

# Inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland



Inquiry into animal cruelty in the management  
of retired racehorses in Queensland

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14 January 2020

The Honourable Stirling Hinchcliffe MP  
Minister for Local Government, Minister for Racing and  
Minister for Multicultural Affairs  
1 William Street  
Brisbane Queensland 4000

Dear Minister

As required by the Terms of Reference provided to us on 28 October 2019, Dr Peter Reid and I have completed our inquiries into the regulatory and oversight arrangements for the operations of abattoirs and other facilities accepting horses for slaughter and the management of retired racing horses in Queensland and present the attached Report.

Yours faithfully



**Terry Martin SC**  
**Inquiry Chair**  
**Equine Welfare Inquiry**

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# Inquiry Terms of Reference

## **Inquiry into animal cruelty in the management of retired thoroughbred and standardbred horses in Queensland**

### **Terms of reference**

#### **Purpose**

On 17 October 2019, the ABC's 7.30 aired footage of horses, including retired thoroughbred and standardbred horses, being cruelly treated at a Queensland abattoir. The report also raised serious questions about the welfare and management of retired racing horses including horses transported from other states.

Consistent with its functions as an independent statutory body overseeing the integrity and welfare standards of racing animals and racing industry participants in Queensland, the Queensland Racing Integrity Commission (QRIC) and the Department of Agriculture and Fisheries (DAF) will conduct an inquiry into the regulatory and oversight arrangements for:

1. the operations of abattoirs and other facilities accepting horses for slaughter
2. the management of retired race horses (thoroughbred and standardbred) in Queensland, including of horses moved from interstate.

The inquiry will make recommendations on:

1. amendments to Queensland's regulatory arrangements, including under the *Animal Care and Protection Act 2001*, *Racing Act 2002* and *Racing Integrity Act 2016*, and applicable rules for racing following an assessment of:
  - a. the adequacy of current arrangements for detecting, assessing, mitigating and prosecuting breaches of the welfare of retired racing horses in Queensland, including of horses moved from interstate
  - b. the adequacy of current arrangements for detecting, assessing, mitigating and prosecuting breaches of animal welfare in the horse meat processing industry
  - c. a comparative assessment of regulatory arrangements in place in other Australian states and territories.
2. changes required to the oversight of the tracking and welfare of retired horses.

In making recommendations, the reviewers should consider the need to promote integrity and public confidence into the racing industry and animal welfare arrangements in Queensland.

#### **Process**

The review will be supported by the Department of Agriculture and Fisheries who administers the *Biosecurity Act 2014*. Additional expertise will be provided to assist the review on QRIC's request.

QRIC will consult with and receive submissions from stakeholders including the racing and meat processing industries, and animal welfare organisation including the RSPCA.

Before finalising the review report, QRIC will consult with relevant entities on draft findings and recommendations.

### **Final report**

A report will be provided to the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs by no later than 31 January 2020.

## Glossary

Name	Description
<b>Abattoir</b>	A slaughter establishment for horses which produces meat for human consumption.
<b>AAWCS</b>	Australian Animal Welfare Certification Scheme - an independently audited certification program, developed by the Australian Meat Industry Council and used by livestock processors to demonstrate compliance with the industry best practice animal welfare standard, from unloading of livestock to the point of processing.
<b>AAWCS Rules</b>	The AUS-MEAT Animal Welfare Certification Program Rules For Livestock Processing Establishments. Outlines a participant's obligation under the program and makeup of the agreement between the participating establishment and the program administrator.
<b>ACPA</b>	<i>Animal Care and Protection Act 2001</i> (Qld).
<b>Animal Welfare Officer</b>	A specific role within an export abattoir, required under <i>European Union Council Regulation No. 1099/2009</i> , with responsibility for overseeing animal welfare practices.
<b>Approved Arrangement</b>	<p>The <i>Export Control (Meat and Meat Product) Orders 2005</i> require that the occupier of a slaughter establishment engaged in the preparation of meat and meat products for export has an Approved Arrangement.</p> <p>The purpose of the Approved Arrangement is to clearly describe those processes and practices which, when correctly applied by the occupier, underpin certification of meat and meat products for export.</p>
<b>AR</b>	Australian Rule, as taken from the Australian Rules of Racing, developed and maintained by Racing Australia.
<b>Australian Meat Standard</b>	<i>AS 4696- Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.</i>
<b>Australian Stud Book</b>	The Australian Stud Book is operated in accordance with the Australian Stud Book Rules to ensure the integrity of Thoroughbred breeding in Australia. The initial registration, ownership and naming of all Thoroughbreds are recorded in the Stud book in accordance with the Australian Rules of Racing.
<b>AUS-MEAT Ltd</b>	A business providing auditing and certification services to the meat industry in Australia and New Zealand. AUS-MEAT administers and audits the AAWCS on behalf of the Australian Meat Industry Council.
<b>Breeder</b>	The registered owner of a broodmare or breeding stallion.
<b>Captive Bolt Pistol</b>	Device used for stunning animals prior to slaughter.
<b>CCTV</b>	Closed Circuit Television.
<b>Corrective Action Request</b>	A written recommendation from the federal Department of Agriculture to an export-registered establishment to take action to address a non-compliance.

Name	Description
<b>CSIRO</b>	Commonwealth Scientific and Industrial Research Organisation.
<b>Exsanguination</b>	The loss of blood to a degree sufficient to cause death.
<b>Greyhound Adoption Program</b>	A program run by the Queensland Racing Integrity Commission (QRIC), dedicated to finding homes for greyhounds that are no longer suitable for racing.
<b>HRR</b>	Harness Racing Rule, as taken from the Australian Harness Racing Rules, developed and maintained by Harness Racing Australia.
<b>IAWS</b>	Industry Animal Welfare Standards for livestock processing establishments - defines animal welfare standards for incorporation into relevant industry quality assurance programs and approved arrangements.
<b>Knackery</b>	A slaughter establishment for horses which produces meat for animal consumption.
<b>Let-down period</b>	The time necessary for a racing horse to rest and acclimatise to retirement.
<b>Off the Track Program</b>	A formal program for the promotion and coordination of the retraining and rehoming of retired racing horses in Queensland.
<b>OIE</b>	World Organisation for Animal Health (Office International des Epizooties).
<b>On-Plant Veterinarian</b>	Individual employed by the federal Department of Agriculture to work within export abattoirs to enable certification of Australian meat and meat products for overseas markets.
<b>Owner</b>	A person, syndicate, company, combination of persons, or other organisational structure, registered as having an actual interest, beneficial interest or share in a racing horse.
<b>Penetrating Captive Bolt Pistol</b>	Penetrating captive Bolt causes concussion and destruction of the brain tissue.
<b>PRA</b>	Principal Racing Authority.
<b>QBRED</b>	A Standardbred breeding incentive program run by Racing Queensland providing additional returns for breeders and owners of harness horses bred and racing in Queensland.
<b>QTIS</b>	Queensland Thoroughbred Incentive Scheme run by Racing Queensland that provides additional prizemoney opportunities to qualified Thoroughbreds.
<b>Rehoming</b>	The transfer of ownership of a retired racing horse to an unregistered or unlicensed person for the purposes of a second career, not related to racing, or for pleasure riding/companionship.
<b>Retired racing horse</b>	A horse, formerly registered for racing in Australia that has been officially retired or deregistered under the rules of racing for either code.
<b>Rules of racing</b>	A generic, collective reference to the national and local rules of racing that govern Thoroughbred and Harness racing.
<b>Slaughter establishment</b>	A generic reference to both an abattoir or knackery.
<b>Sticking</b>	Severance of the major blood vessels in the upper neck by a transverse cut, or at the chest inlet, also known as the 'thoracic stick'.
<b>Stunning</b>	Use of a captive bolt pistol to render an animal unconscious immediately prior to slaughter.

## Foreword

### Retired racing horses

***“A good man will take care of his horses and dogs, not only while they are young, but when old and passed service” (Plutarch).***

The explanation for what today would be a politically incorrect statement, is that Plutarch, philosopher (amongst other occupations), made this observation circa AD 46-120.

The notion that good women and men take care of their horses post retirement, is hardly new.

On 17 October 2019, the ABC's 7.30 program 'The Final Race' brutally educated the public that, on a large scale, retired racing horses are being treated as disposable commodities. Racing horses, when they may earn the owner some money, are attended to with love and lavish care. When they cannot, some owners ruthlessly discard them.

There are many good women and men in the racing community, and the general community, working generously and tirelessly to try to ensure the welfare of retired racing horses. But too few.

The racing industry in Australia, in general, has fundamentally failed to intervene at industry level to effectively protect retired racing horses.

The public's disapproval is deafening.

There has been a flurry of activity from the industry since the ABC's 7.30 to remedy the failure. There will be those who say, and with obvious justification, that the response is unsurprising, given that many thousands rely directly or indirectly on the industry for their livelihoods.

However, the industry's response seems deeper than self-preservation. There is a sense that the majority of participants within the industry are genuinely remorseful for the failure and are determined to fix it. For the most part, the industry's failure appears to be the product of chronic inattention rather than deliberate disregard.

Nonetheless, the image of horse racing in Australia has been savaged.

Since 7.30 was broadcast, welfare plans for retired racing horses have been trumpeted across the nation. But implementation of welfare plans and, indeed, the recommendations in this report, take time.

The public rightly expects the problem to be addressed immediately. There is no reason why the problem cannot be ameliorated immediately.

There is no need to wait to do what is right.

Industry participants should start now to remedy the problem. They should follow the lead of those who have been, and are, rehoming retired racing horses.

Whether one acts through moral obligation or a realisation that if the industry loses public support, there will be no industry to support one's livelihood, action must be taken immediately.

## Slaughter establishments

There are two registered horse meat processing establishments in Queensland: an abattoir, Meramist Pty Ltd, the subject of ABC's 7.30, and a smaller establishment referred to as a "knackery", which processes horse meat for pet consumption.

Meramist processes meat for human consumption overseas. Consequently, both Queensland and commonwealth regulatory arrangements apply to this establishment.

Meramist has very substantial obligations under various pieces of legislation and guidelines. Meramist is also subject to significant regular auditing.

In its submission to the Inquiry, the company noted:

*"Meramist views the regulatory requirements as the baseline for managing the welfare of its horses. Indeed, Meramist has policies and procedures in place that go above and beyond the strict requirements of the regulatory arrangements".*

That may be so. Nonetheless, the instances of mistreatment, shown in the 7.30 program, still occurred.

Meramist is taking steps to remedy this problem. Material received by the Inquiry shows that, since the 7.30 program, Meramist has taken specific actions including:

- Reviewing and amending its Standard Operating Procedures;
- Developing an animal welfare Code of Practice and horse supplier Code of Practice;
- Increased monitoring of animal welfare by Quality Assurance Officers and Meramist management;
- Annual internal refresher training for every Animal Welfare Officer; and
- Increased CCTV coverage.

However, instances of employees' mistreatment of horses is one of the problems, but it is not the fundamental problem.

As is noted in Part 1 of this report, the Inquiry has concluded that, given the numbers involved, the risk of poor welfare outcomes for retired racing horses is too great if their humane slaughter is removed as an option altogether.

This finding is predicated on humane slaughter.

The model *Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments* is a voluntary Code, reflecting little, if any, consideration of the special sensitivities of horses.

For the slaughter of horses to be humane, horses must not see, hear or smell horses being slaughtered.<sup>1</sup>

The current Code lacks standards for the design of horse-specific slaughter establishments to make the slaughter of horses humane.

This Code is currently under national review. It has been under review for years and much more time will pass before the review is complete. Given the importance of animal welfare and the number of horses being slaughtered whilst the review limps on, the delay is unacceptable. However, delay is not even the main problem. The most recent draft of the

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<sup>1</sup> RSPCA Qld and RSPCA Australia Submission; Australian Veterinary Association Submission.  
See also article by Dr Andrea Harvey October 2019: [horsesandpeople.com.au](http://horsesandpeople.com.au)

report, "Draft Version 5a", was produced in April 2017, but the draft Standards and Guidelines do not address the special needs of horses at slaughter. Similar to the Code it is to replace, the draft sets out slaughter establishment design standards which are vague generalisations, in no way species-specific, and otherwise repetition of basic animal welfare obligations.

In its submission to the Inquiry, Meramist also stated:

*If the Inquiry makes a recommendation....to increase the scope of any legal requirements described in the Terms of Reference, Meramist submits that any such recommendations be consistent with other jurisdictions. This is important, as the time and cost of complying with different obligations from different states and territories would be challenging and place a large financial burden on businesses like Meramist.*

The Inquiry certainly recognises that the implementation of recommendations which include facility redesign to enable horses to be slaughtered humanely, will be costly.

However, there is no point in tinkering around the edges, recommending a slightly different version of the same code. That will not achieve a humane solution, just something less inhumane. There is no middle ground. The slaughter of horses is to be humane, or it is not.

**Terry Martin SC**

**Inquiry Chair**

## Preamble

Horses were brought to Australia on the First Fleet in 1788 to develop the nation.<sup>2</sup> They have been used as beasts of burden in exploration, mining, agriculture, transport of timber, goods and services, personal carriage, including carriage of armaments into war. Since the late 1800s horses have been used as animals for companionship and entertainment because of their unique athleticism.

Australians have keenly followed the performance of racing horses, especially champions. The racing and associated gambling industries contribute significantly to the Australian economy and are major employers. The 2017 economic impact study of the nation's Thoroughbred racing industry stated that it contributed \$9.15 billion to the Australian economy and provided 72 000 full-time jobs with more than 159 000 individuals directly or indirectly involved in Thoroughbred racing nationally.<sup>3</sup>

There is no accurate figure for the total horse population. Estimates have ranged between 900 000 and 1.8 million which includes domesticated horses and several hundred thousand feral horses (brumbies).<sup>4,5</sup> A 2001 study suggested that the total horse population was 1.2 million,<sup>6</sup> and a more recent but limited 2016 survey found that there were one million or more domesticated horses. Domesticated horses include Thoroughbreds, Standardbreds and those used in competitive, stock mustering, and recreational equestrian activities. Racing Australia has reported that Thoroughbreds represent approximately 10% of the domesticated horse population.<sup>7</sup>

The tracking and traceability of domesticated horses in Australia has been haphazard with the exception of the racing industry which has established and governed practices for the recording of microchips, brands and ownership details of registered horses and foals after they are entered into the Racing Australia or Harness Racing Australia databases.

As the population of horses in Australia has grown, so too, has the number of unwanted or neglected horses. Significant animal welfare concerns have ensued.

To address these shortcomings, the Australian Senate Rural and Regional Affairs and Transport References Committee has conducted public hearings and considered stakeholder submissions on the feasibility of establishing a *National Horse Traceability Register for all horses*, and released its Report on 27 November 2019.<sup>8</sup> The Committee made particular reference to:

- the existence and adequacy of state or industry-based registers;
- the benefits of a national register, including animal welfare, biosecurity, safety, backyard breeding and the integrity of trade in horses;
- overseas models of national horse tracking systems; and
- funding, enforcement and penalty implications.

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<sup>2</sup> Carroll B. Beasts of burden. In Coupe S, editor. *Frontier country: Australia's outback heritage*. Vol. 2. Weldon Russell Pty Ltd, Willoughby, 1989: pages 12–35.

<sup>3</sup> IER published study Thoroughbred Racing Nationally, [ier-study.racingaustralia.horse](http://ier-study.racingaustralia.horse).

<sup>4</sup> Pilkington M, Wilson G, 1993. Australian horses as a primary industry. Rural Industries Research and Development Corporation, Canberra.

<sup>5</sup> Australian Government Department of Sustainability, Environment, Water, Population and Communities Feral horse (*Equus caballus*) and feral donkey (*Equus asinus*), [environment.gov.au](http://environment.gov.au).

<sup>6</sup> J.Gordon, 2001, *The Horse Industry: Contributing to the Australian Economy*, Rural Industries and Development Corporation, No. 01/083,, page 10; Australian Government Department of Sustainability, Environment, Water, Population and Communities, *Feral Horse (Equus Caballus) and Feral Donkey (Equus Asinus)*, [environment.gov.au](http://environment.gov.au).

<sup>7</sup> The Land, 'Hundreds of ex-racing horses 'slaughtered in three weeks' 18 Oct, 2019, [theland.com.au](http://theland.com.au).

<sup>8</sup> Parliament of Australia, *The feasibility of a National Horse Traceability Register for all horses*. Visit [aph.gov.au](http://aph.gov.au) and [parlinfo.aph.gov.au](http://parlinfo.aph.gov.au).

It is important to note that currently there is no industry or Government commitment to fund a national register for retired racehorses. The integrity and timeliness of data input of retired horse ownership details and horse location is, and will be, absolutely critical for any biosecurity and/or any welfare benefits to be realised.

Significant welfare issues with unwanted horses have occurred in other countries, so the concerns and implications are not unique to Australia, or Queensland.

A 2009 published review in the United States<sup>9</sup> defined unwanted horses as being those no longer wanted by their current owner because they are old, injured, sick, unmanageable or fail to meet their owner's expectations. They also include un-adoptable feral horses, and horses that are incurably lame, have behavioural problems, or are dangerous. In many cases these animals have had multiple owners and have ultimately been rejected. Horses processed for meat represent the lowest economic level of the horse population and typify the unwanted horse in the United States and Australia. After concerted public outcry, the last horse slaughter plant in the United States producing meat for human consumption closed in 2007, and horses have since been transported long distances to slaughter facilities in Canada and Mexico. Long distance transport to slaughter facilities of all horses, including wild caught or unhandled horses, cause significant welfare issues, particularly when unbroken/unhandled horses are mixed during transport with previously handled domesticated horses. This conduct is unacceptable. Unintended welfare issues have arisen in the United States mainly relating to increased rates of abandonment and neglect, increases in land degradation by feral horses, and lack of oversight at the slaughtering plants of destination.

The review noted that the industry will never be able to eliminate the problem of unwanted horses. The horse industry in the United States has turned its attention to the unwanted horse issue and is developing strategies to reduce the number of unwanted horses through responsible breeding as well as through rescue/retirement facilities, retraining for alternative careers, and low-cost euthanasia options.

The review emphasised - **"It is the responsibility of all horse owners to learn the facts about the unwanted horse issue and to *own responsibly*. Owners must be aware of how their actions affect the welfare of the horses they own and consider the consequences before they breed, buy, or discard a horse"**.

The events leading to neglect, indifference and cruelty depicted by ABC's 7.30 should have never happened and we Australians owe it to our horses to do much better.

**Dr P A Reid**

**Equine Veterinary Surgeon, Co-Inquirer**

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<sup>9</sup> Lenz, T R, 2009. 'The Unwanted Horse in the United States': An Overview of the Issue. Journal of Equine Veterinary Science\_ Vol 29, No 5.

## Findings and Recommendations

### Part 1 – Management of Retired Racing Horses

Section	Findings	Recommendations
<b>1. Managing the welfare of retired racing horses</b>	<p><b>1a.</b> There is no specific legislative or regulatory provision assigning responsibility for the welfare of retired racing horses, over and above general animal welfare provisions.</p> <p><b>1b.</b> While there are significant regulation and oversight of racing Thoroughbred and Standardbred horses while they are preparing for or participating in racing, regulation and oversight drop dramatically once a racing horse is retired. Where once their pedigree and identity was carefully tracked and recorded, the retired racing horse is now generally lost as it moves, at times large distances, across the country. The ‘corporate knowledge’ possessed by the government and private entities previously regulating the horse is likewise largely lost, making it difficult to detect, assess, mitigate and prosecute animal welfare breaches.</p>	<p><b>Sections 2-6</b> below examine the key issues to be addressed in responding to these findings and make recommendations for amendments to the current regulatory arrangements, where required.</p>
<b>2. Addressing a national problem at a State level</b>	<p>It is apparent that ensuring good welfare outcomes for retired racing horses is a national issue that cannot be effectively addressed at a State level. The existence of national rules of racing, national systems and the management of some licensing activities by national racing bodies, all bring much needed consistency and integration across State boundaries. However, with individual States leading the response to the 7.30 revelations, there is a risk of regulatory gaps and duplication, unenforceable rules, wasted resources and, conceivably, unintended animal welfare outcomes.</p> <p><b>2.1 Traceability</b></p> <p><b>2a.</b> Developing a national horse traceability register for all horses in Australia is ambitious. Even if such a National Traceability Register were achievable, it will be many years away.</p>	<p><b>2.1.1 Racing Queensland, the QRIC and Queensland’s peak racing industry bodies support the federal Senate Committee’s efforts in establishing a national working group to progress the development of a national registration and traceability scheme for all horses.</b></p> <p><b>2.1.2 Racing Queensland advocates for Racing Australia and Harness Racing Australia to extend their lifecycle monitoring capability and systems to cover retired racing horses.</b></p> <p><b>2.1.3 Racing Queensland incentivises owners, within and beyond the racing industry, to keep retired racing horse ownership and location details up to date through access to Off the Track benefits.</b></p>

Section	Findings	Recommendations
	<p><b>2b.</b> There is currently no requirement on the owner of a retired racing horse to maintain or update records relating to the location of that horse.</p> <p><b>2c.</b> Owing to the movement of horses throughout their life, any attempt to address lifetime traceability on a state level would likely result in another incomplete, unreliable database.</p> <p><b>2d.</b> While national traceability offers some medium to long-term welfare benefits for retired racing horses (better visibility of end-of-life outcomes and reasons for euthanasia/slaughter), it is unlikely to be a solution for the welfare of retired racing horses unless its monitoring and enforcement are extremely well planned and resourced.</p> <p><b>2e.</b> The national industry bodies for both Thoroughbred and Standardbred horses are well placed to lead the development of a national traceability register of racing horses, and retired racing horses, by extending the existing studbook and racing horse registration requirements.</p> <p><b>2f.</b> Any interim move to implement lifetime traceability for racing horses, as distinct from all horses, should be incentive-based to avoid reducing the appeal of retired racing horses for prospective new owners.</p>	<p><b>See Recommendation 4.1 for further detail of the proposed Off the Track program for retired racing horses in Queensland.</b></p> <p><b>2.1.4 Queensland not develop its own lifetime traceability register for retired racing horses, so as to avoid exacerbating the existing problems of inconsistency and incomplete equine lifecycle records.</b></p>
	<p><b>2.2 Breeding Regulation</b></p> <p><b>2g.</b> The breeding of horses for racing in Australia is largely unregulated and undertaken with little regard for the size of the problem being created at the end of their careers.</p> <p><b>2h.</b> Racing Queensland, Racing Australia and Harness Racing Australia have not offered any evidence to counter the claim that the breeding of horses for racing is 'indiscriminate'.</p> <p><b>2i.</b> Better regulation of breeding, through licensing standards, and the introduction of welfare levies on breeding, will help</p>	<p><b>2.2.1 Racing Queensland advocates for Thoroughbred breeders to be licensed through Racing Australia.</b></p> <p><b>2.2.2 Racing Queensland advocates for Standardbred breeders to be licensed through Harness Racing Australia.</b></p> <p><b>2.2.3 The QRIC establishes a breeder licensing process and standard requiring applicants to demonstrate knowledge and competency. Those who consistently breed horses which</b></p>

Section	Findings	Recommendations
	<p>increase quality and welfare standards in the breeding of horses for racing.</p>	<p><b>do not make it into training, should be excluded from holding a licence.</b></p> <p><b>2.2.4 The Department of Agriculture and Fisheries takes steps to amend the Racing Integrity Act, if necessary, to expand the purposes for which a standard for a licensing scheme for a code of racing can be made to provide for the licensing of breeders.</b></p> <p><b>2.2.5 Racing Queensland advocates for Racing Australia and Harness Racing Australia to introduce a welfare levy to be added to the current foal birth notification and stallion return fees. The size of this levy be sufficient to act as a deterrent to indiscriminate and poor quality breeding and make a meaningful contribution to the pool of funds available to support the rehoming programs being run by the control bodies in each state.</b></p> <p><b>2.2.6 Racing Queensland advocates for Racing Australia and Harness Racing Australia to develop a sustainable breeding model for racing in Australia that balances the need for industry sustainability with the need to ensure good welfare outcomes for horses bred for racing.</b></p> <p><b>2.2.7 In the absence of national agreement on 2.2.6, Racing Queensland develops a sustainable breeding model for racing in Queensland.</b></p> <p><b>2.2.8 The Queensland Government makes an assessment of the QRIC's resources to ensure that they are adequate to undertake licensing and auditing of breeders in Queensland.</b></p>

Section	Findings	Recommendations
	<p><b>2.3 Retired racing horses in the care of industry participants</b></p> <p><b>2j.</b> There is a gap in the data recording the true retirement outcomes of racing horses that, once retired, remain in the care of a licensed or registered racing industry participant as pleasure or breeding horses.</p> <p><b>2k.</b> An extension of existing national rules AR51 (retirement notification), AR52 (death notification) and HRR96A (deregistration), to apply to all retired racing horses that remain in the care of a licensed or registered racing industry participant, will provide visibility of the true retirement and end of life outcomes for these horses.</p> <p><b>2a.</b> The ability of Racing Queensland and the QRIC to enforce any rules of racing applied to breeders is dependent on the implementation of a breeder licensing framework as recommended in Recommendations 2.2.1, 2.2.2 and 2.2.3.</p> <p><b>2m.</b> While the number of racing horses retired, for equestrian purposes, into the care of a licensed or registered industry participant is unknown, the population of Thoroughbred broodmares alone in Queensland in 2017-18 was 3491. Any decision to engage in the active monitoring of the welfare of retired racing horses, that remain in the care of a licensed or registered industry participant, will therefore need to be taken in the context of the resource impacts.</p>	<p><b>2.3.1 Racing Queensland advocates for Racing Australia and Harness Racing Australia to amend their respective national rules such that licensed and registered racing industry participants, in whose name an officially retired racing horse, including a breeding horse, is retained, have a continuing obligation to notify the national bodies of the retired horse's ultimate retirement destination from the care of the racing industry participant. Participants also be required to provide notification of the fact and cause of death of the retired racing horse while in their care.</b></p> <p><b>2.3.2 The QRIC be responsible for enforcing these proposed reporting requirements in Queensland.</b></p> <p><b>2.3.3 The Department of Agriculture and Fisheries takes steps to amend the Racing Integrity Act 2016 to extend the QRIC's animal welfare jurisdiction to a horse retired from racing, but still in the care of a registered or licensed person under the Australian Rules of Racing or Australian Harness Rules of Racing.</b></p> <p><b>2.3.4 The QRIC amends the MOU between the QRIC, Biosecurity Queensland and the RSPCA to reflect the adjustment in the QRIC's jurisdiction and to clarify that Biosecurity Queensland and the RSPCA remain responsible for the welfare of retired racing horses not in the care of a licensed or registered industry participant.</b></p> <p><b>2.3.5 The Queensland Government makes an assessment of the QRIC's resources to ensure</b></p>

Section	Findings	Recommendations
<p><b>3. How big is the problem?</b></p>	<p><b>3a.</b> Poor compliance with requirements to notify control bodies of the retirement or death of racing horses undermines all attempts to calculate the number of racing horses retiring each year that require aftercare and the true destination of those horses.</p> <p><b>3b.</b> Thoroughbred retirements can be notified via the stable return process, without providing any detail of the retired racing horse's retirement outcome.</p>	<p><b>that they are adequate to strenuously enforce the substance of the recommendations above.</b></p> <p><b>3.1</b> The QRIC and Racing Queensland deliver a targeted education program for registered owners and trainers about the importance of accurate lifecycle records and their obligations to complete retirement and death notifications and stable returns.</p> <p><b>3.2</b> Racing Queensland advocates for Racing Australia and Harness Racing Australia to amend their respective stable return processes to collect the detail of a horse's retirement outcome when a retirement is notified via that method.</p> <p><b>3.3</b> The QRIC commits more resources to the active enforcement of retirement notifications including the auditing of 'high-risk' categories such as racing horses that have been 'spelling' for more than 12 months and horses that are still registered but have not had a race start in the last 12 months.</p> <p><b>3.4</b> The QRIC develops a penalty standard for the failure to provide timely retirement and death notifications that reflects the critical role they play in monitoring the welfare of retired racing horses.</p> <p><b>3.5</b> The Queensland Government makes an assessment of the QRIC's resources to ensure that they are adequate to strenuously enforce the substance of the recommendations above.</p>
<p><b>4b. Rehoming</b></p>	<p><b>4a.</b> The Inquiry endorses Racing Queensland's moves to establish a structured, funded, well-governed equine</p>	<p><b>4.1</b> Racing Queensland establishes and governs a retraining/rehoming program for Thoroughbred</p>

Section	Findings	Recommendations
	<p>retraining and rehoming program to facilitate the transition of horses retiring from racing.</p> <p><b>4b.</b> Whatever the final design of that rehoming program, it should not dissuade or interfere with the existing industry momentum that sees owners and trainers already working hard to find suitable homes and careers for their retired racing horses.</p>	<p><b>and Standardbred horses, bred for the racing industry, and domiciled in Queensland at the time of their retirement.</b></p> <p><b>4.2 The funding model for Queensland’s Off the Track program be based on the principle that ‘those who benefit, pay’.</b></p> <p>(see body of report for further detail of suggested funding sources)</p> <p><b>4.3 In terms of the design of the program, it is recommended that, beyond the elements already proposed by Racing Queensland in its submission, the Off the Track program:</b></p> <ul style="list-style-type: none"> <li>• <b>Contain provision for horses that are bred for racing but never make it to the track. Although these horses are not ‘retired racing horses’ and do not therefore fall within the official scope of the Inquiry, they have been identified as the first point of potential ‘wastage’ for the industry and it would be careless of the Inquiry not to take the opportunity to promote their interests. Further, it would be indefensible for the industry not to do something to ensure they are given the opportunity of a long and healthy life.</b></li> <li>• <b>Contain provision for retired racing horses located in regional areas of Queensland.</b></li> <li>• <b>Require retired racing Thoroughbreds to have a minimum six week ‘let down’ period, immediately post-racing, before being eligible</b></li> </ul>

Section	Findings	Recommendations
		<p><b>for the program. An appropriate ‘let down’ period for retired Standardbreds be defined.</b></p> <ul style="list-style-type: none"> <li>• <b>Require registered owners to make two genuine attempts to rehome their racing horse (as envisaged by Recommendations 6.1-6.7) before they are able to submit it to the program for consideration.</b></li> </ul>
<p><b>5b. How long should the racing industry be held accountable for the welfare of a retired racing horse?</b></p>	<p><b>5a.</b> The management of racing horses as a disposable commodity is plainly unethical and not aligned with the expectations of the community upon whose acceptance, the social licence of racing depends.</p> <p><b>5b.</b> The racing industry cannot reasonably or practically be held accountable for the lifelong welfare of retired racing horse once they are no longer owned by a licensed or registered industry participant.</p> <p><b>5c.</b> Community expectation necessitates that the owner of a retired racing horse facilitates a quality rehoming effort as an absolute minimum.</p>	<p><b>5.1 The racing industry be held accountable for ensuring a high-quality first transition out of racing and breeding, for all retired racing horses. Specifically:</b></p> <ul style="list-style-type: none"> <li>• Racing Queensland advocates for Racing Australia and Harness Racing Australia to extend the retirement and death notification requirements under their respective national rules to apply to horses retired into the care of licensed or registered racing industry participants, including breeding horses, as recommended at Recommendation 2.3.1.</li> <li>• The requirement to provide notification of retirement and death under the rules of racing be actively enforced in Queensland by the QRIC.</li> </ul> <p><b>5. The QRIC and Racing Queensland deliver a targeted education program for registered owners and breeders about their moral and social obligation to ensure a high-quality first transition out of racing and breeding.</b></p> <p>Recommendations 4.1-4.3 and Recommendations 6.1-6.4 are also relevant to this section.</p>

Section	Findings	Recommendations
<p><b>6. The welfare of retired racing horses and humane slaughter</b></p>	<p><b>6a.</b> The risk of poor welfare outcomes for retired racing horses is too great if their humane slaughter is removed as an option entirely. Queensland and Australia experience extremes in climate conditions. The current drought and bushfire conditions heavily underscore just how significant the risk of poor welfare outcomes for retired racing horses would be if humane slaughter were removed as an option altogether.</p> <p><b>6b.</b> The use of slaughter establishments as an end of life option for retired racing horses must be a last resort. Amendments to the rules of racing to require the owner of a horse to rehome that horse upon retirement should be pursued to ensure this is the case. Even when a horse is found to be unsuitable for rehoming, preference should be given to on-farm euthanasia, conducted by, or under the supervision of, a qualified veterinary professional.</p>	<p><b>6.1 Racing Queensland advocates for Racing Australia and Harness Racing Australia to adopt national rules of racing requiring the owner of a horse to rehome it upon retirement.</b></p> <p><b>In the interim, or in the absence of national agreement on such a rule:</b></p> <p><b>6.2 Racing Queensland amends the Local Rules of Racing to impose upon the owner of a horse, at the time the decision is made to retire it from the racing industry, whether a named or an eligible horse, and which is domiciled in Queensland, the obligation to rehome that horse and to retain the welfare obligation to that horse until compliance with the substance of Recommendation 6.3.</b></p> <p><b>Hereafter in this group of recommendations, unless the context discloses otherwise, “owner” means an owner under the obligation to rehome a horse.</b></p> <p><b>6.3 Racing Queensland amends the Local Rules of Racing to provide that:</b></p> <p><b>a) the owner must make two genuine attempts to rehome a horse before the owner is permitted to submit it to Queensland’s official Off the Track program.</b></p> <p><b>b) “a genuine attempt” is defined as taking all reasonable steps to rehome, and includes, but is not limited to:</b></p> <ul style="list-style-type: none"> <li><b>• seeking to rehome the horse with at least two appropriate persons capable of ensuring the welfare of the horse;</b></li> </ul>

Section	Findings	Recommendations
		<ul style="list-style-type: none"> <li>• seeking to rehome the horse through at least two equestrian/equine sporting organisations;</li> <li>• seeking to rehome the horse with at least two recognised rehoming organisations;</li> <li>• advertising in at least two respected equestrian publications.</li> </ul> <p>For clarity, each of these points comprises one genuine attempt.</p> <p>c) the owner must notify the QRIC, within seven days of rehoming the horse, of that fact, the details of the new owner and the location of the horse's new home.</p> <p>d) an owner is exempt from rehoming obligations if the horse is unsuitable for rehoming whether because of age, injury, sickness or temperament. For the owner to be exempt:</p> <ul style="list-style-type: none"> <li>i. a registered veterinarian must certify that the horse is unsuitable for rehoming and the reason for its unsuitability; and</li> <li>ii. the owner must provide to the QRIC within one month of the notification of the horse's retirement, the veterinarian's certificate.</li> </ul> <p>e) once an owner has satisfied the obligations in 6.3 a) and b) above, but failed to rehome the horse, the owner must submit the horse to Queensland's official Off the Track program before euthanasia or slaughter of the horse may be considered.</p> <p>f) in the event the horse is not accepted into Queensland's official Off the Track program, the</p>

Section	Findings	Recommendations
		<p>owner may euthanase the horse or send it to a slaughter establishment, with slaughter being the option of last resort.</p> <p>g) all owners, including owners exempt from rehoming obligations, must notify the QRIC within seven days of sending a horse to a slaughter establishment or having euthanased it, of that fact.</p> <p>h) all notifications referred to above must be provided in writing in a form prescribed by the QRIC.</p> <p>i) there are appropriate penalties for non-compliance with the substance of the above recommendations, sufficient to encourage compliance and deter non-compliance.</p> <p>6.4 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.</p> <p>6.5 The Queensland Government makes an assessment of the QRIC's resources to ensure there are adequate resources to strenuously enforce the substance of the recommendations above.</p>
7. Transparency	7a. Improved transparency of key datasets pertaining to racing horse lifecycle and welfare is a basic and entirely reasonable expectation and an investment in public confidence in racing and the regulation of animal welfare.	7.1 The QRIC publishes annual injury, death, euthanasia, slaughter and retirement data for racing and retired Thoroughbreds and Standardbreds on its website.

Section	Findings	Recommendations
		<p><b>7.2 Biosecurity Queensland publishes annual data on its website detailing the number of animal welfare complaints and investigations (by type) it manages and the investigation outcomes achieved.</b></p> <p><b>7.3 Racing Queensland publishes data on its website of the number of horses accepted, retrained, rehomed, euthanased or sent to slaughter through the Off the Track program.</b></p> <p><b>7.4 Racing Queensland publishes annual data on its website detailing all funding contributions to the Off the Track program and how all monies were spent.</b></p>

## Part 2 – The operation of establishments accepting animals for slaughter

Section	Findings	Recommendations
<b>10. Inadequacy in regulatory arrangements</b>	<p><b>10a.</b> The <i>Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments</i> is voluntary and outdated, but most importantly, it fails to provide for appropriate establishment design to achieve humane slaughter of horses.</p> <p><b>10b.</b> Poor design of slaughter establishments, inappropriate handling of horses such as using loud noises to move horses, allowing horses to see and hear other horses being stunned or shot and smell blood immediately before slaughter, are all factors that lead to poor welfare outcomes for horses and are not prevented under current legislation.</p> <p><b>10c.</b> Electric prodders are not appropriate for use on horses. Queensland animal welfare legislation should be consistent with the standards set in the Terrestrial Animal Health Code which rejects the use of electric goads and prods on horses</p>	<p><b>10.2.1 The Department of Agriculture and Fisheries (Queensland), under the guidance of an expert panel, urgently develops a compulsory Code of Practice for Horses Processed at Slaughtering Establishments (including knackeries) in Queensland, to ensure best practice for the humane treatment of horses from arrival to exsanguination.</b></p> <p>(see body of report for further detail of the provisions to be included in the proposed Code)</p> <p><b>10.2.2 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the ACPA to provide that establishment management store for at least 30 days the CCTV footage recorded at all critical animal welfare points and make available the recorded footage to</b></p>

Section	Findings	Recommendations
	<p>and the EU Council Regulation that prohibits the use of prods or other implements with pointed ends on all animals.</p> <p><b>10d.</b> The Australian Meat Standard is outdated and has limited specific welfare provisions for horses.</p> <p><b>10e.</b> The proposed new Australian Animal Welfare Standards and Guidelines for Livestock at Processing Establishments are still in draft stage with no date for completion.</p> <p><b>10f.</b> There is a lack of sufficient oversight by Biosecurity Queensland within the export abattoir.</p> <p><b>10g.</b> Given this is an environment which poses significant risks to the welfare of horses, and the animal welfare problem at Meramist is cultural, a Biosecurity Queensland Inspector should be present during unloading and slaughter of horses.</p> <p><b>10h.</b> CCTV surveillance at meat processing establishments is an emerging standard that promotes better practice and increased public trust in the meat production industry.</p>	<p><b>Biosecurity Queensland upon request on 48 hours' notice.</b></p> <p><b>10.2.3 Biosecurity Queensland implements a process for examining the CCTV footage to ensure a prompt and effective response to any suspected or identified breaches of all relevant Codes of Practice including any new Codes developed as a result of this Inquiry.</b></p> <p><b>10.2.4 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the ACPA to make the use of an electric prod on a horse an act of cruelty.</b></p> <p><b>10.2.5 Biosecurity Queensland ensures all Inspectors appointed under the ACPA be effectively trained:</b></p> <ul style="list-style-type: none"> <li>• <b>in the content of all relevant Codes of Practice including any new Codes developed as a result of this Inquiry;</b></li> <li>• <b>to recognise breaches under all relevant Codes of Practice including any new Codes developed as a result of this Inquiry;</b></li> <li>• <b>as to their powers and obligations in enforcing all relevant Codes of Practice including any new Codes developed as a result of this Inquiry.</b></li> </ul> <p><b>10.2.6 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the ACPA to permit, without the need for consent, an experienced Biosecurity Queensland Inspector to be present when horses are being unloaded, kept and processed at a slaughter establishment.</b></p>

Section	Findings	Recommendations
		<p><b>10.2.7</b> The Department of Agriculture and Fisheries (Queensland) takes steps to amend the <i>ACPA</i> to mandate that establishment management gives Biosecurity Queensland at least two days prior written notice of horse arrivals and slaughter.</p> <p><b>10.2.8</b> The Queensland Government makes an assessment of Biosecurity Queensland's resources to ensure they are adequately resourced to meet these requirements.</p>
	<p><b>10.3 Oversight of the knackery</b></p> <p><b>10i.</b> There is no adequate animal welfare monitoring at the knackery.</p>	<p><b>10.3.1</b> Biosecurity Queensland undertakes an immediate review of procedures and practices at the knackery. Any animal welfare issues identified be addressed.</p> <p><b>10.3.2</b> Biosecurity Queensland engages with management to undertake an immediate audit of the knackery yards and facilities and address any animal welfare issues.</p> <p><b>10.3.3</b> The Queensland Government makes an assessment of Biosecurity Queensland's resources to ensure they are adequately resourced to meet these requirements.</p>
<p><b>12. Inadequate standards for the transport of horses</b></p>	<p><b>12a.</b> Queensland's Code of Practice for the Transport of Livestock does not sufficiently address the specific needs of horses during transportation.</p> <p><b>12b.</b> Currently, much of the decision-making under the Code of Practice for the Transport of Livestock relating to the type of vehicle in which a horse travels, the stocking density, the types of horses that should travel together (handled or unbroken) and whether there should be barriers between horses in a truck or trailer, is left to the transport operator.</p>	<p><b>12.1</b> The Department of Agriculture and Fisheries (Queensland) takes steps to amend the Code of Practice for the Transport of Livestock to achieve a more reasonable balance between the welfare of the horses being transported and the interests of persons transporting them.</p> <p>(see body of report for further detail of proposed amendments)</p>

Section	Findings	Recommendations
	<p><b>12c.</b> The limited guidance provided by the Code of Practice for the Transport of Livestock means decisions made by transport operators in relation to these issues are not necessarily made with the welfare of the animal in mind.</p> <p><b>12d.</b> Adopting some of the Guidelines from the <i>Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock</i> would enhance the welfare of horses during transport.</p> <p><b>12e.</b> The Inquiry found there is no systematic method or auditing process in place for Biosecurity Queensland to check compliance with record keeping requirements under the Code of Practice for the Transport of Livestock. Poor compliance and lack of enforcement increase the risk that the welfare needs of animals are compromised.</p> <p><b>12f.</b> There is no requirement for record keeping for journeys less than 24 hours.</p>	<p><b>12.2</b> If necessary, the Department of Agriculture and Fisheries (Queensland) takes steps to ensure that any changes to the Code of Practice for Transport of Livestock provide for extraterritorial application.</p> <p><b>12.3</b> The expert panel consider and make recommendations about the types of amenities which need to be available en route, to enable transporters to meet requirements to unload, feed and water horses at acceptable points of a journey.</p> <p><b>12.4</b> Biosecurity Queensland develops and implements a compliance program that includes routine and regular monitoring for compliance with the provisions of the new <i>Code of Practice for the Transport of Livestock</i>.</p> <p><b>12.5</b> Biosecurity Queensland conducts a targeted enforcement operation to test compliance with the requirements of the current <i>Code of Practice for the Transport of Livestock</i>.</p>
<p><b>13. Maintaining animal welfare standards</b></p>	<p><b>13.1 Agency co-ordination of animal welfare incidents in the export establishment</b></p> <p><b>13a.</b> There is a need for improved role clarity and collaboration between Biosecurity Queensland and the federal Department of Agriculture in the monitoring and enforcement of animal welfare standards within the export establishment.</p> <p><b>13b.</b> There is a heavy reliance on the On-Plant Veterinarian by Biosecurity Queensland for identifying animal welfare incidents at the export establishment.</p>	<p><b>13.1.1</b> The Department of Agriculture and Fisheries (Queensland) co-ordinates the drafting of a memorandum of understanding between it and the federal Department of Agriculture to:</p> <ul style="list-style-type: none"> <li>• clarify their respective roles at the export establishment in relation to the welfare of horses being processed for slaughter; and</li> <li>• ensure timely and appropriate responses to any animal welfare breaches.</li> </ul>

Section	Findings	Recommendations
	<p><b>13c.</b> The absence of a person to undertake investigations means animal welfare incidents are not investigated under the <i>ACPA</i> in a timely manner.</p>	
	<p><b>13.2 Compliance action taken by agencies in response to animal welfare incidents at the export establishment</b></p> <p><b>13d.</b> The importance of animal welfare within Biosecurity Queensland needs to be elevated to demonstrate the Queensland Government's commitment to not only the welfare of horses at establishments but also the welfare of all animals in Queensland.</p> <p><b>13e.</b> Biosecurity Inspectors who work within the animal biosecurity and welfare program have a dual role, which can create a conflict or a perceived conflict of interest between the welfare of animals and the interests of persons whose livelihoods are dependent on animals.</p> <p><b>13f.</b> Inspectors who undertake regulatory enforcement roles in relation to animal welfare need skills beyond the minimum skills required to be appointed under the <i>ACPA</i> as an Inspector.</p> <p><b>13g.</b> A lack of transparency in processes leads the public to believe there is a lack of action on the part of the government.</p>	<p><b>13.2.1 The importance of animal welfare be reflected in the structure and staffing of the animal welfare function in Biosecurity Queensland. Specifically:</b></p> <ul style="list-style-type: none"> <li>• A separate Animal Welfare Program be established in Biosecurity Queensland, headed by a person of senior position and supported by a team of experienced investigators with the skills and knowledge to detect, investigate and prosecute animal welfare breaches, and thereby mitigate future offending.</li> <li>• The program should report directly to the Deputy Director-General of Biosecurity Queensland.</li> <li>• In the appointment of Inspectors under the <i>ACPA</i>, Biosecurity Queensland should ensure a balance of technical animal/livestock knowledge and experience in regulation.</li> <li>• Inspectors have certificate level training in investigative skills, or equivalent, prior to their appointment.</li> <li>• A better balance of education and enforcement in response to breaches of animal welfare incidents to ensure an appropriate use of regulatory tools.</li> </ul>
<p><b>14. Delay in the implementation of recommendations</b></p>	<p><b>14.1 Meramist</b></p>	<p><b>14.1.1 Biosecurity Queensland immediately engages with Meramist to ensure the prompt implementation of the substance of the</b></p>

Section	Findings	Recommendations
	<p><b>14a.</b> Given Meramist’s stated commitment to animal welfare and its demonstrated cooperation with the Inquiry, there seems no reason to delay the implementation of relevant recommendations.</p>	<p><b>recommendations applicable to Meramist, prior to the implementation of regulations.</b></p>
	<p><b>14.2 Standards and Guidelines for livestock at slaughter establishments</b></p> <p><b>14b.</b> Awaiting the completion of the national review of the <i>Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments</i>, rather than moving forward with recommendation 10.2.1, will mean that many thousands more horses will be unnecessarily slaughtered inhumanely.</p>	<p>See Recommendation 10.2.1.</p>
	<p><b>14.3 Code of Practice for the Transport of Livestock</b></p> <p><b>14c.</b> Awaiting the completion of a national review of the <i>Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock</i>, rather than moving forward with recommendations 12.1, 12.2 and 12.3, will mean that many thousands more horses will unnecessarily suffer blatantly unsatisfactory transportation conditions.</p>	<p>See Recommendations 12.1, 12.2 and 12.3.</p>

### PART 3 – Comparative assessment of regulation arrangements in other Australian states and territories

Section	Findings	Recommendations
<p><b>15. Interstate regulatory arrangements for the operation of establishments accepting horses for slaughter</b></p>	<p><b>15a.</b> There is nothing anywhere that regulates the design of horse-specific slaughter establishments such that at all stages of the process, a horse awaiting slaughter cannot see, hear or smell other horses being stunned or shot and exsanguinated.</p> <p><b>15b.</b> Opponents of the proposed Queensland Code of Practice in recommendation 10.2.1 will rely upon the absence of such regulation elsewhere to support their stance. If that</p>	

Section	Findings	Recommendations
	<p>were a cogent reason for rejecting it, animal welfare standards would never evolve.</p> <p><b>15c.</b> If there is to be humane slaughter of horses, the proposed Queensland Code of Practice must be implemented. There is no reason Queensland should not lead the way.</p>	
<p><b>16. Interstate regulatory arrangements for the welfare of horses being transported to slaughter establishments</b></p>	<p><b>16a.</b> With the exception of Western Australia, all states and territories have adopted, in one form or another, the <i>Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock</i>.</p> <p><b>16b.</b> The Code of Practice for the Transportation of Horses in Western Australia is also unacceptable in a number of areas. In any event, Western Australia is expected to adopt the <i>Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock in 2020</i>.</p>	
<p><b>17. Interstate regulation of the welfare of retired racing horses</b></p>	<p><b>17a.</b> While some jurisdictions are currently developing plans for the welfare and rehoming of retired racing horses, only New South Wales and the Australian Capital Territory, pursuant to Local Rule 114, has specific regulation for the welfare of retired racing horses.</p>	

## Background

On Tuesday 22 October 2019 the Queensland Premier and Minister for Trade, the Honourable Anastacia Palaszczuk, announced in the Queensland Parliament that an independent Inquiry would be urgently established into the management of retired racing horses and animal welfare concerns in dealing with horses at Queensland abattoirs.

On Monday 28 October 2019, the Inquiry commenced.

The Inquiry was triggered by footage of the serious mistreatment of horses, including horses with racing brands, at a Queensland abattoir, which was broadcast on Thursday 17 October 2019 by the ABC's 7.30 program. The footage revealed that some of the horses with racing brands were still registered as racing horses.

The program also highlighted issues at saleyards and knackeries interstate. These facilities do not come within the Inquiry's Terms of Reference.

The Terms of Reference are provided in pages 1-2.

## The Inquiry team

The Inquiry has been chaired by retired District Court Judge Terry Martin SC with the support of equine veterinary surgeon Dr Peter Reid.

In addition to Mr Martin and Dr Reid, the Inquiry team has been comprised of:

- Kristyn Miller, Director
- Fiona Ferguson, Manager
- Joseph Kapeleris, Special Counsel
- Kartika Kumar, Senior Administrative Officer

## The Inquiry approach

Due to the scale and gravity of the animal welfare concerns identified by 7.30, the Inquiry was given a three-month reporting timeframe.

The Inquiry team commenced its task with a series of telephone and in-person interviews with representatives from racing, meat processing, equestrian, veterinary and animal welfare organisations. The purpose of these interviews was to assist the Inquiry establish an understanding of the perspectives and issues, and the work that has, or has not, been done in the past to address them.

Owing to the Inquiry's necessarily tight reporting timeframe, requests for written submissions were targeted to individuals and organisations with a direct interest in the management of retired racing horses and the operations of abattoirs and other facilities accepting horses for slaughter. Other individuals and organisations contacted the Inquiry offering to contribute and written submissions were accepted from them.

A full list of stakeholders interviewed and submissions requested is provided in [Attachment A](#).

In parallel, the Inquiry team conducted its own independent research to help inform the Inquiry's findings and recommendations.

As required by the Terms of Reference, draft findings and recommendations were provided to relevant entities for their review and comment on:

- the accuracy of information, or interpretation thereof, that the Inquiry team relied upon to make its findings and recommendations;
- the clarity of the draft report, with particular focus on the extent to which the content supports the draft findings and recommendations; and
- any barriers to the implementation of the recommendations and how they could best be overcome.

By virtue of its independence, the Inquiry was not obliged to accept and incorporate feedback received, and consequently, not all feedback is reflected in the findings and recommendations contained in this report.

On 21 December 2019, when the establishment was not operating, Mr Martin and Dr Reid inspected the Meramist abattoir and were shown all relevant areas by the General Manager.

## Acknowledgement

The issues explored by the Inquiry are by their very nature polarising. There are those who do not believe people have the right to use animals for entertainment, or food, and those whose livelihoods depend on it. There are those who just want racing and meat production to be undertaken with respect for the animals impacted.

Irrespective of the stakeholder's philosophical position, the Inquiry was heartened to receive submissions which were, by and large, focused on practical suggestions for change designed to deliver genuine welfare improvements for retired racing horses, and also for all horses going to slaughter in Queensland.

The Inquiry team would like to acknowledge and thank those who have contributed by attending interviews, providing data and written submissions.

# Part 1 – Management of Retired Racing Horses

## 1. Managing the welfare of retired racing horses

The racing industry in Australia is regulated by a combination of state and territory legislation and national and local rules of racing made by the racing industry. Together, they aim to ensure the health and well-being of the horses and personnel involved in racing as well as the commercial operations of the industry.

However, these regulations generally apply only while the horses take steps to be eligible to race or are involved in racing, and do not regulate horses, or their owners, once those horses have retired from racing. The result is, while animal welfare legislation, such as the *Animal Care and Protection Act 2001*, applies to horses generally, there is no legislation or rules that address the particular needs of retired racing horses. This dramatic drop in the level of attention given to them post-retirement corresponds to an increase in the risk of their ill-treatment.

In Queensland, the racing industry is regulated primarily by the *Racing Integrity Act 2016*, the *Racing Act 2002* and the national rules of racing, made by Racing Australia and Harness Racing Australia, supplemented by Local Rules of Racing made by Racing Queensland.

One of the main purposes of the *Racing Integrity Act* is ‘to safeguard the welfare of all animals involved in racing under the *Racing Integrity Act* or the *Racing Act*’. The purpose is achieved in part by establishing the Queensland Racing Integrity Commission (QRIC). Its functions include:<sup>10</sup>

- to license animals and participants that are suitable to be licensed for a code of racing;
- to audit licence holders;
- to investigate complaints about matters relevant to a code of racing...;
- to keep records that provide for identification and monitoring of animals (e.g. records that show the ‘end-to-end tracking’ of an animal);
- to safeguard the welfare of any animal involved, whether directly or indirectly and whether lawfully or unlawfully in racing; and
- to promote compliance and integrity, and to promote animal welfare and prevent animal cruelty, by educating, providing information for, and working with, participants.

The QRIC must make a standard for a licensing scheme for each code of racing.<sup>11</sup> The purposes of the licensing scheme include the welfare of licensed animals while involved in racing or training, or activities associated with racing or training.<sup>12</sup> Standards for a licensing scheme must provide for, among other things, the grounds for taking disciplinary action relating to a licence in relation to matters dealt with in the rules of racing for the code of racing for which the licence is issued; when and how a licence may be immediately suspended to protect the safety of persons or welfare of animals; and how disciplinary action relating to a licence, other than immediate suspension, must be taken.<sup>13</sup>

It is clear that the scope of the QRIC’s horse welfare functions, under the *Racing Integrity Act*, is confined to the welfare of licensed animals while they are involved directly or indirectly in racing or training, and does not extend to after they have been retired from

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<sup>10</sup> *Racing Integrity Act 2016*, s. 10(1).

<sup>11</sup> *Ibid.*, s. 64.

<sup>12</sup> *Ibid.*, s. 63(c).

<sup>13</sup> *Ibid.*, s. 65(1)(i), (j) and (k).

racing.<sup>14</sup> Currently, upon retirement, a racing horse's welfare is under the jurisdiction of the *Animal Care and Protection Act 2001*, which is ordinarily enforced by Biosecurity Queensland and RSPCA. However under a memorandum of understanding with Biosecurity Queensland and the RSPCA,<sup>15</sup> the QRIC has limited authority to act in respect of the welfare of a retired racing horse. Consequently, if a QRIC steward and/or authorised officer attends the property of a licensed participant or registered owner and there is a retired racing horse on the property, the officer has authority to act in respect of any welfare issue relating to that horse. Plainly, the QRIC's current welfare authority in respect of a registered or licensed industry participant in charge of a retired racing horse is based only upon the memorandum of understanding and the powers of its authority are extremely limited. Legislative support is necessary.

