

**Submission
No 88**

INQUIRY INTO PROPOSAL TO DEVELOP ROSEHILL RACECOURSE

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SUBMISSION TO INQUIRY INTO SALE OF ROSEHILL AND ASSOCIATED ANIMAL WELFARE MATTERS

Hon Scott Farlow, MLC
Chair,
Select Committee on the Proposal to Develop Rosehill Racecourse
Parliament of NSW

18 July 2024

INTRODUCTION:

Good afternoon. My name is Sandra Jorgensen. I am a researcher of catastrophic deaths of racehorses, animal welfare and I support the work of all animal protection organisations striving for justice for animals. Thank-you for the opportunity to make a submission to the inquiry into the Sale of Rosehill and animal welfare matters in the horse racing industry under Terms of Reference (g) and (h). I believe the decision to sell Rosehill for housing, depends on whether the interests of the horseracing industry outweigh the interests of the government and the public. The sale of Rosehill racecourse to be developed for housing raises social and animal welfare issues. The public interest appears to be centred around the desperate need for socially affordable housing in Sydney and the social issues that the sport of horseracing represents, gambling, alcohol and animal cruelty. NSW is the largest horse-racing State in Australia and Rosehill Gardens is one of the premier racetracks in NSW. I am grateful that you have recognised the public interest in this matter. In November 2023 the Racing Minister stated in Parliament that “all animal industries are under scrutiny – as they should be.” The public’s expectations and standards around animal welfare is key to horseracing maintaining its place in the marketplace along with every other sport and entertainment that competes for the discretionary dollar.

In 1996 the Thoroughbred Racing Act was passed and Racing New South Wales became the corporate regulator:

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1996-037>

11 Duty of members to act in interests of public and industry “It is the duty of each appointed member of Racing NSW to act in the public interest and in the interests of the horse racing industry as a whole in New South Wales.” The Thoroughbred Racing Act gave Racing NSW the responsibility of the welfare of the industry and the responsibility to act in the public interest. With growing scrutiny of the welfare of the horse by scientists and the public who have been well informed as to the atrocities associated with horse welfare in the industry since 1996, the welfare of the horses has now been considered paramount to the wider public who have come to understand that the industry has prioritised profit over welfare. Self-regulation has been a spectacular failure due to the inability of Racing NSW to deal with the conflicts of interests between the commercial arm of the industry and the welfare of the horses.

The racing industry is both an industry and an extremely dangerous sport. It inflicts harm on horses and their riders as well as the community due to it being largely sustained by the losses of gamblers. The horse is a prey animal that is innately hardwired for survival and has intense interest in its own welfare. This racing season 4 horses have suffered catastrophic deaths at Rosehill on race-day making it the most deadly track in NSW so far this season. Racing NSW has

failed to investigate the thousands of catastrophic deaths on its tracks since it became the regulator in 1996 and failed to instigate effective prevention strategies to prevent catastrophic and serious injuries to horses, jockeys and track-work riders. It was the University of Sydney who investigated this major threat to the sustainability of horseracing when they conducted a 5 year study between 2009 and 2014 of deaths disclosed in Stewards Reports.

“Race-day fatalities remain a major concern for the racing industry, are detrimental to the public perception of racing, have emotional and financial consequences and compromise the safety of other horses and jockeys.” <https://pubmed.ncbi.nlm.nih.gov/29031324/>

In 2016 when the shutdown of the greyhound industry was imminent, Racing NSW held a meeting at the Randwick yearling Sales with the breeding industry. Fear was expressed that if greyhound racing was banned, horseracing would be next. When the Final Race was broadcast on ABC 730 in October 2019, there was outrage by the public, members of the racing and breeding industry and media, many of whom are financially invested in the animal gambling industries over the magnitude of the industrial wastage of the industry and the brutal and inhumane slaughter of racing horses. One of Australia’s most recognised trainers tweeted after The Final Race - If we don’t make drastic changes, the public will bury horseracing. The industry response to The Final Race was the document ***The Most Important Participant***. The document recognised the horses in the industry as the most important participant – in essence the horses were recognised as essential workers in the industry.

