



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 6 May 2020

Decision-maker: Director Legal Services, Matthew Tutt

Name of relevant person: Mr Shane Polson

Track: N/A

Date: Various

Rule no.: Rule 95(8)(a)(i)

Charge(s): (1) Mr Polson was convicted of offences under sections 9(1)(b) and 10(1) of the *Prevention of Cruelty to Animals Act 1986* (Vic) ("**POCTAA Victoria**") by the Moorabbin Magistrates' Court on 5 September 2018 and offences under sections 5(3)(c) and 6(1) of the *Prevention of Cruelty to Animals Act 1979* (NSW) ("**POCTAA NSW**") and section 530(1) of the *Crimes Act 1990* (NSW) by the Dubbo Local Court on 12 November 2019.

Disciplinary action taken: Disqualified for life

REPORT:

On 16 March 2018, Greyhound Racing NSW ("**GRNSW**") imposed an interim suspension of Mr Polson's owner registration pending the finalisation of RSPCA Victoria's criminal proceedings against Mr Polson.

On 5 September 2018, Mr Polson was prosecuted at the Moorabbin Magistrates' Court for animal cruelty offences occurring in Victoria on 15 December 2017.

On 12 November 2019, Mr Polson was prosecuted by the Dubbo Local Court for animal cruelty offences, together with an intimidation offence, occurring in Dubbo on 5 July 2018 and on 10 March 2020 Mr Polson was sentenced.

After considering the evidence, the Commission charged Mr Polson with a breach of Rule 95(8)(a)(i) of the Commission's Greyhound Racing Rules ("**Rules**").

Mr Polson was notified of the charge in writing and provided a reasonable opportunity to reply, however Mr Polson did not respond.

The disciplinary action was conducted in writing.

DECISION:

1. Mr Polson was, at all material times, a registered owner in NSW.

Victorian offences

2. On 16 March 2018, GRNSW imposed an interim suspension of Mr Polson's owner registration pending finalisation of RSPCA Victoria's criminal proceedings against Mr Polson.
3. On 5 September 2018, Mr Polson was prosecuted at the Moorabbin Magistrates' Court and, on pleas of guilty, he was convicted of:
 - An offence under section 9(1)(b) of POCTAA Victoria; and
 - An offence under section 10(1) of POCTAA Victoria, in circumstances where on 15 December 2017 Mr Polson being found to house 4 greyhounds (with one deceased) and 3 Labradors in a six-berth dog trailer in an unhygienic state and inadequately ventilated, leading to the seizure of the animals by RSPCA Victoria.
4. Mr Polson was ordered to pay compensation to RSPCA Victoria and disqualified for a period of 4 years from being the person in charge of any greyhound type dog.

NSW offences

5. On 5 July 2018, GRNSW attended Mr Polson's Dubbo property and as a result of that attendance, NSW Police also attended and later commenced criminal proceedings against him.
6. On 12 September 2019, Mr Polson was prosecuted at the Dubbo Local Court and, on guilty verdicts, he was convicted of:
 - 3 offences under section 5(3)(c) of the *Prevention of Cruelty to Animals Act 1979* (NSW);
 - An offence under section 6(1) of the *Prevention of Cruelty to Animals Act 1979* (NSW); and
 - An offence under section 13(1) of the *Crimes Act 1900* (NSW), in circumstances where Mr Polson committed an act of aggravated cruelty upon a greyhound which resulted in the greyhound's death, failed to exercise reasonable care to provide veterinary treatment for three greyhounds he was in charge of when necessary and Mr Polson intimidated a GRNSW official.
7. On 10 March 2020, the Dubbo Local Court in sentencing Mr Polson ordered he was to serve 18-month Community Corrections Orders, an 8-month period of imprisonment

by way of Intensive Correction and he was prohibited from purchasing, acquiring or taking possession of any animal for 5 years.

8. The Commission charged Mr Polson under Rule 95(8)(a)(i), which reads:

(8) The Controlling Body may impose on a person anyone or more of the penalties referred to in sub-rule (1) if –

(a) the person has been convicted of an offence by any court and the Controlling Body is satisfied that:

(i) the nature of the offence is such that the person's continued participation or association with the greyhound racing would be detrimental to the proper control and regulation of greyhound racing.

9. Mr Polson was notified of the charge in writing and provided a reasonable opportunity to reply, however Mr Polson did not respond and the disciplinary proceeding was conducted in writing on the evidence before the Commission.

10. The Commission found the charge proven and took the following disciplinary action against Mr Polson:

To disqualify his owner registration for life.

11. In taking this disciplinary action, the Commission considered all evidence, including:

- The objective seriousness of the offence involving animal cruelty and failures to provide veterinary treatment, being offences involving greyhounds, in addition to the intimidation of a GRNSW official in execution of their duties;
- Mr Polson was an owner registered by the greyhound racing industries in the jurisdictions in which the conduct occurred;
- Mr Polson has been a registered owner in the greyhound industry for a period totalling approximately 25 years.

.....End.....