The *Racing Act* establishes the Racing Queensland Board.<sup>16</sup> That board's primary function includes developing responses to 'strategic issues...relevant to all of the board codes of racing'; identifying priorities for major capital expenditure for each code...'; and developing...strategies for developing, promoting and marketing each code...'.<sup>17</sup>

Eligible corporations may apply to the Minister for approval as the control body for a proposed code of racing.<sup>18</sup> One of the powers given to a control body for its particular code of racing is to 'promote animal welfare and prevent animal cruelty, including ensuring adequate training is provided to participants to achieve this'.<sup>19</sup> 'Participant' is defined to mean a person involved with a code of racing, other than a club or a person who participates merely by attending a race meeting or placing a bet with a racing bookmaker at a race meeting.<sup>20</sup> Racing Queensland is the approved control body in Queensland for all codes of racing. With the commencement of the QRIC on 1 July 2016, responsibility for administering the rules of racing in Queensland was divided between the two agencies consistent with their respective functions in managing the promotional and integrity aspects of racing.<sup>21</sup>

Among the ways a particular control body achieves its functions is to make policies about the management of its code of racing and rules of racing for its code,<sup>22</sup> each of which is a statutory instrument.<sup>23</sup> Indeed, a control body must have rules of racing for the good management of each of its codes of racing.<sup>24</sup>

## 1.1 Thoroughbreds

Thoroughbred racing in each state is managed by control bodies accredited as such for this code of racing. In Queensland, Racing Queensland, referred to in the Australian Rules of Racing (Australian Rules) as a Principal Racing Authority (PRA), has adopted the Australian Rules promulgated by Racing Australia Ltd, the national racing industry body representing Thoroughbred racing in Australia. In each state, including Queensland, those rules are read

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<sup>14</sup> This is also reflected in the nature of the offences that are created under Chapter 6 of the *Racing Integrity Act*. The relevant animal welfare offences all relate to a 'licensed animal' (see ss 216, 218 which prohibits the use of a prohibited thing on a licensed animal or the interference with a licensed animal, where interference is defined to include 'to inflict or cause injury to a licensed animal').

<sup>15</sup> Appendix 1, Memorandum of Understanding, QRIC Submission.

<sup>16</sup> *Racing Act 2002*, s. 6.

<sup>17</sup> *Ibid.*, s. 10(3).

<sup>18</sup> *Ibid.*, s. 45.

<sup>19</sup> *Ibid.*, s. 82(k).

<sup>20</sup> *Ibid.*, Schedule 1.

<sup>21</sup> On 1 July 2017, the QRIC made a standard under s 58(1)(b) of the *Racing Integrity Act* to clarify the division of responsibilities of Racing Queensland and the QRIC under the rules of racing for each code, entitled Powers under the Rules of Racing.

<sup>22</sup> *Racing Act 2002*, s. 100(2)(a) and (b).

<sup>23</sup> *Ibid.*, s. 101.

<sup>24</sup> *Ibid.*, s. 111.

together with and supplemented by Local Rules of Racing (Local Rules) made and administered by the state Principal Racing Authority.

The Australian Rules and Local Rules regulate and ensure the integrity of race meetings and those who participate in them and this, in part, is achieved by ensuring the traceability and pedigree of the individual horses that race. The Australian Rules apply to 'Any person who takes part in any matter or race meeting' (AR 3) and to 'all races under the management and control of a PRA...' (AR 4(1)(a)). The scope of their application, including rules concerning the welfare of horses, is similarly restricted to horses engaged in racing.

Although provision is made for notifying Racing Australia of the retirement of a racing horse (AR 51) and the location and subsequent death of a named or unnamed horse (AR 50 and AR 52), no provision is made for recording the movement or location of a racing horse once it has been retired from racing.

## 1.2 Standardbreds

Similar considerations apply to Standardbred horses under the Harness Racing code. Harness Racing Rule 96A requires horses retiring from harness racing to be formally deregistered. It further requires the owner or trainer of the horse to provide notification at the time of its death. A key difference in the Harness Racing Rules is that 96A(3)(b) extends the retirement notification requirement to horses that have been retired from racing but retained for breeding purposes. In this case, the owner of the retired horse is required to provide further notification of the horse's retirement from breeding. There does not seem to be a requirement to provide notification of the death of a breeding horse.

### Findings

- 1a. There is no specific legislative or regulatory provision assigning responsibility for the welfare of retired racing horses, over and above general animal welfare provisions.
- 1b. While there are significant regulation and oversight of racing Thoroughbred and Standardbred horses while they are preparing for or participating in racing, regulation and oversight drop dramatically once a racing horse is retired. Where once their pedigree and identity was carefully tracked and recorded, the retired racing horse is now generally lost as it moves, at times large distances, across the country. The 'corporate knowledge' possessed by the government and private entities previously regulating the horse is likewise largely lost, making it difficult to detect, assess, mitigate and prosecute animal welfare breaches.

Sections 2-6 below examine the key issues to be addressed in responding to these findings and make recommendations for amendments to the current regulatory arrangements, where required.

## 2. Addressing a national problem at a state level

Very early in the life of the Inquiry it became apparent that ensuring good welfare outcomes for retired racing horses is a national issue that cannot be effectively addressed at a state level. The existence of national rules of racing, national systems and the management of some licensing activities by national racing bodies, all bring much needed consistency and integration across state boundaries. However, with individual states leading the response to the 7.30 revelations, there is a risk of regulatory gaps and duplication, unenforceable rules, wasted resources and, conceivably, unintended animal welfare outcomes.

There are several gaps and deficiencies in the current regulation and oversight of the welfare of retired racing horses that will, at some stage, require a national response. In this regard, the Inquiry welcomed Racing Australia's [media release on 25 October 2019](#) acknowledging the work to be done at a national level to drive some of these important changes.

This section details three of the most important issues that, in the view of the Inquiry, should be addressed by the racing industry Australia-wide, in addition to those changes that can be pursued at a state level. Racing Queensland is ideally positioned to advocate for change at the national level by virtue of the Chairman's position as Chair of Racing Australia's Animal Welfare Committee. Many of the recommendations below call on Racing Queensland to lead these discussions, if they have not already started.

## 2.1 Traceability

In the wake of 7.30, much attention is given to the perceived value of lifetime traceability as a means of improving the welfare outcomes of retired racing horses. Whilst there is an obligation on registered owners to notify racing authorities of the retirement of a horse from racing, there is currently little regulatory requirement<sup>25</sup> on an owner of an officially retired racing horse to maintain or update records relating to the location of that horse. This lack of visibility and oversight has clearly damaged public confidence in racing.

The Inquiry notes the benefits that national traceability of all horses could offer in many areas including rider safety, disease control and law enforcement. However, it cautions against seeing a traceability register as a panacea for the welfare of unwanted retired racing horses. It also seems, on the basis of the November 2019 report produced by the federal Senate Committee inquiry into the *'The feasibility of a National Horse Traceability Register for all horses'*, that the primary purpose of any future national traceability register will be biosecurity management.<sup>26</sup> The Senate Committee's report identifies the absence of a single, clear rationale for the register as one of the primary challenges. Further, it calls on the racing industry to work alongside government to ensure that any national traceability register 'complements and bolsters' their efforts to track retired racing horses. A national working group, comprising equine industry, government and animal welfare representatives will be established in order to progress the development of a national registration and traceability scheme.

In considering its position on lifetime traceability, the Inquiry was mindful of four things:

- i. The welfare benefits of lifetime traceability for retired racing horses are indirect at best. It would doubtless provide better visibility of end of life outcomes for horses and the reasons for them.<sup>27</sup> Without that information, any welfare issues causing the outcomes cannot be addressed. It would also likely support enforcement action when animal welfare breaches occur. However, in the submissions made to the Inquiry and the Senate Committee, there seems to be an expectation of lifetime traceability as a welfare solution for individual horses and this will not be achieved unless it is expressly designed into the system and its supporting processes. The Inquiry agrees with Animal Care Australia who observe, in their submission to the Senate Committee inquiry into the feasibility of a National Traceability Register, that simply

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<sup>25</sup> Save for the requirements of Harness Racing Rule 96A(3)(b) outlined in 1.2.

<sup>26</sup> Parliament of Australia 2019, *'The feasibility of a National Horse Traceability Register for all horses'*, Australian Government, Canberra, accessed 28 November 2019, [parlinfo.aph.gov.au](http://parlinfo.aph.gov.au). Page ix.

<sup>27</sup> Dr Andrea Harvey, article in *Horses and People* October 29, 2019, accessed 21 November 2019, [horsesandpeople.com.au](http://horsesandpeople.com.au)

tracing horses over their lifetime 'has no intrinsic ability to improve welfare, without deliberate action to support it'.<sup>28</sup>

- ii. The mobility of all horses between state jurisdictions complicates the issue of traceability. Over the course of their lifetime a horse may change owners many times and may move across state borders. Horses are also not necessarily stabled at their owner's address. Collectively, these issues have led the Inquiry to find that traceability can only be effectively addressed at a national level. This is particularly the case if the success of the model is based on enforcement.
- iii. Placing additional burden on the ownership of retired racing horses specifically, including onerous reporting requirements or restricted end of life options, risks decreasing their appeal to those considering accepting a horse for rehoming. This is possibly the worst outcome of all for the welfare of retired racing horses. Reduced demand will invariably lead to fewer retired racing horses finding a new home or second career, which in turn will lead to more retired racing horses being disposed of, one way or another. The Inquiry supports the approach proposed by both Racing and Wagering Western Australia and Racing Victoria, whose respective equine welfare strategies aim to increase post-retirement visibility by encouraging owners to update the ownership and location details of retired racing horses in their care through access to Off the Track<sup>29</sup> resources and incentives such as training and eventing opportunities.
- iv. Even if a *National Horse Traceability Register* were achievable, it will doubtless be many years away.

It is important to note early in this report that, while the Inquiry's Terms of Reference focused specifically on retired racing horses, many of the submissions received expressed concern about racing industry 'wastage' generally. Foals born but never declared, foals that never make it into training and unnamed horses sold through yearling sales and online auctions were all highlighted as at high-risk of poor welfare outcomes because they are unwanted. They also represent another gap in the racing industry's knowledge of where the horses they breed end up. It is apparent that better traceability and welfare controls for horses not yet registered to race is another issue the racing industry should be giving particular attention to.

**Recommendation 4.3** calls on Racing Queensland, in the establishment of an Off the Track program for retired racing horses in Queensland, to cater for horses that are bred for racing but never make it into training.

## Findings

- 2a.** Developing a national horse traceability register for all horses in Australia is ambitious. Even if such a National Traceability Register were achievable, it will be many years away.
- 2b.** There is currently no requirement on the owner of a retired racing horse to maintain or update records relating to the location of that horse.<sup>30</sup>
- 2c.** Owing to the movement of horses throughout their life, any attempt to address lifetime traceability on a state level would likely result in another incomplete, unreliable database.

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<sup>28</sup> Parliament of Australia 2019. 'Senate Inquiry into the feasibility of a National Horse Traceability Register for all horses', Australian Government, Canberra, accessed 21 November 2019, [aph.gov.au](http://aph.gov.au), visit Submission 21 (Animal Care Australia), pages 3-4.

<sup>29</sup> See [4.Rehoming](#) and Racing Queensland's submission to the Inquiry for further details of the proposed Off the Track program for retired racing horses in Queensland.

<sup>30</sup> Save for the requirements of Harness Racing Rule 96A(3)(b) outlined in 1.2.

- 2d.** While national traceability offers some medium to long-term welfare benefits for retired racing horses (better visibility of end-of-life outcomes and reasons for euthanasia/slaughter), it is unlikely to be a solution for the welfare of retired racing horses unless its monitoring and enforcement are extremely well planned and resourced.
- 2e.** The national industry bodies for both Thoroughbred and Standardbred horses are well placed to lead the development of a national traceability register of racing horses, and retired racing horses, by extending the existing studbook and racing horse registration requirements.
- 2f.** Any interim move to implement lifetime traceability for racing horses, as distinct from all horses, should be incentive-based to avoid reducing the appeal of retired racing horses for prospective new owners.

## **Recommendations**

**2.1.1 Racing Queensland, the QRIC and Queensland’s peak racing industry bodies support the federal Senate Committee’s efforts in establishing a national working group to progress the development of a national registration and traceability scheme for all horses.**

**2.1.2 Racing Queensland advocates for Racing Australia and Harness Racing Australia to extend their lifecycle monitoring capability and systems to cover retired racing horses.**

**2.1.3 Racing Queensland incentivises owners, within and beyond the racing industry, to keep retired racing horse ownership and location details up to date through access to Off the Track benefits.**

See [Recommendation 4.1](#) for further detail of the proposed Off the Track program for retired racing horses in Queensland.

**2.1.4 Queensland not develop its own lifetime traceability register for retired racing horses, so as to avoid exacerbating the existing problems of inconsistency and incomplete equine lifecycle records.**

## **2.2 Breeding regulation**

Multiple submissions<sup>31</sup> made to the Inquiry identified unregulated and ‘indiscriminate’ breeding as a primary contributing factor to the issue of managing the welfare of retired racing horses. Whilst for successful studs, breeding genetically superior racing horses for the track is the motivator, this is certainly not so for all breeders. It is submitted that the breeding of horses for racing in Australia is a ‘numbers game’ driven by a preoccupation with quantity rather than quality. The result, it is said, is more horses being bred than will ever make it to racing and many more than could ever be appropriately rehomed.<sup>32</sup>

Examination of the limited, existing breeding regulations in both Thoroughbred and Harness racing show that, in both cases, it is managed by the national industry bodies. Racing

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<sup>31</sup> Animal Australia Submission pages 1,3 and 6; RSPCA Submission page 4; Animal Liberation Qld Submission page 3; Coalition for the Protection of Racehorses Submission page 5; Standardbred Association of Queensland Submission page 5; Lakeside Animal Sanctuary Incorporated Submission page 3.

<sup>32</sup> Animal Liberation Qld Submission pages 3-4; RSPCA Submission page 2; Animals Australia Submission, page 6.

Australia, through the Australian Stud Book, and Harness Racing Australia both manage stud books for their respective industries, which are focused on ensuring the integrity of breeding, primarily by ensuring true and accurate parentage for foals bred.

The Australian Stud Book for Thoroughbreds defines a breeder as ‘a person in charge of the mare or stallion and in whose name the return is lodged’. A Thoroughbred breeder must register with the office of the Australian Stud Book by providing contact details.<sup>33</sup> There do not appear to be fees associated with registration as a breeder, any checks on the suitability or competency of the applicant as a breeder, or limits placed on the number of foals produced in a year. Notification of the birth of a foal attracts a fee of \$140, if lodged within 30 days as required by the Rules of the Australian Stud Book, \$265 if lodged after 30 days or \$340 if lodged after the season of birth.<sup>34</sup>

A person wanting to use a place as a stud for breeding Standardbred horses undergoes a similar, though perhaps slightly more rigorous registration process where, among other things, police records and a supporting certificate from a veterinary surgeon must be provided.<sup>35</sup> The person in charge of the facility must obtain a studmaster’s licence and is held responsible for the care and control of horses at a stud and for any breeding activity that is not the responsibility of an artificial breeding technician.<sup>36</sup> A separate licence is required for an artificial breeding technician. The fee to register as a studmaster is \$317.<sup>37</sup> There does not appear to be a limit on the number of foals produced in a year, nor does there appear to be any check on the competency of the applicant as a breeder. Formal notification of the birth of a Standardbred foal attracts a fee of \$101 and must be provided within three months.

The result is that while the identity, contact details and, for Standardbred breeders, some background information is captured, no information is obtained about a person’s competency as a breeder or ability to ensure the welfare of the foals produced. Importantly, no actual assessment is made of a breeder’s competency or ability either.

That said, perhaps the best indicator of breeding competence is the proportion of horses bred for racing that go on to have a racing career. An analysis of Thoroughbred foal and new registration numbers provided by Racing Australia, for the period 2008-09 to 2018-19,<sup>38</sup> shows an increasing trend in the percentage of horses, as compared to foals born two years previously, being registered for racing. Whilst registration for racing can occur over a number of years, the two-year delay was applied to reflect the fact that a majority of horses are registered as two-year-olds.<sup>39</sup> The trend is equally apparent in a comparison of the last five years to the previous six years for which data was supplied (see Figures 1 and 2 below).

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<sup>33</sup> Racing Australia 2019, ‘Rules of the Australian Stud Book’, pages 22-27, accessed 25 November 2019, [studbook.org.au](http://studbook.org.au).

<sup>34</sup> Ibid. Rules 4.6 and 4.7.

<sup>35</sup> Harness Racing Australia 2019, Australian Harness Racing Rules, Rules 274 and 274A, accessed 26 November 2019, [harness.org.au](http://harness.org.au).

<sup>36</sup> Ibid. Rule 90A (4.4).

<sup>37</sup> Queensland Racing Integrity Commission 2019, ‘How to Pay’, accessed 26 November 2019, [qric.qld.gov.au](http://qric.qld.gov.au).

<sup>38</sup> See [Attachment B](#), Thoroughbred Lifecycle Data 2008-2019, for full details of supporting figures and analysis.

<sup>39</sup> Racing Australia 2019, ‘Racing Australia Fact Book 2018/19’, Table 42. Registrations by Age, page.61, accessed 17 December 2019, [publishingservices.risa.com.au](http://publishingservices.risa.com.au)

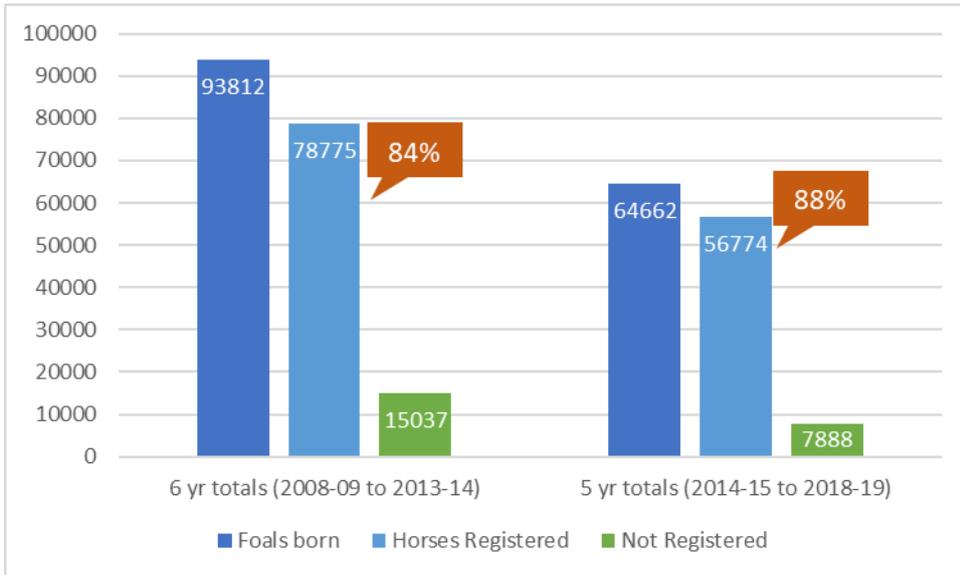


Figure 1 - National Thoroughbred Foal Crop and Registration Numbers

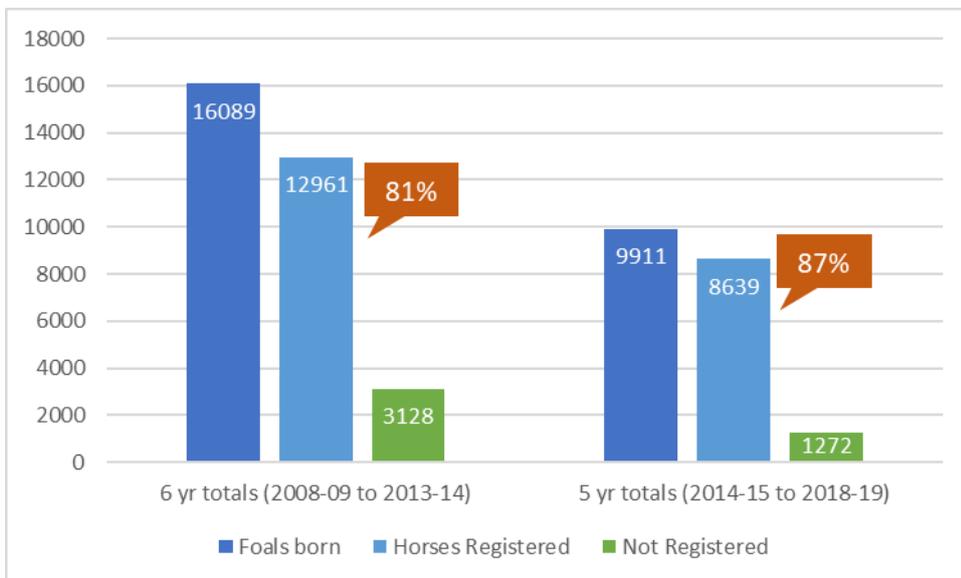


Figure 2 - Queensland Thoroughbred Foal Crop and Registration Numbers  
(Source: Racing Australia)

This may indicate that Thoroughbred breeders are being more discerning in their decision to breed, resulting in more foals suitable for racing, and/or lower Thoroughbred populations are giving more horses bred for racing the opportunity of a racing career. Regardless, it appears to be a positive trend in the context of racing industry wastage.

The same trend cannot be seen in breeding and registration data for Standardbred horses. Harness Racing Australia's Foal Crop Data 2016-17<sup>40</sup> provides a Foal Crop Summary for foal crops dating back to 2001-02. Despite a significant decrease in Standardbred foal numbers nationally, it appears that the percentage of horses from each crop that are eventually named for racing, continues to peak at around 70%.

<sup>40</sup> Harness Racing Australia 2019. 'Australian Bred Foals That Race - by Foal Crops - Age/Sex Profiling', accessed 17 December 2019, [harness.org.au](http://harness.org.au).

As to the number of horses being bred for racing each year, Racing Australia, Harness Racing Australia and Racing Queensland were all asked to provide their position on the optimal number of horses that need to be bred each year to balance industry sustainability with the risk of wastage and demand for rehoming options. Racing Australia stated that they did not have a position because, in part, each industry jurisdiction has its own obligations and objectives.<sup>41</sup> Racing Queensland declared the market economics of breeding to be complex and beyond the reach of any single state intervention. Harness Racing Australia stated that, from an industry sustainability perspective, the continued decline in foals born each year is causing concern.

Racing Queensland provided a helpful breakdown of racing and breeding statistics for the past 10 years, which indicated that the number of Thoroughbred foals produced each year in Queensland has reduced by 42.2% from 3318 in 2008-09 to 1919 in 2017-18, compared with a national reduction of 27.5% over the same period.<sup>42</sup> Race meetings have decreased 2.8% from 4701 in 2009-10 to 4568 in 2018-19.<sup>43</sup> In the Harness code, Queensland produced 62% fewer Standardbred foals in 2017-18 (n=232) than in 2008-09 (n=610). Harness race meetings have decreased by 12.1% between 2009-10 and 2018-19.<sup>44</sup> Racing Queensland suggests that this data supports a view that any restrictions on breeding would not enhance animal welfare outcomes. The Inquiry does not agree. Rather, the ability of the industry to absorb such a large decrease in breeding with minimal impact on race numbers, average starts and average field size, seems only to evidence that overbreeding was rampant in the past. While the number of interstate horses racing in Queensland will obviously have a bearing on the interpretation of statistics, it remains that excessive breeding in the past must be contributing markedly to the number of retired racing horses currently requiring care in their retirement.

The extent to which the current level of breeding exceeds the racing industry's needs, if at all, could not be determined in the time available for the Inquiry and does not appear to have been examined by Racing Queensland or the national industry bodies. Commendably, Thoroughbred Breeders Australia, in their submission<sup>45</sup> and a public statement,<sup>46</sup> acknowledge the need for breeders to examine their own practices and consider whether current breeding levels are producing the 'right number'.

Racing Queensland argues that, as a net importer of racing horses, any restrictions on breeding in Queensland would not enhance animal welfare but would negatively impact employment, investment and industry participation.<sup>47</sup> However, it remains that the number of horses entering the industry will ultimately determine the number requiring a decent retirement outcome in the future. The Inquiry has found very little evidence that this has been taken into account in establishing breeding frameworks and incentive programs.

Racing Queensland currently supports the Queensland Thoroughbred Incentive Scheme (QTIS) for Thoroughbred horses bred in Queensland and the Queensland Breeding Program (QBRED) for Standardbred horses bred in Queensland.<sup>48</sup> In 2018-19 QTIS provided \$8.2 million in additional prize money and bonuses, while QBRED provided \$1.7 million in bonuses and \$0.5 million in feature race funding.

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<sup>41</sup> Racing Australia Submission, paragraph 6, page 2.

<sup>42</sup> Racing Queensland Submission, page 15.

<sup>43</sup> The difference in time periods is due to this being the data range provided by Racing Queensland in their submission. Racing Queensland note that breeding statistics have a one year delay.

<sup>44</sup> Ibid, page 16.

<sup>45</sup> Thoroughbred Breeders Australia Submission, page 2.

<sup>46</sup> Sydney Morning Herald, accessed 15 December 2019, [smh.com.au](http://smh.com.au).

<sup>47</sup> Ibid, page 14.

<sup>48</sup> Racing Queensland Submission, page 12.

The Inquiry found little research or scientific evidence to indicate, one way or another, whether breeding incentives enhance or diminish economic, quality and welfare outcomes. QTIS, or an equivalent, has been in place since at least 1997 and breeding numbers in Queensland have been reducing regardless. It is also noted that, nationally, New South Wales are by far the largest contributor to the population of racing horses and, consequently, retired racing horses, breeding approximately 45% of all Thoroughbred foals annually. For this reason, no recommendations have been made to alter or cease the existing incentive programs in Queensland. However, the Inquiry has concluded that some quality control is required to ensure decisions about breeding horses for racing in Queensland are well-considered and well-informed and the welfare of breeding horses and their foals are safeguarded, both during the breeding stage and in their retirement.

It is the view of the Inquiry that this control should be applied through a licensing process and the introduction of welfare levies attached to foal birth notifications and stallion returns. It is recognised that applying these changes in Queensland alone will likely only create disadvantage for Queensland breeders and, possibly, new welfare issues. Therefore, it is recommended that Racing Queensland, whose Chair is also Chair of Racing Australia's Animal Welfare Committee, advocate for these changes at a national level.

A licensing model, similar to that already in place for trainers, jockeys and drivers licensed for racing, would better support the outcomes the Inquiry is seeking to achieve. Under the QRIC's existing [Standard for Licensing Scheme \(Thoroughbreds\)](#) applicants for Trainer licences are required to have relevant experience and demonstrate skills and competence through their training success and an absence of recent, previous disqualifications.<sup>49</sup> To be licensed as a Jockey for Thoroughbred racing in Queensland, an applicant must have completed an approved apprenticeship. Requests to upgrade a Jockey licence to a higher category of licence may include consideration of the jockey's riding record and technical skill level.<sup>50</sup> Similarly, under the QRIC's [Standard for Licensing Scheme \(Harness\)](#), applicants for a Trainer licence must have successfully completed an approved training course and provide evidence of previous relevant experience. An applicant for a Grade A Trainer licence must have had a minimum of 50 horses start in a race. Applicants for Harness Driver licences must also complete an approved training course and, for Grades A and B, a specified number of race drives to demonstrate their skill and ability.<sup>51</sup> All trainers are also required to pass a stable inspection to confirm the suitability of their training facilities.

By establishing eligibility criteria, including the skills, experience and qualifications required to be an effective breeder, and an auditing process to ensure licensed breeders continue to be suitable to be licensed, breeding quality and welfare standards would be improved.

Accredited training courses for the breeding of horses<sup>52</sup> provide excellent guidance for the types of skills and knowledge requirements that could underpin a licensing framework for racing horse breeders, including:

- identifying desirable and undesirable characteristics when selecting sires and dams;
- nutritional and welfare requirements of pregnant mares, including foaling hygiene;

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<sup>49</sup> Queensland Racing Integrity Commission 2019, 'Standard for Licensing Scheme Thoroughbreds', accessed 12 December 2019, pages 18-20, [qric.qld.gov.au](http://qric.qld.gov.au).

<sup>50</sup> Ibid. pages 21-22.

<sup>51</sup> Queensland Racing Integrity Commission 2019, 'Standard for Licensing Scheme Harness', accessed 12 December 2019, [qric.qld.gov.au](http://qric.qld.gov.au), page 15.

