

New Zealand Animal Law Association



Submission on the Racing Industry Bill

11 February 2020

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Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
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By email

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SUBMISSION: RACING INDUSTRY BILL

1. INTRODUCTION

Overview

- 1.1 This letter sets out the New Zealand Animal Law Association's ("**NZALA**") submissions on the Racing Industry Bill ("**Bill**").
- 1.2 Unless otherwise stated, in this letter clause references are to the Bill as introduced.

2. GENERAL SUBMISSION

- 2.1 We generally submit that the Committee should ensure that animal welfare is a key consideration in the creation of a new governance system for New Zealand's racing industry. The ongoing demands by the public for sufficient protections of the welfare of animals used in sport and entertainment should not be ignored.
- 2.2 The NZALA notes the comment made by the Ministerial Advisory Committee in their report responding to the Messara Report¹ regarding the importance of animal welfare:

Animal welfare issues are of high public interest. They are an on-going focus and concern for the racing industry

3. SUBMISSION ONE: RACING CODE RULES SHOULD CONSIDER ANIMAL WELFARE

Submission

- 3.1 Rules made and maintained by each racing code under proposed clause 28(1) should be subject to mandatory relevant considerations in relation to animal welfare.

Explanation

- 3.2 Clause 28(2) states that each racing code *must* consult TAB NZ and the Racing Integrity Board. We note that this consultation has been introduced in the Bill (in contrast to the current rule-making power in the Racing Act 2003²). We therefore submit that each racing code should also be required to consult with an appropriate animal welfare body in the creation of their rules in clause 28(2) and in the amendment of their rules in clause 29(1).

¹ John Messara AM *Review of the New Zealand Racing Industry* (31 July 2018).

² Racing Act 2003, section 29.

- 3.3 We further submit that each racing code should be required to consider animal welfare issues in making all other (i.e. non-animal welfare) rules.

4. SUBMISSION TWO: OBJECTIVES OF THE RACING INTEGRITY BOARD

Submission

- 4.1 The objectives of the Racing Integrity Board in clause 34 should include the promotion and maintenance of animal welfare.

Explanation

- 4.2 The Explanatory Note to the Bill notes:

The functions and powers of the [Racing Integrity Board] recognise that a **sound integrity system** and **strong animal welfare protocols** are fundamental to the sustainability of racing and betting, and the wider community's support for the industry.

[Emphasis added]

- 4.3 However, the objectives of the Board (as defined in clause 34) only include comment on the need for a sound integrity system.
- 4.4 We therefore submit that the objectives of the Board should note the Board's role in promoting and maintaining animal welfare. This is especially so given the importance of animal welfare to the long-term success of the racing industry as identified in the Explanatory Note (and in the reports preceding the Bill), and to reflect the functions and powers provided to the Board (such as monitoring the operation and effectiveness of each racing code's animal welfare policies and initiatives).

5. SUBMISSION THREE: FUNCTIONS OF THE RACING INTEGRITY BOARD

Submission

- 5.1 The function of the Racing Integrity Board in relation to animal welfare in clause 35(1)(e) should be expanded to also allow the Board to make recommendations to racing codes on animal welfare and to require the Board to report on animal welfare issues to the Minister.

Explanation

- 5.2 The objective of the Board is primarily to increase integrity and professionalism of the racing industry. While the Board will be given the ability to make recommendations of amendments to racing rules (which we understand typically contain rules relating to animal welfare), the Board may wish to make other recommendations in relation to animal welfare (for example, in relation to animal welfare policies created under clause 8(1)(c)).
- 5.3 Further, the Board should regularly report to the Minister on animal welfare issues, including whether it has made recommendations to racing codes and whether they have been acted upon by the relevant racing code. This would increase transparency and accountability in the racing industry.

6. SUBMISSION FOUR: FUNCTIONS OF RACING CODES

Submission

- 6.1 Racing codes should be required to consult relevant animal welfare organisations in the development of animal welfare policies under clause 8(1)(c).

Explanation

- 6.2 The development of effective and workable animal welfare policies is essential when reassuring the public of the appropriateness of racing. Mandatory consultation will assist in ensuring these policies are developed through the consideration of a range of views.

7. SUBMISSION FIVE: APPOINTMENT OF BOARD MEMBERS WITH VETERINARY KNOWLEDGE OR EXPERIENCE

Submission

- 7.1 The Minister should have regard to the need for the Board to have available to it knowledge of, or experience in, veterinary practices under clause 36(2).

Explanation

- 7.2 In carrying out all integrity functions, compliance and adjudication processes, the Racing Integrity Board must also have available to them members with knowledge and/or experience in veterinary practices. Strong animal welfare protocols are recognised as one of the fundamental elements to the sustainability of racing and betting.³ However, the current Bill does not provide for members in the Racing Integrity Board with any knowledge or experience within animal welfare.
- 7.3 Board member with knowledge and/or experience in veterinarian science will also assist in effectively carrying out the functions and powers of the Board outlined at clause 35(1)(d) and (e).
- 7.4 We further submit that the Act should provide for Racing Integrity Board members to meet minimum requirements of knowledge and/or experience in the areas outlined at clause 36(2). The Act should specify those minimum requirements.

³ Racing Industry Bill, Explanatory note.

8. SUBMISSION SIX: MANDATORY CODE OF WELFARE

Submission

- 8.1 A mandatory code of welfare, prepared in accordance with Part 5 of the Animal Welfare Act 1999, should be considered by the committee and included in the Bill.

Explanation

- 8.2 To ensure that the practices within the racing industry are of high standard of animal care, consideration should be given to a mandatory code of welfare being included in the Bill. The racing codes must take the code of welfare into consideration when making and maintaining rules that provide for the upkeep of animal welfare including protocols which minimise harm inflicted on animals.
- 8.3 It is further submitted that clause 32 should be amended to include the code provisions to ensure that all racing rules do not conflict with animal welfare regulations.

Yours faithfully

NEW ZEALAND ANIMAL LAW ASSOCIATION