

IN THE RACING APPEALS TRIBUNAL

LEONARD POLIDANO

Appellant

v

GREHOUND WELFARE AND INTEGRITY COMMISSION

Respondent

REASONS FOR DETERMINATION

DATE OF HEARING **6 August 2026**

DATE OF DETERMINATION **14 August 2026**

APPEARANCES

Mr J Bryant for the Appellant

Mr B Gillies for the Respondent

ORDERS

- 1. The appeal is dismissed.**
- 2. The penalty imposed by Stewards is confirmed.**
- 3. The appeal deposit is forfeited.**

INTRODUCTION

1. By a Notice dated 30 April 2026, Leonard Polidano (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) to impose a disqualification of 7 months, commencing on 3 May 2026, for a breach of r 21(1)(d) of the *Greyhound Racing Rules* (the Rules). A fine of \$300.00 imposed for a related breach of r 148(4) of the Rules is not the subject of the appeal.
2. The Appellant pleaded guilty to the breach of r 21(1)(d) at first instance and maintained that position before me. Accordingly, the sole issue for determination is that of penalty. The Appellant's position is that the disqualification imposed is manifestly excessive in light of:
 1. the objective seriousness of the offending;
 2. a proper assessment of the Appellant's culpability; and
 3. a proper consideration of relevant mitigating circumstances.¹
3. It is noted that on 20 May 2026, I determined that an application made by the Appellant for an order pursuant to cl 20 of the *Racing Appeals Tribunal Regulation 2024* (NSW) should be refused.

THE RELEVANT PROVISION OF THE RULES

4. Rule 21 of the Rules is in the following terms:

Proper care for and welfare of greyhounds

(1) *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.*

¹ Appellant's written submissions, TB 4 at [5].

THE CHARGE

5. The charge against the Appellant is in the following terms:²

At all relevant times the Appellant, as a registered public trainer with [the Respondent] failed to ensure that a greyhound in [his] care or custody was at all times provided with veterinary attention when necessary, in circumstances where:

- 1. On Thursday 8 May 2025 a greyhound owned and trained by [the Appellant] was found at [his] registered kennel address at xxxx with an open and bleeding wound to its right ear.*
- 2. The greyhound suffered the wound sometime between Monday 5 May 2025 and Thursday 8 May 2025.*
- 3. [The Appellant] failed to ensure that an injured greyhound in his care or custody was at all times provided with veterinary attention when necessary.*

THE CASE AGAINST THE APPELLANT

An overview of the offending

6. The Appellant was, at the material time, the registered owner and trainer of the greyhound ear brand NKHDD, known as *Scoot* (the greyhound).
7. On the morning of 5 May 2025, the greyhound was bitten by another greyhound, as a consequence of which it sustained an open wound to its right ear. At approximately 9:45am that day the Appellant, with the assistance of his partner Denise Bremner, transported the greyhound to the surgery of Dr Matthew Kwong. Upon arrival, the Appellant was informed that Dr Kwong was not working on that day. The Appellant did not take the greyhound to an alternative veterinary surgeon, but chose to go home and administer treatment to the greyhound himself.
8. On 8 May 2025, GAP staff attended the Appellant's premises and discovered the injury. The greyhound then underwent a veterinary examination. It was found to have a torn ear, was sedated, and was treated by the administration of light non-adherent bandaging and a NSAID injection.³

² TB 67.

³ TB 50.

The Interview of the Appellant

9. The Appellant was interviewed by officers of the Respondent on 20 May 2025. He explained⁴ that when he went to Dr Kwong's surgery on 5 May, he found that Dr Kwong was not working that day. He said that he "*did not have time*" to take the greyhound to another Veterinary Surgeon and explained that he treated the greyhound himself by washing the wound with "*Betadine and Dettol and so on and ... other stuff*" along with administering "*some antibiotic tablets*". He also referred to administering what he described as "*pain relief*" tablets⁵. It is not entirely clear whether the "*antibiotic tablets*" were one and the same as the "*pain relief tablets*" but it appears that both were given to the greyhound. The Appellant described the injury as "*healing up good*"⁶ at the time of the visit by GAP staff although he appeared to accept that other treatment may have been appropriate.⁷ Given the evidence⁸ of the state in which the greyhound was found on 8 May, the Appellant's assessment of the extent to which the injury had healed was entirely wrong.

The statement from Ms Denise Bremner

10. Ms Bremner confirmed that she had driven the Appellant and the greyhound to Dr Kwong's surgery on 5 May 2025, and that Dr Kwong was not in attendance. She explained that she then took the Appellant and the greyhound home and that she had another (unrelated) appointment that day.⁹

The Expert Evidence

11. Expert evidence provided by Dr Tony Kuipers established that the greyhound had suffered a Class III contaminated traumatic wound.¹⁰ That diagnosis is entirely consistent with the appearance of the wound in a series of photographs with

⁴ TB 34 at Q and A 17.

⁵ Q and A 42 – 43 at TB 36 – 37.

⁶ Q and A 85 at TB 40.

⁷ Q and A 88 at TB 40.

⁸ At [8] above.

⁹ TB 60.

¹⁰ TB 59.

which I have been provided.¹¹ Perhaps more importantly, Dr Kuipers expressed the following opinion:¹²

The injury is consistent with report of being bitten by another dog. I cannot conclude whether treatment has been given. I can say however that treatment with chemicals such as Betadine/Dettol/Hydrogen Peroxide as described are all contraindicated for the treatment of fresh deep open wounds. Such injuries are considered to be painful and distressing for the dog. This type of injury should receive immediate veterinary attention (emphasis in original).

12. The overwhelming conclusion to be drawn from Dr Kuipers' opinion is that the treatment administered by the Appellant was wholly inappropriate.

The disciplinary hearing

13. A disciplinary hearing was held on 27 February 2026 at which the Appellant pleaded guilty to both charges¹³ although as I have previously noted the only charge relevant to the present appeal is that which alleges an offence contrary to r 21(1)(d). Generally speaking, the Appellant confirmed what he had said in his earlier interview regarding the circumstances in which he initially took the greyhound to Dr Kwong's surgery, and later administered his own treatment.¹⁴ The statement from Ms Bremner, which generally corroborated what had taken place,¹⁵ was tendered. Ms Bremner's account of what had taken place was again confirmed by the Appellant.¹⁶

14. The hearing resumed on 24 April 2026, at which time Dr Kuipers was in attendance. Dr Kuipers said the following:¹⁷

The image that I saw was a fresh wound and showed evidence of bleeding and exposed, um, yeah, full thickness of that pinna¹⁸. These types of injuries – traumatic injuries – do require veterinary treatment. They would be painful and

¹¹ TB 43 – 49.

¹² TB 59 – 60.

¹³ TB 76.10 – 76.34.

¹⁴ TB 79.5 – 81.10

¹⁵ TB 81.19 – 81.34.

¹⁶ TB 88.15 – 88.30.

¹⁷ TB 85.42 – 86.1.

¹⁸ A veterinary term for ear flap – see TB 85.38.

somewhat distressing for a greyhound, or any dog, due to the sensitivity in the area.

15. When asked about the treatment which was administered, Dr Kuipers said:¹⁹

I just looked at some of the notes that I have received. And it mentions that Dettol and hydrogen peroxide was used on the wound. Now, I would say this is not the appropriate treatment for this type of injury.

Saying that, however, it wouldn't be unexpected for that to be, how should I describe it, that someone would not consider this a way of treating the wound.

I've actually – there is a misconception that using things like Betadine on wounds, for example, are beneficial. They are not, because they actually cause more death and destruction of the exposed tissue. Betadine should only be used on healthy skin to sort of cut down bacterial load. And it's quite often a misconception.

So, despite it being the incorrect and inappropriate treatment, I don't – I can understand where it is misunderstood to be the correct treatment.

