15 December 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SEAN LITHGOW**

**Date of hearing:** 13 December 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Mr Robert Abrahams.

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

Mr Sean Lithgow represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(o) states:

A person (including an official) shall be guilty of an offence if the person -:

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which in the opinion of the Stewards or Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

 GAR 86(d) states:

A person (including an official) shall be guilty of an offence if the person –

(d) being an owner, trainer attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of charges: Charge 1: GAR 86(o)**

1. You were, at all relevant times, a Public Trainer and Breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 165153) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were, at the relevant time, a registered person subject to a period of suspension imposed by the Victorian Racing Tribunal (“VRT”) on the 25 March 2021 for a period of 3 months, with 2 months suspended for 24 months, in relation to a breach of GAR 83(2).
3. You have, in relation to greyhound racing, done a thing, which in the opinion of the Stewards, is improper and/or constitutes misconduct, in that you:-

(a) On 21 April 2021, during your period of suspension, have entered the Sale Greyhound Racing Club whilst trials were taking place;

(b) You were captured on CCTV handling a greyhound on a lead in the wash bay area;

(c) You did not seek any prior approval or exemption from the GRV Board or the Stewards pursuant to LR 11.12 (a) to (c) to attend the Sale Greyhound Racing Club on 21 April 2021.

 **Charge 2: GAR 86(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 165153) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. During an Inquiry held with you by Investigative Stewards on 19 May 2021 you stated you did not attend the Sale Greyhound Racing Club on 21 April 2021 while trials were taking place.
3. CCTV still footage obtained by GRV indicated you were present at the Sale Greyhound Racing Club on 21 April 2021 while trials were taking place.
4. You later admitted during this inquiry that you had lied to GRV Investigative Stewards in this inquiry and that was you in the photograph.

**Pleas:** Guilty to all charges

**DECISION**

Mr Sean Lithgow, you have pleaded guilty to breaching Greyhounds Australasia Rule (“GAR”) 86(o) and 86(d).

Charge 1 relates to a breach of GAR 86(o). On 17 April 2020 you presented your greyhound “New Sense” to race at Healesville when it was not free of a prohibited substance. On 25 March 2021 the Victoria Racing Tribunal (“VRT”) suspended your trainers licence for this offence for three months, with two months suspended for a period of 24 months pending no further breach in that time of GAR 83(2). You were aware that being under suspension for that offence prohibited you from being on or remaining on any place where greyhounds are trained, including greyhound trial tracks, without the prior approval of the Greyhound Racing Victoria (“GRV”) Board or the Stewards.

On 21 April 2021, your wife, Mrs Melanie Lithgow, reserved six trial sessions at the Sale greyhound racing track. On that date you were captured by CCTV footage being present at the Sale greyhound racing club trials. You had not obtained approval from any relevant authority to be at such trials.

Charge 2 relates to an inquiry held on 19 May 2021 by GRV Stewards where you were asked if you had attended the Sale Greyhound Racing Club trials on 21 April 2021. You stated you had not attended the Sale Greyhound Racing Club trials on that date. You were given time by the Stewards to reconsider your position. You continued to deny being there on that date. Subsequently, you were shown by Stewards the CCTV footage that had captured you being present on that date, whereupon you admitted your guilt.

We now turn to your personal circumstances, including your training history. You are currently 36 years of age and train two greyhounds. You have transferred to your wife, who is also a licensed trainer, the remainder of your greyhounds. You own your own property and presently your wife is pregnant. Apart from the previous presentation charge on 17 April 2020, you have no other relevant prior convictions.

We accept that on 21 April 2021 your wife needed assistance due to her having chiropractic medical issues. Though clearly a deliberate act by you to attend the greyhound racing trials at Sale on that date, we are of the opinion it was spontaneous in order to assist your wife. We have been impressed by the two character references that were given to us from Mr Greg Doyle and Ms Michelle Saunders.

We have taken into account your pleas of guilty, your personal circumstances and your history in the greyhound racing industry. The principles of general deterrence and specific deterrence have, in your case, a real part to play in arriving at an appropriate penalty.

It is vital for the integrity of the greyhound racing industry that persons who are suspended do not attend any licensed meeting, training facility or, in this case, official trials. Your act on this date also undermines the authority and capacity of the Stewards to ensure that greyhound racing is conducted properly in accordance with the Rules. You deliberately broke a Rule designed to keep you away from attending such places. It is not to your credit that you lied to the Stewards that you had not been present. In our opinion a breach of Charge 1 is a serious offence.

In all circumstances, you will be, in respect of Charge 1, disqualified for a period of nine months from today’s date. In respect of Charge 2, you are disqualified for a period of six weeks from today’s date, such penalty to be served concurrently with Charge 1.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal