

# Racing Integrity Amendment Regulation 2023

Explanatory Notes for SL 2023 No. 150

made under the

*Racing Integrity Act 2016*

## General Outline

### Short title

*Racing Integrity Amendment Regulation 2023*

### Authorising law

Sections 210B(1)(d), 210C(1)(a)(ii) and 266 of the *Racing Integrity Act 2016* (the Act).

### Policy objectives and the reasons for them

On 17 October 2019, the ABC's 7.30 Report aired a program called 'The Final Race' which revealed the alleged mistreatment of horses at a Queensland abattoir, including both retired and registered racehorses. The Queensland Government commissioned an independent inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland (the Martin Inquiry).

The Martin Inquiry found that community expectations were:

- the racing industry should ensure owners make a genuine attempt to rehome their racing horses upon their retirement from racing and breeding; and
- the use of livestock slaughter establishments for an end-of-life option should only be used as a last resort.

In response to those findings, the Martin Inquiry recommended that an owner of a racing horse must have an obligation to rehome the horse upon its retirement with changes to the oversight of the tracking and welfare of retired racing horses. One of the recommendations was to enable the Queensland Racing Integrity Commission (QRIC) to verify that genuine attempts have been made to rehome a horse that has arrived at a livestock slaughter facility (facility). Recommendation 6.4 stated:

*The Department of Agriculture and Fisheries takes steps to amend the Racing Integrity Act to provide that all abattoirs and knackeries in Queensland record and provide regularly to the QRIC the microchip numbers, brandings and vendor details of all horses with racing brandings processed at these facilities.*

The recommendation was implemented when amendments were made to the Act by the *Animal Care and Protection Amendment Act 2022* (Amendment Act) which commenced in December 2022.

The Amendment Act inserted new sections 210A, 210B and 210C which provide for recording and reporting of information about horses arriving at a facility. Sections 210B and 210C of the Act allow for a regulation to prescribe other information that must be recorded by the owner of a facility, and information that must be included in a monthly report to QRIC.

QRIC has since identified further information that it requires to be recorded and reported to enable it to verify that a horse has been sent to a facility as a last resort. It is difficult to identify a horse if it is not fitted with a microchip, the horse is not branded or the brand on the horse is illegible. The colour and sex of a horse will allow for more reliable identification of horses.

The policy objective is to amend the Regulation to require a facility owner to keep a record of the colour and sex of each horse and to report that information to QRIC each month along with the information already received under section 210A of the Act.

## **Achievement of policy objectives**

The policy objective will be achieved by amending the *Racing Integrity Regulation 2016* by:

- inserting new section 6A (Record to be kept by owner of livestock slaughter facility—Act, s210B) to provide that the owner of the facility must keep a record of the colour and sex of each horse that arrives at the facility; and
- inserting new section 6B (Matters for report—Act, s210C) to provide that the owner of a facility includes in the monthly report to QRIC, the information that is provided by the person supplying a horse to the facility under section 210A of the Act and the colour and sex of each horse that has arrived at the facility.

## **Consistency with policy objectives of authorising law**

The *Racing Integrity Amendment Regulation 2023* (Amendment Regulation) is consistent with the objectives of the Act including the objective of safeguarding the welfare of all animals that are or have been involved in racing under the Act or the *Racing Act 2002*.

## **Inconsistency with policy objectives of other legislation**

This Amendment Regulation is not inconsistent with the policy objectives of any other legislation.

## **Alternative ways of achieving policy objectives**

The Amendment Regulation is the only effective means of achieving the policy objectives.

## **Benefits and costs of implementation**

The Amendment Regulation will complement the implementation of a recommendation of the Martin Inquiry that was supported by the Queensland Government. The recommendation reflects the community's expectation that retired racing horses are treated appropriately at the end of their racing or breeding careers and sending a horse to a facility by an owner is only as a last resort and only after genuine attempts have been made to rehome the horse.

The Amendment Regulation will not impose additional costs to the community or the government as enforcement activities will be undertaken within existing budgetary constraints.

There are currently only two facilities in Queensland that are processing horses. One facility is a knackery which is believed to only process low numbers of horses on an ad hoc basis. The other facility is an export facility which is believed to be processing limited numbers of horses. There will be minimum impact on these facilities because information is already required to be collected under the Act and related legislation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

There was extensive consultation during the Martin Inquiry with representatives from the racing industry, meat processing, equestrian, veterinary and animal welfare organisations about all the issues relating to the welfare of retired racing horses including reporting obligations.

Consultation during the Martin Inquiry was undertaken either by written submission, by telephone or in-person with targeted stakeholders invited to make submissions to the Inquiry. The owners of the facilities were also consulted on the recommendations and proposed amendment. Most stakeholders supported the requirement for processing facilities to provide records to QRIC about racing horses that are processed at the facilities.

Further consultation with those stakeholders were also undertaken during the review of the *Animal Care and Protection Act 2001* which resulted in the making of the Amendment Act. Consultation with the two affected stakeholders was undertaken by the QRIC in January 2023 who noted the proposed amendments.

It is considered the Amendment Regulation will have limited regulatory burden on the two stakeholders as they are already required to record the information under the Act and other legislation. The two stakeholders consulted on the proposed Amendment Regulation do not oppose the amendments.

The Department of Agriculture and Fisheries has prepared an Impact Analysis Statement (IAS) in accordance with The Queensland Government Better Regulation Policy (the Policy). The IAS confirms that the amendments do not add to the burden of regulation and is unlikely to result in significant adverse impacts. Accordingly, no further regulatory impact analysis is required under the Policy.

©The State of Queensland 2023