

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 1 August 2024

Decision-makers: Chief Commissioner Brenton (Alby) Taylor
Commissioner Chris Wheeler

Name of relevant person: Mr Richard Jason Polidano

Date: Various dates between March 2024 and 24 April 2024

Rule charged: Rule 21(1)(c), Rule 21(1)(d), Rule 21(2), Rule 151, Rule 156(g),
Rule 164(a)

Charges:

Charge 1 (Rule 21(1)(c))

On 24 April 2024, during an inspection of Mr Polidano's kennels, Commission Inspectors located an unnamed greyhound (later nicknamed "Dobby"¹), in his care/ownership. At that time, the kennel lacked adequate bedding, in that the kennel housed two greyhounds in total and one of the greyhounds lacked bedding that was warm, soft, and dry and additionally lacked a raised bed large enough for the greyhound to lay down completely stretched out.

Charge 2 (Rule 21(1)(d))

In the period leading up to 24 April 2024, a greyhound which was in Mr Polidano's care was suffering an injury and he failed to provide veterinary attention to the greyhound when necessary.

Charge 3 (Rule 21(2))

Approximately two weeks before and continuing to the 24 April 2024, Mr Polidano did not provide veterinary attention to a greyhound in his care suffering an injury, and consequently, the greyhound suffered unnecessary pain.

Charge 4 (Rule 151)

On 24 April 2024, during an inspection of Mr Polidano's registered kennel premises he was found to not keep or retain records detailing any or all medical treatments administered to a greyhound in his care.

¹ "Dobby" is a nickname or kennel name given to the Greyhound following its seizure by the Commission.

Charge 5 (Rule 156(g))

On the 24 April 2024 during a conversation at Mr Polidano's kennel premises concerning an unnamed greyhound, Mr Polidano willfully abused Commission Inspector Flett Turner (**Turner**).

Charge 6 (Rule 164(a))

On the 24 April 2024, Mr Polidano made a false statement to Commission Inspectors that a greyhound had been seen by a veterinarian at the Colyton Veterinary Clinic, knowing this statement to be false.

Plea: Not guilty to Charges 1 to 6

Disciplinary action taken:

Charge 1 – Rule 21(1)(c)	Six (6) month disqualification;
Charge 2 – Rule 21(1)(d)	Four (4) year disqualification;
Charge 3 – Rule 21(2)	Four (4) year disqualification;
Charge 4 – Rule 151	\$200 fine;
Charge 5 – Rule 156(g)	Twelve (12) month disqualification
Charge 6 – Rule 164(a)	Eighteen (18) month disqualification.

With,

- the fines totaling \$200; and
- the periods of disqualification imposed for charges 1 to 3 to be served concurrently (Group One); and
- the periods of disqualification imposed for charges 5 and 6, to be served concurrently (Group Two); however
- the periods of disqualification imposed for Group One and Group Two are to be served cumulatively due to the different nature of the offences.

Background:

1. This matter arises following Inspectors from the Greyhound Welfare and Integrity Commission (**Commission**) attending the registered kennel address of Mr Richard Polidano on 24 April 2024 (**Property**).
2. The attendance upon the Property, was in relation to a matter unrelated to this case, but for context, the visit was conducted to take an 'out of competition' 'clearance swab' on a greyhound kennelled at the property. This greyhound belonging to another participant.

3. The Property is the residence of Mr Leonard Polidano (**Leonard**), who is the father of the Mr Richard Jason Polidano (**Polidano**), the subject of these proceedings. For convenience, and to avoid confusion, in relation to Mr Leonard Polidano, he will be referred to as simply "**Leonard**".
4. Leonard is also a registered participant with the Commission and currently holds a registration as a Public Trainer.
5. The Property is the approved kennel premises for both Polidano and Leonard. The Property has been used by Leonard since 1973. In May 2022, the Commission approved its use by Polidano.
6. Both Polidano and Leonard kennel greyhounds which they either own and/or train at the Property. For perspective, Leonard currently kennels some 12 greyhounds at the Property, and Polidano kennels some 14 greyhounds. These numbers are within the limits of the Property's approval with the Commission.
7. On 24 April 2024 Commission Inspectors attended the Property to undertake a 'clearance swab' on a greyhound owned and trained by Leonard. During this visit to the Property, Commission Inspectors noticed two black greyhounds located in a small, fenced kennel on the left-hand side of the Property.
8. One of these greyhounds was identified by Commission Inspectors with microchip number 956000011656218 and ear brand "NKHDB" (**Greyhound**). The Greyhound was unnamed. The Greyhound was 28 months on the date of the inspection.
9. At this time, the Commission Inspectors observed a wound on each of the rear hips of the Greyhound which were in their opinion, approximately five (5) centimetres in diameter. Additionally, the Inspectors observed a wound on each stifle (knee) of the greyhound which were about two (2) centimetres in diameter.
10. In the opinion of the Commission Inspectors, the Greyhound appeared to be underweight, "*with its hips, ribs and spine prominent*"².
11. Due to the discovery of these injuries to the Greyhound, an investigation was commenced. Following that investigation, Polidano was charged by the Commission with six (6) breaches of the Commission's Greyhound Racing Rules including the following breaches.

² see Statement of Inspector Turner dated 4 June 2024, at paragraph 10.

Charges:

- (i) Charge One - A breach of Rule 21(1)(c), which in summary, relates to a failing on the part of Polidano to provide:
 - a. A requisite quantity of warm, soft and dry bedding for the Greyhound: and
 - b. A raised bed large enough for the Greyhound to lay down on completed stretched out. (**Proper Bedding**)
 - (ii) Charge Two - A breach of Rule 21(1)(d), which in summary, relates to a failure on the part of Polidano, in the period preceding the 24 April 2024, to provide necessary veterinary attention to the Greyhound. (**Veterinary Attention**)
 - (iii) Charge Three - A breach of Rule 21(2), which in summary, covers a failure on the part of Polidano to provide veterinary attention to the Greyhound when necessary, and therefore subjecting the Greyhound to unnecessary pain and suffering. (**Pain and Suffering**)
 - (iv) Charge Four - A breach of Rule 151, which in summary, constitutes a failure on the part of Polidano to keep or retain records detailing any or all medical treatments administered to the Greyhound whilst it was in his care. (**Treatment Records**)
 - (v) Charge Five - A breach of Rule 156(g), which alleges that Polidano wilfully abused a Commission Officer, being Inspector Flett Turner, during the investigation into the Greyhound on the 24 April 2024. (**Abuse**)
 - (vi) Charge Six - A breach of Rule 164(a), which alleges that Polidano made a statement to Commission Officers knowing such statement to be false. Specifically, Polidano stated that the Greyhound had been provided with veterinary treatment by the Colyton Veterinary Hospital, which was neither correct nor truthful. (**False Statements**)
12. A hearing was conducted in relation to these alleged rule breaches at the Commission's Sydney office on 9 July 2024 (**Hearing**) at which time, Polidano entered pleas of "Not Guilty" in relation to each of the six charges.
13. In relation to all charges, it is noted that Polidano was at all relevant times registered with the Commission as a Public Trainer and Breeder.
14. For convenience we will consider each charge in turn.

Charge One - Rule 21(1)(c) - Proper Bedding

15. Rule 21 of the NSW Greyhound Racing Rules³ which encompasses ‘Proper care for and welfare of greyhounds’ states:

(1) *A person must ensure that any greyhound in the person’s care or custody, is at all times provided with:*

...

(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition...

16. The NSW Greyhound Welfare Code of Practice (**Code**) sets out the standards required for the housing of greyhounds.

17. The Code is made under Section 36 of the *Greyhound Racing Act 2017* (NSW) (**Act**) and contains a series of enforceable standards which are designed to provide certainty and clarity for participants and the Commission, as to the requirements placed upon industry participants as a part of the regulation of the greyhound industry.⁴

18. In relation to the provision of “Proper Bedding”, Part 5 of the Code, “*Housing and Breeding*” contains the relevant obligations. Specifically, Standard 5.12 sets out the requirements for “Sleeping areas” and states:

5.12 Areas where greyhounds sleep must:

- a) include a raised bed or wooden pallet, which is large enough for the greyhound to lay down completely stretched out on;*
- b) be equipped with bedding that is warm, soft and dry; and made of materials that are safe for greyhounds and puppies; and,*
- c) afford each greyhound privacy from other greyhounds while sleeping.*

19. Polidano was required to provide the Greyhound with a kennel that included:

- a sleeping area that included a raised bed or wooden pallet;
- a bed, large enough in size for the Greyhound to be able to lay down completely when stretched out; and
- with bedding that was warm, soft and dry and made of materials that are safe for greyhounds.

³ Effective 1 May 2022.

⁴ NSW Greyhound Welfare Code of Practice (May 2020) see Part 1.3.

20. Photographs and video footage considered by the decision makers show a kennel with a Colourbond steel wall to the rear and right-hand side and a wire mesh wall on the left-hand side, with a partial Colourbond steel wall and dividing panel at the rear to provide shelter. The floor is made from concrete. On one side of the (divided) kennel is a raised metal framed bed which appears to be in the style of a trampoline bed. On the other side of the dividing wall is a piece of melamine chipboard elevated on some common bricks.⁵ It is noted that the Kennel contained two metal water bowls, and three to four blankets or pieces of 'bedding' which were scattered on the concrete floor.
21. During the Hearing, Polidano submitted that the Greyhound was provided with appropriate bedding and bedding materials, and that the Greyhound would continually pull the bedding materials off the 'bed', and onto the concrete. He submitted that this was a matter which he could not be held accountable for. That is to say, it was the Greyhound's actions in effect, which caused the breach and not any action or inaction on his part.

Hearing Transcript⁶

Polidano *"It had bedding there. The dog pulled the bedding out and lays on the concrete. He would have seen the blankets on the concrete, he would have seen the blankets on the fence hanging up."...*

... "It had bedding, there's two dogs in the one kennel, they pull it off, the bed is about that high, and its got a wooden platform where the dogs lay, and the dog pulls the blanket off. He's only a 19 month old pup, he pulled the blankets off and he lays on the concrete and that's how he must have, I thought it was a dog bite, but that's how he must of got the [injury]"...

22. It is our view that the bed was not compliant with Standard 5.12 of the Code of Conduct, in that the melamine sheet provided as a bed, was not of sufficient size for the Greyhound to be able to lay down completely stretched out.
23. Moreover, being apparently aware that the Greyhound had a habit of pulling the bedding materials off the bed, Polidano had a duty of care to undertake actions to either suitably secure or tether the bedding to the 'bed', such that the Greyhound could not remove it, or in the alternate, provide a substitute form of bed, such as a trampoline bed which would prevent the greyhound from doing this. Polidano's argument in essence, is like a parent saying, '*my child kicks its blankets off at night, so I no longer have a duty or obligation to ensure the child is warm*'.
24. We note that the melamine sheet provided as a bed to the Greyhound, had jagged edges which we believe presented and unacceptable injury risk to the Greyhound.

⁵ See for example Photographs 1 and 2 contained within the Brief of Evidence.

⁶ @ 29:57

25. In summary, we do not believe a piece of scrap melamine, elevated on a couple of common bricks, of inadequate size and with no bedding which in general, is 'safe and warm' was provided. As we will come to later, this lack of adequate bedding no doubt contributed to the wounds occasioned to the Greyhound.
26. For clarity, on the evidence, there were two greyhounds housed within the kennel area, one being Dobby. Whilst one of these bedding areas was likely compliant with the rules. The other we find on the whole of the evidence to be Dobby's bedding area and it is this bed which relates to this charge.
27. After discovering the Greyhound and its injuries, Commission Inspectors seized the Greyhound and took it to the veterinary clinic at the NSW Animal Welfare League (**AWL**) located at Kemps Creek. At the AWL, the Greyhound was treated by Dr Riley McCormick-Dekker (**McCormick-Dekker**) a veterinary surgeon employed by the AWL.
28. McCormick-Dekker is a qualified veterinarian, holding a Doctor of Veterinary Medicine from the University of Melbourne and a Bachelor of Science (Physiology) from the University of New South Wales. She is currently a registered veterinarian in the State of New South Wales. We regard McCormick-Dekker as an expert witness in this matter.
29. On 7 June 2024, McCormick-Dekker prepared a statement in relation to this matter following her examination of the Greyhound on 24 April 2024 after its seizure by the Commission.⁷ In her statement at paragraph 5, McCormick-Dekker notes:
- "My interpretation of Dobby's physical exam findings was that the wounds were more consistent with pressure sores than those of a dog attack. This is based on the fact that they are symmetrical on both the right and left sides and occur at sites of boney protrusion. Additionally, Dobby is underweight which makes him more at risk of developing pressure sores when not housed in an appropriate environment."* [emphasis added]
30. On 13 June 2024, Commission Veterinarian Dr Margaret A Brownlow (**Brownlow**) provided an expert witness statement under Section 177 of the *Evidence Act NSW* (1995) in relation to this matter.⁸
31. Brownlow is employed by the Commission as a contract veterinarian in a role she has held since 2019. She has specialised knowledge based on the following training, study, and experience as a veterinarian, having completed a Bachelor of Veterinary Science degree at the University of Sydney and having worked for ten years at the Rural Veterinary Centre as a Tutor in Anaesthesia and Intensive Care.

⁷ Statement by Dr Riley McCormick-Dekker dated 7 June 2024

⁸ Statement by Dr Margaret A. Brownlow dated 13 June 2024.

32. Brownlow was later employed as an On Track Veterinarian for (horse) Racing NSW. She also holds a Master of Veterinary Science, a Master of Nursing, a Diploma in Public Health, and a Master of Brain and Mind Sciences. She is also a member of the Australian Greyhound Working and Sporting Dog Veterinarians Special Interest Group.
33. Dr Brownlow is currently a registered veterinarian in the State of New South Wales. We regard Brownlow as an expert witness in this matter.
34. As a part of the investigation conducted into this matter, Brownlow was provided with photographs taken of the Greyhound's wounds and asked to provide an opinion.
35. In her statement, Brownlow states:
- "The symmetrical nature of these wounds and their distinct anatomical location over specific bony prominences, i.e., the greater trochanter of the femur and the tibial crest, indicates that their origin is pressure related (see Figure 5) from lying on hard surfaces. The fact that the Greyhound "NKHDB" was obviously underweight would also have predisposed it to pressure sores, especially if it had not been housed in an appropriate environment...."*
- ...One of the most important aspects of this case is the severity of the wounds and complexity of the ongoing veterinary care required for the healing of such deeply ulcerated pressure sores....*
- ...I have no doubt that the lesions on the Greyhound "NKHDB" were pressure sores..."*
- ..More likely, however, is the possibility that Mr. POLIDANO was underfeeding the Greyhound "NKHDB", increasing its predisposition to pressure sores...⁹ [emphasis added]*
36. Pressure sores or pressure ulcers are areas of damage to the skin and the underlying tissue caused by constant pressure or friction.
37. Having considered the physical bedding materials provided for the Greyhound by Polidano, together with reviewing the expert opinions from McCormick-Dekker and Brownlow, who both suggested the injuries to the Greyhound were pressure sores, we are of the view that the Greyhound, all things considered, was not provided with an adequate bed and bedding.
38. We find Charge One proven.

⁹ ibidem 8 see paragraphs 10 and 11.

**Charge Two – Rule 21(1)(d) - Veterinary Attention &
Charge Three – Rule 21(2) - Pain and Suffering**

39. Rule 21(1)(d) of the NSW Greyhound Racing Rules¹⁰ states that:

“Proper care for and welfare of greyhounds

A person must ensure that any greyhound in the person's care or custody, is at all times provided with:...

(d) veterinary attention when necessary...”

40. At the time of the inspection by the Commission Inspectors, being the 24 April 2024, the Greyhound was in the care of Polidano, and it was suffering an injury.

41. Specifically, in the period leading up to 24 April 2024 Polidano failed to provide veterinary attention to the injured Greyhound when necessary.

42. After seeing the Greyhound and observing its injuries on the 24 April 2024, Commission Inspectors seized the Greyhound and took it to the Veterinary Clinic attached the NSW Animal Welfare League (**AWL**) located at Kemps Creek.

43. At the AWL, the Greyhound was examined and treated by McCormick-Dekker.

44. In her statement of McCormick-Dekker states:

“On physical examination, Dobby was found to be 10% underweight with four symmetrical full thickness dermal wounds on the lateral aspects of both hips and stifles (knees). The wounds on either hip were filled with unhealthy, mottled granulation tissue, a green coloured film and a moderate amount of straw-coloured discharge. A sample was taken from this discharge and examined microscopically in clinic which were suggestive of a local infection. From my expertise I estimated the wounds to be approximately 2 weeks old based on the amount of unhealthy granulation tissue filling the wound and the amount of contracture of wound edges....Treatment including pain relief, an antibiotic and a heavily padded bed was commenced....Dobby is underweight which makes him more at risk of developing pressure sores when not housed in an appropriate environment...”¹¹ [emphasis added]

She further states:

“My recommendation was to surgically debride the unhealthy tissue within the wounds, removing any necrotic tissue and allow the wounds to close over time

¹⁰ op cit 3

¹¹ op cit 7 paragraph 4

through second intention healing while providing wound care along with antibiotic and pain relief treatment. [emphasis added]

On 26/4/24 surgical debridement and flushing of the wounds was performed under a general anaesthetic and a tie over bandage was placed.

Dobby stayed in the Animal Welfare League hospital NSW under our care until 1/5/24.”¹²

45. Key aspects of McCormick-Dekker’s assessment include:

- a. The Greyhound was 10% underweight;
- b. The four wounds on the Greyhounds hips and stifles (knees) were filled with unhealthy tissue and had discharge with a local infection;
- c. The wounds were estimated to be some two (2) weeks old;
- d. Treatment included pain relief, indicating that in Dekker’s expert opinion, the Greyhound was experiencing pain and suffering;
- e. The wounds were consistent with pressure sores (which goes to charge (i) above); and
- f. Treatment was so significant, and such were the extent of the Greyhound’s injuries that it was necessary for the Greyhound to be given a general anaesthetic to surgically debride and flush the Greyhound’s wounds.

46. In her statement of the 13 June 2023 in relation to this matter, Brownlow states:a

*“The photographs show large open wounds located in the areas of the left and right hip, and left and right stifle...these are significant wounds which, judging by the depth of the hip lesions (down to the underlying muscle layer), had probably been present for some time.... their origin is pressure related from lying on hard surfaces.... The fact that the Greyhound "NKHDB" was obviously underweight would also have predisposed it to pressure sores, especially if it had not been housed in an appropriate environment...*¹³

...MR. POLIDANO failed in his duty of care by neglecting the presence of these sores in the Greyhound "NKHDB", which are the worst I have ever seen. The dog was not provided with veterinary attention when necessary. In my opinion, the wounds were serious, and the degree of pain would have made it extremely difficult for the dog to rest in lateral recumbency...

*I have no doubt that the lesions on the Greyhound "NKHDB" were pressure sores....*¹⁴ [emphasis added]

¹² op cit 7 paragraphs 6 through 8

¹³ op cit 7 see paragraph 7

¹⁴ op cit 7 see paragraph 9 and 10

47. Brownlow further states:

“It is also apparent the Greyhound “NKHDB” was underweight when in the care of Mr. POLIDANO. According to records from the Animal Welfare League (see Clinical Summary from Dr. Riley McCormick-Dekker) at the initial assessment, “NKHDB” weighed 26.5 kg, which was considered 10% underweight, with an ideal weight estimated at 29.2 kilogram. This could reflect the effects of the wounds on the medical status of the dog. Such deep and extensive wounds are commonly associated with high white cell counts and loss of protein-rich fluids from the body. More likely, however, is the possibility that Mr. POLI DANO was underfeeding the Greyhound “NKHDB”, increasing its predisposition to pressure sores.”

The medical profession grades such pressure injuries from 1 to 4 in terms of severity. The pressure sores in this dog were Stage 4, characterised by full thickness skin and tissue loss. A distinguishing feature is that there is visible exposed muscle, and other structures. The complications of such wounds, if left without care, could be infection of soft tissue, of underlying bones and joints, and whole-body sepsis. A combination of these could even be life-threatening. This dog will probably never race and may have a chronic disability for the rest of its life. If treatment had been provided early in the disease process, this situation may have been completely avoided.¹⁵ [emphasis added]

48. When questioned by Commission Inspector Turner at the Property on 24 April 2024, Polidano provided the following answers to questions asked of him.¹⁶

Q174

Turner *“Okay. So, I’m an inspector under the Greyhound Racing Act, okay, and to let you know I’m wearing body worn cameras recording audio visual. Notice a dog has got an injury onto both flanks.”*

Polidano *“He’s been to the vet. He’s been cleaned up. It’s not healing. He’s got yellow – we’ve got yellow stuff on it....”* [emphasis added]

Q184

Turner *“When was the last time that dog saw a registered veterinarian?”*

Polidano *“Not long ago when he first got the bites.”*

Turner *“So, it’s – yeah, give me a time?”*

Polidano *“Give you a time. Come on. How would I – a month ago, a month and a half ago.”* [emphasis added]

Turner *“A month ago?”*

¹⁵ op cit 7 see paragraph 11 and 12

¹⁶ see Transcript of Interview between Turner and Polidano – 24 April 2024

Polidano *"I don't know. When he first went to the vet. The thing is healing. It's pink. It's – it's healing. What do you want me to do?" [emphasis added]*

Turner *"Are you – so, which vet did it – the dog attend?"*

Polidano *"Chris at Colyton" [emphasis added]*

Turner *"Chris at Colyton?"*

Polidano *"Yes" [emphasis added]*

Turner *"Over a month ago?"*

Polidano *"Same as the pup with the stitches mate. Do you want to have a look at her too?"*

Q195

Turner *"Okay. You – you're not concerned about that – the – the injuries on that dog?"*

Polidano *"If I wasn't concerned about the injuries Flett I wouldn't have taken him to the vet and I wouldn't be putting stuff on him. He wouldn't have been antibiotics. It – it's pink. It's healing." [emphasis added]*

Turner *"So, the dog is currently on antibiotics?"*

Polidano *"He just – I just put stuff on him. You've seen me put stuff on him. The antibiotics is finished. They're only on tablets for 14 days man."*

A229

Polidano *"I can't help a dog getting attacked. It was about two months ago, probably longer." [emphasis added]*

Turner *"So, two – two months ago it had – it was – the injury occurred?"*

Polidano *"I don't know the exact date Flett come on man. How do I – I don't write when he got bitten. Went to the vet and that one went to the vet, and she got 14 stitches and that was it. Done. She's going back today to get the stitches out. I've got to get him to have a look while I'm there. What do you want me to say?" [emphasis added]*

Turner *"Well, do you feel that that wound didn't deserve a second visit to the vet after a month?"*

Polidano *"I'm not a vet. He told me it will heal. What do you want me to say? I put the stuff on. He's on antibiotics. It was heaps bigger than that. What do you want me to say? I'm not a vet mate. keep giving him the tablets. What do you want me to say?" [emphasis added]*

Q247

Turner *"So – so – just so we're clear, the dog went to the vet, Chris Pappanjayous, at Colyton Vet one month ago and hasn't had any" [emphasis added]*

Polidano *"I said a month and a half, two months ago" [emphasis added]*

Polidano *"Not one month. Don't change words."*

Turner *"Okay. Okay. So, two months ago?"*

Polidano *"Roughly. I don't know. I can't – how am I supposed to guess the date? I didn't write it down."*

Turner *"Okay. And, since the two months ago when it went to the vet, it hasn't seen a vet since there?"*

Polidano *"He just finish – I'm going today. He just finish – I'm putting that yellow stuff – he just finished tablets."*

Q259

Turner *"Okay. And, the – the vet put it on a course of antibiotics? Is that – is that"*

Polidano *"I got antibiotics. I'm putting the dog on antibiotics to look after the dog."*

Q262

Turner *"Did – did Chris Pappanjayous provide you a course of antibiotics for this dog?"*

Polidano *"I had antibiotics from – cause yeah for the other dogs. I just gave him antibiotics. What's the difference?"*

Turner *"Well, it needs"*

Polidano *"It's antibiotics"*

Turner *"It needs to be prescribed by the vet."*

Polidano *"It's still the same fucking vet. It's the same vet. Antibiotics for her, antibiotics for him, what's the difference?"*

Turner *"Okay. So, did vet, did Chris Pappanjayous the vet tell – tell"*

Polidano *"Oh my God. Don't ask me if Chris – Chris checked him. He checked him."*

49. In response to multiple questions from Turner, Polidano repeatedly indicated that the Greyhound had been taken to and examined and treated by Dr Chris Papantonio (incorrectly referred to as Pappanjayous) at the Colyton Veterinary Clinic (**Colyton Vet**), which is located at Oxley Park.

50. As a part of the investigation into this matter, Turner and Inspector Lisa Londregan (**Londregan**) attended the Colyton Vet to substantiate the veracity of claims made by Polidano at the Property.
51. On attending the Colyton Vet, Turner made inquiries with the front counter staff who confirmed verbally to Turner that they had no records of the Greyhound ever having been presented to the Colyton Vet for treatment by Polidano.¹⁷
52. Based on the evidence of two expert veterinarians (McCormick-Dekker and Brownlow), the Greyhound required veterinary attention.
53. During the Hearing into this matter, Polidano was asked:
- Ch Comm *“You would accept the fact that the dog’s your responsibility?”*
Taylor
- Polidano *“I do now yes, I do now.”¹⁸*
54. It was the responsibility of Polidano, as the owner of the Greyhound, to ensure the provision of necessary care to the Greyhound, including veterinary attention when necessary.
55. At the time the Commission Inspectors visited the Property on 24 April 2024, the Greyhound was clearly suffering an injury with a number of obvious wounds requiring attention.
56. We find that the evidence establishes that, in the period leading up to 24 April 2024, Polidano failed to provide veterinary attention to the injured Greyhound when necessary.
57. Based on the evidence of two expert veterinarians (McCormick-Dekker and Brownlow), the Greyhound would have been suffering and been in pain during this time. We find that Polidano’s failure to provide veterinary attention to the Greyhound has subjected the Greyhound to unnecessary pain and suffering.
58. The claims made by Polidano on 24 April 2024, that he took the Greyhound for examination and treatment at the Colyton Vet, are untrue.
59. We find Charges Two and Three proven.

¹⁷ op cit 3, see paragraphs 30 and 31.

¹⁸ Refer Recording @ 35:50

Charge Four – Rule 151 - Treatment Records

Rule 151 of the NSW Greyhound Racing Rules¹⁹ creates an obligation for **Treatment records** to be kept. It states:

- (1) *“The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

 - (a) *from the time the greyhound enters their care until the greyhound leaves their care; and*
 - (b) *for a minimum of two years.**
- (2) *If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.”*

60. On 24 April 2024, during the kennel inspection of the Property, Polidano failed to produce written treatment records for the Greyhound in his care when requested by an authorised person, being Turner.

61. Regarding this matter we refer to the below questions and responses between Turner and Polidano, during the Property inspection.²⁰

Q202

- Turner *“Okay. So, have you got treatment records for that dog?”*
- Polidano *“I’ve had to – probably in storage. I moved. I haven’t got them here on me. I don’t know if they’re in the other car. I don’t know where they are.”*
- Turner *“Did – did you do treatment records for that dog?”*
- Polidano *“He’s not raced. He’s not named.”*
- Turner *“Yeah, I – yeah, he’s still – still got to have treatment records.”*
- Polidano *“Well, I haven’t got one for them. I don’t know. I don’t know if it’s probably other house. I don’t know I moved.”*
- Turner *“So, you don’t have treatment records for that dog?”*
- Polidano *“I’ve got treatment – you’ve checked them – mate you were here a month or two months and you’ve seen the treatment books. I don’t know where the treatment books are. They could be in storage, could be anywhere.”*

¹⁹ Effective 1 May 2023

²⁰ op cit 11

Turner *"Okay. So, at this time you're currently unable to provide me treatment records for that dog?"*

Polidano *"Yes, 100%"*

Turner *"Okay."*

Polidano *"At this time I can't. I don't know where they are. Could be in storage, they could be in Mark's"*

Q250

Turner *"Okay. And, do – well you're supposed to keep treatment records to record that stuff."*

Polidano *"I've just told you the treatment book"*

Turner *"Yeah, I know."*

Polidano *"Got the treatment book for him. I don't know where. It could be in the van. The van's up at frigging."*

62. Polidano was unable to provide the treatment records for the Greyhound despite numerous requests from Turner.

63. Of concern is the fact that when Polidano was asked about treatment records for the Greyhound by Turner (at Q203), his responses indicate that he was of the belief that because the Greyhound, was unnamed and therefore unraced, he was not required to keep treatment records reflecting the treatment and/or medications it received whilst in his care. For a greyhound racing industry participant who has been in the industry for nearly 30 years, to have such a fundamental misunderstanding as to his obligations under the Greyhound Racing Rules is concerning.

64. In this regard, we refer to the below questions and responses between Turner and Polidano, during the Property inspection.²¹

Q203

Turner *"Did – did you do treatment records for that dog"*

Polidano *"He's not raced. He's not named"*

Turner *"Yeah, I – yeah, he's still – still got to have treatment records"*

²¹ op cit 11

Polidano *“Well, I haven’t got one for them. I don’t know. I don’t know if it’s probably other house. I don’t know.”*

65. This response indicates to us, that it is likely, that Polidano never maintained treatment records for the Greyhound.
66. When questioned in relation to treatment provided to the Greyhound and specifically administering antibiotics to the Greyhound, we note the below questions and responses between Turner and Polidano, during the Property inspection.²²

Q262

Turner *“Did – did Chris Pappanjayous provide you a course of antibiotics for this dog?”*

Polidano *“I had antibiotics from – cause yeah for the other dogs. I just gave him antibiotics. What’s the difference?”*

Turner *“Well, it needs...”*

Polidano *“It’s antibiotics”*

Turner *“It needs to be prescribed by the vet”*

Polidano *“It’s still the same fucking vet. It’s the same vet. Antibiotics for her, antibiotics for him, what’s the difference?”*

Turner *“Okay. So, did vet – did Chris Pappanjayous the vet tell – tell”*

Polidano *“Oh my God. Don’t ask me if Chris – Chris checked him. He checked him”*

67. Antibiotics are Schedule 4 drugs under Appendix D of the *Poisons and Therapeutic Goods Regulation 2008* (NSW). Schedule 4 drugs can only be prescribed for administration to an animal, including a greyhound, by a Veterinary Practitioner. If Polidano administered antibiotics prescribed by a veterinary practitioner for another greyhound, to this Greyhound, this would be a concerning practice (and potentially a breach of the Rules) and may explain why no treatment records were available for the Greyhound.
68. Either Polidano at no time provided treatment to the Greyhound, including the administration of an antibiotic, albeit a drug not prescribed for the Greyhound by a Veterinary Practitioner, or in the alternate, Polidano, did in fact administer a Schedule 4 drug, being an antibiotic, to the Greyhound, in the circumstance where the antibiotic was never actually prescribed for the Greyhound as required.

²² op cit 11

69. The available evidence does not allow these questions to be further pursued, but in either case, it is a concerning act on the part of Polidano and raises a question as to whether he is a fit and proper person to hold a registration with the Commission. This though is not a consideration for the present circumstance.

70. We find Charge Four proven.

Charge Five – Rule 156(g)– Abuse

71. Rule 156 of the NSW Greyhound Racing Rules²³ relates to General Offences and states:

“An offence is committed if a person (including an official):

(g) wilfully assaults, obstructs, impedes, abuses, interferes with, threatens or insults:

...(ii) any officer, employee or member of a Controlling Body;

...in or at any place, including at or in the vicinity of the place where an inquiry, other disciplinary process, hearing or appeal proceeding is to take place, is taking place or has taken place.”

72. On 24 April 2024, during the attendance at the Property by Commission Officers, Polidano during his interview and conversation with Turner made statements and comments towards and about Turner, including:

Q254

Turner *“Okay. And, since the two months ago when it went to the vet, it hasn’t seen a vet since there?”*

Polidano *“He just finish – I’m going today. He just finish – I’m putting that yellow stuff – he just finished tablets.”*

Turner *“Okay.”*

Polidano *“And, I told you five times. Rewind it and press play Flett.” [emphasis added]*

Turner *“Okay. Just so we’re clear.”*

Polidano *“Oh”*

Turner *“Just so we’re clear.”*

Polidano *“Mate, you’re annoying me. You just ask the same questions 10 times. You’re dumb.” [emphasis added]*

²³ Op cit 2

- Turner *"I get it."*
- Polidano *"It's dumb. It's stupid." [emphasis added]*
- Turner *"Okay. And, the – the vet put it on a course of antibiotics? Is that – is that."*
- Polidano *"I got antibiotics. I'm putting the dog on antibiotics to look after the dog."*
- Turner *"Did."*
- Polidano *"You've – you're asking me if I'm fricking treating the dog Flett."*
- Turner *"Yeah."*
- Polidano *"Leave me alone. It's ridiculous." [emphasis added]*
- Q265**
- Turner *"Okay. So, did vet – did Chris Pappanjayous the vet tell – tell"*
- Polidano *"Oh my God. Don't ask me if Chris – Chris checked him. He checked him."*
- Turner *"Okay."*
- Hughes *"Calm down mate."*
- Polidano *"Well, please tell him. Get off my"*
- Hughes *"Richard just calm down, you don't want to get into trouble."*
- Polidano *"You're an idiot, Flett. Fuck 15 times" [emphasis added]*
- Turner *"Okay. Please don't - -"*
- Polidano *"You just asked me the same question."*
- Turner *"Okay. Just so it's clear in my mind."*
- Polidano *"You're an idiot. Just – you don't ask the – you ask the same stupid questions mate." [emphasis added]*

73. It is our view that some responses provided by Polidano to questions, and clarifications sought by Turner, as listed above, were wilfully obstructive, had the effect of impeding or interfering with an investigation, were abusive, and were insulting to an Officer and employee of a Controlling Body, being Inspector Turner and the Commission.

74. We find Charge Five proven.

Charge Six – Rule 164(a) – False Statements

75. Rule 164(a) of the NSW Greyhound Racing Rules²⁴ relates to “Offences in relation to investigations and inquiries”. It states:

“An offence is committed if a person (including an official):

(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound;...”

76. In relation to this matter and this Greyhound, on 24 April 2024, Polidano made statements to Commission Inspectors that the Greyhound had been seen by a veterinarian at the Colyton Vet between one and two months prior to 24 April 2024.

77. In response to multiple questions from Turner, Polidano repeatedly indicated that the Greyhound had been taken to, examined and treated by Dr Chris Papantonio at the Colyton Vet, Oxley Park.

78. As a part of the investigation into this matter, Turner and Inspector Lisa Londregan attended the Colyton Vet to substantiate the claims made by Polidano at the Property on the 24 April 2024 that the injured Greyhound had attended the Colyton Vet for treatment.

79. Turner spoke to front counter staff at the Colyton Vet who confirmed verbally to him that Colyton Vet had no records of the injured greyhound having ever been presented to the Colyton Veterinary Hospital for treatment by Polidano.²⁵ This is evidenced in paragraph 31 of a statement made by Turner on 4 June 2024, in relation to this matter.

80. On the basis of the transcript evidence from the interview between Turner and Polidano dated 24 April 2024²⁶, much of which has already been cited in this decision and does not require repeating, and on the basis of the inquiries undertaken by Commission Inspectors with Colyton Vet we find that the statements made by Polidano that the Greyhound was treated for its injuries by Dr Chris Papantonio at the Colyton Vet, located at Oxley Park were false.

81. Moreover, during the Hearing, it was put to Polidano that during his interview with Turner, he was asked by Turner:

Taylor *“...he’s been to the vet. He’s been cleaned up. It’s not healing... Do you stand by that answer?”*

²⁴ op cit 5
²⁵ op cit 15
²⁶ op cit 11

Polidano *"Yeah."*²⁷

Taylor *"...and the further on that question, at 184 you're asked, when was the last time that dog saw a registered veterinarian? And your answer was not long ago when he first got the bites."*

Polidano *"that's right, that's what my old man told me".*

82. Later when asked:

Taylor *"...was that a correct statement that the dog was seen by Chris at Colyton Vet or was that statement incorrect?"*

Polidano *"Well obviously incorrect".*

Taylor *"...but in relation to this particular dog, the records indicate the dog didn't receive treatment. Isn't that true?"*

Polidano *"Off a vet no, I was aware from my Dad that the dog was looked at by a vet."*²⁸

83. A key function of the Commission is to ensure the welfare of greyhounds registered with the Commission to ensure their good health and well-being. This includes ensuring that greyhounds receive appropriate treatment for illness and injuries when necessary. The importance of this function and the truthfulness of related communications between industry participants and the Commission, is critical to guarantee the well-being of all registered greyhounds. This becomes most important, when a greyhound is suffering and in pain.

84. The Commission relies upon the honesty and truthfulness of greyhound industry participants in all dealings with the Commission. If any participant is less than truthful in making their declarations and attestations to the Commission, the system will fail.

85. For the Commission to continue to maintain public confidence in its role, functions and undertakings, it relies on participants being truthful. Investigations are a circumstance where the outcome of the process is intrinsically linked to the veracity of each industry participant. An untruthful participant has the ability to negatively impact the brand and reputation of the sport, and completely damage both the public's confidence in the sport of greyhound racing.

86. It is a privilege to be registered in the greyhound racing industry, not a right. With that privilege comes a responsibility to be truthful in all dealings with the Commission, so that the Commission may perform its functions effectively. It is unacceptable in any circumstance, for a declaration by a participant to be inaccurate or untruthful, excepting the case of genuine mistake or oversight.

²⁷ Refer Recording @ 37:40

²⁸ refer Hearing at 44:25

87. For these reasons, matters deemed to be an act of providing false or misleading statements must be dealt with harshly, as a matter of both specific and general deterrence.

88. We find Charge Six proven.

DECISION ON PENALTY

89. On 20 June 2024 we wrote to Polidano advising him of the above charges (**Notice**). In that Notice, we formally advised Polidano of the penalties that we were considering imposing if the charges were proven. The penalties we proposed were as follows:

Charge 1: Rule 21(1)(c)	Six (6) month disqualification;
Charge 2: Rule 21(1)(d)	Five (5) year disqualification;
Charge 3: Rule 21(2)	Five (5) year disqualification;
Charge 4: Rule 151	\$200 fine;
Charge 5: Rule 156(g)	Twelve (12) month disqualification; and
Charge 6: Rule 164(a)	Eighteen (18) month disqualification.

90. In the Notice, we invited Polidano to attend a Hearing on 9 July 2024, which he attended. He entered a not guilty plea to all charges and made submissions. The submissions stated the following, in summary:

- He thought the proposed penalties ‘*were a bit harsh*’; and
- He suggested, the fact that he was not ‘living with the dog’ eroded or abolished his responsibility and duty of care towards the Greyhound.²⁹

91. In relation to Polidano’s second submission, we have had regard for the words of the Honourable G J Bellew SC in a recent Appeal decision where his Honour stated when considering the responsibilities of a greyhound owner that:

“As far as drawing any connection between the condition of the greyhound and the Appellant is concerned, the simple fact is that the Appellant, on his own admission, owns the greyhound. With such ownership comes the responsibility of ensuring the welfare of the greyhound. That responsibility cannot be abdicated by leaving the greyhound in someone else’s care.”³⁰

²⁹ Hearing Transcript at 59:00

³⁰ Richard Jason Polidano v Greyhound Welfare And Integrity Commission – NSW Racing Appeals Tribunal, 30 May 2024

92. What flows in simple terms, is that the owner of a Greyhound cannot abrogate his or her responsibility for ensuring the welfare of a greyhound. As such, we reject Polidano's second submission.

93. We have determined to impose the following penalties:

Charge 1: Rule 21(1)(c)	Six (6) month disqualification;
Charge 2: Rule 21(1)(d)	Four (4) year disqualification;
Charge 3: Rule 21(2)	Four (4) year disqualification;
Charge 4: Rule 151	\$200 fine;
Charge 5: Rule 156(g)	Twelve (12) month disqualification; and
Charge 6: Rule 164(a)	Eighteen (18) month disqualification.

94. When determining this matter, we have also had reason to consider whether the above penalties should be served concurrently or cumulatively. In considering this, we note that the offences for Charges 1 through 4 relate to Mr Polidano's care of the Greyhound, and Charges 5 and 6 relate to his attitude and uncooperativeness with the Commission in respect of its investigation. Noting the distinction between these two groups of offending, we have determined that the penalties should be served as follows:

Charges 1, 2 and 3	Penalties served concurrently, totaling a four (4) year disqualification (" Group One ");
Charge 4	\$200 fine
Charge 5 & 6	Penalties served concurrently, totaling an eighteen (18) month disqualification (" Group Two ");

With the penalties for Groups One and Two to be cumulative, resulting in a total disqualification period of five (5) years and six (6) months.

95. We are of the view that a total penalty of a \$200 fine and a five (5) year, six (6) month disqualification is appropriate in the circumstances, having regard to the totality of offences and the need for a message of general and specific deterrence to be sent both to the industry as a whole and to Polidano himself.

96. We note that Mr Polidano has been subject to an interim suspension since 30 April 2024. The period served on interim suspension will be taken into account as ‘time served’. Accordingly, Mr Polidano’s disqualification period will end on 31 October 2029.

97. In taking this disciplinary action, we have considered all evidence and submissions before us, including:

- The Commission’s objectives pursuant to section 11 of the Greyhound Racing Act 2017, being to:
 - Promote and protect the welfare of greyhounds; and
 - Maintain public confidence in the greyhound racing industry;
- The objective seriousness of the conduct being of a very high level, involving serious animal welfare offences;
- The pleas of not guilty entered by Polidano, meaning that he was not entitled to any discount for an expression of remorse;
- The submissions made by Polidano in respect of the matter and the circumstances surrounding the offending;
- The need for both general and specific deterrence in respect of animal welfare related offences, and offences that impact the Commission’s ability to effectively undertake investigations;
- The length of time that Polidano has been registered, a period of approximately 29 years; and
- Polidano’s disciplinary history, which includes
 - Two prior prohibited substance offences, one in 2016 and one in 2023;
 - Two prior offences for failing to comply with a steward’s direction; and
 - A prior offence for being involved in an altercation at a racetrack.

.....Ends.....