

# CHAPTER 1

## THE USE OF THE WHIP

### Introduction

1.1 All the major animal welfare organisations that presented evidence to the inquiry called for the banning of the use of the whip in horse racing. When this proposal was discussed at public hearings with representatives from the racing industry it was usually rejected out of hand. There was a mixed response from the equine veterinarians.

### Evidence Against the Whip

1.2 Three arguments were advanced in support of a ban of the whip. These are:

- the whip as an instrument of pain;
- inevitability of abuse and overuse; and
- the whip as a detraction from horsemanship.

1.3 These matters are reviewed in the following section.

### The Whip as an Instrument of Pain

1.4 The Committee notes that the consensus amongst animal welfare organisations is that the whip should be banned from horse racing. It was argued that the whip is used to inflict pain as a means of spurring the horse to greater effort. For example, in its submission the Australian and New Zealand Federation of Animal Societies, stated:

Physical pain or psychological stress should not be inflicted on an animal as an incident of providing a spectacle for human entertainment or making money from a "sport". The use of the whip in horse racing can result in both of the above.

A total ban on the use of the whips would not disadvantage any individual horse because all starters would be equally constrained. Presently jockeys and drivers are virtually

expected to use the whip in order to be seen to do all in their power to improve their horse's position.<sup>1</sup>

1.5 ANZFAS also provided the Committee with supporting opinions on the cruelty involved in the use of whips in flat racing, jump racing and harness racing. These opinions from published literature were quoted in the submission from the Federation.

The use of the whip is not a necessity as many races are won without it. A lot of horses ... do not respond. While some may try to run away from it, or more rarely dig the toes in and slow down, most non-responders simply show no increase in acceleration.<sup>2</sup>

Some horses will fear the whip and may gallop faster when threatened. Others will resent it so much that they will slow down or come to a sudden halt every time the whip is lifted. Some will lash out violently each time the whip descends. The whole object of the whip would appear to be to increase the inherent sense of panic present in most racehorses when galloping at their hardest.<sup>3</sup>

If a racehorse has put all its energy and stamina into a race, no useful purpose is served by whipping it. If a horse has given his all, then no amount of whipping will produce any extra response.<sup>4</sup>

1.6 Organisations such as RSPCA, both in Victoria and New South Wales, consider that this infliction of pain is unnecessary. It was argued, for example, that if horses are to be raced on their merits then it should be sufficient for the jockey to ride the horse out using hands and heels only.

1.7 Dr Michael Heynes, from the Australian Veterinary Association also commented on this matter in the following terms:

Obviously, a whip is intended to hurt, otherwise it does not work ... You can call it a persuader or what you like but if the horse does not feel it, it is not going to do anything. Let us not beat around the bush. If he is not going to feel it you might as well not have it.<sup>5</sup>

## Abuse and Overuse

1.8 An additional argument presented in support of the banning of whips was that the commercial pressures of horse racing inevitably result in overuse and abuse of the whip. It was claimed that it is unreasonable to expect a jockey or driver to pass up the opportunity of winning a race out of concern for the well-being of the horse. Additionally, there is an inherent conflict between using every means to ensure that the horse runs to its limit, and the restrictions on excessive use of the whip. Generally, the use of the whip to get the most out of a horse will take priority over the animal's welfare.

1.9 It has been put to the Committee that in racing and trotting, stewards do not adequately enforce the rules with regard to whips. In support of this contention, RSPCA (NSW) presented in evidence videos showing examples of whip use that appeared excessive. According to RSPCA (NSW) these cases went unpunished. Contrary to comments of the Victoria Racing Club's Chief Steward, anecdotal evidence suggests that many jockeys and drivers consider that vigorous and visible use of the whip is an essential part of riding and driving a horse to its limit.

1.10 RSPCA (NSW) also told the Committee that horses were whipped even when they had no chance of gaining a place, let alone winning. This was because racing stewards expect jockeys to ride their horse out, no matter what the horse's position in the field. The Society argued that jockeys are expected to ensure that their horse achieves the best place it can, even if that means moving up from last to second last place. In order to achieve this, it is also expected that the whip be used.

### The Whip as a Detraction from Horsemanship

1.11 Evidence to the Committee also disputed the effect of the whip. It was argued that there is no consistent response by the horse. Some horses will go faster or straighten up, which is the desired response. However, others will veer away from the whip or slow down thus defeating the objectives of its use. In other cases, an animal will be so conditioned to the use of the whip that it will not exert itself until the whip is used.

1.12 The Committee was told that this range of effects undermines the arguments for the use of the whip. If there are variable responses then

the whip is not an equaliser which encourages every horse to do its best. Equally, it is not an aid to safety if the horse may veer away from the whip.

1.13 Evidence also suggested that the presence of the whip encourages poor practices both in the training of horses and the teaching of jockeys. For example, jockeys relying on the whip to "steer" the horse or to speed it up will ride short and be less reliant on their legs and less capable of vigorous hands and heels riding. As suggested above, a horse schooled to respond to the whip may also be less responsive to other controls.

1.14 According to the evidence, the whip may appear essential only because both the rider and the horse are conditioned to its use. Were its use to be curtailed or banned, then alternative training methods and riding techniques would be used to minimise the disruption caused.

### **Evidence Defending the Whip**

1.15 The views noted above were disputed by other witnesses appearing before the Committee. Their evidence is reviewed in the following section of the report.

#### **The Whip Is Not An Instrument of Pain**

1.16 Representatives of the racing industry rejected calls for banning of the whip.

1.17 The Victorian Bloodline Breeders Association (VBBA) submitted to the Committee that:

Other parties in the past have advocated a ban on the use of the whip in racing on the grounds that the pain inflicted could not be justified. The VBBA rejects this view as emotional and ill-founded, lacking in knowledge of horsemanship and ignoring the current measures and rules of the Principal Clubs in controlling and restricting excessive use of the whip.

1.18 The VBBA continued:

More correctly the implement should be referred to as a "crop", which is an important aid in communication between

the rider and the horse. It is not an instrument designed primarily to inflict pain or punishment as might be inferred from use of the word, "whip".<sup>6</sup>

1.19 A similar view was expressed by Dr Patricia Ellis, a member of the Australian Equine Veterinary Association, when giving evidence to the Committee during another inquiry. In addressing the question of the necessity of whips, she replied:

Essential is the word I would use; used tactfully and sympathetically. ... You need your whip as an aid to guide or control.<sup>7</sup>

1.20 Other evidence recognised that reducing the ability of the jockey to "guide or control" the horse may be a contributing factor in causing accidents that may result in injury or death to a horse.

#### The Whip is Rarely Abused or Overused

1.21 Representatives of the racing and trotting industries also maintain that the use of whips is regulated adequately by the governing bodies of their industry. Accordingly, representatives of the Australian Conference of Principal Racing Clubs recommended that:

the whip be retained as an essential aid to the rider and that the matter of excessive use ... should be left in the hands of the stewards.<sup>8</sup>

1.22 Excessive use of the whip is prohibited under racing rules and is punishable by the stewards with penalties ranging from a warning, to a ban from racing. According to the evidence of the Victoria Racing Club, in the 12 months prior to June 1989, two riders were suspended for the use of the whip, 29 riders fined for the use of the whip, and 26 riders severely reprimanded. Nineteen riders were reprimanded and 14 cautioned.<sup>9</sup>

1.23 Contrary to the evidence of RSPCA (NSW), Mr Lloyd Lalor, Chairman of Stewards, Victoria Racing Club, denied that use of the whip was required to demonstrate that a horse was being ridden out. Mr Lalor stated that vigorous hand and heels riding would suffice.<sup>10</sup>

## Views of the Committee

1.24 In assessing the opposing views on the use of the whip noted above, the Committee considers that it is essential to distinguish between the whip as a guide or control and the whip as an instrument of pain to make a horse run faster.

1.25 The Committee accepts the use of the whip as a guide or control. The whip or crop is necessary to provide the rider or driver with an additional aid to controlling the horse. The elimination of the "guide" could possibly contribute to accidents, threatening horses with injury or even death. Therefore, the Committee does not support a total ban on the use of the whip in thoroughbred racing.

1.26 The Committee, however, cannot condone the use of the whip to inflict pain on a horse for no other purpose than to make the horse run faster in what is essentially a sporting event. Competent riding of a horse using only hands and heels to urge the horse on should provide just as an exciting race and may also encourage more emphasis on improving horsemanship. The Committee would like to see the use of whips as a means of making a horse run faster eliminated from horse racing.

