



THE COALITION FOR THE PROTECTION OF RACEHORSES Inc.

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Racing Reviews Team
Hospitality and Racing
Department of Creative Industries, Tourism, Hospitality and Sport

Submission to the Independent Review of the Thoroughbred Racing Act, New South Wales, 2025

Melbourne, 24 November 2025

Dear Racing Reviews Team,

Thank you for the opportunity to submit our concerns to be considered for the Independent Review of the Thoroughbred Racing Act in 2025. In our submission we have put forward our recommendations that we believe will benefit the most important participants in racing – the horses.

The most important changes that we would like to see implemented are:

- Removal of Racing NSW's permission to oversee and self-regulate on animal welfare matters - due to its inherent conflict of interest;
- Independent oversight, regulation of, and transparency into all animal welfare matters including reporting within the NSW thoroughbred racing industry;
- Implementation of Whole of Life Horse Traceability Program and Register;
- Rehabilitation and retirement plan for all thoroughbreds; and
- Banning the use of whips, tongue ties, spurs, and all training and handling methods based on negative reinforcement.

CPR would welcome the opportunity to discuss our submission in more detail.

Kind regards

Elio Celotto

President
Coalition for the Protection of Racehorses

Introduction

Thank you for the opportunity to participate in the Independent Review of the Thoroughbred Racing Act.

The Coalition for the Protection of Racehorses' (CPR) focus of interest is on thoroughbred racehorses, however our position is, that all horses, regardless of the uses to which humans make of them, ought to be treated equally.

We submit that the Thoroughbred Racing Act (TR Act) is not fit for purpose in modern Australia, according to global and community standards. It is poorly equipped to provide legal support for the welfare and life-long care and traceability of all thoroughbreds bred by racing. The racing industry treats its horses as objects to be used for human profit, and then discarded when they can no longer provide benefits. The Australian Rules of Racing, the mechanism for self-regulation of the industry, are heavily biased towards supporting intensive use of horses for racing, with little concern for their welfare.

There are many problems inherent in the racing industry that have placed an intolerable burden on the welfare of all horses bred by the industry. The problems derive from the industry's traditional, instrumentalist world view. The racing system has used thoroughbreds in such a way, by overbreeding and wastage for example, that has created a problem it cannot solve, which now threatens racing's viability and sustainability. In addition, times have changed, and society's views have progressed beyond those of the racing, to the extent that people no longer approve of the ways in which the industry operates. Negative public views of racing are therefore a significant challenge to the industry's sustainability and viability.

It is critical that compliance and enforcement of horse welfare should be removed from the hands of the racing industry. The overwhelming objectives of profit and an entrenched anthropocentric and instrumentalist culture mean that racehorse welfare is secondary to human desires.

Given the stable nature of value systems, and the endemic nature of attitudes to animals, it is unlikely that the racing industry and its senior administrators will undergo a dramatic value shift in the near future. There are however, many ways in which the industry can introduce changes to benefit the horses. Our recommendations are listed on page 15.

Racing's outdated instrumentalist value system directs the industry's operations

Self-regulation of the racing industry is at odds with the demands of animal welfare. This is because, the TR Act, and the operation of the racing industry are informed by an outdated value system that treats animals solely for their use to provide benefits to humans, specifically to generate profit. This is an instrumentalist, anthropocentric world view, that drives the practices of the entire racing industry in breeding, training, racing and retirement of thoroughbreds.

Within this instrumentalist value system, "welfare" can refer to an ethical position, which unquestionably accepts animal use, but provides a set of rules to guide that use. As such, "The primary focus of animal welfare is simply the *regulation* of animal treatment" (Fennell, 2013; Francione, 2008, p. 1). "Welfare" is then designed

according to human needs, and not the specific biological and psychological needs of the horse (Aaltola & Wahlberg, 2015; Carr & Broom, 2018). This position can be illustrated by the ARR (and Local Rules) which accept whipping as a standard practice, but make numerous rules under the guise of “welfare”, which legitimise and normalise a cruel behaviour.

The behaviours derived from racing’s instrumental value system have negative societal flow-on effects beyond the racing industry. Rollin (cited in Benn, 2012) argues that the spectacle of whipping horses undermines the compassion we try to teach our children, sending mixed messages about kindness, empathy, and respect for living beings.

Morality, ethics and science

In horse racing there are scientific as well as moral and ethical bases upon which the treatment of thoroughbreds can be justified.

On the one hand, instrumentalist world views conveniently ignore or challenge scientific evidence in areas such as animal sentience, their rights as living beings and their psychological states. On the other hand, however, a demand for scientific evidence can be manipulated in such a way as to obfuscate efforts to improve conditions for animals (Fennell & Thomsen, 2021; Morris & Beatson, 2011). An example of how demands for scientific evidence allow whipping to continue in racing, is illustrated in Hood et al.’s (2017) study. As Mark Pearson (New South Wales, 2021, p. 5223) stated, “the racing industry has done nothing more than pay lip service to public concern by *regulating* rather than banning the use of the whip”.

Hood et al.’s (2017) study examined data from New South Wales and the Australian Capital Territory in 2016. They argue that “there is sufficient evidence now and a moral and legal imperative to assume that, in the absence of evidence to the contrary, whipping is potentially painful,” and that “the whip is used exactly because the horse feels it (p. 12). Their exhaustive study illustrates the difficulty of providing scientific evidence about “unnecessary” whipping, required under the *NSW Prevention of Cruelty to Animals Act 1979 (POCTA)* against the copious regulations of the racing industry. A summary of part of the results is below.

It is also unclear what constitutes excessive, unnecessary, or improper whip use (AR 137A. (3)) (Code 6), given AR 137A. (4) prohibits whip use (a) forward of horse’s shoulder/vicinity of head (Code 7); (b) that raises arm above jockey’s shoulder height (Code 8); (c) when horse is out of contention (Code 9); (d) when horse is showing no response (Code 10); (e) after passing winning post (Code 11); (f) causing injury to the horse (Code 12); (g) when horse is clearly winning (Code 13); (h) when horse has no reasonable prospect of improving/losing position (Code 14); and (i) in such manner that the seam of the flap is the point of contact with horse, unless rider satisfies Stewards this was neither deliberate nor reckless (Code 15).
(Hood et al., 2017, p.14).

As Heleski and Anthony (2012) argue however, moral issues should also be considered, that animals should not be whipped. Thus, from an animal rights perspective, whipping should be banned, because a sentient being has the right not to be whipped, under any circumstances (Regan, 2004).

The racing industry creates thoroughbreds as public individuals, particularly through its practice of naming each horse and providing a large amount of information, including photographs, about them, with some horses achieving celebrity status. This encourages the public to take an interest in racing, and to engage in gambling and racetrack attendance. In these ways, the industry promotes racehorses as having a higher moral status than many other animals that are used by humans. Cohen and Fennell (2016) argue that an industry that has bestowed such a position to an animal, also has a moral obligation to treat that animal according to a higher moral status. This is not the case in racing - once a horse can no longer serve the industry, he/she is discarded. The example of Black Caviar's treatment at the end of her life, and many scandals about ex-racehorses, illustrates the one-sided, and unethical bargain, favouring the racing industry over thoroughbreds.

In the next sections we deal with more specific aspects of the TR Act.

Objectives and Purpose of the Act

The current function of the TR Act

The Thoroughbred Racing Act (TR Act) is designed to *control, supervise and regulate horse racing in the State (S13 (b)), with respect to the public interest, business, economic development and strategic development of the horse racing industry, and the strategic development and welfare of the horse racing industry*. It is not an animal welfare act, and is not purposed to protect and care for racing animals - it makes no provision for the health, safety and welfare of its thoroughbreds. The TR Act provides legitimacy to the operations of the racing industry which treats horses as machines to breed, train and race. The death of a thoroughbred provides the unacknowledged feedback loop that reignites the process of use and abuse of another racehorse.

Although sections 13 and 14 are cited to suggest concern for animal welfare, they do not provide the level of support needed for the industry's thoroughbreds. The evidence of this failure lies in the number of on and off-track deaths, the litany of injuries cited in the Stewards Reports, over breeding and the lack of care provided to foals, broodmares and retired horses.

Animals are invisible in the TR Act

The TR Act excludes consideration of horses, by making them legally invisible. One of the most obvious flaws in the current TR Act is the blatant omission of any reference to the thoroughbred horses upon whom the entire racing industry depends. We conducted a very brief content analysis of the TR Act, searching for "horse", "thoroughbred" and "welfare". Despite industry claims to the contrary, the TR Act shows virtually no interest in horses other than in the context of "horse racing", and a complete absence of any reference to welfare of the horse. Reading the TR Act, a person could be excused for thinking that a thoroughbred was in fact a motorised racing vehicle, and not a sentient, living animal.

"welfare": Three mentions, none of which relate to the welfare of horses; one refers to the Greyhound Welfare and Integrity Commission, and two refer to welfare "of the racing industry"

"thoroughbred": 84 mentions, none of which refer to an actual horse. Two concern S31(1) f) "interests of owners of thoroughbred racehorses" and g) breeders of thoroughbred racehorses". All other mentions refer to the "Thoroughbred Racing Act", and most of these are just page headers.

"horse": 61 mentions, whereby almost 80% are in the context of "horse racing" or "horse race".

Sentience

Scientific acknowledgement of sentience means that racing can no longer rely on outdated notions of welfare such as a focus only on cruelty, or the notion that "Less pain equates to better welfare" (Sentient Animal Law Foundation, 2022, p. 2). Fennell and Thomsen (2021, p. 5) argue that "[T]he fact that animals experience pleasure makes the case for their protection a moral concern, instead of merely managing pain and suffering which is an empirical one". Broom finds that sentience is thought

to influence an animal's "physiological response that involve a return to homeostasis" (Broom, 2010, p. 6), thus being an integral aspect of basic welfare.

The Sentient Animal Law Foundation (2022, p. 7) suggest the following definitions:

- "Sentience of an animal means the animal's capacity to feel or experience negative and positive physical, mental and emotional states".
- Negative state is "an animals feeling or experience of pain, distress, or suffering"
- Positive state is "an animals feeling or experience of comfort, interest or pleasure"

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The TR Act must contain a statement acknowledging that thoroughbreds are sentient beings, and that they have physical, mental and emotional experiences, and negative and positive states.

The notion of sentience must be pervasive throughout the TR Act, and used to inform all aspects of welfare, care and management of racehorses.

The TR Act must also acknowledge the unique experiences of horses to inform the development of species-specific Regulations and Code of Practice.

Five Domains Model

The welfare problems suffered by racehorses are a direct effect of the management strategies used in the racing industry, which prioritise human profit over animal welfare. Therefore, we propose the TR Act direct the implementation of a Code of Practice with regulated minimum standards for racehorse welfare, which are based on the 2020 Five Domains Model, as the best globally acknowledged animal welfare guide. As several researchers have established, including Iris Bergmann (2019, 2020), the racing industry tends to be driven by tradition in their horse management and training regimes, and not by the fluid nature of best practice. Fortunately, the 2020 Five Domains Model comes with a comprehensive 25-hour online course (Wilkins, 2023), which teaches how to apply the model and assess horse welfare in practice. CPR suggests that new Regulations require that all who are practically handling or overseeing horse welfare in the racing industry are required to successfully complete this course.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The TR Act should direct the implementation of a Code of Practice with regulated minimum standards for racehorse welfare, which are based on the 2020 Five Domains Model, as the best globally acknowledged animal welfare guide (Mellor et al., 2020; Wilkins, 2023).

The focus of the ARR

The TR Act appears to have waived what should have been its responsibility to care for thoroughbreds, and it has placed a great deal of trust in the racing industry, to self-

regulate its operations using self-interested standards, the Australian Rules of Racing (ARR). This trust is misplaced, however, because the ARR are not designed for the benefit of thoroughbreds either.

For the most part, the ARR can be understood as a means to protect the integrity of races, not the animals racing in them. That is, a lack of surety in the integrity of races would undermine the punters' confidence and perhaps discourage them from making wagers and generating the profits so desired by industry. The ARR apply the notion of "welfare" to *regulate* instrumental use of thoroughbreds, with priority given to racing.

The Australian Rules of Racing do provide some rules about the welfare of the horses, but the racing industry has demonstrated multiple times, that it does not act in the best interests of thoroughbreds. Acts of cruelty on the racetrack, can be seen on television every day – horses being whipped, breaking down, distressed, injured, collapsing during and after races. In fact, the industry is more concerned about its image than the welfare, rights and care of the horses. The examples below illustrate cases of animal cruelty, that were charged by the racing industry, as actions *detrimental to the image of racing*. Cases from three different states indicate the instrumentalist view of animals is inherent in racing. We note that this reality differs substantially from the image that the racing industry likes to project to the public.

The animal welfare failures of the TR Act and racing industry, means that almost all avenues to provide a voice to thoroughbreds is left to public organisations such as the RSPCA and CPR. As noted in our Deathwatch report, CPR has experienced obstruction and deception by the racing industry, with participants refusing to engage in conversation with us. Racehorses are also failed by industry, despite the requirements of POCTA. Mark Pearson commented that "POCTA is not excluded from application to horseracing in New South Wales. But in practice the main enforcement agency, the RSPCA has been content to rely on industry self-regulation" (New South Wales, 2021, p. 5223).

Example 1, New South Wales: Earlier this year, dead and emaciated thoroughbreds were found on an agistment property in NSW (Barrett, 2025). The property owner, who is not a licenced racing participant, will appear in court on 27 November 2025 for 11 animal cruelty charges. Racing NSW has added this person to its "excluded list" which bars trainers and owners from transferring racehorses to this property owner in the future. The person who was in charge of, or in possession, control or custody of the thoroughbreds found dead on the property, however, is a licenced racing participant, and her offences were dealt with by Racing NSW and not the RSPCA (Racing NSW, 2025). This licenced racing participant had, in addition to failing her own agisted thoroughbreds, facilitated the "retirement" and transport of an additional 27 thoroughbreds to the property well knowing, that the property owner had previously shot horses and sent them to a zoo to be fed to the lions (Racing NSW, 2025). In stark contrast to the property owner, the licenced racing participant was not added to Racing NSW's "excluded list", nor will she appear in court for animal cruelty charges. Instead, she was handed a 16-month disqualification from Racing NSW, which she has appealed.

Example 2, South Australia: Unnamed horse: A second example, in which an act of animal cruelty was charged by the racing industry under AR228(b) (refer to Racing SA, Stewards Report, 2 April 2024, relating to an incident on 11 March 2024, at Strathalbyn racecourse). In this case, a *licenced* trainer who had been dislodged,

held the horse by the reins with one hand, and used his other hand to whip the horse on the neck “on a number of occasions”. The horse was unnamed, which suggests a very young horse under the age of two years. The Stewards Report stated the charge was “serious”, yet matters unrelated to the horse’s experience of brutality were considered in reducing the penalty for the trainer from \$1,500 to \$1,000: contrition for the act, a guilty plea, a “good record”, and for some unknown reason, his “personal circumstances”.

Example 3, Victoria: Santos Lass: in retaliation for being ditched by the horse, the jockey punched the five-year-old mare in her head and stomach. No charge was made against the jockey for mistreating the horse. Instead, he was charged under AR228, “conduct detrimental to the interests of racing” (b) “misconduct, improper conduct or unseemly behaviour.” (refer to Racing Victoria, Stewards Report, 18 October, 2025, Yea racecourse).

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

Racing NSW must not retain self-regulating oversight of animal welfare matters under the TR Act. The duty of regulating and overseeing the welfare of thoroughbreds in the NSW racing industry must be placed within an independent government body, such as the Independent Office of Animal Welfare, which the NSW government has already agreed to establish as one of their election promises.

The TR Act must include a mandatory requirement of Racing NSW to report all suspected animal cruelty offences directly to the RSPCA to ensure that all offenders from within the racing industry are prosecuted under POCTA consistently as well as under the rules of racing.

Governance Structures and Processes

As per the TR Act review survey, CPR **strongly disagrees** that:

The governance framework in the Thoroughbred Racing Act (TR Act) is effective in ensuring a fair and competitive thoroughbred racing industry for NSW.

While the TR Act may be effective in ensuring a fair and competitive thoroughbred racing industry in NSW for its human participants, it is certainly not fair for its most important participants; the horses.

Racing NSW operates under an inherent and irreconcilable conflict of interest. As both the commercial provider/promoter of racing, and the welfare regulator, Racing NSW must simultaneously maximize revenue while protecting horses from harm. Scientific research demonstrates that when these interests collide, welfare consistently loses (D’Cruze et al., 2018; Moorhouse et al., 2015). It is notable that the Board does not require membership of a person who has expertise in animal welfare, specifically thoroughbreds, to help in its management of welfare and animal care.

As per the TR Act review survey, CPR **strongly disagrees** that:

The governance framework in the TR Act is effective in ensuring a viable and sustainable thoroughbred racing industry for NSW.

From an animal welfare perspective, the thoroughbred racing industry in NSW is far from viable or ethically sustainable. Through over breeding, for example, the NSW racing industry is creating a massive oversupply of ex-racehorses in need of new homes every year – also referred to by racing as ‘wastage’. The breeding of horses into an industry that makes use of their horses for only five years on average, when horses live for 25 years, is unsustainable in itself. Currently, the TR Act enables the NSW racing industry to renounce their responsibility for the welfare of their horses once they are retired from racing.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The NSW Racing Board must have at least one member who holds qualifications in veterinary science with equine expertise.

There is an urgent need to drastically increase enforcement of the protection of horses against acts of cruelty specified under POCTA in the racing industry. The TR Act must state that Racing NSW and its operations, particularly in relation to animal welfare, are subject to the POCTA Act, and that the ARR are subservient to POCTA.

Transparency

As per the TR Act review survey, CPR **very strongly disagrees** that:

Reporting requirements in the TR Act are effective in ensuring appropriate transparency to industry stakeholders and the public about Racing NSW’s management of key matters of public interest.

The current NSW TB Act stipulates that Racing NSW must act in the interest of the public - a key matter of public interest is the treatment and fate of horses bred for racing. Despite decades of calls from animal advocacy groups to increase transparency, Racing NSW still does not publish the number and details of thoroughbred deaths that are directly related to racing on and off-the-racetrack, in their annual report or any other publication. The industry has steadfastly refused to disclose details about the fates of injured horses, retired horses, breeding horses and the foals who do not make it into racing – all the horses that racing refers to as industry ‘wastage’.

This year for example, CPR’s *Deathwatch Report 2025* recorded the highest number of deaths on-track. The results of a GIPA application for the 2023/2024 year found three times the number of deaths had occurred in NSW for that year, compared to our *Deathwatch Report*. Despite industry claims of improved welfare, the death count has increased over the ten years that *Deathwatch* has been produced. The effort required by groups such as CPR to force information out of racing does not reflect an

industry that holds a genuine value for transparency for animal welfare, or respect for the public.

The racing industry however, fails to acknowledge that lack of accountability and transparency about racehorses, is one of the major factors driving a decline in public support, and in turn, is itself a threat to the industry. The absence of any meaningful reference to animals in the TR Act, provides a legal loophole, that allows the racing industry to ignore the welfare of thoroughbreds and the damage done to them by breeding, training and racing. It is therefore very difficult for the public to accept industry assurances that they are doing the right thing to care for thoroughbreds.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The TR Act must specify that the racing industry must introduce and maintain a whole of life traceability program for all horses that they breed for racing.

Annual reporting requirements in the TR Act must include greater transparency about thoroughbreds, including;

- **A whole of life traceability program;**
- **breeding;**
- **on and off-track deaths;**
- **injuries;**
- **rehoming; and**
- **money spent on animal welfare.**

Reporting must be independently reviewed and audited.

Accountability

As per the TR Act review survey, CPR **strongly disagrees** that:

Oversight mechanisms under the TR Act are appropriate in addressing the need for Racing NSW to be accountable to stakeholders and the public:

As noted above, Racing NSW operates under an inherent and irreconcilable conflict of interest. Its operations are not transparent to the public with respect to the lives of its thoroughbred 'participants.' Racing NSW acts as if it ought not be accountable to the public, and only reluctantly releases information about the fate of racehorses, if at all, or through formal GIPA requests that the public must first pay for.

At present, the racing industry has the least level of accountability to its most important stakeholder, the thoroughbred racehorse. The TR Act fails to acknowledge these animals as being 'stakeholders' and even 'participants'.

Racing NSW is not being held accountable for the whereabouts and welfare of the horses once they have served their purpose in racing; the industry refuses to impart information to the public about them.

Racing NSW's commercial imperative to maintain gambling integrity creates systematic pressure to permit practices, that science has shown cause horses pain and suffering to racehorses. One of the most visible examples is the tradition of whipping. Stewards routinely penalize jockeys who fail to use the whip sufficiently, even while simultaneously enforcing rules ostensibly designed to limit whip use. This paradox reflects the deeper contradiction at Racing NSW's core: it cannot credibly protect horses from whipping while simultaneously requiring jockeys to whip them.

Studies show that even the copious rules about whipping in the ARR, fail to protect racehorses. The horses are frequently hit by the unpadded parts of the whip, and Stewards cannot see all whip breaches in any case (McGreevy et al., 2012).

Moreover, while members of Racing NSW are not excluded from prosecution under the NSW animal protections laws (POCTA), in practice, racing is allowed to self-regulate. The result is that animal cruelty offenders from within the NSW racing industry are rarely held accountable under the law. Once again, the practice of whipping, which is forbidden under POCTA, is a routinely evidenced in every race – yet no action is taken.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

There is an urgent need to drastically increase enforcement of the protection of horses against acts of cruelty specified under POCTA in the racing industry. The TR Act must state that Racing NSW and its operations, particularly in relation to animal welfare, are subject to the POCTA Act, and that the ARR are subservient to POCTA.

Action must be taken to ensure that independent regulators (RSPCA NSW) have sufficient resources to prioritise investigating offences of animal cruelty within the racing industry.

Stakeholder Consultation and Participation

As per the TR Act review survey, CPR **strongly disagrees** that:

Consultation requirements in the Thoroughbred Racing Act (TR Act), such as the Racing Industry Consultation Group (RICG), are effective in ensuring key stakeholders in the industry have a genuine and meaningful voice in Racing NSW's decision making and strategic planning.

Given the public's declining interest and support of the racing industry, the functions and powers of Racing NSW are clearly inadequate to generate public trust. Instead, scandals involving slaughter and multiple incidents about mis-treatment of racehorses are reported to the public through the media on a regular basis.

The RICG is completely unequipped to consult on any animal welfare matters because its current composition does not include any equine welfare experts. Similarly, the racing Board has no requirement for any member to hold qualifications or experience in equine welfare. Not a single person on these groups represents the

interests of thoroughbreds. The TR Act must therefore specify a voice for thoroughbreds in the RICG.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The RICG must include at least an equal number of members representing the interests of the animals, as there are representing the interests of the human participants.

Initiatives for Industry Sustainability and Viability

As per the TR Act review survey, CPR **disagrees** that:

The Thoroughbred Racing Act (TR Act) provides Racing NSW with an appropriate framework to support the industry's long-term sustainability and viability across metropolitan, regional, or country areas:

The lack of accountability and transparency from the racing industry regarding the welfare of their horses, is one of the major factors driving the decline in public support of the industry in NSW. In particular, the public is influenced by on-track deaths, the low level of transparency in reporting on off-track deaths, and traceability of broodmares, foals and retired horses. Australians are greatly concerned with animal welfare (98%) and agree that government should do more to protect animals against cruelty and ensure they have good quality of life (94%) (Roy Morgan Research, 2022). In other words, the Australian public is a stakeholder of the racing industry, and its attitudes provide a gauge on racing's social licence (Duncan, Graham & McManus, 2018). The racing industry fails to acknowledge that its sustainability and viability are increasingly impacted by the public's negative opinion of racing practices.

Over breeding in the NSW racing industry is creating a massive oversupply of ex-racehorses in need of new homes every year – also referred to by racing as 'wastage'. The breeding of horses into an industry that makes use of their horses for only five years on average, when horses live for 25 years, is unsustainable in itself.

Unless the racing industry makes a genuine effort to treat thoroughbreds fairly, to allocate adequate funds for their welfare and to report on the animals, public opinion will continue to decline. Not only in Australia, but research in the United Kingdom has confirmed a decline in racetrack attendance, with on-track deaths having a negative impact on public opinion of racing (Buraimo et al., 2020; Duncan, Graham, & McManus, 2018.) A study in New Zealand also found that while younger generations attend mega racing events, they have little interest in weekday racing, preferring other entertainments (Lee, 2017).

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The TR Act must stipulate a limit to the number of thoroughbreds being bred for racing to ensure there are sufficient experienced homes, with adequate resources available, for all horses who retire from racing.

The TR Act must include a requirement of the racing industry to fund a safe, lifelong retirement of all horses bred for racing in NSW.

Animal Welfare and Participant Health and Safety

As per the TR Act review survey, CPR **absolutely disagrees** that:

The Thoroughbred Racing Act (TR Act) provides Racing NSW with an appropriate framework to oversee animal welfare matters in the NSW thoroughbred racing industry.

CPR sees no evidence that the racing industry has any genuine care for its thoroughbreds. In this section we deal with “welfare” in a more general sense, as it relates to animals’ wellbeing and level of care. The problem here lies in being able to define welfare from the animals’ perspective (Aaltola & Wahlberg, 2015; Francione, 2008). Acknowledgement and understanding of the importance of good animal welfare is developing rapidly at the global scale however. Research in the basic needs of animals is advancing, and academic literature is already addressing higher level issues such as animal consent (Fennell, 2022) and animal agency (Bergmann, 2019). As several researchers, including Iris Bergmann (2019, 2020), have established, the racing industry tends to be driven by tradition in their horse management and training regimes, and not by the fluid nature of best practice. The racing industry is far behind these advanced levels of animal understanding and consideration.

Described below are the main welfare problems suffered by thoroughbreds who are forced to perform in breeding, training and racing by the industry: Foals, broodmares, racing and retired horses suffer. All of these problems are directly caused by the racing industry through its intensive management programs and day-to-day and racetrack treatment of the horses. Relentless pressure is exerted on racehorses in such a way that they are unable to adapt by using their own biological coping mechanisms (Fennell & Thomsen, 2021; McGreevy, 2018; Regan, 2004). The conditions noted below, are well known through veterinary research.

Racetrack death and injury

CPR's *Deathwatch Report 2025* lists 175 horses who died Australia wide in 2024/25, of which 50 (29%) were in NSW. The causes of deaths are listed below.

Injury	Freq.	Injury	Freq.
Front limb injury	85	Pelvis fracture	3
Unspecified injury	28	Post-race colic	2
Hind limb injury	13	Internal bleeding	2
Heart attack	12	Neurological trauma	1
Undisclosed reason	10	Chest injury	1
Collapsed and died	9	Spinal injury	1
Shoulder fracture	8	Total	175

Coalition for the Protection of Racehorses, *Deathwatch Report 2025*

On a regular basis, Stewards Reports also list race day injuries and complaints to horses, including; Lacerations and abrasions, various wounds, heat stress, slow

recovery, cardiac problems, falls, lameness (it is not unusual that a horse is reported lame in more than one limb), sore muscles, sore backs, hoof complaints, distressed, being galloped on, respiratory issues, head injuries, and tendon injuries. Horses on race days are also subjected to whips, tongue ties and spurs, which cause them pain and distress.

Studies show that the use of tongue ties stresses the horse, causes ischemia, and can cause long-lasting damage to the horse's highly vascularized tongue (Findley et al., 2016; McGreevy, 2018; McLean & McGreevy, 2010).

EIPH (Exercise Induced Pulmonary Hemorrhage): occurs in almost all horses to varying degrees, while being raced, but only 1.1% to 3.5% of horses show visible signs of bleeding, with blood at the nose (Sullivan & Hinchcliff, 2015).

The case against whipping

The case against whipping (which is stated in POCTA) is supported by research that shows beating a horse causes him/her pain but does not significantly increase the speed or placement in a race (Evans & McGreevy, 2011; Hood et al., 2017; Wilson, Jones & McGreevy, 2018).

On 6 August 2025, the Magistrates Court in Tasmania made a landmark ruling when a racehorse trainer was convicted of animal cruelty under the Animal Welfare Act 1993 for hitting a horse repeatedly with a padded racing whip (RSPCA Tasmania, 2025). The court was satisfied that it had been proven the whipping caused unjustifiable pain and suffering to the horse. Currently, the TR Act allows this now proven act of cruelty to animals, to be played out, in plain sight on every single race day.

Day to day issues

Horses suffer every day, for their entire racing lives, because the industry fails to accommodate their most basic, natural needs (that are required by the 2020 Five Domains Model (Mellor et al., 2020)): housing, diet, social needs, and breeding regimes (in addition to training and racing).

Housing: The accommodation in which horses are kept causes them to suffer from inflammatory airway disease caused by excessive exercise as well as agents such as dust, allergens and endotoxins (Linklater et al., 2000). Many stabled racehorses will develop abnormal behaviours such as wood chewing, box walking, windsucking and weaving (Malikides & Hodgson, 2003).

Diet: The conventional feeding regime of racehorses in work causes most racehorses to suffer from stomach ulcers, from which they suffer pain and distress every day (Begg & O'Sullivan, 2003).

Deprivation of social needs: Racehorses are forced to spend most of the day housed in single stalls, depriving them of ways to express their natural needs and instincts, denying positive effects, and creating negative experiences (Jones & McGreevy, 2010).

Breeding

Stallions also live solitary lives of social deprivation and are frequently transported from one stud to another to provide 'services', with no choice in selecting their mate (McManus et al., 2013).

Approximately 35% of foals born into the racing industry in Australia will never make it onto the racetrack (Select Committee on the Proposal to Develop Rosehill, 2024). There is currently no transparency into the whereabouts and welfare of these horses.

Australia wide, an estimated 3,000 mares go into breeding each year, with at least 3,000 exiting. Mares are typically bred from every year until they are exhausted, and "retire" at around the age of 10. They have very little hope of being re-homed. The racing industry keeps no publicly available records of these mares exiting breeding.

IN CONCLUSION ON THIS SECTION, CPR SUBMITS:

The TR Act should direct the implementation of a Code of Practice with regulated minimum standards for racehorse welfare, which are based on the 2020 Five Domains Model, as the best globally acknowledged animal welfare guide (Mellor et al., 2020; Wilkins, 2023), and,

Ban the use of whips, tongue ties, spurs, and all training and handling methods based on negative reinforcement.

Ban the racing and training of two-year-old horses and require horses not to be started until four years of age.

Implement scientifically evidenced regulated rest times between races and transport before/after races.

Floating injured horses off the racetrack must be subject to veterinary assessment.

Implementation of regulated heat policies to prohibit racing in conditions beyond the horses' thermal comfort zone (5-25 degrees Celsius).

Limit the number of years that broodmares can be forced to breed.

Summary of CPR recommended changes to the Thoroughbred Racing Act

1. The TR Act must contain a statement acknowledging that thoroughbreds are sentient beings, and that they have physical, mental and emotional experiences, and negative *and* positive states.

2. The notion of sentience must be pervasive throughout the TR Act, and used to inform all aspects of welfare, care and management of racehorses.

3. The TR Act must also acknowledge the unique experiences of horses to inform the development of species-specific Regulations and Code of Practice.
4. CPR proposes the TR Act should direct the implementation of a Code of Practice with regulated minimum standards for racehorse welfare, which are based on the 2020 Five Domains Model, as the best globally acknowledged animal welfare guide (Mellor et al., 2020; Wilkins, 2023).
5. Racing NSW must not retain self-regulating oversight of animal welfare matters under the TR Act. The duty of regulating and overseeing the welfare of thoroughbreds in the NSW racing industry must be placed within an independent government body, such as the Independent Office of Animal Welfare, which the NSW government has already agreed to establish as one of their election promises.
6. The NSW Racing Board should have at least one member who holds qualifications in veterinary science with expertise in thoroughbred horses.
7. There is an urgent need to drastically increase enforcement of the protection of horses against acts of cruelty specified under POCTA in the racing industry. The TR Act must state that Racing NSW and its operations, particularly in relation to animal welfare, are subject to the POCTA Act, and that the ARR are subservient to POCTA.
8. The TR Act must specify the racing industry introduce and maintain a whole of life traceability program for all horses that they breed for racing.
9. Annual reporting requirements in the TR Act must include greater transparency about thoroughbreds, including;
 - a whole of life traceability program;
 - breeding;
 - on and off-track deaths;
 - injuries;
 - rehoming; and
 - money spent on animal welfare.
10. Reporting must be independently reviewed and audited.
11. Action must be taken to ensure that independent regulators (RSPCA NSW) have sufficient resources to prioritise investigating offences of animal cruelty within the racing industry.
12. The RICG must include at least an equal number of members representing the interests of the animals, as there are representing the interests of the human participants.
13. The TR Act must stipulate a limit to the number of thoroughbreds being bred for racing to ensure there are sufficient experienced homes, with adequate resources available, for all horses who retire from racing.

14. The TR Act must include a requirement of the racing industry to fund a safe, lifelong retirement of all horses bred for racing in NSW.
15. The TR Act must ensure full public transparency into all matters relating to animal welfare within the NSW racing industry and introduce:
 - Mandatory reporting of animal cruelty offences identified by Racing NSW to the RSPCA NSW, to ensure offenders from within the racing industry are prosecuted under POCTA consistently as well as under the rules of racing.
16. Implementation of scientifically evidenced regulated rest times between races and transport before/after races.
17. Floating injured horses off the racetrack must be subject to veterinary assessment.
18. Implementation of regulated heat policies to prohibit racing in conditions beyond the horses' thermal comfort zone (5-25 degrees Celsius).
19. Limit the number of years that broodmares can be forced to breed
20. Ban the use of whips, tongue ties, spurs, and all training and handling methods based on negative reinforcement.
21. Ban the racing and training of two-year-old horses and require horses not to be started until four years of age.

References

- Aaltola, E., & Wahlberg, B. (2015). Nonhuman animals: Legal status and moral considerability. *Retfærd. Nordisk juridisk tidsskrift*, 38, 83-104.
- Barrett, C. (2025). Parliament house security manager charged after dead ex-racehorses found on farm. *Sydney Morning Herald*, November 6.
- Begg, L.M., & O'Sullivan, C.B. (2003). The prevalence and distribution of gastric ulceration in 345 racehorses. *Australian Veterinary Journal*, 81(4), 199-201.
- Benn, D.M. (2012). Putting the horse before Descartes — My life's work on behalf of animals. *Canadian Veterinary Journal*, 53(4):434. PMID: PMC3299520.
- Bergmann, I. (2019). He loves to race – or does he? Ethics and welfare in racing. In J. Bornemark, P. Andersson & U. E. von Essen (Eds.), *Equine cultures in transition: Ethical questions* (pp. 117-133). Routledge.
- Bergmann, I. M. (2020). Naturalness and the Legitimacy of Thoroughbred Racing: A Photo-Elicitation Study with Industry and Animal Advocacy Informants. *Animals*, 10(9), 1513. <https://doi.org/10.3390/ani10091513>
- Broom, D. M. (2010). Cognitive ability and awareness in domestic animals and decisions about obligations to animals. *Applied Animal Behaviour Science*, 126, 1-11.
- Buraimo, B., Coster, N., & Forrest, D. (2021). Spectator demand for the sport of kings. *Applied Economics*, 53(51), 5883-5897, DOI:10.1080/00036846.2021.1931010
- Carr, N., & Broom, D. M. (2018). Animal sentience, ethics and welfare. In N. Carr & D. M. Broom (Eds.), *Tourism and animal welfare* (Part I, pp. 9-25). CAB International.
- Coalition for the Protection of Racehorses (CPR). (2015). *Proposal for the phasing out of the whip in Australian Thoroughbred racing*. <https://horseracingkills.com>
- Coalition for the Protection of Racehorses (CPR). (2020). *Submission to Thoroughbred Aftercare Welfare Working Group*. <https://horseracingkills.com>
- Coalition for the Protection of Racehorses (CPR). (2025). *Deathwatch Report 2025*. <https://horseracingkills.com>
- Cohen, E., & Fennell, D. (2016). The elimination of Marius, the giraffe: humanitarian act or callous management decision?, *Tourism Recreation Research*, 41:2, 168-176, DOI: 10.1080/02508281.2016.1147211
- D'Cruze, N., Niehaus, C., Balaskas, M., Vieto, R., Carder, G., Richardson, V. A., Moorhouse, T., Harrington, L.A., & Macdonald, D. W. (2018). Wildlife tourism in Latin America: Taxonomy and conservation status. *Journal of Sustainable Tourism*, 26(9), 1562-1576.
- Duncan, E., Graham, R., & McManus, P. (2018). 'No one has even seen ... smelt ... or sensed a social licence': Animal geographies and social licence to operate. *Geoforum*, 96, 318–327.

- Evans, D., McGreevy, P. (2011). An investigation of racing performance and whip use by jockeys in Thoroughbred races. *PLoS ONE*, 6(1), e15622. doi:10.1371/journal.pone.0015622
- Fennell, D.A. (2013). Tourism and animal welfare. *Tourism Recreation Research*, 38, 325–340.
- Fennell, D. A. (2022). Animal-informed consent: Sled dog tours as asymmetric agential events. *Annals of Tourism Research*, 93, 104584.
- Fennell, D. A. & Thomsen, B. (2021). Tourism & animal suffering: Mapping the future. *Annals of Tourism Research*, 91:103317.
- Findley, J.A., Sealy, H., & Franklin, S.H. (2016). Factors associated with tongue tie use in Australian Standardbred horses. *Equine Veterinary Journal*, 48 (Supp. 50), 18-19.
- Francione, G.L. (2008). *Animals as persons*. New York: Columbia University Press.
- Heleski, C.R., & Anthony, R. (2012). Science alone is not always enough: The importance of ethical assessment for a more comprehensive view of equine welfare. *Journal of Veterinary Behavior*, 7: 169–178.
- Hood, J., McDonald, C., Wilson, B., McManus, P., & McGreevy, P. (2017). Whip rule breaches in a major Australian racing Jurisdiction: Welfare and regulatory Implications. *Animals*, 7: 4; doi:10.3390/ani7010004, 2-25.
- Jones, B., & McGreevy, P. (2010). Ethical equitation: Applying a cost-benefit approach. *Journal of Veterinary Behavior*, 5, 196-202.
- Lee, M. (2017). Reimagining the races: The case of emerging adults and their composite perspective. *Event Management* 21, 27-45.
- Linklater, W.L., Cameron, E.Z., Stafford, K.J., & Veltman, C.J. (2000). *Social and spatial structure and range use by Kaimanawa wild horses (Equus Caballus Equidae)*. *New Zealand Journal of Ecology*, 24, 139-152.
- Malikides, N., & Hodgson, J.L. (2003). *Inflammatory airway disease in young Thoroughbred racehorses*. Publication No. 03/089 Project No. US 82-A. Rural Industries Research and Development Corporation, Barton, ACT, Australia.
- McGreevy, P. (2018). Tongue tied horses: Why this can be an issue in Australian racing. *The Conversation*. 16 July,
- McGreevy, P.D., Corken, R.A., Salvin, H., Black, C. M. (2012). Whip use by jockeys in a sample of Australian Thoroughbred races: An observational study. *PLoS ONE*, 7(3), e33398. doi:10.1371/journal.pone.0033398
- McLean, A. N., & McGreevy, P. D. (2010). Techniques that may defy the principles of learning theory and compromise welfare. *Journal of Veterinary Behavior*, 5, 187-195.
- McManus, P., Albrecht, G., & Graham, R. (2013). *The global horseracing industry: social, economic, environmental and ethical perspectives*. Abingdon: Routledge.

Mellor, D., Beausoleil, N., Littlewood, K., Mclean, A., McGreevy, P., Jones, B., & Wilkins, C. (2020). The 2020 Five Domains Model: Including human-animal interactions in assessments of animal welfare. *Animals*, 10(1870).
<https://www.mdpi.com/2076-2615/10/10/1870>

Moorhouse, T. P., Dahlsjö, C. A. L., Baker, S. E., D'Cruze, N. C., & Macdonald, D. (2015). The customer isn't always right– Conservation and animal welfare implications of the increasing demand for wildlife tourism. *PLoS One*, 1–15.

Morris, M. C. & Beatson, P. (2011). Animal suffering in New Zealand: Can science make a difference? *Kotuitui: New Zealand Journal of Social Sciences Online*, 6, 1–2: 124–132, DOI: <https://doi.org/10.1080/1177083X.2011.615848>.

New South Wales, *Parliamentary Debates*, Legislative Council, 17 February 2021, 5221, (Mark Pearson).

Racing Australia (2025). *Australian Rules of Racing*. <https://www.racingaustralia.horse>

Racing SA (2024). *Additional Stewards Report*, 2 April, 2024.

Racing NSW (2025). Hearing and determination of charges issued against licensed foreperson Ms Samantha Murphy. 30 August. Racing NSW.

Racing Victoria (2025). *Stewards Report*, Yea racecourse. 18 October 2025.

Regan, T. (2004). *The case for animal rights*. London: Routledge.

RSPCA Tasmania (2025). *End whip use in racing – real science, real change*. RSPCA Tasmania. Accessed 21 November 2025.

<https://www.rspcatas.org.au/event/end-whip-use-in-racing-real-science-real-change/>

Roy Morgan Research (2022). *Attitudes to animal welfare*.
<https://nre.tas.gov.au/Documents/AWA%2034%20-%20Australian%20Alliance%20for%20animals.pdf>

Select Committee on the Proposal to Develop Rosehill Racecourse. Parliament of NSW. (2024). *Hearing transcript* p.53 The Hon. Mark Latham.
<https://www.parliament.nsw.gov.au/lcdocs/transcripts/3309/Transcript%20%20-%20CORRECTED%20-%20Rosehill%20Racecourse%20-%2022%20July%202024.pdf>

Sentient Animal Law Foundation (2022). *Submission on the proposed animal care and protection legislation*. Victoria

Sullivan, S., & Hinchcliff, K (2015). Update on exercise induced pulmonary hemorrhage. *Veterinary Clinics: Equine Practice*, 31(1), 187–198.

Wilkins, C. (2023) *Applying the Five Domains Model to the Welfare Assessment of Sport and Recreation Horses*. Online course by the University of New England.
<https://www.openlearning.com/une/courses/une-equine-course/?cl=1>

Wilson, B., Jones, B., & McGreevy, P. (2018). Longitudinal trends in the frequency of medium and fast race winning times in Australian harness racing: Relationships with rules moderating whip use. *PLoS ONE*, 13(3), e0184091. <https://doi.org/10.1371/journal.pone.0184091>