



THE COALITION FOR THE  
PROTECTION OF RACEHORSES Inc.

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# Proposal to ban the whip in New Zealand Thoroughbred Racing

Submission by: Coalition for the Protection of Racehorses

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Photo credit: Sandra Kyle, New Zealand horseracing 2021

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## Introduction

While historically whip use has been widely practiced in horseracing around the world, there is a substantial and growing body of evidence that whipping horses in races is unnecessary and inflicts pain on them. New Zealand Thoroughbred Racing (NZTR) itself recognizes that it is only a matter of time before the industry itself calls for the whip to be banned.<sup>1</sup>

The Norwegian Racing Authority banned the whip in 2009 for welfare reasons and also because it was viewed as a “bad look” for horse racing. In 1982, Norway was the first country to legislate against its use, for any purpose other than control. Meanwhile, other countries have made significant changes to their whip rules, restricting the whipping of horses on the racetrack.

Allowing jockeys in New Zealand thoroughbred racing to use the whip at their own discretion in the last 100m of a race is at odds with changes occurring internationally and it appears to contradict NZTR’s rules that riders should not whip excessively (Rule 638(3)).

More importantly, new research from the University of Sydney, the University of South Australia and Animal Aid UK, shows that whipping horses does not make them run any faster or safer and that horses feel just as much pain from whips as humans. This counteracts the narrative used by some that whips are necessary for safety and also integrity (to get the most from a horse during a race) and that horses don’t feel any pain from being whipped.

We argue that it is also at odds with New Zealand’s *Animal Welfare Act 1999* (the Act) which establishes a duty of care for animals including the requirement to meet their needs and alleviate pain or distress.

**The Act’s definition of physical, health and behavioural needs includes:**

*4(d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress<sup>2</sup>*

**Part 1 (Care of Animals) of the Act also requires owners and persons in charge of animals to “attend properly to the welfare of those animals”:**

*(2) This part accordingly –  
(a) requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of animals are met in accordance with both –  
(i) good practice; and  
(ii) scientific knowledge<sup>3</sup>*

This is now an opportunity for the New Zealand racing industry to demonstrate leadership by going at least some way toward upholding its stated commitment to the welfare of racehorses. It is the responsibility of NZTR to acknowledge changing international best practice, the body of scientific

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<sup>1</sup> [UsingWhipsInRacing | Welfare \(loveracing.nz\)](#) – accessed 7 February 2021

<sup>2</sup> [Animal Welfare Act 1999 No 142 \(as at 01 December 2020\), Public Act 4 Definition of physical, health, and behavioural needs – New Zealand Legislation](#)

<sup>3</sup> [Animal Welfare Act 1999 No 142 \(as at 01 December 2020\), Public Act 9 Purpose – New Zealand Legislation](#)

evidence that whipping causes harm to horses and is unnecessary, and the growing public concern about the treatment of racehorses.

To that end, the Coalition for the Protection of Racehorses (CPR) calls for the rapid phasing out of the use of whips in New Zealand horseracing. It is untenable to enable phasing out over a long period of 3-5 years as suggested by NZTR.<sup>4</sup> To support this, we provide the following evidence in this proposal that:

1. There are issues with the current rules and guidelines in place
2. Whipping causes trauma to racehorses and does not improve their racing performance
3. Whip use distracts from horsemanship and reflects negatively on horseracing.

## Evidence

### Current rules and guidelines in place

NZTR states that the racing community considers whips are necessary to encourage 'due effort' in horses. The current rules allow jockeys in flat races to whip horses at their own discretion in the last 100m if there is a chance they may win or place in the race. This implies that it is acceptable for a jockey to inflict pain or distress on a horse if there is a chance at winning money. CPR believes this incentivises whip use to achieve financial gain, de-prioritizing racehorse welfare, particularly during the frenzied race to the finish line and prize pot.

In December 2020, NZTR also amended the whip guidelines because of concerns that suspensions stemming from breaches of the whip rules could result in a jockey shortage. Once again, the welfare of horses has been disregarded leading us to believe that fiscal incentives are the sole driver behind the December 2020 guideline amendments.<sup>5</sup>

We do not believe these changes are consistent with the intentions of the Act which sets out our obligations to animals to alleviate pain or distress. The Act does not provide for an exemption from these requirements to ensure financial gain.

In 2020, CPR noted 476 excessive whip infringements recorded in NZTR racing statistics. This demonstrates poor compliance with the existing rules which therefore appear ineffectual and pointless.

### The whip rules in New Zealand are out of step with what is occurring internationally

Norway is among the most advanced nations in respect to whip restrictions, banning even the carrying of whips in flat races for 3-year-olds and up. Jockeys violating the rules can face a racing ban.<sup>6</sup> In 2012, the then Managing Director of the Norwegian Jockey Club, Hans Petter Eriksen told CPR that since the introduction of the new 2009 whip rules:

- There had been no racing accidents that could have resulted from these changes
- The supervisory job of Norwegian race stewards has been made much easier.

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<sup>4</sup> [No.18 - 18-11-20 - NZTR Circular FY21 - Whip Use Consultation.pdf \(loveracing.nz\)](#)

<sup>5</sup> [Racing: Jockey shortage sees reduction of big bans - NZ Herald](#)

<sup>6</sup> [A Whip-Free Day of Racing in Norway \(thoroughbreddailynews.com\)](#) – accessed 7 February 2021

Stewards at Norway's Øvrevoll racecourse are reported as saying that their jobs have gotten easier since the whip was banned in most races, stating there is less of a chance of a breach when jockeys do not carry a whip at all<sup>7</sup>.

Countries including France, Germany and Ireland have made significant improvements in their whip rules, allowing for far fewer whipping strikes per race than New Zealand.<sup>8</sup> In September 2020, New Jersey introduced the most stringent whipping ban in the USA, preventing whip use except for the express purpose of ensuring immediate safety of horse or rider.<sup>9</sup>

## Case studies

### **Kavish Chowdhooey suspended for the “worst breach ever witnessed”**

In 2018, the judicial committee labelled apprentice jockey Kavish Chowdhooey's whip breach the worst they had ever witnessed under NZTR's rule 638(3)(b)(ii), describing his actions as 'inexcusable', 'grossly unacceptable' and that they 'raise alarming animal welfare and public concerns'.

Chowdhooey, who could not give an explanation for his behaviour, was reported as using his whip with as much force as possible, lifting his arm above shoulder height and striking his horse 37 times in the final straight. His mentor stated that he told Chowdhooey that two taps would be sufficient in the race.

Despite this, Chowdhooey rode two further races later that week, had his suspension deferred to allow him to race on the Saturday and was eventually suspended only for 12 national riding days.<sup>10</sup>

### **New Zealand jockey Michael Walker regrets excessive whipping but says it doesn't hurt**

Despite being fined \$10,000 for excessive whipping of Prince of Arran during the 2019 Melbourne Cup and saying he regretted his actions, New Zealand jockey Michael Walker stated that whips are designed for noise only and that whipping a human as hard as you can with them won't cause any pain. Walker talked about his ambition to win the Cup resulting in everything else (presumably appropriate behaviour) going “out the window”.<sup>11</sup>

## Whipping causes physical and psychological trauma and injury to horses

There has been a substantial and growing body of research providing evidence that demonstrates the whipping of horses in a race does impact negatively on horses, both physically and psychologically. CPR argues that whipping is a form of animal abuse because:

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<sup>7</sup> [A Whip-Free Day of Racing in Norway \(thoroughbreddailynews.com\)](https://www.thoroughbreddailynews.com) – accessed 7 February 2021

<sup>8</sup> [Whip regulation tightened in France from March 1st | France Galop \(france-galop.com\)](https://www.france-galop.com); [Big fines and bans for riders breaking German whip rules > Australia and International Horse Racing news updated daily \(thoroughbrednews.com.au\)](https://www.thoroughbrednews.com.au); [Publications \(ihrb.ie\)](https://www.ihrb.ie)

<sup>9</sup> [New Jersey Enacts Nation's Most Stringent Whipping Ban \(thoroughbreddailynews.com\)](https://www.thoroughbreddailynews.com)

<sup>10</sup> [Apprentice Kiwi jockey Kavish Chowdhooey banned for excessive whip use | Stuff.co.nz](https://www.stuff.co.nz) – accessed 8 February 2021

<sup>11</sup> [Melbourne Cup: Michael Walker says horse race whip sticks 'don't hurt' | RNZ News](https://www.rnznews.co.nz) – accessed 8 February 2021

- Whipping does cause welts to appear on a horse’s flesh and there is evidence that horses feel pain on the skin to the same capacity as humans<sup>12</sup>
- It is cruel to whip an exhausted horse because it is forcing a horse to push themselves beyond their physical limits, often resulting in injury and even death
- Whipping a horse arguably flouts the Animal Welfare Act 1999 because it causes unnecessary pain or distress<sup>13</sup>

A 2012 study in Australia found that 83 percent of whip strikes caused indentations in the horses’ flesh and that “the whip is used exactly because the horse feels it”.<sup>14</sup> An October 2020 landmark scientific study shows that by comparing nerve endings in horse and human skin, horses are not insulated from the pain of a whip strike any more than a human would be:<sup>15</sup>

*“Together, these findings indicate that horse skin is virtually indistinguishable from human skin with respect to the basic anatomical structures relevant to cutaneous pain detection. These observations must refresh old assumptions made about the capacity of the “thick-skinned” horse to experience pain in comparison to humans.”*



The study also discusses horses’ evolution to take flight from stimulus caused by actions such as whipping and therefore “repeated strikes of the whip in horses that are fatigued as they end a race are likely to be distressing and cause suffering”. Fatigue during racing causes sub-optimal performance, increasing the likelihood of injury, and in cases of prolonged exercise, contributes to exhaustion and even death.<sup>16</sup>

Dr Philip Swann, a world authority on the study of equine behaviour has 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*

<sup>12</sup> [Animals | Free Full-Text | A Comparative Neuro-Histological Assessment of Gluteal Skin Thickness and Cutaneous Nociceptor Distribution in Horses and Humans | HTML \(mdpi.com\)](#)

<sup>13</sup> [Animal Welfare Act 1999 No 142 \(as at 01 December 2020\), Public Act 4 Definition of physical, health, and behavioural needs – New Zealand Legislation](#) – accessed 7 February 2021

<sup>14</sup> [Animals | Free Full-Text | Whip Rule Breaches in a Major Australian Racing Jurisdiction: Welfare and Regulatory Implications | HTML \(mdpi.com\)](#)

<sup>15</sup> [Animals | Free Full-Text | A Comparative Neuro-Histological Assessment of Gluteal Skin Thickness and Cutaneous Nociceptor Distribution in Horses and Humans | HTML \(mdpi.com\)](#)

<sup>16</sup> 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

*increased bleeding but also in terms of damaged tendons and muscles. The most effective way to limit this factor which causes internal bleeding, is to ban whips in both training and racing.”<sup>17</sup>*



Whipping racehorses does not improve performance or ensure safety

There are several studies showing that whipping does not increase performance. The 2004 report *A Hiding to Nothing*<sup>18</sup> was based on a thorough UK investigation of 161 races run during October and November 2003. 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. 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.

Research published in October 2020 from the Universities of Sydney and South Australia analysed more than 100 race reports finding that whips make no difference to horse steering, jockey safety or a horse’s speed:

*“Our results indicated no significant differences between horse movement on the course, interference on the course, the frequency of incidents related to jockey behaviour, or average race finishing times. **Put simply, whip use had no impact***

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<sup>17</sup> Swan, P (1988) “Factors that destroy race performance and the V200 Plus Scientific Training Method”, Racehorse Sportsmedicine and Scientific Conditioning, Wallan, Victoria

<sup>18</sup> [A Hiding to Nothing \(animalaid.org.uk\)](http://animalaid.org.uk)

***on steering, safety or speed. Contrary to longstanding beliefs, whipping racehorses just doesn't work."***<sup>19</sup>

Whip use distracts from horsemanship and it reflects badly on horseracing

Whip use is detrimental to the relationship between the jockey and the horse. Horses are renowned for their intelligence, obedience and tolerance and are easy to train. Whenever we force a horse to share our experiences, it is absolutely fundamental that the horse knows that they are going to be okay. 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.<sup>20</sup>

Former winning British jockey John Francome has come out strongly over the last few years in favour of banning the use of the whip, unless it is to prevent a horse from running into a rail or fence. Francome has called for an immediate ban, believing horses resent being forced to run harder.<sup>21</sup> Earlier, at the 2015 World Horse Welfare Conference, Francome said people didn't go to the races to see horses being beaten. He said that without a whip, jockeys would need to ride better, and think and feel more, encouraging jockeys to "put themselves in the place of the horse".<sup>22</sup>

CPR has no interest in advising the industry on ways to help it survive into the future, however, it is worth noting that the use of whips presents a negative and outdated image of horseracing. The use of the whip is often referred to as "the most visible form of violence".<sup>23</sup>

In a society that increasingly rejects animal cruelty, the routine whipping of horses in horseracing is being scrutinised more and more publicly, as people realise hitting or whipping does not encourage horses, it is simply punishment through pain. Despite this practice being a part of racing since its inception well over 200 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.

## Summary

There is simply no justifiable reason for whips to be used in racing under any circumstances. The science and evidence continue to grow, demonstrating that horses do feel pain and the pain inflicted by whipping, both physical and psychological, contradicts our obligations under the Animal Welfare Act 1999 and also the narrative that owners, trainers and jockeys put the welfare of their racehorses above everything else.

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<sup>19</sup> [Research shows whipping horses doesn't make them run faster, straighter or safer — let's cut it out \(theconversation.com\)](#)

<sup>20</sup> E. Kane "Whip use in thoroughbred racing: is it necessary?", (Jan 2012) 43(1) Newsmagazine of Veterinary Medicine pp 2-5

<sup>21</sup> [\(4\) John Francome's take on the whip in racing - YouTube](#) – accessed 8 February 2021

<sup>22</sup> [Ban on whip use would be positive for racing, suggests John Francome - Horsetalk.co.nz](#) – accessed 8 February 2021

<sup>23</sup> [Using whips in horse races is cruel \\* RSPCA Tasmania - Protect Animals | Educate People | Advocate](#)



Public attitudes towards the use of animals for entertainment and profit are changing rapidly and the horseracing industry itself appears to have a growing resistance to whip use in racing. New Zealand racing risks becoming an international outlier, particularly given its recent changes to whip rules to ensure not the welfare of horses nor the safety of jockeys, but the ability of jockeys to continue to whip and race without any meaningful penalty.

For the many reasons outlined in this submission, until the whip is phased out completely, injuries and deaths will be more prevalent and a cloud will remain over the racing industry which purports to love its horses with one hand while whipping them with the other.

## Recommendation

CPR firmly recommends the **rapid phasing out of the whip in New Zealand thoroughbred racing by the end of 2021**. This is primarily due to the physical and psychological pain and trauma whipping wreaks on racehorses but also the evidence that demonstrates a lack of safety benefits for both horse and jockey.

CPR acknowledges there will be some opposition to any changes to whip rules from within the industry, but is also aware of NZTR's own recognition that the call for a ban on whip use in racing is gaining momentum internally. Therefore, CPR is calling for an immediate commitment from NZTR to phase out whips in the shortest possible timeframe and the immediate introduction of whip free races that will help the industry transition.

## The Coalition for the Protection of Racehorses

CPR was formed in Australia in 2008 to address animal welfare issues in the horseracing industry. It has satellite teams in New Zealand and collaborates with other Australian and international animal rights and welfare organisations. Effective campaigning, investigations and research, often achieving substantial media, have resulted in a significant increase in public awareness regarding the treatment of racehorses in Australia and New Zealand. CPR has placed a spotlight on an industry which is rapidly losing its social license.





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