

Proposal for the phasing out of the Whip in Australian Thoroughbred Racing

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Introduction

While historically whip use in horse racing has been widely practiced around the world there is a substantial and growing body of evidence that it is unnecessary.

In an interview with the Coalition for the Protection of Racehorses (CPR) in Oslo, Norway on 26 June 2014, Managing Director of the Norwegian Jockey Club, Hans Petter Errikson, said, 'It will be easier to attract young and new people to racing when we have racing without the whip.'³⁹

Norway was the first country to legislate against whip use in horseracing (for any purpose other than control) back in 1982. In 2009, the Norwegian Racing Authority itself implemented a ban on whips, partly for welfare reasons but also because it was viewed as a "bad look" for horseracing.³⁹

Errikson, a staunch opponent of the whip, also stated that 'it is inevitable that the use of whips in horseracing will come to an end'.³⁹ While Norway was the first to ban whip use in horse racing a number of other countries have made significant improvements to their whip rules.^{11, 12, 40}

Proponents of the whip argue that without it, you can't always get the most out of the horse and that punters want to see a jockey doing everything they can to get their horse to win. However, there is a new breed of punter/horseracing enthusiast who doesn't want to see horses punished for no good reason. The long-term popularity and viability of this sport could hinge on how the industry deals with this serious welfare issue.

Based on the evidence presented in this proposal, the CPR strongly believes that banning whip use is in the long-term interest of both the horses and racing industry itself, by addressing welfare considerations and associated negative perceptions amongst the general public respectively.

The CPR has compiled this proposal with the purpose of summarising the substantial body of evidence against whip use in Australian thoroughbred racing, with examples predominately being taken from racing in Victoria.

The proposal provides evidence that:

- There are issues with the whip rules currently in place
- Racehorses experience physical and psychological trauma as a result of the whip
- Whip use does not improve racehorse performance or positively influences the outcome of a race
- Whip use distracts from horsemanship
- Whip use reflects negatively on horseracing

Evidence

There are issues with the current whip rules

This section will discuss the following issues with the current whip rules:

- They are a breach of the *Victorian Prevention of Cruelty to Animals Act 1986*
- They disregard the Senate Select Committee report
- They are out of line with the rules in other racing countries
- They imply using the whip in a forehand manner is more detrimental than in a backhand manner
- The rules and penalties do not adequately discourage excessive whip use

Whip rules breach the Victorian Prevention of Cruelty to Animals Act 1986

Laws in Australia that apply to animal cruelty are state based and therefore within this proposal Victorian law has been used as an example. CPR believes The Australian Racing Board's whip rules are in breach of the *Victorian Prevention of Cruelty to Animals Act 1986* (the Act), in that they authorise the whipping (i.e. beating) of horses with whips.

The Act's definition of cruelty includes the following:⁴⁵

- (1) A person who—
 - (a) wounds, mutilates, tortures, overrides, overdrives, overworks, abuses, beats, worries, torments or terrifies an animal; or
 - (c) does or omits to do an act with the result that unreasonable pain or suffering is caused, or is likely to be caused, to an animal; or
 - (e) works, rides, drives or uses an animal when it is unfit for the purpose with the result that unreasonable pain or suffering is caused to an animal.

There are strong arguments that racehorses are overridden, overworked, abused, worried, tormented and terrified as a result of whipping.¹ This is undeniably a breach of the Act. The Racing Industry has thus far received dispensation from animal cruelty legislation.

Whip use disregards the Senate Select Committee's 1991 report

A Senate Select Committee on Animal Welfare¹ inquired into aspects of animal welfare in the racing industry in the late 1980s and early 1990s. A small number of the recommendations outlined in the Committee's August 1991 report were incorporated into the Australian Racing Board's 2009 revised whipping rules. For example, one recommendation that was adopted forbids a jockey from whipping their horse if it's clearly out of contention.⁴¹

However, there were a number of recommendations that were not included, for example:

"The Committee cannot condone the use of the whip to inflict pain on a horse for no other purpose than to make the horse run faster in what is essentially a sporting event. Competent riding of a horse using only hands and heels to urge the horse on should provide just as an exciting race and may also encourage more emphasis on improving horsemanship. The Committee would like to see the use of whips as a means of making a horse run faster eliminated from horse racing".¹

"The Committee is of the view that the rules relating to the use of whips be implemented with greater diligence than in the past and that penalties should be increased. Any jockey convicted of mistreating a horse with a whip during a race should face an immediate period of disqualification, even on the first offence".¹

The whip rules are out of step with other racing countries

Norway⁸ is among the most advanced nations in respect to whip restrictions. According to Norway's rules of racing, 'It is strictly forbidden to carry a whip other than in the following category of races: qualifying races, two-year old races and in hurdle races'⁹. These rules came into force on 1 January 2009 and replaced the earlier reforms, which began in 1982.

According to the Managing Director of the Norwegian Jockey Club, Hans Petter Errikson¹⁰, since the introduction of these new rules:

- There have been no racing accidents that could have resulted from these changes¹⁰
- The supervisory job of Norwegian race stewards has been made much easier¹⁰

In other countries there are also stricter guidelines on whip use during thoroughbred races. These include:

- **France:** A horse can be whipped a maximum of 8 times during a race. Two-year old horses cannot be whipped at all.⁴⁰
- **Canada:** A horse can be whipped three successive times, with a break for at least one stride.¹¹

- **Germany:** A horse can be whipped seven times during the race if the horse finishes in the first three in that race. A horse can be whipped fewer than seven times if the horse is not responding or is not placed in the race. Two-year old horses are ridden only with a soft Nerf whip, which is handed to the jockey as he leaves the weighing room.¹²
- **The Republic and Northern Ireland:** As a guideline, a horse can be struck 12 times, and a maximum of five times in the last 50 yards.¹²

The International Federation of Horseracing Authorities (IFHA) has set minimum standard guidelines for whip use in Article 11 of its *International Agreement of Breeding, Racing and Wagering* (March 2011).¹⁴ These guidelines set out 11 prohibited types of whipping. Over 40 racing countries have agreed to these prohibitions.¹⁴

The whip rules focus on the use of the whip in a forehand manner

In 2013 McGreevy, Hawson, Salvin and McLean carried out a study in Victoria on the impact of using the whip in both a forehand and backhand manner.³⁸ The Australian Racing Board makes a distinction under its Rules of Racing concerning whip use between forehand and backhand whip action that is critically important before the final 100 m of a race.³⁸ The rules state that the whip shall be used in a forehand manner neither in consecutive strides nor on more than five occasions. "This seems to imply that backhand whip use is less closely scrutinized, which may have profound implications for horse welfare".³⁸ The 2013 study carried out in Victoria used pressure-detection pads to examine the force on the impact of 288 whip strikes (left forehand, left backhand, right forehand, and right backhand; n = 72 each) in batches of 12 consecutive strikes by 6 right-handed jockeys. The study showed significant differences in force between individual jockeys and highlighted "the problems the industry has in trying to enforce equity in whip use to satisfy punters while at the same time giving reassurances about horse welfare. The current results show that action (forehand vs. backhand) does not influence force on impact when using the non-dominant hand. However, when using the dominant hand, these jockeys struck with more force in the backhand."³⁸

Current Australian whip rules do not adequately prevent excessive whip use

In 2009 new whip rules and the padded whip were introduced by the Australian Racing Board. Unfortunately, after these new rules were released, a number of stakeholders within the industry strongly opposed these changes. This led to a jockey strike, as well as pressure from breeders and owners. As a result by September 2009, the new rules had been relaxed twice.³² For example:

- Although there were restrictions put on forehand whip use prior to the 100-metre mark, there were no restrictions placed on backhanders.
- Wording that required a horse to be given the opportunity to respond before being whipped again was removed.
- The rules allow a jockey in the final 100 metres of a race, official trial or jump-out to use their whip at their discretion.

Other key issues include the difficulty for stewards to make definitive observations, as well as the insignificant fines imposed by stewards, which results in repeat offenses.³¹

An observational study carried out across 15 races in New South Wales, using high-speed cameras, showed 28 whip rule breaches on nine horses.³¹ None of the breaches detected in this study were reported by the Racing New South Wales stewards.³¹ Stewards' review footage recorded at fewer frames per second and from head on, limiting the range of observation. According to McGreevy 2012: 'The limitations on the ability of stewards to detect and therefore report breaches may raise concerns about horse welfare if the whip rules are intended to ensure that horses are not whipped unnecessarily'.³¹

In 2010, the RSPCA produced a document titled "*Whip use in Australian thoroughbred racing: Analysis of compliance with revised whip rules, Sept 2009 to Jan 2010*".³² Using the data contained in the steward's reports, this document included the number of breaches, penalties and jockey repeat offenders for a four-month period in both Victoria and New South Wales. The CPR has analysed Racing Victoria's steward's reports from January 2013 to December 2013 and January 2014 to December 2014.⁴²

In the RSPCA's 2010 findings over this four-month collection period, 283 jockeys recorded a total of 572 breaches, with 26 of these jockeys responsible for 29% of all breaches. In the CPR's 2013 findings over the 12-month collection period, 162 jockeys recorded a total of 515 breaches, with 17 of these jockeys responsible for 29% of all breaches. In the CPR's 2014

findings 170 jockeys recorded a total of 559 breaches and on par with 2013, 17 of these jockeys were responsible for 29% of all breaches recorded.

In 2013, there were 4397 races held in Victoria. Of these races, 11.71% recorded a breach of the whip rules resulting in a penalty with a total of 515 penalties being reported. In 2014 there were less races held in Victoria with a total of 4202 however a greater number of breaches were reported than the previous year (559) which resulted in 13% of all races recording a breach.

Please see **Appendix 1** for a year on year snap shot comparison of breaches recorded in Victoria.

Specific Case Studies

Case study 1: Chad Schofield largest repeat offender for 2013

Throughout January and December of 2013, jockey Chad Schofield was the largest repeat offender, with 23 breaches made up of 21 fines, one reprimand and one severe reprimand. Of Schofield's fines, 90% were for using his whip on six or more occasions in a forehand manner prior to the 100 metre mark.

One such fine occurred on 26 October 2013 at Moonee Valley. On this occasion, Schofield, riding Shamus Award, used his whip six times – once more than what is permitted in the rules. He was fined \$1000. In arriving at the penalty, stewards took into account that it was a feature race and Schofield's poor record in this area. Since January, he had received 16 fines for the same breach. The average amount was \$319. After receiving the \$1000 fine, Schofield went on to receive four more fines, three of which were for the same breach in the following six weeks (an average of \$350 per fine). This clearly shows that fines, even those up to \$1000, are not a deterrent.

Please see **Appendix 2** for a summary of Schofield's breaches throughout the 2013 12 month period.

Case study 2: Mark Zahra largest repeat offender for 2014

Throughout January to December 2014 jockey Mark Zahra was the largest repeat offender with 16 breaches being made up of 12 fines, 2 reprimands and 2 severe reprimands. The average fine was \$250. Mark Zahra is another prime example of how the current penalties are not a deterrent to breaking the current rules. From the 10th of January 2014 until the 8th of October 2014 he was fined twelve times for using the whip on more than five occasions in a forehand manner. The fines ranged from \$200 to \$400. On the 24th of July at Bendigo he was fined twice for this breach on two different horses. In his last race of the year on the 14th of December at Werribee he was severely reprimanded for this breach however even a severe reprimand didn't prevent him from riding in future races.

Please see **Appendix 3** for a summary of Mark Zahra breaches throughout the 2014 12 month period.

These two case studies demonstrate that the rules as they now stand are largely ineffective due to insufficient penalties.

Whipping causes physical and psychological trauma

Despite the British Horseracing Authority's claim¹⁵ that whip use is not inherently a welfare problem, there is evidence that whipping horses during a race is a form of animal abuse or cruelty. There are a number of reasons for this:

- 1) Hard or excessive whipping causes welts to appear on the horse's flesh.^{16,17}
- 2) It is cruel to whip a racehorse when it has no chance of running a place in a horse race due to exhaustion, mainly because it arguably falls within the specific animal cruelty offence of 'overriding' or 'overworking' an animal under Australian state and territory animal cruelty legislation.¹⁸
- 3) Whipping a horse often falls within the more general animal cruelty offences of such legislation when it arguably causes the horse unnecessary pain or suffering.¹⁹
- 4) Excessively whipping a horse during a race is a form of cruelty simply because it also causes the horse fear and distress through aversive stimuli and negative reinforcement.²⁰

Physical pain as a result of whipping

On 25 October 2008, leading trainer David Hayes was interviewed by the *Weekend Australian*.³⁰ In the interview, Hayes stated he was in full support of the recommendations by Australia's top stewards to seriously curtail the use of the whip and that he was strongly against excessive whip use. In the interview, Hayes spoke about how whips can hurt horses. A horse in pain from the whip will squish its tail, duck in, run sideways, stop trying or simply crumble under the suffering and go backwards. 'You often hear about horses resenting the whip. That means it hurts them.' Hayes said.³⁰

These recommendations led to the new whip rules established in 2009, which included the introduction of the padded whip. Some argue that padded whips do not hurt the horse at all.²² Against this view is the fact that the shaft, to which the pad is attached, also often makes contact with the horse.

Dr Paul Mills from Queensland was the scientist who provided the scientific advice to the Australian Racing Board when the new whip rules came into effect. His initial advice was 'that padded whips do not inflict pain or injury'. However, in an article published in September 2009, Dr Mills admitted that this is a 'subjective topic' and that a number of factors determine whether striking damages the animal. He said, 'The research shows that some whips do have quite a potential to injure horses, depending on how they are used. The size of jockeys in different forms of competition can vary and that can influence the impact.'⁴³

Another argument is that whipping doesn't hurt because horses don't react to being whipped. In fact, horses will always seek to mask any pain or injury. This is because, as prey animals, hiding weakness was important to their survival in the wild before they were domesticated. It could be argued that the horse complies to the point of a fracture because the fear of the whip and the associated pain will mask/override the onset of any pain which may be the start of a catastrophic breakdown. Horsehide may seem thick and tough but, regardless, the skin (dermis and epidermis) is supplied with nerves, which makes it a very sensitive organ. This is proven by how easily a horse can detect a fly landing on their rump.²⁸

Physical injury as a result of whipping

The whip results in a number of other physical injuries in addition to welts, not only as a result of the horse being physically beaten, but from the extreme fatigue and overload of physiological and biological systems that occur when a horse is forced to over-perform.²

Fatigue during racing causes sub-optimal performance, increases the likelihood of injury and, in cases of prolonged exercise, contributes to exhaustion and even death. It is not unusual for racehorses to suffer from poor post-race recovery and heart problems. Fatigue places a much greater strain on the limbs and is therefore a major contributing factor to the many incidents of lameness following racing.²

Lameness has been described by equine scientist Professor David Evans from Sydney University as the most serious welfare problem in thoroughbred horseracing. Many racehorses compete when they are suffering from soreness or mild pain in one or more limbs or from a pre-existing injury that makes them more vulnerable to re-injury. Yet they are beaten with a whip to prevent them from slowing down.⁷

In his booklet *Training and Fitness in Athletic Horses*, Dr Evans states:

"The horse slows down because the physical demands of competition are not met by the output of the muscle cells. Fatigue limits performance, but it should also be regarded as an important mechanism for preservation of the health of the horse. If there were no limits to muscle cell activity during high intensity exercise, the pH of the cell would continue to decline and irreversible damage would occur. As with many other physiological systems, fatigue is a process designed to preserve the health of the animal".²⁹

Dr Philip Swann, a world authority on the study of equine behaviour, stated:

“The ‘pain barrier’ to human athletes is well known and the whip encourages the horse through the pain barrier. However, pain has a purpose, in that it is nature’s warning to the athlete that further exertion could cause physical damage not only in terms of increased internal bleeding but also in terms of damaged tendons and muscles. The most effective way to eliminate this factor which causes internal bleeding, is to ban whips in both training and racing”.⁶

There have been numerous research studies ^{20,34,35,36} undertaken into the causes of injuries and fatalities to racehorses during a race and many have shown whip usage to be a major causative factor.

The analysis of racetrack patrol videos has shown that breakdown injuries occur in 38% of cases due to whipping.³⁶ Dr Temple Grandin is an international expert in animal behaviour, who states that a huge problem with farm animals is ‘biological system overload’. Despite the horrific wastage the current thoroughbred horseracing model produces – evidenced by such factors as grisly catastrophic injuries, exercise-induced pulmonary haemorrhage, and high rates of lameness and musculo-skeletal injuries – industry administrators and participants appear to be reluctant to acknowledge that racehorses may be overloading their biological systems.³⁶

The following photos illustrate whip use and related physical injuries.



Sandown in Victoria, 30 August 2009





This horse is suffering from induced pulmonary haemorrhage



AAP Image/Tracey Nearmy - www.theroar.com.au/2014/11/03/melbourne-cup-must-respect-handicap-conditions/admirerakti/

Admire Rakti pictured above won the 2014 Caulfield Cup and went on to run in the 2014 Melbourne Cup where he died shortly after. This jockey was fined heavily for whipping him severely in the Caulfield Cup.

Psychological damage as a result of whipping

As well as physical pain and injury, the whip can inflict psychological stress and an inherent sense of panic and fear. When animals cannot evade pain or aversive stimuli, they become distressed. If this is chronic in nature, they develop learned helplessness.⁴

Learned helplessness is a psychological state in which an animal has learned not to respond to pressure or pain.⁴ It arises from the inappropriate application of negative reinforcement, which results in the horse not being able to obtain release from aversive stimuli. If this continues over a period of time, the horse will no longer make responses that were once appropriate. Learned helplessness comes at a high cost in terms of the horse's wellbeing and may result in chronic conflict and gastric disorders leading to colic, which can be fatal.⁴

Further, the painful overexertion of limbs may result not only in physical injuries but can permanently damage the horse's attitude and mind.⁶ Pain gives rise not only to a painful sensory experience, but also to a behavioural response with an emotional component.⁶

Sydney University's Professor Paul McGreevy said at the inaugural International Equitation Science Symposium in Melbourne in 2005:

"Horses can be manipulated to behave in many ways and persuaded to cope with a tremendous variety of uses and abuses. The behavioural flexibility of horses is fundamental to their utility in the domestic context. It allows them to tolerate negative reinforcement more than other domestic species but also explains why they are subject to tremendous abuse by clumsy and ignorant handlers".⁵

Whipping does not improve performance or make a horse run faster

Ray Murrphy, Chief Steward Racing New South Wales has said, 'If you belt a horse hoping to instil a fear of the whip, chances are you'll make it into a dog. It won't respond to the whip, it gets sick of getting a hiding, it lays down and won't do its best.'³⁷

Interference and possible catastrophe caused by horses changing course, pigrooting and veering sharply, do occur as a result of using the whip. The whip can suddenly change the horse's direction and rate of travel, whether it be a result of the distraction of being struck (expectedly or unexpectedly), the anticipation of being struck, or the pain and unreasonable force behind the strike. Sudden changes use up more energy and can cause the horse to hurt themselves and others.⁴⁴

Whipping can also disrupt the locomotor-respiratory coupling, reducing fuel to the muscles and predisposing the horse to musculo-skeletal injury, risking the safety of others nearby.⁴⁴

There are several studies showing that whipping does not increase performance. The 2004 report *A Hiding to Nothing* was based on a thorough UK investigation of 161 races run during October and November 2003.²⁰ It involved 285 jockeys and 1500 horses. Nearly 200 tables described how often and when in a race a whip was used. Advocates for the whip argue that it assists horses to perform better and run more safely and that it provides a helpful chastisement for when a horse behaves 'badly'. However, this investigation showed that whipping horses is more likely to drive them off a true line and place them and other horses in danger.²⁰ The same evidence showed that whipping horses is less likely to produce an 'improvement' in behaviour. Rather, the horses become fearful, hesitant and less likely to perform to their potential. The report showed that more than 70% of the racehorses in the research would have won anyway without the use of the whip and around 25% of the winners were not subjected to the whip.²⁰

The more recent British Horseracing Authority (BHA) 2011 report showed some interesting statistics regarding the winning and losing margins of horses where their jockey had breached the then BHA whip rules.¹⁷ Comparatively speaking, where the winning margin was less than a length, 36.51% of jockeys had breached those rules, while where the losing margin was the same distance, 33.78% of the riders of the losing horse had breached the rules. Looking at these statistics, you have to question why the jockeys involved bothered to use the whip at all, let alone excessively.¹⁷

There are also several studies showing that using the whip does not make a horse run faster.²¹ Owners, trainers and jockeys are all educated into believing the alleged value of negative reinforcement by the adverse stimuli of the whip. However, studies show this to be incorrect.²¹

In the Evans-McGreevy study²⁴, five races over 1200 to 1250 metres were recorded at the Canterbury New South Wales racecourse. The investigators concluded that:

"On average, they [the racehorses] achieved their highest speeds when there was no whip use, and the increased whip use was most frequent in fatigued horses. That increased whip use was not associated with significant maintenance of velocity as a predictor of superior race placing at the finish of the race."²⁴

The Deuel-Lawrence study involved filming the gallop stride of four 30-month old filly quarterhorses where the rider motivated each horse by using a riding crop on the leading shoulder of each horse once per stride²⁴. This study concluded that, 'Urging by the rider had no detectable effect on the average velocity of 12.6 m/sec, although rider urging increased ($P < .05$) stride frequency and decreased ($P < .05$) stride length.²⁴

Finally it is interesting to note that the famous Australian racehorse Black Caviar is supposed to have run, without the 'encouragement' of the whip, the remarkable time of 10 seconds for the furlong between the 600 and 400 metres in the 2012 Lightning Stakes victory.²⁵

The whip distracts from horsemanship

Jockeys, trainers and stewards claim that the whip is needed to steer the horse. However, there are a number of studies and examples suggesting the opposite.^{26,27}

According to McGreevy and Oddie²⁶, in a study looking at the hand in which jockeys use the whip on racecourses in both New South Wales (clockwise running) and Victoria (anti-clockwise running), most jockeys use the whip in the right hand. In NSW, this means that the whip is generally used on the side of the horse closest to the rails, so steering the horse could not be the major purpose for the whip. McGreevy and Oddie also contend that whipping the racehorse often causes the horse to run in a wayward manner away from the whip.²⁶ A very recent example of this allegation was Nash Rawiller's excessive whip usage on his mount No Looking Back in the closing stages of the 2012 Gold Coast Millions Classic (clockwise running).²⁷ Rawiller continued to use his whip in his right hand when challenged by Drifontein, causing his mount to drift out and take the running of Drifontein. If Rawiller had been using the whip for correction, he would have used the whip in his left hand so as to steer his mount away from Drifontein.

Whip use is also detrimental to the relationship between the jockey and the horse. Horses are renowned for their intelligence, obedience and tolerance and are easy to train.⁴⁶ Whenever we force the horse to share our experiences, it is absolutely fundamental that the horse knows that they are going to be okay.⁴⁶ The horse is a prey animal, and fear is a fundamental characteristic that is integral to the horse's inward sense of safety and survival. Good training through enlightened horsemanship, which maintains calmness, can help a horse overcome fear and become more confident. There is therefore something very special about the potential positive relationship between a human and horse. Unfortunately the racehorse-jockey relationship is largely based on intimidation, force, fear and punishment.⁴⁶

The whip – it's a bad look!

If for no other reason, the whip should be banned because it presents a negative and outdated image of horse racing. The use of the whip in horseracing is often referred to "The most visible form of violence". In a society that increasingly rejects animal cruelty, the routine whipping of horses in horseracing is being increasingly scrutinised. Despite this practice being a part of racing since its inception more than 150 years ago, social attitudes have changed and the racing industry must also change if it wants to remain relevant and acceptable in a modern society.

Conclusion

For the many reasons outlined in this document until it is phased out completely, a cloud will remain over the racing industry, which purports to love its horses with one hand and whips them with the other.

Recommendations

Based on the evidence presented in this proposal, the CPR strongly recommends that the Australian Racing Board implement the following:

- 1) A revision of the current whip rules, with the aim of increasing penalties for breaches so that:
 - a) monetary penalties increase substantially with each successive penalty;
 - b) mandatory suspension occurs after three breaches with the length of each suspension increasing with each successive breach; and
 - c) jockeys who repeatedly show contempt for the whip rules and bring the industry into disrepute may be expelled.
- 2) Trainers to also incur penalties for whip rule breaches.
- 3) A review and change to the rule that states "In the final 100 metres of a race, official trial or jump-out a rider may use his whip at his discretion". There is a current greater focus on what strikes occur prior to the 100 metre mark however most strikes occur in the last 100 metres which is also when the horses are most tired.
- 4) A revision of the current whip rules to increase scrutiny of whip use in a backhand manner.
- 5) New methods for stewards to review race footage, to improve observation and reduce the number of missed whip rule breaches.
- 6) Trial whip-free races with a view to phase out whip use entirely.

References

- 1) Senate Select Committee on Animal Welfare Report, August 1991, The Parliament of the Commonwealth of Australia http://www.aph.gov.au/binaries/senate/committee/history/animalwelfare_cte/welfare_racing_industry/report.pdf
- 2) Evans, D; McGreevy, P (2011) "An Investigation of Racing Performance and Whip Use by Jockeys in Thoroughbred Races" University of Sydney, Jan. Vol 6, Issue 1
- 3) Risk Factors Associated with Racetrack Casualties in Thoroughbreds, Victoria, Australia 1989 – 2005 (Australian Government RIRDC)
- 4) N. Cogger, D.L. Evans, D.R. Hodgson, N.R. Perkins and S.W.J. Reid (2004) "Shin soreness in Thoroughbred racehorses" RIRDC Publication No. 04/155: Project No. US-84
- 5) McGreevy, Paul ISES Conference, author, Equine Behavior, a Guide for Veterinarians and Equine Scientists)
- 6) Swan, P (1988) "Factors that destroy race performance and the V200 Plus Scientific Training Method", Racehorse Sportsmedicine and Scientific Conditioning, Wallan, Victoria
- 7) King, Christine Dr Mansmann, Richard Dr, Equine Lameness (Equine Research Inc.)
- 8) There are 13 trotting tracks in Norway and only one thoroughbred track. Whips have been banned at all those trotting tracks. Email of 2 March 2012 from Hans Petter Erickson [Managing Director, Norsk Jockeyflub] to the author.
- 9) *Rules for Use of the Whip at Ovreoll Racecourse.*
<http://www.ovrevoll.no/PageFiles/26178/Rules%20for%20the%20use%20of%20whip.pdf>
- 10) Email of 2 March 2012 from Hans Petter Erickson [Managing Director, Norsk Jockeyflub] to the author
- 11) E. Kane (2012) "Whip use in thoroughbred racing: is it necessary?", *Newsmagazine of Veterinary Medicine*, Jan, 43(1) pp 2-5
- 12) Animal Aid. Annex: International Rules and Regulations on the Use of the Whip"
<http://www.animalaid.org.uk/h/n/CAMPAIGNS/horse/2635//...>
- 13) "Issue of whipping needs to be thrashed out", *The Times UK* 25 April 2011 p. 57
- 14) <http://www.horseracingintfed.com/racingDisplay.asp?section=10...>
- 15) British Horseracing Authority. *Responsible Regulation.: a review of the use of the whip in horseracing.* (Sept 2011) paragraph 3.23.
- 16) D. Stansall, "Racehorses do suffer from the whip. Check out the research" *Guardian* 7 Nov 2011.
- 17) British Horseracing Authority. *Responsible Regulation.: a review of the use of the whip in horseracing.* (Sept 2011) 3.7.
- 18) *Prevention of Cruelty to Animals Act 1979* (NSW) s. 4(2)(b); *Animal Care and Protection Act 2001* (Qld) s. 18(2); *Animal Welfare Act 1993* (Tas) s 8; *Prevention of Cruelty to Animals Act 1986* (Vic) s. 9(1); *Animal Welfare Act 2002* (WA) s 19(3)(c).

- 19) *Animal Welfare Act* (NT) s 6(3)(a); *Animal Care and Protection Act 2001* (Qld) s. 18(2)(a) ; *Animal Welfare Act 1985* (SA) s 13(3)(g); *Prevention of Cruelty to Animals Act 1986* (Vic) s. 9(1); *Animal Welfare Act 2002* (WA) 19(2)(a); (3)(a); (3)(c)(ii) and (3)(j).
- 20) Stansall, D; Tyler, A (2004) "A Hiding to Nothing" *Animal Aid*. March.
- 21) A. McLean and P McGeevey, "Horse training techniques that may defy the principles of learning theory and compromise welfare", (2010) 5 *J of Veterinary Behaviour* , 187 at 193-4.
- 22) "Only the best ever master the gentle art of persuasion". *Daily Telegraph London*. 22 April 2011 p. 11
- 23) D. Stansall, "Racehorses do suffer from the whip. Check out the research" *Guardian* 7 Nov 2011.
- 24) D. Evans and P. McGreevy "An Investigation of Racing Performance and Whip Use by Jockeys in Thoroughbred Races. (2011) 6(1) *PLoS ONE* <http://www.plosone.org/article/info:doi/10.1371.pone.001562>
- 25) B. Zefara, "Black Caviar's quickest burst of speed in the Lightning Stakes was between the 600m and 400m where she was running at 20m per second, a rate described by Accardi as "astonishing". "Queen of Turf sets record straight" 20 Feb 2012. <http://www.blackcaviar.net.au/news/queen-turf-sets-record-straight>
- 26) P. McGreevy and C Oddie, "Holding the whip hand", (2011) *Journal of Vet Behaviour*, 287to288.
- 27) M Payne, "Nash Rawiller suspended at Gold Coast". 15 Jan 2012. <http://www.justhorseracing.com.au/general-news/breaking-news/nash-rawiller-suspended-at-gold-coast/135180>
- 28) Michael Bevilacqua, Alexander Nevzorov, and Lydia Nevzorova, 'Equestrian Sports: Horses Don't Cry' *Natural Horse Magazine*, Volume 10 Issue 6
- 29) D. Evans (2002) Fitness and Training in Athletic Horses A report for the Rural Industries Research and Development Corporation Department of Animal Science University of Sydney
- 30) P Smith (2008) 'Whipping sore point for Hayes', *The Australian*, 25 October
- 31) Paul D. McGreevy, Robert A. Corken, Hannah Salvin, Celeste M. Black (2012) Whip Use by Jockeys in a Sample of Australian Thoroughbred Races—An Observational Study, *PLoS ONE*, 1 March, Volume 7, Issue 3
- 32) RSPCA (2010) "Whip Use in Australian Thoroughbred Racing Analysis of compliance with revised whip rules, Sept 2009 to Jan 2010"
- 33) Paul D. McGreevy (2012) "Paul McGreevy on the Role of the Whip in Horse Racing" ABC
- 34) G Pinchbeck et al, "Whip use and race progress are associated with horse falls in hurdle and steeplechase racing in the UK. (2004) 36 *Equine Vet J* 44
- 35) T. Parkin, et al, "Analysis of horse race videos to identify intra-race risk factors for fatal distal limb fracture", (2006) 74 *Preventative Veterinary Medicine* 44 at 54;
- 36) Y Ueda et al, "Analyses of race accident conditions through use of patrol video", (1993) 13 *J Equine Vet Sci* 70
- 37) Hutak, Michael (2010) "Whip it Good" The drum ABC website 29 Sept <http://www.abc.net.au/news/2009-09-04/29074>
- 38) McGreevy, Paul D; Hawson, Lesley A; Salvin, Hannah; McLean, Andrew N (2013) "A note on the force of whip impacts delivered by jockeys using forehand and backhand strikes", *Journal of Veterinary Behavior*, Vol 8, Issue 5, pp 395-399

- 39) Interview with Hans Petter Errikson, Managing Director of the Norwegian Jockey Club by Elio Celotto Campaign Director Coalition for the Protection of Racehorses (CPR), Oslo Norway 24 June 2014.
- 40) E. Kane "Whip use in thoroughbred racing: is it necessary?", (Jan 2012) 43(1) *Newsmagazine of Veterinary Medicine* pp 2-5
- 41) Australian Rules of Racing amended to 1st February 2014 - http://www.australianracingboard.com.au/racing_rules.aspx
- 42) Victoria Racing Steward Reports - <http://rv.racing.com/racing-and-integrity/integrity>
- 43) Don't whip young ones: RSPCA, 2009
- 44) http://www.naturalhorse.com/archive/volume7/Issue3/article_17.php
- 45) <http://www.depi.vic.gov.au/agriculture-and-food/animal-health-and-welfare/animal-welfare/animal-welfare-legislation/prevention-of-cruelty-to-animals-legislation>
- 46) http://www.montyrobersoniversity.com/q_and_a

Appendices

Appendix 1

2013 and 2014 snap shot comparison of breaches recorded in Victoria

	2013	2014
Number of Races	4397	4202
Total Breaches	515	559
% of Races that incurred a Breach	11.71%	13.30%
Number of Fines	252	249
% of Fines	48.93%	44.54%
Total in Fines	\$60,200	\$66,850
Number of \$50 Fines	3	0
Number of \$100 Fines	50	28
Number of \$200 Fines	113	137
Number of \$250 Fines	0	1
Number of \$300 Fines	48	46
Number of \$400 Fines	24	19
Number of \$500 Fines	7	9
Number of \$700 Fines	1	0
Number of \$750 Fines	3	2
Number of \$1000 Fines	2	3
Number of \$1500 Fines	0	4
Number of Reprimands	139	155
% of Reprimands	26.99%	27.73%
Number of Severe Reprimands	122	152
% of Severe Reprimands	23.69%	27.19%
Number of Suspensions	1	3
% of Suspensions	0.19%	0.54%
Number of Adjourned Enquiries	1	0
% of Adjourned Enquiries	0.19%	

Appendix 2 Summary of jockey Chad Schofield's breaches throughout 2013

Date	Location	Penalty	Fine amount if applicable	Jockey	Details
8/01/2013	Eucha	Severe Reprimand		C Schofield	Chad Schofield, rider of Ransom Moment, was severely reprimanded for using his whip in two consecutive strides in a forehand manner prior to the 100m.
22/01/2013	Kilmore	Fine	\$200	C Schofield	C. Schofield rider of Spice Beauty was fined the sum of \$200 when using his whip on six occasions in a forehand manner prior to the 100 metres.
27/01/2013	Werribee	Fine	\$300	C Schofield	C Schofield (Salty Dame) was fined \$300 for using his whip six times forehand prior to the 100m.
2/03/2013	Flemmington	Fine	\$200	C Schofield	C Schofield (Unchain My Heart) was fined \$200 for using his whip six times forehand prior to the 100m.
23/03/2013	Caulfield	Fine	\$300	C Schofield	C Schofield (Royal Amati) was fined \$300 for using his whip six times forehand prior to the 100m.
28/03/2013	Bendigo	Fine	\$300	C Schofield	C. Schofield rider of Kemtain was fined the sum of \$300 for using his whip six times in a forehand manner prior to the 100 metres.
15/05/2013	Sandown Lakeside	Fine	\$200	C Schofield	C Schofield (Starenzo) was fined \$200 for using his whip six times forehand prior to the 100m which is one time more than permitted.
15/05/2013	Sandown Lakeside	Fine	\$300	C Schofield	C Schofield (Shoalhaven) was fined \$300 for using his whip six times forehand prior the 100m which is one time more than permitted.
17/05/2013	Geelong	Fine	\$300	C Schofield	C Schofield (Opt) was fined \$300 for using his whip six times forehand prior to the 100m which is one time more than permitted under the rules.
6/06/2013	Geelong	Fine	\$400	C Schofield	C Schofield (Street Battle) was fined \$400 for using his whip eight times forehand prior to the 100m, which is three times more than permitted under the rules.
7/06/2013	Swan Hill	Fine	\$400	C Schofield	C Schofield rider of Shoalhaven was fined the sum of \$400 for using his whip in a forehand manner on six occasions prior to the 100m. In assessing penalty Stewards took into account his recent record in this area.
31/07/2013	Ballarat	Fine	\$400	C Schofield	C Schofield (Moosem) was fined \$400 for using his whip six times forehand prior to the 100m, which is one time more than permitted under the rules. In assessing penalty Stewards took into account C Schofield's poor record under this rule.
7/09/2013	Flemington	Fine	\$300	C Schofield	C Schofield (Whisper Downs) was fined \$300 for using his whip eight times forehand prior to the 100m.
12/10/2013	Caulfield	Reprimand		C Schofield	AR137A(5)(a)(i) for using his whip for two consecutive strides prior to the 100m in a forehand manner which is not permitted under the rules.
25/09/2013	Sale	Fine	\$400	C Schofield	AR137A(5)(a)(ii) for using his whip on six occasions prior to the 100 metres in a forehand manner. In assessing penalty Stewards took into account C. Schofield's poor record in regard to this matter.
12/10/2013	Caulfield	Fine	\$300	C Schofield	AR137A(5)(a)(ii) for using his whip seven times forehand prior to the 100m, which is two times more than permitted under the rules.
13/10/2013	Cranbourne	Fine	\$400	C Schofield	C Schofield (Bel Thor) was fined \$400 for using his whip seven times forehand prior to the 100m, which is two times more than permitted. In assessing penalty, Stewards took into account C Schofield's poor record.
20/10/2013	Seymour	Fine	\$400	C Schofield	Chad Schofield rider of Sleep 'N' Pete was fined the sum of \$400 for using his whip on six occasions in a forehand manner prior to the 100m. In assessing penalty Stewards took into account his recent record in this area.
26/10/2013	Moonee Valley	Fine	\$1,000	C Schofield	C Schofield (Shamus Award) was fined \$1,000 for using his whip on six occasions in a forehand manner prior to the 100m which is one more than is permitted under the Rules. In arriving at a penalty, Stewards took into account his poor record in this area and that it is a feature race.
7/11/2013	Flemington	Fine	\$400	C Schofield	C Schofield (Kincaple Chief) was fined \$400 for breaching the provisions of AR137(A)(5)(a)(ii) in that he used his whip on six occasions in a forehand manner prior to the 100 metres, one more than is permissible.
17/11/2013	Geelong	Fine	\$400	C Schofield	C Schofield (Horse Power (NZ)) was fined \$400 under the provisions of AR137A(5)(a)(ii) for using his whip six times forehand prior to the 100m, which is one time more than permitted under the rules. In assessing penalty Stewards took into account C Schofield's poor record under this rule.
19/11/2013	Echuca	Fine	\$400	C Schofield	Chad Schofield rider of Hekabe (NZ) was fined the sum of \$400 for using his whip on six occasions in a forehand manner prior to the 100m. In assessing penalty Stewards took into account his poor record in this area.
13/12/2013	Moonee Valley	Fine	\$200	C Schofield	HILTON CASTLE – rider Chad Schofield was fined \$200 for unnecessary use of the whip on the colt, which was out of contention.

Appendix 3 Summary of jockey Mark Zahra's breaches throughout 2014

Date	location	Penalty	if applicable	Jockey	Details
10/01/2014	Mornington	Fine	\$ 200.00	M Zahra	M Zahra (Dig Zing) was fined \$200 for using his whip six times forehand prior to the 100m.
29/01/2014	Geelong	Fine	\$ 300.00	M Zahra	M Zahra (Where's The Bar) was fined \$300 under AR137A(5)(a)(ii) for using his whip six times in a forehand manner prior to the 100m.
8/02/2014	Caulfield	Fine	\$ 400.00	M Zahra	M Zahra (Thunder Fantasy) was fined \$400 under the provisions of AR137A(5)(a)(ii) for using his whip eight times forehand prior to the 100m, which is three times more than permitted under the rules.
5/03/2014	Sandown Hillside	Fine	\$ 200.00	M Zahra	The Terricks – rider M Zahra fined \$200 for using his whip six times forehand prior to the 100m.
30/03/2014	Seymour	Fine	\$ 200.00	M Zahra	Moonlight Magic – Jockey Mark Zahra fined \$200 for using his whip on six occasions in a forehand manner prior to the 100m.
22/05/2014	Bendigo	Fine	\$ 200.00	M Zahra	Later Baby – rider M. Zahra was fined \$200 for using his whip on six occasions in a forehand manner prior to the 100 metres.
31/05/2014	Sandown Lakeside	Fine	\$ 200.00	M Zahra	M Zahra (Obliged) was fined \$200 under the provisions of AR137A(5)(a)(ii) for using his whip six times forehand prior to the 100m, which is one time more than permissible.
12/07/2014	Flemington	Fine	\$ 200.00	M Zahra	fined \$200 for using his whip six times forehand prior to the 100m.
24/07/2014	Bendigo	Fine	\$ 300.00	M Zahra	occasions in a forehand manner prior to the 100 metres.
24/07/2014	Bendigo	Fine	\$ 400.00	M Zahra	seven occasions in a forehand manner prior to the 100 metres.
21/08/2014	Seymour	Reprimand		M Zahra	Garrett County – rider Mark Zahra was reprimanded for using his whip in consecutive strides on one occasion prior to 100m
28/08/2014	Cranbourne	Severe Reprimand		M Zahra	M Zahra was severely reprimanded for breaching the provisions of AR137(A)(5)(a)(i) in that he used his whip in consecutive strides prior to the 100 metres.
3/09/2014	Parkhill	Fine	\$ 200.00	M Zahra	Mark Zahra was fined \$200 for breaching the provisions of AR137(A)(5)(a)(ii) in that he used his whip on seven occasions in a forehand manner prior to the 100 metres.
8/10/2014	Ballarat	Fine	\$ 200.00	M Zahra	Mark Zahra was fined \$200 for using his whip six times forehand prior to the 100m.
11/12/2014	Kyneton	Reprimand		M Zahra	Mark Zahra (Bullitt County) was reprimanded for using his whip for two consecutive strides prior to the 100m in a forehand manner which is not permitted under the rules.
14/12/2014	Werribee	Severe Reprimand		M Zahra	Mark Zahra (Never Better) was severely reprimanded for using his whip six times prior to the 100m in a forehand manner which is one time more than permitted under the rules.

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