31 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SEAN 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.

Mr Sean Lithgow represented himself.

**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 “New Sense”.

3. “New Sense” was nominated to compete in, Race 12, DOWNLOAD THE NEWWATCHDOG APP, Grade 5 T3, conducted by the Healesville Greyhound Racing Association at Healesville on 17 April 2020 (**the Event**).

4. On 17 April 2020, you presented “New Sense” at the Event not free of any prohibited substance, given that:

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

**Plea:** Guilty

**DECISION**

1. Mr Sean Lithgow is a registered greyhound trainer and was, at all material times, the trainer of the greyhound “New Sense”. New Sense competed in Race 12 at Healesville on 17 April 2020. A pre-race urine swab taken from the greyhound showed the presence of the prohibited substance Pentobarbitone. Pentobarbitone is a depressant which is most commonly used for humane euthanasia of animals. The feeding of unfit for human consumption meat to greyhounds runs the risk that contamination may result from greyhounds eating the meat of horses or cattle that have been euthanised with the assistance of Pentobarbitone.
2. Pentobarbitone can be detectable in a sample taken from a greyhound for up to two weeks. Its effects are more likely to be negative, causing sedation and even death.
3. For the last ten years or so, Mr Lithgow (who trains in partnership with his wife, Mrs Melanie Lithgow), has fed his greyhounds not fit for human consumption meat, more recently from Dandenong West Pet Supplies. Feeding responsibilities are shared between the Lithgows. Mr Lithgow and Mrs Lithgow each train a handful of dogs (four or five) and use the same meat. Since notification of this positive swab, they both feed their racing dogs kangaroo meat from three days prior to an event. Although that is an improvement, Mr Lithgow should remember that Greyhound Racing Victoria’s (“GRV “) advice is not to use knackery meat at all.
4. Stewards of GRV have charged Mr Lithgow with presenting a greyhound for an event while not free of a prohibited substance contrary to Greyhounds Australasia Rule (“GAR”) 83(2). Mr Lithgow has pleaded guilty to the offence at an early stage and was cooperative with the Stewards. He had been using not fit for human consumption meat for about ten years without a positive swab. He was aware of the several warnings over the years issued by GRV about the dangers of feeding not fit for human consumption meat.
5. In setting a penalty in this matter, we take into account general and specific deterrence, denunciation, the importance of keeping a level playing field by maintaining a drug free industry and animal welfare considerations. We also take into account Mr Lithgow’s good record and good character, his cooperation with the Stewards and early guilty plea. We further take into account a penalty imposed on him in relation to this substance by the Racing Appeals and Disciplinary Board (“RADB”) a few years ago.
6. In all the circumstances, we impose a penalty of three months suspension, with two months suspended for a period of 24 months pending no further breach of GAR 83 in that time. The suspension shall commence immediately.
7. In addition, New Sense is disqualified from Race 12 at Healesville on 17 April 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal