



New South Wales

Racehorse Legislation Amendment (Welfare and Registration) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to prohibit the carrying or use of a whip, or the wearing of spurs, by persons who ride or drive a horse at certain horse races,
- (b) to prohibit the riding or driving of a horse that is fitted with a tongue tie during certain horse races,
- (c) to establish a registration scheme for horses that are owned, bred or kept by horse racing industry participants under the *Thoroughbred Racing Act 1996*,
- (d) to prohibit the racing of a horse unless the horse is registered under the *Thoroughbred Racing Act 1996* and is at least 3 years old,
- (e) to prohibit the slaughtering of horses registered under the *Thoroughbred Racing Act 1996*,
- (f) to establish a rehoming scheme for horses that are registered under the *Thoroughbred Racing Act 1996* that are not used or intended to be used for horse racing.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Acts

Animal cruelty offences

Schedule 1.1[1] inserts the definition of *meeting for horse racing* into the *Prevention of Cruelty to Animals Act 1979*. *Meeting for horse racing* has the same meaning as in the *Betting and Racing Act 1998* and means any meeting, other than a meeting for harness racing, at which horse racing is carried on. A *horse race* means a race conducted at a meeting for horse racing.

Schedule 1.1[2] extends a reference to an act of cruelty upon an animal to include a reference to an act or omission as a consequence of which the animal is unreasonably, unnecessarily or unjustifiably whipped.

Schedule 1.1[3] inserts proposed sections 17A–17D into Part 2 of the *Prevention of Cruelty to Animals Act 1979*.

Proposed section 17A provides that it is an offence punishable with a maximum penalty of \$5,500 or 6 months imprisonment, or both, for a person to use a whip to hit a part of a horse, while the person is riding or driving a horse during a horse race. It also provides that it is an offence punishable with a maximum penalty of \$2,750 for the person to carry a whip during a horse race. A director of a corporation must ensure that a person employed by the corporation to ride or drive a horse at a horse race does not carry a whip during the race. It is an offence for a director to fail to do so, punishable with a maximum penalty of \$27,500.

Proposed section 17B makes it an offence with a maximum penalty of \$5,500 or 6 months imprisonment, or both, for a person to ride or drive a horse at a horse race fitted with a strap or band that fixes the horse's tongue to a part of the horse's lower jaw or mouth.

Proposed section 17C makes it an offence with a maximum penalty of \$5,500 or 6 months imprisonment, or both, for a person to wear spurs while the person is riding or driving a horse during a horse race.

Proposed section 17D makes it an offence with a maximum penalty of \$5,500 or 6 months imprisonment, or both, for a person to cause or arrange for a horse that is registered under the *Thoroughbred Racing Act 1996* to be slaughtered.

Registration and rehoming of horses

Schedule 1.2 inserts proposed Part 4A into the *Thoroughbred Racing Act 1996*, comprising proposed sections 49B–49L.

Proposed section 49B sets out the definitions used in proposed Part 4A.

Proposed section 49C provides that a horse racing industry participant must not own, breed or keep a horse that is intended to be registered under the Australian Rules of Racing unless a certain ownership declaration is lodged for the horse in accordance with those rules. A *horse racing industry participant* means a person who owns, breeds, keeps or trains horses, and certain other persons in connection with a horse, whether or not the person is employed or engaged on a full-time basis and whether or not the person receives payment or other consideration for the activity concerned. It is an offence for a horse racing industry participant to fail to lodge the declaration with a maximum penalty of \$110,000 for a body corporate or \$33,000 for an individual.

Proposed section 49D provides that a horse racing industry participant must not own, breed or keep a horse unless the horse is registered by a certain time. It is an offence for a horse racing industry participant to fail to register a horse within the required time with a maximum penalty of \$110,000 for a body corporate or \$33,000 for an individual.

Proposed section 49E makes it an offence, with a maximum penalty of \$110,000 for a body corporate or \$33,000 for an individual, for a person to cause or permit a horse to compete in a horse race if the horse is not registered.

Proposed section 49F provides that the Secretary of the Department of Customer Service (the *Secretary*) may register a horse in accordance with the regulations.

Proposed section 49G provides that the Secretary may, at the time a horse is registered or at a later time, impose conditions on the registration of the horse. It is an offence for an owner of a registered horse to fail to comply with a condition imposed by or under proposed Part 4A with a maximum penalty of \$5,500.

Proposed section 49H provides that the registration of a horse is subject to the condition that an owner of the registered horse must give written notice to the Secretary of certain events within 7 days of the events occurring.

Proposed section 49I provides that an owner of a registered horse that does not use, or does not intend to use, the horse for horse racing must rehome the horse in accordance with a rehoming scheme. The regulations may make provision for the requirements of the rehoming scheme and the rehoming bodies that are approved by Racing NSW to arrange the rehoming of horses under the scheme.

Proposed section 49J makes it an offence, with a maximum penalty of \$110,000 for a body corporate or \$33,000 for an individual, for a person to cause or permit a horse to compete in a horse race if the horse is less than 3 years old.

Proposed section 49K provides that the Secretary must maintain a register for registered horses and owners of registered horses.

Proposed section 49L provides that Racing NSW must maintain a register of rehoming bodies that are approved by it.