1.27 The Committee received evidence on short and long term strategies to constrain the use of the whip. For example, the Committee was impressed with the views presented by Dr Heynes of the Australian Veterinary Association that changes in the use of the whip need to come about as a result of pressure from public opinion. Dr Heynes suggested in his evidence that those who are urging the banning of the whip put up prizemoney for races where use of the whip is severely restricted. Dr Heynes suggested that this could first occur on the smaller country tracks where prize money is also smaller.

1.28 The Committee considers that there may be a major difficulty with the approach suggested by Dr Heynes in that it is unlikely that animal welfare bodies, even the larger ones, would have the resources to sponsor these races on the scale that is necessary. The Committee therefore considers that the major racing clubs could play a part in conducting whip-free races. The Committee also considers that major private companies should consider sponsoring such races.

1.29 The Committee also considers that shorter term reforms should be introduced to further protect the welfare of horses during racing.

1.30 *Firstly*, the Committee is of the view that regulations should be introduced forbidding jockeys from whipping horses that have clearly lost the opportunity to achieve a placing in any race. No horse should be whipped if it is clear that it will not achieve a place. There will obviously be some potential for dispute for horses trailing just behind the leaders in a race, but there will be a significant number of horses in any race to which this rule should apply.

1.31 The introduction of such regulations would formalise what representatives of the Australian Conference of Principal Racing Clubs themselves defined as excessive use of the whip, namely:

If a rider hit a horse vigorously over a long period, or if he whipped a horse that was beaten, or whipped a horse that had no chance of getting anywhere, we would deem that to be excessive if he used it vigorously.<sup>11</sup>

1.32 Such an approach should be specifically incorporated into the relevant regulations governing the use of the whip. The current regulations as stated in the Rules approved by the Australian Conference of Principal Racing Clubs do not, in fact, do anything more than prohibit in very general terms "excessive" use of the whip. The only specific provision is that the horse shall not be hit forward of the shoulder or on or about the horse's head.

1.33 *Secondly*, the Committee is of the view that the rules relating to the use of whips be implemented with greater diligence than in the past and that penalties should be increased. Any jockey convicted of mistreating a horse with a whip during a race should face an immediate period of disqualification, even on first offence.

1.34 *Thirdly*, the Committee also considers that a restriction on the number of times a jockey can hit a horse during the course of a race should be considered.

1.35 *Fourthly*, the Committee considers that random inspection of horses in their stables 30-40 minutes after the race should be introduced in order to check for weals. The evidence available to the Committee from

veterinary stewards suggests that visible weals produced on the skin of the horse by the whip are rare. It was also claimed that the discovery of any such marks would lead to a veterinary investigation. Balancing this evidence is the assertion by other witnesses that weals from whipping might only appear half an hour or later after the race. RSPCA (Victoria) told the Committee:

We are concerned that the examination of horses that have recently left the track after racing, is not the time when the weal marks of whipping are seen. The animals concerned, or under suspicion, are not re-examined some half an hour or forty minutes later when the animals cool down and the signs if whipping are more likely to be seen.<sup>12</sup>

1.36 The probability of weals rising later was also referred to Professor Butterfield from the Australian Equine Research Foundation. He stated:

I cannot recall having seen a horse in recent years with any weal signs of heavy whipping. I presume that no doubt weals might rise on the horses later, after they have left the mounting yard.<sup>13</sup>

## ENDNOTES

1. *Evidence*, Australian and New Zealand Federation of Animal Societies, p. S 8595.
2. *ibid.*
3. *ibid.*
4. *ibid.*
5. *Evidence*, Australian Equine Veterinary Association, p. 8901.
6. *Submission*, Victorian Bloodhorse Breeders Association, p. 3.
7. Senate Select Committee on Animal Welfare, *Hansard*, Implications for Equine Welfare in Competitive Events other than Racing, Australian Equine Veterinary Association, 30 November 1990, p. 33.
8. *Evidence*, Australian Conference of Principal Racing Clubs, p. 8956.
9. *ibid.*, p. 8957.
10. *ibid.*, p. 8962.
11. *ibid.*, p. 8959.
12. *Evidence*, RSPCA, Victoria, p. 9003.
13. *Evidence*, Australian Equine Research Foundation, p. 9328.