Lithgow’s case. In all the circumstances, we impose a penalty of three months suspension, wholly suspended pending no further breach of GAR 83 in the next 24 months.
5. In addition, Gotham Duke is disqualified from Race 7 at Warragul on 5 May 2020 and Race 5 at Warragul on 12 May 2020.
6. We note that we have imposed a fully suspended sentence on Mrs Lithgow. That is because her positive swab arose out of the same circumstances as that of Mr Lithgow and was not notified to her before Mr Lithgow’s greyhound had tested positive. They train as a couple. If an individual had been found guilty of both of these offences, the second in time would have had a concurrent penalty with the first in time.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal