

# Racing Integrity Amendment Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the *Racing Integrity Amendment Regulation 2023* (the Amendment Regulation) made under the *Racing Integrity Act 2016*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The *Racing Integrity Act 2016* requires the owner of a livestock slaughter facility (facility) to record information about the horses arriving at the facility; and to report monthly the number of horses arriving at the facility and other information prescribed by regulation.

The Amendment Regulation will require an owner of a livestock facility owner to record the colour and sex of each horse that arrives at the facility; and include in the monthly report all the prescribed information that must be recorded about the horses.

### Human Rights Issues

#### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Section 11(2) of the *Human Rights Act 2019* (HR Act) states only individuals have human rights. The two livestock slaughter facilities which receive horses in Queensland are corporations. Consequently, the additional recording and reporting requirements on an owner of a livestock slaughter facility (facility) does not engage human rights.

If a supplier of a horse to a facility is a natural person their right to privacy is engaged as they are required to provide personal information to enable the facility to comply with its record keeping and monthly reporting requirements to the Queensland Racing Integrity Commission (QRIC). The monthly report to QRIC will include personal information such as the supplier's name and contact details.

#### Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

## Privacy and reputation

### (a) the nature of the right

Section 25 of the HR Act protects the right to privacy and reputation. It protects personal information and data collection for example. This right protects the privacy of people from unlawful or arbitrary interference. Arbitrary interference includes when someone is lawful, but also unreasonable, unnecessary, or disproportionate.

This right is based on Article 17 of the International Covenant on Civil and Political rights.

The scope of the privacy is very broad and includes the protection of personal information which extends to a person's workplace. The facility's reporting obligations will include personal information such as the contact details of the person who supplied the horse to the facility, and the person who transported the horse to the facility. The inclusion of personal information in the reports will limit the privacy and reputation of a natural person supplying or delivering a horse to a facility.

### (b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

*The Inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland* (Martin Inquiry) found that community expectations were that:

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

The purpose of the limitation is to enable QRIC to have sufficient information in a facility's monthly reports to effectively monitor and investigate whether an owner has complied with obligations for the rehoming of retired racing horses before the horse is sent to a facility.

### (c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

Limiting a person who supplies or delivers a horse to a facility of their privacy by requiring the owner of a facility to include their contact details is fundamental to verify whether rehoming information has been correctly reported.

### (d) whether there are any less restrictive and reasonably available ways to achieve the purpose

There are no less restrictive or reasonably available alternatives that would equally achieve the purpose of providing QRIC with sufficient information it requires to verify that there have been genuine attempts to rehome the horses. It is not feasible or practical for QRIC to be present at a facility to monitor for any retired racehorses being processed.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

The management of racing horses as a disposable commodity is unethical and not aligned with the expectations of the community which the racing industry relies on for support. Community expectations necessitate that the owner of a retired racing horse makes a proper effort to rehome the horse.

The personal information provided to QRIC is subject to privacy obligations which is limited to contact details and under the *Information Privacy Act 2009* (IPA) can only be used for compliance purposes under the Act. Further, the disclosure of any personal information will be subject to the IPA and the Act.

Preserving the right to privacy is balanced between achieving the purpose a necessary limitation to a person's right to privacy.

For this reason, the limitation to privacy and reputation is not arbitrary, and engagement of the right is limited, justified and proportional.

## **Conclusion**

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality, and freedom.

**THE HONOURABLE GRACE GRACE MP**  
MINISTER FOR EDUCATION,  
MINISTER FOR INDUSTRIAL RELATIONS AND  
MINISTER FOR RACING

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