The Report found that less Australians supported horseracing than those who didn’t. In 2022 the Australian Veterinary Association stated in response to the Thoroughbred Aftercare Welfare Working Group report: **“The Most Important Participant** provided a framework for necessary nationally co-ordinated action. A national harmonised approach prioritising lifelong welfare of horses is essential for the thoroughbred industry and all other equine industries. **Based on research documented in the report, the ongoing success of the racing industry is dependent upon the community having confidence in the welfare of all of its horses.”**

The Most Important Participant (<https://thoroughbredwelfareinitiative.org.au/new-page-1>) failed to expose crucial information on wastage such as:

- The failure of the integrity of thoroughbred breeding that is the responsibility of Racing Australia. Professor Emmaline Hill in the UK claims inbreeding is a catastrophe for the industry internationally, akin to climate change. <https://www.bloodhorse.com/horse-racing/articles/237997/new-research-claims-inbreeding-akin-to-global-warming>
- Failed to include a study that was published in Sydney in 2010 that researched the careers of 146,046 thoroughbred horses over 10 years and found that the median career length and number of career starts for the population were 14.7 months and 10 starts. What was even more alarming is that the rate of attrition was found to be directly associated with the well-being of the animals within the industry.
- Failed to provide breeding wastage statistics from the Keeper of the Studbook himself for 15 seasons up to 2006 that revealed that 18,300 foals were produced on average from each crop and out of these an average of 10,500 raced. This meant that 45% of each foal crop never raced. He stated that certainly a greater proportion of that 45% just did not have the conformation for racing.

The Most Important Participant appears to have also failed to achieve its objective to provide a comprehensive framework for improving thoroughbred welfare in Australia due to the civil war in Racing Australia that has been going on for years. The toxic infighting has meant a failure to reach agreement on critical animal welfare issues and other issues. There has never been any national unity on animal welfare in horseracing. Jumps racing was banned under the POCTA Act in the 1990's as an act of cruelty yet Racing Victoria is the only State in Australia to still stage jumps racing, defying all public outrage. Already this jumps racing season 8 horses have died and many others suffered serious musculo-skeletal injuries. Media reports have stated that because Racing Australia is not a legislative body Racing Australia is fundamentally a co-operative of State racing jurisdictions. In 2023, a Racing Australia director who quit the sport's peak governing body blasted Racing NSW for a "toxicity" that she says has frustrated national attempts at improving equine welfare and preserving the industry's social licence. The decision by Racing Australia's Tasmania representative to make public her reasons for quitting the board lays bare the sport's crisis of national leadership.

<https://www.smh.com.au/sport/racing/toxicity-racing-australia-director-describes-threats-board-failures-in-resignation-letter-20230214-p5ckhd.html>

<https://www.smh.com.au/sport/racing/unconscionable-conduct-why-two-directors-were-kicked-out-of-a-racing-australia-meeting-20230329-p5cw8g.html>

COMPELLING SIMILARITIES BETWEEN THE WELFARE AND SAFETY OF RACING GREYHOUNDS AND RACEHORSES:

Since the Inquiry into the Sale of Rosehill Racecourse was announced there has been explosive media coverage into the report by the Chief Vet of NSW Greyhound Racing in regard to widespread animal abuse and persistent misreporting and oversight failures in the NSW greyhound industry. There are compelling animal welfare and wastage similarities in both the greyhound and horseracing industries. I believe these allegations provide evidence that both greyhounds and racehorses, who are essential workers in their prospective industries are not protected under the provisions of the POCTA Act. If they are, there is a total lack of enforcement of this legislation. It is crucial that these animals are recognised as essential workers worthy of the highest standards of legal protection and that they are not incorrectly defined as livestock under a Code of Practice which is at least 20 years out of date. It is crucial that they are given protection under the revised NSW POCTA Act. In October 2022, the Hon. Mark Pearson's legislation was debated by the NSW Parliament to provide substantial improvements to the welfare of racehorses. This legislation was rejected by both the Labour Party and LNP. One member of the LNP claimed racehorses **were protected by the POCTA Act and the Crimes Act.**

This article by The Guardian provides details of the allegations made by the Former Greyhound Racing Vet.

<https://www.theguardian.com/australia-news/article/2024/jul/13/nsws-greyhound-racing-industry-faces-fresh-claims-of-animal-abuse-a-vets-report-makes-these-five-allegations-claims#:~:text=The%20document%2C%20written%20by%20the,persistent%20reporting%20and%20oversight%20failures>.

There are remarkably similar animal welfare/cruelty issues between greyhound and horseracing: In particular the barbaric intensity of racing animals at unsustainable levels resulting in high stress, injury and deaths and the incentives paid by authorities to over-race and overuse animals, clear breaches of the POCTA Act. The inadequate veterinary assessment of animals' fitness to race and the misreporting of injuries and deaths.

WHIPPING:

While greyhounds are not whipped and do not carry a jockey, racehorses are. Sydney University's Professor Paul McGreevy, an animal behaviour and welfare scientist described whipping of racehorses as "arguably the most visible form of violence against animals". The horror and fury in Australia as the epidemic of violence against women continues to sweep across the country yet the NSW Government and Federal Government refuses to condemn violence in all its forms, in public and in private. It is indefensible to inflict violence on animals in public spaces for the purposes of gambling.

