7 July 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SEAN LITHGOW**

**Dates of hearings:** 4 June 2025 and 6 June 2025

**Date of decision:** 16 June 2025

**Panel:** His Honour John Bowman (Chairperson).

**Appearances:** Mr Paul Searle appeared on behalf of the Stewards.

Mr Sean Lithgow represented himself.

Mr Aiden Nooy appeared as a witness.

Mr Colin Dalton appeared as a witness.

Ms Ellisa Franklin appeared as a witness.

Ms Melanie Lithgow appeared as a witness.

**Charge:**

Greyhounds Australasia Rule 124(1) reads as follows:

**Rule 124 Failing to pursue**

(1) Subject to rule 125, where, in the opinion of the Stewards, a greyhound fails to pursue the lure during an Event, the Stewards must impose a period of suspension in respect of the 60 greyhound pursuant to rule 127, which is to be recorded by them as part of the identification record.

**Particulars:**

In Event 8 at the Lang Lang coursing meeting, Stewards charged In Wonderland under GAR 124 (Failing to Pursue the Lure), given that the greyhound had failed to compete in the course after being released fairly from the slips and as a result, it was determined that In Wonderland had failed to pursue the lure with due commitment.

**Plea:** Not Guilty

**DECISION**

Mr Sean Lithgow, you are the trainer of In Wonderland, which competed in Event 8 at the meeting of the Lang Lang Coursing Club on 25 May 2025. The applicable Rules are the Plumpton Coursing Rules and the relevant Greyhounds Australasia Rules.

In relation to Event 8, a Charge pursuant to GAR 124(1) – failure to pursue – was laid against In Wonderland. Essentially, the Stewards are alleging that, following the start of the race, In Wonderland did not pursue at all.

Event 8 was run over a straight course, the distance involved being 310 metres. It was one of a number of heats or Events run during the meeting. Two dogs compete in each heat.

Immediately prior to starting, the two competing dogs are under the control of an official called the Slipper, who is the actual starter. The starting positions and starting procedures are generally known as the Slips. The Slipper in the present case was Mr Aiden Nooy.

I would refer to some helpful photographs provided by the Chief Steward, Mr Paul Searle, who presented the case on behalf of the Stewards. These were not photographs involving the Event in question, but of the starting procedures generally. They illustrate the fact that the dogs are muzzled and each wears a coloured neckband. In the present case, In Wonderland wore the red neckband and the other dog, Know Your Worth, wore the white neckband. I would emphasise that there are no patrol films.

These are not starting boxes. The two dogs are lined up side by side facing down the track and what could be called a collar device or hoop is placed around the neck of each. This in turn is attached to a type of chain or lead which goes to a device in the roof or thereabouts. The Slipper is between the dogs, with one such lead in each hand.

When ready to go, the Slipper takes a few steps forward between the competing dogs, thus getting them moving before the releasing the leads simultaneously. The dogs then go on their way.

There are no designated lanes as such and the dogs race straight ahead for 310 metres.

At least on this occasion, whilst there was no Steward in the immediate vicinity of the start, Steward Ms Catherine Scarlett was located a distance down the track. She would look back down the track towards the start and observe both it and the progress of an Event. She would also declare whether it was a Race or a No race.

Attendants past the finishing line catch the dogs in the area provided.

In relation to what happened in the present case, there are two conflicting versions of events.

The Slipper, Mr Aiden Nooy, gave evidence that, when the dogs were released, In Wonderland stood there and did not compete. He was of the opinion that there had been no interference or bumping immediately prior to or during the start. His evidence was to the effect that In Wonderland simply stood there and did not chase.

A statement from the Steward, Ms Scarlett, was to the effect that she observed that Know Your Worth completed the course after the green light was activated by Mr Nooy. In Wonderland had not left the Slips and had not pursued the lure. It had not taken part in the event. No yellow flag was raised to indicate that there was an “undecided course” or “no course”. Such a finding could result in a re-run of the race.

Ms Scarlett immediately radioed Mr Nooy at the start, who informed her that both dogs cleared the Slips fairly and evenly, but upon release In Wonderland remained stationary. It did not attempt to chase either the mechanical quarry or the other dog. Accordingly, the Stewards, after consultation with the Slipper, declared Know Your Worth the winner and In Wonderland was disqualified. The Charge now under consideration was laid subsequently. That Charge is essentially that In Wonderland failed to pursue the lure, this constituting a breach of GAR 124(1) during an event.

Apart from the evidence on behalf of the Stewards, evidence was also given by Ms Lithgow, also a licensed person, who was standing behind the Slips at the time of the starting procedure and by Mr Colin Dalton, licensed trainer, who was looking after the other dog, Know Your Worth. He also stood immediately behind the dogs during the Slips process. As I understand it, you, Mr Lithgow, were standing further down the track.

The evidence of Ms Lithgow and Mr Dalton was to the effect that, during the process and when the dogs were under the control of Mr Nooy, In Wonderland had moved over and bumped into Know Your Worth. This was immediately before Mr Nooy released the dogs. Thus, essentially it was argued that the dogs should never have been released, as In Wonderland effectively was off balance in the wrong position and failed to race accordingly. The event should have been called a No Course and re-run at a later time. It is submitted that, if an Event is called a No Race, no greyhound can be charged with any racing offence.

It was further argued that a second reason why this should have been declaration of a No Course was that the lure was an excessive distance in front of the dogs by the time that they were released.

In your written submissions, you stated that it was not disputed that In Wonderland did not leave the start. There should have been a declaration of a No Course because she was not given a fair chance to chase.

There are two elements of your submissions. Firstly, “the second both greyhounds were turned sideways at the slips, so the course should have been considered a no course”. Secondly, the distance that the lure was in front of the dogs by the time that they were released was plainly and greatly excessive.

I now turn to my decision.

Firstly, it is to be remembered that the decision appealed against is that of the Stewards that In Wonderland failed to pursue the lure with due commitment, a breach of GAR 124(1). Evidence relating to the circumstances which form the basis of such an allegation or in possible mitigation of any proposed penalty may, if relevant, be received. However, the basic, fundamental and relevant question remains – was there a failure to pursue the lure with due commitment? I would add that there is no suggestion of equipment malfunction.

The answer to that question seems to me to be unequivocal – there was such a failure to pursue. Even if the evidence of Ms Lithgow and Mr Dalton was accepted in its entirety, the fact remains that In Wonderland scarcely pursued the lure at all. It did not leave the Slips area. There is no dispute concerning that. There was no evidence that it had sustained some relevant physical injury or that there was some other factor that prevented it from pursuing.

Arguments based upon whether there should have been a re-run or finding of “no course” are not to the point. Indeed, I cannot see how this Tribunal has the jurisdiction to make any such finding or order. In relation to the restrictions on the Tribunal’s jurisdiction, I would refer to the decisions of Logie v Harness Racing Victoria (31 October 2023) and Carson Millar v Harness Racing Victoria (11 April 2025).

Pursuant to S. 50K(1) of the Racing Act 1958, appeals are limited to suspensions, disqualifications, warnings off and fines in excess of $250.

I can appreciate your frustration at the dog not competing. However, the balance of the evidence and submissions, even on your behalf is clearly that In Wonderland did not so compete or take part in the Event. Even if it was accepted that some bumping did occur before the release of the dogs – and that is far from clear – the fact remains that Know Your Worth left the Slips, pursued property and completed the race. In Wonderland did not even leave the Slips. In any event, as stated, in my opinion this being a case involving GAR 124(1) and there being no declaration of a No Race, this Tribunal cannot determine or order that such a declaration should have been made.

Once the Tribunal finds that it is or is not comfortably satisfied that a Charge pursuant to GAR 124(1) has been proven, that is the end of the matter. It looks solely at that Charge.

The evidence that there was a breach of GAR 124(1) is clear and overwhelming. In Wonderland did not pursue the lure with due commitment, or, indeed, at all.

The only other possible issue is that of penalty.

After a brief discussion, the penalty originally imposed by the Stewards was confirmed.

Mark Howard

Registrar, Victorian Racing Tribunal