<sup>52</sup> Australian Government 2019, 'Qualification details - Certificate III in Horse Breeding', accessed 12 December 2019, [training.gov.au](http://training.gov.au). State of Victoria 2015, 'Diploma of Horse Breeding (Stud Management)', accessed 12 December 2019, [education.vic.gov.au](http://education.vic.gov.au).

- identifying and minimising breeding-related health problems and injuries;
- caring for neo-natal foals (including ill foals);
- responding to foaling emergencies;
- fitting and using breeding equipment;
- biosecurity obligations and procedures; and
- correct facility and property design to ensure welfare and reduce accidents and injury.

That is not to say that current registered breeders, with a demonstrated ability to breed horses which regularly go on to a career in racing, should be required to undertake accredited training courses and any breeder licensing model developed should recognise previous, successful industry experience.

All breeders should, though, be required to demonstrate their ongoing suitability to be licensed through competency-related criteria for licence renewals, or upgrades, such as the number of horses bred that make it into training for racing and a demonstrated history of successfully rehoming horses that are not suitable for racing or have come to the end of their breeding careers.

Breeders determine the number of horses bred into the racing industry and their competency largely determines the number of horses that enter training. They therefore determine the number of retired racing horses to be rehomed sooner or later, depending on quality. In an industry which rightly requires licensing of integral participants to ensure integrity and animal welfare, it is anomalous for breeders, so fundamentally integral to the industry, to be excluded from licensing requirements. In interview, representatives from Thoroughbred Breeders Australia argued that breeders should be subject to an industry quality assurance scheme rather than regulation. However, it is the Inquiry's view that the rigour of licensing is necessary.

It is noted that, although the QRIC's general functions include 'to license animals and participants that are suitable to be licensed for a code of racing' (s 10(1)), under section 63 of the *Racing Integrity Act*, the purposes of the Standards for licensing schemes, made by the QRIC, are more narrow. They are to ensure the integrity of *racing activities* conducted as part of the relevant racing code or the welfare of *licensed animals* while involved in racing or training, or activities associated with *racing or training*. Under these current provisions, it is unclear whether the addition of Breeder licence categories to the existing Standards for Licensing Schemes for both Thoroughbred and Harness racing would comfortably fit within the meaning of 'racing activities', if it is based on the definition of 'race' in the *Racing Act*.<sup>53</sup> Hence, consideration should be given to whether an amendment to section 63 of the *Racing Integrity Act* is required to expand the purposes for which a standard for a licensing scheme can be made.

## Findings

**2g.** The breeding of horses for racing in Australia is largely unregulated and undertaken with little regard for the size of the problem being created at the end of their careers.

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<sup>53</sup> Schedule 1 Dictionary: **race** means a contest, contingency or event managed by a control body in which 2 or more licensed animals compete against each other for the purpose of providing a contest, contingency or event on which bets may be made.

**2h.** Racing Queensland, Racing Australia and Harness Racing Australia have not offered any evidence to counter the claim that the breeding of horses for racing is 'indiscriminate'.

**2i.** Better regulation of breeding, through licensing standards, and the introduction of welfare levies on breeding, will help increase quality and welfare standards in the breeding of horses for racing.

## **Recommendations**

**2.2.1 Racing Queensland advocates for Thoroughbred breeders to be licensed through Racing Australia.**

**2.2.2 Racing Queensland advocates for Standardbred breeders to be licensed through Harness Racing Australia.**

**2.2.3 The QRIC establishes a breeder licensing process and standard requiring applicants to demonstrate knowledge and competency. Those who consistently breed horses which do not make it into training, should be excluded from holding a licence.**

**2.2.4 The Department of Agriculture and Fisheries takes steps to amend the *Racing Integrity Act*, if necessary, to expand the purposes for which a standard for a licensing scheme for a code of racing can be made to provide for the licensing of breeders.**

**2.2.5 Racing Queensland advocates for Racing Australia and Harness Racing Australia to introduce a welfare levy to be added to the current foal birth notification and stallion return fees. The size of this levy be sufficient to act as a deterrent to indiscriminate and poor quality breeding and make a meaningful contribution to the pool of funds available to support the rehoming programs being run by the control bodies in each state.**

**2.2.6 Racing Queensland advocates for Racing Australia and Harness Racing Australia to develop a sustainable breeding model for racing in Australia that balances the need for industry sustainability with the need to ensure good welfare outcomes for horses bred for racing.**

**2.2.7 In the absence of national agreement on 2.2.6, Racing Queensland develops a sustainable breeding model for racing in Queensland.**

**2.2.8 The Queensland Government makes an assessment of the QRIC's resources to ensure that they are adequate to undertake licensing and auditing of breeders in Queensland.**

## **2.3 Retired racing horses in the care of industry participants**

The retirement and deregistration of racing horses is governed by national rules of racing in both codes that require specified persons to provide notification of the retirement or death of a racing horse.<sup>54</sup> Racing Australia's [official retirement figures](#) suggest that 87% of retired

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<sup>54</sup> Australian Racing Rules AR51 and AR52, Harness Australian Racing Rules HAR96A.

Thoroughbreds go on to a second career in either equestrian pursuits (64%) or breeding (23%). In either case, the horses may remain in the care of a licensed racing industry participant or registered breeder. In both cases, the obligation to report on their whereabouts ceases.

Harness Racing Australia's official figures suggest that 66.5% of retired Standardbreds are rehomed to equestrian pursuits, pleasure riding homes or a rehoming program. 13% of retired Standardbreds are reported as going on to a breeding career. However, unlike Thoroughbreds, under Australian Harness Racing Rule 96A(3)(b), Harness racing participants are required to provide further notification of a Standardbred horse's retirement from breeding, if it has been retained for that purpose.

Official retirement figures do not specify the proportion of horses retired for equestrian or pleasure purposes that remain in the custody of a licensed or registered person, but it would seem that this is a gap that affects the tracking and welfare of retired racing horses. Under the existing retirement and death notification requirements, a racing horse could be officially retired into a socially desirable retirement category, remain in the care of a licensed or registered person, and then be euthanased or sent, promptly or eventually, to an abattoir without this fact ever appearing in the official figures of the racing industry.

The same can be said for Thoroughbred horses retiring into breeding careers. This gap is especially significant in light of Ariella Hayek's study,<sup>55</sup> which suggests that the likelihood of a breeding horse being sent directly to an abattoir is significantly higher than that of a horse retiring from racing. Specifically, Hayek's data indicated that 11.3% of Thoroughbred breeding horses were sent to an abattoir, compared to 6.3% of Thoroughbred racing horses. The prospects for Standardbred breeding horses were even less positive, with 43.75% sent to an abattoir, compared to 16.56% of Standardbred racing horses.<sup>56</sup>

It is entirely within the racing industry's control to address this gap. By extending the obligations under national rules AR51 (retirement notification) and AR52 (death notification) to retired racing horses that remain in the care of a licensed or registered racing industry participant, visibility of the welfare and true retirement outcome of these horses will be increased. Similarly, the requirements of AHRR96A should be extended to apply to any retired racing horse that remains in the care of a licensed person, not just those retained for breeding purposes. Over time, this information will support research and analysis of the types of racing horses going to slaughter or being euthanased and why, thereby equipping the racing industry to address these issues and improve retirement outcomes.

## Findings

- 2j.** There is a gap in the data recording the true retirement outcomes of racing horses that, once retired, remain in the care of a licensed or registered racing industry participant as pleasure or breeding horses.
- 2k.** An extension of existing national rules AR51 (retirement notification), AR52 (death notification) and HRR96A (deregistration), to apply to all retired racing horses that remain in the care of a licensed or registered racing industry participant, will provide visibility of the true retirement and end of life outcomes for these horses.
- 2l.** The ability of Racing Queensland and the QRIC to enforce any rules of racing applied to

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<sup>55</sup> Hayek, A, 2004, 'Epidemiology of horses leaving the racing and breeding industries', [kb.rspca.org.au](http://kb.rspca.org.au): accessed 21 November 2019.

<sup>56</sup> Ibid, page 88.

breeders is dependent on the implementation of a breeder licensing framework a recommended in [Recommendations 2.2.1, 2.2.2 and 2.2.3](#).

**2m.** While the number of racing horses retired, for equestrian purposes, into the care of a licensed or registered industry participant is unknown, the population of Thoroughbred broodmares alone in Queensland in 2017-18 was 3491.<sup>57</sup> Any decision to engage in the active monitoring of the welfare of retired racing horses, that remain in the care of a licensed or registered industry participant, will therefore need to be taken in the context of the resource impacts.

## **Recommendations**

**2.3.1 Racing Queensland advocates for Racing Australia and Harness Racing Australia to amend their respective national rules such that licensed and registered racing industry participants, in whose name an officially retired racing horse, including a breeding horse, is retained, have a continuing obligation to notify the national bodies of the retired horse's ultimate retirement destination from the care of the racing industry participant. Participants also be required to provide notification of the fact and cause of death of the retired racing horse while in their care.**

**2.3.2 The QRIC be responsible for enforcing these proposed reporting requirements in Queensland.**

**2.3.3 The Department of Agriculture and Fisheries takes steps to amend the *Racing Integrity Act 2016* to extend the QRIC's animal welfare jurisdiction to a horse retired from racing, but still in the care of a registered or licensed person under the Australian Rules of Racing or Australian Harness Rules of Racing.**

**2.3.4 The QRIC amends the MOU between the QRIC, Biosecurity Queensland and the RSPCA to reflect the adjustment in the QRIC's jurisdiction and to clarify that Biosecurity Queensland and the RSPCA remain responsible for the welfare of retired racing horses not in the care of a licensed or registered industry participant.**

**2.3.5 The Queensland Government makes an assessment of the QRIC's resources to ensure that they are adequate to strenuously enforce the substance of the recommendations above.**

## **3. How big is the problem?**

The unreliability of retirement data for racing horses is a critical issue that the racing industry needs to address as a matter of collective priority. Without it, meaningful decisions about managing the welfare of retired racing horses is difficult and determining the amount of effort and investment it will require is impossible. Without it, the industry has been unable to defend itself against public and media backlash and the Inquiry has been unable to accurately assess the size of the problem that it was established to address.

It does however seem logical that if the number of individual Thoroughbred horses racing in Queensland has remained relatively constant since 2010, at around 7000 (+/- 10%),<sup>58</sup> and

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<sup>57</sup> Racing Queensland Submission, Table 1, page.14.

<sup>58</sup> Ibid.

another 2000 horses are being added to that population each year through breeding,<sup>59</sup> then somewhere in the vicinity of 2000 must be leaving the industry each year. Admittedly, this calculation is crude and does not take account of death, euthanasia and interstate dynamics. However, in the absence of figures more convincing, the Inquiry has assumed that the Queensland racing industry needs to deal responsibly with approximately 2000 retiring racing horses each year.

Retirement figures obtained from Racing Australia and Harness Racing Australia, and provided by the QRIC show that official retirement notifications for 2019 average 85 a month for Thoroughbreds and 25 a month for Standardbreds, leading to an estimated annual retirement population of 1300. However, a 'retirement amnesty' offered by the QRIC from 1 to 29 November 2019, resulted in a further 708 Thoroughbred and 554 Standardbred retirement and death notifications. While the actual date of retirement for these horses is unknown, the Thoroughbred data shows that 68.3% of racing horses retired during the amnesty had a last race start between 2010 and 2018. The amnesty evidences a lack of compliance with, and a lack of auditing and enforcement by the QRIC, of the rules of racing requiring owners to provide notification of a horse's retirement from racing. It further supports the Inquiry's assumption that 2000 retirements a year should form the basis of planning and funding decisions until reliable data is available to suggest otherwise.

Beyond the issue of total retirement numbers, the retirement outcome of horses leaving the racing industry has long been a concern for animal welfare and animal rights representatives.<sup>60</sup> This concern has been understandably exacerbated by evidence of the cruel and undignified end that some former racing horses endure when they are no longer wanted. Racing Australia's [official retirement figures](#) suggest that fewer than 1% of retired racing horses are sent directly to the abattoir. Harness Racing Australia's retirement data indicates that 1.06% of retired Standardbreds are sent directly to an abattoir.<sup>61</sup> The number of racing horses, including horses still actively registered for racing, shown at Meramist, told the nation that many more make their way there within a few years of their last race.

The Inquiry notes that, until recently, Racing Australia's Retirement of Racehorses or Death Notification Form<sup>62</sup> did not actually include provision for owners to indicate that a retired racing horse has been sent directly to an abattoir. Although it is hoped that this option will be exercised infrequently, it seems sensible to at least equip racing horse owners with the option to report accurately on this retirement outcome and the Inquiry welcomes Racing Australia's amendments to this document. However, under AR51, a stable return can be also used to notify Racing Australia of the retirement of a racing Thoroughbred and it seems that this process does not mandate the provision of a reason for retirement.<sup>63</sup> An amendment to this form will also help improve the accuracy of Racing Australia's retirement data.

The ABC's 7.30 program depicted around 300 racing horses being stunned for slaughter in 22 days at Meramist and extrapolates that this equates to 4000-5000 racing horses being slaughtered at this facility each year. Whether this extrapolation is reasonable or not, is difficult to tell. The Inquiry made a formal request of the ABC for detail of the abattoir footage provided to them, including dates, times and number of horses and racing horses processed,

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<sup>59</sup> Ibid.

<sup>60</sup> RSPCA 2019, 'What happens to horses that leave the racing industry?', accessed 20 November 2019, [kb.rspca.org.au](http://kb.rspca.org.au); Coalition for the Protection of Racing Horses 2019, 'Proposal for the Rehabilitation and Re-homing of Thoroughbred Racing horses in Australia' (2013), accessed 21 November 2019, [drive.google.com](http://drive.google.com).

<sup>61</sup> There is no Finish Line 2019, 'HRA's Response to Questions from ABC's 7.30 Report', Harness Racing Australia, accessed 29 November 2019, [thereisnofinishline.com.au](http://thereisnofinishline.com.au).

<sup>62</sup> Racing Australia 2019, 'Retirement/Death of a Horse Notification Form', accessed 29 November 2019, visit [racingaustralia.horse](http://racingaustralia.horse).

<sup>63</sup> Falvelon Lodge Pty Ltd Submission. Page 9.

and while some information was provided, in confidence, it did not contain the requisite detail to test the accuracy of their figures.

Some dated research exists to support the conclusion that many thousands of retired racing horses end their lives in either an abattoir or knackery each year. In 2008, a study<sup>64</sup> examining a sample population of 340 horses slaughtered at an Australian abattoir between November 2007 and January 2008, found that 52.9% of those horses carried brands consistent with their being former Thoroughbred or Standardbred racing horses. Specifically, 40% (n=133) carried a Thoroughbred brand and 12.9% (n=43) carried a Standardbred brand. The written submission provided by Meramist Pty Ltd advises that the abattoir processes approximately 10 000 horses a year.<sup>65</sup> Together, these figures indicate that the 4000-5000 figure suggested by 7.30 may be reasonable.

A 2004 study<sup>66</sup> into the fate of horses leaving the racing and breeding industries in Australia, relied on self-reported data from 20 knackeries, 2239 licensed trainers and 241 studmasters across the country. Self-reporting was used as the data collection methodology due to an absence of official data in both the meat processing and racing industries. The study author is circumspect about the reliability of the data obtained but confident enough to suggest that 'the knackery may have represented the initial destinations' of approximately 5200 racing and breeding horses in the 2002-03 race year.<sup>67</sup>

Irrespective of the limitations of the figures reported in the study, they indicate that the risk of being sent to slaughter is higher for Standardbred racing horses, with 16.56% reported as sent to slaughter, than Thoroughbreds at 6.3%. Further, retirement from breeding is thought to represent a greater risk of being sent to slaughter than retirement from racing, with 11.43% of Thoroughbred breeding horses and 43.75% of Standardbred breeding horses reported as being sent to knackeries.<sup>68</sup> These findings are especially significant for the Inquiry due to the lack of regulatory oversight that currently applies to racing horse breeding in Australia (see [2.2 Breeding Regulation](#)). The author also astutely notes that this estimation does not include horses who left racing and breeding for other destinations before subsequently being sent to a slaughter establishment. This final point is close to the racing industry's heart and is fuelling further calls for lifetime traceability (see [2.1 Traceability](#)).

A later, peer-reviewed study using the same data,<sup>69</sup> concluded that a larger percentage of Standardbreds, than Thoroughbreds, went either to different trainers or direct to knackeries. Further, this study concluded that a higher percentage of retired racing horses entering auctions or knackeries came from smaller racing enterprises in which the trainer was also the owner of the horse.

Ultimately, of course, the number of retired racing horses whose lives end in an abattoir is only part of the issue. Their treatment once they arrive is equally important and the Inquiry echoes the views overwhelmingly expressed in submissions, that even one horse treated in the manner depicted by 7.30, is one too many.

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<sup>64</sup> Doughty, A, 2008, 'An epidemiological survey of the dentition and foot condition of slaughtered horses in Australia', accessed 21 November 2019, [kb.rspca.org.au](http://kb.rspca.org.au).

<sup>65</sup> Meramist Pty Ltd Submission, page 2.

<sup>66</sup> Hayek, A, 2004, 'Epidemiology of horses leaving the racing and breeding industries', accessed 21 November 2019, [kb.rspca.org.au](http://kb.rspca.org.au).

<sup>67</sup> Ibid, page 88.

<sup>68</sup> Ibid.

<sup>69</sup> Thompson PC, Hayek AR, Jones B, Evans DL, McGreevy PD, 2014, 'Number, causes and destination of horses leaving the Australian Thoroughbred and Standardbred racing industries', *Australian Veterinary Journal*. 92(8), pages 303-311.

## Findings

- 3a.** Poor compliance with requirements to notify control bodies of the retirement or death of racing horses undermines all attempts to calculate the number of racing horses retiring each year that require aftercare and the true destination of those horses.
- 3b.** Thoroughbred retirements can be notified via the stable return process, without providing any detail of the retired racing horse's retirement outcome.

## Recommendations

- 3.1 The QRIC and Racing Queensland deliver a targeted education program for registered owners and trainers about the importance of accurate lifecycle records and their obligations to complete retirement and death notifications and stable returns.**
- 3.2 Racing Queensland advocates for Racing Australia and Harness Racing Australia to amend their respective stable return processes to collect the detail of a horse's retirement outcome when a retirement is notified via that method.**
- 3.3 The QRIC commits more resources to the active enforcement of retirement notifications including the auditing of 'high-risk' categories such as racing horses that have been 'spelling' for more than 12 months and horses that are still registered but have not had a race start in the last 12 months.**
- 3.4 The QRIC develops a penalty standard for the failure to provide timely retirement and death notifications that reflects the critical role they play in monitoring the welfare of retired racing horses.**
- 3.5 The Queensland Government makes an assessment of the QRIC's resources to ensure that they are adequate to strenuously enforce the substance of the recommendations above.**

## 4. Rehoming

Unsurprisingly, the Inquiry finds that investment in expanded rehoming options and the ongoing education of industry participants, in order to drive the cultural change required, is desperately needed.

Quite separately to establishing this Inquiry, the Queensland Government set up the Equine Rehoming Forum. The Forum met firstly on 22 October 2019, prior to the commencement of this Inquiry, and then again on 15 November 2019. The Inquiry received feedback from the first meeting and members of the team attended the second meeting. Between those meetings, Racing Queensland announced that, from 1 January 2020, a 1% welfare levy will be applied to prize money in Queensland in order to fund a formal Off the Track program for retired racing horses.

In its submission to the Inquiry, Racing Queensland specifically requests responsibility for the operational management of Queensland's Off the Track program,<sup>70</sup> with support from an Animal Welfare Advisory Panel comprising suitably qualified experts and representatives from racing, veterinary and animal welfare organisations, including the QRIC.<sup>71</sup> Noting that

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<sup>70</sup> Racing Queensland Submission, page 9.

<sup>71</sup> Ibid, page 10.

the QRIC has responsibility for the Greyhound Adoption Program in Queensland, and is the other obvious contender for ownership of Off the Track, the Inquiry gave consideration to whether this program would better sit with the QRIC. However, the Inquiry was encouraged by the commitment demonstrated by Racing Queensland in voluntarily introducing a 1% welfare levy and the ambitious vision for the program, as evidenced in Racing Queensland's submission. The Inquiry was further convinced that Racing Queensland is best placed to manage the Off the Track program by the reference to its existing corporate affairs and marketing capability which can be leveraged to promote the Off the Track program and will doubtless contribute to its future success.<sup>72</sup> The Inquiry was also mindful that, at the Rehoming Forum event held on 15 November 2019, stakeholders were generally comfortable with the proposal that Racing Queensland should own and manage any rehoming program established.

Racing Queensland, in its submission to the Inquiry, asked that the Inquiry recommend it also be given responsibility for the operational management of the Greyhound Adoption Program as well as the Off the Track program for Thoroughbreds and Standardbreds. It should be noted that Racing Queensland's proposal was not made in the context of any criticism of the QRIC. Regardless, a consideration of which body should manage the Greyhound Adoption Program does not fall within the Inquiry's remit.

Regarding the proposed Off the Track program for retired racing horses, it is noted that the money raised by a 1% levy will be only able to rehome a fraction of retired racing horses requiring a good retirement outcome each year (400 of an estimated 2000). Although the racing industry's official retirement figures, discussed at 2.3, indicate that approximately 1600 retiring racing horses are already being successfully rehomed each year, the QRIC's retirement amnesty (see 3.) demonstrates that these figures are not entirely reliable. It is therefore anticipated that further funding sources will need to be identified.

The wider community would rightly have an expectation that, notwithstanding the high numbers involved, the racing industry will take responsibility for attempting to provide rehoming opportunities for all suitable retired racing horses. There are many within the racing industry already embracing that responsibility.<sup>73</sup> As to the ultimate responsibility, quite plainly, it must rest with the owner of the racing horse at the time the horse is deregistered from racing.

Making a recommendation to this effect may discourage some potential owners from investing in a racing horse. So much the better. The Inquiry has heard evidence of owners 'gifting' unwanted racing horses to trainers, refusing to pay spelling fees for injured horses requiring rest and rehabilitation and, in some cases, not paying training and agistment fees at all. Further, while the benefit to the industry in having syndicated ownership is obvious, the evidence before the Inquiry strongly suggests that minority shareholders often do not appreciate, let alone embrace, their ongoing responsibility for the welfare of their horse post-retirement. Unless future owners join the industry with a genuine commitment to the welfare of their horses during and post racing, they are not wanted. Indeed, they are the type of owner contributing significantly to the very problem now being addressed. Despite the industry's failure in properly protecting the welfare of retired racing horses, the evidence before the Inquiry still overwhelmingly suggests that most in the industry are well-intentioned. Sometimes people just need to be shown the way.

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<sup>72</sup> Ibid.

<sup>73</sup> Gollan Racing Submission, page 3-4; Queensland Racehorses Owners Association Submission, point 9; Australian Trainers' Association Queensland Submission, point 4.

The initial rehoming of a retired racing horse is absolutely critical to the success of this endeavour to try to ensure good welfare outcomes for retired racing horses. The initial attempt at rehoming must be approached genuinely and vigorously. A rehoming is only successful if the horse is placed in a suitable long-term home. However, once that is achieved, the owner's obligation to rehome should be satisfied. Until there is a *National Horse Traceability Register*, the traceability of that horse ceases at that point. The Inquiry finds that it would be an unrealistic burden upon an owner, and, indeed, the racing industry generally, to carry the welfare obligation to the retired racing horse beyond the initial rehoming (see 5.). Of course, the initial rehoming may not occur for years if a retired racing horse is kept by its last registered owner for equestrian, companion or breeding purposes. The owner's welfare obligations to the horse should continue until an initial rehoming, out of the care of the industry, is achieved. Traceability of that horse, enforced under the rules of racing, should continue until that event.

The Inquiry recommends (see [Recommendation 5.1](#)) retirement and death notification requirements under the rules of racing be extended for as long as a retired racing horse remains in the care of a licensed or registered person.

## Findings

- 4a. The Inquiry endorses Racing Queensland's moves to establish a structured, funded, well-governed equine retraining and rehoming program to facilitate the transition of horses retiring from racing.<sup>74</sup>
- 4b. Whatever the final design of that rehoming program, it should not dissuade or interfere with the existing industry momentum that sees owners and trainers already working hard to find suitable homes and careers for their retired racing horses.

## Recommendations

- 4.1 **Racing Queensland establishes and governs a retraining/rehoming program for Thoroughbred and Standardbred horses, bred for the racing industry, and domiciled in Queensland at the time of their retirement.**
- 4.2 **The funding model for Queensland's Off the Track program be based on the principle that 'those who benefit, pay'.**

Hence, without limiting further sources it identifies, Racing Queensland seeks additional funding from the following:

- Registered Owners, through a welfare component to be added to the 'Registration to Race' and 'Transfer of Ownership' fees for racing and eligible horses. This would be applied nationally and facilitated through Racing Australia and Harness Racing Australia.
- A welfare levy added to foal birth notifications and stallion returns, as recommended in [Recommendation 2.2.5](#).
- Wagering providers - The Inquiry recognises that racing wagering providers are not obliged to contribute financially to ensuring good welfare outcomes for retired racing horses. However, it is feasible that their sense of corporate responsibility will make them willing. Tabcorp specifically lists 'supporting the racing industry to enhance

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<sup>74</sup> Racing Queensland Submission, pages 9-10.

animal welfare' as one of their main areas of commitment in ensuring they only deliver responsible entertainment.<sup>75</sup>

- The Queensland Government - The Inquiry recognises that the Queensland Government already makes a substantial financial contribution to racing and racing animal welfare in Queensland. The Government is forecast to collect \$1.099M from racing industry participants in fees, fines and penalties in 2019-20. It is recognised that, as part of state consolidated revenue, this money contributes to covering the costs of providing government services to Queenslanders. However it is recommended that a portion of this money be used to support the Off the Track program as a sign of joint commitment and partnership in maximising good welfare outcomes for retired racing horses. Specifically, a portion of the funds contributed should cover the cost of staffing and administering the program so that all monies collected through welfare levies and philanthropic donations could be directed straight to retraining and rehoming activities.
- A percentage of the sale of Thoroughbred and Standardbred horses made through horse sales companies.

#### **4.3 In terms of the design of the program, it is recommended that, beyond the elements already proposed by Racing Queensland in its submission,<sup>76</sup> the Off the Track program:**

- Contain provision for horses that are bred for racing but never make it to the track. Although these horses are not 'retired racing horses' and do not therefore fall within the official scope of the Inquiry, they have been identified as the first point of potential 'wastage' for the industry<sup>77</sup> and it would be careless of the Inquiry not to take the opportunity to promote their interests. Further, it would be indefensible for the industry not to do something to ensure they are given the opportunity of a long and healthy life.
- Contain provision for retired racing horses located in regional areas of Queensland.
- Require retired racing Thoroughbreds to have a minimum six week 'let down' period, immediately post-racing, before being eligible for the program. An appropriate 'let down' period for retired Standardbreds be defined.
- Require registered owners to make two genuine attempts to rehome their racing horse (as envisaged by [Recommendations 6.1-6.7](#)) before they are able to submit it to the program for consideration.

## **5. How long should the racing industry be held accountable for the welfare of a retired racing horse?**

Central to the racing industry's response to the Meramist revelations is the observation that many of the retired racing horses, whose lives end at an abattoir, are no longer in the care of a licensed racing industry participant. Multiple submissions<sup>78</sup> make the point that retired

<sup>75</sup> Tabcorp, 2019, 'Responsible Entertainment', accessed 26 November 2019, [tabcorp.com.au](http://tabcorp.com.au).

<sup>76</sup> Racing Queensland Submission, pages 9-10.

<sup>77</sup> RSPCA Submission, page 1; Coalition for the Protection of Racing horses Submission, page 3.

<sup>78</sup> Thoroughbred Breeders Association Discussion Points for QLD Inquiry, point 2; Racing Australia Submission, page 2, point

racing horses are not within the industry's control and may be moving through one or more post-racing homes before being sent to slaughter.

Under the current regulatory arrangements for the management of retired racing horses, the racing industry has little oversight or control of their welfare outcomes. However the question of how long the racing industry can be reasonably and practically expected to be held accountable for the welfare of horses once they have retired from racing is central to the consideration of whether there are genuine gaps in the current regulatory framework and how they should be best filled.

In coming to a position, the Inquiry was guided by many competing factors. There is a level of public expectation that racing horses not be treated as disposable commodities and that euthanasia and slaughter of healthy horses because they no longer serve a viable, commercial purpose, is plainly unethical and unacceptable. The Inquiry was heartened to read a number of submissions from racing industry participants<sup>79</sup> and representative bodies<sup>80</sup> acknowledging this sentiment and recognising that more needs to be done to support former racing horses in their retirement.

However, with the average life expectancy of a horse being 25-30 years<sup>81</sup> and the estimated cost of caring for one adequately to be in the vicinity of \$5000 a year, the magnitude of the task should not be underestimated. It would be simple to conclude that the racing industry should be responsible, but doing so would be impractical, unaffordable and risks achieving nothing meaningful for the retired racing horses whose interests are at the centre of this Inquiry. Rather, the Inquiry finds that the racing industry should be responsible for ensuring a high-quality transition from racing that maximises the chances of a retired racing horse finding its 'forever home' because it is well-trained for a life after racing and well-matched to its new owner. The Inquiry emphasises the importance of the racing industry ensuring that the retirement and death notifications for all racing horses are timely and accurate.

## Findings

- 5a.** The management of racing horses as a disposable commodity is plainly unethical and not aligned with the expectations of the community upon whose acceptance, the social licence of racing depends.
- 5b.** The racing industry cannot reasonably or practically be held accountable for the lifelong welfare of retired racing horses once they are no longer owned by a licensed or registered industry participant.
- 5c.** Community expectation necessitates that the owner of a retired racing horse facilitates a quality rehoming effort as an absolute minimum.

## Recommendations

### **5.1 The racing industry be held accountable for ensuring a high-quality first transition out of racing and breeding, for all retired racing horses. Specifically:**

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7; Dr Meredith Flash Submission, page 5; Peter and Peta Gray Submission, page 2; Australian Trainers' Association Submission, page 1, point 3(b); Falvelon Lodge Pty Ltd Submission, page 10; Animal Liberation Queensland Submission, page 3.

<sup>79</sup> Gollan Racing Submission, page 1; Falvelon Lodge Pty Ltd Submission, page 8.

<sup>80</sup> Australian Trainers' Association Submission, page 2; Racing Queensland Submission, page 1.

<sup>81</sup> RSPCA 2019, 'What happens to horses that leave the racing industry?', accessed 20 November 2019, [kb.rspca.org.au](http://kb.rspca.org.au).

- Racing Queensland advocates for Racing Australia and Harness Racing Australia to extend the retirement and death notification requirements under their respective national rules to apply to horses retired into the care of licensed or registered racing industry participants, including breeding horses, as recommended at [Recommendation 2.3.1](#).
- The requirement to provide notification of retirement and death under the rules of racing be actively enforced in Queensland by the QRIC.

**5.2 The QRIC and Racing Queensland deliver a targeted education program for registered owners and breeders about their moral and social obligation to ensure a high-quality first transition out of racing and breeding.**

**Recommendations 4.1-4.3 and Recommendations 6.1- 6.4 are also relevant to this section.**

## 6. The welfare of retired racing horses and humane slaughter

The submission provided to the Inquiry by Meramist Pty Ltd details a business committed to animal welfare, supported by robust process and standards and subject to a phenomenal level of audit, all of which plainly failed to protect the animals in their care. Additionally, the Inquiry has identified a number of limitations in the regulatory framework that governs commercial slaughter and notes the comment by Animal Liberation Queensland that the footage at Meramist was ‘of no surprise’ due to their knowledge of similar scenes at other locations on numerous occasions.<sup>82</sup> Collectively, these elements paint a bleak picture of animal welfare at meat processing facilities.

Whilst there is clearly public sentiment about the heightened duty of care owed to animals bred and used for human entertainment, in particular, racing, the truth is that all horses are beautiful animals, not bred (at least in Australia) as part of the food chain. The thought of sending any horse to a slaughter establishment is repugnant to many, but there are certain realities to face:

- The horse meat processing industry in Queensland is a legal enterprise which provides a livelihood for many workers, directly and indirectly.
- Because of age, injury and temperament not all retired racing horses are suitable for retraining or rehoming.
- As matters currently stand, given the excessive numbers of retired racing horses, it is most likely that there would be insufficient homes for all healthy retired racing horses.

The grim reality is that, even with the introduction of a Queensland racing industry rehoming program to complement the current and hugely commendable rehoming work of individuals and organisations from within the racing community and the broader community, a significant number of healthy retired racing horses will have an early death.

The only options then are euthanasia or the slaughter establishments. Whilst on-farm euthanasia is an ideal end of life outcome, the number of horses, currently, are too high, the size of Queensland too vast, the number of veterinarians too few and the cost of euthanasia and burial too great, to expect that it would be the total answer.

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<sup>82</sup> Animal Liberation Queensland Submission, page 6.

Therefore, the Inquiry finds that the risk of poor welfare outcomes for retired racing horses is too great if their humane slaughter is removed as an option entirely.

## Findings

- 6a.** The risk of poor welfare outcomes for retired racing horses is too great if their humane slaughter is removed as an option entirely. Queensland and Australia experience extremes in climate conditions. The current drought and bushfire conditions heavily underscore just how significant the risk of poor welfare outcomes for retired racing horses would be if humane slaughter were removed as an option altogether.
- 6b.** The use of slaughter establishments as an end of life option for retired racing horses must be a last resort. Amendments to the rules of racing to require the owner of a horse to rehome that horse upon retirement should be pursued to ensure this is the case. Even when a horse is found to be unsuitable for rehoming, preference should be given to on-farm euthanasia, conducted by, or under the supervision of, a qualified veterinary professional.

## Recommendations

### **6.1 Racing Queensland advocates for Racing Australia and Harness Racing Australia to adopt national rules of racing requiring the owner of a horse to rehome it upon retirement.**

In the interim, or in the absence of national agreement on such a rule:

### **6.2 Racing Queensland amends the Local Rules of Racing to impose upon the owner of a horse, at the time the decision is made to retire it from the racing industry, whether a named or an eligible horse, and which is domiciled in Queensland, the obligation to rehome that horse and to retain the welfare obligation to that horse until compliance with the substance of Recommendation 6.3.**

Hereafter in this group of recommendations, unless the context discloses otherwise, “owner” means an owner under the obligation to rehome a horse.

### **6.3 Racing Queensland amends the Local Rules of Racing to provide that:**

- a) **the owner must make two genuine attempts to rehome a horse before the owner is permitted to submit it to Queensland’s official Off the Track program.**
- b) **“a genuine attempt” is defined as taking all reasonable steps to rehome, and includes, but is not limited to:**
- **seeking to rehome the horse with at least two appropriate persons capable of ensuring the welfare of the horse;**
  - **seeking to rehome the horse through at least two equestrian/equine sporting organisations;**
  - **seeking to rehome the horse with at least two recognised rehoming organisations;**
  - **advertising in at least two respected equestrian publications.**

**For clarity, each of these points comprises one genuine attempt.**

**c) the owner must notify the QRIC, within seven days of rehoming the horse, of that fact, the details of the new owner and the location of the horse's new home.**

**d) an owner is exempt from rehoming obligations if the horse is unsuitable for rehoming whether because of age, injury, sickness or temperament. For the owner to be exempt:**

- i. a registered veterinarian must certify that the horse is unsuitable for rehoming and the reason for its unsuitability; and**
- ii. the owner must provide to the QRIC within one month of the notification of the horse's retirement, the veterinarian's certificate.**

**e) once an owner has satisfied the obligations in 6.3 a) and b) above, but failed to rehome the horse, the owner must submit the horse to Queensland's official Off the Track program before euthanasia or slaughter of the horse may be considered.**

**f) in the event the horse is not accepted into Queensland's official Off the Track program, the owner may euthanase the horse or send it to a slaughter establishment, with slaughter being the option of last resort.**

**g) all owners, including owners exempt from rehoming obligations, must notify the QRIC within seven days of sending a horse to a slaughter establishment or having euthanased it, of that fact.**

**h) all notifications referred to above must be provided in writing in a form prescribed by the QRIC.**

**i) there are appropriate penalties for non-compliance with the substance of the above recommendations, sufficient to encourage compliance and deter non-compliance.**

Nothing in these recommendations cuts across an owner's right to keep a retired racing horse indefinitely. However, the obligation to rehome is ongoing and whenever an owner first decides to divest ownership, the owner must comply with the substance of Recommendation 6.3.

Nothing in these recommendations cuts across an owner's animal welfare obligation to effect humane euthanasia, in an emergency situation, to prevent unnecessary pain and suffering.

**6.4 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.**

**6.5 The Queensland Government makes an assessment of the QRIC's resources to ensure there are adequate resources to strenuously enforce the substance of the recommendations above.**

## 7. Transparency

Several submissions<sup>83</sup> refer to a need for the publication of key datasets relating to racing horse lifecycle management and retirement, in the interests of transparency and public accountability.

In its [Open Data Policy Statement](#), the Queensland Government articulates its commitment to releasing data and allowing it to be freely used, reused and distributed with the express objective of increasing transparency, accountability and public trust in the Queensland Government.

The Terms of Reference for the Inquiry require consideration of the need to promote integrity and public confidence in the racing industry and animal welfare arrangements in Queensland. It is the view of the Inquiry that improved visibility of and access to key datasets relating to the management of retired racing horses and animal welfare complaints will make a meaningful contribution in this regard.

### Findings

**7a.** Improved transparency of key datasets pertaining to racing horse lifecycle and welfare is a basic and entirely reasonable expectation and an investment in public confidence in racing and the regulation of animal welfare.

### Recommendations

**7.1** The QRIC publishes annual injury, death, euthanasia, slaughter and retirement data for racing and retired Thoroughbreds and Standardbreds on its website.

**7.2** Biosecurity Queensland publishes annual data on its website detailing the number of animal welfare complaints and investigations (by type) it manages and the investigation outcomes achieved.

**7.3** Racing Queensland publishes data on its website of the number of horses accepted, retrained, rehomed, euthanased or sent to slaughter through the Off the Track program.

**7.4** Racing Queensland publishes annual data on its website detailing all funding contributions to the Off the Track program and how all monies were spent.

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<sup>83</sup> Animal Liberation Queensland Submission, page 3; Animals Australia Submission, page 6; RSPCA Submission referencing: [kb.rspca.org.au](http://kb.rspca.org.au).

## Part 2 – The Operation of establishments accepting animals for slaughter

### 8. Current regulatory arrangements for the operation of establishments accepting horses for slaughter

There are only two slaughter establishments (“establishments”) in Queensland that process horse meat: an export abattoir (Meramist Pty Ltd) and a knackery. The export abattoir processes horse meat and meat products for human consumption for various overseas markets including European Union countries, while the knackery processes horse meat for the domestic pet food market.

The slaughter process consists of a series of steps. These include the transport of horses to the establishment, where they are initially held in paddocks and/or yards. They then progress through smaller yards and races (lairage), to a slaughter-box (knocking box or kill box), where they are either stunned with a penetrating captive-bolt device (in the case of an abattoir) or killed with a firearm (in the case of a knackery) with the shot directed at the brain. The purpose of correctly applied captive-bolt stunning is to render the horse unconscious and insensitive to further pain until death by exsanguination (bleeding out) performed quickly following the stunning. Exsanguination consists of ‘sticking’, which is the severance of the major blood vessels in the upper neck or at the chest inlet (thoracic stick).

The usual slaughter process involves slaughtering horses one after another. At Meramist, about 250 horses will be slaughtered in one day. Horse welfare considerations in the process also include the handling of horses, the conditions of paddocks and yards (hazard-free) and the amenities available (adequate clean water, feed and shade).

#### 8.1 State Government

Each establishment is subject to regulation by several pieces of legislation, standards and guidelines relating to animal welfare, biosecurity and food safety which are administered by a number of state government agencies.

The hygiene and safety of food produced at each establishment is regulated under the *Food Production (Safety) Act 2000* and administered by Safe Food Production Queensland (Safe Food). The production of meat in Queensland for human consumption is regulated under a number of Australian standards including the *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption AS4696 (Australian Meat Standard)*. Because the *Australian Meat Standard* regulates meat for human consumption, its animal welfare provisions do not apply to the knackery. The *Australian Meat Standard* is discussed in more detail below.

The biosecurity risks and welfare of animals at both establishments are regulated under the *Biosecurity Act 2014 (Biosecurity Act)* and the *Animal Care and Protection Act 2001 (ACPA)* respectively. The *Biosecurity Act* is administered by Biosecurity Queensland. The *ACPA* is also administered by Biosecurity Queensland and enforced jointly by Biosecurity Queensland and the RSPCA through the appointment of Inspectors.

The *ACPA* is the principal legislation that regulates the welfare of animals in Queensland. One of the purposes of the *ACPA* is to provide standards of care that achieve an appropriate

balance between the welfare of animals and interests of persons whose livelihood is dependent on animals. The *ACPA* promotes responsible treatment of animals by imposing a duty of care on all people or organisations in charge, or having custody, of an animal, to take all reasonable measures to ensure their proper care and protection.

The *ACPA* prescribes an offence of cruelty which covers a range of unreasonable and unjustifiable behaviours that include beating, tormenting, transporting inappropriately or killing an animal inhumanely. Persons who breach their duty of care<sup>84</sup> or are cruel to an animal, are exposed to significant penalties of up to a \$266 900<sup>85</sup> fine or three years imprisonment.<sup>86</sup>

The *Criminal Code Act 1899* (Qld) (the *Criminal Code*) contains two offences relating to animal welfare. Section 242 of the *Criminal Code* prescribes an offence of serious animal cruelty where a person intentionally inflicts severe pain or suffering, causes serious injury or prolonged suffering or unlawfully kills an animal. This offence carries a maximum penalty of seven years imprisonment. Wilfully and unlawfully killing, maiming or wounding any animal capable of being stolen is an offence under section 468 of the *Criminal Code*. If the animal is stock, the maximum penalty is seven years imprisonment. Otherwise the penalty is two years imprisonment or, if the offence is committed at night, three years. The functions of an Inspector, under the *ACPA*, includes investigating and enforcing compliance with sections 242 and 468 of the *Criminal Code*.<sup>87</sup>

The *Model Code of Practice for the Welfare of Animals - Livestock at Slaughtering Establishments* is adopted as a voluntary code under the *ACPA*.<sup>88</sup> The Code was published in 2002 and developed as a Model Code of Practice for all states and territories to adopt into legislation. The Code is intended to apply to all people at slaughtering establishments (abattoirs and knackeries) including truck drivers, stockmen, slaughtering staff, Inspectors and veterinarians.<sup>89</sup>

There are limited provisions in the Code, all non-compulsory, relating to the handling of horses in establishments. The horse specific provisions are:

- use of a head collar or bridle to enable a horse to be restrained by an assistant;<sup>90</sup>
- use of blindfolds for restless animals;<sup>91</sup>
- use of electric prods on unloading;<sup>92</sup>
- stunning with a penetrative captive bolt or by shooting;<sup>93</sup>
- positioning of captive bolt pistol or firearm;<sup>94</sup>
- width of stunning boxes;<sup>95</sup>
- when mares with foals at foot are brought to a knackery they should be slaughtered one immediately after the other to avoid unnecessary distress;<sup>96</sup>

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<sup>84</sup> Section 17 (Breach of duty of care), *ACPA*. Maximum penalty is a fine of \$40 035 or 1 year's imprisonment.

<sup>85</sup> Fine amounts are calculated based on a penalty unit value of \$133.45 (current from 1 July 2019). The value of a penalty unit changes each financial year.

<sup>86</sup> Section 18 (Animal cruelty prohibited), *ACPA*. Maximum penalty is a fine of up to \$266 900 or 3 year's imprisonment.

<sup>87</sup> Section 115 of the *ACPA*.

<sup>88</sup> Section 3(1) and Schedule 4 of the *Animal Care and Protection Regulation 2012*.

<sup>89</sup> Section 13(1), *ACPA*, a regulation may make a code of practice about animal welfare.

<sup>90</sup> CSIRO. (2002), Primary Industries Standing Committee, *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments*, SCARM Report No. 79, CSIRO Publishing, Collingwood, Victoria. Part 3.1.1.

<sup>91</sup> *Ibid*, Part 3.1.1.

<sup>92</sup> *Ibid*, Part 2.2.8.

<sup>93</sup> *Ibid*, Part 2.6.2.5.

<sup>94</sup> *Ibid*, Part 3.1.2, 3.1.3 and 3.1.4.

<sup>95</sup> *Ibid*, Part 2.6.1.2.

<sup>96</sup> *Ibid*, Part 2.8.4.

- use of dogs is not recommended for horses.<sup>97</sup>

## 8.2 Australian Government

The Australian Government, through the Department of Agriculture, also sets animal welfare and food safety standards for export abattoirs. Under the *Export Control Act 1982* (Cth) and Order 32 of the *Export Control (Meat and Meat Products) Orders 2005* (Cth), export abattoirs are bound to comply with the *Australian Meat Standard*, and importing country requirements.

Export abattoirs are required to develop, implement and maintain an “approved arrangement” which, amongst other things, must demonstrate how their practices will meet animal welfare obligations under the *Australian Meat Standard*, and the importing country requirements.<sup>98</sup>

The *Australian Meat Standard* is intended to apply in addition to other requirements under commonwealth, state and territory legislation.<sup>99</sup> The prime objective of the *Australian Meat Standard* is to ‘ensure meat and meat products for human consumption comply with food safety requirements and are wholesome’.<sup>100</sup>

Chapter 7 of the *Australian Meat Standard* contains the minimum standards for the welfare of animals at abattoirs. The *Australian Meat Standard* requires animals to be handled at an establishment in a way that minimises the risk of injury, pain and suffering and causes the least practicable disturbance to them, and the premises and equipment must be used in a way and be maintained in a condition that minimises risk of injury, pain and suffering to animals and causes them the least practicable disturbance.<sup>101</sup>

In particular, under the *Australian Meat Standard*, animals are to be slaughtered in a way that prevents unnecessary injury, pain and suffering<sup>102</sup> and requires special provision for the handling and slaughter of animals of a species that is particularly susceptible to stress.<sup>103</sup> However, there is no species specific guidance as to how animals susceptible to stress should be managed.<sup>104</sup>

The *Australian Meat Standard* provides that before “sticking”<sup>105</sup> commences, animals are to be stunned in a way that ensures the animals are unconscious and insensible to pain and do not regain consciousness or sensibility before dying. There is a requirement for animals to be restrained in a way that ensures stunning is effective but there is no detail as to how this could be achieved.<sup>106</sup>

Under the *Australian Meat Standard*, animals that are injured or sick are required to be examined and given appropriate treatment and segregated from other animals. Animals

<sup>97</sup> Ibid Part 2.2.8 and Appendix III, part 3.2.

<sup>98</sup> Under an arrangement approved under clause 5 of Schedule 1 or under sub clause 22.1 of Schedule 7 and includes variation of such an arrangement in the circumstances specified in clause 17 of Schedule 1 or clause 27 of Schedule 7 of the *Export Control (Meat and Meat Products) Orders 2005*; Federal Department of Agriculture and Water 2019, *Export Control (Meat and Meat Products) Orders 2005, Guideline- Approved Arrangement Meat*, Australian Government, Canberra, accessed 22 November 2019, [agriculture.gov.au](http://agriculture.gov.au).

<sup>99</sup> CSIRO. (2007), *AS 4696- Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*, CSIRO Publishing, Collingwood, Victoria, page v.

<sup>100</sup> *Australian Meat Standard*, page iv.

<sup>101</sup> Ibid, Part 7.2.

<sup>102</sup> Ibid, Part 7.9.

<sup>103</sup> Ibid, Part 7.6.

<sup>104</sup> Ibid. No species specific information is mentioned throughout the Standard.

<sup>105</sup> “Sticking” or bleeding is the severance of the major blood vessels in the upper neck by a transverse cut, or at the chest inlet, also known as a “thoracic stick”.

<sup>106</sup> *Australian Meat Standard*, page 21.

identified as requiring emergency slaughter are not to be moved more than necessary and are to be slaughtered or killed humanely as soon as possible.<sup>107</sup>

### 8.3 Industry Standards

The Australian Meat Industry Council, the industry peak body representing livestock processors and independent retailers, developed the Australian Livestock Processing Industry Animal Welfare Certification Scheme (AAWCS).

AAWCS is an independently audited certification program used by livestock processors to demonstrate compliance with the industry best practice animal welfare standards, from unloading of livestock to the point of processing.<sup>108</sup>

The AAWCS Rules require compliance with the *Industry Animal Welfare Standards for Livestock Processing Establishments Preparing Meat for Human Consumption* (IAWS).<sup>109</sup> The IAWS for livestock processing establishments define animal welfare standards for incorporation into relevant industry quality assurance programs and approved arrangements. These are voluntary standards for establishments that cover the welfare of animals at abattoirs but not knackeries.

AUS-MEAT Ltd conducts annual animal welfare audits against the standards at slaughter establishments which have voluntarily joined the AAWCS. The federal Department of Agriculture<sup>110</sup> accepts animal welfare programs at slaughter establishments that are certified by AUS-MEAT and reduce the audit scope for animal welfare for its monthly and six monthly audit programs. The European Union also recognises these standards as meeting its animal welfare requirements.<sup>111</sup> Meramist is understood to be certified under the AAWCS.

### 8.4 International Standards

When the Queensland abattoir exports to the European Union it is also required to comply with obligations established under the *European Union Council Regulation No. 1099/2009* (the *EU Council Regulation*). The *EU Council Regulation* came into effect on 1 January 2013 and prescribes a number of animal welfare requirements with which all European Union listed establishments must comply. Structural, non-structural and staff competency and training requirements are imposed under the *EU Council Regulation*. Importantly, the *EU Council Regulation* prohibits the use of “prods or other implements with pointed ends on animals”.<sup>112</sup>

The World Organisation for Animal Health (*Office International des Epizooties*, or *OIE*) is an inter-government organisation whose 182 members have mandated it to improve animal health and welfare worldwide. Australia is a signatory nation to the *OIE* and Australia’s federal Department of Agriculture Chief Veterinary Officer is the current President of the World Assembly of Delegates.

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<sup>107</sup> Ibid.

<sup>108</sup> Australian Livestock Processing Industry Certification Scheme, [aawcs.com.au](http://aawcs.com.au) accessed 21 November 2019.

<sup>109</sup> Australian Meat Industry Council, *Industry Animal Welfare Standards, Livestock Processing Establishments: Preparing Meat for Human Consumption*, [aawcs.com.au](http://aawcs.com.au) accessed 5 December 2019.

<sup>110</sup> Federal Department of Agriculture, Australian Livestock Processing Industry Animal Welfare Certification System (AAWCS) Conditions of Recognition, [agriculture.gov.au](http://agriculture.gov.au), accessed 7 January 2020.

<sup>111</sup> Federal Department of Agriculture Submission, Australian Government, page 3.

<sup>112</sup> Annexure III, Part 1.8(d) of the *EU Council Regulation* (EC) No.1099/2009 of 24 September 2009 on the protection of animal at the time of killing.

As a mark of the close relationship between animal health and welfare, the *OIE* has become, at the request of its member countries, the leading international organisation for animal welfare.

The published *OIE Terrestrial Animal Health Code* (the *Terrestrial Animal Health Code*) includes Chapter 7.5 - Slaughter of Animals, which makes specific recommendations addressing the need to ensure the welfare of all food animals, including horses, during pre-slaughter and slaughter processes at slaughter establishments. The *Terrestrial Animal Health Code* also points out that where animals are slaughtered outside abattoirs, then their transport, lairage, restraint and slaughter should be carried out without causing undue stress and under the same principles which underpin these *OIE* published standards. One of the specific recommendations is that electric prods should not be used on horses.<sup>113</sup>

Both the *Model Code of Practice for the Welfare of Animals - Livestock at Slaughtering Establishments* and the *Code of Practice for the Transport of Livestock* which permit the use of an electric prod on a horse, fall below the standards set by international bodies. The *Code of Practice for the Transport of Livestock*, a compulsory Code of Practice under the *ACPA*, prohibits the use of an electric prod on horses but only during transport.<sup>114</sup>

Section 18(2)(e) of the *ACPA* provides that a person is taken to be cruel to an animal if the person 'uses on the animal an electrical device prescribed under a regulation'. No electrical device has been so prescribed under section 217(2)(h) of the *ACPA*.

## 9. Current oversight arrangements for animal welfare at establishments accepting horses for slaughter

### 9.1 State Government

Safe Food has a specific statutory oversight role at both establishments in relation to the regulation of food safety.<sup>115</sup> While it does not have a primary legislative function for animal welfare, as aspects of animal welfare are included in Chapter 7 of the *Australian Meat Standard*, they have some responsibility for identifying animal welfare issues in an abattoir.<sup>116</sup>

Through an informal agreement between the agencies, Safe Food advises Biosecurity Queensland of any concerns regarding animal welfare observed during its food safety monitoring activities at the knackery.

Under an agreement between the agencies, in an effort to avoid duplication, only the federal Department of Agriculture provides regulatory oversight for food safety in export abattoirs. At Meramist, Safe Food relies on the federal Department of Agriculture's On-Plant Veterinarian

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<sup>113</sup> Article 7.5.2 (f)(ii) of the *OIE Terrestrial Animal Health Code, 2009*.

<sup>114</sup> Section 19(1)(e), Schedule 3, *Animal Care and Protection Regulation 2012*. 'Transport' includes assembling at loading, loading, transporting, unloading and assembling or holding livestock at the destination.

<sup>115</sup> Safe Food Production Queensland is established under s 13 of the *Food Production (Safety) Act 2000* to, among other things, regulate, under food safety schemes, the production of primary produce to ensure it is safe for both human and animal consumption. It does this, in part, by monitoring the hygiene and operating procedures of premises, plant and equipment used for production of primary produce (s 14(a) and (c)). Production of primary produce includes meat processing or rendering (s 11(h)) and meat processing includes the 'killing of animals for meat' (Schedule 2 to the *Food Production (Safety) Act*).

<sup>116</sup> The *Australian Meat Standard* is picked up by chapters 2 and 6 of the *Food Production (Safety) Regulation 2014*. In particular, ss 116, 117, 126 and schedule 10. In this context, a reference to the 'meat standard code' is a reference to the *Australian Meat Standard* (see definition in Schedule 13 to the Regulation).

and Area Technical Manager to ensure compliance with domestic and export food safety requirements and for notification of any non-compliance with relevant standards and legislation.

Biosecurity Queensland has oversight obligations at each of the establishments for animal welfare and animal diseases but does not have a regular presence at either establishment and instead relies on the other agencies to report any concerns.

Biosecurity Queensland acts on complaints received from the general public about the welfare of animals at establishments or as a result of receiving an Animal Welfare Incident Report from the On-Plant Veterinarian who is present at the export abattoir.

There is no mechanism for reporting animal welfare incidents at the knackery other than complaints made by its employees, members of the public, or Safe Food during auditing.

## 9.2 Australian Government

While the federal Department of Agriculture has a regulatory oversight function for animal welfare, establishment management is responsible for monitoring and maintaining animal welfare standards in the export abattoir.

Under the export abattoir's approved arrangement, an Animal Welfare Officer must be appointed by the abattoir. Any animal welfare issues that the Animal Welfare Officer observes during unloading, or, as the animals travel through the establishment, are to be reported via an Animal Welfare Incident Report. The Animal Welfare Officer is an employee of the establishment, not an independent observer.

There is also a requirement for the abattoir to have an On-Plant Veterinarian present when animals are being slaughtered. The On-Plant Veterinarian is required to conduct an ante-mortem inspection of each animal, which means the On-Plant Veterinarian is not able to observe animal welfare incidents at every point in the establishment when animals are being slaughtered. This is the role of the Animal Welfare Officer. However, the On-Plant Veterinarian does have a responsibility for monitoring the establishment's overall compliance with animal welfare standards on a daily basis and must be notified of any animal welfare incidents observed by the Animal Welfare Officer.

Biosecurity Queensland is required to be notified of any animal welfare incidents that are observed by either the On-Plant Veterinarian or Animal Welfare Officer.

Non-compliance with animal welfare legislative requirements generally results in the establishment being issued with a Corrective Action Request either by the On-Plant Veterinarian or a federal Department of Agriculture auditor. A Corrective Action Request describes the action required to be taken to address the non-compliance which can require management to immediately alleviate an animal's pain and/or suffering and address the factors that led to the non-compliance. The effectiveness of the corrective action can be assessed through inspection, audit and verification.<sup>117</sup>

Apart from the daily monitoring of animal welfare by the On-Plant Veterinarian, the federal Department of Agriculture also undertakes monthly verification audits of the abattoir's animal handling practices prior to slaughter as well as the slaughter procedures to ensure compliance with the animal welfare requirements under the approved arrangement.

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<sup>117</sup> Schedule 2, Division II of the *Export Control (Meat and Meat Products) Order 2005*.

The federal Department of Agriculture has the power to apply further sanctions if an export abattoir does not adequately address a Corrective Action Request or fails an audit due to critical animal welfare non-compliance. For example, the approved arrangement (either in part or whole) can be suspended whereby the abattoir would be unable to continue its export operations until management had demonstrated full compliance with the approved arrangement and Australian legislation.

The export abattoir is also subject to audits conducted by importing countries to verify compliance with their import requirements.

The On-Plant Veterinarian is not responsible for investigating animal welfare breaches or collecting evidence to support investigations into animal welfare breaches for the purposes of the ACPA.

## 10. Inadequacy in regulatory arrangements

### 10.1 The special needs of horses in slaughter establishments

While there are layers of statutory requirements for animal welfare in the export abattoir, clearly as evidenced in the 7.30 program, the welfare of horses at establishments is not sufficiently protected under the current regulatory regime.

It is important to understand that horses are actually “fear and flight” animals with very highly developed senses of sight, hearing, smell and touch. Over-stimulation of these sensors can lead to poor animal welfare outcomes for horses. Horses have much keener hearing than a human and can detect signs of danger in the sounds they hear.<sup>118</sup>

The scientific evidence is that horses during pre-slaughter show strong hardship behavioural patterns as evidenced by a thirtyfold increase of the fright and flight (stress-related) hormones. The time from pre-slaughter to bleeding involves strong multi-factorial stresses.<sup>119</sup>

The sense of smell of a horse is more acute than that of a human and they use smell to identify other horses, people, predators and other material such as blood. Horses perceive the odour at slaughter as a signal of danger.<sup>120</sup> Horses are sensitive to the tone of the human voice and especially sensitive to aggressive, shrill or high-pitched noises. Using handling methods that induce fear of humans has been shown to markedly affect the stress physiology and productivity of livestock.<sup>121</sup>

Numerous submissions to the Inquiry noted the special sensitivities or needs of horses.<sup>122</sup>

The submission of the Australian Veterinary Association and the joint submission of RSPCA (Qld) and RSPCA Australia, not only address the special sensitivities of horses, but both submissions address the slaughter process for horses. The RSPCA submission states that the slaughter process ‘must be planned specifically for equids and assuming that the current method used for livestock is the best method, is completely wrong’.

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<sup>118</sup> Griffin, A 2019, ‘Horses – Horse Senses’. [horses.extension.org/horse-senses](https://horses.extension.org/horse-senses), viewed 25 November 2019.

<sup>119</sup> Micera, E, Albrizio, M, Surdon, NC, Moramarco, AM, and Zarrilli, A 2010, ‘Stress related hormones in horses before and after stunning by captive bolt gun’, *Meat Science*, 84, pp.634-637.

<sup>120</sup> Micera, E, Moramarco, AZ, 2012, ‘Reduction of olfactory cognitive ability in horses during pre-slaughter: Stress related hormones evaluation’, *Meat Science*, 90, pages 272-275, page 272.

<sup>121</sup> Hemsworth, PH, Rice, M, Karlen, MG, Calleja, L, Barnett, JL, Nash, J and Coleman, GJ, 2011, ‘Human-animal interaction at abattoirs: Relationships between handling and animal stress in sheep and cattle’, *Applied Animal Behaviour*, 35, pages 24-33, page 25.

<sup>122</sup> Australian Veterinary Association, RSPCA Queensland and RSPCA Australia joint submission, *Animals Australia*, Falvelon Lodge Pty Ltd, Coalition for the Protection of Racehorses, Gollan Racing, Lakeside Animal Sanctuary Incorporated, and Queensland Endurance Riders Association Inc.

The Australian Veterinary Association in its submission states 'The current regulations, standards and guidelines do not give emphasis or guidance as to the ways stress in horses can be reduced in abattoirs. Scientific evidence shows that horses are extremely stressed under these circumstances.'

Significantly, the Australian Veterinary Association and the RSPCA both advocate for the slaughter process to be such that horses awaiting slaughter cannot see, hear or smell other horses being slaughtered. As the Australian Veterinary Association put it 'Design premises so that horses awaiting slaughter cannot hear, smell or see horses being stunned and exsanguinated.'

Clearly, both the Australian Veterinary Association and the RSPCA impliedly acknowledge the viability of designing such establishments.

As to preventing horses smelling exsanguination, one of the studies referred to above,<sup>123</sup> shows that simply applying mentholated ointment to their nostrils, reduces their adrenergic (stress) response to the slaughter environment.

For a more sophisticated, solid starting point for ensuring that horses cannot see, hear or smell other horses being slaughtered, it is difficult to go past the research undertaken on behalf of the Australian Meat Processing Corporation. This research provides innovative concepts for race and knocking box design which addresses many of the welfare concerns associated with the slaughter of animals. Whilst the research focused on cattle, the concepts are likely to be adaptable to the needs of horses, and, in considering costs, existing establishments could be retrofitted to implement some of the concepts.<sup>124</sup>

All of these factors were important in the Inquiry's consideration of how to achieve humane slaughter of horses at establishments.

In the event, it is the Inquiry's firm conclusion that unless establishments are designed such that, at all stages of the process, horses awaiting slaughter cannot see, hear, or smell other horses being stunned or shot and exsanguinated, the slaughter will not be humane.

The *Australian Meat Standard* does not recognise the special needs of horses, let alone make provision for them. It is accepted this Standard was principally drafted to address food safety and integrity in abattoirs. Nonetheless, standards for the welfare of animals have been included and are therefore compulsory.

The welfare provisions in the *Australian Meat Standard* are limited and dated. Despite the considerable research and subsequent advancement of knowledge into the welfare needs of animals at establishments, the *Australian Meat Standard* has not been updated since it was first published in 2007.

Whilst the *Model Code of Practice for the Welfare of Livestock at Slaughter Establishments*, is a voluntary code and there is no direct consequence for breaching the Code, it is not entirely without teeth. Disregard of voluntary code obligations may result in an animal welfare direction under section 159 of the *ACPA*. Failure to comply with an animal welfare direction attracts a maximum penalty of 100 penalty units (\$133 450) or one year imprisonment.<sup>125</sup> Further, a voluntary code of practice is a standard by which a person's duty of care to an animal may be measured, and may result in prosecution for a breach of duty of

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<sup>123</sup> Micera, E, Moramarco, AZ, 2012, 'Reduction of olfactory cognitive ability in horses during pre-slaughter: Stress related hormones evaluation', *Meat Science*, 90, pp. 272-275, page 272.

<sup>124</sup> Australian Meat Processing Corporation Ltd, 2017, *Final Report – Innovative Race and Knocking Box Design Concepts*, [ampc.com.au](http://ampc.com.au), viewed 17 December 2019.

<sup>125</sup> Section 161, *ACPA*.

care pursuant to section 17 of the *ACPA*. However, the fundamental problem with the Code, for the purposes of this Inquiry, is that it fails to address the special needs of horses at slaughter establishments.

This Code is currently under national review. See [14.2](#).

## 10.2 Oversight in slaughtering establishments

Under *ACPA*, a Biosecurity Queensland Inspector has a right of entry to the establishments, but relevantly, only if an Inspector reasonably suspects any delay in entering will result in the destruction of evidence of an animal welfare offence.<sup>126</sup> There are no powers under the *ACPA* that would allow Biosecurity Queensland Inspectors to enter without consent and have a presence at slaughtering establishments to routinely monitor and enforce animal welfare standards including the provisions of the *Code of Practice for the Transport of Livestock*. While there are provisions under the *ACPA* for a monitoring program to be established that allows monitoring for compliance with compulsory codes of practice,<sup>127</sup> the powers of entry to an establishment, under a monitoring program (that is not open to the public), require consent or prior notice.<sup>128</sup>

There is an expectation, and a statutory<sup>129</sup> requirement, that people who manage animals at slaughtering establishments be trained and competent in the tasks they perform. Export abattoirs are required, under commonwealth law, to have an approved arrangement in place to ensure employees at the establishment meet animal welfare standards. There is a requirement the approved arrangement will be followed and enforced.<sup>130</sup>

The 7.30 program footage showed Meramist personnel both physically and verbally abusing horses and, at least one of those persons involved in the abuse, is understood to be a person who had, prior to the commission of the mistreatment shown in the footage, obtained competencies in Animal Welfare Officer Skills. This combination of features alone evidences that the animal welfare problem at the establishment is cultural.

Referencing research,<sup>131</sup> the submission of Animals Australia<sup>132</sup> states “Individuals who work in fast-paced commercial abattoirs must develop an emotional distance from animals being processed as a coping mechanism, and this disconnect increases the likelihood of deliberate cruelty occurring, which is evident in the footage aired on “The Final Race”. The Inquiry accepts this observation.

In the Inquiry’s view, that the federal Department of Agriculture has a presence at the export abattoir does not obviate the need for a Biosecurity Queensland officer to be present. It goes without saying that the On-Plant Veterinarian reports to the federal Department of Agriculture, not the state. Biosecurity Queensland relies on the federal Department of Agriculture, including the On-Plant Veterinarian, to provide Animal Welfare Incident Reports. However, as will be noted in [13.2](#) of this report, that mechanism for monitoring and ensuring the export abattoir complies with its animal welfare obligations so far as state law is concerned, has proved to be inadequate to date. This is unsurprising, given that animal

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<sup>126</sup> Section 122(1)(g), *ACPA*.

<sup>127</sup> Section 95, *ACPA*.

<sup>128</sup> Section 108, *ACPA*.

<sup>129</sup> Article 17 of the *EU Council Regulation (EC) No.1099/2009* of 24 September 2009.

<sup>130</sup> Under an arrangement approved under clause 5 of Schedule 1 or under sub clause 22.1 of Schedule 7 and includes variation of such an arrangement in the circumstances specified in clause 17 of Schedule 1 or clause 27 of Schedule 7 of the *Export Control (Meat and Meat Products) Orders 2005*.

<sup>131</sup> Richards, E, Signal, T and Taylor, N 2008, ‘A Different Cut? Comparing Attitudes towards Animals and Propensity for Aggression within Two Primary Industry Cohorts – Farmers and Meatworkers’, *Society & Animals*, vol. 21, pages 395-413.

<sup>132</sup> *Animals Australia Submission*, page 3.

welfare is generally not the federal Department of Agriculture's core regulatory responsibility, which is ensuring export meat standards are met and verified.

Whilst the federal Department of Agriculture does have animal welfare responsibilities at Meramist, coalface animal welfare monitoring is not a primary part of its duties.

One of the tools which can provide additional support for management monitoring animal welfare, at an establishment, is CCTV to monitor employees who handle animals. This is by no means unprecedented. For example, the Woolworths Group in Australia has adopted a policy for all of its slaughter establishments to install CCTV at all key animal handling processing areas.<sup>133</sup> In 2018, the United Kingdom made it compulsory for all slaughterhouses in England to have CCTV installed in all areas where there are live animals.<sup>134</sup>

CCTV can be useful in detecting and addressing systemic issues that are not being addressed through other means. The use of CCTV at establishments also sends a strong signal to employees who are working with animals at the establishment that animal welfare is important and standards for welfare must be met. Not only can CCTV be used to monitor employees behaviour, the information obtained can also be used to make improvements in the way animals are handled.

CCTV alone cannot address systemic issues but should form part of a comprehensive compliance program that includes inspection, active management and training.

The use of CCTV at establishments to monitor the welfare of animals was raised by a number of stakeholders in their submissions to the Inquiry.<sup>135</sup> Under the regulatory arrangements that apply in Queensland, there are no requirements for establishments to use CCTV to monitor animal welfare.

Commendably, since the 7.30 program was broadcast, Meramist has either installed CCTV surveillance at animal welfare points, or augmented such surveillance. The Inquiry could not determine whether this CCTV surveillance adequately covers all critical animal welfare points.

## Findings

- 10a.** The *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments* is voluntary and outdated, but most importantly, it fails to provide for appropriate establishment design to achieve humane slaughter of horses.
- 10b.** Poor design of slaughter establishments, inappropriate handling of horses such as using loud noises to move horses, allowing horses to see and hear other horses being stunned or shot and smell blood immediately before slaughter, are all factors that lead to poor welfare outcomes for horses and are not prevented under current legislation.
- 10c.** Electric prodders are not appropriate for use on horses. Queensland animal welfare legislation should be consistent with the standards set in the *Terrestrial Animal Health Code* which rejects the use of electric goads and prods on horses and the *EU Council*

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<sup>133</sup> Woolworths Group Australia, Animal Welfare Policy, [woolworthsgroup.com.au](http://woolworthsgroup.com.au) viewed 25 November 2019.

<sup>134</sup> *Mandatory Use of Closed Circuit Television in Slaughterhouse (England) Regulations 2018*, [legislation.gov.uk](http://legislation.gov.uk), accessed 5 December 2019.

<sup>135</sup> Raheen Stud Queensland Thoroughbred Breeders Association, RSPCA Queensland and RSPCA Australia, Animal Liberation (Queensland), Standardbred Association Australia Inc., and Coalition for the Protection of Racehorses.

*Regulation* that prohibits the use of prods or other implements with pointed ends on all animals.

- 10d. The *Australian Meat Standard* is outdated and has limited specific welfare provisions for horses.
- 10e. The proposed new Australian Animal Welfare Standards and Guidelines for Livestock at Processing Establishments are still in draft stage with no date for completion.<sup>136</sup>
- 10f. There is a lack of sufficient oversight by Biosecurity Queensland within the export abattoir.
- 10g. Given this is an environment which poses significant risks to the welfare of horses, and the animal welfare problem at Meramist is cultural, a Biosecurity Queensland Inspector should be present during unloading and slaughter of horses.
- 10h. CCTV surveillance at meat processing establishments is an emerging standard that promotes better practice and increased public trust in the meat production industry.

## Recommendations

### **10.2.1 The Department of Agriculture and Fisheries (Queensland), under the guidance of an expert panel, urgently develops a compulsory Code of Practice for Horses Processed at Slaughtering Establishments (including knackeries) in Queensland, to ensure best practice for the humane treatment of horses from arrival to exsanguination.**

Although not an exhaustive list, the Code needs to include provisions for:

- The design of horse-specific slaughter establishments, such that at all stages of the process, a horse awaiting slaughter cannot see, hear or smell other horses being stunned or shot and exsanguinated.
- Hazard-free paddocks and yards safe for all livestock, including horses, immediately following unloading and pending slaughter, with suitable feed and clean water.
- The installation of CCTV at all critical animal welfare points of the establishment to record clear surveillance of the movement of horses from arrival to exsanguination.
- Proper management of handled horses and unbroken horses by competent personnel, from unloading to slaughter, to minimise stress.
- Proper oversight by the management at the establishment to prevent animal welfare incidents by personnel, through regular training, continuous monitoring and taking appropriate corrective action.
- Stunning of horses to be undertaken only by a competent well-trained operator.

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<sup>136</sup> *Australian Animal Welfare Standards and Guidelines for Livestock at Processing Establishments*, Draft version 5a, April 2017.

- Stunning of handled horses: a head collar be placed on the horse and the horse restrained by an assistant.
- Stunning of unbroken horses: use of a rail to prevent the horse lowering its head.
- Captive bolts used on horses – must be a penetrating captive bolt pistol of appropriate calibre and charge; be maintained in good working order at all times; a least one spare penetrating captive bolt pistol in good working order is to be immediately available to the operator in case of overheating or failure.
- Shooting of horses in the slaughter process to be undertaken by a competent shooter, well-trained to deliver a correctly aimed gunshot, using a rifle of appropriate calibre with appropriate ammunition.
- An accurate diagram depicting the appropriate positioning of a captive bolt or the aim of a rifle to the forehead of a horse.

**10.2.2 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the *ACPA* to provide that establishment management store for at least 30 days the CCTV footage recorded at all critical animal welfare points and make available the recorded footage to Biosecurity Queensland upon request on 48 hours' notice.**

**10.2.3 Biosecurity Queensland implements a process for examining the CCTV footage to ensure a prompt and effective response to any suspected or identified breaches of all relevant Codes of Practice including any new Codes developed as a result of this Inquiry.**

**10.2.4 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the *ACPA* to make the use of an electric prod on a horse an act of cruelty.**

**10.2.5 Biosecurity Queensland ensures all Inspectors appointed under the *ACPA* be effectively trained:**

- in the content of all relevant Codes of Practice including any new Codes developed as a result of this Inquiry;
- to recognise breaches under all relevant Codes of Practice including any new Codes developed as a result of this Inquiry;
- as to their powers and obligations in enforcing all relevant Codes of Practice including any new Codes developed as a result of this Inquiry.

**10.2.6 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the *ACPA* to permit, without the need for consent, an experienced Biosecurity Queensland Inspector to be present when horses are being unloaded, kept and processed at a slaughter establishment.**

**10.2.7 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the *ACPA* to mandate that establishment management gives**

**Biosecurity Queensland at least two days prior written notice of horse arrivals and slaughter.**

**10.2.8 The Queensland Government makes an assessment of Biosecurity Queensland's resources to ensure they are adequately resourced to meet these requirements.**

### 10.3 Oversight of the knackery

The operator of the knackery was invited to make a submission to the Inquiry, but no submission was received. However, from information otherwise received, the Inquiry understands the knackery is a small business, effectively a one-man operation.

As noted above in 9.1, Safe Food has a specific oversight role at the knackery, including auditing responsibilities, but has no statutory responsibility for animal welfare at the knackery.

There is no routine animal welfare monitoring of the knackery. This means that animal welfare standards at the knackery are monitored only as a result of complaints reported to Biosecurity Queensland or the RSPCA. This type of oversight is plainly inadequate, relying upon members of the public, including animal welfare activists, and, perhaps, Safe Food during auditing, actually observing an animal welfare incident.

To ensure there is no misunderstanding, Recommendations 10.2.1, 10.2.2, 10.2.6 and 10.2.7 apply to the knackery as well as the abattoir.

### Findings

**10i.** There is no adequate animal welfare monitoring at the knackery.

### Recommendations

**10.3.1 Biosecurity Queensland undertakes an immediate review of procedures and practices at the knackery. Any animal welfare issues identified be addressed.**

**10.3.2 Biosecurity Queensland engages with management to undertake an immediate audit of the knackery yards and facilities and address any animal welfare issues.**

**10.3.3 The Queensland Government makes an assessment of Biosecurity Queensland's resources to ensure they are adequately resourced to meet these requirements.**

## 11. Current arrangements for the welfare of horses being transported to slaughter establishments

### 11.1 Code of Practice for the Transport of Livestock

Racing horses are commonly transported and often travel long distances to races, studs and spelling facilities. Horses that still have a racing career are considered valuable and usually afforded optimum care to ensure they are not injured or unduly stressed during the journey.

Not so retired racing horses, and horses generally, being transported for slaughter.

There have been a number of animal welfare incidents reported to Biosecurity Queensland in 2019 involving horses, including racing horses, which have arrived at the export abattoir. These incidents relate to horses that had been transported, often loose in the back of a truck or trailer, and as a result, have sustained serious injuries or are dead at the time of unloading. Other incidents involved horses arriving in poor condition or bilaterally blind.

The transport of horses in Queensland is regulated under the *Code of Practice for the Transport of Livestock* prescribed as a compulsory code under the *Animal Care and Protection Regulation 2012*.<sup>137</sup>

The provisions of the *Code of Practice for the Transport of Livestock* were adopted from standards contained in the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* developed to set minimum standards and guidelines for the transport of livestock for all states and territories.

The *Code of Practice for the Transport of Livestock* is intended to regulate all aspects of the transport of livestock including loading, stocking density and fitness of an animal to travel. The only specific provisions for horses in the *Code of Practice for the Transport of Livestock* are the maximum allowable journey time, minimum spell time, maximum time allowed for horses to be without feed and water and restriction on the use of electric prodders during transport.

## 11.2 Fit to load

Under the *Code of Practice for the Transport of Livestock*, an animal unfit for an intended journey must not be transported unless under veterinary advice. There are a range of conditions prescribed for animals which would make an animal 'unfit' to load, including if the animal:

- is unable to walk independently by bearing weight on all legs;
- is known to be or visually assessed to be within four weeks of parturition (foaling) and the estimated journey time or time off water is likely to be more than four hours;
- has given birth within 72 hours before starting the journey;
- is severely emaciated or visibly dehydrated;
- shows visible signs of severe injury or distress or is suffering from a condition that is likely to result in an increase in pain or distress by undertaking the journey;
- is blind in both eyes.

## 11.3 Maximum journey time

Travelling livestock are generally deprived of water and feed while on a truck or trailer. It can be impractical to provide feed and water during a journey due to the design of the vehicle and, providing feed and water, can also create a hazard for animals if the floor of the vehicle becomes slippery because of a build-up of faeces and urine.

The *Code of Practice for the Transport of Livestock* contains species specific provisions for how long animals can be transported without being provided feed, water and a spell. It makes certain allowances for pregnant animals and animals that have recently given birth.

Under the *Code of Practice for the Transport of Livestock*, the maximum journey time prescribed for horses that are not in a late stage of pregnancy or have recently foaled, is 24

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<sup>137</sup> Schedule 3, *Animal Care and Protection Regulation 2012*.

hours. However, a horse that is not assessed to be more than 43 weeks pregnant may be transported for a maximum of 36 hours if the horse is given reasonable access to water and feed at least every five hours of the journey.<sup>138</sup>

The journey time for horses is the period from when the loading of the livestock onto the vehicle for transport starts to when all of the horses are unloaded from the vehicle at their final destination.

## 11.4 Vehicle design and loading density

Under the *Code of Practice for the Transport of Livestock*, much of the decision-making relating to the type of vehicle in which a horse travels, the stocking density, the types of horses that should travel together (handled or unbroken) and whether there should be barriers between horses in a truck or trailer, is left to the transport operator.<sup>139</sup>

## 11.5 Handling of livestock

Under the *Code of Practice for the Transport of Livestock* a person must handle livestock in a way that minimises the risk of harm to the animal. A person handling livestock is prohibited from kicking, punching or striking animals in an unreasonable way.<sup>140</sup>

## 11.6 Inspection duties and record keeping

There is a requirement under the *Code of Practice for the Transport of Livestock* for a person transporting livestock to inspect animals prior to commencement of the journey, at unloading, at least once during the first hour of the journey, and at least once every three hours after the first hour of the journey.<sup>141</sup> If during a journey, an animal is found to be weak, ill, injured or otherwise distressed, the transporter is required to seek assistance for the animal as soon as reasonably practicable.<sup>142</sup>

If a person transporting animals estimates a journey to be more than 24 hours, there are requirements for records of the journey to be kept. These records include details of any concerns for the welfare of animals during the journey.<sup>143</sup>

## 12. Inadequate standards for the transport of horses

The *Code of Practice for the Transport of Livestock* does not adequately provide for the special needs of horses in terms of journey time, time off water and size and density of the load. Record keeping is also limited, which reduces opportunities to monitor compliance with the Code.

Recent research suggests that 12 hours without feed and water is considered too long for horses and recommends feed and water should be provided every four hours.<sup>144</sup> In Europe, a journey for a horse is considered long if it lasts more than eight hours.<sup>145</sup> This is in stark

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<sup>138</sup> Section 33(2) Schedule 3 of the *Animal Care and Protection Regulation 2012*.

<sup>139</sup> *Ibid*, section 15.

<sup>140</sup> *Ibid*, section 14(2).

<sup>141</sup> *Ibid*, section 17(3)(b)(i) and (ii).

<sup>142</sup> *Ibid*, section 17(4).

<sup>143</sup> *Ibid*, section 18.

<sup>144</sup> Padalino, B, 2017, 'Transportation of horses and the implications for health and welfare', PhD thesis, University of Sydney, page 27.

<sup>145</sup> Stull, CL, 2001, 'Evolution of the proposed federal slaughter horse transportation regulations', *Journal of Animal Science* Vol. 79, pages E12-E15, page E13.

contrast to the maximum allowable journey time of 24 hours under the *Code of Practice for the Transport of Livestock*.

The submission to the Inquiry from the Australian Veterinary Association makes plain their acceptance that scientific studies clearly show that depriving horses of water for 24 hours is too long. The submission noted, inter alia, a review undertaken by Nielsen et.al in 2011 found that transporting healthy horses in warm weather for more than 24 hours without water leads to severe dehydration.<sup>146</sup> Research indicates that transporting horses for 24 hours in hot weather without water can result in an 8% drop in body weight, elevated body temperatures and general debilitation.<sup>147</sup>

The submission observed that an expert working group was required to assess what should be the maximum permitted time off water.

What is considered as an optimal loading density from an economic standpoint, is not necessarily appropriate density from a welfare perspective. The number of horses transported together and the mixing of handled and unbroken horses are significant factors which can contribute to horses being injured during transport. Horses are a herd species and isolating them can be a source of stress, as can confinement.<sup>148</sup> Horses may be less prone to stress when travelling in a group compared with travelling alone, but the size of the group influences the level of aggression, with aggression increasing as the group size becomes larger.<sup>149</sup>

Biting, kicking and fighting as a result of inter-horse aggression are major contributing factors to injuries.<sup>150</sup> Injuries due to fighting can increase when unfamiliar horses are loaded onto the vehicle.<sup>151</sup>

Many provisions in the *Code of Practice for the Transport of Livestock* are open to interpretation and are unhelpful. For example, an animal is unfit to load if it 'is suffering from a condition that is likely to result in an increase in pain or distress by undertaking the journey'. By way of contrast, Guideline GB8.2 in the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* provides more assistance:

*'Conditions that could adversely affect horse welfare during transport and should be considered in the assessment of fitness for the intended journey. Such conditions might include any signs of colic, raised or lowered body temperature, lethargy, and profuse diarrhoea, disease, or wounds or abscesses. A decision to transport a horse with the above conditions should be made only after considering the welfare of the animal concerned and the treatment and management options'*

As noted in 11.1, the provisions of the *Code of Practice for the Transport of Livestock* adopted Standards from the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock*. The Guidelines are not compulsory in Queensland, nor indeed, anywhere in Australia. However, adopting some of the Guidelines as compulsory provisions

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<sup>146</sup> Nielsen, BL, Dybkjaer, L, and Herskin, MS, 2011, 'Road transport of farm animals: effects of journey duration on animal welfare', *Animal*, vol. 5:3, pages 415-427.

<sup>147</sup> Weeks, CA, McGreevy, P and Waran, NK, 2012, 'Welfare issues related to transport and handling of both trained and unhandled horses and ponies', *Equine Veterinary Education*, vol.24(8), pages 423-430, page 427.

<sup>148</sup> Padalino, B, 2017, 'Transportation of horses and the implications for health and welfare', PhD thesis, University of Sydney, page 27.

<sup>149</sup> European Food Safety Authority, EFSA Panel on Animal Health and Welfare, 2011, 'Scientific Opinion Concerning the Welfare of Animals During Transport', *European Food Safety Journal*, 9(1):1966, [efsa.europa.eu](https://efsa.europa.eu), accessed 7 January 2020.

<sup>150</sup> *Ibid*, pages 12-13.

<sup>151</sup> *Ibid*, page 12.

in the *Code of Practice for the Transport of Livestock* would clearly enhance the welfare of horses during transport.

By way of a further example, the *Code of Practice for the Transport of Livestock* provides that horses generally over 6 months of age must not be off water for longer than 24 hours. This is in stark contrast to Guideline GB 8.8 which provides “Adult horses should be fed and watered at floor level every five hours and as soon as possible after unloading, with suitable quality and quantity of feed and water to minimise colic risk”.

Record keeping can provide a mechanism for auditing compliance with the requirements of the *Code of Practice for the Transport of Livestock*. Information about the fitness of an animal to load, the results of inspection during travel, and the provision of feed and water before and during the journey should be part of record keeping requirements. Whilst drivers and stock attendants must keep records of journeys that they have estimated will be more than 24 hours under the *Code of Practice for the Transport of Livestock*, there is no requirement for record keeping for journeys less than 24 hours.<sup>152</sup>

## Findings

- 12a. Queensland’s *Code of Practice for the Transport of Livestock* does not sufficiently address the specific needs of horses during transportation.
- 12b. Currently, much of the decision-making under the *Code of Practice for the Transport of Livestock* relating to the type of vehicle in which a horse travels, the stocking density, the types of horses that should travel together (handled or unbroken) and whether there should be barriers between horses in a truck or trailer, is left to the transport operator.<sup>153</sup>
- 12c. The limited guidance provided by the *Code of Practice for the Transport of Livestock* means decisions made by transport operators in relation to these issues are not necessarily made with the welfare of the animal in mind.
- 12d. Adopting some of the Guidelines from the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* would enhance the welfare of horses during transport.
- 12e. The Inquiry found there is no systematic method or auditing process in place for Biosecurity Queensland to check compliance with record keeping requirements under the *Code of Practice for the Transport of Livestock*. Poor compliance and lack of enforcement increase the risk that the welfare needs of animals are compromised.
- 12f. There is no requirement for record keeping for journeys less than 24 hours.

## Recommendations

- 12.1 The Department of Agriculture and Fisheries (Queensland) takes steps to amend the *Code of Practice for the Transport of Livestock* to achieve a more reasonable balance between the welfare of the horses being transported and the interests of persons transporting them.**

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<sup>152</sup> Section 18, Schedule 3 of the *Animal Care and Protection Regulation 2012*.

<sup>153</sup> Section 15, Schedule 3 of the *Animal Care and Protection Regulation 2012*.

- To that end, an expert panel be convened to undertake a review of the *Code of Practice for the Transport of Livestock* and specifically consider:
  - reducing the journey time that a horse can be transported without breaks/rest to no more than eight hours;
  - the frequency of providing water to horses during transport;
  - appropriate handling standards for handled/broken-in horses and unhandled horses;
  - appropriate vehicle design, especially for handled horses;
  - requirements for the humane euthanasia of an animal if it becomes necessary during a journey;
  - reducing the journey time requirement for the keeping of records; and
  - prescribing a minimum body condition score before a horse may be loaded for transport without veterinary advice.

**12.2 If necessary, the Department of Agriculture and Fisheries (Queensland) takes steps to ensure that any changes to the Code of Practice for Transport of Livestock provide for extraterritorial application.**

**12.3 The expert panel consider and make recommendations about the types of amenities which need to be available en route, to enable transporters to meet requirements to unload, feed and water horses at acceptable points of a journey.**

**12.4 Biosecurity Queensland develops and implements a compliance program that includes routine and regular monitoring for compliance with the provisions of the new *Code of Practice for the Transport of Livestock*.**

**12.5 Biosecurity Queensland conducts a targeted enforcement operation to test compliance with the requirements of the current *Code of Practice for the Transport of Livestock*.**

## 13. Maintaining animal welfare standards

The community has a clear expectation that all animals, regardless of whether they are destined for slaughter, are entitled to high standards of welfare. Submissions received by the Inquiry support this sentiment. In recent years there has been an increase in the public's expectation about the standards of welfare that should be provided to livestock and these views are ever evolving.<sup>154</sup> The community's reaction to the ABC's 7.30 program demonstrates the depth of feeling about the serious mistreatment of horses at establishments. While people may not always want to know or see what happens to animals during the slaughter process, there is an expectation the agencies responsible for maintaining animal welfare have the capacity, capability and culture to uphold animal welfare standards for all animals in all situations.

Maintaining high standards of welfare for animals requires a strong and swift response where standards are found to have been breached. Transparency in administering animal welfare standards is an effective way for agencies to demonstrate they are enforcing and maintaining standards.

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<sup>154</sup> Futureye Pty Ltd, 2018, 'Australia's Shifting Mindset on Farm Animal Welfare', pages 4 and 6, [outbreak.gov.au](https://outbreak.gov.au), accessed 5 December 2019.

## 13.1 Agency co-ordination of animal welfare incidents in the export establishment

An issue considered early in the Inquiry was the dual level of government oversight and how this influences the way in which each agency operates and is informed of animal welfare incidents that occur at the export establishment.

As noted earlier, under an approved arrangement, it is the responsibility of the export abattoir's Animal Welfare Officer to ensure animal welfare incidents that occur from unloading through to the slaughter process are reported. The On-Plant Veterinarian verifies these activities.

The On-Plant Veterinarian has six key technical areas of responsibility to ensure the establishment is producing product in accordance with the *Australian Meat Standard* and the importing countries' requirements.<sup>155</sup> Where an On-Plant Veterinarian identifies a non-compliance, a Corrective Action Request is issued to the establishment. The On-Plant Veterinarian can only issue a Corrective Action Request if incidents are witnessed or detected.

The operation of commonwealth and state legislation over similar subject matter raises constitutional issues of law. The operation of the commonwealth legislation and the *ACPA* in an export establishment creates some grey area in terms of the application of the *ACPA* and who may have jurisdiction to investigate animal welfare incidents within the export establishment.

The relationship between commonwealth and state legislation is governed by section 109 of the Commonwealth *Constitution*, which provides that when a law of the state is inconsistent with a law of the commonwealth, the commonwealth law prevails, and the state law is invalid or inoperable to the extent of the inconsistency.

However, in the case of the export abattoir operating in Queensland, the relevant commonwealth legislation, the *Export Control Act*,<sup>156</sup> provides that it is not intended to exclude the operation of a state law insofar as the State law is capable of operating concurrently with the *Export Control Act*. That is, the *Export Control Act* and a state law may operate at the same time, provided there is no direct inconsistency between the two Acts and how they are administered in a particular instance.<sup>157</sup> No inconsistencies are likely to arise.

Between June 2017 and 22 December 2019, there were 31 complaints made to Biosecurity Queensland about the export establishment. Six of these complaints related to offences against the National Livestock Identification System under the *Biosecurity Act* and four were animal welfare incidents involving cattle. Apart from the complaint that followed the 7.30 program, all of the remaining 20 complaints relate to animal welfare incidents involving the transport of horses to the establishment. Biosecurity Queensland has received no other complaints about the welfare of horses in the establishment.

The Inquiry considered that it would be reasonable to expect that the treatment of the horses, as depicted in the 7.30 program, would have generated Animal Welfare Incident Reports that would have been shared with Biosecurity Queensland.

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<sup>155</sup> Federal Department of Agriculture, Meat Establishment Verification System (MEVS) – Abattoir Policy, [agriculture.gov.au](http://agriculture.gov.au), accessed 8 January 2020.

<sup>156</sup> Section 5 of the *Export Control Act*.

<sup>157</sup> *McWaters v Day* (1989) 168 CLR 289.

The 7.30 program suggested that some of the incidents may have occurred over a two year period. Since June 2017 there is no record of Biosecurity Queensland having received Animal Welfare Incident Reports for these incidents.

Either these incidents were never recorded in an Animal Welfare Incident Report or, if they were, there is no evidence of the reports being shared with Biosecurity Queensland for an investigation to be undertaken. This raises a number of questions about the effectiveness of the oversight by the agencies responsible for upholding animal welfare standards within the export abattoir.

As mentioned earlier, there is a heavy reliance on the On-Plant Veterinarian to inform Biosecurity Queensland of animal welfare incidents when horses are being slaughtered at the export abattoir. Of course, the On-Plant Veterinarian has many duties and cannot be expected to have all key animal welfare areas under continuous observation.

When an animal welfare incident occurs, the establishment's management is required to record the incident in an Animal Welfare Incident Report and take timely corrective action to reduce further pain and suffering of the affected animal. Corrective action can include humane euthanasia, treatment or emergency/priority slaughter.

The Animal Welfare Incident Report is to be provided to the On-Plant Veterinarian for submission to the federal Department of Agriculture and Biosecurity Queensland. A brief summary of the animal welfare incident and a statement from the On-Plant Veterinarian are included in the Animal Welfare Incident Report. Photos of the affected animal and a copy of the National Vendor Declaration are to be provided with the Animal Welfare Incident Report. This is the only evidence obtained by the establishment in connection with the animal welfare incident. The collection of information, including photographs, is not undertaken with a view to, nor with the care and attention to detail necessary for a prosecution.

Where corrective action is taken to euthanase or slaughter the animal, key evidence required to build a prima facie case for a breach of animal welfare legislation is largely destroyed.

There is also at least a 24-hour delay in Biosecurity Queensland receiving an Animal Welfare Incident Report from the On-Plant Veterinarian or the federal Department of Agriculture which impacts on Biosecurity Queensland's ability to investigate animal welfare incidents in a timely way. Within this period, it is likely the horse has been destroyed. The Animal Welfare Incident Report in itself has limited, if any, evidentiary value in a prosecution.

This raises issues about the co-ordination of the agencies that have oversight of the export establishment and the timely sharing of information between the agencies. It also highlights the fact there is no one present at the establishment who can undertake an appropriate investigation into breaches of the *ACPA* that could satisfy the burden of proof required.

## Findings

**13a.** There is a need for improved role clarity and collaboration between Biosecurity Queensland and the federal Department of Agriculture in the monitoring and enforcement of animal welfare standards within the export establishment.

**13b.** There is a heavy reliance on the On-Plant Veterinarian by Biosecurity Queensland for identifying animal welfare incidents at the export establishment.

**13c.** The absence of a person to undertake investigations means animal welfare incidents are not investigated under the *ACPA* in a timely manner.

## **Recommendations**

**13.1.1 The Department of Agriculture and Fisheries (Queensland) co-ordinates the drafting of a memorandum of understanding between it and the federal Department of Agriculture to:**

- **clarify their respective roles at the export establishment in relation to the welfare of horses being processed for slaughter; and**
- **ensure timely and appropriate responses to any animal welfare breaches.**

## **13.2 Compliance action taken by agencies in response to animal welfare incidents at the export establishment**

Submissions<sup>158</sup> to the Inquiry raised concerns about a lack of transparency in animal welfare investigations citing a failure by Biosecurity Queensland to enforce legislation and inform complainants of the outcomes of investigations. Similar submissions were made to the Parliamentary State Development, Natural Resources and Agricultural Industry Development Committee in consideration of the Agriculture and Other Legislation Amendment Bill 2019.<sup>159</sup>

There are two agencies that have responsibility for animal welfare within the export establishment and each agency has a different level of response to animal welfare incidents.

When notified of an animal welfare complaint, Biosecurity Queensland is required to investigate the incidents as breaches of the *ACPA* or *Code of Practice for the Transport of Livestock*. A competent investigation into a suspected breach of legislation requires a thorough collection of evidence, including all relevant witness statements, documents, photographs and, with the consent of the alleged offender, a detailed interview. To be successful in a prosecution, the court must be satisfied of guilt beyond reasonable doubt.

By comparison, as noted above, while the federal Department of Agriculture may take regulatory action, including prosecution, its usual practice is to respond to an animal welfare incident with only a Corrective Action Request requiring the establishment to remedy the non-compliance.

However, apart from Biosecurity Queensland issuing two animal welfare directions to two transport operators in relation to recent complaints, there has been no other redress action taken. The main reason for this is the want of evidence to support a prosecution. Sometimes this may be inevitable because of the early destruction of evidence. However, there appears to be a lack of rigour in at least some of the investigations undertaken by Biosecurity Queensland, with some being closed after limited investigation. In some cases, Biosecurity Queensland had jurisdiction to investigate incidents involving horses transported from interstate, but the matters were dealt with by referring the incidents to interstate authorities for follow up.

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<sup>158</sup> RSPCA Qld and RSPCA Australia joint submission and Animal Liberation (Qld) submission.

<sup>159</sup> Farm Animal Rescue Submission, page. 2; Animal Liberation Queensland Submission, page. 3.

For example, a thoroughbred mare arrived at Meramist on 14 October 2019 as part of a load of horses transported from interstate. In an Animal Welfare Incident Report received by Biosecurity Queensland on 1 November 2019, the On-Plant Veterinarian stated that he saw the mare had a recto-vaginal fistula which “must have occurred some weeks earlier due to a difficult foaling where the foal’s leg had penetrated through the dorsal vaginal wall”. The On-Plant Veterinarian further stated that “the injury should have been surgically repaired or the mare euthanased. This is clearly an unfit to load case due to constant vaginal discomfort from the presence of faecal matter”. This condition commonly causes infection.

The driver of the vehicle had received the horse from the previous owner some time prior to transporting it to Queensland. Once in Queensland the driver was subject to the provisions of the *ACPA* including section 18(2)(f)(ii) which provides a person is cruel to an animal if the person transports it when it is unfit. Under this provision, it is irrelevant where the horse was loaded.

In response to this complaint, Biosecurity Queensland closed the case after referring it to the Department of Primary Industries in Victoria.

It is of some concern that, notwithstanding the number of horse welfare incidents reported to Biosecurity Queensland in 2019 from Meramist, there was no analysis undertaken by Biosecurity Queensland to determine whether the frequency and severity of the incidents disclosed welfare issues of a systemic nature which needed to be addressed.

For example, there were 18 animal welfare incidents reported by the federal Department of Agriculture to Biosecurity Queensland in 2019 in relation to Meramist. Sixteen of these incidents directly related to horses being transported to the establishment. Some of the issues were as a result of owner neglect including emaciation, the vaginal fistula mentioned above, blindness in both eyes and an inability to walk normally. Other incidents involved shocking injuries to horses sustained during transportation to the establishment, including a horse that had died during a journey, a horse which had suffered a skull fracture, and a horse which suffered leg fractures and dislocations.

There are only a few transport operators who regularly transport horses to Meramist from interstate. However, Biosecurity Queensland’s response to some of these incidents was to shift the responsibility for addressing the issues to the relevant interstate authority. It would seem that this effectively allowed these transport operators to continue to deliver unfit and injured horses to Meramist with impunity.

After the 7.30 program was aired, the specialised compliance team that operate within Biosecurity Queensland was tasked with investigating the incidents raised in the program. The specialised compliance team undertake investigations into complex and serious animal welfare breaches. This team is comprised of five Inspectors who have a high level of skill in conducting investigations into breaches of legislation and in the preparation of briefs of evidence needed to support a prosecution. These Inspectors have either obtained an advanced Diploma of Public Safety (Investigations) or Diploma of Government (Investigations) and/or equivalent vocational training and experience in law enforcement or regulatory agencies. Also tasked with investigating some of the horse transport incidents involving Meramist, this team took action against the transporters in a timely manner, identifying and addressing some of the systemic issues which caused injuries to horses during transport.

Animal welfare is part of the Animal Biosecurity and Welfare program within Biosecurity Queensland. In some respects, there are competing functions within this program. On the one hand, there are the operational functions of promotion and protection of farm animal

production, which are primarily an extension of the education function. On the other hand, there is the regulatory function to promote and enforce animal welfare standards.

Apart from the specialised compliance team that operates within Biosecurity Queensland, Biosecurity Queensland Inspectors are not equipped to appropriately address animal welfare breaches. It may also be the case that Inspectors are not necessarily appointed for their ability to investigate breaches of legislation but rather for their technical knowledge and ability to provide advice and guidance to primary producers about animal care.

Inspectors under the *ACPA* must undertake training prior to being appointed. The training package is delivered in six modules by senior Inspectors and at the end of the course trainees are required to demonstrate a good understanding of the *ACPA* and procedural guidelines.

This course provides a person with the minimum knowledge required to be appointed as an Inspector under the *ACPA*. However, there is a considerable body of knowledge and skill required to fulfil an investigation role beyond the minimum knowledge required for appointment. This includes an ability to:

- take detailed and relevant statements from complainants and witnesses;
- understand possible defences under the *ACPA* and *Criminal Code*;
- interview suspects;
- compile a brief of evidence suitable for sustaining a prosecution; and
- analyse evidence to determine if there is a prima facie case and make decisions about an appropriate course of action in the circumstances.

In its submission to the Inquiry, Biosecurity Queensland outlined its approach to animal welfare complaints and provided a copy of the Animal Biosecurity and Welfare Business Plan, which sets out how the animal welfare program contributes to the Department of Agriculture and Fisheries' (Queensland) overall strategic plan. The objective of the animal welfare program is to "deliver a framework that provides appropriate animal welfare and management outcomes to protect and manage animals in Queensland in line with industry and community expectations".

In the 2018-19 financial year, Biosecurity Queensland received 2818 animal welfare complaints. All but 390 of these complaints were closed with only one complaint resulting in a prosecution. When asked to provide details of what regulatory actions were taken in relation to these 2818 complaints, Biosecurity Queensland were unable to provide these details, stating:

*Biosecurity Queensland currently has no automated way of generating data on the breakdown of the complaint outcome. In order to provide this information, each case would have to be interrogated. This task would require considerable time and resources to complete.*

Biosecurity Queensland's response also states that it is taking steps to remedy this shortcoming.

By way of a comparison of prosecution statistics, the RSPCA (Queensland) investigated a total of 17 810 animal welfare complaints in the 2018-19 financial year.<sup>160</sup> Overall the RSPCA charged a total of 340 people resulting in 154 successful prosecutions with 238 cases still pending at the end of the 2018-19 financial year. Horses were involved in 2343 of

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<sup>160</sup> RSPCA (Queensland) Annual Report - 2018/19, [rspcaqld.org.au](https://www.rspcaqld.org.au), accessed 2 January 2020.

the total complaints<sup>161</sup> which resulted in 11 prosecutions following investigations into the complaints.

While the preferred approach is to educate people about the duty they owe animals in respect of their care, an educational response is not appropriate in all circumstances. There are times when a more robust response is required and determining which response is appropriate in the circumstances requires significant experience.

Biosecurity Queensland's prosecution statistic above is consistent with the animal welfare program's policy that encourages an educational response to animal welfare complaints in the first instance.

There is a full range of regulatory options available to Biosecurity Queensland under the *ACPA* including issuing animal welfare directions, seizure and forfeiture of animals and prosecution that may result in monetary penalties or imprisonment. The *ACPA* also provides adequate powers for investigating complaints. However, the submission provided by Biosecurity Queensland provided little evidence that the full range of options are being used.

Punishment must, of course, fit the offence. However, to ensure general compliance with animal welfare standards, it is fundamentally important that the community knows that Biosecurity Queensland will take salutary action against offenders in appropriate cases. A penalty must be sufficiently harsh to deter offenders from re-offending, and to deter potential offenders from actually offending.

Animal welfare should not be treated primarily as an operational function that prioritises the promotion and protection of farm animal production. When appropriate, it needs a strong regulatory approach. However, the contents of Biosecurity Queensland's submission support the finding of the Inquiry that the animal welfare program has been overwhelmed by the animal biosecurity program.

The Inquiry reached a conclusion that the animal welfare program does not have the necessary focus or profile within Biosecurity Queensland that is needed to fulfil the community's expectation that all animals will be properly protected in Queensland.

It is important to acknowledge the role the public have in advocating for and maintaining animal welfare standards in the community. Improving animal welfare standards requires considerable community and stakeholder support. One way in which the community can be engaged in improving animal welfare outcomes for animals is to provide mechanisms to report animal welfare incidents. However, it is equally important to ensure that people are notified about the outcome of their complaints and an explanation for the outcome is provided so that people understand how and why decisions are made.

In its submission to the Inquiry, Animal Liberation (Qld) observed that, despite requests, it had received no feedback concerning livestock complaints it made to Biosecurity Queensland.<sup>162</sup>

## Findings

**13d.** The importance of animal welfare within Biosecurity Queensland needs to be elevated to demonstrate the Queensland Government's commitment to not only the welfare of horses at establishments but also the welfare of all animals in Queensland.

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<sup>161</sup> The total number of horses involved in the 2,343 complaints was 9,026. Personal communications with RSPCA (Qld).

<sup>162</sup> Animal Liberation Queensland Submission, pages 6 and 12.

- 13e.** Biosecurity Inspectors who work within the animal biosecurity and welfare program have a dual role, which can create a conflict or a perceived conflict of interest between the welfare of animals and the interests of persons whose livelihoods are dependent on animals.
- 13f.** Inspectors who undertake regulatory enforcement roles in relation to animal welfare need skills beyond the minimum skills required to be appointed under the *ACPA* as an Inspector.
- 13g.** A lack of transparency in processes leads the public to believe there is a lack of action on the part of the government.

## **Recommendations**

### **13.2.1 The importance of animal welfare be reflected in the structure and staffing in Biosecurity Queensland.**

#### **Specifically:**

- A separate Animal Welfare Program be established in Biosecurity Queensland, headed by a person of senior position and supported by a team of experienced investigators with the skills and knowledge to detect, investigate and prosecute animal welfare breaches, and thereby mitigate future offending.
- The program should report directly to the Deputy Director-General of Biosecurity Queensland.
- In the appointment of Inspectors under the *ACPA*, Biosecurity Queensland should ensure a balance of technical animal/livestock knowledge and experience in regulation.
- Inspectors have certificate level training in investigative skills, or equivalent, prior to their appointment.
- A better balance of education and enforcement in response to breaches of animal welfare incidents to ensure an appropriate use of regulatory tools.

## **14. Delay in the implementation of recommendations**

### **14.1 Meramist**

The implementation of recommendations in this report will take time. In the meantime, the same risks to the welfare of horses at establishments persist. Whilst the operator of the knackery has not shown cooperation with the Inquiry, Meramist has been fully cooperative.

In addition, Meramist has indicated it is taking specific actions to improve animal welfare in its establishment.

Moreover, the management of Meramist, in its submission to the Inquiry, expresses “a deep respect for animals” and a commitment “to handling animals at our premises in a way that minimises the risk of injury, pain and suffering and causes them the least practicable

disturbance". Meramist states that it was "shocked and appalled" upon viewing the footage on the 7.30 program and stated that "The actions do not reflect Meramist's values...."

In these circumstances, where management is committed to animal welfare and has demonstrated cooperation with the Inquiry, it is hoped that Meramist will promptly implement the substance of the recommendations applicable to the abattoir before formal regulations are introduced. It is hoped that Meramist would, at least, immediately implement the substance of all recommendations relating to CCTV surveillance and give consent to, and facilitate, the presence of a Biosecurity Queensland Inspector whenever horses are being unloaded and processed at the abattoir.

## Findings

**14a.** Given Meramist's stated commitment to animal welfare and its demonstrated cooperation with the Inquiry, there seems no reason to delay the implementation of relevant recommendations.

## Recommendation

**14.1.1 Biosecurity Queensland immediately engages with Meramist to ensure the prompt implementation of the substance of the recommendations applicable to Meramist, prior to the implementation of regulations.**

## 14.2 Standards and Guidelines for livestock at slaughter establishments

By way of feedback to draft recommendations from the Inquiry, Biosecurity Queensland noted that there is currently underway a review of the *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments, 2001*.

Biosecurity Queensland advocates for the current ongoing process for the development of national animal welfare standards and guidelines, rather than Queensland going it alone as recommended in [Recommendation 10.2.1](#) and beyond.

The review referred to has so far developed draft national livestock standards and guidelines. Biosecurity Queensland kindly forwarded a copy to the Inquiry. It is noted that the document is "Draft Version 5a" and dated April 2017.

The Inquiry strongly disagrees with this submission by Biosecurity Queensland on two bases:

- The drafting has been clearly years in the making and, it seems, more years will pass before completion. The current draft was created in April 2017 and Biosecurity Queensland has advised that further work, including public consultation, is yet to be done.

In the meantime, 10 000 horses a year are being slaughtered at Meramist.

- More fundamentally, the draft Standards and Guidelines do not in any way address the special needs of horses at slaughter. What the Inquiry has identified as inhumane treatment of horses at slaughter and recommended be urgently addressed, has not even been considered in the review, or, if it has, it has been ignored.

Ordinarily, national consistency is the ideal. For the reasons expressed above, in the circumstances that here exist, the delay in achieving national consistency would be repugnant to animal welfare.

The Queensland Government set up this Inquiry as a matter of urgency. Plainly, there is real impetus to remedy the horse welfare issues without delay. As the Premier, the Honourable Anastacia Palaszczuk, stated in announcing the Inquiry:

*This inquiry will determine what more we can do to make sure that we have the best possible processes in place to end cruelty to animals in Queensland.*<sup>163</sup>

Further, the Minister for Agricultural Industry Development and Fisheries, in the joint media statement, said that animal welfare was everybody's responsibility and Queensland would not stand for cruelty to animals.<sup>164</sup>

In this day and age, it is hardly beyond the wit of an expert panel, urgently assembled, to carefully but promptly develop a compulsory code of practice, including slaughter establishment design, consistent with the recommendations in this report, thereby ensuring that the slaughter of horses will be truly humane.

Since, to date, the review of the *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments* has not addressed the special needs of horses, the work that the expert panel does in response to the recommendations will be an invaluable contribution to the national review.

## Findings

**14b.** Awaiting the completion of the national review of the *Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments*, rather than moving forward with recommendation 10.2.1, will mean that many thousands more horses will be unnecessarily slaughtered inhumanely.

See Recommendation [10.2.1](#).

## 14.3 Code of Practice for the Transport of Livestock

Biosecurity Queensland similarly submits that one should await a review of *Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock*. At the 25 October 2019 meeting of the Agricultural Senior Officials' Committee (AGSOC), it was agreed that a review of the implementation of the *Australian Land Transport Standards and Guidelines*, in respect of horses, would be undertaken by AGSOC. There is no date set for commencement of the review, let alone a completion date.

Any change to these standards and guidelines could be years away.

The defects in the current *Code of Practice for the Transport of Livestock* are staggeringly obvious.<sup>165</sup> An expert panel, urgently assembled, would promptly address the concerns listed in this report.

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<sup>163</sup> Joint Media Statement 22 October 2019, Premier and Minister for Trade, The Honourable Anastacia Palaszczuk, Minister for Agricultural Industry Development and Fisheries, the Honourable Mark Furner, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs, the Honourable Stirling Hinchliffe.

<sup>164</sup> Ibid.

<sup>165</sup> Meramist's submission itself notes at page 2 that horses travelling without water for 24 hours is a deficiency in the regulatory

The work of this expert panel will be also an invaluable contribution to any national review in the future, but, in the meantime, the welfare of horses transported will be markedly improved.

## **Findings**

**14c.** Awaiting the completion of a national review of the *Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock*, rather than moving forward with recommendations 12.1, 12.2 and 12.3, will mean that many thousands more horses will unnecessarily suffer blatantly unsatisfactory transportation conditions.

See Recommendations [12.1](#), [12.2](#) and [12.3](#).

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requirements.

## Part 3 – Comparative assessment of regulation arrangements in other Australian states and territories

### 15. Interstate regulatory arrangements for the operation of establishments accepting horses for slaughter

#### 15.1 Introduction

Generally, with the exception of Victoria, slaughter establishments in other states and territories are regulated in a similar way to those in Queensland. Abattoirs and knackereries are regulated in relation to food safety, biosecurity and animal welfare. There are no export abattoirs that process meat for human consumption currently operating in other jurisdictions.

Some jurisdictions have either adopted fully<sup>166</sup> or adapted the *Model Code of Practice for the Welfare of Animals - Livestock at Slaughter Establishments*,<sup>167</sup> the *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption AS4696 (Australian Meat Standard)*<sup>168</sup> or the *Australian Animal Welfare Standards and Guidelines- Land Transport of Livestock*.<sup>169</sup> The features and limitations of each of these codes have been addressed in 10. and 11. of this report.

Attachment C contains a summary of the relevant features of the regulatory arrangements in place in other jurisdictions.

#### 15.2 New South Wales

There is a range of legislation and industry standards that regulate New South Wales abattoirs and knackereries. They include the *Food Act 2003* (NSW) and the *Food Regulation 2015* (NSW) which prescribe the *Australian Meat Standard*, (including Chapter 7 on animal welfare) as a code of practice which must be applied in abattoirs.<sup>170</sup>

In New South Wales, abattoirs are required (through abattoir licensing arrangements) to comply with the Animal Welfare Standards for Livestock Processing Establishments, published by Australian Meat Industry Council.<sup>171</sup> The Australian Animal Welfare Certification Scheme (AAWCS) operated by the Australian Meat Industry Council, as already noted in 8.3, is an independently audited certification program used by livestock processors to demonstrate compliance with the industry best practice animal welfare standard, from unloading of livestock to the point of processing.<sup>172</sup> It includes standards for the design and maintenance of facilities and equipment (to ensure minimal interference or stress to livestock), staff competency, the management of livestock to minimise stress and injuries and humane slaughter procedures.

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<sup>166</sup> For example, in the Australian Capital Territory, the *Australian Animal Welfare Standards and Guidelines- Land Transport of Livestock* was adopted as the *Animal Welfare (Land Transport of Livestock) Mandatory Code of Practice 2018* (No 1).

<sup>167</sup> Primary Industries Standing Committee, *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments*, SCARM Report No. 79, CSIRO Publishing, Collingwood, Victoria, 2002.

<sup>168</sup> AS 4696- *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*, CSIRO Publishing, Collingwood, Victoria, 2007.

<sup>169</sup> *Australian Animal Welfare Standards and Guidelines- Land Transport of Livestock*. Animal Health Australia (AHA) 2012, Canberra, 21 September 2012.

<sup>170</sup> Section 83 (1) (a) of the *Food Regulation 2015*.

<sup>171</sup> Australian Meat Industry Council. (2009), *Industry Animal Welfare Standards, Livestock Processing Establishments: Preparing Meat for Human Consumption*, [aawcs.com.au](http://aawcs.com.au) accessed 9 December 2019.

<sup>172</sup> Australian Livestock Processing Industry Certification Scheme, [aawcs.com.au](http://aawcs.com.au) accessed 21 November 2019.

Knackeries are required to operate under the *Standard for the Hygienic Production of Pet Meat: Technical Report 88*, published by CSIRO.<sup>173</sup> Included in the *Australian Standard for the Hygienic Production of Pet Meat* are standards requiring that premises and equipment be used and maintained in a way that minimises injury, pain and suffering to animals and causes them least practicable disturbance,<sup>174</sup> animals are handled in a way that minimises the risk of injury, pain and suffering,<sup>175</sup> animals are separated depending on their species or sex, and animals of the same species are similarly separated, to the extent necessary, to minimise the risk of injury, pain and suffering to them.<sup>176</sup> Standards also apply for the humane and effective stunning, sticking and slaughtering of livestock at a knackery.<sup>177</sup>

Therefore, unlike in Queensland, New South Wales establishments are subject to mandatory codes of practice concerning the welfare of livestock, including horses.

Also, it is an offence to use an electric stock prod on an animal unless used for limited and defined purposes.<sup>178</sup> In relation to horses, the only permitted use relates to horses at rodeos.<sup>179</sup>

### 15.3 Victoria

Although Victoria has banned the production of horse meat for human consumption,<sup>180</sup> horse meat may still be produced for animal consumption.<sup>181</sup> The welfare of horses at knackeries is therefore still the subject of regulation. Section 7 of the *Prevention of Cruelty to Animals Act 1986* (Vic) provides that the Governor in Council may make codes of practice ‘specifying procedures for the keeping, treatment, handling, transportation, sale, killing, ...of any animal.’ The *Code of Practice for the Welfare of Horses* was approved by the Governor in Council on 15 December 1987 and published on 18 May 1988.<sup>182</sup>

Standard 20.4 of the Code provides for minimum standards in relation to the euthanasia or slaughter of a horse, and includes that ‘Horses held at slaughter houses must be dealt with in accordance with the *Model Code of Practice for the Welfare of Animals – Livestock at Slaughtering Establishments*’.

However, section 6(1)(a) of the *Prevention of Cruelty to Animals Act* provides that it ‘does not apply to the slaughter of animals in accordance with the *Meat Industry Act 1993*’. The *Meat Industry Act* regulates abattoirs (meat processing for human consumption) and knackeries (meat processing for animal consumption).<sup>183</sup> The result is that neither the *Prevention of Cruelty to Animals Act* nor the *Model Code of Practice for the Welfare of Animals – Livestock at Slaughtering Establishments* which that Act adopts, apply to Victorian abattoirs or knackeries. Ameliorating this position is the fact that the *Standard for the*

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<sup>173</sup> Section 89 of the *Food Regulation*. Clauses 4.1–4.3 do not apply.

<sup>174</sup> *Australian Standard for the Hygienic Production of Pet Meat AS4841,2006: PISC Technical Report 88, published by CSIRO (other than clauses 4.1–4.3 of that Standard)* paragraph 6.9.1.

<sup>175</sup> *Ibid*, 6.9.2.

<sup>176</sup> *Ibid*, 6.9.3. Similar considerations apply under Queensland’s Code of Practice for Transport of Livestock under s 15(3) of the *Animal Care Protection Regulation 2012*.

<sup>177</sup> *Ibid*, 6.9.6 to 6.9.8

<sup>178</sup> Section 16(2) of the *Prevention of Cruelty to Animals Act 1979*; Clause 35, and Schedule 3 to *Prevention of Cruelty of Animals Regulation*.

<sup>179</sup> It is permitted for the purpose of getting a horse that has stalled in the chute to exit the chute and not if used on the horse once it has started to exit the chute.

<sup>180</sup> See ss 7 and 8 of the *Meat Industry Regulations 2015*.

<sup>181</sup> See definition of knackery, s 3 of the *Meat Industry Act 1993*.

<sup>182</sup> See page iii, *Code of Practice for the Welfare of Horses*.

<sup>183</sup> See s 3(1) (definitions of abattoir, knackery, meat processing facility, general meat processing facility and pet food processing facility) and s 14 (Licensing of meat processing facilities) of the *Meat Industry Act*.

*Hygienic Production of Pet Meat* has been made a Code of Practice under the *Meat Industry Act* (Vic).<sup>184</sup>

In its 2018 Welfare Plan, the Victorian government expressed the view that the *Prevention of Cruelty to Animals Act* needs to be updated, because the Act has become complex, focuses largely on addressing more serious acts of cruelty after they have occurred rather than early intervention before cruelty to animals occurs, and needs to take account of advances in science-based knowledge of animal welfare.<sup>185</sup>

Only Chapter 25 of the *Australian Meat Standard* has some application to Victorian abattoirs in the context of the transport of meat intended for human consumption. Chapter 25 is titled 'Meat Transport Vehicles and Equipment' and aims to ensure that 'Meat transport vehicles and equipment facilitate and do not jeopardise the wholesomeness of meat and meat products'.<sup>186</sup> It has no application to animal welfare.

## 15.4 Western Australia

The *Food Act 2008* (WA) and the *Food Regulations 2009* (WA) provide for the *Australian Meat Standard* to apply to abattoirs but not a knackerie.<sup>187</sup> As no distinction is made between voluntary and mandatory codes of practice, the *Australian Meat Standard's* application to abattoirs has the force of any other law, and is mandatory. Abattoirs (which may process horse meat for domestic human consumption)<sup>188</sup> are also subject to oversight by the Western Australian Meat Industry Authority which may 'review the operation of abattoirs...'.<sup>189</sup> Its inspectors may (for the purposes of the *Western Australian Meat Industry Authority Act 1976*) 'at any time enter any abattoir... in which the inspector has reason to suspect that meat is stored... and seize any package, meat or other thing which in the opinion of the inspector is likely to be evidence relevant to the investigation of a suspected offence under th[e] Act'.<sup>190</sup> While these are powers which may be exercised without the consent of abattoir management, the powers generally relate to the production and processing of meat, not animal welfare considerations.

Under section 19(2)(b) of the *Animal Welfare Act 2002* (WA), a person is cruel to an animal if they use a prescribed inhumane device on an animal. Under section 3 of the *Animal Welfare (General) Regulations 2003* (WA), 'a device, other than an electric fence, that is designed or modified to deliver an electric shock to an animal' is prescribed as such a device and the administration of an electric shock to an animal (other than as prescribed for scientific purposes) is prohibited under section 4 of the *Animal Welfare (General) Regulations*.

## 15.5 South Australia

Section 42A of the *Animal Welfare Act 1985* (SA) provides for Codes of Practice to be incorporated into the Act and section 44 provides for the making of regulations, including for the regulation of the slaughtering of animals.

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<sup>184</sup> Victorian Government Gazette, 22 March 2007, page 494.

<sup>185</sup> Animal Welfare Action Plan, see page 12, [agriculture.vic.gov.au](http://agriculture.vic.gov.au) accessed 9 December 2019.

<sup>186</sup> See s42A of the *Meat Industry Act*, regulation 5 of the *Meat Industry Regulations* (definition of AS 4696:2007 known as the *Model Code of Practice for the Welfare of Animals – Livestock at Slaughtering Establishments*) and the table of Applied, Adopted or Incorporated Matter, pages 31-32 of the *Meat Industry Regulations*. Note, although the definition of AS 4696:2007 is applied throughout the whole of the Act, only s 25 is adopted under the Regulations, as specified in the table on page 32.

<sup>187</sup> Section 144(6) of the *Food Act*, ss 18(1)(a), 46(1) and 47(1) of the *Food Regulation*.

<sup>188</sup> Section 5 (definition of abattoir as premises used to slaughter animals for human consumption), s 6(a) (Minister may declare any kind of livestock to be used for human consumption) of the *Western Australian Meat Industry Authority Act 1976* and Government Gazette Notice 22 November 2011 (where horses were so declared).

<sup>189</sup> Section 16(1) of the *Western Australian Meat Industry Authority Act*.

<sup>190</sup> Section 24H(1) of the *Western Australian Meat Industry Authority Act*.

Section 5 of the *Animal Welfare Regulations 2012* (SA) provides that any person carrying out an activity described in schedule 2 of the Regulation, must ensure they comply with the code of practice identified in the Schedule opposite the designated activity.

Number four in schedule 2 nominates 'A person who has the care, control or management of animals at a slaughtering facility'. The code of practice specified as applying to such a person is the *Model Code of Practice for the Welfare of Animals, Livestock and Poultry at Slaughtering Establishments (Abattoirs, Slaughterhouses and Knackeries)*, Australian Agricultural Council (1986), as in force on 20 May 2009.<sup>191</sup>

Electrical devices have not been prescribed as permitted for use on horses in South Australia and therefore such use is prohibited.<sup>192</sup>

## Findings

- 15a.** There is nothing anywhere that regulates the design of horse-specific slaughter establishments such that at all stages of the process, a horse awaiting slaughter cannot see, hear or smell other horses being stunned or shot and exsanguinated.
- 15b.** Opponents of the proposed Queensland Code of Practice in recommendation 10.2.1 will rely upon the absence of such regulation elsewhere to support their stance. If that were a cogent reason for rejecting it, animal welfare standards would never evolve.
- 15c.** If there is to be humane slaughter of horses, the proposed Queensland Code of Practice must be implemented. There is no reason Queensland should not lead the way.

## 16. Interstate regulatory arrangements for the welfare of horses being transported to slaughter establishments

As noted in 11.1, the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock*<sup>193</sup> were developed in consultation with all states and territories to help set minimum national standards for the transport of livestock in Australia. All states and territories (except Western Australia) have adopted them (either in whole or in representative form) as enforceable codes of practice.<sup>194</sup> In many cases, they are supplemented or supported by provisions found in animal welfare legislation.<sup>195</sup>

Western Australia is expected to adopt the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* during 2020<sup>196</sup> and in the meantime, relies on the *Code of Practice for the Transportation of Horses in Western Australia*.<sup>197</sup> In key respects, it

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<sup>191</sup> Attempts to locate this Code of Practice have proved unsuccessful. Discussions with officers of the Department of Primary Industries and Regions, South Australia, indicate that the *Australian Meat Standard* may be the intended code of practice.

<sup>192</sup> Section 15 *Animal Welfare Act* and s 8(3) of the *Animal Welfare Regulations*.

<sup>193</sup> Animal Health Australia (AHA) 2012, Canberra, (Edition 1, Version 1.1).

<sup>194</sup> See: *Prevention of Cruelty to Animals Regulation 2012, Schedule 1* (New South Wales); Section 5 of the *Livestock Management. Regulations 2011* (Vic); ss 35-48 and 58 of the *Animal Welfare Regulations 2012* (SA); *Animal Welfare (Land Transport of Livestock) Regulations 2013* (TAS); s 82B of the *Livestock Regulations. 2009* (NT); *Animal Welfare (Land Transport of Livestock) Mandatory Code of Practice 2018 (No 1)* made under s 23 *Animal Welfare Act 1992* (ACT) on 18 May 2018.

<sup>195</sup> See for example: prohibition on transporting animal in a manner which unreasonably inflicts pain: s 7 of the *Prevention of Cruelty to Animals 1979* (New South Wales), s 9(1)(b) of the *Prevention of Cruelty to Animals Act 1986* (Vic) and s 15 *Animal Welfare Act 1992* (ACT).

<sup>196</sup> [animalwelfarestandards.net.au](http://animalwelfarestandards.net.au) accessed 10 December 2019.

<sup>197</sup> Prescribed under Schedule 1 to the *Animal Welfare (General) Regulations 2003* (WA) [agric.wa.gov.au](http://agric.wa.gov.au), accessed 10 December 2019.

suffers from the same limitations and problems identified in the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock*. For example, it permits the transportation of horses without feed for more than 24 hours and allows for uninterrupted transportation for more than 36 hours if the horses are fed and watered at intervals not exceeding five hours.<sup>198</sup> Otherwise, horses need only be fed and watered once within a 36-hour period.<sup>199</sup>

## Findings

**16a.** With the exception of Western Australia, all states and territories have adopted, in one form or another, the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock*.

**16b.** The *Code of Practice for the Transportation of Horses in Western Australia* is also unacceptable in a number of areas. In any event, Western Australia is expected to adopt the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* in 2020.

## 17. Interstate regulation of the welfare of retired racing horses

Across Australia, the racing industry is regulated by a combination of state and territory legislation and rules of racing explained in 1.1 and 1.2.

The rules for both Thoroughbred and Harness racing focus largely on the fairness and integrity of horse training and racing but also address the welfare of horses in those contexts. Local Rules largely regulate similar issues in each of the jurisdictions and must not be inconsistent with the Australian Rules of Racing and Australian Harness Racing Rules. Of course, they are necessarily tailored to apply locally.

Racing New South Wales made Local Rule 114 on 1 October 2017. The Australian Capital Territory has adopted this local rule.

Its stated purpose is to ‘ensure the welfare of thoroughbred horses from birth, during their racing careers and on retirement’.<sup>200</sup> Its application is broad. It applies to ‘A registered owner, trainer, or any person that is in charge or has in his or her possession, control or custody of any of the following horses (‘Eligible Horses, Unnamed Horses and Named Horses’).<sup>201</sup>

As well as imposing a duty of care for the welfare of such horses on such persons, it also prohibits the euthanasia or destruction of the horse without certification from a veterinary surgeon that such a step is necessary on welfare, safety or other exceptional grounds.<sup>202</sup>

Uniquely, the rule provides that a retired racing horse is not to be, directly or indirectly, sent to an abattoir, knackery or similarly disposed of or sold/gifted to a livestock auction not approved by Racing New South Wales.<sup>203</sup> A person who breaches Local Rule 114 may be penalised.<sup>204</sup>

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<sup>198</sup> *Code of Practice for the Transportation of Horses in Western Australia* paragraphs 10.6.2 and 9.8 respectively.

<sup>199</sup> *Code of Practice for the Transportation of Horses in Western Australia* paragraph 8.3.1.

<sup>200</sup> LR 114(1).

<sup>201</sup> LR 114(2), (3), (4) and (5).

<sup>202</sup> LR 114(4).

<sup>203</sup> LR 114(5)(e) and (f).

<sup>204</sup> LR 114(6).

This prohibition on owners, directly or indirectly, sending a horse to slaughter, is difficult to enforce, as the 7.30 program disclosed. Many of the New South Wales retired racing horses are being transported to slaughter interstate to circumvent the rule.

The Inquiry notes that Western Australia's Racing and Gaming Minister recently announced, inter alia, that only knackeries and abattoirs registered with Racing and Wagering Western Australia would be allowed to process retired racing horses.

## **Findings**

**17a.** While some jurisdictions are currently developing plans for the welfare and rehoming of retired racing horses, only New South Wales and the Australian Capital Territory, pursuant to Local Rule 114, has specific regulation for the welfare of retired racing horses.

## Attachment A – Interviews conducted and submissions requested by the Inquiry team

### Stakeholder interviews

Stakeholder	Date	Comment
Mr Elio Celotto President Coalition for the Protection of Racehorses	29 October 2019	Animal welfare stakeholder
Dr Martin Lenz Director Veterinary Services and Animal Welfare Queensland Racing Integrity Commission	29 October 2019	Queensland Government regulator
Mr Mark Ainsworth Deputy Commissioner Queensland Racing Integrity Commission	29 October 2019	Queensland Government regulator
Mr Brendan Parnell, CEO Mr Steve Wilson, Chair Mr Adam Wallish, COO Racing Queensland	29 October 2019	Racing industry stakeholder
Mr Cameron Partington Representative Australian Trainers Association (Qld)	30 October 2019	Racing industry stakeholder
Mr Basil Nolan, President Thoroughbred Breeders Queensland Association; Thoroughbred Breeders Australia	30 October 2019	Racing industry stakeholder
Mr Thomas Morrisey	31 October 2019	Racing industry participant *Mr Morrisey contacted the Inquiry and spoke to Mr Martin and Dr Reid by phone.
Dr Sam Nugent, President Mr Jeffrey Wilkinson, CEO Equine Veterinarians Australia (AVA)	31 October 2019	Veterinary stakeholder
Mr Darren Maier Dr Mandy Patterson Mr Daniel Young RSPCA Queensland	1 November 2019	Animal welfare stakeholder
Dr Meredith Flash Veterinarian, Lead Researcher Australian Thoroughbred Wellbeing Project	1 November 2019	Racing industry stakeholder (research)
Dr Kevin Squire Veterinarian	4 November 2019	Veterinary stakeholder
Dr Fiona Thompson Mr Ian Rodger	5 November 2019	Queensland Government regulator

Stakeholder	Date	Comment
Mr Rowan Lambourne Department of Agriculture & Fisheries		
Ms Jennifer Hughes Manager – Equine Welfare Racing Victoria	8 November 2019	Racing industry stakeholder
Ms Laura Cheshire Jockey	14 November 2019	Racing industry participant *Ms Cheshire was referred to the Inquiry after making contact with the QRIC and Racing Queensland to discuss rehoming options.
Dr Andrea Harvey Animal Welfare Specialist	18 November 2019	Animal welfare stakeholder
Mr Jason Tews Manager Compliance Services  Mr Gavin Rawson Principal Investigator Biosecurity Queensland	18 November 2019	Queensland Government regulator
Mr Malcolm Letts Deputy Director-General and Chief Biosecurity Officer Biosecurity Queensland	21 November 2019	Queensland Government regulator
Mr Tom Maguire Teys Brothers Australia Abattoirs	22 November 2019	Meat processing industry stakeholder
Professor Paul McGreevy University of Sydney	22 November 2019	Animal welfare stakeholder (academic researcher)
Mr Basil Nolan, President Mr Tom Reilly, CEO Thoroughbred Breeders Australia	18 December 2019	Racing industry stakeholder *Mr Nolan and Mr Reilly requested this meeting with the Inquiry.
Ms Fran Freeman Mr Jason Lucas Mr Andrew Patterson Ms Christina McPhie Federal Department of Agriculture	19 December 2019	Australian Government regulator

## Requests for written submissions

Stakeholder	Requested	Received	Comment
Australian Trainers Association (Qld)	31 October 2019	19 November 2019	Member of Equine Rehoming Forum established by Minister Hinchliffe
Egmont Park Stud	31 October 2019	Not received	Member of Equine Rehoming Forum established by Minister Hinchliffe
Breeders, Owners, Trainers, Reinspersons Association (BOTRA)	31 October 2019	22 November 2019	Member of Equine Rehoming Forum established by Minister Hinchliffe
Standardbred Association Queensland	31 October 2019	13 November 2019	Member of Equine Rehoming Forum established by Minister Hinchliffe
Queensland Horse Council	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Equestrian Queensland	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Pony Club Queensland	31 October 2019	8 November 2019	Member of the Horse Biosecurity Market Access Liaison Group
Queensland Performance Horse Industry Alliance	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Queensland Endurance Riders Association	31 October 2019	13 November 2019	Member of the Horse Biosecurity Market Access Liaison Group
Dr David Lovell Equine Veterinarian	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Brisbane Polo and Equestrian Club	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Redlands and Southern Districts Equestrian Group	31 October 2019	Not received	Member of the Horse Biosecurity Market Access Liaison Group
Soquilichi Rescue Ranch	31 October 2019	5 November 2019	Equine rehoming representative

Stakeholder	Requested	Received	Comment
RSPCA Queensland	31 October 2019	13 November 2019	Animal welfare stakeholder
Animals Australia	31 October 2019	13 November 2019	Animal welfare stakeholder
Animal Liberation Queensland	31 October 2019	13 November 2019	Animal welfare stakeholder
Queensland Racing Integrity Commission	31 October 2019	13 November 2019	Racing industry stakeholder
Racing Queensland	31 October 2019	15 November 2019	Racing industry stakeholder
Gollan Racing	31 October 2019	15 November 2019	Racing industry participant
Falvelon Lodge Pty Ltd	31 October 2019	13 November 2019	Racing industry participant *Referred to the Inquiry after writing to the QRIC suggesting improved welfare and rehoming outcomes for retired racing horses.
Meramist Pty Ltd	31 October 2019	12 November 2019	Meat processing industry stakeholder
Department of Agriculture and Fisheries	1 November 2019	3 December 2019	Queensland Government regulator
Equine Veterinarians Australia (EVA)	1 November 2019	Not received	Veterinary stakeholder
Australian Veterinary Association	1 November 2019	13 November 2019	Veterinary stakeholder
Coalition for the Protection of Racehorses	1 November 2019	22 November 2019	Animal welfare stakeholder
Thoroughbred Breeders Queensland Association	1 November 2019	11 November 2019	Member of Equine Rehoming Forum established by Minister Hinchliffe
Queensland Trainers Association	1 November 2019	Not received	Racing industry stakeholder
Queensland Racehorse Owners Association	4 November 2019	21 November 2019	Member of Equine Rehoming Forum established by Minister Hinchliffe
Lakeside Animal Sanctuary Incorporated	4 November 2019	15 November 2019	Equine rehoming representative

Stakeholder	Requested	Received	Comment
Federal Department of Agriculture	5 November 2019	19 November 2019	Commonwealth Government regulator
Dr Meredith Flash Veterinarian Australian Thoroughbred Wellbeing Project	5 November 2019	15 November 2019	Racing industry stakeholder (research)
Racing Australia	7 November 2019	18 November 2019	Racing industry stakeholder
Rathdowney Abattoir	7 November 2019	Not received	Meat processing industry stakeholder
Harness Racing Australia	8 November 2019	28 November 2019	Racing industry stakeholder
Mr Peter Gray	8 November 2019	15 November 2019	Racing industry participant *Referred to the Inquiry after making contact with the QRIC.
Ms Winka Von Fahland	11 November 2019	15 November 2019	Former racing industry participant *Referred to the Inquiry after making contact with the QRIC.
Safe Food Production Queensland	6 December 2019	6 December 2019	Queensland Government regulator
Mr & Mrs Michael and Karen Sparkes		19 November 2019	Racing industry participant *Mrs and Mr Sparkes wrote to the QRIC on 21 October 2019 providing a list of proposals that they subsequently asked to be forwarded to the Inquiry for consideration.
Ms Lel Doon		15 November 2019	Member of the public.
Thoroughbred Breeders Australia		13 November 2019	Racing industry stakeholder *TBA provided a written submission at a meeting with the Inquiry on 18 December 2019

## Attachment B – Thoroughbred Lifecycle Data 2008-2019

### National Foal Crop and Registration Numbers

Season	Foals born	Horses Registered	% Registered (2 yrs. later)
2008-2009	17790	14367	
2009-2010	16445	13325	
2010-2011	16194	12998	73.06
2011-2012	15102	12895	78.41
2012-2013	14485	12707	78.47
2013-2014	13796	12483	82.66
2014-2015	12985	11833	81.69
2015-2016	12836	11616	84.20
2016-2017	13012	11325	87.22
2017-2018	12898	11177	87.08
2018-2019	12931	10823	83.18
<b>11-yr totals</b>	<b>158474</b>	<b>135549</b>	<b>85.53</b>
<b>6 yr totals (2008-09 to 2013-14)</b>	<b>93812</b>	<b>78775</b>	<b>83.97</b>
<b>5 yr totals (2014-15 to 2018-19)</b>	<b>64662</b>	<b>56774</b>	<b>87.80</b>

### Queensland Foal Crop and Registration Numbers

Season	Foals born	Horses Registered	% Registered (2 yrs. later)
2008-2009	3318	2369	
2009-2010	2879	2265	
2010-2011	2771	2070	62.39
2011-2012	2680	2121	73.67
2012-2013	2327	2104	75.93
2013-2014	2114	2032	75.82
2014-2015	1985	1983	85.22
2015-2016	2072	1767	83.59
2016-2017	2048	1776	89.47
2017-2018	1919	1690	81.56
2018-2019	1887	1423	69.48
<b>11-yr totals</b>	<b>26000</b>	<b>21600</b>	<b>83.08</b>
<b>6 yr totals (2008-09 to 2013-14)</b>	<b>16089</b>	<b>12961</b>	<b>80.56</b>
<b>5 yr totals (2014-15 to 2018-19)</b>	<b>9911</b>	<b>8639</b>	<b>87.17</b>

## Attachment C – Comparative analysis of regulatory arrangements in Australian states and territories

State or territory	Horse specific slaughter code	Transport code advanced beyond minimum standards *All jurisdictions have versions of the Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock	Electric prodders on horses *Some states allow for use at rodeos	Entry powers *To enter a slaughter establishment for animal welfare purposes
<b>QLD</b>	NO *AMS applies at export Abattoir. *WALSE applies as voluntary code.	NO	NOT PROHIBITED *Except during transportation	CONSENT REQUIRED
<b>NSW</b>	NO *AMS applies. *No WALSE.	NO	PROHIBITED	NO CONSENT REQUIRED *If not a dwelling
<b>VIC</b>	NO *AMS does not apply. *WALSE does not apply.	NO	IMPLIEDLY PROHIBITED	NO ENTRY POWERS FOR ANIMAL WELFARE PURPOSES
<b>SA</b>	NO *AMS does not apply. *WALSE does not apply.	NO	PROHIBITED	CONSENT REQUIRED *Unless to enforce the <i>Animal Welfare Act</i> (e.g. reasonable suspicion that a breach is occurring)
<b>WA</b>	NO *AMS applies to abattoirs only. *WALSE does not apply, except as a defence.	NO	PROHIBITED	CONSENT REQUIRED * Unless reasonable suspicion of a breach.  * Under the <i>WA Meat Industry Authority Act</i> entry without consent is allowed in respect of meat production only.
<b>TAS</b>	NO *Voluntary guideline only. *AMS does not apply. *WALSE does not apply.	NO	PROHIBITED	CONSENT REQUIRED *If not a dwelling, can enter without consent if reasonable suspicion of a breach.
<b>ACT</b>	NO *AMS does not apply. *WALSE does not apply.	NO	PROHIBITED	CONSENT REQUIRED *Unless reasonable grounds for entry, related to a purpose of the <i>Animal Welfare Act</i> exist.

### **KEY**

AMS = Australian (Meat) Standard for the Hygienic Production and transportation of meat and meat products for human consumption

WALSE = Model Code of Practice for the Welfare of Animals Livestock at Slaughtering Establishments