<https://www.theguardian.com/australia-news/article/2024/may/05/horror-and-fury-in-australia-as-epidemic-of-violence-against-women-sweeps-across-the-country>

The horse-racing industry continues to rely heavily on whipping to sustain its business model. It believes that the whip is part of the integrity of horseracing - the fabric of horseracing -that it is good for horseracing. Correspondence with the Chief Steward of Racing NSW, revealed Racing NSW's complete contempt for scientific research when he stated that "**RNSW's opinion was that the whip did not cause pain to the horse**" yet studies conducted by Sydney University have provided conclusive evidence that the whip causes pain to the racehorse. This is a breach of the NSW POCTA legislation.

<https://www.sydney.edu.au/news-opinion/news/2020/11/12/first-conclusive-evidence-horses-hurt-by-whips--whips-don-t-aid-.html>

Racehorses are pushed through extraordinary pain, the likes of which we have no understanding or comprehension of, and beyond their biological limits. 49 horses died across Australia last racing season after being struck with the whip. That tells us just how much harm, suffering and distress it causes.

Some recent serious breaches of the Australian Racing Board's whip rules disclosed by Racing NSW's Stewards Reports:

Rosehill 29/6/24

Agirlsbestfriend – From a wide barrier was shifted behind runners in the early stages. Shortly after the start was bumped by, He's A Copy Boy which shifted out. **J Duggan, the rider of the fourth placegetter, Agirlsbestfriend, pleaded guilty to being in breach of AR132(5) in that she used her whip in an excessive manner in the home straight, having struck the horse on no less than 24 occasions. J Duggan's licence to ride in races was suspended for a period to commence on Sunday 7 July 2024 at the conclusion of a careless riding suspension she had previously incurred, with the suspension to expire on Saturday on 13 July 2024 on which day she may ride. In assessing penalty Stewards had regard to J Duggan's good record in respect to whip offences and also the fact that she had not used the whip in a forceful manner.**

Kureder – When questioned regarding Kureder settling on pace App M Owen stated that it was intended to ride the horse slightly further back in the field however after beginning extremely well she took advantage of the good start and allowed the horse to stride forward into a more forward position. **App M Owen pleaded guilty to being in breach of AR132(7)(a)(ii) in that she used her whip on 11 occasions prior to the 100m, 6 more than that is permitted under the rule. App Owen's licence to ride in races was suspended for a period to commence on Sunday 7 July 2024 and to expire on Saturday on 13 July 2024 on which day she may ride.**

Randwick 13/7/24

Dr Evil – N Rawiller rider of Dr Evil, pleaded guilty to being in breach of AR132(5) and AR132(7)(a)(ii) in that he used his **whip in an excessive manner (23 occasions in total)** and which included 9 occasions prior to the 100m, which is four more than is permitted under the rule. N Rawiller's licence to ride in races was suspended for a period to commence on Sunday 21 July 2024 and to expire on Saturday 27 July 2024, on which day he may ride. In addition, N Rawiller was fined \$1,000.

OCCUPATIONAL HEALTH AND SAFETY

Often when a racehorse suffers a catastrophic limb fracture they will fall - but often they don't. Due to the momentum in their bodies they can't stop, they struggle on trying to balance their weight on the other three limbs but also having to continue to load the fractured limb which can worsen the fracture with every stride. When a horse suffers a sudden death, he inevitably collapses and dies. There is a good chance the jockey will suffer injuries, occasionally they are killed. Track-work riders suffer the most injuries and over the last 7 years two female track-workers have tragically died, one in 2017 and another in 2022 due to horses crushing them after they fell due to catastrophic limb injuries. Despite this being a serious occupational health and safety issue, Sydney University was the only institution that researched catastrophic deaths and jockey injuries in NSW and ACT racing when they conducted a 5 year study (2009-2014) based on horse deaths disclosed in Stewards Reports on race-days (previously mentioned). Each season there can be just as many deaths in trackwork and trials due to the accumulation of fatigue which can reach a tipping point often unexpectedly at any time.

The science of horsemanship –Working with bone to prevent injury in racehorses

[263619883-The-Science-of-Horsemanship-Working-with-Bone-to-Prevent-Injury-in-Racehorses \(1\).pdf](#)

The most common cause of death for racehorses are catastrophic limb fractures that means even the best veterinary scientists cannot repair and the horse is humanely euthanased. Professor Chris Whitton from Melbourne University is the most imminent equine veterinary researcher into the causes of deaths and prevention of catastrophic limb fractures of racehorses. He states: ***Bone fatigue is a consequence of repeated cyclical loading during fast work resulting in chronic damage accumulation and material fatigue of bone. The majority of distal limb fatigue fractures in racehorses develop gradually due to accumulation of micro-damage over time.*** A large proportion of injuries to a racehorse's limbs happen because trainers get the amount and intensity of training wrong. The key to injury prevention is how we train horses to allow the adaption of bone to the speed and surface they are going to compete on. A large proportion of catastrophic limb injuries are due to bone fatigue. – 69% of deaths are due to limb injuries – 92% are due to bone fatigue. Bone fatigue - Repeated high loads - bone damage.

Bone fatigue Prevalence

Joint surface lesions – Hong Kong • 70-80% – Victoria • Forelimbs 66% • Hindlimbs 58%

Bone fatigue • Injuries specific for racehorses • Accumulation of high speed exercise a risk factor • Fractures occur spontaneously • Pre-existing pathology observed • Microcracks identified at predeliction sites.

Risk of fatality • Longer career duration • Greater number of races in career – Accumulation of damage over time

Risk of joint surface injury:

Total lifetime races • Multiple racing seasons - accumulation of damage over time

Shorter time between races • Shorter time since last race – rapid accumulation of damage

Greater number of races in last 30d • Started 1-14 days prior - Rapid accumulation of damage

Consequences • Fatalities • Jockey injuries • Premature retirement • Poor performance

CONCLUSION

Once horseracing was a national obsession. It wasn't just the public's obsession with gambling that made it so popular but the great champions of the turf, such as Phar Lap, Makybe Diva, Kingston Town, Manikato, Winx and Black Caviar that elevated the spirits of the Australian people and moved both men and women to tears. Horseracing is now not in the top ten sports in Australia. The industrialisation and corporatisation of the industry has ruined the magnificence and significance of the horse as an equine athlete through greed, refusal to consider the animal's welfare paramount and NSW Government refusing to give horses the legal protection they deserve. The Melbourne Cup has been an iconic horseracing event for decades but the growth of international horseracing saw the Victorian Racing Club encourage international horses to participate. This initiative proved to be a disaster for horseracing due to 7 horses dying on track over 8 years. Horseracing may be considered a sport, but it is driven by an industrial machine whose economic viability is sustained by the losses of punters. Gambling in Australia is a social disaster because "people win some but they lose more". It is well documented that

drinking and gambling on Melbourne Cup day leads to a rise in alcohol consumption and domestic violence incidents. As we await the response from the Federal Government into the late Peta Murphy's report on gambling, we must remember that gambling is a major social issue in this country – it has been described as a blind spot in Australian political culture similar to the gun culture in the USA.

The Hon Michael McHugh handed down his 800 page report to the NSW Government in 2016 on greyhound racing. He stated: “the greyhound like the racehorse is no more than a gambling tool, no more than a handle on a poker machine”. Animal welfare has made rapid progress over the last 20 years. Scientists such as Peter Godfrey Smith and Dr Jane Goodall have shown intense interest in improving their understanding of the minds of animals. Recently Dr Jane Goodall visited Sydney and was interviewed on the ABC 7.30 Report where she told us how she convinced traditional animal scientists many years ago that animals were not things, but had their own minds, personalities and characters. The ACT Government is the first State jurisdiction to recognise sentience of animals. Victoria has indicated it will also recognise animal sentience. There are multiple animal welfare problems confronting the horse racing industry but arguably the NSW Parliament's recognition of the sentience of animals is the first step to understanding the issues that threaten their existence as an industry and the fast evolving concept of consent of animals to participate.

RECOMMENDATION

The last independent inquiry into cruelty in the horse-racing industry was when the Federal Senate Select Committee Inquiry handed down its recommendations in 1991. I do not believe any of the States implemented any of those recommendations. Since the NSW Thoroughbred Racing Act was introduced in 1996, there has been no independent inquiry into horseracing. I feel the NSW Government is acutely unaware of how fast our society is evolving. Social media has revolutionised communication and participatory democracy. I have made previous submissions to the NSW Government and have been bitterly disappointed by the Government's lack of response. There is a crisis of trust in all governments in Australia that must be addressed. When the Racing Minister David Harris and the Premier Chris Minns stated categorically they will not shut the greyhound industry down even before the Independent Inquiry had begun, despite the carnage the industry creates, I found it to be deeply distressing. I have a lot more to offer but only if it is an Independent Inquiry that is free of the serious conflicts of interests by the current government.

Once again, thank-you very much for the opportunity to contribute to the Inquiry on the Proposal to Redevelop Rosehill Racecourse.

Sandra Jorgensen