The right treatment for this dog is that it is treated by a vet, and if I'm to outline how it would be managed in clinical practice, the dog would probably be heavily sedated, have the hair clipped, have the wound cleaned, and then either bandaged or have a gel or lubricant or some protectant from the external environment to allow it to heal, and for it to be more comfortable. And, as Mr Polidano mentioned, some form of analgesia for the greyhound for the ensuing days.

THE APPELLANT'S SUBJECTIVE CASE

16. The Appellant was first registered to train greyhounds in or about 1972.²⁰ His disciplinary record is minimal and, importantly, does not include any history of offending of the present kind. There is no issue that he pleaded guilty at the first available opportunity and is entitled to a discount of 25% for the utilitarian value of that plea. He relied upon a series of testimonials which variously described him as “*honest, loyal and reliable*”,²¹ “*respectful and compassionate*”,²² a person whose greyhounds are “*well looked after*”²³ and presented for racing in an “*immaculate condition*”,²⁴ and someone who has a “*love for greyhounds*”.²⁵

¹⁹ TB 86.36 – 87.13.

²⁰ TB 19.

²¹ Allan Williams at TB 22.

²² Sam Simonetta at TB 25.

²³ Daniel Zahra at TB 26.

²⁴ Alan Proctor at TB 29.

²⁵ Peter Lagogiane at TB 31.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

17. The principal submissions advanced on behalf of the Appellant may be distilled into the following propositions:²⁶

1. The Appellant gave his full co-operation to the investigation.
2. A plea of guilty was entered at the first available opportunity.
3. There was no deliberate act of cruelty committed by the Appellant.
4. There was no intentional neglect of the greyhound on the part of the Appellant.
5. The Appellant attempted to obtain veterinary treatment, and only took the action that he did when such treatment could not be obtained.
6. The Appellant is a person of good character.
7. The offending did not reflect a systemic welfare issue.
8. There was a delay in the investigation which should be taken into account in mitigation.

18. It was submitted that having regard to all of these factors, the Appellant's conduct was properly categorised as reflecting poor judgment, and that a reduction in the penalty imposed at first instance was warranted. The Appellant's case, in essence, was that he was guilty of *"an honest but misguided belief that he had healed the injury ... and that no further assistance was required"*.²⁷

19. The Appellant took particular issue with the suggestion that he had displayed a reckless disregard for the welfare of the greyhound, submitting that such a categorisation overstated what had actually occurred.²⁸ It was submitted that the more appropriate categorisation was that this was a case of an error of judgment.²⁹ Whilst it was accepted on the Appellant's behalf that general deterrence remained a relevant consideration, it was submitted that specific

²⁶ Transcript 2.25 – 2.45.

²⁷ Transcript 3.28 – 3.30.

²⁸ Transcript 4.36 – 5.14.

²⁹ Transcript 5.10.

deterrence had little role to play in light of the Appellant's disciplinary history and his undisputed good character.³⁰

Submissions of the Respondent

20. The Respondent submitted that any categorisation of the offending as amounting to nothing more than an error of judgment significantly understated its objective seriousness, and that the Appellant's conduct constituted a complete disregard of an important welfare obligation.³¹ It was submitted that the Appellant's conduct fell materially short of what was reasonably required, and that the objective seriousness of the offending was high.³²

21. The Respondent submitted, in particular, that the fact that the Appellant took the greyhound to Dr Kwong supported the conclusion that he knew that it needed treatment, but then decided to administer his own.³³ It was submitted that this circumstance, in particular, rendered the Appellant's conduct particularly serious.³⁴ It was further submitted that the seriousness of the Appellant's conduct was increased by the fact that in the 3 days which followed his attendance at Dr Kwong's surgery, the Appellant took no steps to obtain veterinary treatment, and that had GAP staff not attended the Appellant's premises on 8 May, the greyhound would have received no treatment at all because the Appellant had clearly formed the view that the steps he had taken were adequate, and that the injury had healed.³⁵

22. The Respondent also pointed to the evidence of Dr Kuipers, along with the evidence of the treatment which was administered on 8 May, as indicating the seriousness of the injury, as well as the entirely inappropriate and inadequate nature of what the Appellant had done.³⁶

³⁰ Transcript 6.7- 6.10.

³¹ Transcript 7.10 – 7.15.

³² Transcript 7.23 – 7.26.

³³ Transcript 7.43 – 7.47.

³⁴ Transcript 8.5.

³⁵ Transcript 8.22 – 8.24.

³⁶ Transcript 8.31 – 8.43.

23. Whilst the Respondent accepted, in general terms, the Appellant's subjective case, it was submitted that in circumstances where the testimonial material was entirely bereft of any reference to the offending, it was deserving of limited weight.³⁷

CONSIDERATION

24. It is appropriate to turn firstly to an assessment of the objective seriousness of the offending. In doing so, it is important to bear in mind that such an assessment must have, as its focus, the identification of the facts, matters and circumstances which constitute such offending. Descriptive labels, whilst sometimes useful to encapsulate a position, must not be permitted to obfuscate what an offender actually did (or failed to do) when committing the offence.

25. With those matters in mind, the following circumstances are relevant.

26. Firstly, the Appellant obviously knew that the greyhound was injured. He also knew that the injury warranted veterinary intervention. Both of those matters are self-evident from the fact that he chose to attend Dr Kwong's surgery to obtain appropriate treatment. Everything that followed from that attendance must be assessed having regard to the Appellant's knowledge of the need for treatment.

27. Secondly, when told that Dr Kwong would not be in attendance, the Appellant decided to return home. That decision was, on the evidence, motivated, at least in part, by considerations of the personal convenience of his partner who had another appointment. Importantly, in making that decision, the Appellant chose not to obtain the treatment of which he knew the greyhound was in need. That was a significant abandonment of responsibility on his part.

³⁷ Transcript 7.27 – 7.33.

28. Thirdly, the Appellant's decision to return home was made in circumstances where the need for the greyhound to be treated, of which the Appellant was aware, had obviously not lessened. The absence of Dr Kwong from his surgery did not mean that the greyhound no longer needed treatment. It meant that Dr Kwong was not available to provide it.

29. Fourthly, Dr Kwong's absence highlighted the obligation placed on the Appellant to consider what treatment alternatives were available. Accepting that his partner had an appointment which prevented her from assisting with transport to another surgery, there is no evidence that the Appellant, knowing that the greyhound needed treatment, gave any real consideration to what other options might have been open to him to take the greyhound to another veterinary surgeon. In this regard I am unable to accept the submission advanced on the Appellant's behalf that the Appellant only took the action that he did when treatment "*could not be obtained*". It was certainly the case that treatment could not be obtained from Dr Kwong. Whether it could have been obtained from somewhere else is not something to which the Appellant appears to have given any, or any proper, consideration. It is difficult to accept that had he undertaken some degree of due diligence, he could not have found someone who was available, and appropriately qualified, to treat the greyhound.

30. Fifthly, and again in circumstances where the Appellant was aware of the need for treatment from someone who (unlike himself) was appropriately qualified to provide it, he decided to administer his own. Such "treatment" was entirely inappropriate. It included the use of substances which, on the evidence of Dr Kuipers, were contraindicated. It also involved the administration of at least one substance which had been prescribed for another greyhound, the chemical properties of which, and their potential effect upon the greyhound, could not possibly have been matters within the Appellant's knowledge.

31. Sixthly, it is open to infer that absent the intervention of GAP staff, no treatment would ever have been administered to the greyhound at all. Whilst it would be

inappropriate to speculate on what might ultimately have occurred in those circumstances, it is clear from the examination undertaken on 8 May that, contrary to the Appellant's assertions, the injury had **not** healed. Indeed, in order to properly treat it, sedation was required.

32. Taking all of those matters into account, the objective seriousness of this offending, and the Appellant's moral culpability, are both extremely high. It is not suggested in any way that the Appellant acted with an intention to cause harm to the greyhound. However, it is necessary to emphasise that the obligations of industry participants to ensure the ongoing welfare of greyhounds in their care are not limited to an obligation to refrain from acts of intentional cruelty. They encompass an unequivocal and ongoing obligation to ensure that all steps are taken to ensure that the welfare of any greyhound in a participant's care is maintained at all times, and that veterinary treatment is administered when it is necessary. In the present case, the necessity for treatment was obvious.

33. Importantly, the Appellant ***knew*** that the greyhound required treatment. He did little to ensure that such treatment was obtained, and instead chose to take the matter, as it were, into his own hands, in circumstances where he was completely unqualified to do so, and where his actions were entirely at odds with what was medically appropriate.

34. Importantly, this is not a case in which the offending is reflected in an isolated act, or an isolated failure to act, on the part of the Appellant. His conduct reflects a series of acts and omissions which amount to what was, in effect, an almost total abdication of the responsibility which is placed on every industry participant to give primacy to considerations of animal welfare in carrying out their duties, and to ensure that veterinary treatment is administered, particularly when the need for it is known and obvious. The suggestion, in all of these circumstances, that the Appellant's conduct should be categorised as an error of judgment is untenable. His conduct was careless in the extreme, and bordered on reckless.

35. For all of those reasons, general deterrence is of particular significance in determining penalty. Whilst each case will always be determined on its own facts, industry participants must clearly understand that a zero tolerance approach will be taken to cases the assessment of penalty in cases involving breaches of welfare obligations. Offences of the present kind will be met with substantial penalties which, absent exceptional circumstances, are likely to include the imposition of a period of disqualification. I emphasise that what might be described as welfare offending is not, as this case demonstrates, restricted to instances of systemic or intentional mistreatment, although offending of that kind might well attract the imposition of higher penalties.

36. Subjectively, I accept that the Appellant has a creditable disciplinary history which has been earned over a long period of time in the industry. It follows that specific deterrence has little role to play in assessing penalty, and the plea of guilty attracts a discount of 25%. That said, there is little in the way of any real expression of remorse. On the contrary, the Appellant's assertion that his "treatment" successfully healed the wound is entirely at odds with the evidence.

37. As the Respondent has pointed out, none of those persons who provided testimonial evidence were, on the face of what they wrote, made aware of the charge against the Appellant, nor of the purpose for which their testimonials would be used. Those factors must affect the weight to be ascribed to them, although I accept that they are generally consistent with the absence of any significant history of offending.

38. Finally, there has been a degree of delay in this matter which is entirely unexplained. The matter came to the Respondent's attention on 8 May 2025. The Appellant was interviewed on 20 May 2025, by which time the nature and circumstances of what had occurred must have been apparent. Why it was that a disciplinary hearing was not convened until 27 February 2026, more than 9 months later, has not been explained, nor has the reason for the adjournment of that hearing for a further period of 2 months. Delay of that magnitude is far beyond

what could ever be regarded as appropriate. It is a matter the Appellant is entitled to have taken into account, and I have done so. That said, in the circumstances of the present case, I am not satisfied that it warrants a reduction in penalty.

CONCLUSION

39. Strictly speaking, it is not necessary for the Appellant to establish that the penalty imposed at first instance was manifestly excessive. This appeal proceeds as a hearing *de novo* in which I examine the matter afresh and exercise my own discretion as to an appropriate penalty.

40. In my view, the penalty imposed at first instance is entirely appropriate, taking into account all factors including the unexplained delay. Any lesser penalty would wholly fail to reflect the high degree of objective seriousness of the offending, to say nothing of the high level of moral culpability displayed by the Appellant. A reduced penalty would also fail to reflect the need to send a clear message to all industry participants as to the vigilance with which issues of animal welfare are to be approached, and the consequences of not doing so.

CONCLUSION

41. For the reasons given I make the following orders:

1. The appeal is dismissed.
2. The penalty imposed by Stewards is confirmed.
3. The appeal deposit is forfeited.

THE HONOURABLE G J BELLEW AM SC

14 August 2026