

Submission
No 125

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

Name: Ms Sandra Jorgensen

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29 November, 2019

Legislative Council of Select Committee on
Animal Cruelty Laws in New South Wales,

Dear Chairman and Members,

This submission refers to the absence of enforcement of the NSW Prevention of Cruelty to Animals Act 1979 to protect the welfare of racehorses

Under the Terms of Reference, this submission is responding to:

- (a) The effectiveness of the charitable organisations currently approved under section 34B of the Prevention of Cruelty to Animals Act 1979 (“the Act”) in achieving the objects of the Act, namely:
 - (i) to prevent cruelty to animals,
 - (ii) to promote the welfare of animals by requiring a person in charge of an animal:
 - (a) to provide care for the animal,
 - (b) to treat the animal in a humane manner,
 - (c) to ensure the welfare of the animal

In recent months, the negative publicity concerning the mistreatment of racehorses has confirmed that the integrity of thoroughbred racing primarily depends upon the care, welfare and compassionate management of racehorses, both during their racing careers and afterwards. I believe therefore, that it is imperative that the Legislative Council addresses the issue of lack of enforcement of “the Act” to protect racehorses in the future, or recommends separate legislation that protects racehorses from cruelty. Racehorses are not livestock, they are elite athletes who deserve to have a special status and protection from cruelty for the work that they do. They contribute hundreds of millions of dollars in gambling revenue to State revenue as well as to the general economy especially when racing carnivals are staged in Autumn and Spring. It has been stated that they are responsible for contributing to up to 50,000 jobs.

I am a former owner-trainer of thoroughbred racehorses with a special interest in the welfare of racehorses. Since retiring from training, I have been investigating and monitoring the welfare of racehorses over a period of 14 years. During this time Stewards Reports (which are public documents) were monitored at www.racingsw.com.au in an attempt to determine the numbers of racehorse fatalities, reasons for deaths, risk factors associated with deaths and jockey falls/injuries, over a 10 year period. Data of racehorse deaths over five years between 2009 and 2014, formed the basis of a published Sydney University study, and a link to the paper is here: <https://www.ncbi.nlm.nih.gov/pubmed/29031324>.

Over the past racing season (1 August 2018 to 31 July 2019) Stewards Reports at www.racingsnsw.com.au have been monitored to provide information for a comprehensive quarterly welfare audit of graded injuries, similar to what is required by the NSW government of the greyhound industry.

The NSW Government has stated that protection of thoroughbred racehorses falls under the Australian Racing Board Rules of Racing and the Prevention of Cruelty to Animals Act. (Appendix 1). Investigation of the thoroughbred industry in NSW over the past 14 years has not only revealed the low standards of animal protection under Australian Racing Board rules, but the failure of those appointed by the Minister, including the RSPCA, to monitor the horse racing industry and enforce the Prevention of Cruelty to Animals Act.

I would like the Committee to investigate why “the Act” is not enforced to protect racehorses and why the industry is perceived by the public and animal welfare organisations as being exempted from the provisions of “the Act”. For example: In 2009 when the padded whip was introduced the CEO of RSPCA Australia stated:

"The racing industry needs to understand that they have an incredible dispensation from animal cruelty laws. In the normal course of events, anybody who would repeatedly beat an animal would be liable for prosecution. At least the racing industry listens to a vocal minority, they could be the first industry that actually increase animal cruelty for sport at a time when generally the Australian community is taking more and more heed of animal welfare and looking more and more at improving animal welfare in the community." Heather Neil, CEO, RSPCA Canberra. <http://www.abc.net.au/worldtoday/content/2009/s2681930.htm>

Despite incremental reforms by the Australian Racing Board, racehorses can still be struck up to 18 times with a whip by a jockey during a race, (*provided the horse is responding and still in contention*) without breaching Australian Racing Board rules. (Appendix 11) In addition, the whip rules are currently being highly criticized for their ineffectiveness, due to the willingness of jockeys to disrespect and flaunt them.

<https://www.racenet.com.au/news/disregard-for-whip-rules-is-seriously-hurting-racing-20191125>

I request the opportunity to present to you at a hearing.

Yours sincerely,

Sandra Jorgensen